

**As Passed by the Senate**

**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.**

**Senators Brenner, Antonio, Cirino, DeMora, Gavarone, O'Brien, Schaffer, Wilkin, Wilson**

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**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



<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

<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

<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)</u> Any in-home aide;	1302
<del>(f)</del> <u>(g)</u> Any applicant or employee, including an	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, <del>or</del> 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

<u>and after school care program;</u>	1956
<u>(f)</u> Any in-home aide;	1957
<del>(f)</del> <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, <del>or</del> 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

(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, <del>or</del> 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  
2071

~~(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  
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(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  
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(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