

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 477**

**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**

**Senators Coley, Hackett, Hoagland, Lehner, Peterson, Terhar**

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**A BILL**

To amend sections 109.57, 2917.46, 3301.133, 1  
3302.26, 3313.668, 3313.71, 3313.753, and 2  
3319.074, to enact sections 3314.146, 3326.271, 3  
and 3328.241, and to repeal sections 3301.073, 4  
3301.0722, 3301.111, 3301.21, 3301.25, 3301.86, 5  
3301.88, 3301.95, 3301.96, 3302.037, 3302.30, 6  
3311.061, 3313.206, and 3313.711 of the Revised 7  
Code to eliminate various provisions and 8  
programs related to the Department of Education 9  
and the operation of primary and secondary 10  
schools, to revise the law on paraprofessional 11  
certification, and to provide civil immunity 12  
regarding decisions not to procure mental health 13  
services for a suspended or expelled student. 14

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

**Section 1.** That sections 109.57, 2917.46, 3301.133, 15  
3302.26, 3313.668, 3313.71, 3313.753, and 3319.074 be amended 16

and sections 3314.146, 3326.271, and 3328.241 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), (A) (5) (a), or (A) (7) (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), (A) (5) (a), or (A) (7) (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 48  
other descriptive information of a child who is under eighteen 49  
years of age, has not been arrested or otherwise taken into 50  
custody for committing an act that would be a felony or an 51  
offense of violence who is not in any other category of child 52  
specified in this division, if committed by an adult, has not 53  
been adjudicated a delinquent child for committing an act that 54  
would be a felony or an offense of violence if committed by an 55  
adult, has not been convicted of or pleaded guilty to committing 56  
a felony or an offense of violence, and is not a child with 57  
respect to whom there is probable cause to believe that the 58  
child may have committed an act that would be a felony or an 59  
offense of violence if committed by an adult shall not be 60  
procured by the superintendent or furnished by any person in 61  
charge of any county, multicounty, municipal, municipal-county, 62  
or multicounty-municipal jail or workhouse, community-based 63  
correctional facility, halfway house, alternative residential 64  
facility, or state correctional institution, except as 65  
authorized in section 2151.313 of the Revised Code. 66

(2) Every clerk of a court of record in this state, other 67  
than the supreme court or a court of appeals, shall send to the 68  
superintendent of the bureau a weekly report containing a 69  
summary of each case involving a felony, involving any crime 70  
constituting a misdemeanor on the first offense and a felony on 71  
subsequent offenses, involving a misdemeanor described in 72  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 73  
of the Revised Code, or involving an adjudication in a case in 74  
which a child under eighteen years of age was alleged to be a 75  
delinquent child for committing an act that would be a felony or 76  
an offense of violence if committed by an adult. The clerk of 77  
the court of common pleas shall include in the report and 78

summary the clerk sends under this division all information 79  
described in divisions (A) (2) (a) to (f) of this section 80  
regarding a case before the court of appeals that is served by 81  
that clerk. The summary shall be written on the standard forms 82  
furnished by the superintendent pursuant to division (B) of this 83  
section and shall include the following information: 84

(a) The incident tracking number contained on the standard 85  
forms furnished by the superintendent pursuant to division (B) 86  
of this section; 87

(b) The style and number of the case; 88

(c) The date of arrest, offense, summons, or arraignment; 89

(d) The date that the person was convicted of or pleaded 90  
guilty to the offense, adjudicated a delinquent child for 91  
committing the act that would be a felony or an offense of 92  
violence if committed by an adult, found not guilty of the 93  
offense, or found not to be a delinquent child for committing an 94  
act that would be a felony or an offense of violence if 95  
committed by an adult, the date of an entry dismissing the 96  
charge, an entry declaring a mistrial of the offense in which 97  
the person is discharged, an entry finding that the person or 98  
child is not competent to stand trial, or an entry of a nolle 99  
prosequi, or the date of any other determination that 100  
constitutes final resolution of the case; 101

(e) A statement of the original charge with the section of 102  
the Revised Code that was alleged to be violated; 103

(f) If the person or child was convicted, pleaded guilty, 104  
or was adjudicated a delinquent child, the sentence or terms of 105  
probation imposed or any other disposition of the offender or 106  
the delinquent child. 107

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), (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, 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. 139

(4) The superintendent shall carry out Chapter 2950. of 140  
the Revised Code with respect to the registration of persons who 141  
are convicted of or plead guilty to a sexually oriented offense 142  
or a child-victim oriented offense and with respect to all other 143  
duties imposed on the bureau under that chapter. 144

(5) The bureau shall perform centralized recordkeeping 145  
functions for criminal history records and services in this 146  
state for purposes of the national crime prevention and privacy 147  
compact set forth in section 109.571 of the Revised Code and is 148  
the criminal history record repository as defined in that 149  
section for purposes of that compact. The superintendent or the 150  
superintendent's designee is the compact officer for purposes of 151  
that compact and shall carry out the responsibilities of the 152  
compact officer specified in that compact. 153

(6) The superintendent shall, upon request, assist a 154  
county coroner in the identification of a deceased person 155  
through the use of fingerprint impressions obtained pursuant to 156  
division (A)(1) of this section or collected pursuant to section 157  
109.572 or 311.41 of the Revised Code. 158

(B) The superintendent shall prepare and furnish to every 159  
county, multicounty, municipal, municipal-county, or 160  
multicounty-municipal jail or workhouse, community-based 161  
correctional facility, halfway house, alternative residential 162  
facility, or state correctional institution and to every clerk 163  
of a court in this state specified in division (A)(2) of this 164  
section standard forms for reporting the information required 165  
under division (A) of this section. The standard forms that the 166  
superintendent prepares pursuant to this division may be in a 167  
tangible format, in an electronic format, or in both tangible 168

formats and electronic formats. 169

(C) (1) The superintendent may operate a center for 170  
electronic, automated, or other data processing for the storage 171  
and retrieval of information, data, and statistics pertaining to 172  
criminals and to children under eighteen years of age who are 173  
adjudicated delinquent children for committing an act that would 174  
be a felony or an offense of violence if committed by an adult, 175  
criminal activity, crime prevention, law enforcement, and 176  
criminal justice, and may establish and operate a statewide 177  
communications network to be known as the Ohio law enforcement 178  
gateway to gather and disseminate information, data, and 179  
statistics for the use of law enforcement agencies and for other 180  
uses specified in this division. The superintendent may gather, 181  
store, retrieve, and disseminate information, data, and 182  
statistics that pertain to children who are under eighteen years 183  
of age and that are gathered pursuant to sections 109.57 to 184  
109.61 of the Revised Code together with information, data, and 185  
statistics that pertain to adults and that are gathered pursuant 186  
to those sections. 187

(2) The superintendent or the superintendent's designee 188  
shall gather information of the nature described in division (C) 189  
(1) of this section that pertains to the offense and delinquency 190  
history of a person who has been convicted of, pleaded guilty 191  
to, or been adjudicated a delinquent child for committing a 192  
sexually oriented offense or a child-victim oriented offense for 193  
inclusion in the state registry of sex offenders and child- 194  
victim offenders maintained pursuant to division (A) (1) of 195  
section 2950.13 of the Revised Code and in the internet database 196  
operated pursuant to division (A) (13) of that section and for 197  
possible inclusion in the internet database operated pursuant to 198  
division (A) (11) of that section. 199

(3) In addition to any other authorized use of 200  
information, data, and statistics of the nature described in 201  
division (C)(1) of this section, the superintendent or the 202  
superintendent's designee may provide and exchange the 203  
information, data, and statistics pursuant to the national crime 204  
prevention and privacy compact as described in division (A)(5) 205  
of this section. 206

(4) The Ohio law enforcement gateway shall contain the 207  
name, confidential address, and telephone number of program 208  
participants in the address confidentiality program established 209  
under sections 111.41 to 111.47 of the Revised Code. 210

(5) The attorney general may adopt rules under Chapter 211  
119. of the Revised Code establishing guidelines for the 212  
operation of and participation in the Ohio law enforcement 213  
gateway. The rules may include criteria for granting and 214  
restricting access to information gathered and disseminated 215  
through the Ohio law enforcement gateway. The attorney general 216  
shall adopt rules under Chapter 119. of the Revised Code that 217  
grant access to information in the gateway regarding an address 218  
confidentiality program participant under sections 111.41 to 219  
111.47 of the Revised Code to only chiefs of police, village 220  
marshals, county sheriffs, county prosecuting attorneys, and a 221  
designee of each of these individuals. The attorney general 222  
shall permit the state medical board and board of nursing to 223  
access and view, but not alter, information gathered and 224  
disseminated through the Ohio law enforcement gateway. 225

The attorney general may appoint a steering committee to 226  
advise the attorney general in the operation of the Ohio law 227  
enforcement gateway that is comprised of persons who are 228  
representatives of the criminal justice agencies in this state 229

that use the Ohio law enforcement gateway and is chaired by the	230
superintendent or the superintendent's designee.	231
(D) (1) The following are not public records under section	232
149.43 of the Revised Code:	233
(a) Information and materials furnished to the	234
superintendent pursuant to division (A) of this section;	235
(b) Information, data, and statistics gathered or	236
disseminated through the Ohio law enforcement gateway pursuant	237
to division (C) (1) of this section;	238
(c) Information and materials furnished to any board or	239
person under division (F) or (G) of this section.	240
(2) The superintendent or the superintendent's designee	241
shall gather and retain information so furnished under division	242
(A) of this section that pertains to the offense and delinquency	243
history of a person who has been convicted of, pleaded guilty	244
to, or been adjudicated a delinquent child for committing a	245
sexually oriented offense or a child-victim oriented offense for	246
the purposes described in division (C) (2) of this section.	247
(E) (1) The attorney general shall adopt rules, in	248
accordance with Chapter 119. of the Revised Code and subject to	249
division (E) (2) of this section, setting forth the procedure by	250
which a person may receive or release information gathered by	251
the superintendent pursuant to division (A) of this section. A	252
reasonable fee may be charged for this service. If a temporary	253
employment service submits a request for a determination of	254
whether a person the service plans to refer to an employment	255
position has been convicted of or pleaded guilty to an offense	256
listed or described in division (A) (1), (2), or (3) of section	257
109.572 of the Revised Code, the request shall be treated as a	258

single request and only one fee shall be charged. 259

(2) Except as otherwise provided in this division or 260  
division (E)(3) or (4) of this section, a rule adopted under 261  
division (E)(1) of this section may provide only for the release 262  
of information gathered pursuant to division (A) of this section 263  
that relates to the conviction of a person, or a person's plea 264  
of guilty to, a criminal offense or to the arrest of a person as 265  
provided in division (E)(3) of this section. The superintendent 266  
shall not release, and the attorney general shall not adopt any 267  
rule under division (E)(1) of this section that permits the 268  
release of, any information gathered pursuant to division (A) of 269  
this section that relates to an adjudication of a child as a 270  
delinquent child, or that relates to a criminal conviction of a 271  
person under eighteen years of age if the person's case was 272  
transferred back to a juvenile court under division (B)(2) or 273  
(3) of section 2152.121 of the Revised Code and the juvenile 274  
court imposed a disposition or serious youthful offender 275  
disposition upon the person under either division, unless either 276  
of the following applies with respect to the adjudication or 277  
conviction: 278

(a) The adjudication or conviction was for a violation of 279  
section 2903.01 or 2903.02 of the Revised Code. 280

(b) The adjudication or conviction was for a sexually 281  
oriented offense, the juvenile court was required to classify 282  
the child a juvenile offender registrant for that offense under 283  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 284  
classification has not been removed, and the records of the 285  
adjudication or conviction have not been sealed or expunged 286  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 287  
section 2952.32 of the Revised Code. 288

(3) A rule adopted under division (E) (1) of this section	289
may provide for the release of information gathered pursuant to	290
division (A) of this section that relates to the arrest of a	291
person who is eighteen years of age or older when the person has	292
not been convicted as a result of that arrest if any of the	293
following applies:	294
(a) The arrest was made outside of this state.	295
(b) A criminal action resulting from the arrest is	296
pending, and the superintendent confirms that the criminal	297
action has not been resolved at the time the criminal records	298
check is performed.	299
(c) The bureau cannot reasonably determine whether a	300
criminal action resulting from the arrest is pending, and not	301
more than one year has elapsed since the date of the arrest.	302
(4) A rule adopted under division (E) (1) of this section	303
may provide for the release of information gathered pursuant to	304
division (A) of this section that relates to an adjudication of	305
a child as a delinquent child if not more than five years have	306
elapsed since the date of the adjudication, the adjudication was	307
for an act that would have been a felony if committed by an	308
adult, the records of the adjudication have not been sealed or	309
expunged pursuant to sections 2151.355 to 2151.358 of the	310
Revised Code, and the request for information is made under	311
division (F) of this section or under section 109.572 of the	312
Revised Code. In the case of an adjudication for a violation of	313
the terms of community control or supervised release, the five-	314
year period shall be calculated from the date of the	315
adjudication to which the community control or supervised	316
release pertains.	317

(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, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a 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 under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J) (2) of section 3327.10 of the Revised Code 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 349  
that individual. On receipt of the request, subject to division 350  
(E) (2) of this section, the superintendent shall determine 351  
whether that information exists and, upon request of the person, 352  
board, or entity requesting information, also shall request from 353  
the federal bureau of investigation any criminal records it has 354  
pertaining to that individual. The superintendent or the 355  
superintendent's designee also may request criminal history 356  
records from other states or the federal government pursuant to 357  
the national crime prevention and privacy compact set forth in 358  
section 109.571 of the Revised Code. Within thirty days of the 359  
date that the superintendent receives a request, subject to 360  
division (E) (2) of this section, the superintendent shall send 361  
to the board, entity, or person a report of any information that 362  
the superintendent determines exists, including information 363  
contained in records that have been sealed under section 2953.32 364  
of the Revised Code, and, within thirty days of its receipt, 365  
subject to division (E) (2) of this section, shall send the 366  
board, entity, or person a report of any information received 367  
from the federal bureau of investigation, other than information 368  
the dissemination of which is prohibited by federal law. 369

(b) When a board of education or a registered private 370  
provider is required to receive information under this section 371  
as a prerequisite to employment of an individual pursuant to 372  
division (C) of section 3310.58 or section 3319.39 of the 373  
Revised Code, it may accept a certified copy of records that 374  
were issued by the bureau of criminal identification and 375  
investigation and that are presented by an individual applying 376  
for employment with the district in lieu of requesting that 377  
information itself. In such a case, the board shall accept the 378  
certified copy issued by the bureau in order to make a photocopy 379

of it for that individual's employment application documents and 380  
shall return the certified copy to the individual. In a case of 381  
that nature, a district or provider only shall accept a 382  
certified copy of records of that nature within one year after 383  
the date of their issuance by the bureau. 384

(c) Notwithstanding division (F) (2) (a) of this section, in 385  
the case of a request under section 3319.39, 3319.391, or 386  
3327.10 of the Revised Code only for criminal records maintained 387  
by the federal bureau of investigation, the superintendent shall 388  
not determine whether any information gathered under division 389  
(A) of this section exists on the person for whom the request is 390  
made. 391

(3) The state board of education may request, with respect 392  
to any individual who has applied for employment after October 393  
2, 1989, in any position with the state board or the department 394  
of education, any information that a school district board of 395  
education is authorized to request under division (F) (2) of this 396  
section, and the superintendent of the bureau shall proceed as 397  
if the request has been received from a school district board of 398  
education under division (F) (2) of this section. 399

(4) When the superintendent of the bureau receives a 400  
request for information under section 3319.291 of the Revised 401  
Code, the superintendent shall proceed as if the request has 402  
been received from a school district board of education and 403  
shall comply with divisions (F) (2) (a) and (c) of this section. 404

~~(5) When a recipient of a classroom reading improvement 405  
grant paid under section 3301.86 of the Revised Code requests, 406  
with respect to any individual who applies to participate in 407  
providing any program or service funded in whole or in part by 408  
the grant, the information that a school district board of 409~~

~~education is authorized to request under division (F) (2) (a) of 410  
this section, the superintendent of the bureau shall proceed as 411  
if the request has been received from a school district board of 412  
education under division (F) (2) (a) of this section. 413~~

(G) In addition to or in conjunction with any request that 414  
is required to be made under section 3701.881, 3712.09, or 415  
3721.121 of the Revised Code with respect to an individual who 416  
has applied for employment in a position that involves providing 417  
direct care to an older adult or adult resident, the chief 418  
administrator of a home health agency, hospice care program, 419  
home licensed under Chapter 3721. of the Revised Code, or adult 420  
day-care program operated pursuant to rules adopted under 421  
section 3721.04 of the Revised Code may request that the 422  
superintendent of the bureau investigate and determine, with 423  
respect to any individual who has applied after January 27, 424  
1997, for employment in a position that does not involve 425  
providing direct care to an older adult or adult resident, 426  
whether the bureau has any information gathered under division 427  
(A) of this section that pertains to that individual. 428

In addition to or in conjunction with any request that is 429  
required to be made under section 173.27 of the Revised Code 430  
with respect to an individual who has applied for employment in 431  
a position that involves providing ombudsman services to 432  
residents of long-term care facilities or recipients of 433  
community-based long-term care services, the state long-term 434  
care ombudsman, the director of aging, a regional long-term care 435  
ombudsman program, or the designee of the ombudsman, director, 436  
or program may request that the superintendent investigate and 437  
determine, with respect to any individual who has applied for 438  
employment in a position that does not involve providing such 439  
ombudsman services, whether the bureau has any information 440

gathered under division (A) of this section that pertains to 441  
that applicant. 442

In addition to or in conjunction with any request that is 443  
required to be made under section 173.38 of the Revised Code 444  
with respect to an individual who has applied for employment in 445  
a direct-care position, the chief administrator of a provider, 446  
as defined in section 173.39 of the Revised Code, may request 447  
that the superintendent investigate and determine, with respect 448  
to any individual who has applied for employment in a position 449  
that is not a direct-care position, whether the bureau has any 450  
information gathered under division (A) of this section that 451  
pertains to that applicant. 452

In addition to or in conjunction with any request that is 453  
required to be made under section 3712.09 of the Revised Code 454  
with respect to an individual who has applied for employment in 455  
a position that involves providing direct care to a pediatric 456  
respite care patient, the chief administrator of a pediatric 457  
respite care program may request that the superintendent of the 458  
bureau investigate and determine, with respect to any individual 459  
who has applied for employment in a position that does not 460  
involve providing direct care to a pediatric respite care 461  
patient, whether the bureau has any information gathered under 462  
division (A) of this section that pertains to that individual. 463

On receipt of a request under this division, the 464  
superintendent shall determine whether that information exists 465  
and, on request of the individual requesting information, shall 466  
also request from the federal bureau of investigation any 467  
criminal records it has pertaining to the applicant. The 468  
superintendent or the superintendent's designee also may request 469  
criminal history records from other states or the federal 470

government pursuant to the national crime prevention and privacy 471  
compact set forth in section 109.571 of the Revised Code. Within 472  
thirty days of the date a request is received, subject to 473  
division (E) (2) of this section, the superintendent shall send 474  
to the requester a report of any information determined to 475  
exist, including information contained in records that have been 476  
sealed under section 2953.32 of the Revised Code, and, within 477  
thirty days of its receipt, shall send the requester a report of 478  
any information received from the federal bureau of 479  
investigation, other than information the dissemination of which 480  
is prohibited by federal law. 481

(H) Information obtained by a government entity or person 482  
under this section is confidential and shall not be released or 483  
disseminated. 484

(I) The superintendent may charge a reasonable fee for 485  
providing information or criminal records under division (F) (2) 486  
or (G) of this section. 487

(J) As used in this section: 488

(1) "Pediatric respite care program" and "pediatric care 489  
patient" have the same meanings as in section 3712.01 of the 490  
Revised Code. 491

(2) "Sexually oriented offense" and "child-victim oriented 492  
offense" have the same meanings as in section 2950.01 of the 493  
Revised Code. 494

(3) "Registered private provider" means a nonpublic school 495  
or entity registered with the superintendent of public 496  
instruction under section 3310.41 of the Revised Code to 497  
participate in the autism scholarship program or section 3310.58 498  
of the Revised Code to participate in the Jon Peterson special 499

needs scholarship program. 500

**Sec. 2917.46.** (A) No person shall, with intent to identify 501  
a building as a block parent home or building, display the block 502  
parent symbol adopted by the state board of education pursuant 503  
to former section 3301.076 of the Revised Code prior to its 504  
repeal ~~on the effective date of this amendment~~ July 1, 2007. 505

(B) No person shall, with intent to identify a building as 506  
a block parent home or building, display a symbol that falsely 507  
gives the appearance of being the block parent symbol adopted by 508  
the state board of education pursuant to former section 3301.076 509  
of the Revised Code prior to its repeal ~~on the effective date of~~ 510  
~~this amendment~~ July 1, 2007. 511

(C) No person, with intent to identify a home or building 512  
as a mcgruff house program home or building, shall display the 513  
mcgruff house symbol adopted by the division of criminal justice 514  
services in the state department of public safety pursuant to 515  
section 5502.62 of the Revised Code unless authorized in 516  
accordance with that section, any rule adopted pursuant to that 517  
section, or former section 3313.206 of the Revised Code prior to 518  
its repeal on the effective date of this amendment. 519

(D) No person, with intent to identify a home or building 520  
as a mcgruff house program home or building, shall display a 521  
symbol that falsely gives the appearance of being the mcgruff 522  
house symbol adopted by the division of criminal justice 523  
services in the state department of public safety pursuant to 524  
section 5502.62 of the Revised Code or any rule adopted pursuant 525  
to that section. 526

(E) (1) Whoever violates division (A) or (B) of this 527  
section is guilty of unauthorized use of a block parent symbol, 528

a minor misdemeanor. 529

(2) Whoever violates division (C) or (D) of this section 530  
is guilty of unauthorized use of a mcgruff house symbol, a minor 531  
misdemeanor. 532

**Sec. 3301.133.** As used in this section, "form" ~~has the~~ 533  
~~same meaning as in section 3301.0722~~ means any report, document, 534  
paper, computer software program, or other instrument used in 535  
the management information system created by section 3301.0714 536  
of the Revised Code or used to gather required or requested 537  
education data under division (I) of section 3301.07 of the 538  
Revised Code or any other provision of state or federal statute 539  
or rule. 540

(A) ~~No later than July 1, 1992, the~~ The organization of 541  
the department of education shall include an identifiable 542  
organizational unit that deals with the management of any 543  
education data that the department gathers, processes, uses, or 544  
reports. The superintendent of public instruction shall assign 545  
employees to this unit or employ persons for this unit who are 546  
trained and experienced in data management and the design of 547  
forms and who understand the data needs of the department of 548  
education. The superintendent shall provide a sufficient number 549  
of such employees for the unit to perform its duties in an 550  
effective and timely manner. 551

(B) The unit established pursuant to division (A) of this 552  
section shall: 553

(1) Review each new form or modification of any existing 554  
form that the state board, the superintendent of public 555  
instruction, or the department of education proposes to put into 556  
use on or after July 1, 1992. In conducting the review of any 557

form, the unit shall evaluate it utilizing at least the criteria 558  
specified under division (C) of this section. The unit shall 559  
report in writing to the superintendent of public instruction 560  
whether the form satisfies the criteria specified under division 561  
(C) of this section, and if not, the reasons why it does not. 562  
Each report shall include recommendations regarding the 563  
simplification, consolidation, or elimination of the proposed 564  
form or any other forms related to the proposed form that would 565  
enable all the criteria specified under division (C) of this 566  
section to be met. 567

(2) Regularly contact and seek to work with other state 568  
and federal agencies that collect and use education data for the 569  
purpose of increasing the efficiency and coordination of data 570  
collection; 571

(3) Perform any other duties assigned by the 572  
superintendent of public instruction. 573

(C) In conducting the review of any form pursuant to 574  
division (B)(1) of this section, the unit established under 575  
division (A) of this section shall determine whether the 576  
following criteria are satisfied: 577

(1) Each data item on the form does not duplicate data 578  
already submitted to the state board, superintendent of public 579  
instruction, or department of education. 580

(2) The form cannot be consolidated with any other form 581  
required by the state board, superintendent, or department. 582

(3) The form is required to be submitted no more often 583  
than necessary and no sooner than reasonably necessary prior to 584  
the date on which the data reported on the form will be 585  
initially used. 586

(4) The stated purpose of the form cannot be met as part 587  
of any other procedure, such as a verification or certification 588  
procedure or other reporting procedure. 589

(5) If the form or any data item on the form is attributed 590  
to any requirement of state statute, federal statute or rule, or 591  
any court, the form or data item is limited to the data that the 592  
statute, rule, or court requires. 593

(6) If the form or any data item on the form is attributed 594  
to the requirements of any research or of any process of 595  
auditing school districts for compliance with any requirement, 596  
the research is planned or currently taking place or the 597  
compliance is currently required. 598

(7) The form is designed in a way that minimizes the cost 599  
of completing it. 600

(8) The form includes instructions that clearly explain 601  
how to complete it, who will use the data reported on it, and 602  
whom to contact with questions about completing the form or the 603  
use of the data reported on it. 604

**Sec. 3302.26.** (A) As used in this section: 605

(1) "Expenditure per equivalent pupils" is the total 606  
operating expenditures of a school district divided by the 607  
measure of equivalent pupils. 608

(2) "Measure of equivalent pupils" is the total number of 609  
students in a school district adjusted for the relative 610  
differences in costs associated with the unique characteristics 611  
and needs of each category of pupil. 612

(B) The department of education shall create a performance 613  
management section on the department's public web site. The 614

performance management section shall include information on 615  
academic and financial performance metrics for each school 616  
district to assist schools and districts in providing an 617  
effective and efficient delivery of educational services. The 618  
section shall be located in a prominent location on the 619  
department's public web site. The section shall include, but not 620  
be limited to, all of the following: 621

(1) A graph that illustrates the relationship between a 622  
district's academic performance, as measured by the performance 623  
index score, and its expenditure per equivalent pupils as 624  
compared to similar districts; 625

(2) Each district's total operating expenditures per 626  
pupil; 627

(3) Statistics of academic and financial performance 628  
measures for each district to allow for a comparison and 629  
benchmarking between districts. 630

(C) The department may contract with an independent 631  
organization to develop and host the performance management 632  
section of its web site. 633

**Sec. 3313.668.** (A) On and after July 1, 2017, no school 634  
district or school shall suspend, expel, or remove a student 635  
from school under section 3313.66 of the Revised Code solely on 636  
the basis of the student's absences from school without 637  
legitimate excuse. 638

(B) (1) Except as described in division (B) of this 639  
section, no school district or school shall issue an out-of- 640  
school suspension or expulsion to a student in grades pre- 641  
kindergarten through three. 642

(a) A school district or school may issue an out-of-school 643

suspension or expulsion, in accordance with section 3313.66 of 644  
the Revised Code, to a student in any of grades pre-kindergarten 645  
through three who has engaged in any of the behaviors described 646  
in divisions (B) (2) to (5) of section 3313.66 of the Revised 647  
Code. 648

(b) A school district or school may issue an out-of-school 649  
suspension not to exceed ten days or an expulsion to a student 650  
in any of grades pre-kindergarten through three who has not 651  
engaged in any of the behaviors described in divisions (B) (2) to 652  
(5) of section 3313.66 of the Revised Code only as necessary to 653  
protect the immediate health and safety of the student, the 654  
student's fellow classmates, the classroom staff and teachers, 655  
or other school employees. 656

(2) Whenever possible, the principal shall consult with a 657  
mental health professional under contract with the district or 658  
school prior to suspending or expelling a student in any of 659  
grades pre-kindergarten through three. If the events leading up 660  
to suspension or expulsion indicate a need for additional mental 661  
health services, the student's principal or the district's 662  
mental health professional shall, in any manner that does not 663  
result in a financial burden to the school district or school, 664  
assist the student's parent or guardian with locating providers 665  
or obtaining those services, including referral to an 666  
independent mental health professional. Nothing in this division 667  
shall be construed to limit the responsibilities of a school 668  
district or school with respect to the provision of special 669  
education and related services under Chapter 3323. of the 670  
Revised Code. 671

(3) A student in any of grades pre-kindergarten through 672  
three who is suspended or expelled shall be afforded the same 673

notice and hearing, procedural, and educational opportunities as 674  
prescribed for a suspension or expulsion pursuant to section 675  
3313.66 of the Revised Code. 676

(4) Nothing in division (B) of this section shall be 677  
construed to limit the authority of a school district or school 678  
to issue an in-school suspension to a student in any of grades 679  
pre-kindergarten through three, provided that the in-school 680  
suspension is served in a supervised learning environment in 681  
accordance with divisions (A) (2) and (K) (2) of section 3313.66 682  
of the Revised Code. 683

(C) A school district, member of a school district board 684  
of education, or school district employee is not liable in 685  
damages in a civil action for injury, death, or loss to person 686  
or property allegedly arising from a district employee's 687  
decision not to provide or procure mental health services for a 688  
suspended or expelled student under division (B) (2) of this 689  
section, unless the decision is made with malicious purpose, in 690  
bad faith, or in a wanton or reckless manner. 691

This division does not eliminate, limit, or reduce any 692  
other immunity or defense to which a school district, member of 693  
a school district board of education, or school district 694  
employee may be entitled to under Chapter 2744. or any other 695  
provision of the Revised Code or under the common law of this 696  
state. 697

**Sec. 3313.71.** School physicians may make examinations, 698  
which shall include tests to determine the existence of hearing 699  
defects, and diagnoses of all children referred to them. They 700  
may make such examination of teachers and other school employees 701  
and inspection of school buildings as in their opinion the 702  
protection of health of the pupils, teachers, and other school 703

employees requires. 704

Boards of education shall require and provide, in 705  
accordance with section 3313.67 of the Revised Code, such tests 706  
and examinations for tuberculosis of pupils in selected grades 707  
and of school employees as may be required by the director of 708  
health. 709

Boards may require annual tuberculin tests of any grades. 710  
All pupils with positive reactions to the test shall have chest 711  
x-rays and all positive reactions and x-ray findings shall be 712  
reported promptly to the county record bureau of tuberculosis 713  
cases provided for in section 339.74 of the Revised Code. Boards 714  
shall waive the required test where a pupil presents a written 715  
statement from the pupil's family physician certifying that such 716  
test has been given and that such pupil is free from 717  
tuberculosis in a communicable stage, or that such test is 718  
inadvisable for medical reasons, or from the pupil's parent or 719  
guardian objecting to such test because of religious 720  
convictions. 721

Whenever a pupil, teacher, or other school employee is 722  
found to be ill or suffering from tuberculosis in a communicable 723  
stage or other communicable disease, the school physician shall 724  
promptly send such pupil, teacher, or other school employee 725  
home, with a statement, in the case of a pupil, to the pupil's 726  
parents or guardian, briefly setting forth the discovered facts, 727  
and advising that the family physician be consulted. School 728  
physicians shall keep accurate card-index records of all 729  
examinations, and said records, that they may be uniform 730  
throughout the state, shall be according to the form prescribed 731  
by the state board of education, and the reports shall be made 732  
according to the method of said form. If the parent or guardian 733

of any pupil or any teacher or other school employee, after 734  
notice from the board of education, furnishes within two weeks 735  
thereafter the written certificate of any reputable physician 736  
that the pupil, teacher, or other school employee has been 737  
examined, in such cases the service of the school physician 738  
shall be dispensed with, and such certificate shall be furnished 739  
by such parent or guardian, as required by the board of 740  
education. Such individual records shall not be open to the 741  
public and shall be solely for the use of the boards of 742  
education and boards of health officer. If any teacher or other 743  
school employee is found to have tuberculosis in a communicable 744  
stage or other communicable disease, the teacher's or employee's 745  
employment shall be discontinued or suspended upon such terms as 746  
to salary as the board deems just until the school physician has 747  
certified to a recovery from such disease. The methods of making 748  
the tuberculin tests and chest x-rays required by this section 749  
shall be such as are approved by the director of health. 750

This section shall apply to all elementary and high 751  
schools for which the state board of education sets minimum 752  
standards pursuant to section 3301.07 of the Revised Code. 753

**Sec. 3313.753.** (A) As used in this section: 754

(1) "Electronic communications device" means any device 755  
that is powered by batteries or electricity and that is capable 756  
of receiving, transmitting, or receiving and transmitting 757  
communications between two or more persons or a communication 758  
from or to a person. 759

(2) ~~"Pocket pager" means any device that can be carried by-~~ 760  
~~a person, that is capable of receiving a radio signal or other-~~ 761  
~~telecommunications signal, and that emits a signal upon receipt-~~ 762  
~~of a radio or other telecommunications signal.~~ 763

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

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

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

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

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

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

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

Sec. 3314.146. A community school, community school governing authority, or community school employee is not liable

in damages in a civil action for injury, death, or loss to 793  
person or property allegedly arising from a school employee's 794  
decision not to provide or procure mental health services for a 795  
suspended or expelled student under division (B)(2) of section 796  
3313.668 of the Revised Code, unless the decision is made with 797  
malicious purpose, in bad faith, or in a wanton or reckless 798  
manner. 799

This section does not eliminate, limit, or reduce any 800  
other immunity or defense to which a community school, community 801  
school governing authority, or community school employee may be 802  
entitled to under Chapter 2744. or any other provision of the 803  
Revised Code or under the common law of this state. 804

**Sec. 3319.074.** (A) As used in this section: 805

(1) "Core subject area" means reading and English language 806  
arts, mathematics, science, social studies, foreign language, 807  
and fine arts. 808

(2) "Properly certified or licensed teacher" means a 809  
classroom teacher who has successfully completed all 810  
requirements for certification or licensure under this chapter 811  
applicable to the subject areas and grade levels in which the 812  
teacher provides instruction and the students to whom the 813  
teacher provides the instruction. 814

(3) "Properly certified paraprofessional" means a 815  
paraprofessional who holds an educational aide permit issued 816  
under section 3319.088 of the Revised Code and satisfies at 817  
least one of the following conditions: 818

(a) Has a designation of "ESEA qualified" on the 819  
educational aide permit; 820

(b) Has successfully completed at least two years of 821

coursework at an accredited institution of higher education; 822

(c) Holds an associate degree or higher from an accredited 823  
institution of higher education; 824

(d) Meets a rigorous standard of quality as demonstrated 825  
by attainment of a qualifying score on an academic assessment 826  
specified by the department of education. 827

(B) Beginning July 1, 2019, no city, exempted village, 828  
local, joint vocational, or cooperative education school 829  
district shall do either of the following: 830

(1) Employ any classroom teacher to provide instruction in 831  
a core subject area to any student, unless such teacher is a 832  
properly certified or licensed teacher; 833

(2) Employ any paraprofessional in a program supported 834  
with funds received under Title I of the "Elementary and 835  
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., to 836  
provide academic support in a core subject area to any student, 837  
unless such paraprofessional is a properly certified 838  
paraprofessional. 839

(C) At the start of each school year, each school district 840  
shall notify the parent or guardian of each student enrolled in 841  
the district that the parent or guardian may request information 842  
on the professional qualifications of each classroom teacher who 843  
provides instruction to the student. The district shall provide 844  
the information on each applicable teacher in a timely manner to 845  
any parent or guardian who requests it. Such information shall 846  
include at least the following: 847

(1) Whether the teacher has satisfied all requirements for 848  
certification or licensure under this chapter applicable to the 849  
subject areas and grade levels in which the teacher provides 850

instruction and the students to whom the teacher provides the 851  
instruction, or whether the teacher provides instruction under a 852  
waiver of any such requirements; 853

(2) Whether a paraprofessional provides any services to 854  
the student and, if so, the qualifications of the 855  
paraprofessional. 856

Sec. 3326.271. A STEM school, member of a STEM school 857  
governing body, or STEM school employee is not liable in damages 858  
in a civil action for injury, death, or loss to person or 859  
property allegedly arising from a school employee's decision not 860  
to provide or procure mental health services for a suspended or 861  
expelled student under division (B)(2) of section 3313.668 of 862  
the Revised Code, unless the decision is made with malicious 863  
purpose, in bad faith, or in a wanton or reckless manner. 864

This section does not eliminate, limit, or reduce any 865  
other immunity or defense to which a STEM school, member of a 866  
STEM school governing body, or STEM school employee may be 867  
entitled to under Chapter 2744. or any other provision of the 868  
Revised Code or under the common law of this state. 869

Sec. 3328.241. A college-preparatory boarding school, 870  
member of a college-preparatory boarding school board of 871  
trustees, or college-preparatory boarding school employee is not 872  
liable in damages in a civil action for injury, death, or loss 873  
to person or property allegedly arising from a school employee's 874  
decision not to provide or procure mental health services for a 875  
suspended or expelled student under division (B)(2) of section 876  
3313.668 of the Revised Code, unless the decision is made with 877  
malicious purpose, in bad faith, or in a wanton or reckless 878  
manner. 879

This section does not eliminate, limit, or reduce any 880  
other immunity or defense to which a college-preparatory 881  
boarding school, member of a college-preparatory boarding school 882  
board of trustees, or college-preparatory boarding school 883  
employee may be entitled to under Chapter 2744. or any other 884  
provision of the Revised Code or under the common law of this 885  
state. 886

**Section 2.** That existing sections 109.57, 2917.46, 887  
3301.133, 3302.26, 3313.668, 3313.71, 3313.753, and 3319.074 and 888  
sections 3301.073, 3301.0722, 3301.111, 3301.21, 3301.25, 889  
3301.86, 3301.88, 3301.95, 3301.96, 3302.037, 3302.30, 3311.061, 890  
3313.206, and 3313.711 of the Revised Code are hereby repealed. 891

**Section 3.** Section 109.57 of the Revised Code is presented 892  
in this act as a composite of the section as amended by both 893  
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 894  
Assembly. The General Assembly, applying the principle stated in 895  
division (B) of section 1.52 of the Revised Code that amendments 896  
are to be harmonized if reasonably capable of simultaneous 897  
operation, finds that the composite is the resulting version of 898  
the section in effect prior to the effective date of the section 899  
as presented in this act. 900