

As Reported by the Senate Education Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 147

Representatives Fowler Arthur, Miller, A.

Cosponsors: Representatives Dean, Johnson, Willis, Bird, Click, Barhorst, Carruthers, Claggett, Dobos, Gross, Holmes, Hoops, Jones, Lear, Mathews, Merrin, Pavliga, Plummer, Ray, Schmidt, Williams, Young, T.

Senator Brenner

A BILL

To amend sections 109.57, 121.086, 3310.41, 1
3310.52, 3310.58, 3313.5319, 3319.31, 3319.313, 2
and 5104.013 to enact sections 3310.582 and 3
3313.5313 of the Revised Code and to amend 4
Section 265.330 of H.B. 33 of the 135th General 5
Assembly to make changes to the education law 6
regarding teacher licensure, hiring, conduct, 7
professional development stipends, 8
interscholastic athletics, school-event ticket 9
pricing, school funding calculations, special 10
needs scholarship program service providers, 11
background checks for private before and after 12
school care program staff, and the High School 13
Financial Literacy Fund; and to amend the 14
version of section 5104.013 of the Revised Code 15
that is scheduled to take effect on January 1, 16
2025, to continue the changes on and after that 17
date. 18

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

Section 1. That sections 109.57, 121.086, 3310.41, 19
3310.52, 3310.58, 3313.5319, 3319.31, 3319.313, and 5104.013 be 20
amended and sections 3310.582 and 3313.5313 of the Revised Code 21
be enacted to read as follows: 22

Sec. 109.57. (A) (1) The superintendent of the bureau of 23
criminal identification and investigation shall procure from 24
wherever procurable and file for record photographs, pictures, 25
descriptions, fingerprints, measurements, and other information 26
that may be pertinent of all persons who have been convicted of 27
committing within this state a felony, any crime constituting a 28
misdemeanor on the first offense and a felony on subsequent 29
offenses, or any misdemeanor described in division (A) (1) (a), 30
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 31
of all children under eighteen years of age who have been 32
adjudicated delinquent children for committing within this state 33
an act that would be a felony or an offense of violence if 34
committed by an adult or who have been convicted of or pleaded 35
guilty to committing within this state a felony or an offense of 36
violence, and of all well-known and habitual criminals. The 37
person in charge of any county, multicounty, municipal, 38
municipal-county, or multicounty-municipal jail or workhouse, 39
community-based correctional facility, halfway house, 40
alternative residential facility, or state correctional 41
institution and the person in charge of any state institution 42
having custody of a person suspected of having committed a 43
felony, any crime constituting a misdemeanor on the first 44
offense and a felony on subsequent offenses, or any misdemeanor 45
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 46
section 109.572 of the Revised Code or having custody of a child 47
under eighteen years of age with respect to whom there is 48
probable cause to believe that the child may have committed an 49

act that would be a felony or an offense of violence if 50
committed by an adult shall furnish such material to the 51
superintendent of the bureau. Fingerprints, photographs, or 52
other descriptive information of a child who is under eighteen 53
years of age, has not been arrested or otherwise taken into 54
custody for committing an act that would be a felony or an 55
offense of violence who is not in any other category of child 56
specified in this division, if committed by an adult, has not 57
been adjudicated a delinquent child for committing an act that 58
would be a felony or an offense of violence if committed by an 59
adult, has not been convicted of or pleaded guilty to committing 60
a felony or an offense of violence, and is not a child with 61
respect to whom there is probable cause to believe that the 62
child may have committed an act that would be a felony or an 63
offense of violence if committed by an adult shall not be 64
procured by the superintendent or furnished by any person in 65
charge of any county, multicounty, municipal, municipal-county, 66
or multicounty-municipal jail or workhouse, community-based 67
correctional facility, halfway house, alternative residential 68
facility, or state correctional institution, except as 69
authorized in section 2151.313 of the Revised Code. 70

(2) Every clerk of a court of record in this state, other 71
than the supreme court or a court of appeals, shall send to the 72
superintendent of the bureau a weekly report containing a 73
summary of each case involving a felony, involving any crime 74
constituting a misdemeanor on the first offense and a felony on 75
subsequent offenses, involving a misdemeanor described in 76
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 77
of the Revised Code, or involving an adjudication in a case in 78
which a child under eighteen years of age was alleged to be a 79
delinquent child for committing an act that would be a felony or 80

an offense of violence if committed by an adult. The clerk of 81
the court of common pleas shall include in the report and 82
summary the clerk sends under this division all information 83
described in divisions (A) (2) (a) to (f) of this section 84
regarding a case before the court of appeals that is served by 85
that clerk. The summary shall be written on the standard forms 86
furnished by the superintendent pursuant to division (B) of this 87
section and shall include the following information: 88

(a) The incident tracking number contained on the standard 89
forms furnished by the superintendent pursuant to division (B) 90
of this section; 91

(b) The style and number of the case; 92

(c) The date of arrest, offense, summons, or arraignment; 93

(d) The date that the person was convicted of or pleaded 94
guilty to the offense, adjudicated a delinquent child for 95
committing the act that would be a felony or an offense of 96
violence if committed by an adult, found not guilty of the 97
offense, or found not to be a delinquent child for committing an 98
act that would be a felony or an offense of violence if 99
committed by an adult, the date of an entry dismissing the 100
charge, an entry declaring a mistrial of the offense in which 101
the person is discharged, an entry finding that the person or 102
child is not competent to stand trial, or an entry of a nolle 103
prosequi, or the date of any other determination that 104
constitutes final resolution of the case; 105

(e) A statement of the original charge with the section of 106
the Revised Code that was alleged to be violated; 107

(f) If the person or child was convicted, pleaded guilty, 108
or was adjudicated a delinquent child, the sentence or terms of 109

probation imposed or any other disposition of the offender or 110
the delinquent child. 111

If the offense involved the disarming of a law enforcement 112
officer or an attempt to disarm a law enforcement officer, the 113
clerk shall clearly state that fact in the summary, and the 114
superintendent shall ensure that a clear statement of that fact 115
is placed in the bureau's records. 116

(3) The superintendent shall cooperate with and assist 117
sheriffs, chiefs of police, and other law enforcement officers 118
in the establishment of a complete system of criminal 119
identification and in obtaining fingerprints and other means of 120
identification of all persons arrested on a charge of a felony, 121
any crime constituting a misdemeanor on the first offense and a 122
felony on subsequent offenses, or a misdemeanor described in 123
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 124
of the Revised Code and of all children under eighteen years of 125
age arrested or otherwise taken into custody for committing an 126
act that would be a felony or an offense of violence if 127
committed by an adult. The superintendent also shall file for 128
record the fingerprint impressions of all persons confined in a 129
county, multicounty, municipal, municipal-county, or 130
multicounty-municipal jail or workhouse, community-based 131
correctional facility, halfway house, alternative residential 132
facility, or state correctional institution for the violation of 133
state laws and of all children under eighteen years of age who 134
are confined in a county, multicounty, municipal, municipal- 135
county, or multicounty-municipal jail or workhouse, community- 136
based correctional facility, halfway house, alternative 137
residential facility, or state correctional institution or in 138
any facility for delinquent children for committing an act that 139
would be a felony or an offense of violence if committed by an 140

adult, and any other information that the superintendent may 141
receive from law enforcement officials of the state and its 142
political subdivisions. 143

(4) The superintendent shall carry out Chapter 2950. of 144
the Revised Code with respect to the registration of persons who 145
are convicted of or plead guilty to a sexually oriented offense 146
or a child-victim oriented offense and with respect to all other 147
duties imposed on the bureau under that chapter. 148

(5) The bureau shall perform centralized recordkeeping 149
functions for criminal history records and services in this 150
state for purposes of the national crime prevention and privacy 151
compact set forth in section 109.571 of the Revised Code and is 152
the criminal history record repository as defined in that 153
section for purposes of that compact. The superintendent or the 154
superintendent's designee is the compact officer for purposes of 155
that compact and shall carry out the responsibilities of the 156
compact officer specified in that compact. 157

(6) The superintendent shall, upon request, assist a 158
county coroner in the identification of a deceased person 159
through the use of fingerprint impressions obtained pursuant to 160
division (A) (1) of this section or collected pursuant to section 161
109.572 or 311.41 of the Revised Code. 162

(B) The superintendent shall prepare and furnish to every 163
county, multicounty, municipal, municipal-county, or 164
multicounty-municipal jail or workhouse, community-based 165
correctional facility, halfway house, alternative residential 166
facility, or state correctional institution and to every clerk 167
of a court in this state specified in division (A) (2) of this 168
section standard forms for reporting the information required 169
under division (A) of this section. The standard forms that the 170

superintendent prepares pursuant to this division may be in a 171
tangible format, in an electronic format, or in both tangible 172
formats and electronic formats. 173

(C) (1) The superintendent may operate a center for 174
electronic, automated, or other data processing for the storage 175
and retrieval of information, data, and statistics pertaining to 176
criminals and to children under eighteen years of age who are 177
adjudicated delinquent children for committing an act that would 178
be a felony or an offense of violence if committed by an adult, 179
criminal activity, crime prevention, law enforcement, and 180
criminal justice, and may establish and operate a statewide 181
communications network to be known as the Ohio law enforcement 182
gateway to gather and disseminate information, data, and 183
statistics for the use of law enforcement agencies and for other 184
uses specified in this division. The superintendent may gather, 185
store, retrieve, and disseminate information, data, and 186
statistics that pertain to children who are under eighteen years 187
of age and that are gathered pursuant to sections 109.57 to 188
109.61 of the Revised Code together with information, data, and 189
statistics that pertain to adults and that are gathered pursuant 190
to those sections. 191

(2) The superintendent or the superintendent's designee 192
shall gather information of the nature described in division (C) 193
(1) of this section that pertains to the offense and delinquency 194
history of a person who has been convicted of, pleaded guilty 195
to, or been adjudicated a delinquent child for committing a 196
sexually oriented offense or a child-victim oriented offense for 197
inclusion in the state registry of sex offenders and child- 198
victim offenders maintained pursuant to division (A) (1) of 199
section 2950.13 of the Revised Code and in the internet database 200
operated pursuant to division (A) (13) of that section and for 201

possible inclusion in the internet database operated pursuant to 202
division (A) (11) of that section. 203

(3) In addition to any other authorized use of 204
information, data, and statistics of the nature described in 205
division (C) (1) of this section, the superintendent or the 206
superintendent's designee may provide and exchange the 207
information, data, and statistics pursuant to the national crime 208
prevention and privacy compact as described in division (A) (5) 209
of this section. 210

(4) The Ohio law enforcement gateway shall contain the 211
name, confidential address, and telephone number of program 212
participants in the address confidentiality program established 213
under sections 111.41 to 111.47 of the Revised Code. 214

(5) The attorney general may adopt rules under Chapter 215
119. of the Revised Code establishing guidelines for the 216
operation of and participation in the Ohio law enforcement 217
gateway. The rules may include criteria for granting and 218
restricting access to information gathered and disseminated 219
through the Ohio law enforcement gateway. The attorney general 220
shall adopt rules under Chapter 119. of the Revised Code that 221
grant access to information in the gateway regarding an address 222
confidentiality program participant under sections 111.41 to 223
111.47 of the Revised Code to only chiefs of police, village 224
marshals, county sheriffs, county prosecuting attorneys, and a 225
designee of each of these individuals. The attorney general 226
shall permit an office of a county coroner, the state medical 227
board, and board of nursing to access and view, but not alter, 228
information gathered and disseminated through the Ohio law 229
enforcement gateway. 230

The attorney general may appoint a steering committee to 231

advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D) (1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C) (1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.

(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment

position has been convicted of or pleaded guilty to an offense 261
listed or described in division (A) (1), (2), or (3) of section 262
109.572 of the Revised Code, the request shall be treated as a 263
single request and only one fee shall be charged. 264

(2) Except as otherwise provided in this division or 265
division (E) (3) or (4) of this section, a rule adopted under 266
division (E) (1) of this section may provide only for the release 267
of information gathered pursuant to division (A) of this section 268
that relates to the conviction of a person, or a person's plea 269
of guilty to, a criminal offense or to the arrest of a person as 270
provided in division (E) (3) of this section. The superintendent 271
shall not release, and the attorney general shall not adopt any 272
rule under division (E) (1) of this section that permits the 273
release of, any information gathered pursuant to division (A) of 274
this section that relates to an adjudication of a child as a 275
delinquent child, or that relates to a criminal conviction of a 276
person under eighteen years of age if the person's case was 277
transferred back to a juvenile court under division (B) (2) or 278
(3) of section 2152.121 of the Revised Code and the juvenile 279
court imposed a disposition or serious youthful offender 280
disposition upon the person under either division, unless either 281
of the following applies with respect to the adjudication or 282
conviction: 283

(a) The adjudication or conviction was for a violation of 284
section 2903.01 or 2903.02 of the Revised Code. 285

(b) The adjudication or conviction was for a sexually 286
oriented offense, the juvenile court was required to classify 287
the child a juvenile offender registrant for that offense under 288
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 289
classification has not been removed, and the records of the 290

adjudication or conviction have not been sealed or expunged 291
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 292
pursuant to section 2953.32 of the Revised Code. 293

(3) A rule adopted under division (E)(1) of this section 294
may provide for the release of information gathered pursuant to 295
division (A) of this section that relates to the arrest of a 296
person who is eighteen years of age or older when the person has 297
not been convicted as a result of that arrest if any of the 298
following applies: 299

(a) The arrest was made outside of this state. 300

(b) A criminal action resulting from the arrest is 301
pending, and the superintendent confirms that the criminal 302
action has not been resolved at the time the criminal records 303
check is performed. 304

(c) The bureau cannot reasonably determine whether a 305
criminal action resulting from the arrest is pending, and not 306
more than one year has elapsed since the date of the arrest. 307

(4) A rule adopted under division (E)(1) of this section 308
may provide for the release of information gathered pursuant to 309
division (A) of this section that relates to an adjudication of 310
a child as a delinquent child if not more than five years have 311
elapsed since the date of the adjudication, the adjudication was 312
for an act that would have been a felony if committed by an 313
adult, the records of the adjudication have not been sealed or 314
expunged pursuant to sections 2151.355 to 2151.358 of the 315
Revised Code, and the request for information is made under 316
division (F) of this section or under section 109.572 of the 317
Revised Code. In the case of an adjudication for a violation of 318
the terms of community control or supervised release, the five- 319

year period shall be calculated from the date of the 320
adjudication to which the community control or supervised 321
release pertains. 322

(F) (1) As used in division (F) (2) of this section, "head 323
start agency" means an entity in this state that has been 324
approved to be an agency for purposes of subchapter II of the 325
"Community Economic Development Act," 95 Stat. 489 (1981), 42 326
U.S.C.A. 9831, as amended. 327

(2) (a) In addition to or in conjunction with any request 328
that is required to be made under section 109.572, 2151.86, 329
3301.32, 3301.541, division (C) of section 3310.58, or section 330
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 331
5153.111 of the Revised Code or that is made under section 332
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 333
board of education of any school district; the director of 334
developmental disabilities; any county board of developmental 335
disabilities; any provider or subcontractor as defined in 336
section 5123.081 of the Revised Code; the chief administrator of 337
any chartered nonpublic school; the chief administrator of a 338
registered private provider that is not also a chartered 339
nonpublic school; the chief administrator of any home health 340
agency; the chief administrator of or person operating any child 341
care center, type A family child care home, or type B family 342
child care home licensed under Chapter 5104. of the Revised 343
Code; the chief administrator of or person operating any 344
authorized private before and after school care program; the 345
chief administrator of any head start agency; the executive 346
director of a public children services agency; a private company 347
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 348
the Revised Code; or an employer described in division (J) (2) of 349
section 3327.10 of the Revised Code may request that the 350

superintendent of the bureau investigate and determine, with 351
respect to any individual who has applied for employment in any 352
position after October 2, 1989, or any individual wishing to 353
apply for employment with a board of education may request, with 354
regard to the individual, whether the bureau has any information 355
gathered under division (A) of this section that pertains to 356
that individual. On receipt of the request, subject to division 357
(E) (2) of this section, the superintendent shall determine 358
whether that information exists and, upon request of the person, 359
board, or entity requesting information, also shall request from 360
the federal bureau of investigation any criminal records it has 361
pertaining to that individual. The superintendent or the 362
superintendent's designee also may request criminal history 363
records from other states or the federal government pursuant to 364
the national crime prevention and privacy compact set forth in 365
section 109.571 of the Revised Code. Within thirty days of the 366
date that the superintendent receives a request, subject to 367
division (E) (2) of this section, the superintendent shall send 368
to the board, entity, or person a report of any information that 369
the superintendent determines exists, including information 370
contained in records that have been sealed under section 2953.32 371
of the Revised Code, and, within thirty days of its receipt, 372
subject to division (E) (2) of this section, shall send the 373
board, entity, or person a report of any information received 374
from the federal bureau of investigation, other than information 375
the dissemination of which is prohibited by federal law. 376

(b) When a board of education or a registered private 377
provider is required to receive information under this section 378
as a prerequisite to employment of an individual pursuant to 379
division (C) of section 3310.58 or section 3319.39 of the 380
Revised Code, it may accept a certified copy of records that 381

were issued by the bureau of criminal identification and 382
investigation and that are presented by an individual applying 383
for employment with the district in lieu of requesting that 384
information itself. In such a case, the board shall accept the 385
certified copy issued by the bureau in order to make a photocopy 386
of it for that individual's employment application documents and 387
shall return the certified copy to the individual. In a case of 388
that nature, a district or provider only shall accept a 389
certified copy of records of that nature within one year after 390
the date of their issuance by the bureau. 391

(c) Notwithstanding division (F) (2) (a) of this section, in 392
the case of a request under section 3319.39, 3319.391, or 393
3327.10 of the Revised Code only for criminal records maintained 394
by the federal bureau of investigation, the superintendent shall 395
not determine whether any information gathered under division 396
(A) of this section exists on the person for whom the request is 397
made. 398

(3) The state board of education or the department of 399
education and workforce may request, with respect to any 400
individual who has applied for employment after October 2, 1989, 401
in any position with the state board or the department of 402
education and workforce, any information that a school district 403
board of education is authorized to request under division (F) 404
(2) of this section, and the superintendent of the bureau shall 405
proceed as if the request has been received from a school 406
district board of education under division (F) (2) of this 407
section. 408

(4) When the superintendent of the bureau receives a 409
request for information under section 3319.291 of the Revised 410
Code, the superintendent shall proceed as if the request has 411

been received from a school district board of education and 412
shall comply with divisions (F) (2) (a) and (c) of this section. 413

(G) In addition to or in conjunction with any request that 414
is required to be made under section 3712.09, 3721.121, or 415
3740.11 of the Revised Code with respect to an individual who 416
has applied for employment in a position that involves providing 417
direct care to an older adult or adult resident, the chief 418
administrator of a home health agency, hospice care program, 419
home licensed under Chapter 3721. of the Revised Code, or adult 420
day-care program operated pursuant to rules adopted under 421
section 3721.04 of the Revised Code may request that the 422
superintendent of the bureau investigate and determine, with 423
respect to any individual who has applied after January 27, 424
1997, for employment in a position that does not involve 425
providing direct care to an older adult or adult resident, 426
whether the bureau has any information gathered under division 427
(A) of this section that pertains to that individual. 428

In addition to or in conjunction with any request that is 429
required to be made under section 173.27 of the Revised Code 430
with respect to an individual who has applied for employment in 431
a position that involves providing ombudsman services to 432
residents of long-term care facilities or recipients of 433
community-based long-term care services, the state long-term 434
care ombudsman, the director of aging, a regional long-term care 435
ombudsman program, or the designee of the ombudsman, director, 436
or program may request that the superintendent investigate and 437
determine, with respect to any individual who has applied for 438
employment in a position that does not involve providing such 439
ombudsman services, whether the bureau has any information 440
gathered under division (A) of this section that pertains to 441
that applicant. 442

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

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

On receipt of a request under this division, the 464
superintendent shall determine whether that information exists 465
and, on request of the individual requesting information, shall 466
also request from the federal bureau of investigation any 467
criminal records it has pertaining to the applicant. The 468
superintendent or the superintendent's designee also may request 469
criminal history records from other states or the federal 470
government pursuant to the national crime prevention and privacy 471
compact set forth in section 109.571 of the Revised Code. Within 472
thirty days of the date a request is received, subject to 473

division (E) (2) of this section, the superintendent shall send 474
to the requester a report of any information determined to 475
exist, including information contained in records that have been 476
sealed under section 2953.32 of the Revised Code, and, within 477
thirty days of its receipt, shall send the requester a report of 478
any information received from the federal bureau of 479
investigation, other than information the dissemination of which 480
is prohibited by federal law. 481

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

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

(J) As used in this section: 488

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

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

(3) "Registered private provider" means a nonpublic school 495
or entity registered with the department of education and 496
workforce under section 3310.41 of the Revised Code to 497
participate in the autism scholarship program or section 3310.58 498
of the Revised Code to participate in the Jon Peterson special 499
needs scholarship program. 500

Sec. 121.086. There is hereby created the high school 501
financial literacy fund, ~~which is in the custody of the~~ 502

~~treasurer of state, but is separate, apart from, and not a part~~ 503
~~of in~~ the state treasury. The fund shall consist of any moneys 504
appropriated to it, any interest and earnings from the fund, and 505
any other donations, grants, gifts, or other moneys received. 506
~~Moneys in the fund may be invested by the treasurer of state in~~ 507
~~the classifications of obligations set forth in section 135.143~~ 508
~~of the Revised Code.~~ All investment earnings of the fund shall 509
be credited to the fund. The director of education and workforce 510
shall ~~be the administrator of the fund and shall use~~ moneys in 511
the fund only for the purposes specified in divisions (B) and 512
(E) of section 3319.239 of the Revised Code ~~and repayment of~~ 513
~~funds pursuant to Section 3 of S.B. 1 of the 134th general~~ 514
~~assembly.~~ 515

Sec. 3310.41. (A) As used in this section: 516

(1) "Alternative public provider" means either of the 517
following providers that agrees to enroll a child in the 518
provider's special education program to implement the child's 519
individualized education program or an education plan developed 520
by the school district under division (G) of this section and to 521
which the child's parent owes fees for the services provided to 522
the child: 523

(a) A school district that is not the school district in 524
which the child is entitled to attend school; 525

(b) A public entity other than a school district. 526

(2) "Entitled to attend school" means entitled to attend 527
school in a school district under section 3313.64 or 3313.65 of 528
the Revised Code. 529

(3) "Formula ADM" has the same meaning as in section 530
3317.02 of the Revised Code. 531

(4) "Preschool child with a disability" and 532
"individualized education program" have the same meanings as in 533
section 3323.01 of the Revised Code. 534

(5) "Parent" has the same meaning as in section 3313.64 of 535
the Revised Code, except that "parent" does not mean a parent 536
whose custodial rights have been terminated. "Parent" also 537
includes the custodian of a qualified special education child, 538
when a court has granted temporary, legal, or permanent custody 539
of the child to an individual other than either of the natural 540
or adoptive parents of the child or to a government agency. 541

(6) "Qualified special education child" is a child who 542
either was enrolled in the school district in which the child is 543
entitled to attend school in any grade from preschool through 544
twelve in the school year prior to the year in which a 545
scholarship under this section is first sought for the child or 546
is eligible to enter school in any grade preschool through 547
twelve in the school district in which the child is entitled to 548
attend school in the school year in which a scholarship under 549
this section is first sought for the child and for whom any of 550
the following conditions apply: 551

(a) The school district in which the child is entitled to 552
attend school has identified the child as autistic. A child who 553
has been identified as having a "pervasive developmental 554
disorder - not otherwise specified (PPD-NOS)" shall be 555
considered to be an autistic child for purposes of this section. 556

(b) The school district in which the child is entitled to 557
attend school has developed an individualized education program 558
under Chapter 3323. of the Revised Code for the child that 559
includes services related to autism. 560

(c) The child has been diagnosed as autistic by a 561
physician or psychologist. 562

(7) "Registered private provider" means a nonpublic school 563
or other nonpublic entity that has been approved by the 564
department of education and workforce to participate in the 565
program established under this section. 566

(8) "Special education program" means a school or facility 567
that provides special education and related services to children 568
with disabilities. 569

(B) There is hereby established the autism scholarship 570
program. Under the program, the department shall pay a 571
scholarship under section 3317.022 of the Revised Code to the 572
parent of each qualified special education child upon 573
application of that parent pursuant to procedures and deadlines 574
established by rule of the department. Each scholarship shall be 575
used only to pay tuition for the child on whose behalf the 576
scholarship is awarded to attend a special education program 577
that implements the child's individualized education program or 578
education plan and that is operated by an alternative public 579
provider or by a registered private provider, and to pay for 580
other services agreed to by the provider and the parent of a 581
qualified special education child that are not included in the 582
individualized education program or education plan but are 583
associated with educating the child. Upon agreement with the 584
parent of a qualified special education child, the alternative 585
public provider or the registered private provider may modify 586
the services provided to the child. The purpose of the 587
scholarship is to permit the parent of a qualified special 588
education child the choice to send the child to a special 589
education program, instead of the one operated by or for the 590

school district in which the child is entitled to attend school, 591
to receive the services prescribed in the child's individualized 592
education program or education plan once the individualized 593
education program or education plan is finalized and any other 594
services agreed to by the provider and the parent of a qualified 595
special education child. The services provided under the 596
scholarship shall include an educational component or services 597
designed to assist the child to benefit from the child's 598
education. 599

Services provided through the program established under 600
this section may be provided virtually by qualified, 601
credentialed providers in accordance with standards established 602
by the department. 603

A scholarship under this section shall not be awarded to 604
the parent of a child while the child's individualized education 605
program is being developed by the school district in which the 606
child is entitled to attend school, or while any administrative 607
or judicial mediation or proceedings with respect to the content 608
of the child's individualized education program are pending. A 609
scholarship under this section shall not be used for a child to 610
attend a public special education program that operates under a 611
contract, compact, or other bilateral agreement between the 612
school district in which the child is entitled to attend school 613
and another school district or other public provider, or for a 614
child to attend a community school established under Chapter 615
3314. of the Revised Code. However, nothing in this section or 616
in any rule adopted by the department shall prohibit a parent 617
whose child attends a public special education program under a 618
contract, compact, or other bilateral agreement, or a parent 619
whose child attends a community school, from applying for and 620
accepting a scholarship under this section so that the parent 621

may withdraw the child from that program or community school and 622
use the scholarship for the child to attend a special education 623
program for which the parent is required to pay for services for 624
the child. 625

Except for development of the child's individualized 626
education program or education plan, the school district in 627
which a qualified special education child is entitled to attend 628
school and the child's school district of residence, as defined 629
in section 3323.01 of the Revised Code, if different, are not 630
obligated to provide the child with a free appropriate public 631
education under Chapter 3323. of the Revised Code for as long as 632
the child continues to attend the special education program 633
operated by either an alternative public provider or a 634
registered private provider for which a scholarship is awarded 635
under the autism scholarship program. If at any time, the 636
eligible applicant for the child decides no longer to accept 637
scholarship payments and enrolls the child in the special 638
education program of the school district in which the child is 639
entitled to attend school, that district shall provide the child 640
with a free appropriate public education under Chapter 3323. of 641
the Revised Code. 642

A child attending a special education program with a 643
scholarship under this section shall continue to be entitled to 644
transportation to and from that program in the manner prescribed 645
by law. 646

(C) As prescribed in division (A) (2) (h) of section 3317.03 647
of the Revised Code, a child who is not a preschool child with a 648
disability for whom a scholarship is awarded under this section 649
shall be counted in the formula ADM of the district in which the 650
child is entitled to attend school and not in the formula ADM of 651

any other school district. 652

(D) A scholarship shall not be paid under section 3317.022 653
of the Revised Code to a parent for payment of tuition owed to a 654
nonpublic entity unless that entity is a registered private 655
provider. The department shall approve entities that meet the 656
standards established by rule of the department for the program 657
established under this section. 658

(E) The department shall adopt rules under Chapter 119. of 659
the Revised Code prescribing procedures necessary to implement 660
this section, including, but not limited to, procedures and 661
deadlines for parents to apply for scholarships, standards for 662
registered private providers, and procedures for approval of 663
entities as registered private providers. 664

The rules also shall specify that intervention services 665
under the autism scholarship program may be provided by a 666
qualified, credentialed provider, including an educator or 667
substitute teacher licensed by the state board of education, and 668
shall additionally include, but not be limited to, all of the 669
following: 670

(1) A behavior analyst certified by a nationally 671
recognized organization that certifies behavior analysts; 672

(2) A psychologist licensed to practice in this state 673
under Chapter 4732. of the Revised Code; 674

(3) An independent school psychologist or school 675
psychologist licensed to practice in this state under Chapter 676
4732. of the Revised Code; 677

(4) Any person employed by a licensed psychologist, 678
licensed independent school psychologist, or licensed school 679
psychologist, while carrying out specific tasks, under the 680

licensee's supervision, as an extension of the licensee's legal 681
and ethical authority as specified under Chapter 4732. of the 682
Revised Code who is ascribed as "psychology trainee," 683
"psychology assistant," "psychology intern," or other 684
appropriate term that clearly implies their supervised or 685
training status; 686

(5) Unlicensed persons holding a doctoral degree in 687
psychology or special education from a program approved by the 688
department; 689

(6) A "registered behavior technician" as described under 690
rule 5123-9-41 of the Administrative Code working under the 691
supervision and following the intervention plan of a certified 692
Ohio behavior analyst or a behavior analyst certified by a 693
nationally recognized organization that certifies behavior 694
analysts; 695

(7) A "certified Ohio behavior analyst" under Chapter 696
4783. of the Revised Code; 697

(8) An occupational therapist or physical therapist 698
licensed to practice in this state under Chapter 4755. of the 699
Revised Code; 700

(9) A speech-language pathologist licensed to practice in 701
this state under Chapter 4753. of the Revised Code; 702

(10) An intervention specialist who holds a valid license 703
issued by the state board; 704

(11) A literacy intervention specialist certified through 705
pathways recognized by the Ohio dyslexia committee established 706
by section 3323.25 of the Revised Code. To the extent that 707
certification for any of the following positions is approved by 708
the Ohio dyslexia committee under section 3323.25 of the Revised 709

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| <u>Code, literary intervention specialists may include:</u> | 710 |
| <u>(a) A structured literacy dyslexia interventionist;</u> | 711 |
| <u>(b) A structured literacy dyslexia specialist;</u> | 712 |
| <u>(c) A certified academic language practitioner;</u> | 713 |
| <u>(d) A certified academic language therapist.</u> | 714 |
| <u>(12) Any other qualified individual as determined by the</u> department. | 715 716 |
| (F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program. | 717 718 719 720 721 722 |
| (G) If a child qualifies for the autism scholarship program pursuant to a diagnosis under division (A) (6) (c) of this section and does not have an individualized education program that includes services related to autism, the school district in which the child is entitled to attend school shall develop an education plan for the child. | 723 724 725 726 727 728 |
| (H) Not later than the thirtieth day of June each year, each alternative public provider and registered private provider enrolling students receiving autism scholarships shall submit to the department, in a form and manner prescribed by the department, the tuition rates charged by the provider for the following school year. | 729 730 731 732 733 734 |
| (I) The department shall not require the parent of a student who applies for or receives a scholarship under this section to complete any kind of income verification regarding | 735 736 737 |

the student's family income. 738

Sec. 3310.52. (A) The Jon Peterson special needs 739
scholarship program is hereby established. Under the program, 740
beginning with the 2012-2013 school year, subject to division 741
(B) of this section, the department of education and workforce 742
annually shall pay a scholarship under section 3317.022 of the 743
Revised Code to an eligible applicant for services provided by 744
an alternative public provider or a registered private provider 745
for a qualified special education child. The scholarship shall 746
be used only to pay all or part of the fees for the child to 747
attend the special education program operated by the alternative 748
public provider or registered private provider to implement the 749
child's individualized education program, in lieu of the child's 750
attending the special education program operated by the school 751
district in which the child is entitled to attend school, and 752
other services agreed to by the provider and eligible applicant 753
that are not included in the individualized education program 754
but are associated with educating the child. Beginning in the 755
2014-2015 school year, if the child is receiving special 756
education services for a disability specified in division (A) of 757
section 3317.013 of the Revised Code, the scholarship shall be 758
used only to pay for related services that are included in the 759
child's individualized education program. Upon agreement with 760
the eligible applicant, the alternative public provider or 761
registered private provider may modify the services provided to 762
the child. 763

Services provided through the program established under 764
this section may be provided virtually by qualified, 765
credentialed providers in accordance with standards established 766
by the department. 767

(B) The number of scholarships awarded under the program 768
in any fiscal year shall not exceed five per cent of the total 769
number of students residing in the state identified as children 770
with disabilities during the previous fiscal year. 771

(C) The department shall pay a scholarship under section 772
3317.022 of the Revised Code to the parent of each qualified 773
special education child, unless the parent authorizes a direct 774
payment to the child's provider, upon application of that parent 775
in the manner prescribed by the department. However, the 776
department shall not adopt specific dates for application 777
deadlines for scholarships under the program. 778

(D) The department shall not require the parent of a 779
student who applies for or receives a scholarship under this 780
section to complete any kind of income verification regarding 781
the student's family income. 782

Sec. 3310.58. No nonpublic school or entity shall receive 783
payments from an eligible applicant for services for a qualified 784
special education child under the Jon Peterson special needs 785
scholarship program until the school or entity registers with 786
the department of education and workforce. The department shall 787
register and designate as a registered private provider any 788
nonpublic school or entity that meets the following 789
requirements: 790

(A) The school or entity complies with the 791
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 792
whether the school or entity receives federal financial 793
assistance. 794

(B) If the school or entity is not chartered by the 795
director of education and workforce under section 3301.16 of the 796

Revised Code, the school or entity agrees to comply with 797
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 798
if it were a school district. 799

(C) The teaching and nonteaching professionals employed by 800
the school or entity, or employed by any subcontractors of the 801
school or entity, hold appropriate credentials ~~determined by the~~ 802
~~state board of education to be appropriate~~ for the qualified 803
special education children enrolled in and the services provided 804
through the special education program it operates. The list of 805
professionals who hold appropriate credentials to provide 806
services under a special education program include all of the 807
following: 808

(1) A behavior analyst certified by a nationally 809
recognized organization that certifies behavior analysts; 810

(2) A psychologist licensed to practice in this state 811
under Chapter 4732. of the Revised Code; 812

(3) An independent school psychologist or school 813
psychologist licensed to practice in this state under Chapter 814
4732. of the Revised Code; 815

(4) Any person employed by a licensed psychologist, 816
licensed independent school psychologist, or licensed school 817
psychologist, while carrying out specific tasks, under the 818
licensee's supervision, as an extension of the licensee's legal 819
and ethical authority as specified under Chapter 4732. of the 820
Revised Code who is ascribed as "psychology trainee," 821
"psychology assistant," "psychology intern," or other 822
appropriate term that clearly implies their supervised or 823
training status; 824

(5) An unlicensed person holding a doctoral degree in 825

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| <u>psychology or special education from a program approved by the</u> | 826 |
| <u>department;</u> | 827 |
| <u>(6) A registered behavior technician as described in rule</u> | 828 |
| <u>5123-9-41 of the Administrative Code working under the</u> | 829 |
| <u>supervision and following the intervention plan of a certified</u> | 830 |
| <u>Ohio behavior analyst or behavior analyst certified by a</u> | 831 |
| <u>nationally recognized organization that certifies behavior</u> | 832 |
| <u>analysts;</u> | 833 |
| <u>(7) A certified Ohio behavior analyst under Chapter 4783.</u> | 834 |
| <u>of the Revised Code;</u> | 835 |
| <u>(8) An occupational therapist or physical therapist</u> | 836 |
| <u>licensed to practice in this state under Chapter 4755. of the</u> | 837 |
| <u>Revised Code;</u> | 838 |
| <u>(9) A speech-language pathologist licensed to practice in</u> | 839 |
| <u>this state under Chapter 4753. of the Revised Code;</u> | 840 |
| <u>(10) An intervention specialist who holds a valid license</u> | 841 |
| <u>issued by the state board;</u> | 842 |
| <u>(11) A literacy intervention specialist certified through</u> | 843 |
| <u>pathways recognized by the Ohio dyslexia committee established</u> | 844 |
| <u>by section 3323.25 of the Revised Code. To the extent that</u> | 845 |
| <u>certification for any of the following positions is approved by</u> | 846 |
| <u>the Ohio dyslexia committee under section 3323.25 of the Revised</u> | 847 |
| <u>Code, literary intervention specialists may include:</u> | 848 |
| <u>(a) A structured literacy dyslexia interventionist;</u> | 849 |
| <u>(b) A structured literacy dyslexia specialist;</u> | 850 |
| <u>(c) A certified academic language practitioner;</u> | 851 |
| <u>(d) A certified academic language therapist.</u> | 852 |

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| <u>(12) Any other qualified individual as determined by the</u> | 853 |
| <u>department.</u> | 854 |
| (D) The school's or entity's educational program shall be | 855 |
| approved by the department. | 856 |
| (E) The school or entity meets applicable health and | 857 |
| safety standards established by law. | 858 |
| (F) The school or entity agrees to retain on file | 859 |
| documentation as required by the department. | 860 |
| (G) The school or entity agrees to provide a record of the | 861 |
| implementation of the individualized education program for each | 862 |
| qualified special education child enrolled in the school's or | 863 |
| entity's special education program, including evaluation of the | 864 |
| child's progress, to the school district in which the child is | 865 |
| entitled to attend school, in the form and manner prescribed by | 866 |
| the department. | 867 |
| (H) The school or entity agrees that, if it declines to | 868 |
| enroll a particular qualified special education child, it will | 869 |
| notify in writing the eligible applicant of its reasons for | 870 |
| declining to enroll the child. | 871 |
| <u>Sec. 3310.582. Any registered private provider approved to</u> | 872 |
| <u>participate in the Jon Peterson special needs scholarship</u> | 873 |
| <u>program and any of its employees shall be subject to a criminal</u> | 874 |
| <u>records check as specified in sections 109.57 and 109.572 of the</u> | 875 |
| <u>Revised Code. The registered private provider shall submit the</u> | 876 |
| <u>results of any records checks to the department of education and</u> | 877 |
| <u>workforce. The department shall use the information submitted to</u> | 878 |
| <u>enroll the individual for whom a records check is completed in</u> | 879 |
| <u>the retained applicant fingerprint database, established under</u> | 880 |
| <u>section 109.5721 of the Revised Code, in the same manner as any</u> | 881 |

teacher licensed under sections 3319.22 to 3319.31 of the 882
Revised Code. 883

Sec. 3313.5313. (A) As used in this section: 884

(1) "Harassment, intimidation, or bullying" has the same 885
meaning as in section 3313.666 of the Revised Code. 886

(2) "Home-educated student" means a student who is 887
receiving home education in accordance with section 3321.042 of 888
the Revised Code. 889

(3) "Qualifying offense" means any of the following: 890

(a) An offense of violence; 891

(b) A violation of section 2907.07 of the Revised Code; 892

(c) An attempt to commit an offense of violence or a 893
violation of section 2907.07 of the Revised Code. 894

(4) "Qualifying school" means a community school 895
established under Chapter 3314. of the Revised Code, a STEM 896
school established under Chapter 3326. of the Revised Code, a 897
chartered nonpublic school, or a nonchartered nonpublic school. 898

(5) "Resident district" means the school district in which 899
a student is entitled to attend school under section 3313.64 or 900
3313.65 of the Revised Code. 901

(B) The superintendent of any school district may afford 902
any home-educated student or any student enrolled in a 903
qualifying school or a different school district, regardless of 904
whether the superintendent's district is the student's resident 905
district, the opportunity to participate in interscholastic 906
athletics at a school of the superintendent's district, if the 907
student was subject to any of the following by a school 908

official, employee, or volunteer or another student from the 909
district or school in which the student is enrolled or the 910
district in which the student is participating in 911
interscholastic athletics under section 3313.537, 3313.5311, or 912
3313.5312 of the Revised Code: 913

(1) Harassment, intimidation, or bullying; 914

(2) A qualifying offense, for which the school official, 915
employee, or volunteer or another student has been either of the 916
following: 917

(a) Charged with, indicted for, convicted of, or pled 918
guilty to committing; 919

(b) Alleged to be or is adjudicated a delinquent child for 920
committing. 921

(3) Conduct by a school official, employee, or volunteer 922
that violates the licensure code of professional conduct for 923
Ohio educators developed by the state board of education. 924

(C) The chief administrative officer of any qualifying 925
school may afford any student enrolled in a school district, any 926
student enrolled in a different qualifying school, or any home- 927
educated student the opportunity to participate in 928
interscholastic athletics at the chief administrative officer's 929
school, if the student was subject to any of the following by a 930
school official, employee, or volunteer or another student from 931
the district or school in which the student is enrolled or the 932
district in which the student is participating in 933
interscholastic athletics under section 3313.537, 3313.5311, or 934
3313.5312 of the Revised Code: 935

(1) Harassment, intimidation, or bullying; 936

(2) A qualifying offense, for which the school official, 937
employee, or volunteer or another student has been either of the 938
following: 939

(a) Charged with, indicted for, convicted of, or pled 940
guilty to committing; 941

(b) Alleged to be or is adjudicated a delinquent child for 942
committing. 943

(3) Conduct by a school official, employee, or volunteer 944
that violates the licensure code of professional conduct for 945
Ohio educators developed by the state board of education. 946

(D) To participate in interscholastic athletics under this 947
section, a student who is not a home-educated student shall be 948
of the appropriate age and grade level, as determined by the 949
superintendent of the district or the chief administrative 950
officer of the qualifying school, for the school at which the 951
student participates in interscholastic athletics and shall 952
fulfill the same academic, nonacademic, and financial 953
requirements as any other participant. 954

(E) Divisions (C) to (E) of section 3313.5312 of the 955
Revised Code apply to a home-educated student who participates 956
in interscholastic athletics at school under this section. 957

(F) No district or school shall impose additional rules on 958
a student to participate under this section that do not apply to 959
other students participating in the same interscholastic 960
athletics activity. No district or school shall impose fees for 961
a student to participate under this section that exceed any fees 962
charged to other students participating in the same 963
interscholastic athletics activity. 964

(G) No school district board of education, STEM school 965

governing body, or governing authority of a community school, 966
chartered nonpublic school, or nonchartered nonpublic school 967
shall take any action contrary to the provisions of this 968
section. 969

(H) No school district, interscholastic conference, or 970
organization that regulates interscholastic conferences or 971
events shall do either of the following: 972

(1) Require a student who is eligible to participate in 973
interscholastic athletics under this section to meet eligibility 974
requirements that conflict with this section; 975

(2) Penalize or restrict the eligibility to participate in 976
interscholastic athletics of a student who, during a school 977
year, ceases to participate in interscholastic athletics at one 978
district or school and then begins to participate in 979
interscholastic athletics at a different district or school 980
under this section. 981

Sec. 3313.5319. (A) As used in this section: 982

(1) "Qualifying school" means ~~a~~ both of the following: 983

(a) A school district or chartered nonpublic school that 984
elects to participate in athletic events regulated by an 985
interscholastic conference or an organization that regulates 986
either interscholastic conferences or interscholastic athletic 987
competition among member schools; 988

(b) An interscholastic conference or an organization that 989
regulates either interscholastic conferences or interscholastic 990
athletic competition among member schools. 991

(2) "School-affiliated event" means an athletic event, 992
play, musical, or any other school-related event or activity 993

that a ~~district or~~ qualifying school conducts, sponsors, or 994
participates in and for which a ~~district or~~ qualifying school 995
charges admission to attend. "School-affiliated event" does not 996
include any event or activity that is conducted in a public 997
facility that is leased by a professional sports team or a 998
~~privately owned~~ privately owned facility. 999

(B) Each qualifying school shall permit an individual to 1000
pay cash for a ticket to a school-affiliated event. If a 1001
qualifying school does not accept cash payment from an 1002
individual who wishes to purchase a ticket to an event on the 1003
date of that event, the school shall grant that individual a 1004
free ticket if there are still tickets available and the 1005
individual demonstrates that the individual has enough cash to 1006
cover the full cost of the ticket. 1007

(C) A qualifying school shall not establish different 1008
prices for tickets for a school-affiliated event based on 1009
whether those tickets are purchased using cash or any other 1010
payment method, except that the school may charge a processing 1011
fee for any ticket purchased online or by credit card. 1012

(D) A qualifying school shall charge a student enrolled in 1013
any school participating in a school-affiliated event a ticket 1014
price that is less than the ticket price the school charges for 1015
an adult for the same event. 1016

(E) Each qualifying school that offers concessions for 1017
sale at a school-affiliated event shall provide at least one 1018
location where an individual may pay cash for concessions and, 1019
if concessions are sold on multiple floors, at least one 1020
location on each floor that accepts cash payment. 1021

Sec. 3319.31. (A) As used in this section and sections 1022

3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1023
means a certificate, license, or permit described in this 1024
chapter or in division (B) of section 3301.071 or in section 1025
3301.074 of the Revised Code or a registration described in 1026
division (B) of section 3302.151, section 3310.411, or section 1027
3319.221 of the Revised Code. 1028

(B) For any of the following reasons, the state board of 1029
education, except as provided in division (H) of this section 1030
and in accordance with Chapter 119. and section 3319.311 of the 1031
Revised Code, may refuse to issue a license to an applicant; may 1032
limit a license it issues to an applicant; may suspend, revoke, 1033
or limit a license that has been issued to any person; or may 1034
revoke a license that has been issued to any person and has 1035
expired: 1036

(1) Engaging in an immoral act, incompetence, negligence, 1037
or conduct that is unbecoming to the applicant's or person's 1038
position; 1039

(2) A plea of guilty to, a finding of guilt by a jury or 1040
court of, or a conviction of any of the following: 1041

(a) A felony other than a felony listed in division (C) of 1042
this section; 1043

(b) An offense of violence other than an offense of 1044
violence listed in division (C) of this section; 1045

(c) A theft offense, as defined in section 2913.01 of the 1046
Revised Code, other than a theft offense listed in division (C) 1047
of this section; 1048

(d) A drug abuse offense, as defined in section 2925.01 of 1049
the Revised Code, that is not a minor misdemeanor, other than a 1050
drug abuse offense listed in division (C) of this section; 1051

(e) A violation of an ordinance of a municipal corporation 1052
that is substantively comparable to an offense listed in 1053
divisions (B) (2) (a) to (d) of this section. 1054

(3) A judicial finding of eligibility for intervention in 1055
lieu of conviction under section 2951.041 of the Revised Code, 1056
or agreeing to participate in a pre-trial diversion program 1057
under section 2935.36 of the Revised Code, or a similar 1058
diversion program under rules of a court, for any offense listed 1059
in division (B) (2) or (C) of this section; 1060

(4) Failure to comply with section 3314.40, 3319.313, 1061
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code. 1062

(C) Upon learning of a plea of guilty to, a finding of 1063
guilt by a jury or court of, or a conviction of any of the 1064
offenses listed in this division by a person who holds a current 1065
or expired license or is an applicant for renewal of a license, 1066
the state board or the superintendent of public instruction, if 1067
the state board has delegated the duty pursuant to division (D) 1068
of this section, shall by a written order revoke the person's 1069
license or deny renewal of the license to the person. The state 1070
board or the superintendent shall revoke a license that has been 1071
issued to a person to whom this division applies and has expired 1072
in the same manner as a license that has not expired. 1073

Revocation of a license or denial of renewal of a license 1074
under this division is effective immediately at the time and 1075
date that the board or superintendent issues the written order 1076
and is not subject to appeal in accordance with Chapter 119. of 1077
the Revised Code. Revocation of a license or denial of renewal 1078
of license under this division remains in force during the 1079
pendency of an appeal by the person of the plea of guilty, 1080
finding of guilt, or conviction that is the basis of the action 1081

taken under this division. 1082

The state board or superintendent shall take the action 1083
required by this division for a violation of division (B) (1), 1084
(2), (3), or (4) of section 2919.22 of the Revised Code; a 1085
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 1086
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 1087
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1088
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 1089
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 1090
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 1091
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 1092
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 1093
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 1094
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 1095
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 1096
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 1097
violation of section 2907.231 of the Revised Code unless the 1098
offender was coerced into committing a violation of that 1099
section; a violation of section 2905.04 of the Revised Code as 1100
it existed prior to July 1, 1996; a violation of section 2919.23 1101
of the Revised Code that would have been a violation of section 1102
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1103
had the violation been committed prior to that date; felonious 1104
sexual penetration in violation of former section 2907.12 of the 1105
Revised Code; or a violation of an ordinance of a municipal 1106
corporation that is substantively comparable to an offense 1107
listed in this paragraph. 1108

(D) The state board may delegate to the superintendent of 1109
public instruction the authority to revoke a person's license or 1110
to deny renewal of a license to a person under division (C) or 1111
(F) of this section. 1112

(E) (1) If the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under division (B) (2) or (C) of this section, or under the version of division (F) of section 3319.311 of the Revised Code in effect prior to September 12, 2008, is overturned on appeal, upon exhaustion of the criminal appeal, the clerk of the court that overturned the plea, finding, or conviction or, if applicable, the clerk of the court that accepted an appeal from the court that overturned the plea, finding, or conviction, shall notify the state board that the plea, finding, or conviction has been overturned. Within thirty days after receiving the notification, the state board shall initiate proceedings to reconsider the revocation or denial of the person's license in accordance with division (E) (2) of this section. In addition, the person whose license was revoked or denied may file with the state board a petition for reconsideration of the revocation or denial along with appropriate court documents.

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

the board under this division is subject to appeal under Chapter 1144
119. of the Revised Code. 1145

(3) A person whose license is revoked or denied under 1146
division (C) of this section shall not apply for any license if 1147
the plea of guilty, finding of guilt, or conviction that is the 1148
basis of the revocation or denial, upon completion of the 1149
criminal appeal, either is upheld or is overturned but the state 1150
board continues the revocation or denial under division (E) (2) 1151
of this section and that continuation is upheld on final appeal. 1152

(F) The state board may take action under division (B) of 1153
this section, and the state board or the superintendent shall 1154
take the action required under division (C) of this section, on 1155
the basis of substantially comparable conduct occurring in a 1156
jurisdiction outside this state or occurring before a person 1157
applies for or receives any license. 1158

(G) The state board may adopt rules in accordance with 1159
Chapter 119. of the Revised Code to carry out this section and 1160
section 3319.311 of the Revised Code. 1161

(H) The state board shall not refuse to issue a license to 1162
an applicant because of a conviction of, a plea of guilty to, or 1163
a finding of guilt by a jury or court of an offense unless the 1164
refusal is in accordance with section 9.79 of the Revised Code. 1165

Sec. 3319.313. (A) As used in this section: 1166

(1) "Conduct unbecoming to the teaching profession" shall 1167
be as described in rules adopted by the state board of 1168
education. 1169

(2) "Intervention in lieu of conviction" means 1170
intervention in lieu of conviction under section 2951.041 of the 1171
Revised Code. 1172

(3) "License" has the same meaning as in section 3319.31 1173
of the Revised Code. 1174

(4) "Pre-trial diversion program" means a pre-trial 1175
diversion program under section 2935.36 of the Revised Code or a 1176
similar diversion program under rules of a court. 1177

(B) The superintendent of each school district and each 1178
educational service center or the president of the district or 1179
service center board, if division (C) (1) of this section 1180
applies, and the chief administrator of each chartered nonpublic 1181
school or the president or chairperson of the governing 1182
authority of the nonpublic school, if division (C) (2) of this 1183
section applies, shall promptly submit to the superintendent of 1184
public instruction the information prescribed in division (D) of 1185
this section when any of the following conditions applies to an 1186
employee of the district, service center, or nonpublic school 1187
who holds a license issued by the state board of education: 1188

(1) The superintendent, chief administrator, president, or 1189
chairperson knows that the employee has pleaded guilty to, has 1190
been found guilty by a jury or court of, has been convicted of, 1191
has been found to be eligible for intervention in lieu of 1192
conviction for, or has agreed to participate in a pre-trial 1193
diversion program for an offense described in division (B) (2) or 1194
(C) of section 3319.31 or division (B) (1) of section 3319.39 of 1195
the Revised Code; 1196

(2) The district board of education, service center 1197
governing board, or nonpublic school chief administrator or 1198
governing authority has initiated termination or nonrenewal 1199
proceedings against, has terminated, or has not renewed the 1200
contract of the employee because the board of education, 1201
governing board, or chief administrator has reasonably 1202

determined that the employee has committed an act that is 1203
unbecoming to the teaching profession or an offense described in 1204
division (B) (2) or (C) of section 3319.31 or division (B) (1) of 1205
section 3319.39 of the Revised Code; 1206

(3) The employee has resigned or retired under threat of 1207
termination or nonrenewal as described in division (B) (2) of 1208
this section; 1209

(4) The employee has resigned or retired because of or in 1210
the course of an investigation by the board of education, 1211
governing board, or chief administrator regarding whether the 1212
employee has committed an act that is unbecoming to the teaching 1213
profession or an offense described in division (B) (2) or (C) of 1214
section 3319.31 or division (B) (1) of section 3319.39 of the 1215
Revised Code. 1216

(5) The district board of education, service center 1217
governing board, or nonpublic school chief administrator or 1218
governing authority has removed the employee from the list of 1219
eligible substitute teachers for the district, service center, 1220
or nonpublic school because the board of education, governing 1221
board, or chief administrator has reasonably determined that the 1222
employee has committed an act that is unbecoming to the teaching 1223
profession. 1224

(C) (1) If the employee to whom any of the conditions 1225
prescribed in divisions (B) (1) to (4) of this section applies is 1226
the superintendent or treasurer of a school district or 1227
educational service center, the president of the board of 1228
education of the school district or of the governing board of 1229
the educational service center shall make the report required 1230
under this section. 1231

(2) If the employee to whom any of the conditions 1232
prescribed in divisions (B) (1) to (4) of this section applies is 1233
the chief administrator of a chartered nonpublic school, the 1234
president or chairperson of the governing authority of the 1235
chartered nonpublic school shall make the report required under 1236
this section. 1237

(D) If a report is required under this section, the 1238
superintendent, chief administrator, president, or chairperson 1239
shall submit to the superintendent of public instruction the 1240
name and social security number of the employee about whom the 1241
information is required and a factual statement regarding any of 1242
the conditions prescribed in divisions (B) (1) to (4) of this 1243
section that applies to the employee. 1244

(E) A determination made by the board of education, 1245
governing board, chief administrator, or governing authority as 1246
described in division (B) (2) of this section or a termination, 1247
nonrenewal, resignation, retirement, or other separation 1248
described in divisions (B) (2) to ~~(4)~~ (5) of this section does 1249
not create a presumption of the commission or lack of the 1250
commission by the employee of an act unbecoming to the teaching 1251
profession or an offense described in division (B) (2) or (C) of 1252
section 3319.31 or division (B) (1) of section 3319.39 of the 1253
Revised Code. 1254

(F) No individual required to submit a report under 1255
division (B) of this section shall knowingly fail to comply with 1256
that division. 1257

(G) An individual who provides information to the 1258
superintendent of public instruction in accordance with this 1259
section in good faith shall be immune from any civil liability 1260
that otherwise might be incurred or imposed for injury, death, 1261

or loss to person or property as a result of the provision of 1262
that information. 1263

Sec. 5104.013. ~~(A)~~(A) (1) As used in this section: 1264

~~(1)~~-(a) "Applicant" means either of the following: 1265

~~(a)~~-(i) A person who is under final consideration for 1266
appointment to or employment in a position with a licensed 1267
preschool program or licensed school child program that provides 1268
publicly funded child care, authorized private before and after 1269
school care program, child care center, type A family child care 1270
home, licensed type B family child care home, or child day camp; 1271

~~(b)~~-(ii) A person who would serve in any position with a 1272
licensed preschool program or licensed school child program that 1273
provides publicly funded child care, authorized private before 1274
and after school care program, child care center, type A family 1275
child care home, licensed type B family child care home, or 1276
child day camp pursuant to a contract with another entity. 1277

~~(2)~~-(b) "Authorized private before and after school care 1278
program" has the same meaning as in section 3301.52 of the 1279
Revised Code. 1280

(c) "Criminal records check" has the same meaning as in 1281
section 109.572 of the Revised Code. 1282

(2) Regarding an authorized private before and after 1283
school care program only, "director" means an individual who is 1284
responsible for ensuring compliance with this section and any 1285
rules adopted under it. 1286

(B) (1) At the times specified in division (B) (2) (a) of 1287
this section, the director of job and family services shall 1288
request the superintendent of the bureau of criminal 1289

| | |
|---|------|
| identification and investigation to conduct a criminal records | 1290 |
| check for each of the following persons: | 1291 |
| (a) Any owner or licensee of a child care center; | 1292 |
| (b) Any owner or licensee of a type A family child care | 1293 |
| home or licensed type B family child care home and any person | 1294 |
| eighteen years of age or older who resides in the home; | 1295 |
| (c) Any owner of an approved child day camp; | 1296 |
| (d) Any director of a licensed preschool program or | 1297 |
| licensed school child program that provides publicly funded | 1298 |
| child care; | 1299 |
| (e) <u>Any owner or director of an authorized private before</u> | 1300 |
| <u>and after school care program;</u> | 1301 |
| <u>(f) Any in-home aide;</u> | 1302 |
| (f) <u>(g) Any applicant or employee, including an</u> | 1303 |
| administrator, of a child care center, type A family child care | 1304 |
| home, licensed type B family child care home, approved child day | 1305 |
| camp, or licensed preschool program or licensed school child | 1306 |
| program that provides publicly funded child care, <u>or authorized</u> | 1307 |
| <u>private before and after school care program.</u> | 1308 |
| (2) (a) The director shall request a criminal records check | 1309 |
| at the following times: | 1310 |
| (i) In the case of an owner or licensee of child care | 1311 |
| center or an owner or licensee of a type A family child care | 1312 |
| home or licensed type B family child care home or a resident of | 1313 |
| such a home, at the time of initial application for licensure | 1314 |
| and every five years thereafter; | 1315 |
| (ii) In the case of an owner of an approved child day | 1316 |

camp, at the time of initial application for approval and every 1317
five years thereafter; 1318

(iii) In the case of a director of a licensed child care 1319
program or licensed school child program, at the time of initial 1320
application to provide publicly funded child care and every five 1321
years thereafter; 1322

(iv) In the case of an owner or director of an authorized 1323
private before and after school care program, at the time of 1324
initial application for licensure and every five years 1325
thereafter; 1326

(v) In the case of an in-home aide, at the time of initial 1327
application for certification and every five years thereafter; 1328

~~(v)~~ (vi) Except as provided in division ~~(B) (2) (a) (vi)~~ (B) 1329
(2) (a) (vii) of this section, in the case of an applicant or 1330
employee, at the time of initial application for employment and 1331
every five years thereafter; 1332

~~(vi)~~ (vii) In the case of an applicant who has been 1333
determined eligible for employment after a review of a criminal 1334
records check within the past five years and who has been 1335
employed by a licensed preschool program or licensed school 1336
child program that provides publicly funded child care, 1337
authorized private before and after school care program, child 1338
care center, type A family child care home, licensed type B 1339
family child care home, or approved child day camp within the 1340
past one hundred eighty consecutive days, every five years after 1341
the date of the initial determination. 1342

(b) A criminal records check requested at the time of 1343
initial application shall include a request that the 1344
superintendent of the bureau of criminal identification and 1345

investigation obtain information from the federal bureau of 1346
investigation as part of the criminal records check for the 1347
person, including fingerprint-based checks of national crime 1348
information databases as described in 42 U.S.C. 671 for the 1349
person subject to the criminal records check. 1350

(c) A criminal records check requested at any time other 1351
than the time of initial application may include a request that 1352
the superintendent of the bureau of criminal identification and 1353
investigation obtain information from the federal bureau of 1354
investigation as part of the criminal records check for the 1355
person, including fingerprint-based checks of national crime 1356
information databases as described in 42 U.S.C. 671 for the 1357
person subject to the criminal records check. 1358

(3) With respect to a criminal records check requested for 1359
a person described in division (B) (1) of this section, the 1360
director of job and family services shall do all of the 1361
following: 1362

(a) Provide to the person a copy of the form prescribed 1363
pursuant to division (C) (1) of section 109.572 of the Revised 1364
Code and a standard impression sheet to obtain fingerprint 1365
impressions prescribed pursuant to division (C) (2) of that 1366
section; 1367

(b) Obtain the completed form and impression sheet from 1368
the person; 1369

(c) Forward the completed form and impression sheet to the 1370
superintendent of the bureau of criminal identification and 1371
investigation; 1372

(d) Review the results of the criminal records check. 1373

(4) A person who receives from the director a copy of the 1374

form and standard impression sheet and who is requested to 1375
complete the form and provide a set of fingerprint impressions 1376
shall complete the form or provide all of the information 1377
necessary to complete the form and shall provide the impression 1378
sheet with the impressions of the person's fingerprints. If the 1379
person, upon request, fails to provide the information necessary 1380
to complete the form or fails to provide impressions of the 1381
person's fingerprints, the director or a county director of job 1382
and family services may consider the failure a reason to deny 1383
licensure, approval, or certification or to determine an 1384
employee ineligible for employment. 1385

(5) Except as provided in rules adopted under division (F) 1386
of this section: 1387

(a) The director of job and family services shall refuse 1388
to issue a license to or approve a center, type A home, type B 1389
home, child day camp, preschool program, ~~or~~ school child 1390
program, or authorized private before and after school care 1391
program, and shall revoke a license or approval, and a county 1392
director of job and family services shall not certify an in-home 1393
aide and shall revoke a certification, if a person for whom a 1394
criminal records check was required under ~~division~~ divisions (B) 1395
(1) (a) to ~~(B) (1) (e)~~ (B) (1) (f) of this section has been convicted 1396
of or pleaded guilty to any of the violations described in 1397
division (A) (5) of section 109.572 of the Revised Code. 1398

(b) The director of job and family services shall not 1399
issue a license to a type A home or type B home if a resident of 1400
the type A home or type B home is under eighteen years of age 1401
and has been adjudicated a delinquent child for committing 1402
either a violation of any section listed in division (A) (5) of 1403
section 109.572 of the Revised Code or an offense of another 1404

state or the United States that is substantially equivalent to 1405
an offense listed in division (A) (5) of section 109.572 of the 1406
Revised Code. 1407

(c) The director shall determine an applicant or employee 1408
ineligible for employment if the person has been convicted of or 1409
pleaded guilty to any of the violations described in division 1410
(A) (5) of section 109.572 of the Revised Code. 1411

(6) Each child care center, type A home, type B home, 1412
approved child day camp, licensed child care program, licensed 1413
school child program, authorized private before and after school 1414
care program, and in-home aide shall pay to the bureau of 1415
criminal identification and investigation the fee prescribed 1416
pursuant to division (C) (3) of section 109.572 of the Revised 1417
Code for each criminal records check conducted in accordance 1418
with that section upon a request made pursuant to division (B) 1419
of this section. 1420

A center, home, camp, preschool program, ~~or~~ school child 1421
program, or authorized private before and after school care 1422
program may charge an applicant a fee for the costs it incurs in 1423
obtaining a criminal records check under this section. A fee 1424
charged under this division shall not exceed the amount the 1425
center, home, camp, or program pays under this section. If a fee 1426
is charged, the center, home, camp, or program shall notify the 1427
applicant at the time of the applicant's initial application for 1428
employment of the amount of the fee and that, unless the fee is 1429
paid, the center, home, camp, or program will not consider the 1430
applicant for employment. 1431

(7) The report of any criminal records check conducted by 1432
the bureau of criminal identification and investigation in 1433
accordance with section 109.572 of the Revised Code and pursuant 1434

to a request made under division (B) of this section is 1435
confidential and not a public record for the purposes of section 1436
149.43 of the Revised Code. The report shall not be made 1437
available to any person other than the person who is the subject 1438
of the criminal records check or the person's representative, 1439
the director of job and family services, the director of a 1440
county department of job and family services, and any court, 1441
hearing officer, or other necessary individual involved in a 1442
case dealing with a denial or revocation of licensure, approval, 1443
or certification related to the criminal records check. 1444

(C) (1) At the times specified in division (C) (2) of this 1445
section, the director of job and family services shall search 1446
the uniform statewide automated child welfare information system 1447
for information concerning any abuse or neglect report made 1448
pursuant to section 2151.421 of the Revised Code of which any of 1449
the following persons is a subject: 1450

(a) Any owner or licensee of a child care center; 1451

(b) Any owner or licensee of a type A family child care 1452
home or licensed type B family child care home and any person 1453
eighteen years of age or older who resides in the home; 1454

(c) Any owner of an approved child day camp; 1455

(d) Any director of a licensed preschool program or 1456
licensed school child program that provides publicly funded 1457
child care; 1458

(e) Any owner or director of an authorized private before 1459
and after school care program; 1460

(f) Any in-home aide; 1461

~~(f)~~ (g) Any applicant or employee, including an 1462

administrator, of a child care center, type A family child care 1463
home, licensed type B family child care home, approved child day 1464
camp, ~~or~~ licensed preschool program or licensed school child 1465
program that provides publicly funded child care, or authorized 1466
private before and after school care program. 1467

(2) The director shall search the information system at 1468
the following times: 1469

(a) In the case of an owner or licensee of child care 1470
center or an owner or licensee of a type A family child care 1471
home or licensed type B family child care home or a resident of 1472
such a home, at the time of initial application for licensure 1473
and every five years thereafter; 1474

(b) In the case of an owner of an approved child day camp, 1475
at the time of initial application for approval and every five 1476
years thereafter; 1477

(c) In the case of a director of a licensed child care 1478
program or licensed school child program, at the time of initial 1479
application to provide publicly funded child care and every five 1480
years thereafter; 1481

(d) In the case of an owner or director of an authorized 1482
private before and after school care program, at the time of 1483
initial application for licensure and every five years 1484
thereafter; 1485

(e) In the case of an in-home aide, at the time of initial 1486
application for certification and every five years thereafter; 1487

~~(e)-(f)~~ Except as provided in division ~~(C)(2)(f)~~ (C)(2)(g) 1488
of this section, in the case of an applicant or employee, at the 1489
time of initial application for employment and every five years 1490
thereafter; 1491

~~(f)~~-(g) In the case of an applicant who has been 1492
determined eligible for employment after a search of the uniform 1493
statewide automated child welfare information system within the 1494
past five years and who has been employed by a licensed 1495
preschool program or licensed school child program that provides 1496
publicly funded child care, authorized private before and after 1497
school care program, child care center, type A family child care 1498
home, licensed type B family child care home, or approved child 1499
day camp within the past one hundred eighty consecutive days, 1500
every five years after the date of the initial determination. 1501

(3) The director shall consider any information discovered 1502
pursuant to division (C) (1) of this section or that is provided 1503
by a public children services agency pursuant to section 1504
5153.175 of the Revised Code. If the director determines that 1505
the information, when viewed within the totality of the 1506
circumstances, reasonably leads to the conclusion that the 1507
person may directly or indirectly endanger the health, safety, 1508
or welfare of children, the director or county director of job 1509
and family services shall do any of the following: 1510

(a) Refuse to issue a license to or approve a center, type 1511
A home, type B home, child day camp, preschool program, ~~or~~ 1512
school child program, or authorized private before and after 1513
school care program; 1514

(b) Revoke a license or approval; 1515

(c) Refuse to certify an in-home aide or revoke a 1516
certification; 1517

(d) Determine an applicant or employee ineligible for 1518
employment with the center, type A home, licensed type B home, 1519
child day camp, preschool program, ~~or~~ school child program, or 1520

authorized private before and after school care program. 1521

(4) Any information obtained under division (C) of this 1522
section is confidential and not a public record for the purposes 1523
of section 149.43 of the Revised Code. The information shall not 1524
be made available to any person other than the person who is the 1525
subject of the search or the person's representative, the 1526
director of job and family services, the director of a county 1527
department of job and family services, and any court, hearing 1528
officer, or other necessary individual involved in a case 1529
dealing with a denial or revocation of licensure, approval, or 1530
certification related to the search. 1531

(D) (1) At the times specified in division (D) (2) of this 1532
section, the director of job and family services shall inspect 1533
the state registry of sex offenders and child-victim offenders 1534
established under section 2950.13 of the Revised Code and the 1535
national sex offender registry as described in 42 U.S.C. 16901 1536
to determine if any of the following persons is registered or 1537
required to be registered as an offender: 1538

(a) Any owner or licensee of a child care center; 1539

(b) Any owner or licensee of a type A family child care 1540
home or licensed type B family child care home and any person 1541
eighteen years of age or older who resides in the home; 1542

(c) Any owner of an approved child day camp; 1543

(d) Any director of a licensed preschool program or 1544
licensed school child program that provides publicly funded 1545
child care; 1546

(e) Any owner or director of an authorized private before 1547
and after school care program; 1548

(f) Any in-home aide; 1549

~~(f)~~ (g) Any applicant or employee, including an 1550
administrator, of a child care center, type A family child care 1551
home, licensed type B family child care home, approved child day 1552
camp, ~~or~~ licensed preschool program or licensed school child 1553
program that provides publicly funded child care, or authorized 1554
private before and after school care program. 1555

(2) The director shall inspect each registry at the 1556
following times: 1557

(a) In the case of an owner or licensee of child care 1558
center or an owner or licensee of a type A family child care 1559
home or type B family child care home or a resident of such a 1560
home, at the time of initial application for licensure and every 1561
five years thereafter; 1562

(b) In the case of an owner of an approved child day camp, 1563
at the time of initial application for approval and every five 1564
years thereafter; 1565

(c) In the case of a director of a licensed child care 1566
program or licensed school child program, at the time of initial 1567
application to provide publicly funded child care; 1568

(d) In the case of an owner or director of an authorized 1569
private before and after school care program, at the time of 1570
initial application for licensure and every five years 1571
thereafter; 1572

(e) In the case of an in-home aide, at the time of initial 1573
application for certification and every five years thereafter; 1574

~~(e)~~ (f) Except as provided in division ~~(D)(2)(f)~~ (D)(2)(g) 1575
of this section, in the case of an applicant or employee, at the 1576

time of initial application for employment and every five years 1577
thereafter; 1578

~~(f)~~ (g) In the case of an applicant who has been 1579
determined eligible for employment after an inspection of the 1580
state registry of sex offenders and child-victim offenders 1581
established under section 2950.13 of the Revised Code and the 1582
national sex offender registry as described in 42 U.S.C. 16901 1583
within the past five years and who has been employed by a 1584
licensed preschool program or licensed school child program that 1585
provides publicly funded child care, authorized private before 1586
and after school care program, child care center, type A family 1587
child care home, licensed type B family child care home, or 1588
approved child day camp within the past one hundred eighty 1589
consecutive days, every five years after the date of the initial 1590
determination. 1591

(3) If the director determines that the person is 1592
registered or required to be registered on either registry, the 1593
director or county director of job and family services shall do 1594
any of the following: 1595

(a) Refuse to issue a license to or approve a center, type 1596
A home, type B home, child day camp, preschool program, ~~or~~ 1597
school child program, or authorized private before and after 1598
school care program; 1599

(b) Revoke a license or approval; 1600

(c) Refuse to certify an in-home aide or revoke a 1601
certification; 1602

(d) Determine an applicant or employee ineligible for 1603
employment with the center, type A home, licensed type B home, 1604
child day camp, preschool program, ~~or~~ school child program, or 1605

authorized private before and after school care program. 1606

(4) Any information obtained under division (D) of this 1607
section is confidential and not a public record for the purposes 1608
of section 149.43 of the Revised Code. The information shall not 1609
be made available to any person other than the person who is the 1610
subject of the inspection or the person's representative, the 1611
director of job and family services, the director of a county 1612
department of job and family services, and any court, hearing 1613
officer, or other necessary individual involved in a case 1614
dealing with a denial or revocation of licensure, approval, or 1615
certification related to the search. 1616

(E) Whenever the director of job and family services 1617
determines a person ineligible for employment under division 1618
(B), (C), or (D) of this section, the director shall as soon as 1619
practicable notify the following of that determination: the 1620
licensed preschool program or licensed school child program that 1621
provides publicly funded child care, authorized private before 1622
and after school care program, child care center, type A family 1623
child care home, licensed type B family child care home, or 1624
approved child day camp that is considering the person for 1625
appointment or employment. A licensed preschool program or 1626
licensed school child program that provides publicly funded 1627
child care, authorized private before and after school care 1628
program, child care center, type A family child care home, 1629
licensed type B family child care home, or approved child day 1630
camp shall not employ a person who is determined under this 1631
section to be ineligible for employment. 1632

(F) (1) An administrator of a child day camp, other than an 1633
approved child day camp shall request the superintendent of the 1634
bureau of criminal identification and investigation to conduct a 1635

criminal records check for any applicant or employee, including 1636
an administrator, of the child day camp. The request shall be 1637
made at the time of initial application for employment and every 1638
five years thereafter. 1639

(2) A criminal records check requested at the time of 1640
initial application shall include a request that the 1641
superintendent of the bureau of criminal identification and 1642
investigation obtain information from the federal bureau of 1643
investigation as part of the criminal records check for the 1644
person, including fingerprint-based checks of national crime 1645
information databases as described in 42 U.S.C. 671 for the 1646
person subject to the criminal records check. 1647

(3) A criminal records check requested at any time other 1648
than the time of initial application may include a request that 1649
the superintendent of the bureau of criminal identification and 1650
investigation obtain information from the federal bureau of 1651
investigation as part of the criminal records check for the 1652
person, including fingerprint-based checks of national crime 1653
information databases as described in 42 U.S.C. 671 for the 1654
person subject to the criminal records check. 1655

(4) With respect to a criminal records check requested 1656
under division (F) of this section, the administrator shall do 1657
all of the following: 1658

(a) Provide to the applicant or employee a copy of the 1659
form prescribed pursuant to division (C) (1) of section 109.572 1660
of the Revised Code and a standard impression sheet to obtain 1661
fingerprint impressions prescribed pursuant to division (C) (2) 1662
of that section; 1663

(b) Obtain the completed form and impression sheet from 1664

the applicant or employee; 1665

(c) Forward the completed form and impression sheet to the 1666
superintendent of the bureau of criminal identification and 1667
investigation; 1668

(d) Review the results of the criminal records check. 1669

(5) An applicant or employee who receives from the 1670
administrator a copy of the form and standard impression sheet 1671
and who is requested to complete the form and provide a set of 1672
fingerprint impressions shall complete the form or provide all 1673
of the information necessary to complete the form and shall 1674
provide the impression sheet with the impressions of the 1675
person's fingerprints. If the applicant or employee, upon 1676
request, fails to provide the information necessary to complete 1677
the form or fails to provide impressions of the person's 1678
fingerprints, the administrator may consider the failure a 1679
reason to determine an applicant or employee ineligible for 1680
employment. 1681

(6) A child day camp, other than an approved child day 1682
camp, may employ an applicant or continue to employ an employee 1683
until the criminal records check required by this section is 1684
completed and the camp receives the results of the check. Until 1685
the administrator has reviewed the results of the criminal 1686
records check and determines that the applicant or employee is 1687
eligible for employment, the camp shall not grant the applicant 1688
or employee sole responsibility for the care, custody, or 1689
control of a child. If the results indicate that the applicant 1690
or employee is ineligible for employment, the camp shall 1691
immediately release the applicant or employee from employment. 1692

(7) Except as provided in rules adopted under this 1693

section, the administrator shall determine an applicant or 1694
employee ineligible for employment if the person has been 1695
convicted of or pleaded guilty to any of the violations 1696
described in division (A) (5) of section 109.572 of the Revised 1697
Code. If the applicant or employee is determined ineligible, the 1698
child day camp shall not employ the applicant or employee or 1699
contract with another entity for the services of the applicant 1700
or employee. 1701

(8) Each child day camp shall pay to the bureau of 1702
criminal identification and investigation the fee prescribed 1703
pursuant to division (C) (3) of section 109.572 of the Revised 1704
Code for each criminal records check conducted in accordance 1705
with that section upon a request made pursuant to division (F) 1706
of this section. A camp may charge an applicant or employee a 1707
fee for the costs it incurs in obtaining a criminal records 1708
check under division (F) of this section. A fee charged under 1709
this division shall not exceed the fees the camp pays under this 1710
section. If a fee is charged, the camp shall notify the 1711
applicant at the time of the applicant's initial application for 1712
employment of the amount of the fee and that, unless the fee is 1713
paid, the camp will not consider the applicant for employment. 1714

(9) The report of any criminal records check conducted by 1715
the bureau of criminal identification and investigation in 1716
accordance with section 109.572 of the Revised Code and pursuant 1717
to a request made under division (F) of this section is 1718
confidential and not a public record for the purposes of section 1719
149.43 of the Revised Code. The report shall not be made 1720
available to any person other than the person who is the subject 1721
of the criminal records check or the person's representative, 1722
the director of job and family services, the administrator, and 1723
any court, hearing officer, or other necessary individual 1724

involved in a case dealing with a denial or revocation of 1725
registration related to the criminal records check. 1726

(G) The director of job and family services shall adopt 1727
rules as necessary to implement this section. The rules shall be 1728
adopted in accordance with Chapter 119. of the Revised Code. The 1729
rules shall specify exceptions to the prohibitions in divisions 1730
(B), (E), and (F) of this section for a person who has been 1731
convicted of or pleaded guilty to a criminal offense listed in 1732
division (A)(5) of section 109.572 of the Revised Code but who 1733
meets standards in regard to rehabilitation set by the director. 1734

(H) (1) Whenever the director of job and family services 1735
requests a criminal records check, searches the uniform 1736
statewide automated child welfare information system, or 1737
inspects the state registry of sex offenders and child-victim 1738
offenders and national sex offender registry as required by this 1739
section and finds that a person who is subject to the 1740
requirements of division (B), (C), or (D) of this section 1741
resided in another state during the previous five years, the 1742
director shall request the following from the other state: a 1743
criminal records check and information from the uniform 1744
statewide automated child welfare information system or state 1745
registry of sex offenders. 1746

(2) Whenever the director receives from an agency of 1747
another state a request for a criminal records check or for 1748
information from the uniform statewide automated child welfare 1749
information system or state registry of sex offenders that is 1750
related to a child care license or the provision of publicly 1751
funded child care, the director shall provide to that other 1752
state's agency the results of the records check and information 1753
from the system and registry. 1754

Section 2. That existing sections 109.57, 121.086, 1755
3310.41, 3310.52, 3310.58, 3313.5319, 3319.31, 3319.313, and 1756
5104.013 of the Revised Code are hereby repealed. 1757

Section 3. That the version of section 5104.013 of the 1758
Revised Code that is scheduled to take effect January 1, 2025, 1759
be amended to read as follows: 1760

Sec. 5104.013. ~~(A)~~(A) (1) As used in this section: 1761

~~(1)~~(a) "Applicant" means either of the following: 1762

~~(a)~~(i) A person who is under final consideration for 1763
appointment to or employment in a position with a licensed 1764
preschool program or licensed school child program that provides 1765
publicly funded child care, authorized private before and after 1766
school care program, child care center, type A family child care 1767
home, licensed type B family child care home, or child day camp; 1768

~~(b)~~(ii) A person who would serve in any position with a 1769
licensed preschool program or licensed school child program that 1770
provides publicly funded child care, authorized private before 1771
and after school care program, child care center, type A family 1772
child care home, licensed type B family child care home, or 1773
child day camp pursuant to a contract with another entity. 1774

~~(2)~~(b) "Authorized private before and after school care 1775
program" has the same meaning as in section 3301.52 of the 1776
Revised Code. 1777

(c) "Criminal records check" has the same meaning as in 1778
section 109.572 of the Revised Code. 1779

(2) Regarding an authorized private before and after 1780
school care program only, "director" means an individual who is 1781
responsible for ensuring compliance with this section and any 1782

rules adopted under it. 1783

(B) (1) At the times specified in division (B) (2) (a) of 1784
this section, the director of children and youth shall request 1785
the superintendent of the bureau of criminal identification and 1786
investigation to conduct a criminal records check for each of 1787
the following persons: 1788

(a) Any owner or licensee of a child care center; 1789

(b) Any owner or licensee of a type A family child care 1790
home or licensed type B family child care home and any person 1791
eighteen years of age or older who resides in the home; 1792

(c) Any owner of an approved child day camp; 1793

(d) Any director of a licensed preschool program or 1794
licensed school child program that provides publicly funded 1795
child care; 1796

(e) Any owner or director of an authorized private before 1797
and after school care program; 1798

(f) Any in-home aide; 1799

~~(f)~~ (g) Any applicant or employee, including an 1800
administrator, of a child care center, type A family child care 1801
home, licensed type B family child care home, approved child day 1802
camp, ~~or~~ licensed preschool program or licensed school child 1803
program that provides publicly funded child care, or authorized 1804
private before and after school care program. 1805

(2) (a) The director shall request a criminal records check 1806
at the following times: 1807

(i) In the case of an owner or licensee of child care 1808
center or an owner or licensee of a type A family child care 1809

home or licensed type B family child care home or a resident of 1810
such a home, at the time of initial application for licensure 1811
and every five years thereafter; 1812

(ii) In the case of an owner of an approved child day 1813
camp, at the time of initial application for approval and every 1814
five years thereafter; 1815

(iii) In the case of a director of a licensed child care 1816
program or licensed school child program, at the time of initial 1817
application to provide publicly funded child care and every five 1818
years thereafter; 1819

(iv) In the case of an owner or director of an authorized 1820
private before and after school care program, at the time of 1821
initial application for licensure and every five years 1822
thereafter; 1823

(v) In the case of an in-home aide, at the time of initial 1824
application for certification and every five years thereafter; 1825

~~(v)~~ (vi) Except as provided in division ~~(B) (2) (a) (vi)~~ (B) 1826
(2) (a) (vii) of this section, in the case of an applicant or 1827
employee, at the time of initial application for employment and 1828
every five years thereafter; 1829

~~(vi)~~ (vii) In the case of an applicant who has been 1830
determined eligible for employment after a review of a criminal 1831
records check within the past five years and who has been 1832
employed by a licensed preschool program or licensed school 1833
child program that provides publicly funded child care, 1834
authorized private before and after school care program, child 1835
care center, type A family child care home, licensed type B 1836
family child care home, or approved child day camp within the 1837
past one hundred eighty consecutive days, every five years after 1838

the date of the initial determination. 1839

(b) A criminal records check requested at the time of 1840
initial application shall include a request that the 1841
superintendent of the bureau of criminal identification and 1842
investigation obtain information from the federal bureau of 1843
investigation as part of the criminal records check for the 1844
person, including fingerprint-based checks of national crime 1845
information databases as described in 42 U.S.C. 671 for the 1846
person subject to the criminal records check. 1847

(c) A criminal records check requested at any time other 1848
than the time of initial application may include a request that 1849
the superintendent of the bureau of criminal identification and 1850
investigation obtain information from the federal bureau of 1851
investigation as part of the criminal records check for the 1852
person, including fingerprint-based checks of national crime 1853
information databases as described in 42 U.S.C. 671 for the 1854
person subject to the criminal records check. 1855

(3) With respect to a criminal records check requested for 1856
a person described in division (B)(1) of this section, the 1857
director of children and youth shall do all of the following: 1858

(a) Provide to the person a copy of the form prescribed 1859
pursuant to division (C)(1) of section 109.572 of the Revised 1860
Code and a standard impression sheet to obtain fingerprint 1861
impressions prescribed pursuant to division (C)(2) of that 1862
section; 1863

(b) Obtain the completed form and impression sheet from 1864
the person; 1865

(c) Forward the completed form and impression sheet to the 1866
superintendent of the bureau of criminal identification and 1867

investigation; 1868

(d) Review the results of the criminal records check. 1869

(4) A person who receives from the director a copy of the 1870
form and standard impression sheet and who is requested to 1871
complete the form and provide a set of fingerprint impressions 1872
shall complete the form or provide all of the information 1873
necessary to complete the form and shall provide the impression 1874
sheet with the impressions of the person's fingerprints. If the 1875
person, upon request, fails to provide the information necessary 1876
to complete the form or fails to provide impressions of the 1877
person's fingerprints, the director of children and youth or a 1878
county director of job and family services may consider the 1879
failure a reason to deny licensure, approval, or certification 1880
or to determine an employee ineligible for employment. 1881

(5) Except as provided in rules adopted under division (F) 1882
of this section: 1883

(a) The director of children and youth shall refuse to 1884
issue a license to or approve a center, type A home, type B 1885
home, child day camp, preschool program, ~~or~~ school child 1886
program, or authorized private before and after school care 1887
program, and shall revoke a license or approval, and a county 1888
director of job and family services shall not certify an in-home 1889
aide and shall revoke a certification, if a person for whom a 1890
criminal records check was required under ~~division~~ divisions (B) 1891
(1) (a) to ~~(B) (1) (e)~~ (B) (1) (f) of this section has been convicted 1892
of or pleaded guilty to any of the violations described in 1893
division (A) (5) of section 109.572 of the Revised Code. 1894

(b) The director of children and youth shall not issue a 1895
license to a type A home or type B home if a resident of the 1896

type A home or type B home is under eighteen years of age and 1897
has been adjudicated a delinquent child for committing either a 1898
violation of any section listed in division (A) (5) of section 1899
109.572 of the Revised Code or an offense of another state or 1900
the United States that is substantially equivalent to an offense 1901
listed in division (A) (5) of section 109.572 of the Revised 1902
Code. 1903

(c) The director shall determine an applicant or employee 1904
ineligible for employment if the person has been convicted of or 1905
pleaded guilty to any of the violations described in division 1906
(A) (5) of section 109.572 of the Revised Code. 1907

(6) Each child care center, type A home, type B home, 1908
approved child day camp, licensed child care program, licensed 1909
school child program, authorized private before and after school 1910
care program, and in-home aide shall pay to the bureau of 1911
criminal identification and investigation the fee prescribed 1912
pursuant to division (C) (3) of section 109.572 of the Revised 1913
Code for each criminal records check conducted in accordance 1914
with that section upon a request made pursuant to division (B) 1915
of this section. 1916

A center, home, camp, preschool program, ~~or~~ school child 1917
program, or authorized private before and after school care 1918
program may charge an applicant a fee for the costs it incurs in 1919
obtaining a criminal records check under this section. A fee 1920
charged under this division shall not exceed the amount the 1921
center, home, camp, or program pays under this section. If a fee 1922
is charged, the center, home, camp, or program shall notify the 1923
applicant at the time of the applicant's initial application for 1924
employment of the amount of the fee and that, unless the fee is 1925
paid, the center, home, camp, or program will not consider the 1926

applicant for employment. 1927

(7) The report of any criminal records check conducted by 1928
the bureau of criminal identification and investigation in 1929
accordance with section 109.572 of the Revised Code and pursuant 1930
to a request made under division (B) of this section is 1931
confidential and not a public record for the purposes of section 1932
149.43 of the Revised Code. The report shall not be made 1933
available to any person other than the person who is the subject 1934
of the criminal records check or the person's representative, 1935
the director of children and youth, the director of a county 1936
department of job and family services, and any court, hearing 1937
officer, or other necessary individual involved in a case 1938
dealing with a denial or revocation of licensure, approval, or 1939
certification related to the criminal records check. 1940

(C) (1) At the times specified in division (C) (2) of this 1941
section, the director of children and youth shall search the 1942
uniform statewide automated child welfare information system for 1943
information concerning any abuse or neglect report made pursuant 1944
to section 2151.421 of the Revised Code of which any of the 1945
following persons is a subject: 1946

(a) Any owner or licensee of a child care center; 1947

(b) Any owner or licensee of a type A family child care 1948
home or licensed type B family child care home and any person 1949
eighteen years of age or older who resides in the home; 1950

(c) Any owner of an approved child day camp; 1951

(d) Any director of a licensed preschool program or 1952
licensed school child program that provides publicly funded 1953
child care; 1954

(e) Any owner or director of an authorized private before 1955

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| <u>and after school care program;</u> | 1956 |
| <u>(f)</u> Any in-home aide; | 1957 |
| (f) <u>(g)</u> Any applicant or employee, including an | 1958 |
| administrator, of a child care center, type A family child care | 1959 |
| home, licensed type B family child care home, approved child day | 1960 |
| camp, or licensed preschool program or licensed school child | 1961 |
| program that provides publicly funded child care, <u>or authorized</u> | 1962 |
| <u>private before and after school care program.</u> | 1963 |
| (2) The director shall search the information system at | 1964 |
| the following times: | 1965 |
| (a) In the case of an owner or licensee of child care | 1966 |
| center or an owner or licensee of a type A family child care | 1967 |
| home or licensed type B family child care home or a resident of | 1968 |
| such a home, at the time of initial application for licensure | 1969 |
| and every five years thereafter; | 1970 |
| (b) In the case of an owner of an approved child day camp, | 1971 |
| at the time of initial application for approval and every five | 1972 |
| years thereafter; | 1973 |
| (c) In the case of a director of a licensed child care | 1974 |
| program or licensed school child program, at the time of initial | 1975 |
| application to provide publicly funded child care and every five | 1976 |
| years thereafter; | 1977 |
| (d) <u>In the case of an owner or director of an authorized</u> | 1978 |
| <u>private before and after school care program, at the time of</u> | 1979 |
| <u>initial application for licensure and every five years</u> | 1980 |
| <u>thereafter;</u> | 1981 |
| (e) <u>In the case of an in-home aide, at the time of initial</u> | 1982 |
| application for certification and every five years thereafter; | 1983 |

~~(e)-(f)~~ Except as provided in division ~~(C)(2)(f)~~ (C)(2)(g) 1984
of this section, in the case of an applicant or employee, at the 1985
time of initial application for employment and every five years 1986
thereafter; 1987

~~(f)-(g)~~ In the case of an applicant who has been 1988
determined eligible for employment after a search of the uniform 1989
statewide automated child welfare information system within the 1990
past five years and who has been employed by a licensed 1991
preschool program or licensed school child program that provides 1992
publicly funded child care, authorized private before and after 1993
school care program, child care center, type A family child care 1994
home, licensed type B family child care home, or approved child 1995
day camp within the past one hundred eighty consecutive days, 1996
every five years after the date of the initial determination. 1997

(3) The director shall consider any information discovered 1998
pursuant to division (C)(1) of this section or that is provided 1999
by a public children services agency pursuant to section 2000
5153.175 of the Revised Code. If the director determines that 2001
the information, when viewed within the totality of the 2002
circumstances, reasonably leads to the conclusion that the 2003
person may directly or indirectly endanger the health, safety, 2004
or welfare of children, the director of children and youth or 2005
county director of job and family services shall do any of the 2006
following: 2007

(a) Refuse to issue a license to or approve a center, type 2008
A home, type B home, child day camp, preschool program, ~~or~~ 2009
school child program, or authorized private before and after 2010
school care program; 2011

(b) Revoke a license or approval; 2012

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| (c) Refuse to certify an in-home aide or revoke a certification; | 2013 2014 |
| (d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program, <u>or authorized private before and after school care program.</u> | 2015 2016 2017 2018 |
| (4) Any information obtained under division (C) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the search or the person's representative, the director of children and youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. | 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 |
| (D) (1) At the times specified in division (D) (2) of this section, the director of children and youth shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender: | 2029 2030 2031 2032 2033 2034 2035 |
| (a) Any owner or licensee of a child care center; | 2036 |
| (b) Any owner or licensee of a type A family child care home or licensed type B family child care home and any person eighteen years of age or older who resides in the home; | 2037 2038 2039 |
| (c) Any owner of an approved child day camp; | 2040 |
| (d) Any director of a licensed preschool program or | 2041 |

licensed school child program that provides publicly funded 2042
child care; 2043

(e) Any owner or director of an authorized private before 2044
and after school care program; 2045

(f) Any in-home aide; 2046

~~(f)~~ (g) Any applicant or employee, including an 2047
administrator, of a child care center, type A family child care 2048
home, licensed type B family child care home, approved child day 2049
camp, ~~or~~ licensed preschool program or licensed school child 2050
program that provides publicly funded child care, or authorized 2051
private before and after school care program. 2052

(2) The director shall inspect each registry at the 2053
following times: 2054

(a) In the case of an owner or licensee of child care 2055
center or an owner or licensee of a type A family child care 2056
home or type B family child care home or a resident of such a 2057
home, at the time of initial application for licensure and every 2058
five years thereafter; 2059

(b) In the case of an owner of an approved child day camp, 2060
at the time of initial application for approval and every five 2061
years thereafter; 2062

(c) In the case of a director of a licensed child care 2063
program or licensed school child program, at the time of initial 2064
application to provide publicly funded child care; 2065

(d) In the case of an owner or director of an authorized 2066
private before and after school care program, at the time of 2067
initial application for licensure and every five years 2068
thereafter; 2069

(e) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 2070
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~~(e)~~ (f) Except as provided in division ~~(D)(2)(f)~~ (D)(2)(g) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 2072
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~~(f)~~ (g) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, authorized private before and after school care program, child care center, type A family child care home, licensed type B family child care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 2076
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(3) If the director determines that the person is registered or required to be registered on either registry, the director of children and youth or county director of job and family services shall do any of the following: 2089
2090
2091
2092

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, ~~or~~ school child program, or authorized private before and after school care program; 2093
2094
2095
2096

(b) Revoke a license or approval; 2097

(c) Refuse to certify an in-home aide or revoke a 2098

certification; 2099

(d) Determine an applicant or employee ineligible for 2100
employment with the center, type A home, licensed type B home, 2101
child day camp, preschool program, ~~or~~ school child program, or 2102
authorized private before and after school care program. 2103

(4) Any information obtained under division (D) of this 2104
section is confidential and not a public record for the purposes 2105
of section 149.43 of the Revised Code. The information shall not 2106
be made available to any person other than the person who is the 2107
subject of the inspection or the person's representative, the 2108
director of children and youth, the director of a county 2109
department of job and family services, and any court, hearing 2110
officer, or other necessary individual involved in a case 2111
dealing with a denial or revocation of licensure, approval, or 2112
certification related to the search. 2113

(E) Whenever the director of children and youth determines 2114
a person ineligible for employment under division (B), (C), or 2115
(D) of this section, the director shall as soon as practicable 2116
notify the following of that determination: the licensed 2117
preschool program or licensed school child program that provides 2118
publicly funded child care, authorized private before and after 2119
school care program, child care center, type A family child care 2120
home, licensed type B family child care home, or approved child 2121
day camp that is considering the person for appointment or 2122
employment. A licensed preschool program or licensed school 2123
child program that provides publicly funded child care, 2124
authorized private before and after school care program, child 2125
care center, type A family child care home, licensed type B 2126
family child care home, or approved child day camp shall not 2127
employ a person who is determined under this section to be 2128

ineligible for employment. 2129

(F) (1) An administrator of a child day camp, other than an 2130
approved child day camp shall request the superintendent of the 2131
bureau of criminal identification and investigation to conduct a 2132
criminal records check for any applicant or employee, including 2133
an administrator, of the child day camp. The request shall be 2134
made at the time of initial application for employment and every 2135
five years thereafter. 2136

(2) A criminal records check requested at the time of 2137
initial application shall include a request that the 2138
superintendent of the bureau of criminal identification and 2139
investigation obtain information from the federal bureau of 2140
investigation as part of the criminal records check for the 2141
person, including fingerprint-based checks of national crime 2142
information databases as described in 42 U.S.C. 671 for the 2143
person subject to the criminal records check. 2144

(3) A criminal records check requested at any time other 2145
than the time of initial application may include a request that 2146
the superintendent of the bureau of criminal identification and 2147
investigation obtain information from the federal bureau of 2148
investigation as part of the criminal records check for the 2149
person, including fingerprint-based checks of national crime 2150
information databases as described in 42 U.S.C. 671 for the 2151
person subject to the criminal records check. 2152

(4) With respect to a criminal records check requested 2153
under division (F) of this section, the administrator shall do 2154
all of the following: 2155

(a) Provide to the applicant or employee a copy of the 2156
form prescribed pursuant to division (C) (1) of section 109.572 2157

of the Revised Code and a standard impression sheet to obtain 2158
fingerprint impressions prescribed pursuant to division (C) (2) 2159
of that section; 2160

(b) Obtain the completed form and impression sheet from 2161
the applicant or employee; 2162

(c) Forward the completed form and impression sheet to the 2163
superintendent of the bureau of criminal identification and 2164
investigation; 2165

(d) Review the results of the criminal records check. 2166

(5) An applicant or employee who receives from the 2167
administrator a copy of the form and standard impression sheet 2168
and who is requested to complete the form and provide a set of 2169
fingerprint impressions shall complete the form or provide all 2170
of the information necessary to complete the form and shall 2171
provide the impression sheet with the impressions of the 2172
person's fingerprints. If the applicant or employee, upon 2173
request, fails to provide the information necessary to complete 2174
the form or fails to provide impressions of the person's 2175
fingerprints, the administrator may consider the failure a 2176
reason to determine an applicant or employee ineligible for 2177
employment. 2178

(6) A child day camp, other than an approved child day 2179
camp, may employ an applicant or continue to employ an employee 2180
until the criminal records check required by this section is 2181
completed and the camp receives the results of the check. Until 2182
the administrator has reviewed the results of the criminal 2183
records check and determines that the applicant or employee is 2184
eligible for employment, the camp shall not grant the applicant 2185
or employee sole responsibility for the care, custody, or 2186

control of a child. If the results indicate that the applicant 2187
or employee is ineligible for employment, the camp shall 2188
immediately release the applicant or employee from employment. 2189

(7) Except as provided in rules adopted under this 2190
section, the administrator shall determine an applicant or 2191
employee ineligible for employment if the person has been 2192
convicted of or pleaded guilty to any of the violations 2193
described in division (A) (5) of section 109.572 of the Revised 2194
Code. If the applicant or employee is determined ineligible, the 2195
child day camp shall not employ the applicant or employee or 2196
contract with another entity for the services of the applicant 2197
or employee. 2198

(8) Each child day camp shall pay to the bureau of 2199
criminal identification and investigation the fee prescribed 2200
pursuant to division (C) (3) of section 109.572 of the Revised 2201
Code for each criminal records check conducted in accordance 2202
with that section upon a request made pursuant to division (F) 2203
of this section. A camp may charge an applicant or employee a 2204
fee for the costs it incurs in obtaining a criminal records 2205
check under division (F) of this section. A fee charged under 2206
this division shall not exceed the fees the camp pays under this 2207
section. If a fee is charged, the camp shall notify the 2208
applicant at the time of the applicant's initial application for 2209
employment of the amount of the fee and that, unless the fee is 2210
paid, the camp will not consider the applicant for employment. 2211

(9) The report of any criminal records check conducted by 2212
the bureau of criminal identification and investigation in 2213
accordance with section 109.572 of the Revised Code and pursuant 2214
to a request made under division (F) of this section is 2215
confidential and not a public record for the purposes of section 2216

149.43 of the Revised Code. The report shall not be made 2217
available to any person other than the person who is the subject 2218
of the criminal records check or the person's representative, 2219
the director of children and youth, the administrator, and any 2220
court, hearing officer, or other necessary individual involved 2221
in a case dealing with a denial or revocation of registration 2222
related to the criminal records check. 2223

(G) The director of children and youth shall adopt rules 2224
as necessary to implement this section. The rules shall be 2225
adopted in accordance with Chapter 119. of the Revised Code. The 2226
rules shall specify exceptions to the prohibitions in divisions 2227
(B), (E), and (F) of this section for a person who has been 2228
convicted of or pleaded guilty to a criminal offense listed in 2229
division (A)(5) of section 109.572 of the Revised Code but who 2230
meets standards in regard to rehabilitation set by the director. 2231

(H)(1) Whenever the director of children and youth 2232
requests a criminal records check, searches the uniform 2233
statewide automated child welfare information system, or 2234
inspects the state registry of sex offenders and child-victim 2235
offenders and national sex offender registry as required by this 2236
section and finds that a person who is subject to the 2237
requirements of division (B), (C), or (D) of this section 2238
resided in another state during the previous five years, the 2239
director shall request the following from the other state: a 2240
criminal records check and information from the uniform 2241
statewide automated child welfare information system or state 2242
registry of sex offenders. 2243

(2) Whenever the director receives from an agency of 2244
another state a request for a criminal records check or for 2245
information from the uniform statewide automated child welfare 2246

information system or state registry of sex offenders that is 2247
related to a child care license or the provision of publicly 2248
funded child care, the director shall provide to that other 2249
state's agency the results of the records check and information 2250
from the system and registry. 2251

Section 4. That the existing version of section 5104.013 2252
of the Revised Code that is scheduled to take effect January 1, 2253
2025, is hereby repealed. 2254

Section 5. Sections 3 and 4 of this act take effect 2255
January 1, 2025, or on the effective date of this section, 2256
whichever is later. 2257

Section 6. Notwithstanding anything to the contrary in 2258
section 3317.011 of the Revised Code, for fiscal years 2024 and 2259
2025, the Department of Education and Workforce shall do all of 2260
the following: 2261

(A) Calculate a school district's academic co-curricular 2262
activities cost under division (E) (4) of that section using the 2263
sum of the enrolled ADM of every school district that reported 2264
the data specified in division (E) (4) (a) of that section; 2265

(B) Calculate a district's supplies and academic content 2266
cost under division (E) (6) of that section using the sum of the 2267
enrolled ADM of every school district that reported the data 2268
specified in division (E) (6) (a) of that section; 2269

(C) Calculate a district's athletic co-curricular 2270
activities base cost under division (H) of that section using 2271
the sum of the enrolled ADM of every school district that 2272
reported the data specified in division (H) (2) of that section; 2273

(D) Calculate a district's building operations cost under 2274
division (G) (3) of that section using the sum of the enrolled 2275

ADM of every city, local, and exempted village school district 2276
that reported the data specified in divisions (G) (3) (a) (i) and 2277
(ii) of that section. 2278

Section 7. Notwithstanding any provision of law to the 2279
contrary, during the biennium ending June 30, 2025, the Director 2280
of Education and Workforce shall request the Director of Budget 2281
and Management to transfer up to \$1,500,000 cash from the 2282
General Revenue Fund to the High School Financial Literacy Fund. 2283
The Director of Budget and Management shall transfer the funds 2284
at the time requested by the Director of Education and 2285
Workforce. 2286

Section 8. That Section 265.330 of H.B. 33 of the 135th 2287
General Assembly be amended to read as follows: 2288

Sec. 265.330. LITERACY IMPROVEMENT 2289

(A) (1) Of the foregoing appropriation items 200566, 2290
Literacy Improvement, and 2006A4, Literacy Improvement, a total 2291
of up to \$43,000,000 in each fiscal year shall be used by the 2292
Department of Education and Workforce to reimburse school 2293
districts, community schools established under Chapter 3314. of 2294
the Revised Code, and STEM schools established under Chapter 2295
3326. of the Revised Code for stipends paid under division (A) 2296
(3) of this section to teachers to complete professional 2297
development in the science of reading and evidence-based 2298
strategies for effective literacy instruction. The Department 2299
shall provide professional development courses for this purpose. 2300

(2) Districts and schools shall require all teachers and 2301
administrators to complete a course provided by the Department 2302
under division (A) (1) of this section not later than June 30, 2303
2025, except that any teacher or administrator who has 2304

previously completed similar training, as determined by the 2305
Department, shall not be required to complete the course. 2306
Teachers shall complete the course at a time that minimizes 2307
disruptions to normal instructional hours. Districts and schools 2308
shall pay a stipend to each teacher who completes a professional 2309
development course under division (A) (2) of this section as 2310
follows: 2311

(a) \$1,200 for each of the following: 2312

(i) A teacher of grades ~~kindergarten~~pre-kindergarten 2313
through five; 2314

(ii) An English language arts teacher of grades six 2315
through twelve; 2316

(iii) An intervention specialist, English learner teacher, 2317
reading specialist, or instructional coach who serves any of 2318
grades pre-kindergarten through twelve. 2319

(b) \$400 for each teacher who teaches a subject area other 2320
than English language arts in grades six through twelve. 2321

(3) Each district or school may apply to the Department, 2322
in a manner prescribed by the Department, for reimbursement of 2323
the cost of the stipends. The Department shall not reimburse any 2324
stipend paid to an administrator to complete a professional 2325
development course provided by the Department under division (A) 2326
(2) of this section. 2327

(4) (a) The Department of Education and Workforce shall 2328
work with the Department of Higher Education, institutions of 2329
higher education that offer educator preparation programs, and 2330
local professional development committees established under 2331
section 3319.22 of the Revised Code to help teachers and 2332
administrators who complete a professional development course 2333

under division (A) (2) of this section to earn college credit. 2334

(b) The Department of Education and Workforce shall 2335
collaborate with the Department of Higher Education and 2336
institutions of higher education that offer educator preparation 2337
programs to align the coursework of the programs with the 2338
science of reading and evidence-based strategies for effective 2339
literacy instruction. 2340

(c) A professional development committee established under 2341
section 3319.22 of the Revised Code shall qualify any completed 2342
professional development coursework under this section to count 2343
towards professional development coursework requirements for 2344
teacher licensure renewal. 2345

A professional development committee shall permit a 2346
teacher to apply any hours earned over the minimum amount of 2347
hours required for professional development coursework for 2348
teacher licensure renewal under this section to the next renewal 2349
period for that license. 2350

(B) (1) Of the foregoing appropriation items 200566, 2351
Literacy Improvement, and 2006A4, Literacy Improvement, a total 2352
of up to \$64,000,000 in fiscal year 2024 shall be used by the 2353
Department of Education and Workforce to subsidize the cost for 2354
school districts, community schools, and STEM schools to 2355
purchase high-quality core curriculum and instructional 2356
materials in English language arts and evidence-based reading 2357
intervention programs from the lists established under section 2358
3313.6028 of the Revised Code. 2359

(2) The Department shall conduct a survey to collect 2360
information on the core curriculum and instructional materials 2361
in English language arts in grades pre-kindergarten through five 2362

and the reading intervention programs in grades pre-kindergarten 2363
through twelve that are being used by public schools. Each 2364
school district, community school, and STEM school shall 2365
participate in the survey and shall provide the information 2366
requested by the Department. 2367

(C) Of the foregoing appropriation items 200566, Literacy 2368
Improvement, and 2006A4, Literacy Improvement, a total of up to 2369
\$6,000,000 in fiscal year 2024 and a total of up to \$12,000,000 2370
in fiscal year 2025 shall be used for coaches to provide 2371
literacy supports to school districts, community schools, and 2372
STEM schools with the lowest rates of proficiency in literacy 2373
based on their performance on the English language arts 2374
assessments prescribed under section 3301.0710 of the Revised 2375
Code. The coaches shall have training in the science of reading 2376
and evidence-based strategies for effective literacy instruction 2377
and intervention and shall implement Ohio's Coaching Model, as 2378
described in Ohio's Plan to Raise Literacy Achievement. The 2379
coaches shall be under the direction of the Department but shall 2380
not be employed by the Department. 2381

(D) The remainder of the foregoing appropriation items 2382
200566, Literacy Improvement, and 2006A4, Literacy Improvement, 2383
shall be used by the Department of Education and Workforce to 2384
support early literacy activities to align state, local, and 2385
federal efforts in order to bolster all students' reading 2386
success. Funds shall be distributed to educational service 2387
centers to establish and support regional literacy professional 2388
development teams consistent with section 3312.01 of the Revised 2389
Code. A portion of the funds may be used by the Department for 2390
program administration, monitoring, technical assistance, 2391
support, research, and evaluation. 2392

Section 9. That existing Section 265.330 of H.B. 33 of the 2393
135th General Assembly is hereby repealed. 2394