

**As Reported by the House Primary and Secondary Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 29**

**Senator Huffman, S.**

**Cosponsors: Senators Cirino, O'Brien, Schaffer, Romanchuk, Brenner, Antonio, Blessing, Dolan, Gavarone, Hackett, Ingram, Johnson, Landis, Lang, Manning, Reineke**

**Representatives Manning, Dobos**

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**A BILL**

To amend sections 149.43 and 3319.31 and to enact 1  
sections 3319.325, 3319.326, and 3319.327 of the 2  
Revised Code regarding educational records and 3  
student data privacy. 4

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

**Section 1.** That sections 149.43 and 3319.31 be amended and 5  
sections 3319.325, 3319.326, and 3319.327 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 149.43.** (A) As used in this section: 8

(1) "Public record" means records kept by any public 9  
office, including, but not limited to, state, county, city, 10  
village, township, and school district units, and records 11  
pertaining to the delivery of educational services by an 12  
alternative school in this state kept by the nonprofit or for- 13  
profit entity operating the alternative school pursuant to 14  
section 3313.533 of the Revised Code. "Public record" does not 15

mean any of the following:	16
(a) Medical records;	17
(b) Records pertaining to probation and parole	18
proceedings, to proceedings related to the imposition of	19
community control sanctions and post-release control sanctions,	20
or to proceedings related to determinations under section	21
2967.271 of the Revised Code regarding the release or maintained	22
incarceration of an offender to whom that section applies;	23
(c) Records pertaining to actions under section 2151.85	24
and division (C) of section 2919.121 of the Revised Code and to	25
appeals of actions arising under those sections;	26
(d) Records pertaining to adoption proceedings, including	27
the contents of an adoption file maintained by the department of	28
health under sections 3705.12 to 3705.124 of the Revised Code;	29
(e) Information in a record contained in the putative	30
father registry established by section 3107.062 of the Revised	31
Code, regardless of whether the information is held by the	32
department of job and family services or, pursuant to section	33
3111.69 of the Revised Code, the office of child support in the	34
department or a child support enforcement agency;	35
(f) Records specified in division (A) of section 3107.52	36
of the Revised Code;	37
(g) Trial preparation records;	38
(h) Confidential law enforcement investigatory records;	39
(i) Records containing information that is confidential	40
under section 2710.03 or 4112.05 of the Revised Code;	41
(j) DNA records stored in the DNA database pursuant to	42

section 109.573 of the Revised Code;	43
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	44 45 46 47
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	48 49 50 51
(m) Intellectual property records;	52
(n) Donor profile records;	53
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	54 55
(p) Designated public service worker residential and familial information;	56 57
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	58 59 60 61 62
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	63 64
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons	65 66 67 68 69 70

participating in the director's review, and all work products of 71  
the board or director, and in the case of a child fatality 72  
review board, child fatality review data submitted by the board 73  
to the department of health or a national child death review 74  
database, other than the report prepared pursuant to division 75  
(A) of section 307.626 of the Revised Code; 76

(t) Records provided to and statements made by the 77  
executive director of a public children services agency or a 78  
prosecuting attorney acting pursuant to section 5153.171 of the 79  
Revised Code other than the information released under that 80  
section; 81

(u) Test materials, examinations, or evaluation tools used 82  
in an examination for licensure as a nursing home administrator 83  
that the board of executives of long-term services and supports 84  
administers under section 4751.15 of the Revised Code or 85  
contracts under that section with a private or government entity 86  
to administer; 87

(v) Records the release of which is prohibited by state or 88  
federal law; 89

(w) Proprietary information of or relating to any person 90  
that is submitted to or compiled by the Ohio venture capital 91  
authority created under section 150.01 of the Revised Code; 92

(x) Financial statements and data any person submits for 93  
any purpose to the Ohio housing finance agency or the 94  
controlling board in connection with applying for, receiving, or 95  
accounting for financial assistance from the agency, and 96  
information that identifies any individual who benefits directly 97  
or indirectly from financial assistance from the agency; 98

(y) Records listed in section 5101.29 of the Revised Code; 99

(z) Discharges recorded with a county recorder under	100
section 317.24 of the Revised Code, as specified in division (B)	101
(2) of that section;	102
(aa) Usage information including names and addresses of	103
specific residential and commercial customers of a municipally	104
owned or operated public utility;	105
(bb) Records described in division (C) of section 187.04	106
of the Revised Code that are not designated to be made available	107
to the public as provided in that division;	108
(cc) Information and records that are made confidential,	109
privileged, and not subject to disclosure under divisions (B)	110
and (C) of section 2949.221 of the Revised Code;	111
(dd) Personal information, as defined in section 149.45 of	112
the Revised Code;	113
(ee) The confidential name, address, and other personally	114
identifiable information of a program participant in the address	115
confidentiality program established under sections 111.41 to	116
111.47 of the Revised Code, including the contents of any	117
application for absent voter's ballots, absent voter's ballot	118
identification envelope statement of voter, or provisional	119
ballot affirmation completed by a program participant who has a	120
confidential voter registration record; records or portions of	121
records pertaining to that program that identify the number of	122
program participants that reside within a precinct, ward,	123
township, municipal corporation, county, or any other geographic	124
area smaller than the state; and any real property	125
confidentiality notice filed under section 111.431 of the	126
Revised Code and the information described in division (C) of	127
that section. As used in this division, "confidential address"	128

and "program participant" have the meaning defined in section 129  
111.41 of the Revised Code. 130

(ff) Orders for active military service of an individual 131  
serving or with previous service in the armed forces of the 132  
United States, including a reserve component, or the Ohio 133  
organized militia, except that, such order becomes a public 134  
record on the day that is fifteen years after the published date 135  
or effective date of the call to order; 136

(gg) The name, address, contact information, or other 137  
personal information of an individual who is less than eighteen 138  
years of age that is included in any record related to a traffic 139  
accident involving a school vehicle in which the individual was 140  
an occupant at the time of the accident; 141

(hh) Protected health information, as defined in 45 C.F.R. 142  
160.103, that is in a claim for payment for a health care 143  
product, service, or procedure, as well as any other health 144  
claims data in another document that reveals the identity of an 145  
individual who is the subject of the data or could be used to 146  
reveal that individual's identity; 147

(ii) Any depiction by photograph, film, videotape, or 148  
printed or digital image under either of the following 149  
circumstances: 150

(i) The depiction is that of a victim of an offense the 151  
release of which would be, to a reasonable person of ordinary 152  
sensibilities, an offensive and objectionable intrusion into the 153  
victim's expectation of bodily privacy and integrity. 154

(ii) The depiction captures or depicts the victim of a 155  
sexually oriented offense, as defined in section 2950.01 of the 156  
Revised Code, at the actual occurrence of that offense. 157

(jj) Restricted portions of a body-worn camera or dashboard camera recording;	158 159
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	160 161 162 163 164 165 166 167 168
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	169 170 171 172 173 174 175
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	176 177 178 179
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.	180 181 182 183 184 185 186

(oo) Telephone numbers for a party to a motor vehicle	187
accident subject to the requirements of section 5502.11 of the	188
Revised Code that are listed on any law enforcement record or	189
report, except that the telephone numbers described in this	190
division are not excluded from the definition of "public record"	191
under this division on and after the thirtieth day after the	192
occurrence of the motor vehicle accident.	193
(pp) Records pertaining to individuals who complete	194
training under section 5502.703 of the Revised Code to be	195
permitted by a school district board of education or governing	196
body of a community school established under Chapter 3314. of	197
the Revised Code, a STEM school established under Chapter 3326.	198
of the Revised Code, or a chartered nonpublic school to convey	199
deadly weapons or dangerous ordnance into a school safety zone;	200
(qq) Records, documents, reports, or other information	201
presented to a domestic violence fatality review board	202
established under section 307.651 of the Revised Code,	203
statements made by board members during board meetings, all work	204
products of the board, and data submitted by the board to the	205
department of health, other than a report prepared pursuant to	206
section 307.656 of the Revised Code;	207
(rr) Records, documents, and information the release of	208
which is prohibited under sections 2930.04 and 2930.07 of the	209
Revised Code;	210
(ss) Records of an existing qualified nonprofit	211
corporation that creates a special improvement district under	212
Chapter 1710. of the Revised Code that do not pertain to a	213
purpose for which the district is created;	214
<u>(tt) Educational support services data, as defined in</u>	215



section 3319.325 of the Revised Code. 216

A record that is not a public record under division (A) (1) 217  
of this section and that, under law, is permanently retained 218  
becomes a public record on the day that is seventy-five years 219  
after the day on which the record was created, except for any 220  
record protected by the attorney-client privilege, a trial 221  
preparation record as defined in this section, a statement 222  
prohibiting the release of identifying information signed under 223  
section 3107.083 of the Revised Code, a denial of release form 224  
filed pursuant to section 3107.46 of the Revised Code, or any 225  
record that is exempt from release or disclosure under section 226  
149.433 of the Revised Code. If the record is a birth 227  
certificate and a biological parent's name redaction request 228  
form has been accepted under section 3107.391 of the Revised 229  
Code, the name of that parent shall be redacted from the birth 230  
certificate before it is released under this paragraph. If any 231  
other section of the Revised Code establishes a time period for 232  
disclosure of a record that conflicts with the time period 233  
specified in this section, the time period in the other section 234  
prevails. 235

(2) "Confidential law enforcement investigatory record" 236  
means any record that pertains to a law enforcement matter of a 237  
criminal, quasi-criminal, civil, or administrative nature, but 238  
only to the extent that the release of the record would create a 239  
high probability of disclosure of any of the following: 240

(a) The identity of a suspect who has not been charged 241  
with the offense to which the record pertains, or of an 242  
information source or witness to whom confidentiality has been 243  
reasonably promised; 244

(b) Information provided by an information source or 245

witness to whom confidentiality has been reasonably promised, 246  
which information would reasonably tend to disclose the source's 247  
or witness's identity; 248

(c) Specific confidential investigatory techniques or 249  
procedures or specific investigatory work product; 250

(d) Information that would endanger the life or physical 251  
safety of law enforcement personnel, a crime victim, a witness, 252  
or a confidential information source. 253

(3) "Medical record" means any document or combination of 254  
documents, except births, deaths, and the fact of admission to 255  
or discharge from a hospital, that pertains to the medical 256  
history, diagnosis, prognosis, or medical condition of a patient 257  
and that is generated and maintained in the process of medical 258  
treatment. 259

(4) "Trial preparation record" means any record that 260  
contains information that is specifically compiled in reasonable 261  
anticipation of, or in defense of, a civil or criminal action or 262  
proceeding, including the independent thought processes and 263  
personal trial preparation of an attorney. 264

(5) "Intellectual property record" means a record, other 265  
than a financial or administrative record, that is produced or 266  
collected by or for faculty or staff of a state institution of 267  
higher learning in the conduct of or as a result of study or 268  
research on an educational, commercial, scientific, artistic, 269  
technical, or scholarly issue, regardless of whether the study 270  
or research was sponsored by the institution alone or in 271  
conjunction with a governmental body or private concern, and 272  
that has not been publicly released, published, or patented. 273

(6) "Donor profile record" means all records about donors 274

or potential donors to a public institution of higher education 275  
except the names and reported addresses of the actual donors and 276  
the date, amount, and conditions of the actual donation. 277

(7) "Designated public service worker" means a peace 278  
officer, parole officer, probation officer, bailiff, prosecuting 279  
attorney, assistant prosecuting attorney, correctional employee, 280  
county or multicounty corrections officer, community-based 281  
correctional facility employee, designated Ohio national guard 282  
member, protective services worker, youth services employee, 283  
firefighter, EMT, medical director or member of a cooperating 284  
physician advisory board of an emergency medical service 285  
organization, state board of pharmacy employee, investigator of 286  
the bureau of criminal identification and investigation, 287  
emergency service telecommunicator, forensic mental health 288  
provider, mental health evaluation provider, regional 289  
psychiatric hospital employee, judge, magistrate, or federal law 290  
enforcement officer. 291

(8) "Designated public service worker residential and 292  
familial information" means any information that discloses any 293  
of the following about a designated public service worker: 294

(a) The address of the actual personal residence of a 295  
designated public service worker, except for the following 296  
information: 297

(i) The address of the actual personal residence of a 298  
prosecuting attorney or judge; and 299

(ii) The state or political subdivision in which a 300  
designated public service worker resides. 301

(b) Information compiled from referral to or participation 302  
in an employee assistance program; 303

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 304  
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 309  
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(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 313  
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(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 318  
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(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 324  
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 328  
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 330  
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sheriff of a county or a supervisory employee who, in the 333  
absence of the sheriff, is authorized to stand in for, exercise 334  
the authority of, and perform the duties of the sheriff. 335

"Correctional employee" means any employee of the 336  
department of rehabilitation and correction who in the course of 337  
performing the employee's job duties has or has had contact with 338  
inmates and persons under supervision. 339

"County or multicounty corrections officer" means any 340  
corrections officer employed by any county or multicounty 341  
correctional facility. 342

"Designated Ohio national guard member" means a member of 343  
the Ohio national guard who is participating in duties related 344  
to remotely piloted aircraft, including, but not limited to, 345  
pilots, sensor operators, and mission intelligence personnel, 346  
duties related to special forces operations, or duties related 347  
to cybersecurity, and is designated by the adjutant general as a 348  
designated public service worker for those purposes. 349

"Protective services worker" means any employee of a 350  
county agency who is responsible for child protective services, 351  
child support services, or adult protective services. 352

"Youth services employee" means any employee of the 353  
department of youth services who in the course of performing the 354  
employee's job duties has or has had contact with children 355  
committed to the custody of the department of youth services. 356

"Firefighter" means any regular, paid or volunteer, member 357  
of a lawfully constituted fire department of a municipal 358  
corporation, township, fire district, or village. 359

"EMT" means EMTs-basic, EMTs-I, and paramedics that 360  
provide emergency medical services for a public emergency 361

medical service organization. "Emergency medical service 362  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 363  
meanings defined in section 4765.01 of the Revised Code. 364

"Investigator of the bureau of criminal identification and 365  
investigation" has the meaning defined in section 2903.11 of the 366  
Revised Code. 367

"Emergency service telecommunicator" means an individual 368  
employed by an emergency service provider as defined under 369  
section 128.01 of the Revised Code, whose primary responsibility 370  
is to be an operator for the receipt or processing of calls for 371  
emergency services made by telephone, radio, or other electronic 372  
means. 373

"Forensic mental health provider" means any employee of a 374  
community mental health service provider or local alcohol, drug 375  
addiction, and mental health services board who, in the course 376  
of the employee's duties, has contact with persons committed to 377  
a local alcohol, drug addiction, and mental health services 378  
board by a court order pursuant to section 2945.38, 2945.39, 379  
2945.40, or 2945.402 of the Revised Code. 380

"Mental health evaluation provider" means an individual 381  
who, under Chapter 5122. of the Revised Code, examines a 382  
respondent who is alleged to be a mentally ill person subject to 383  
court order, as defined in section 5122.01 of the Revised Code, 384  
and reports to the probate court the respondent's mental 385  
condition. 386

"Regional psychiatric hospital employee" means any 387  
employee of the department of mental health and addiction 388  
services who, in the course of performing the employee's duties, 389  
has contact with patients committed to the department of mental 390

health and addiction services by a court order pursuant to 391  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 392  
Code. 393

"Federal law enforcement officer" has the meaning defined 394  
in section 9.88 of the Revised Code. 395

(10) "Information pertaining to the recreational 396  
activities of a person under the age of eighteen" means 397  
information that is kept in the ordinary course of business by a 398  
public office, that pertains to the recreational activities of a 399  
person under the age of eighteen years, and that discloses any 400  
of the following: 401

(a) The address or telephone number of a person under the 402  
age of eighteen or the address or telephone number of that 403  
person's parent, guardian, custodian, or emergency contact 404  
person; 405

(b) The social security number, birth date, or 406  
photographic image of a person under the age of eighteen; 407

(c) Any medical record, history, or information pertaining 408  
to a person under the age of eighteen; 409

(d) Any additional information sought or required about a 410  
person under the age of eighteen for the purpose of allowing 411  
that person to participate in any recreational activity 412  
conducted or sponsored by a public office or to use or obtain 413  
admission privileges to any recreational facility owned or 414  
operated by a public office. 415

(11) "Community control sanction" has the meaning defined 416  
in section 2929.01 of the Revised Code. 417

(12) "Post-release control sanction" has the meaning 418

defined in section 2967.01 of the Revised Code. 419

(13) "Redaction" means obscuring or deleting any 420  
information that is exempt from the duty to permit public 421  
inspection or copying from an item that otherwise meets the 422  
definition of a "record" in section 149.011 of the Revised Code. 423

(14) "Designee," "elected official," and "future official" 424  
have the meanings defined in section 109.43 of the Revised Code. 425

(15) "Body-worn camera" means a visual and audio recording 426  
device worn on the person of a correctional employee, youth 427  
services employee, or peace officer while the correctional 428  
employee, youth services employee, or peace officer is engaged 429  
in the performance of official duties. 430

(16) "Dashboard camera" means a visual and audio recording 431  
device mounted on a peace officer's vehicle or vessel that is 432  
used while the peace officer is engaged in the performance of 433  
the peace officer's duties. 434

(17) "Restricted portions of a body-worn camera or 435  
dashboard camera recording" means any visual or audio portion of 436  
a body-worn camera or dashboard camera recording that shows, 437  
communicates, or discloses any of the following: 438

(a) The image or identity of a child or information that 439  
could lead to the identification of a child who is a primary 440  
subject of the recording when the department of rehabilitation 441  
and correction, department of youth services, or the law 442  
enforcement agency knows or has reason to know the person is a 443  
child based on the department's or law enforcement agency's 444  
records or the content of the recording; 445

(b) The death of a person or a deceased person's body, 446  
unless the death was caused by a correctional employee, youth 447



services employee, or peace officer or, subject to division (H) 448  
(1) of this section, the consent of the decedent's executor or 449  
administrator has been obtained; 450

(c) The death of a correctional employee, youth services 451  
employee, peace officer, firefighter, paramedic, or other first 452  
responder, occurring while the decedent was engaged in the 453  
performance of official duties, unless, subject to division (H) 454  
(1) of this section, the consent of the decedent's executor or 455  
administrator has been obtained; 456

(d) Grievous bodily harm, unless the injury was effected 457  
by a correctional employee, youth services employee, or peace 458  
officer or, subject to division (H) (1) of this section, the 459  
consent of the injured person or the injured person's guardian 460  
has been obtained; 461

(e) An act of severe violence against a person that 462  
results in serious physical harm to the person, unless the act 463  
and injury was effected by a correctional employee, youth 464  
services employee, or peace officer or, subject to division (H) 465  
(1) of this section, the consent of the injured person or the 466  
injured person's guardian has been obtained; 467

(f) Grievous bodily harm to a correctional employee, youth 468  
services employee, peace officer, firefighter, paramedic, or 469  
other first responder, occurring while the injured person was 470  
engaged in the performance of official duties, unless, subject 471  
to division (H) (1) of this section, the consent of the injured 472  
person or the injured person's guardian has been obtained; 473

(g) An act of severe violence resulting in serious 474  
physical harm against a correctional employee, youth services 475  
employee, peace officer, firefighter, paramedic, or other first 476

responder, occurring while the injured person was engaged in the 477  
performance of official duties, unless, subject to division (H) 478  
(1) of this section, the consent of the injured person or the 479  
injured person's guardian has been obtained; 480

(h) A person's nude body, unless, subject to division (H) 481  
(1) of this section, the person's consent has been obtained; 482

(i) Protected health information, the identity of a person 483  
in a health care facility who is not the subject of a 484  
correctional, youth services, or law enforcement encounter, or 485  
any other information in a health care facility that could 486  
identify a person who is not the subject of a correctional, 487  
youth services, or law enforcement encounter; 488

(j) Information that could identify the alleged victim of 489  
a sex offense, menacing by stalking, or domestic violence; 490

(k) Information, that does not constitute a confidential 491  
law enforcement investigatory record, that could identify a 492  
person who provides sensitive or confidential information to the 493  
department of rehabilitation and correction, the department of 494  
youth services, or a law enforcement agency when the disclosure 495  
of the person's identity or the information provided could 496  
reasonably be expected to threaten or endanger the safety or 497  
property of the person or another person; 498

(l) Personal information of a person who is not arrested, 499  
cited, charged, or issued a written warning by a peace officer; 500

(m) Proprietary correctional, youth services, or police 501  
contingency plans or tactics that are intended to prevent crime 502  
and maintain public order and safety; 503

(n) A personal conversation unrelated to work between 504  
correctional employees, youth services employees, or peace 505

officers or between a correctional employee, youth services 506  
employee, or peace officer and an employee of a law enforcement 507  
agency; 508

(o) A conversation between a correctional employee, youth 509  
services employee, or peace officer and a member of the public 510  
that does not concern correctional, youth services, or law 511  
enforcement activities; 512

(p) The interior of a residence, unless the interior of a 513  
residence is the location of an adversarial encounter with, or a 514  
use of force by, a correctional employee, youth services 515  
employee, or peace officer; 516

(q) Any portion of the interior of a private business that 517  
is not open to the public, unless an adversarial encounter with, 518  
or a use of force by, a correctional employee, youth services 519  
employee, or peace officer occurs in that location. 520

As used in division (A) (17) of this section: 521

"Grievous bodily harm" has the same meaning as in section 522  
5924.120 of the Revised Code. 523

"Health care facility" has the same meaning as in section 524  
1337.11 of the Revised Code. 525

"Protected health information" has the same meaning as in 526  
45 C.F.R. 160.103. 527

"Law enforcement agency" means a government entity that 528  
employs peace officers to perform law enforcement duties. 529

"Personal information" means any government-issued 530  
identification number, date of birth, address, financial 531  
information, or criminal justice information from the law 532  
enforcement automated data system or similar databases. 533

"Sex offense" has the same meaning as in section 2907.10 534  
of the Revised Code. 535

"Firefighter," "paramedic," and "first responder" have the 536  
same meanings as in section 4765.01 of the Revised Code. 537

(B) (1) Upon request by any person and subject to division 538  
(B) (8) of this section, all public records responsive to the 539  
request shall be promptly prepared and made available for 540  
inspection to the requester at all reasonable times during 541  
regular business hours. Subject to division (B) (8) of this 542  
section, upon request by any person, a public office or person 543  
responsible for public records shall make copies of the 544  
requested public record available to the requester at cost and 545  
within a reasonable period of time. If a public record contains 546  
information that is exempt from the duty to permit public 547  
inspection or to copy the public record, the public office or 548  
the person responsible for the public record shall make 549  
available all of the information within the public record that 550  
is not exempt. When making that public record available for 551  
public inspection or copying that public record, the public 552  
office or the person responsible for the public record shall 553  
notify the requester of any redaction or make the redaction 554  
plainly visible. A redaction shall be deemed a denial of a 555  
request to inspect or copy the redacted information, except if 556  
federal or state law authorizes or requires a public office to 557  
make the redaction. When the auditor of state receives a request 558  
to inspect or to make a copy of a record that was provided to 559  
the auditor of state for purposes of an audit, but the original 560  
public office has asserted to the auditor of state that the 561  
record is not a public record, the auditor of state may handle 562  
the requests by directing the requestor to the original public 563  
office that provided the record to the auditor of state. 564

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may

limit or condition the availability of public records by 596  
requiring disclosure of the requester's identity or the intended 597  
use of the requested public record. Any requirement that the 598  
requester disclose the requester's identity or the intended use 599  
of the requested public record constitutes a denial of the 600  
request. 601

(5) A public office or person responsible for public 602  
records may ask a requester to make the request in writing, may 603  
ask for the requester's identity, and may inquire about the 604  
intended use of the information requested, but may do so only 605  
after disclosing to the requester that a written request is not 606  
mandatory, that the requester may decline to reveal the 607  
requester's identity or the intended use, and when a written 608  
request or disclosure of the identity or intended use would 609  
benefit the requester by enhancing the ability of the public 610  
office or person responsible for public records to identify, 611  
locate, or deliver the public records sought by the requester. 612

(6) If any person requests a copy of a public record in 613  
accordance with division (B) of this section, the public office 614  
or person responsible for the public record may require the 615  
requester to pay in advance the cost involved in providing the 616  
copy of the public record in accordance with the choice made by 617  
the requester under this division. The public office or the 618  
person responsible for the public record shall permit the 619  
requester to choose to have the public record duplicated upon 620  
paper, upon the same medium upon which the public office or 621  
person responsible for the public record keeps it, or upon any 622  
other medium upon which the public office or person responsible 623  
for the public record determines that it reasonably can be 624  
duplicated as an integral part of the normal operations of the 625  
public office or person responsible for the public record. When 626

the requester makes a choice under this division, the public 627  
office or person responsible for the public record shall provide 628  
a copy of it in accordance with the choice made by the 629  
requester. Nothing in this section requires a public office or 630  
person responsible for the public record to allow the requester 631  
of a copy of the public record to make the copies of the public 632  
record. 633

(7) (a) Upon a request made in accordance with division (B) 634  
of this section and subject to division (B) (6) of this section, 635  
a public office or person responsible for public records shall 636  
transmit a copy of a public record to any person by United 637  
States mail or by any other means of delivery or transmission 638  
within a reasonable period of time after receiving the request 639  
for the copy. The public office or person responsible for the 640  
public record may require the person making the request to pay 641  
in advance the cost of postage if the copy is transmitted by 642  
United States mail or the cost of delivery if the copy is 643  
transmitted other than by United States mail, and to pay in 644  
advance the costs incurred for other supplies used in the 645  
mailing, delivery, or transmission. 646

(b) Any public office may adopt a policy and procedures 647  
that it will follow in transmitting, within a reasonable period 648  
of time after receiving a request, copies of public records by 649  
United States mail or by any other means of delivery or 650  
transmission pursuant to division (B) (7) of this section. A 651  
public office that adopts a policy and procedures under division 652  
(B) (7) of this section shall comply with them in performing its 653  
duties under that division. 654

(c) In any policy and procedures adopted under division 655  
(B) (7) of this section: 656

(i) A public office may limit the number of records 657  
requested by a person that the office will physically deliver by 658  
United States mail or by another delivery service to ten per 659  
month, unless the person certifies to the office in writing that 660  
the person does not intend to use or forward the requested 661  
records, or the information contained in them, for commercial 662  
purposes; 663

(ii) A public office that chooses to provide some or all 664  
of its public records on a web site that is fully accessible to 665  
and searchable by members of the public at all times, other than 666  
during acts of God outside the public office's control or 667  
maintenance, and that charges no fee to search, access, 668  
download, or otherwise receive records provided on the web site, 669  
may limit to ten per month the number of records requested by a 670  
person that the office will deliver in a digital format, unless 671  
the requested records are not provided on the web site and 672  
unless the person certifies to the office in writing that the 673  
person does not intend to use or forward the requested records, 674  
or the information contained in them, for commercial purposes. 675

(iii) For purposes of division (B)(7) of this section, 676  
"commercial" shall be narrowly construed and does not include 677  
reporting or gathering news, reporting or gathering information 678  
to assist citizen oversight or understanding of the operation or 679  
activities of government, or nonprofit educational research. 680

(8) A public office or person responsible for public 681  
records is not required to permit a person who is incarcerated 682  
pursuant to a criminal conviction or a juvenile adjudication to 683  
inspect or to obtain a copy of any public record concerning a 684  
criminal investigation or prosecution or concerning what would 685  
be a criminal investigation or prosecution if the subject of the 686



investigation or prosecution were an adult, unless the request 687  
to inspect or to obtain a copy of the record is for the purpose 688  
of acquiring information that is subject to release as a public 689  
record under this section and the judge who imposed the sentence 690  
or made the adjudication with respect to the person, or the 691  
judge's successor in office, finds that the information sought 692  
in the public record is necessary to support what appears to be 693  
a justiciable claim of the person. 694

(9) (a) Upon written request made and signed by a 695  
journalist, a public office, or person responsible for public 696  
records, having custody of the records of the agency employing a 697  
specified designated public service worker shall disclose to the 698  
journalist the address of the actual personal residence of the 699  
designated public service worker and, if the designated public 700  
service worker's spouse, former spouse, or child is employed by 701  
a public office, the name and address of the employer of the 702  
designated public service worker's spouse, former spouse, or 703  
child. The request shall include the journalist's name and title 704  
and the name and address of the journalist's employer and shall 705  
state that disclosure of the information sought would be in the 706  
public interest. 707

(b) Division (B) (9) (a) of this section also applies to 708  
journalist requests for: 709

(i) Customer information maintained by a municipally owned 710  
or operated public utility, other than social security numbers 711  
and any private financial information such as credit reports, 712  
payment methods, credit card numbers, and bank account 713  
information; 714

(ii) Information about minors involved in a school vehicle 715  
accident as provided in division (A) (1) (gg) of this section, 716

other than personal information as defined in section 149.45 of 717  
the Revised Code. 718

(c) As used in division (B)(9) of this section, 719  
"journalist" means a person engaged in, connected with, or 720  
employed by any news medium, including a newspaper, magazine, 721  
press association, news agency, or wire service, a radio or 722  
television station, or a similar medium, for the purpose of 723  
gathering, processing, transmitting, compiling, editing, or 724  
disseminating information for the general public. 725

(10) Upon a request made by a victim, victim's attorney, 726  
or victim's representative, as that term is used in section 727  
2930.02 of the Revised Code, a public office or person 728  
responsible for public records shall transmit a copy of a 729  
depiction of the victim as described in division (A)(1)(ii) of 730  
this section to the victim, victim's attorney, or victim's 731  
representative. 732

(C)(1) If a person allegedly is aggrieved by the failure 733  
of a public office or the person responsible for public records 734  
to promptly prepare a public record and to make it available to 735  
the person for inspection in accordance with division (B) of 736  
this section or by any other failure of a public office or the 737  
person responsible for public records to comply with an 738  
obligation in accordance with division (B) of this section, the 739  
person allegedly aggrieved may do only one of the following, and 740  
not both: 741

(a) File a complaint with the clerk of the court of claims 742  
or the clerk of the court of common pleas under section 2743.75 743  
of the Revised Code; 744

(b) Commence a mandamus action to obtain a judgment that 745

orders the public office or the person responsible for the 746  
public record to comply with division (B) of this section, that 747  
awards court costs and reasonable attorney's fees to the person 748  
that instituted the mandamus action, and, if applicable, that 749  
includes an order fixing statutory damages under division (C) (2) 750  
of this section. The mandamus action may be commenced in the 751  
court of common pleas of the county in which division (B) of 752  
this section allegedly was not complied with, in the supreme 753  
court pursuant to its original jurisdiction under Section 2 of 754  
Article IV, Ohio Constitution, or in the court of appeals for 755  
the appellate district in which division (B) of this section 756  
allegedly was not complied with pursuant to its original 757  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 758

(2) If a requester transmits a written request by hand 759  
delivery, electronic submission, or certified mail to inspect or 760  
receive copies of any public record in a manner that fairly 761  
describes the public record or class of public records to the 762  
public office or person responsible for the requested public 763  
records, except as otherwise provided in this section, the 764  
requester shall be entitled to recover the amount of statutory 765  
damages set forth in this division if a court determines that 766  
the public office or the person responsible for public records 767  
failed to comply with an obligation in accordance with division 768  
(B) of this section. 769

The amount of statutory damages shall be fixed at one 770  
hundred dollars for each business day during which the public 771  
office or person responsible for the requested public records 772  
failed to comply with an obligation in accordance with division 773  
(B) of this section, beginning with the day on which the 774  
requester files a mandamus action to recover statutory damages, 775  
up to a maximum of one thousand dollars. The award of statutory 776

damages shall not be construed as a penalty, but as compensation 777  
for injury arising from lost use of the requested information. 778  
The existence of this injury shall be conclusively presumed. The 779  
award of statutory damages shall be in addition to all other 780  
remedies authorized by this section. 781

The court may reduce an award of statutory damages or not 782  
award statutory damages if the court determines both of the 783  
following: 784

(a) That, based on the ordinary application of statutory 785  
law and case law as it existed at the time of the conduct or 786  
threatened conduct of the public office or person responsible 787  
for the requested public records that allegedly constitutes a 788  
failure to comply with an obligation in accordance with division 789  
(B) of this section and that was the basis of the mandamus 790  
action, a well-informed public office or person responsible for 791  
the requested public records reasonably would believe that the 792  
conduct or threatened conduct of the public office or person 793  
responsible for the requested public records did not constitute 794  
a failure to comply with an obligation in accordance with 795  
division (B) of this section; 796

(b) That a well-informed public office or person 797  
responsible for the requested public records reasonably would 798  
believe that the conduct or threatened conduct of the public 799  
office or person responsible for the requested public records 800  
would serve the public policy that underlies the authority that 801  
is asserted as permitting that conduct or threatened conduct. 802

(3) In a mandamus action filed under division (C)(1) of 803  
this section, the following apply: 804

(a) (i) If the court orders the public office or the person 805

responsible for the public record to comply with division (B) of 806  
this section, the court shall determine and award to the relator 807  
all court costs, which shall be construed as remedial and not 808  
punitive. 809

(ii) If the court makes a determination described in 810  
division (C) (3) (b) (iii) of this section, the court shall 811  
determine and award to the relator all court costs, which shall 812  
be construed as remedial and not punitive. 813

(b) If the court renders a judgment that orders the public 814  
office or the person responsible for the public record to comply 815  
with division (B) of this section or if the court determines any 816  
of the following, the court may award reasonable attorney's fees 817  
to the relator, subject to division (C) (4) of this section: 818

(i) The public office or the person responsible for the 819  
public records failed to respond affirmatively or negatively to 820  
the public records request in accordance with the time allowed 821  
under division (B) of this section. 822

(ii) The public office or the person responsible for the 823  
public records promised to permit the relator to inspect or 824  
receive copies of the public records requested within a 825  
specified period of time but failed to fulfill that promise 826  
within that specified period of time. 827

(iii) The public office or the person responsible for the 828  
public records acted in bad faith when the office or person 829  
voluntarily made the public records available to the relator for 830  
the first time after the relator commenced the mandamus action, 831  
but before the court issued any order concluding whether or not 832  
the public office or person was required to comply with division 833  
(B) of this section. No discovery may be conducted on the issue 834

of the alleged bad faith of the public office or person 835  
responsible for the public records. This division shall not be 836  
construed as creating a presumption that the public office or 837  
the person responsible for the public records acted in bad faith 838  
when the office or person voluntarily made the public records 839  
available to the relator for the first time after the relator 840  
commenced the mandamus action, but before the court issued any 841  
order described in this division. 842

(c) The court shall not award attorney's fees to the 843  
relator if the court determines both of the following: 844

(i) That, based on the ordinary application of statutory 845  
law and case law as it existed at the time of the conduct or 846  
threatened conduct of the public office or person responsible 847  
for the requested public records that allegedly constitutes a 848  
failure to comply with an obligation in accordance with division 849  
(B) of this section and that was the basis of the mandamus 850  
action, a well-informed public office or person responsible for 851  
the requested public records reasonably would believe that the 852  
conduct or threatened conduct of the public office or person 853  
responsible for the requested public records did not constitute 854  
a failure to comply with an obligation in accordance with 855  
division (B) of this section; 856

(ii) That a well-informed public office or person 857  
responsible for the requested public records reasonably would 858  
believe that the conduct or threatened conduct of the public 859  
office or person responsible for the requested public records 860  
would serve the public policy that underlies the authority that 861  
is asserted as permitting that conduct or threatened conduct. 862

(4) All of the following apply to any award of reasonable 863  
attorney's fees awarded under division (C) (3) (b) of this 864

section:	865
(a) The fees shall be construed as remedial and not punitive.	866 867
(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section.	868 869 870 871
(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.	872 873 874
(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section.	875 876 877 878 879 880
(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.	881 882 883 884 885 886 887
(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.	888 889
(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the	890 891 892 893

attorney general as provided in section 109.43 of the Revised 894  
Code. A future official may satisfy the requirements of this 895  
division by attending the training before taking office, 896  
provided that the future official may not send a designee in the 897  
future official's place. 898

(2) All public offices shall adopt a public records policy 899  
in compliance with this section for responding to public records 900  
requests. In adopting a public records policy under this 901  
division, a public office may obtain guidance from the model 902  
public records policy developed and provided to the public 903  
office by the attorney general under section 109.43 of the 904  
Revised Code. Except as otherwise provided in this section, the 905  
policy may not limit the number of public records that the 906  
public office will make available to a single person, may not 907  
limit the number of public records that it will make available 908  
during a fixed period of time, and may not establish a fixed 909  
period of time before it will respond to a request for 910  
inspection or copying of public records, unless that period is 911  
less than eight hours. 912

The public office shall distribute the public records 913  
policy adopted by the public office under this division to the 914  
employee of the public office who is the records custodian or 915  
records manager or otherwise has custody of the records of that 916  
office. The public office shall require that employee to 917  
acknowledge receipt of the copy of the public records policy. 918  
The public office shall create a poster that describes its 919  
public records policy and shall post the poster in a conspicuous 920  
place in the public office and in all locations where the public 921  
office has branch offices. The public office may post its public 922  
records policy on the internet web site of the public office if 923  
the public office maintains an internet web site. A public 924



office that has established a manual or handbook of its general 925  
policies and procedures for all employees of the public office 926  
shall include the public records policy of the public office in 927  
the manual or handbook. 928

(F) (1) The bureau of motor vehicles may adopt rules 929  
pursuant to Chapter 119. of the Revised Code to reasonably limit 930  
the number of bulk commercial special extraction requests made 931  
by a person for the same records or for updated records during a 932  
calendar year. The rules may include provisions for charges to 933  
be made for bulk commercial special extraction requests for the 934  
actual cost of the bureau, plus special extraction costs, plus 935  
ten per cent. The bureau may charge for expenses for redacting 936  
information, the release of which is prohibited by law. 937

(2) As used in division (F) (1) of this section: 938

(a) "Actual cost" means the cost of depleted supplies, 939  
records storage media costs, actual mailing and alternative 940  
delivery costs, or other transmitting costs, and any direct 941  
equipment operating and maintenance costs, including actual 942  
costs paid to private contractors for copying services. 943

(b) "Bulk commercial special extraction request" means a 944  
request for copies of a record for information in a format other 945  
than the format already available, or information that cannot be 946  
extracted without examination of all items in a records series, 947  
class of records, or database by a person who intends to use or 948  
forward the copies for surveys, marketing, solicitation, or 949  
resale for commercial purposes. "Bulk commercial special 950  
extraction request" does not include a request by a person who 951  
gives assurance to the bureau that the person making the request 952  
does not intend to use or forward the requested copies for 953  
surveys, marketing, solicitation, or resale for commercial 954

purposes.	955
(c) "Commercial" means profit-seeking production, buying,	956
or selling of any good, service, or other product.	957
(d) "Special extraction costs" means the cost of the time	958
spent by the lowest paid employee competent to perform the task,	959
the actual amount paid to outside private contractors employed	960
by the bureau, or the actual cost incurred to create computer	961
programs to make the special extraction. "Special extraction	962
costs" include any charges paid to a public agency for computer	963
or records services.	964
(3) For purposes of divisions (F) (1) and (2) of this	965
section, "surveys, marketing, solicitation, or resale for	966
commercial purposes" shall be narrowly construed and does not	967
include reporting or gathering news, reporting or gathering	968
information to assist citizen oversight or understanding of the	969
operation or activities of government, or nonprofit educational	970
research.	971
(G) A request by a defendant, counsel of a defendant, or	972
any agent of a defendant in a criminal action that public	973
records related to that action be made available under this	974
section shall be considered a demand for discovery pursuant to	975
the Criminal Rules, except to the extent that the Criminal Rules	976
plainly indicate a contrary intent. The defendant, counsel of	977
the defendant, or agent of the defendant making a request under	978
this division shall serve a copy of the request on the	979
prosecuting attorney, director of law, or other chief legal	980
officer responsible for prosecuting the action.	981
(H) (1) Any portion of a body-worn camera or dashboard	982
camera recording described in divisions (A) (17) (b) to (h) of	983

this section may be released by consent of the subject of the 984  
recording or a representative of that person, as specified in 985  
those divisions, only if either of the following applies: 986

(a) The recording will not be used in connection with any 987  
probable or pending criminal proceedings; 988

(b) The recording has been used in connection with a 989  
criminal proceeding that was dismissed or for which a judgment 990  
has been entered pursuant to Rule 32 of the Rules of Criminal 991  
Procedure, and will not be used again in connection with any 992  
probable or pending criminal proceedings. 993

(2) If a public office denies a request to release a 994  
restricted portion of a body-worn camera or dashboard camera 995  
recording, as defined in division (A) (17) of this section, any 996  
person may file a mandamus action pursuant to this section or a 997  
complaint with the clerk of the court of claims pursuant to 998  
section 2743.75 of the Revised Code, requesting the court to 999  
order the release of all or portions of the recording. If the 1000  
court considering the request determines that the filing 1001  
articulates by clear and convincing evidence that the public 1002  
interest in the recording substantially outweighs privacy 1003  
interests and other interests asserted to deny release, the 1004  
court shall order the public office to release the recording. 1005

**Sec. 3319.31.** (A) As used in this section and sections 1006  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1007  
means a certificate, license, or permit described in this 1008  
chapter or in division (B) of section 3301.071 or in section 1009  
3301.074 of the Revised Code. 1010

(B) For any of the following reasons, the state board of 1011  
education, except as provided in division (H) of this section 1012

and in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant; may limit a license it issues to an applicant; may suspend, revoke, or limit a license that has been issued to any person; or may revoke a license that has been issued to any person and has expired:

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

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

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

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

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

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

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

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar

diversion program under rules of a court, for any offense listed 1041  
in division (B) (2) or (C) of this section; 1042

(4) Failure to comply with section 3314.40, 3319.313, 1043  
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code; 1044

(5) Using or releasing information that is confidential 1045  
under state or federal law concerning a student or student's 1046  
family members for purposes other than student instruction. 1047

(C) Upon learning of a plea of guilty to, a finding of 1048  
guilt by a jury or court of, or a conviction of any of the 1049  
offenses listed in this division by a person who holds a current 1050  
or expired license or is an applicant for renewal of a license, 1051  
the state board or the superintendent of public instruction, if 1052  
the state board has delegated the duty pursuant to division (D) 1053  
of this section, shall by a written order revoke the person's 1054  
license or deny renewal of the license to the person. The state 1055  
board or the superintendent shall revoke a license that has been 1056  
issued to a person to whom this division applies and has expired 1057  
in the same manner as a license that has not expired. 1058

Revocation of a license or denial of renewal of a license 1059  
under this division is effective immediately at the time and 1060  
date that the board or superintendent issues the written order 1061  
and is not subject to appeal in accordance with Chapter 119. of 1062  
the Revised Code. Revocation of a license or denial of renewal 1063  
of license under this division remains in force during the 1064  
pendency of an appeal by the person of the plea of guilty, 1065  
finding of guilt, or conviction that is the basis of the action 1066  
taken under this division. 1067

The state board or superintendent shall take the action 1068  
required by this division for a violation of division (B) (1), 1069

(2), (3), or (4) of section 2919.22 of the Revised Code; a 1070  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 1071  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 1072  
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1073  
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 1074  
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 1075  
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 1076  
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 1077  
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 1078  
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 1079  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 1080  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 1081  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 1082  
violation of section 2905.04 of the Revised Code as it existed 1083  
prior to July 1, 1996; a violation of section 2919.23 of the 1084  
Revised Code that would have been a violation of section 2905.04 1085  
of the Revised Code as it existed prior to July 1, 1996, had the 1086  
violation been committed prior to that date; felonious sexual 1087  
penetration in violation of former section 2907.12 of the 1088  
Revised Code; or a violation of an ordinance of a municipal 1089  
corporation that is substantively comparable to an offense 1090  
listed in this paragraph. 1091

(D) The state board may delegate to the superintendent of 1092  
public instruction the authority to revoke a person's license or 1093  
to deny renewal of a license to a person under division (C) or 1094  
(F) of this section. 1095

(E) (1) If the plea of guilty, finding of guilt, or 1096  
conviction that is the basis of the action taken under division 1097  
(B) (2) or (C) of this section, or under the version of division 1098  
(F) of section 3319.311 of the Revised Code in effect prior to 1099  
September 12, 2008, is overturned on appeal, upon exhaustion of 1100

the criminal appeal, the clerk of the court that overturned the 1101  
plea, finding, or conviction or, if applicable, the clerk of the 1102  
court that accepted an appeal from the court that overturned the 1103  
plea, finding, or conviction, shall notify the state board that 1104  
the plea, finding, or conviction has been overturned. Within 1105  
thirty days after receiving the notification, the state board 1106  
shall initiate proceedings to reconsider the revocation or 1107  
denial of the person's license in accordance with division (E) 1108  
(2) of this section. In addition, the person whose license was 1109  
revoked or denied may file with the state board a petition for 1110  
reconsideration of the revocation or denial along with 1111  
appropriate court documents. 1112

(2) Upon receipt of a court notification or a petition and 1113  
supporting court documents under division (E) (1) of this 1114  
section, the state board, after offering the person an 1115  
opportunity for an adjudication hearing under Chapter 119. of 1116  
the Revised Code, shall determine whether the person committed 1117  
the act in question in the prior criminal action against the 1118  
person that is the basis of the revocation or denial and may 1119  
continue the revocation or denial, may reinstate the person's 1120  
license, with or without limits, or may grant the person a new 1121  
license, with or without limits. The decision of the board shall 1122  
be based on grounds for revoking, denying, suspending, or 1123  
limiting a license adopted by rule under division (G) of this 1124  
section and in accordance with the evidentiary standards the 1125  
board employs for all other licensure hearings. The decision of 1126  
the board under this division is subject to appeal under Chapter 1127  
119. of the Revised Code. 1128

(3) A person whose license is revoked or denied under 1129  
division (C) of this section shall not apply for any license if 1130  
the plea of guilty, finding of guilt, or conviction that is the 1131

basis of the revocation or denial, upon completion of the 1132  
criminal appeal, either is upheld or is overturned but the state 1133  
board continues the revocation or denial under division (E) (2) 1134  
of this section and that continuation is upheld on final appeal. 1135

(F) The state board may take action under division (B) of 1136  
this section, and the state board or the superintendent shall 1137  
take the action required under division (C) of this section, on 1138  
the basis of substantially comparable conduct occurring in a 1139  
jurisdiction outside this state or occurring before a person 1140  
applies for or receives any license. 1141

(G) The state board may adopt rules in accordance with 1142  
Chapter 119. of the Revised Code to carry out this section and 1143  
section 3319.311 of the Revised Code. 1144

(H) The state board shall not refuse to issue a license to 1145  
an applicant because of a conviction of, a plea of guilty to, or 1146  
a finding of guilt by a jury or court of an offense unless the 1147  
refusal is in accordance with section 9.79 of the Revised Code. 1148

Sec. 3319.325. As used in sections 3319.325, 3319.326, and 1149  
3319.327 of the Revised Code: 1150

(A) "Educational records" means records, files, documents, 1151  
and other materials that contain information directly related to 1152  
a student and are maintained by a school district board of 1153  
education or by a person acting for the school district. 1154  
"Educational records" does not include any of the following: 1155

(1) Records of instructional, supervisory, and 1156  
administrative personnel and educational personnel that are in 1157  
the sole possession of the maker and are not accessible or 1158  
revealed to any other person except a substitute teacher; 1159

(2) In the case of persons who are employed by a school 1160



district, records made and maintained in the normal course of 1161  
business that relate exclusively to such person in that person's 1162  
capacity as an employee and are not available for use for any 1163  
other purpose; 1164

(3) Records on a student who is eighteen years of age or 1165  
older, which are made or maintained by a physician, 1166  
psychiatrist, psychologist, or other recognized professional or 1167  
paraprofessional acting in the person's professional or 1168  
paraprofessional capacity, or assisting in that capacity, and 1169  
that are made, maintained, or used only in connection with the 1170  
provision of treatment to the student and are not available to 1171  
anyone other than persons providing such treatment, except that 1172  
such records can be personally reviewed by a physician or other 1173  
appropriate professional of the student's choice. 1174

(B) "Educational support services data" means data on 1175  
individuals collected, created, maintained, used, or 1176  
disseminated relating to programs administered by a school 1177  
district board of education or an entity under contract with a 1178  
school district designed to eliminate disparities and advance 1179  
equities in educational achievement for youth by coordinating 1180  
services available to participants, regardless of the youth's 1181  
involvement with other government services. 1182

(C) "School-issued device" means hardware, software, 1183  
devices, and accounts that a school district, acting 1184  
independently or with a technology provider, provides to an 1185  
individual student for that student's dedicated personal use. 1186

(D) "Student" means an individual currently or formerly 1187  
enrolled in a school district and applicants for enrollment. 1188

(E) "Technology provider" means a person who contracts 1189

with a school district to provide a school-issued device for 1190  
student use and creates, receives, or maintains educational 1191  
records pursuant or incidental to its contract with the 1192  
district. 1193

**Sec. 3319.326.** A technology provider shall comply with 1194  
Chapter 1347. of the Revised Code with regard to the collection, 1195  
use, and protection of data as if it were a school district. 1196

(A) Educational records created, received, maintained, or 1197  
disseminated by a technology provider pursuant or incidental to 1198  
a contract with a school district are solely the property of the 1199  
school district. 1200

(B) If educational records maintained by the technology 1201  
provider are subject to a breach of the security of the data, as 1202  
described in section 1347.12 of the Revised Code, the technology 1203  
provider shall, following discovery of the breach, disclose to 1204  
the school district all information necessary to fulfill the 1205  
requirements of that section. 1206

(C) Unless renewal of the contract is reasonably 1207  
anticipated, within ninety days of the expiration of the 1208  
contract, a technology provider shall destroy or return to the 1209  
appropriate school district all educational records created, 1210  
received, or maintained pursuant or incidental to the contract. 1211

(D) A technology provider shall not sell, share, or 1212  
disseminate educational records, except as provided by this 1213  
section or as part of a valid delegation or assignment of its 1214  
contract with a school district. 1215

(E) A technology provider shall not use educational 1216  
records for any commercial purpose, including, but not limited 1217  
to, marketing or advertising to a student or parent. A 1218

commercial purpose does not include providing the specific 1219  
services contracted for by a school district. Nothing in this 1220  
division prohibits the technology provider from using aggregate 1221  
information removed of any personally identifiable information 1222  
for improving, maintaining, developing, supporting, or 1223  
diagnosing the provider's site, service, or operation. 1224

(F) A contract between a technology provider and a school 1225  
district shall ensure appropriate security safeguards for 1226  
educational records and include both of the following: 1227

(1) A restriction on unauthorized access by the technology 1228  
provider's employees or contractors; 1229

(2) A requirement that the technology provider's employees 1230  
or contractors may be authorized to access educational records 1231  
only as necessary to fulfill the official duties of the employee 1232  
or contractor. 1233

(G) Not later than the first day of August of each school 1234  
year, each school district shall provide parents and students 1235  
direct and timely notice, by mail, electronic mail, or other 1236  
direct form of communication, of any curriculum, testing, or 1237  
assessment technology provider contract affecting a student's 1238  
educational records. The notice shall do all of the following: 1239

(1) Identify each curriculum, testing, or assessment 1240  
technology provider with access to educational records; 1241

(2) Identify the educational records affected by the 1242  
curriculum, testing, or assessment technology provider contract; 1243

(3) Include information about the contract inspection and 1244  
provide contact information for a school department to which a 1245  
parent or student may direct questions or concerns regarding any 1246  
program or activity that allows a curriculum, testing, or 1247

assessment technology provider access to a student's educational records. 1248  
1249

Each school district shall provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider. 1250  
1251  
1252

**Sec. 3319.327.** (A) Except as described in division (B) of this section, a school district or technology provider shall not electronically access or monitor any of the following: 1253  
1254  
1255

(1) Location-tracking features of a school-issued device; 1256

(2) Audio or visual receiving, transmitting, or recording feature of a school-issued device; 1257  
1258

(3) Student interactions with a school-issued device, including, but not limited to, keystrokes and web-browsing activity. 1259  
1260  
1261

(B) Division (A) of this section does not apply in the following circumstances: 1262  
1263

(1) The activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by a district, a vendor, or the department of education, and notice is provided in advance. 1264  
1265  
1266  
1267  
1268

(2) The activity is permitted under a judicial warrant. 1269

(3) The school district or technology provider is notified or becomes aware that the device is missing or stolen. 1270  
1271

(4) The activity is necessary to prevent or respond to a threat to life or safety, and the access is limited to that purpose. 1272  
1273  
1274

(5) The activity is necessary to comply with federal or 1275  
state law. 1276

(6) The activity is necessary to participate in federal or 1277  
state funding programs. 1278

(C) (1) In any year that a school district or technology 1279  
provider elects to generally monitor a school-issued device for 1280  
any of the circumstances described in division (B) of this 1281  
section, the school district shall provide written notice of 1282  
that monitoring to the parents of its enrolled students. 1283

(2) In the event that one of the circumstances described 1284  
in division (B) of this section is triggered, the school 1285  
district shall, within seventy-two hours of the access, notify 1286  
the student's parent and provide a written description of the 1287  
triggering circumstance, including which features of the device 1288  
were accessed and a description of the threat, if any. This 1289  
notice is not required at any time when the notice itself would 1290  
pose a threat to life or safety, but must instead be given 1291  
within seventy-two hours after that threat has ceased. 1292

Unless otherwise provided by law, no person shall release, 1293  
or permit access to, educational support services data 1294  
concerning any student attending a public school for any 1295  
purpose. 1296

Educational support services data shall be made available 1297  
to the opportunities for Ohioans with disabilities agency 1298  
established in section 3304.15 of the Revised Code in 1299  
furtherance of that agency's duties and supports to individuals 1300  
with disabilities as described in Chapter 3304. of the Revised 1301  
Code. 1302

**Section 2.** That existing sections 149.43 and 3319.31 of 1303

the Revised Code are hereby repealed.

1304