

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 34

**Senator Kunze
Cosponsor: Senator Maharath**

A BILL

To amend sections 2953.25, 3314.03, 3314.101, 1
3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 2
3319.316, 3319.40, 3319.99, 3326.081, 3326.11, 3
3328.18, 3328.24, and 5153.176 and to enact 4
sections 3319.0812, 3319.318, 3319.319, and 5
3319.393 of the Revised Code regarding school 6
employee employment and educator licensure and 7
conduct. 8

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

Section 1. That sections 2953.25, 3314.03, 3314.101, 9
3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 3319.316, 10
3319.40, 3319.99, 3326.081, 3326.11, 3328.18, 3328.24, and 11
5153.176 be amended and sections 3319.0812, 3319.318, 3319.319, 12
and 3319.393 of the Revised Code be enacted to read as follows: 13

Sec. 2953.25. (A) As used in this section: 14

(1) "Collateral sanction" means a penalty, disability, or 15
disadvantage that is related to employment or occupational 16
licensing, however denominated, as a result of the individual's 17
conviction of or plea of guilty to an offense and that applies 18

by operation of law in this state whether or not the penalty, 19
disability, or disadvantage is included in the sentence or 20
judgment imposed. 21

"Collateral sanction" does not include imprisonment, 22
probation, parole, supervised release, forfeiture, restitution, 23
fine, assessment, or costs of prosecution. 24

(2) "Decision-maker" includes, but is not limited to, the 25
state acting through a department, agency, board, commission, or 26
instrumentality established by the law of this state for the 27
exercise of any function of government, a political subdivision, 28
an educational institution, or a government contractor or 29
subcontractor made subject to this section by contract, law, or 30
ordinance. 31

(3) "Department-funded program" means a residential or 32
nonresidential program that is not a term in a state 33
correctional institution, that is funded in whole or part by the 34
department of rehabilitation and correction, and that is imposed 35
as a sanction for an offense, as part of a sanction that is 36
imposed for an offense, or as a term or condition of any 37
sanction that is imposed for an offense. 38

(4) "Designee" means the person designated by the deputy 39
director of the division of parole and community services to 40
perform the duties designated in division (B) of this section. 41

(5) "Division of parole and community services" means the 42
division of parole and community services of the department of 43
rehabilitation and correction. 44

(6) "Offense" means any felony or misdemeanor under the 45
laws of this state. 46

(7) "Political subdivision" has the same meaning as in 47

section 2969.21 of the Revised Code. 48

(8) "Discretionary civil impact," "licensing agency," and 49
"mandatory civil impact" have the same meanings as in section 50
2961.21 of the Revised Code. 51

(B) (1) An individual who is subject to one or more 52
collateral sanctions as a result of being convicted of or 53
pleading guilty to an offense and who either has served a term 54
in a state correctional institution for any offense or has spent 55
time in a department-funded program for any offense may file a 56
petition with the designee of the deputy director of the 57
division of parole and community services for a certificate of 58
qualification for employment. 59

(2) An individual who is subject to one or more collateral 60
sanctions as a result of being convicted of or pleading guilty 61
to an offense and who is not in a category described in division 62
(B) (1) of this section may file for a certificate of 63
qualification for employment by doing either of the following: 64

(a) In the case of an individual who resides in this 65
state, filing a petition with the court of common pleas of the 66
county in which the person resides or with the designee of the 67
deputy director of the division of parole and community 68
services; 69

(b) In the case of an individual who resides outside of 70
this state, filing a petition with the court of common pleas of 71
any county in which any conviction or plea of guilty from which 72
the individual seeks relief was entered or with the designee of 73
the deputy director of the division of parole and community 74
services. 75

(3) A petition under division (B) (1) or (2) of this 76

section shall be made on a copy of the form prescribed by the 77
division of parole and community services under division (J) of 78
this section and shall contain all of the information described 79
in division (F) of this section. 80

(4) (a) Except as provided in division (B) (4) (b) of this 81
section, an individual may file a petition under division (B) (1) 82
or (2) of this section at any time after the expiration of 83
whichever of the following is applicable: 84

(i) If the offense that resulted in the collateral 85
sanction from which the individual seeks relief is a felony, at 86
any time after the expiration of one year from the date of 87
release of the individual from any period of incarceration in a 88
state or local correctional facility that was imposed for that 89
offense and all periods of supervision imposed after release 90
from the period of incarceration or, if the individual was not 91
incarcerated for that offense, at any time after the expiration 92
of one year from the date of the individual's final release from 93
all other sanctions imposed for that offense. 94

(ii) If the offense that resulted in the collateral 95
sanction from which the individual seeks relief is a 96
misdemeanor, at any time after the expiration of six months from 97
the date of release of the individual from any period of 98
incarceration in a local correctional facility that was imposed 99
for that offense and all periods of supervision imposed after 100
release from the period of incarceration or, if the individual 101
was not incarcerated for that offense, at any time after the 102
expiration of six months from the date of the final release of 103
the individual from all sanctions imposed for that offense 104
including any period of supervision. 105

(b) The department of rehabilitation and correction may 106

establish criteria by rule adopted under Chapter 119. of the 107
Revised Code that, if satisfied by an individual, would allow 108
the individual to file a petition before the expiration of six 109
months or one year from the date of final release, whichever is 110
applicable under division (B) (4) (a) of this section. 111

(5) (a) A designee that receives a petition for a 112
certificate of qualification for employment from an individual 113
under division (B) (1) or (2) of this section shall review the 114
petition to determine whether it is complete. If the petition is 115
complete, the designee shall forward the petition, and any other 116
information the designee possesses that relates to the petition, 117
to the court of common pleas of the county in which the 118
individual resides if the individual submitting the petition 119
resides in this state or, if the individual resides outside of 120
this state, to the court of common pleas of the county in which 121
the conviction or plea of guilty from which the individual seeks 122
relief was entered. 123

(b) A court of common pleas that receives a petition for a 124
certificate of qualification for employment from an individual 125
under division (B) (2) of this section, or that is forwarded a 126
petition for such a certificate under division (B) (5) (a) of this 127
section, shall attempt to determine all other courts in this 128
state in which the individual was convicted of or pleaded guilty 129
to an offense other than the offense from which the individual 130
is seeking relief. The court that receives or is forwarded the 131
petition shall notify all other courts in this state that it 132
determines under this division were courts in which the 133
individual was convicted of or pleaded guilty to an offense 134
other than the offense from which the individual is seeking 135
relief that the individual has filed the petition and that the 136
court may send comments regarding the possible issuance of the 137

certificate. 138

A court of common pleas that receives a petition for a 139
certificate of qualification for employment under division (B) 140
(2) of this section shall notify the county's prosecuting 141
attorney that the individual has filed the petition. 142

A court of common pleas that receives a petition for a 143
certificate of qualification for employment under division (B) 144
(2) of this section, or that is forwarded a petition for 145
qualification under division (B) (5) (a) of this section may 146
direct the clerk of court to process and record all notices 147
required in or under this section. 148

(C) (1) Upon receiving a petition for a certificate of 149
qualification for employment filed by an individual under 150
division (B) (2) of this section or being forwarded a petition 151
for such a certificate under division (B) (5) (a) of this section, 152
the court shall review the individual's petition, the 153
individual's criminal history, all filings submitted by the 154
prosecutor or by the victim in accordance with rules adopted by 155
the division of parole and community services, the applicant's 156
military service record, if applicable, and whether the 157
applicant has an emotional, mental, or physical condition that 158
is traceable to the applicant's military service in the armed 159
forces of the United States and that was a contributing factor 160
in the commission of the offense or offenses, and all other 161
relevant evidence. The court may order any report, 162
investigation, or disclosure by the individual that the court 163
believes is necessary for the court to reach a decision on 164
whether to approve the individual's petition for a certificate 165
of qualification for employment. 166

(2) Upon receiving a petition for a certificate of 167

qualification for employment filed by an individual under 168
division (B) (2) of this section or being forwarded a petition 169
for such a certificate under division (B) (5) (a) of this section, 170
except as otherwise provided in this division, the court shall 171
decide whether to issue the certificate within sixty days after 172
the court receives or is forwarded the completed petition and 173
all information requested for the court to make that decision. 174
Upon request of the individual who filed the petition, the court 175
may extend the sixty-day period specified in this division. 176

(3) Subject to division (C) (5) of this section, a court 177
that receives an individual's petition for a certificate of 178
qualification for employment under division (B) (2) of this 179
section or that is forwarded a petition for such a certificate 180
under division (B) (5) (a) of this section may issue a certificate 181
of qualification for employment, at the court's discretion, if 182
the court finds that the individual has established all of the 183
following by a preponderance of the evidence: 184

(a) Granting the petition will materially assist the 185
individual in obtaining employment or occupational licensing. 186

(b) The individual has a substantial need for the relief 187
requested in order to live a law-abiding life. 188

(c) Granting the petition would not pose an unreasonable 189
risk to the safety of the public or any individual. 190

(4) The submission of an incomplete petition by an 191
individual shall not be grounds for the designee or court to 192
deny the petition. 193

(5) A certificate of qualification for employment shall 194
not create relief from any of the following collateral 195
sanctions: 196

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;	197 198 199
(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;	200 201 202 203 204 205
(c) Restrictions on employment as a prosecutor or law enforcement officer;	206 207
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code;	208 209 210 211 212 213 214 215 216 217 218
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	219 220 221 222 223
(f) The denial or ineligibility for employment in a pain clinic under division (B) (4) of section 4729.552 of the Revised	224 225

Code;	226
(g) The mandatory suspension of a license that is imposed	227
on an individual applying for or holding a license as a health	228
care professional under Title XLVII of the Revised Code pursuant	229
to section 3123.43 of the Revised Code;	230
<u>(h) The denial, limitation, suspension, or revocation of a</u>	231
<u>license that is imposed upon an individual applying for or</u>	232
<u>holding a license issued by the state board of education under</u>	233
<u>Title XXXIII of the Revised Code if the individual is convicted</u>	234
<u>of, pleads guilty to, or is found guilty by a jury or court of,</u>	235
<u>or is subject to a judicial finding of eligibility for</u>	236
<u>intervention in lieu of conviction for a violation of division</u>	237
<u>(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code;</u>	238
<u>a violation of section 2903.01, 2903.02, 2903.03, 2903.04,</u>	239
<u>2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.04, 2905.05,</u>	240
<u>2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.12,</u>	241
<u>2907.21, 2907.22, 2907.31, 2907.311, 2907.32, 2907.321,</u>	242
<u>2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23,</u>	243
<u>2909.24, 2911.01, 2911.11, 2921.02, 2921.03, 2921.04, 2921.41,</u>	244
<u>2923.21, or 2925.02 of the Revised Code; a violation of section</u>	245
<u>2905.04 of the Revised Code as it existed prior to July 1, 1996;</u>	246
<u>a violation of section 2919.23 of the Revised Code that would</u>	247
<u>have been a violation of section 2905.04 of the Revised Code as</u>	248
<u>it existed prior to July 1, 1996, had the violation been</u>	249
<u>committed prior to that date; felonious sexual penetration in</u>	250
<u>violation of former section 2907.12 of the Revised Code; or a</u>	251
<u>violation of an ordinance of a municipal corporation that is</u>	252
<u>substantively comparable to an offense listed in this paragraph.</u>	253
(6) If a court that receives an individual's petition for	254
a certificate of qualification for employment under division (B)	255

(2) of this section or that is forwarded a petition for such a certificate under division (B) (5) (a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B) (2) of this section or that is forwarded a petition for such a certificate under division (B) (5) (a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D) (1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C) (3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question. Notwithstanding the presumption established under this division, the agency may deny

the license or certification for the person if it determines 286
that the person is unfit for issuance of the license. 287

(3) If an employer that has hired a person who has been 288
issued a certificate of qualification for employment applies to 289
a licensing agency for a license or certification and the person 290
has a conviction or guilty plea that otherwise would bar the 291
person's employment with the employer or licensure for the 292
employer because of a mandatory civil impact, the agency shall 293
give the person individualized consideration, notwithstanding 294
the mandatory civil impact, the mandatory civil impact shall be 295
considered for all purposes to be a discretionary civil impact, 296
and the certificate constitutes a rebuttable presumption that 297
the person's criminal convictions are insufficient evidence that 298
the person is unfit for the employment, or that the employer is 299
unfit for the license or certification, in question. 300

(E) A certificate of qualification for employment does not 301
grant the individual to whom the certificate was issued relief 302
from the mandatory civil impacts identified in division (A) (1) 303
of section 2961.01 or division (B) of section 2961.02 of the 304
Revised Code. 305

(F) A petition for a certificate of qualification for 306
employment filed by an individual under division (B) (1) or (2) 307
of this section shall include all of the following: 308

(1) The individual's name, date of birth, and social 309
security number; 310

(2) All aliases of the individual and all social security 311
numbers associated with those aliases; 312

(3) The individual's residence address, including the 313
city, county, and state of residence and zip code; 314

(4) The length of time that the individual has resided in	315
the individual's current state of residence, expressed in years	316
and months of residence;	317
(5) A general statement as to why the individual has filed	318
the petition and how the certificate of qualification for	319
employment would assist the individual;	320
(6) A summary of the individual's criminal history with	321
respect to each offense that is a disqualification from	322
employment or licensing in an occupation or profession,	323
including the years of each conviction or plea of guilty for	324
each of those offenses;	325
(7) A summary of the individual's employment history,	326
specifying the name of, and dates of employment with, each	327
employer;	328
(8) Verifiable references and endorsements;	329
(9) The name of one or more immediate family members of	330
the individual, or other persons with whom the individual has a	331
close relationship, who support the individual's reentry plan;	332
(10) A summary of the reason the individual believes the	333
certificate of qualification for employment should be granted;	334
(11) Any other information required by rule by the	335
department of rehabilitation and correction.	336
(G) (1) In a judicial or administrative proceeding alleging	337
negligence or other fault, a certificate of qualification for	338
employment issued to an individual under this section may be	339
introduced as evidence of a person's due care in hiring,	340
retaining, licensing, leasing to, admitting to a school or	341
program, or otherwise transacting business or engaging in	342

activity with the individual to whom the certificate of 343
qualification for employment was issued if the person knew of 344
the certificate at the time of the alleged negligence or other 345
fault. 346

(2) In any proceeding on a claim against an employer for 347
negligent hiring, a certificate of qualification for employment 348
issued to an individual under this section shall provide 349
immunity for the employer as to the claim if the employer knew 350
of the certificate at the time of the alleged negligence. 351

(3) If an employer hires an individual who has been issued 352
a certificate of qualification for employment under this 353
section, if the individual, after being hired, subsequently 354
demonstrates dangerousness or is convicted of or pleads guilty 355
to a felony, and if the employer retains the individual as an 356
employee after the demonstration of dangerousness or the 357
conviction or guilty plea, the employer may be held liable in a 358
civil action that is based on or relates to the retention of the 359
individual as an employee only if it is proved by a 360
preponderance of the evidence that the person having hiring and 361
firing responsibility for the employer had actual knowledge that 362
the employee was dangerous or had been convicted of or pleaded 363
guilty to the felony and was willful in retaining the individual 364
as an employee after the demonstration of dangerousness or the 365
conviction or guilty plea of which the person has actual 366
knowledge. 367

(H) A certificate of qualification for employment issued 368
under this section shall be revoked if the individual to whom 369
the certificate of qualification for employment was issued is 370
convicted of or pleads guilty to a felony offense committed 371
subsequent to the issuance of the certificate of qualification 372

for employment. The department of rehabilitation and correction 373
shall periodically review the certificates listed in the 374
database described in division (K) of this section to identify 375
those that are subject to revocation under this division. Upon 376
identifying a certificate of qualification for employment that 377
is subject to revocation, the department shall note in the 378
database that the certificate has been revoked, the reason for 379
revocation, and the effective date of revocation, which shall be 380
the date of the conviction or plea of guilty subsequent to the 381
issuance of the certificate. 382

(I) A designee's forwarding, or failure to forward, a 383
petition for a certificate of qualification for employment to a 384
court or a court's issuance, or failure to issue, a petition for 385
a certificate of qualification for employment to an individual 386
under division (B) of this section does not give rise to a claim 387
for damages against the department of rehabilitation and 388
correction or court. 389

(J) The division of parole and community services shall 390
adopt rules in accordance with Chapter 119. of the Revised Code 391
for the implementation and administration of this section and 392
shall prescribe the form for the petition to be used under 393
division (B)(1) or (2) of this section. The form for the 394
petition shall include places for all of the information 395
specified in division (F) of this section. 396

(K) The department of rehabilitation and correction shall 397
maintain a database that identifies granted certificates and 398
revoked certificates and tracks the number of certificates 399
granted and revoked, the industries, occupations, and 400
professions with respect to which the certificates have been 401
most applicable, and the types of employers that have accepted 402

the certificates. The department shall annually create a report 403
that summarizes the information maintained in the database and 404
shall make the report available to the public on its internet 405
web site. 406

Sec. 3314.03. A copy of every contract entered into under 407
this section shall be filed with the superintendent of public 408
instruction. The department of education shall make available on 409
its web site a copy of every approved, executed contract filed 410
with the superintendent under this section. 411

(A) Each contract entered into between a sponsor and the 412
governing authority of a community school shall specify the 413
following: 414

(1) That the school shall be established as either of the 415
following: 416

(a) A nonprofit corporation established under Chapter 417
1702. of the Revised Code, if established prior to April 8, 418
2003; 419

(b) A public benefit corporation established under Chapter 420
1702. of the Revised Code, if established after April 8, 2003. 421

(2) The education program of the school, including the 422
school's mission, the characteristics of the students the school 423
is expected to attract, the ages and grades of students, and the 424
focus of the curriculum; 425

(3) The academic goals to be achieved and the method of 426
measurement that will be used to determine progress toward those 427
goals, which shall include the statewide achievement 428
assessments; 429

(4) Performance standards, including but not limited to 430

all applicable report card measures set forth in section 3302.03 431
or 3314.017 of the Revised Code, by which the success of the 432
school will be evaluated by the sponsor; 433

(5) The admission standards of section 3314.06 of the 434
Revised Code and, if applicable, section 3314.061 of the Revised 435
Code; 436

(6) (a) Dismissal procedures; 437

(b) A requirement that the governing authority adopt an 438
attendance policy that includes a procedure for automatically 439
withdrawing a student from the school if the student without a 440
legitimate excuse fails to participate in seventy-two 441
consecutive hours of the learning opportunities offered to the 442
student. 443

(7) The ways by which the school will achieve racial and 444
ethnic balance reflective of the community it serves; 445

(8) Requirements for financial audits by the auditor of 446
state. The contract shall require financial records of the 447
school to be maintained in the same manner as are financial 448
records of school districts, pursuant to rules of the auditor of 449
state. Audits shall be conducted in accordance with section 450
117.10 of the Revised Code. 451

(9) An addendum to the contract outlining the facilities 452
to be used that contains at least the following information: 453

(a) A detailed description of each facility used for 454
instructional purposes; 455

(b) The annual costs associated with leasing each facility 456
that are paid by or on behalf of the school; 457

(c) The annual mortgage principal and interest payments 458

that are paid by the school; 459

(d) The name of the lender or landlord, identified as 460
such, and the lender's or landlord's relationship to the 461
operator, if any. 462

(10) Qualifications of teachers, including a requirement 463
that the school's classroom teachers be licensed in accordance 464
with sections 3319.22 to 3319.31 of the Revised Code, except 465
that a community school may engage noncertificated persons to 466
teach up to twelve hours per week pursuant to section 3319.301 467
of the Revised Code. 468

(11) That the school will comply with the following 469
requirements: 470

(a) The school will provide learning opportunities to a 471
minimum of twenty-five students for a minimum of nine hundred 472
twenty hours per school year. 473

(b) The governing authority will purchase liability 474
insurance, or otherwise provide for the potential liability of 475
the school. 476

(c) The school will be nonsectarian in its programs, 477
admission policies, employment practices, and all other 478
operations, and will not be operated by a sectarian school or 479
religious institution. 480

(d) The school will comply with sections 9.90, 9.91, 481
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 482
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 483
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 484
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 485
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 486
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 487

3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 488
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 489
3313.89, 3313.96, 3319.073, 3319.074, 3319.0812, 3319.321, 490
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3321.01, 491
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 492
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 493
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 494
the Revised Code as if it were a school district and will comply 495
with section 3301.0714 of the Revised Code in the manner 496
specified in section 3314.17 of the Revised Code. 497

(e) The school shall comply with Chapter 102. and section 498
2921.42 of the Revised Code. 499

(f) The school will comply with sections 3313.61, 500
3313.611, and 3313.614 of the Revised Code, except that for 501
students who enter ninth grade for the first time before July 1, 502
2010, the requirement in sections 3313.61 and 3313.611 of the 503
Revised Code that a person must successfully complete the 504
curriculum in any high school prior to receiving a high school 505
diploma may be met by completing the curriculum adopted by the 506
governing authority of the community school rather than the 507
curriculum specified in Title XXXVIII of the Revised Code or any 508
rules of the state board of education. Beginning with students 509
who enter ninth grade for the first time on or after July 1, 510
2010, the requirement in sections 3313.61 and 3313.611 of the 511
Revised Code that a person must successfully complete the 512
curriculum of a high school prior to receiving a high school 513
diploma shall be met by completing the requirements prescribed 514
in division (C) of section 3313.603 of the Revised Code, unless 515
the person qualifies under division (D) or (F) of that section. 516
Each school shall comply with the plan for awarding high school 517
credit based on demonstration of subject area competency, and 518

beginning with the 2017-2018 school year, with the updated plan 519
that permits students enrolled in seventh and eighth grade to 520
meet curriculum requirements based on subject area competency 521
adopted by the state board of education under divisions (J) (1) 522
and (2) of section 3313.603 of the Revised Code. Beginning with 523
the 2018-2019 school year, the school shall comply with the 524
framework for granting units of high school credit to students 525
who demonstrate subject area competency through work-based 526
learning experiences, internships, or cooperative education 527
developed by the department under division (J) (3) of section 528
3313.603 of the Revised Code. 529

(g) The school governing authority will submit within four 530
months after the end of each school year a report of its 531
activities and progress in meeting the goals and standards of 532
divisions (A) (3) and (4) of this section and its financial 533
status to the sponsor and the parents of all students enrolled 534
in the school. 535

(h) The school, unless it is an internet- or computer- 536
based community school, will comply with section 3313.801 of the 537
Revised Code as if it were a school district. 538

(i) If the school is the recipient of moneys from a grant 539
awarded under the federal race to the top program, Division (A), 540
Title XIV, Sections 14005 and 14006 of the "American Recovery 541
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 542
the school will pay teachers based upon performance in 543
accordance with section 3317.141 and will comply with section 544
3319.111 of the Revised Code as if it were a school district. 545

(j) If the school operates a preschool program that is 546
licensed by the department of education under sections 3301.52 547
to 3301.59 of the Revised Code, the school shall comply with 548

sections 3301.50 to 3301.59 of the Revised Code and the minimum 549
standards for preschool programs prescribed in rules adopted by 550
the state board under section 3301.53 of the Revised Code. 551

(k) The school will comply with sections 3313.6021 and 552
3313.6023 of the Revised Code as if it were a school district 553
unless it is either of the following: 554

(i) An internet- or computer-based community school; 555

(ii) A community school in which a majority of the 556
enrolled students are children with disabilities as described in 557
division (A) (4) (b) of section 3314.35 of the Revised Code. 558

(12) Arrangements for providing health and other benefits 559
to employees; 560

(13) The length of the contract, which shall begin at the 561
beginning of an academic year. No contract shall exceed five 562
years unless such contract has been renewed pursuant to division 563
(E) of this section. 564

(14) The governing authority of the school, which shall be 565
responsible for carrying out the provisions of the contract; 566

(15) A financial plan detailing an estimated school budget 567
for each year of the period of the contract and specifying the 568
total estimated per pupil expenditure amount for each such year. 569

(16) Requirements and procedures regarding the disposition 570
of employees of the school in the event the contract is 571
terminated or not renewed pursuant to section 3314.07 of the 572
Revised Code; 573

(17) Whether the school is to be created by converting all 574
or part of an existing public school or educational service 575
center building or is to be a new start-up school, and if it is 576

a converted public school or service center building, 577
specification of any duties or responsibilities of an employer 578
that the board of education or service center governing board 579
that operated the school or building before conversion is 580
delegating to the governing authority of the community school 581
with respect to all or any specified group of employees provided 582
the delegation is not prohibited by a collective bargaining 583
agreement applicable to such employees; 584

(18) Provisions establishing procedures for resolving 585
disputes or differences of opinion between the sponsor and the 586
governing authority of the community school; 587

(19) A provision requiring the governing authority to 588
adopt a policy regarding the admission of students who reside 589
outside the district in which the school is located. That policy 590
shall comply with the admissions procedures specified in 591
sections 3314.06 and 3314.061 of the Revised Code and, at the 592
sole discretion of the authority, shall do one of the following: 593

(a) Prohibit the enrollment of students who reside outside 594
the district in which the school is located; 595

(b) Permit the enrollment of students who reside in 596
districts adjacent to the district in which the school is 597
located; 598

(c) Permit the enrollment of students who reside in any 599
other district in the state. 600

(20) A provision recognizing the authority of the 601
department of education to take over the sponsorship of the 602
school in accordance with the provisions of division (C) of 603
section 3314.015 of the Revised Code; 604

(21) A provision recognizing the sponsor's authority to 605

assume the operation of a school under the conditions specified 606
in division (B) of section 3314.073 of the Revised Code; 607

(22) A provision recognizing both of the following: 608

(a) The authority of public health and safety officials to 609
inspect the facilities of the school and to order the facilities 610
closed if those officials find that the facilities are not in 611
compliance with health and safety laws and regulations; 612

(b) The authority of the department of education as the 613
community school oversight body to suspend the operation of the 614
school under section 3314.072 of the Revised Code if the 615
department has evidence of conditions or violations of law at 616
the school that pose an imminent danger to the health and safety 617
of the school's students and employees and the sponsor refuses 618
to take such action. 619

(23) A description of the learning opportunities that will 620
be offered to students including both classroom-based and non- 621
classroom-based learning opportunities that is in compliance 622
with criteria for student participation established by the 623
department under division (H) (2) of section 3314.08 of the 624
Revised Code; 625

(24) The school will comply with sections 3302.04 and 626
3302.041 of the Revised Code, except that any action required to 627
be taken by a school district pursuant to those sections shall 628
be taken by the sponsor of the school. However, the sponsor 629
shall not be required to take any action described in division 630
(F) of section 3302.04 of the Revised Code. 631

(25) Beginning in the 2006-2007 school year, the school 632
will open for operation not later than the thirtieth day of 633
September each school year, unless the mission of the school as 634

specified under division (A) (2) of this section is solely to 635
serve dropouts. In its initial year of operation, if the school 636
fails to open by the thirtieth day of September, or within one 637
year after the adoption of the contract pursuant to division (D) 638
of section 3314.02 of the Revised Code if the mission of the 639
school is solely to serve dropouts, the contract shall be void. 640

(26) Whether the school's governing authority is planning 641
to seek designation for the school as a STEM school equivalent 642
under section 3326.032 of the Revised Code; 643

(27) That the school's attendance and participation 644
policies will be available for public inspection; 645

(28) That the school's attendance and participation 646
records shall be made available to the department of education, 647
auditor of state, and school's sponsor to the extent permitted 648
under and in accordance with the "Family Educational Rights and 649
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 650
and any regulations promulgated under that act, and section 651
3319.321 of the Revised Code; 652

(29) If a school operates using the blended learning 653
model, as defined in section 3301.079 of the Revised Code, all 654
of the following information: 655

(a) An indication of what blended learning model or models 656
will be used; 657

(b) A description of how student instructional needs will 658
be determined and documented; 659

(c) The method to be used for determining competency, 660
granting credit, and promoting students to a higher grade level; 661

(d) The school's attendance requirements, including how 662

the school will document participation in learning opportunities; 663
664

(e) A statement describing how student progress will be monitored; 665
666

(f) A statement describing how private student data will be protected; 667
668

(g) A description of the professional development activities that will be offered to teachers. 669
670

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate; 671
672
673
674

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted. 675
676
677
678
679

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence. 680
681
682
683
684

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school. 685
686
687

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 688
689
690

(1) The process by which the governing authority of the school will be selected in the future;	691 692
(2) The management and administration of the school;	693
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	694 695 696 697 698
(4) The instructional program and educational philosophy of the school;	699 700
(5) Internal financial controls.	701
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	702 703 704 705
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	706 707 708 709 710 711 712 713 714 715
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the	716 717 718 719

following:	720
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	721 722 723
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	724 725 726
(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department of education and to the parents of students enrolled in the community school;	727 728 729 730
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	731 732 733
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	734 735 736 737 738 739 740
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	741 742 743
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor	744 745 746 747 748

finds that the school's compliance with applicable laws and 749
terms of the contract and the school's progress in meeting the 750
academic goals prescribed in the contract have been 751
satisfactory. Any contract that is renewed under this division 752
remains subject to the provisions of sections 3314.07, 3314.072, 753
and 3314.073 of the Revised Code. 754

(F) If a community school fails to open for operation 755
within one year after the contract entered into under this 756
section is adopted pursuant to division (D) of section 3314.02 757
of the Revised Code or permanently closes prior to the 758
expiration of the contract, the contract shall be void and the 759
school shall not enter into a contract with any other sponsor. A 760
school shall not be considered permanently closed because the 761
operations of the school have been suspended pursuant to section 762
3314.072 of the Revised Code. 763

Sec. 3314.101. (A) As used in this section, "license" has 764
the same meaning as in section 3319.31 of the Revised Code. 765

(B) If a person who is employed by a community school 766
established under this chapter or by an operator is arrested, 767
summoned, or indicted for an alleged violation of an offense 768
listed in division (C) of section 3319.31 of the Revised Code, 769
if the person holds a license, or an offense listed in division 770
(B)(1) of section 3319.39 of the Revised Code, if the person 771
does not hold a license, the chief administrator of the 772
community school in which that person works shall suspend that 773
person from all duties that require the care, custody, or 774
control of a child during the pendency of the criminal action 775
against the person. If the person who is arrested, summoned, or 776
indicted for an alleged violation of an offense listed in 777
division (C) of section 3319.31 or division (B)(1) of section 778

3319.39 of the Revised Code is the chief administrator of the 779
community school, the governing authority of the school shall 780
suspend the chief administrator from all duties that require the 781
care, custody, or control of a child. 782

(C) When a person who holds a license is suspended in 783
accordance with this section, the chief administrator or 784
governing authority that imposed the suspension promptly shall 785
report the person's suspension to the department of education. 786
The report shall include the offense for which the person was 787
arrested, summoned, or indicted. The superintendent of public 788
instruction, on behalf of the state board of education, shall 789
inactivate the person's license. The inactivation shall remain 790
in force during the pendency of the criminal action against the 791
person. The inactivation of a license under this division does 792
not constitute a suspension or revocation of the license by the 793
state board under section 3319.31 of the Revised Code, and the 794
state board and the state superintendent need not provide the 795
person with an opportunity for a hearing with respect to the 796
inactivation. If the state board does not take action against 797
the person's license under section 3319.31 of the Revised Code, 798
the state superintendent shall reactivate the license upon 799
conclusion of the criminal action against the person. 800

Sec. 3319.0812. (A) As used in this section, "license" has 801
the same meaning as in section 3319.31 of the Revised Code. 802

(B) If a school district, chartered nonpublic school, or 803
county board of developmental disabilities contracts with a 804
public or private entity for the provision of services to the 805
district, school, or board, any individual employed or retained 806
by the entity to provide the services shall hold any license 807
that the individual would be required to hold if the individual 808

were employed directly by the district, school, or board to 809
provide the same services. Prior to the individual commencing 810
the provision of services, the district, school, or board shall 811
obtain verification from the entity employing or retaining the 812
individual that the individual holds the applicable license. 813

Sec. 3319.151. (A) As used in this section, "assessment" 814
means an assessment administered under section 3301.0711 of the 815
Revised Code. 816

(B) No person shall ~~reveal~~ do any of the following: 817

(1) ~~Reveal~~ to any student any specific question that the 818
person knows is part of an assessment ~~to be administered under~~ 819
~~section 3301.0711 of the Revised Code~~ or in any other way assist 820
a pupil to cheat on ~~such~~ an assessment; 821

(2) Obtain prior knowledge of the contents of an 822
assessment; 823

(3) Use prior knowledge of the contents of an assessment 824
to assist students in preparing for the assessment; 825

(4) Fail to comply with any rule adopted by the department 826
of education regarding security protocols for an assessment. 827

~~(B)~~ (C) On a finding by the state board of education, 828
after investigation, that a school employee who holds a license 829
issued under sections 3319.22 to , as defined in section 3319.31 830
of the Revised Code, has violated division ~~(A)~~ (B) of this 831
section, the license of such teacher shall be suspended for one- 832
year. Prior to commencing an investigation, the state board 833
shall take any action against the employee under section 3319.31 834
of the Revised Code that it considers appropriate, based on the 835
nature and extent of the violation. The state board shall give 836
the ~~teacher~~ employee notice of the allegation and upon 837

commencing an investigation and shall give the employee an 838
opportunity to respond and present a defense prior to taking any 839
disciplinary action. 840

~~(C)~~ (D) (1) Violation of division ~~(A)~~ (B) of this section is 841
grounds for termination of employment of a nonteaching employee 842
under division (C) of section 3319.081 or section 124.34 of the 843
Revised Code. 844

(2) Violation of division ~~(A)~~ (B) of this section is 845
grounds for termination of a teacher contract under section 846
3311.82 or 3319.16 of the Revised Code. 847

Sec. 3319.227. (A) Notwithstanding any other provision of 848
the Revised Code or any rule adopted by the state board of 849
education to the contrary, the state board shall issue a 850
resident educator license under section 3319.22 of the Revised 851
Code to each person who is assigned to teach in this state as a 852
participant in the teach for America program and who satisfies 853
the following conditions for the duration of the program: 854

(1) Holds a bachelor's degree from an accredited 855
institution of higher education; 856

(2) Maintained a cumulative undergraduate grade point 857
average of at least 2.5 out of 4.0, or its equivalent; 858

(3) Has passed an examination prescribed by the state 859
board in the subject area to be taught; 860

(4) Has successfully completed the summer training 861
institute operated by teach for America; 862

(5) Remains an active member of the teach for America two- 863
year support program. 864

(B) The state board shall issue a resident educator 865

license under this section for teaching in any grade level or 866
subject area for which a person may obtain a resident educator 867
license under section 3319.22 of the Revised Code. The state 868
board shall not adopt rules establishing any additional 869
qualifications for the license beyond those specified in this 870
section. 871

(C) Notwithstanding any other provision of the Revised 872
Code or any rule adopted by the state board to the contrary, the 873
state board shall issue a resident educator license under 874
section 3319.22 of the Revised Code to any applicant who has 875
completed at least two years of teaching in another state as a 876
participant in the teach for America program and meets all of 877
the conditions of divisions (A)(1) to (4) of this section. The 878
state board shall credit an applicant under this division as 879
having completed two years of the teacher residency program 880
under section 3319.223 of the Revised Code. 881

(D) In order to place teachers in this state, the teach 882
for America program shall enter into an agreement with one or 883
more accredited four-year public or private institutions of 884
higher education in the state to provide optional training of 885
teach for America participants for the purpose of enabling those 886
participants to complete an optional master's degree or an 887
equivalent amount of coursework. Nothing in this division shall 888
require any teach for America participant to complete a master's 889
degree as a condition of holding a license issued under this 890
section. 891

(E) The superintendent of public instruction, on behalf of 892
the state board, shall ~~revoke~~ inactivate a resident educator 893
license issued to a participant in the teach for America program 894
who is assigned to teach in this state if the participant 895

resigns or is dismissed from the program prior to completion of 896
the two-year teach for America support program. The inactivation 897
of a license under this division does not constitute a 898
suspension or revocation of the license by the state board under 899
section 3319.31 of the Revised Code and the state board and the 900
state superintendent need not provide the person with an 901
opportunity for a hearing with respect to the inactivation. 902

Sec. 3319.31. (A) As used in this section and sections 903
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 904
means a certificate, license, or permit described in this 905
chapter or in division (B) of section 3301.071 or in section 906
3301.074 of the Revised Code or a registration described in 907
division (B) of section 3302.151 of the Revised Code. 908

(B) For any of the following reasons, the state board of 909
education, in accordance with Chapter 119. and section 3319.311 910
of the Revised Code, may refuse to issue a license to an 911
applicant; may limit a license it issues to an applicant; may 912
suspend, revoke, or limit a license that has been issued to any 913
person; or may revoke a license that has been issued to any 914
person and has expired: 915

(1) Engaging in an immoral act, incompetence, negligence, 916
or conduct that is unbecoming to the ~~applicant's or person's~~ 917
~~position;~~ teaching profession. The state board need not consider 918
whether there is a connection between the applicant's or 919
person's immoral act, incompetence, negligence, or conduct and 920
the applicant's or person's ability to perform the duties 921
associated with the license or the position for which the 922
license is issued. 923

(2) A plea of guilty to, a finding of guilt by a jury or 924
court of, or a conviction of any of the following: 925

(a) A felony other than a felony listed in division (C) of this section;	926 927
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	928 929
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	930 931 932
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	933 934 935
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section.	936 937 938
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, <u>for any offense listed in division (B) (2) of this section</u> , or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;	939 940 941 942 943 944 945
(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	946 947
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of , <u>or a judicial finding of eligibility for intervention in lieu of conviction for any of the offenses listed in division (C) (1) of this section, or an adjudication as a delinquent child for committing any of the offenses listed in this division (C) (2) of this section</u> , by a person who holds a current or expired license or	948 949 950 951 952 953 954

is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired.

Revocation of a license or denial of issuance or renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of issuance or renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, ~~or conviction,~~ judicial finding of eligibility for intervention in lieu of conviction, or adjudication as a delinquent child that is the basis of the action taken under this division.

The state board or superintendent shall take the action required by this division for any of the following:

(1) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for a violation of division (B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code; a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 2907.321,

2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 985
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 986
2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 987
2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 988
2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 989
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 990
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 991
of the Revised Code; a violation of section 2905.04 of the 992
Revised Code as it existed prior to July 1, 1996; a violation of 993
section 2919.23 of the Revised Code that would have been a 994
violation of section 2905.04 of the Revised Code as it existed 995
prior to July 1, 1996, had the violation been committed prior to 996
that date; felonious sexual penetration in violation of former 997
section 2907.12 of the Revised Code; or a violation of an 998
ordinance of a municipal corporation that is substantively 999
comparable to an offense listed in this paragraph; 1000

(2) An adjudication as a delinquent child for a violation 1001
of division (B) (1), (2), (3), or (4) of section 2919.22 of the 1002
Revised Code; a violation of section 2903.01, 2903.02, 2903.03, 1003
2903.04, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.04, 1004
2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1005
2907.12, 2907.21, 2907.22, 2907.31, 2907.311, 2907.32, 2907.321, 1006
2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 1007
2909.24, 2911.01, 2911.11, 2921.02, 2921.03, 2921.04, 2921.41, 1008
2923.21, or 2925.02 of the Revised Code; a violation of section 1009
2905.04 of the Revised Code as it existed prior to July 1, 1996; 1010
a violation of section 2919.23 of the Revised Code that would 1011
have been a violation of section 2905.04 of the Revised Code as 1012
it existed prior to July 1, 1996, had the violation been 1013
committed prior to that date; felonious sexual penetration in 1014
violation of former section 2907.12 of the Revised Code; or a 1015

violation of an ordinance of a municipal corporation that is 1016
substantively comparable to an offense listed in this paragraph; 1017

(3) A plea of guilty to, a finding of guilt by a jury or 1018
court of, or a conviction of, or a judicial finding of 1019
eligibility for intervention in lieu of conviction or an 1020
adjudication as a delinquent child for conspiracy to commit, 1021
attempt to commit, or complicity in committing any violation 1022
listed in division (C) (1) or (2) of this section. 1023

(D) The state board may delegate to the superintendent of 1024
public instruction the authority to revoke a person's license or 1025
to deny issuance or renewal of a license to a person under 1026
division (C) or (F) of this section. 1027

(E) (1) If the plea of guilty, finding of guilt, ~~or~~ 1028
conviction, judicial finding of eligibility for intervention in 1029
lieu of conviction, or adjudication as a delinquent child that 1030
is the basis of the action taken under division (B) (2) or (C) of 1031
this section, or under the version of division (F) of section 1032
3319.311 of the Revised Code in effect prior to September 12, 1033
2008, is overturned on appeal, upon exhaustion of the criminal 1034
appeal, the clerk of the court that overturned the plea, 1035
finding, ~~or~~ conviction, judicial finding, or adjudication or, if 1036
applicable, the clerk of the court that accepted an appeal from 1037
the court that overturned the plea, finding, ~~or~~ conviction, 1038
judicial finding, or adjudication shall notify the state board 1039
that the plea, finding, ~~or~~ conviction, judicial finding, or 1040
adjudication has been overturned. Within thirty days after 1041
receiving the notification, the state board shall initiate 1042
proceedings to reconsider the revocation or denial of the 1043
person's license in accordance with division (E) (2) of this 1044
section. In addition, the person whose license was revoked or 1045

denied may file with the state board a petition for 1046
reconsideration of the revocation or denial along with 1047
appropriate court documents. 1048

(2) Upon receipt of a court notification or a petition and 1049
supporting court documents under division (E) (1) of this 1050
section, the state board, after offering the person an 1051
opportunity for an adjudication hearing under Chapter 119. of 1052
the Revised Code, shall determine whether the person committed 1053
the act in question in the prior criminal action against the 1054
person that is the basis of the revocation or denial and may 1055
continue the revocation or denial, may reinstate the person's 1056
license, with or without limits, or may grant the person a new 1057
license, with or without limits. The decision of the board shall 1058
be based on grounds for revoking, denying, suspending, or 1059
limiting a license adopted by rule under division (G) of this 1060
section and in accordance with the evidentiary standards the 1061
board employs for all other licensure hearings. The decision of 1062
the board under this division is subject to appeal under Chapter 1063
119. of the Revised Code. 1064

(3) A person whose license is revoked or denied under 1065
division (C) of this section shall not apply for any license if 1066
the plea of guilty, finding of guilt, ~~or conviction,~~ judicial 1067
finding of eligibility for intervention in lieu of conviction, 1068
or adjudication as a delinquent child that is the basis of the 1069
revocation or denial, upon completion of the criminal appeal, 1070
either is upheld or is overturned but the state board continues 1071
the revocation or denial under division (E) (2) of this section 1072
and that continuation is upheld on final appeal. 1073

(F) The state board may take action under division (B) of 1074
this section, and the state board or the superintendent shall 1075

take the action required under division (C) of this section, on 1076
the basis of substantially comparable conduct occurring in a 1077
jurisdiction outside this state or occurring before a person 1078
applies for or receives any license. 1079

(G) The state board may adopt rules in accordance with 1080
Chapter 119. of the Revised Code to carry out this section and 1081
section 3319.311 of the Revised Code. 1082

Sec. 3319.311. (A) (1) The state board of education, or the 1083
superintendent of public instruction on behalf of the board, may 1084
investigate any information received about a person that 1085
reasonably appears to be a basis for action under section 1086
3319.31 of the Revised Code, including information received 1087
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 1088
3328.19, 5126.253, or 5153.176 of the Revised Code. ~~Except as~~ 1089
~~provided in division (A) (2) of this section, the board shall~~ 1090
~~contract with the office of the Ohio attorney general to conduct~~ 1091
~~any investigation of that nature. The board shall pay for the~~ 1092
costs of ~~the contract~~ any such investigation only from moneys in 1093
the state board of education licensure fund established under 1094
section 3319.51 of the Revised Code. Except as provided in 1095
division (A) (2) of this section and section 3319.319 of the 1096
Revised Code, all information received pursuant to section 1097
3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 1098
5153.176 of the Revised Code, and all information obtained 1099
during an investigation is confidential and is not a public 1100
record under section 149.43 of the Revised Code. ~~If an~~ 1101
~~investigation is conducted under this division regarding~~ 1102
~~information received about a person and no action is taken~~ 1103
~~against the person under this section or section 3319.31 of the~~ 1104
~~Revised Code within two years of the completion of the~~ 1105
~~investigation, all records of the investigation shall be~~ 1106

~~expunged.~~ 1107

(2) In the case of a person about whom the board has 1108
learned of a plea of guilty to, finding of guilt by a jury or 1109
court of, ~~or~~ a conviction of, judicial finding of eligibility 1110
for intervention in lieu of conviction, or an adjudication as a 1111
delinquent child for committing an offense listed in division 1112
(C) of section 3319.31 of the Revised Code, or substantially 1113
comparable conduct occurring in a jurisdiction outside this 1114
state, the board or the superintendent of public instruction 1115
need not conduct any further investigation and shall take the 1116
action required by division (C) or (F) of that section. Except 1117
as provided in division (G) of this section, all information 1118
obtained by the board or the superintendent of public 1119
instruction pertaining to the action is a public record under 1120
section 149.43 of the Revised Code. 1121

(B) The superintendent of public instruction shall review 1122
the results of each investigation of a person conducted under 1123
division (A) (1) of this section and shall determine, on behalf 1124
of the state board, whether the results warrant initiating 1125
action under division (B) of section 3319.31 of the Revised 1126
Code. The superintendent shall advise the board of such 1127
determination at a meeting of the board. Within fourteen days of 1128
the next meeting of the board, any member of the board may ask 1129
that the question of initiating action under section 3319.31 of 1130
the Revised Code be placed on the board's agenda for that next 1131
meeting. Prior to initiating that action against any person, the 1132
person's name and any other personally identifiable information 1133
shall remain confidential. 1134

(C) The board shall take no action against a person under 1135
division (B) of section 3319.31 of the Revised Code without 1136

providing the person with written notice of the charges and with 1137
an opportunity for a hearing in accordance with Chapter 119. of 1138
the Revised Code. 1139

(D) For purposes of an investigation under division (A) (1) 1140
of this section or a hearing under division (C) of this section 1141
or under division (E) (2) of section 3319.31 of the Revised Code, 1142
the board, or the superintendent on behalf of the board, may 1143
administer oaths, order the taking of depositions, issue 1144
subpoenas, and compel the attendance of witnesses and the 1145
production of books, accounts, papers, records, documents, and 1146
testimony. The issuance of subpoenas under this division may be 1147
by certified mail or personal delivery to the person. 1148

(E) The superintendent, on behalf of the board, may enter 1149
into a consent agreement with a person against whom action is 1150
being taken under division (B) of section 3319.31 of the Revised 1151
Code. The board may adopt rules governing the superintendent's 1152
action under this division. 1153

(F) No surrender of a license shall be effective until the 1154
board takes action to accept the surrender unless the surrender 1155
is pursuant to a consent agreement entered into under division 1156
(E) of this section. 1157

(G) The name of any person who is not required to report 1158
information under section 3314.40, 3319.313, 3326.24, 3328.19, 1159
5126.253, or 5153.176 of the Revised Code, but who in good faith 1160
provides information to the state board or superintendent of 1161
public instruction about alleged misconduct committed by a 1162
person who holds a license or has applied for issuance or 1163
renewal of a license, shall be confidential and shall not be 1164
released. Any such person shall be immune from any civil 1165
liability that otherwise might be incurred or imposed for 1166

injury, death, or loss to person or property as a result of the 1167
provision of that information. 1168

(H) (1) No person shall knowingly make a false report to 1169
the superintendent of public instruction or the state board of 1170
education alleging misconduct by an employee of a public or 1171
chartered nonpublic school or an employee of the operator of a 1172
community school established under Chapter 3314. or a college- 1173
preparatory boarding school established under Chapter 3328. of 1174
the Revised Code. 1175

(2) (a) In any civil action brought against a person in 1176
which it is alleged and proved that the person violated division 1177
(H) (1) of this section, the court shall award the prevailing 1178
party reasonable attorney's fees and costs that the prevailing 1179
party incurred in the civil action or as a result of the false 1180
report that was the basis of the violation. 1181

(b) If a person is convicted of or pleads guilty to a 1182
violation of division (H) (1) of this section, if the subject of 1183
the false report that was the basis of the violation was charged 1184
with any violation of a law or ordinance as a result of the 1185
false report, and if the subject of the false report is found 1186
not to be guilty of the charges brought against the subject as a 1187
result of the false report or those charges are dismissed, the 1188
court that sentences the person for the violation of division 1189
(H) (1) of this section, as part of the sentence, shall order the 1190
person to pay restitution to the subject of the false report, in 1191
an amount equal to reasonable attorney's fees and costs that the 1192
subject of the false report incurred as a result of or in 1193
relation to the charges. 1194

Sec. 3319.313. (A) As used in this section: 1195

(1) "Conduct unbecoming to the teaching profession" shall 1196
be as described in rules adopted by the state board of 1197
education. 1198

(2) "Intervention in lieu of conviction" means 1199
intervention in lieu of conviction under section 2951.041 of the 1200
Revised Code. 1201

(3) "License" has the same meaning as in section 3319.31 1202
of the Revised Code. 1203

(4) "Pre-trial diversion program" means a pre-trial 1204
diversion program under section 2935.36 of the Revised Code or a 1205
similar diversion program under rules of a court. 1206

(B) The superintendent of each school district and each 1207
educational service center or the president of the district or 1208
service center board, if division (C)(1) of this section 1209
applies, and the chief administrator of each chartered nonpublic 1210
school or the president or chairperson of the governing 1211
authority of the nonpublic school, if division (C)(2) of this 1212
section applies, shall promptly submit to the superintendent of 1213
public instruction the information prescribed in division (D) of 1214
this section when any of the following conditions applies to an 1215
employee of the district, service center, or nonpublic school 1216
who holds a license ~~issued by the state board of education:~~ 1217

(1) The superintendent, chief administrator, president, or 1218
chairperson knows that the employee has pleaded guilty to, has 1219
been found guilty by a jury or court of, has been convicted of, 1220
has been found to be eligible for intervention in lieu of 1221
conviction for, or has agreed to participate in a pre-trial 1222
diversion program for an offense described in division (B)(2) or 1223
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 1224

the Revised Code; 1225

(2) The district board of education, service center 1226
governing board, or nonpublic school chief administrator or 1227
governing authority has initiated termination or nonrenewal 1228
proceedings against, has terminated, or has not renewed the 1229
contract of the employee because the board of education, 1230
governing board, or chief administrator has reasonably 1231
determined that the employee has committed an act that is 1232
unbecoming to the teaching profession or an offense described in 1233
division (B) (2) or (C) of section 3319.31 or division (B) (1) of 1234
section 3319.39 of the Revised Code; 1235

(3) The employee has resigned under threat of termination 1236
or nonrenewal as described in division (B) (2) of this section; 1237

(4) The employee has resigned because of or in the course 1238
of an investigation by the board of education, governing board, 1239
or chief administrator regarding whether the employee has 1240
committed an act that is unbecoming to the teaching profession 1241
or an offense described in division (B) (2) or (C) of section 1242
3319.31 or division (B) (1) of section 3319.39 of the Revised 1243
Code. 1244

(C) (1) If the employee to whom any of the conditions 1245
prescribed in divisions (B) (1) to (4) of this section applies is 1246
the superintendent or treasurer of a school district or 1247
educational service center, the president of the board of 1248
education of the school district or of the governing board of 1249
the educational service center shall make the report required 1250
under this section. 1251

(2) If the employee to whom any of the conditions 1252
prescribed in divisions (B) (1) to (4) of this section applies is 1253

the chief administrator of a chartered nonpublic school, the 1254
president or chairperson of the governing authority of the 1255
chartered nonpublic school shall make the report required under 1256
this section. 1257

(D) If a report is required under this section, the 1258
superintendent, chief administrator, president, or chairperson 1259
shall submit to the superintendent of public instruction the 1260
name and social security number of the employee about whom the 1261
information is required and a factual statement regarding any of 1262
the conditions prescribed in divisions (B) (1) to (4) of this 1263
section that applies to the employee. 1264

(E) A determination made by the board of education, 1265
governing board, chief administrator, or governing authority as 1266
described in division (B) (2) of this section or a termination, 1267
nonrenewal, resignation, or other separation described in 1268
divisions (B) (2) to (4) of this section does not create a 1269
presumption of the commission or lack of the commission by the 1270
employee of an act unbecoming to the teaching profession or an 1271
offense described in division (B) (2) or (C) of section 3319.31 1272
or division (B) (1) of section 3319.39 of the Revised Code. 1273

(F) No individual required to submit a report under 1274
division (B) of this section shall knowingly fail to comply with 1275
that division. 1276

(G) An individual who provides information to the 1277
superintendent of public instruction in accordance with this 1278
section in good faith shall be immune from any civil liability 1279
that otherwise might be incurred or imposed for injury, death, 1280
or loss to person or property as a result of the provision of 1281
that information. 1282

Sec. 3319.316. The department of education, on behalf of 1283
the state board of education, shall be a participating public 1284
office for purposes of the retained applicant fingerprint 1285
database established under section 109.5721 of the Revised Code 1286
and shall receive notification from the bureau of criminal 1287
identification and investigation of the arrest or conviction of 1288
persons to whom ~~the state board has issued~~ a license, as defined 1289
in section 3319.31 of the Revised Code, has been issued. 1290

Sec. 3319.318. (A) As used in this section: 1291

(1) "School representative" includes all of the following: 1292

(a) An employee of a school district, school, or county 1293
board of developmental disabilities; 1294

(b) An employee of an entity with which a school district, 1295
school, or county board of developmental disabilities contracts 1296
for the provision of services; 1297

(c) A member of a school district board of education, 1298
school governing body, or county board of developmental 1299
disabilities. 1300

(2) "Student" means a child who is enrolled in a school 1301
district or school or who is receiving services from a county 1302
board of developmental disabilities. 1303

(B) Except as provided in division (C) of this section, no 1304
school representative shall knowingly engage in any activity 1305
intended to assist another individual in obtaining employment 1306
with a school district or school, or in obtaining employment 1307
with a county board of developmental disabilities in a position 1308
responsible for providing educational services to children from 1309
six through twenty-one years of age, other than transmitting 1310
administrative and personnel files to the prospective employer, 1311

if the school representative knows or has reasonable cause to 1312
believe that the individual has committed an offense listed in 1313
Chapter 2907. of the Revised Code, or a substantially comparable 1314
offense, involving a student. 1315

(C) Division (B) of this section shall not apply if the 1316
information on which the knowledge or reasonable cause is based 1317
has been reported to appropriate law enforcement authorities or, 1318
if applicable, to the appropriate public children services 1319
agency under section 2151.421 of the Revised Code and one of the 1320
following conditions is met: 1321

(1) Law enforcement authorities have investigated the 1322
alleged offense and determined that there is insufficient 1323
information to indict the individual for the alleged offense. 1324

(2) The individual has not been indicted for the alleged 1325
offense within four years after the date the alleged offense was 1326
reported to law enforcement authorities or a public children 1327
services agency. 1328

(3) The individual has been acquitted or otherwise 1329
exonerated of the offense. 1330

Sec. 3319.319. The appointing or hiring officer of a 1331
school district or school located in Ohio or another state may 1332
request the department of education for any report the 1333
department has received under sections 3314.40, 3319.313, 1334
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 1335
individual who is under consideration for employment by the 1336
district or school. If the department has received a report 1337
under any of those sections regarding the individual, the 1338
department shall provide the contents of the report to the 1339
requesting officer. Upon provision of the contents of the report 1340

to the requesting officer, the department shall notify the 1341
officer that the information provided is confidential and may 1342
not be disseminated to any other person or entity. 1343

If the department provides the contents of a report to an 1344
appointing or hiring officer under this section, the department 1345
shall document the information provided in the record of any 1346
investigation undertaken pursuant to section 3319.311 of the 1347
Revised Code based on the report. Such documentation shall 1348
include a list of the information provided, the date the 1349
information was provided, and the name and contact information 1350
of the appointing or hiring officer to whom the information was 1351
provided. 1352

Sec. 3319.393. Each school district and chartered 1353
nonpublic school shall include the following notice in boldface 1354
type in each employment application: "ANY PERSON WHO KNOWINGLY 1355
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 1356
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 1357
DEGREE." 1358

Sec. 3319.40. (A) As used in this section, "license" has 1359
the same meaning as in section 3319.31 of the Revised Code. 1360

(B) If a person who is employed by a school district or 1361
chartered nonpublic school is arrested, summoned, or indicted 1362
for an alleged violation of an offense listed in division (C) of 1363
section 3319.31 of the Revised Code, if the person holds a 1364
license, or an offense listed in division (B) (1) of section 1365
3319.39 of the Revised Code, if the person does not hold a 1366
license, the superintendent of the district or the chief 1367
administrative officer of the chartered nonpublic school shall 1368
suspend that person from all duties that require the care, 1369
custody, or control of a child during the pendency of the 1370

criminal action against the person. If the person who is 1371
arrested, summoned, or indicted for an alleged violation of an 1372
offense listed in division (C) of section 3319.31 or division 1373
(B) (1) of section 3319.39 of the Revised Code is a person whose 1374
duties are assigned by the district treasurer under division (B) 1375
of section 3313.31 of the Revised Code, the treasurer shall 1376
suspend the person from all duties that require the care, 1377
custody, or control of a child. If the person who is arrested, 1378
summoned, or indicted for an alleged violation of an offense 1379
listed in division (C) of section 3319.31 or division (B) (1) of 1380
section 3319.39 of the Revised Code is the superintendent or 1381
treasurer of the district, the district board shall suspend the 1382
superintendent or treasurer from all duties that require the 1383
care, custody, or control of a child. If the person who is 1384
arrested, summoned, or indicted for an alleged violation of an 1385
offense listed in division (C) of section 3319.31 or division 1386
(B) (1) of section 3319.39 of the Revised Code is the chief 1387
administrative officer of the chartered nonpublic school, the 1388
governing authority of the chartered nonpublic school shall 1389
suspend the chief administrative officer from all duties that 1390
require the care, custody, or control of a child. 1391

(C) When a person who holds a license is suspended in 1392
accordance with this section, the superintendent, treasurer, 1393
board of education, chief administrative officer, or governing 1394
authority that imposed the suspension promptly shall report the 1395
person's suspension to the department of education. The report 1396
shall include the offense for which the person was arrested, 1397
summoned, or indicted. The superintendent of public instruction, 1398
on behalf of the state board of education, shall inactivate the 1399
person's license. The inactivation shall remain in force during 1400
the pendency of the criminal action against the person. The 1401

inactivation of a license under this division does not 1402
constitute a suspension or revocation of the license by the 1403
state board under section 3319.31 of the Revised Code and the 1404
state board and the state superintendent need not provide the 1405
person with an opportunity for a hearing with respect to the 1406
inactivation. If the state board does not take action against 1407
the person's license under section 3319.31 of the Revised Code, 1408
the state superintendent shall reactivate the license upon 1409
conclusion of the criminal action against the person. 1410

Sec. 3319.99. (A) Whoever violates division ~~(A)~~ (B) (1) of 1411
section 3319.151 of the Revised Code is guilty of a minor 1412
misdemeanor. 1413

(B) Whoever violates division (H) (1) of section 3319.311 1414
of the Revised Code is guilty of a misdemeanor of the first 1415
degree. 1416

(C) Whoever violates division (F) of section 3319.313 of 1417
the Revised Code shall be punished as follows: 1418

(1) Except as otherwise provided in division (C) (2) of 1419
this section, the person is guilty of a misdemeanor of the 1420
fourth degree. 1421

(2) The person is guilty of a misdemeanor of the first 1422
degree if both of the following conditions apply: 1423

(a) The employee who is the subject of the report that the 1424
person fails to submit was required to be reported for the 1425
commission or alleged commission of an act or offense involving 1426
the infliction on a child of any physical or mental wound, 1427
injury, disability, or condition of a nature that constitutes 1428
abuse or neglect of the child; 1429

(b) During the period between the violation of division 1430

(F) of section 3319.313 of the Revised Code and the conviction 1431
of or plea of guilty by the person for that violation, the 1432
employee who is the subject of the report that the person fails 1433
to submit inflicts on any child attending a school district, 1434
educational service center, public or nonpublic school, or 1435
county board of developmental disabilities where the employee 1436
works any physical or mental wound, injury, disability, or 1437
condition of a nature that constitutes abuse or neglect of the 1438
child. 1439

(D) Whoever violates division (B) or (D) of section 1440
3319.317 of the Revised Code is guilty of a misdemeanor of the 1441
first degree. 1442

Sec. 3326.081. (A) As used in this section, "license" has 1443
the same meaning as in section 3319.31 of the Revised Code. 1444

(B) If a person who is employed by a science, technology, 1445
engineering, and mathematics school established under this 1446
chapter is arrested, summoned, or indicted for an alleged 1447
violation of an offense listed in division (C) of section 1448
3319.31 of the Revised Code, if the person holds a license, or 1449
an offense listed in division (B)(1) of section 3319.39 of the 1450
Revised Code, if the person does not hold a license, the chief 1451
administrative officer of the school shall suspend that person 1452
from all duties that require the care, custody, or control of a 1453
child during the pendency of the criminal action against the 1454
person. If the person who is arrested, summoned, or indicted for 1455
an alleged violation of an offense listed in division (C) of 1456
section 3319.31 or division (B)(1) of section 3319.39 of the 1457
Revised Code is the chief administrative officer of the school, 1458
the governing body of the school shall suspend the chief 1459
administrative officer from all duties that require the care, 1460

custody, or control of a child. 1461

(C) When a person who holds a license is suspended in 1462
accordance with this section, the chief administrative officer 1463
or governing body that imposed the suspension promptly shall 1464
report the person's suspension to the department of education. 1465
The report shall include the offense for which the person was 1466
arrested, summoned, or indicted. The superintendent of public 1467
instruction, on behalf of the state board of education, shall 1468
inactivate the person's license. The inactivation shall remain 1469
in force during the pendency of the criminal action against the 1470
person. The inactivation of a license under this division does 1471
not constitute a suspension or revocation of the license by the 1472
state board under section 3319.31 of the Revised Code and the 1473
state board and the state superintendent need not provide the 1474
person with an opportunity for a hearing with respect to the 1475
inactivation. If the state board does not take action against 1476
the person's license under section 3319.31 of the Revised Code, 1477
the state superintendent shall reactivate the license upon 1478
conclusion of the criminal action against the person. 1479

Sec. 3326.11. Each science, technology, engineering, and 1480
mathematics school established under this chapter and its 1481
governing body shall comply with sections 9.90, 9.91, 109.65, 1482
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1483
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1484
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1485
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1486
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1487
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1488
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1489
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 1490
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 1491

3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 1492
3313.86, 3313.89, 3313.96, 3319.073, 3319.0812, 3319.21, 1493
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 1494
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 1495
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 1496
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 1497
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 1498
the Revised Code as if it were a school district. 1499

Sec. 3328.18. (A) As used in this section, "license" has 1500
the same meaning as in section 3319.31 of the Revised Code. 1501

(B) If a person who is employed by a college-preparatory 1502
boarding school established under this chapter or its operator 1503
is arrested, summoned, or indicted for an alleged violation of 1504
an offense listed in division (C) of section 3319.31 of the 1505
Revised Code, if the person holds a license, or an offense 1506
listed in division (B)(1) of section 3319.39 of the Revised 1507
Code, if the person does not hold a license, the chief 1508
administrator of the school in which that person works shall 1509
suspend that person from all duties that require the care, 1510
custody, or control of a child during the pendency of the 1511
criminal action against the person. If the person who is 1512
arrested, summoned, or indicted for an alleged violation of an 1513
offense listed in division (C) of section 3319.31 or division 1514
(B)(1) of section 3319.39 of the Revised Code is the chief 1515
administrator of the school, the board of trustees of the school 1516
shall suspend the chief administrator from all duties that 1517
require the care, custody, or control of a child. 1518

(C) When a person who holds a license is suspended in 1519
accordance with this section, the chief administrator or board 1520
that imposed the suspension promptly shall report the person's 1521

suspension to the department of education. The report shall 1522
include the offense for which the person was arrested, summoned, 1523
or indicted. The superintendent of public instruction, on behalf 1524
of the state board of education, shall inactivate the person's 1525
license. The inactivation shall remain in force during the 1526
pendency of the criminal action against the person. The 1527
inactivation of a license under this division does not 1528
constitute a suspension or revocation of the license by the 1529
state board under section 3319.31 of the Revised Code and the 1530
state board and the state superintendent need not provide the 1531
person with an opportunity for a hearing with respect to the 1532
inactivation. If the state board does not take action against 1533
the person's license under section 3319.31 of the Revised Code, 1534
the state superintendent shall reactivate the license upon 1535
conclusion of the criminal action against the person. 1536

Sec. 3328.24. A college-preparatory boarding school 1537
established under this chapter and its board of trustees shall 1538
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1539
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 1540
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.0812, 3319.39, 1541
3319.391, 3319.393, and 3319.46 and Chapter 3365. of the Revised 1542
Code as if the school were a school district and the school's 1543
board of trustees were a district board of education. 1544

Sec. 5153.176. As used in this section, "license" has the 1545
same meaning as in section 3319.31 of the Revised Code. 1546

(A) Notwithstanding division (I)(1) of section 2151.421, 1547
section 5153.17, or any other section of the Revised Code 1548
pertaining to confidentiality, the director of a public children 1549
services agency shall promptly provide to the superintendent of 1550
public instruction information regarding the agency's 1551

investigation of a report of child abuse or neglect made 1552
pursuant to section 2151.421 of the Revised Code involving a 1553
person who holds a license ~~issued by the state board of~~ 1554
~~education~~ where the agency has determined that child abuse or 1555
neglect occurred and that abuse or neglect is related to the 1556
person's duties and responsibilities under the license. The 1557
information provided by the director shall include the 1558
following: 1559

(1) A summary of the nature of the allegations contained 1560
in the report of which the person is the subject and the final 1561
disposition of the investigation conducted in response to that 1562
report or, if the investigation is not complete, the status of 1563
the investigation; 1564

(2) Upon written request of the superintendent of public 1565
instruction, the additional information described in division 1566
(C) of this section regarding the agency's investigation of the 1567
report, unless the prosecuting attorney of the county served by 1568
the agency determines that such information may not be released 1569
pursuant to division (B) of this section. 1570

(B) Upon receipt of a written request from the 1571
superintendent of public instruction for the additional 1572
information described in division (C) of this section, the 1573
director shall determine if the prosecuting attorney of the 1574
county served by the public children services agency intends to 1575
prosecute the subject of the report based on the allegations 1576
contained in the report. If the prosecuting attorney intends to 1577
prosecute the subject of the report, the prosecuting attorney 1578
shall determine the information described in division (C) of 1579
this section that may be released, if any, and shall provide the 1580
director with written authorization to release the information 1581

so determined. The director shall provide the superintendent of 1582
public instruction with any information described in division 1583
(C) of this section that the prosecuting attorney determines may 1584
be released, but in no case shall the director provide any 1585
information that the prosecuting attorney determines shall not 1586
be released. If the prosecuting attorney does not intend to 1587
prosecute the subject of the report, the prosecuting attorney 1588
shall notify the director of that fact and the director shall 1589
provide all of the information described in division (C) of this 1590
section to the superintendent of public instruction. 1591

(C) In accordance with division (B) of this section, the 1592
director shall provide information to the superintendent of 1593
public instruction regarding the public children services 1594
agency's investigation of the report described in division (A) 1595
of this section, including, but not limited to, the following: 1596

(1) The following information about the alleged child 1597
victim of the abuse or neglect: 1598

(a) Full name; 1599

(b) Date of birth; 1600

(c) Address and telephone number; 1601

(d) Grade level; 1602

(e) Name and contact information of the child's parent, 1603
guardian, or legal custodian; 1604

(f) Name and contact information of any medical facility 1605
that provided treatment to the child, if the child was injured 1606
in connection with the abuse or neglect and if that information 1607
is available; 1608

(g) A summary of interviews with the child or, if an 1609

entity other than the agency conducted the interviews, the 1610
contact information for that entity. The summary shall include 1611
an accounting of the facts and circumstances of the alleged 1612
abuse or neglect, including, but not limited to, the time and 1613
place that the abuse or neglect occurred. 1614

(h) Copies of any written correspondence between the child 1615
and the alleged perpetrator of the abuse or neglect that was 1616
used by the agency to determine that abuse or neglect occurred, 1617
the release of which is not otherwise prohibited by law. 1618

(2) The following information about the alleged 1619
perpetrator of the abuse or neglect: 1620

(a) Full name; 1621

(b) Date of birth; 1622

(c) Address and telephone number; 1623

(d) Name of school district and school building that 1624
employed the alleged perpetrator at the time the report was 1625
made; 1626

(e) Name and contact information of any medical facility 1627
that provided treatment to the alleged perpetrator, if the 1628
alleged perpetrator was injured in connection with the abuse or 1629
neglect and if that information is available; 1630

(f) A summary of interviews with the alleged perpetrator 1631
or, if an entity other than the agency conducted the interviews, 1632
the contact information for that entity. The summary shall 1633
include an accounting of the facts and circumstances of the 1634
alleged abuse or neglect, including, but not limited to, the 1635
time and place that the abuse or neglect occurred. 1636

(g) Copies of any written correspondence between the 1637

alleged child victim and the alleged perpetrator that was used 1638
by the agency to determine that abuse or neglect occurred, the 1639
release of which is not otherwise prohibited by law; 1640

(h) If the alleged perpetrator has been the subject of any 1641
previous reports made pursuant to section 2151.421 of the 1642
Revised Code where the agency determined that physical or sexual 1643
child abuse occurred, a summary of the chronology of those 1644
reports; the final disposition of the investigations conducted 1645
in response to those reports, or if an investigation is not 1646
complete, the status of that investigation; and any underlying 1647
documentation concerning those reports. 1648

(3) The following information about each person, other 1649
than the alleged child victim and the alleged perpetrator, whom 1650
the agency has determined to be important to the investigation, 1651
except that the information shall not be provided about the 1652
person who made the report unless that person grants written 1653
permission for the director to release the information: 1654

(a) Full name; 1655

(b) Address and telephone number; 1656

(c) If the person has been interviewed regarding the 1657
alleged abuse or neglect, a summary of those interviews or, if 1658
an entity other than the agency conducted the interviews, the 1659
contact information for such entity. 1660

(D) Upon provision of any information to the 1661
superintendent of public instruction under this section, the 1662
director shall notify the superintendent of both of the 1663
following: 1664

(1) That the information is confidential; 1665

(2) That unauthorized dissemination of the information is 1666
a violation of division (I) (2) of section 2151.421 and section 1667
3319.311 of the Revised Code and any person who permits or 1668
encourages unauthorized dissemination of the information is 1669
guilty of a misdemeanor of the fourth degree pursuant to section 1670
2151.99 of the Revised Code. 1671

If the director determines that the superintendent of 1672
public instruction or any person involved in the conduct of an 1673
investigation under section 3319.311 of the Revised Code 1674
committed, caused, permitted, or encouraged the unauthorized 1675
dissemination of any information provided under this section, 1676
the director shall provide written notification of the 1677
unauthorized dissemination to the prosecuting attorney of the 1678
county or the village solicitor, city director of law, or 1679
similar chief legal officer of the municipal corporation in 1680
which the unauthorized dissemination occurred. A copy of the 1681
notification shall be retained in the investigative record 1682
maintained by the public children services agency. 1683

(E) The director shall include documentation of the 1684
information provided to the superintendent of public instruction 1685
under this section in the investigative record maintained by the 1686
public children services agency. The documentation shall include 1687
the following: 1688

(1) A list of the information provided; 1689

(2) The date the information was provided; 1690

(3) If the superintendent of public instruction designates 1691
a person to receive the information on the superintendent's 1692
behalf, the name of that person; 1693

(4) The reason for providing the information; 1694

(5) If written authorization to provide the information is 1695
required from the prosecuting attorney under division (B) of 1696
this section, a copy of that authorization. 1697

(F) No director of a public children services agency shall 1698
knowingly fail to comply with division (A) or (C) of this 1699
section. 1700

(G) A director of a public children services agency who 1701
provides information to the superintendent of public instruction 1702
in accordance with this section in good faith shall be immune 1703
from any civil or criminal liability that otherwise might be 1704
incurred or imposed for injury, death, or loss to person or 1705
property as a result of the provision of that information. 1706

(H) Notwithstanding any provision to the contrary in 1707
Chapter 4117. of the Revised Code, the provisions of this 1708
section prevail over any conflicting provisions of a collective 1709
bargaining agreement or contract for employment entered into 1710
after March 30, 2007. 1711

Section 2. That existing sections 2953.25, 3314.03, 1712
3314.101, 3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 1713
3319.316, 3319.40, 3319.99, 3326.081, 3326.11, 3328.18, 3328.24, 1714
and 5153.176 of the Revised Code are hereby repealed. 1715

Section 3. The General Assembly, applying the principle 1716
stated in division (B) of section 1.52 of the Revised Code that 1717
amendments are to be harmonized if reasonably capable of 1718
simultaneous operation, finds that the following sections, 1719
presented in this act as composites of the sections as amended 1720
by the acts indicated, are the resulting versions of the 1721
sections in effect prior to the effective date of the sections 1722
as presented in this act: 1723

Section 3314.03 of the Revised Code, as amended by both 1724
Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General 1725
Assembly. 1726

Section 3328.24 of the Revised Code, as amended by both 1727
Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. 1728