

As Introduced

136th General Assembly

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H. B. No. 707

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Representatives Williams, Brewer

To amend sections 2151.421, 3314.03, 3326.11, 1
3328.24, 5180.40, 5180.401, 5180.402, 5180.403, 2
and 5180.404 and to enact sections 3313.961, 3
5180.408, 5180.409, 5180.4010, and 5180.4011 of 4
the Revised Code to make changes to the law 5
regarding the uniform statewide automated child 6
welfare information system, to require public 7
schools to appoint a child protection liaison, 8
and to name this act Kei'Mani's Law. 9

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

Section 1. That sections 2151.421, 3314.03, 3326.11, 10
3328.24, 5180.40, 5180.401, 5180.402, 5180.403, and 5180.404 be 11
amended and sections 3313.961, 5180.408, 5180.409, 5180.4010, 12
and 5180.4011 of the Revised Code be enacted to read as follows: 13

Sec. 2151.421. (A) (1) (a) No person described in division 14
(A) (1) (b) of this section who is acting in an official or 15
professional capacity and knows, or has reasonable cause to 16
suspect based on facts that would cause a reasonable person in a 17
similar position to suspect, that a child under eighteen years 18
of age, or a person under twenty-one years of age with a 19
developmental disability or physical impairment, has suffered or 20
faces a threat of suffering any physical or mental wound, 21

injury, disability, or condition of a nature that reasonably 22
indicates abuse or neglect of the child shall fail to 23
immediately report that knowledge or reasonable cause to suspect 24
to the entity or persons specified in this division. Except as 25
otherwise provided in this division or section 5120.173 of the 26
Revised Code, the person making the report shall make it to the 27
public children services agency or a peace officer in the county 28
in which the child resides or in which the abuse or neglect is 29
occurring or has occurred. If the person making the report is a 30
peace officer, the officer shall make it to the public children 31
services agency in the county in which the child resides or in 32
which the abuse or neglect is occurring or has occurred. In the 33
circumstances described in section 5120.173 of the Revised Code, 34
the person making the report shall make it to the entity 35
specified in that section. 36

(b) Division (A)(1)(a) of this section applies to any 37
person who is an attorney; health care professional; 38
practitioner of a limited branch of medicine as specified in 39
section 4731.15 of the Revised Code; licensed school 40
psychologist; independent marriage and family therapist or 41
marriage and family therapist; coroner; administrator or 42
employee of a child care center; administrator or employee of a 43
residential camp, child day camp, or private, nonprofit 44
therapeutic wilderness camp; administrator or employee of a 45
certified child care agency or other public or private children 46
services agency; school teacher; school employee; school 47
authority; peace officer; humane society agent; dog warden, 48
deputy dog warden, or other person appointed to act as an animal 49
control officer for a municipal corporation or township in 50
accordance with state law, an ordinance, or a resolution; 51
person, other than a cleric, rendering spiritual treatment 52

through prayer in accordance with the tenets of a well- 53
recognized religion; employee of a county department of job and 54
family services who is a professional and who works with 55
children and families; employee of an entity that provides home 56
visiting services under the help me grow program established by 57
the department of children and youth pursuant to section 5180.21 58
of the Revised Code; superintendent or regional administrator 59
employed by the department of youth services; superintendent, 60
board member, or employee of a county board of developmental 61
disabilities; investigative agent contracted with by a county 62
board of developmental disabilities; employee of the department 63
of developmental disabilities; employee of a facility or home 64
that provides respite care in accordance with section 5123.171 65
of the Revised Code; employee of an entity that provides 66
homemaker services; employee of a qualified organization as 67
defined in section 2151.90 of the Revised Code; a host family as 68
defined in section 2151.90 of the Revised Code; foster 69
caregiver; a person performing the duties of an assessor 70
pursuant to Chapter 3107. or 5103. of the Revised Code; third 71
party employed by a public children services agency to assist in 72
providing child or family related services; court appointed 73
special advocate; or guardian ad litem. 74

(c) If two or more health care professionals, after 75
providing health care services to a child, determine or suspect 76
that the child has been or is being abused or neglected, the 77
health care professionals may designate one of the health care 78
professionals to report the abuse or neglect. A single report 79
made under this division shall meet the reporting requirements 80
of division (A)(1) of this section. 81

(2) Except as provided in division (A)(3) of this section, 82
an attorney, physician, or advanced practice registered nurse is 83

not required to make a report pursuant to division (A) (1) of 84
this section concerning any communication the attorney, 85
physician, or advanced practice registered nurse receives from a 86
client or patient in an attorney-client, physician-patient, or 87
advanced practice registered nurse-patient relationship, if, in 88
accordance with division (A) or (B) of section 2317.02 of the 89
Revised Code, the attorney, physician, or advanced practice 90
registered nurse could not testify with respect to that 91
communication in a civil or criminal proceeding. 92

(3) The client or patient in an attorney-client, 93
physician-patient, or advanced practice registered nurse-patient 94
relationship described in division (A) (2) of this section is 95
deemed to have waived any testimonial privilege under division 96
(A) or (B) of section 2317.02 of the Revised Code with respect 97
to any communication the attorney, physician, or advanced 98
practice registered nurse receives from the client or patient in 99
that relationship, and the attorney, physician, or advanced 100
practice registered nurse shall make a report pursuant to 101
division (A) (1) of this section with respect to that 102
communication, if all of the following apply: 103

(a) The client or patient, at the time of the 104
communication, is a child under eighteen years of age or is a 105
person under twenty-one years of age with a developmental 106
disability or physical impairment. 107

(b) The attorney, physician, or advanced practice 108
registered nurse knows, or has reasonable cause to suspect based 109
on facts that would cause a reasonable person in similar 110
position to suspect that the client or patient has suffered or 111
faces a threat of suffering any physical or mental wound, 112
injury, disability, or condition of a nature that reasonably 113

indicates abuse or neglect of the client or patient. 114

(c) The abuse or neglect does not arise out of the 115
client's or patient's attempt to have an abortion without the 116
notification of her parents, guardian, or custodian in 117
accordance with section 2151.85 of the Revised Code. 118

(4) (a) No cleric and no person, other than a volunteer, 119
designated by any church, religious society, or faith acting as 120
a leader, official, or delegate on behalf of the church, 121
religious society, or faith who is acting in an official or 122
professional capacity, who knows, or has reasonable cause to 123
believe based on facts that would cause a reasonable person in a 124
similar position to believe, that a child under eighteen years 125
of age, or a person under twenty-one years of age with a 126
developmental disability or physical impairment, has suffered or 127
faces a threat of suffering any physical or mental wound, 128
injury, disability, or condition of a nature that reasonably 129
indicates abuse or neglect of the child, and who knows, or has 130
reasonable cause to believe based on facts that would cause a 131
reasonable person in a similar position to believe, that another 132
cleric or another person, other than a volunteer, designated by 133
a church, religious society, or faith acting as a leader, 134
official, or delegate on behalf of the church, religious 135
society, or faith caused, or poses the threat of causing, the 136
wound, injury, disability, or condition that reasonably 137
indicates abuse or neglect shall fail to immediately report that 138
knowledge or reasonable cause to believe to the entity or 139
persons specified in this division. Except as provided in 140
section 5120.173 of the Revised Code, the person making the 141
report shall make it to the public children services agency or a 142
peace officer in the county in which the child resides or in 143
which the abuse or neglect is occurring or has occurred. In the 144

circumstances described in section 5120.173 of the Revised Code,	145
the person making the report shall make it to the entity	146
specified in that section.	147
(b) Except as provided in division (A) (4) (c) of this	148
section, a cleric is not required to make a report pursuant to	149
division (A) (4) (a) of this section concerning any communication	150
the cleric receives from a penitent in a cleric-penitent	151
relationship, if, in accordance with division (C) of section	152
2317.02 of the Revised Code, the cleric could not testify with	153
respect to that communication in a civil or criminal proceeding.	154
(c) The penitent in a cleric-penitent relationship	155
described in division (A) (4) (b) of this section is deemed to	156
have waived any testimonial privilege under division (C) of	157
section 2317.02 of the Revised Code with respect to any	158
communication the cleric receives from the penitent in that	159
cleric-penitent relationship, and the cleric shall make a report	160
pursuant to division (A) (4) (a) of this section with respect to	161
that communication, if all of the following apply:	162
(i) The penitent, at the time of the communication, is a	163
child under eighteen years of age or is a person under twenty-	164
one years of age with a developmental disability or physical	165
impairment.	166
(ii) The cleric knows, or has reasonable cause to believe	167
based on facts that would cause a reasonable person in a similar	168
position to believe, as a result of the communication or any	169
observations made during that communication, the penitent has	170
suffered or faces a threat of suffering any physical or mental	171
wound, injury, disability, or condition of a nature that	172
reasonably indicates abuse or neglect of the penitent.	173

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.	174 175 176 177 178 179 180
(d) Divisions (A) (4) (a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.	181 182 183 184
(e) As used in divisions (A) (1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.	185 186 187
(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under	188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203

this division shall make it or cause it to be made to the entity 204
specified in that section. 205

(C) Any report made pursuant to division (A) or (B) of 206
this section shall be made forthwith either by telephone, in 207
person, or electronically and shall be followed by a written 208
report, if requested by the receiving agency or officer. The 209
written report shall contain: 210

(1) The names and addresses of the child and the child's 211
parents or the person or persons having custody of the child, if 212
known; 213

(2) The child's age and the nature and extent of the 214
child's injuries, abuse, or neglect that is known or reasonably 215
suspected or believed, as applicable, to have occurred or of the 216
threat of injury, abuse, or neglect that is known or reasonably 217
suspected or believed, as applicable, to exist, including any 218
evidence of previous injuries, abuse, or neglect; 219

(3) Any other information, including, but not limited to, 220
results and reports of any medical examinations, tests, or 221
procedures performed under division (D) of this section, that 222
might be helpful in establishing the cause of the injury, abuse, 223
or neglect that is known or reasonably suspected or believed, as 224
applicable, to have occurred or of the threat of injury, abuse, 225
or neglect that is known or reasonably suspected or believed, as 226
applicable, to exist. 227

(D) (1) Any person, who is required by division (A) of this 228
section to report child abuse or child neglect that is known or 229
reasonably suspected or believed to have occurred, may take or 230
cause to be taken color photographs of areas of trauma visible 231
on a child and, if medically necessary for the purpose of 232

diagnosing or treating injuries that are suspected to have	233
occurred as a result of child abuse or child neglect, perform or	234
cause to be performed radiological examinations and any other	235
medical examinations of, and tests or procedures on, the child.	236
(2) The results and any available reports of examinations,	237
tests, or procedures made under division (D)(1) of this section	238
shall be included in a report made pursuant to division (A) of	239
this section. Any additional reports of examinations, tests, or	240
procedures that become available shall be provided to the public	241
children services agency, upon request.	242
(3) If a health care professional provides health care	243
services in a hospital, children's advocacy center, or emergency	244
medical facility to a child about whom a report has been made	245
under division (A) of this section, the health care professional	246
may take any steps that are reasonably necessary for the release	247
or discharge of the child to an appropriate environment. Before	248
the child's release or discharge, the health care professional	249
may obtain information, or consider information obtained, from	250
other entities or individuals that have knowledge about the	251
child. Nothing in division (D)(3) of this section shall be	252
construed to alter the responsibilities of any person under	253
sections 2151.27 and 2151.31 of the Revised Code.	254
(4) A health care professional may conduct medical	255
examinations, tests, or procedures on the siblings of a child	256
about whom a report has been made under division (A) of this	257
section and on other children who reside in the same home as the	258
child, if the professional determines that the examinations,	259
tests, or procedures are medically necessary to diagnose or	260
treat the siblings or other children in order to determine	261
whether reports under division (A) of this section are warranted	262

with respect to such siblings or other children. The results of 263
the examinations, tests, or procedures on the siblings and other 264
children may be included in a report made pursuant to division 265
(A) of this section. 266

(5) Medical examinations, tests, or procedures conducted 267
under divisions (D)(1) and (4) of this section and decisions 268
regarding the release or discharge of a child under division (D) 269
(3) of this section do not constitute a law enforcement 270
investigation or activity. 271

(E) (1) When a peace officer receives a report made 272
pursuant to division (A) or (B) of this section, upon receipt of 273
the report, the peace officer who receives the report shall 274
refer the report to the appropriate public children services 275
agency, in accordance with requirements specified under division 276
(B) (6) of section 2151.4221 of the Revised Code, unless an 277
arrest is made at the time of the report that results in the 278
appropriate public children services agency being contacted 279
concerning the possible abuse or neglect of a child or the 280
possible threat of abuse or neglect of a child. 281

(2) When a public children services agency receives a 282
report pursuant to this division or division (A) or (B) of this 283
section, upon receipt of the report, the public children 284
services agency shall do all of the following: 285

(a) Comply with section 2151.422 of the Revised Code; 286

(b) If the county served by the agency is also served by a 287
children's advocacy center and the report alleges sexual abuse 288
of a child or another type of abuse of a child that is specified 289
in the memorandum of understanding that creates the center as 290
being within the center's jurisdiction, comply regarding the 291

report with the protocol and procedures for referrals and	292
investigations, with the coordinating activities, and with the	293
authority or responsibility for performing or providing	294
functions, activities, and services stipulated in the	295
interagency agreement entered into under section 2151.428 of the	296
Revised Code relative to that center;	297
(c) Unless an arrest is made at the time of the report	298
that results in the appropriate law enforcement agency being	299
contacted concerning the possible abuse or neglect of a child or	300
the possible threat of abuse or neglect of a child, and in	301
accordance with requirements specified under division (B)(6) of	302
section 2151.4221 of the Revised Code, notify the appropriate	303
law enforcement agency of the report, if the public children	304
services agency received either of the following:	305
(i) A report of abuse of a child;	306
(ii) A report of neglect of a child that alleges a type of	307
neglect identified by the department of children and youth in	308
rules adopted under division (L)(2) of this section.	309
(F) No peace officer shall remove a child about whom a	310
report is made pursuant to this section from the child's	311
parents, stepparents, or guardian or any other persons having	312
custody of the child without consultation with the public	313
children services agency, unless, in the judgment of the	314
officer, and, if the report was made by a physician or advanced	315
practice registered nurse, the physician or nurse, immediate	316
removal is considered essential to protect the child from	317
further abuse or neglect. The agency that must be consulted	318
shall be the agency conducting the investigation of the report	319
as determined pursuant to section 2151.422 of the Revised Code.	320

(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall immediately report each case to the uniform statewide automated child welfare information system that the department of children

and youth shall maintain in accordance with section 5180.40 of
the Revised Code. The public children services agency shall
submit a report of its investigation, in writing, to the law
enforcement agency. 352
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(2) The public children services agency shall make any
recommendations to the county prosecuting attorney or city
director of law that it considers necessary to protect any
children that are brought to its attention. 356
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(H) (1) (a) Except as provided in divisions (H) (1) (b) and
(I) (3) of this section, any person, health care professional,
hospital, institution, school, health department, or agency
shall be immune from any civil or criminal liability for injury,
death, or loss to person or property that otherwise might be
incurred or imposed as a result of any of the following: 360
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(i) Participating in the making of reports pursuant to
division (A) of this section or in the making of reports in good
faith, pursuant to division (B) of this section; 366
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(ii) Participating in medical examinations, tests, or
procedures under division (D) of this section; 369
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(iii) Providing information used in a report made pursuant
to division (A) of this section or providing information in good
faith used in a report made pursuant to division (B) of this
section; 371
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(iv) Participating in a judicial proceeding resulting from
a report made pursuant to division (A) of this section or
participating in good faith in a proceeding resulting from a
report made pursuant to division (B) of this section. 375
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(b) Immunity under division (H) (1) (a) (ii) of this section
shall not apply when a health care provider has deviated from 379
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the standard of care applicable to the provider's profession. 381

(c) Notwithstanding section 4731.22 of the Revised Code, 382
the physician-patient privilege shall not be a ground for 383
excluding evidence regarding a child's injuries, abuse, or 384
neglect, or the cause of the injuries, abuse, or neglect in any 385
judicial proceeding resulting from a report submitted pursuant 386
to this section. 387

(2) In any civil or criminal action or proceeding in which 388
it is alleged and proved that participation in the making of a 389
report under this section was not in good faith or participation 390
in a judicial proceeding resulting from a report made under this 391
section was not in good faith, the court shall award the 392
prevailing party reasonable attorney's fees and costs and, if a 393
civil action or proceeding is voluntarily dismissed, may award 394
reasonable attorney's fees and costs to the party against whom 395
the civil action or proceeding is brought. 396

(I) (1) Except as provided in divisions (I)(4) and (N) of 397
this section and sections 2151.423 and 2151.4210 of the Revised 398
Code, a report made under this section is confidential. The 399
information provided in a report made pursuant to this section 400
and the name of the person who made the report shall not be 401
released for use, and shall not be used, as evidence in any 402
civil action or proceeding brought against the person who made 403
the report. Nothing in this division shall preclude the use of 404
reports of other incidents of known or suspected abuse or 405
neglect in a civil action or proceeding brought pursuant to 406
division (M) of this section against a person who is alleged to 407
have violated division (A)(1) of this section, provided that any 408
information in a report that would identify the child who is the 409
subject of the report or the maker of the report, if the maker 410

of the report is not the defendant or an agent or employee of 411
the defendant, has been redacted. In a criminal proceeding, the 412
report is admissible in evidence in accordance with the Rules of 413
Evidence and is subject to discovery in accordance with the 414
Rules of Criminal Procedure. 415

(2) (a) Except as provided in division (I) (2) (b) of this 416
section, no person shall permit or encourage the unauthorized 417
dissemination of the contents of any report made under this 418
section. 419

(b) A health care professional that obtains the same 420
information contained in a report made under this section from a 421
source other than the report may disseminate the information, if 422
its dissemination is otherwise permitted by law. 423

(3) A person who knowingly makes or causes another person 424
to make a false report under division (B) of this section that 425
alleges that any person has committed an act or omission that 426
resulted in a child being an abused child or a neglected child 427
is guilty of a violation of section 2921.14 of the Revised Code. 428

(4) If a report is made pursuant to division (A) or (B) of 429
this section and the child who is the subject of the report dies 430
for any reason at any time after the report is made, but before 431
the child attains eighteen years of age, the public children 432
services agency or peace officer to which the report was made or 433
referred, on the request of the child fatality review board, the 434
suicide fatality review committee, or the director of health 435
pursuant to guidelines established under section 3701.70 of the 436
Revised Code, shall submit a summary sheet of information 437
providing a summary of the report to the review board or review 438
committee of the county in which the deceased child resided at 439
the time of death or to the director. On the request of the 440

review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of children and youth and shall inform the person of the right to appeal the disposition.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being

made available by the public children services agency on behalf 472
of the children about whom the report is made. The agency 473
required to provide the services shall be the agency conducting 474
the investigation of the report pursuant to section 2151.422 of 475
the Revised Code. If a family is determined to benefit from 476
prevention services, the agency also may make efforts to prevent 477
neglect or abuse, to enhance a child's welfare, and to preserve 478
the family unit intact by referring a report for assessment and 479
provision of services to an agency providing prevention 480
services, if appropriate prevention services are available from 481
a local provider or other reasonable source. 482

(K) (1) Except as provided in division (K) (4) or (5) of 483
this section, a person who is required to make a report under 484
division (A) of this section may make a reasonable number of 485
requests of the public children services agency that receives or 486
is referred the report, or of the children's advocacy center 487
that is referred the report if the report is referred to a 488
children's advocacy center pursuant to an interagency agreement 489
entered into under section 2151.428 of the Revised Code, to be 490
provided with the following information: 491

(a) Whether the agency or center has initiated an 492
investigation of the report; 493

(b) Whether the agency or center is continuing to 494
investigate the report; 495

(c) Whether the agency or center is otherwise involved 496
with the child who is the subject of the report; 497

(d) The general status of the health and safety of the 498
child who is the subject of the report; 499

(e) Whether the report has resulted in the filing of a 500

complaint in juvenile court or of criminal charges in another 501
court. 502

(2) (a) A person may request the information specified in 503
division (K)(1) of this section only if, at the time the report 504
is made, the person's name, address, and telephone number are 505
provided to the person who receives the report. 506

(b) When a peace officer or employee of a public children 507
services agency receives a report pursuant to division (A) or 508
(B) of this section the recipient of the report shall inform the 509
person of the right to request the information described in 510
division (K)(1) of this section. The recipient of the report 511
shall include in the initial child abuse or child neglect report 512
that the person making the report was so informed and, if 513
provided at the time of the making of the report, shall include 514
the person's name, address, and telephone number in the report. 515

(c) If the person making the report provides the person's 516
name and contact information on making the report, the public 517
children services agency that received or was referred the 518
report shall send a written notice via United States mail or 519
electronic mail, in accordance with the person's preference, to 520
the person not later than seven calendar days after receipt of 521
the report. The notice shall provide the status of the agency's 522
investigation into the report made, who the person may contact 523
at the agency for further information, and a description of the 524
person's rights under division (K)(1) of this section. 525

(d) Each request is subject to verification of the 526
identity of the person making the report. If that person's 527
identity is verified, the agency shall provide the person with 528
the information described in division (K)(1) of this section a 529
reasonable number of times, except that the agency shall not 530

disclose any confidential information regarding the child who is 531
the subject of the report other than the information described 532
in those divisions. 533

(3) A request made pursuant to division (K)(1) of this 534
section is not a substitute for any report required to be made 535
pursuant to division (A) of this section. 536

(4) If an agency other than the agency that received or 537
was referred the report is conducting the investigation of the 538
report pursuant to section 2151.422 of the Revised Code, the 539
agency conducting the investigation shall comply with the 540
requirements of division (K) of this section. 541

(5) A health care professional who made a report under 542
division (A) of this section, or on whose behalf such a report 543
was made as provided in division (A)(1)(c) of this section, may 544
authorize a person to obtain the information described in 545
division (K)(1) of this section if the person requesting the 546
information is associated with or acting on behalf of the health 547
care professional who provided health care services to the child 548
about whom the report was made. 549

(6) If the person making the report provides the person's 550
name and contact information on making the report, the public 551
children services agency that received or was referred the 552
report shall send a written notice via United States mail or 553
electronic mail, in accordance with the person's preference, to 554
the person not later than seven calendar days after the agency 555
closes the investigation into the case reported by the person. 556
The notice shall notify the person that the agency has closed 557
the investigation. 558

(L) (1) The director of children and youth shall adopt 559

rules in accordance with Chapter 119. of the Revised Code to 560
implement this section. The department of children and youth may 561
enter into a plan of cooperation with any other governmental 562
entity to aid in ensuring that children are protected from abuse 563
and neglect. The department shall make recommendations to the 564
attorney general that the department determines are necessary to 565
protect children from child abuse and child neglect. 566

(2) The director of children and youth shall adopt rules 567
in accordance with Chapter 119. of the Revised Code to identify 568
the types of neglect of a child that a public children services 569
agency shall be required to notify law enforcement of pursuant 570
to division (E) (2) (c) (ii) of this section. 571

(M) Whoever violates division (A) of this section is 572
liable for compensatory and exemplary damages to the child who 573
would have been the subject of the report that was not made. A 574
person who brings a civil action or proceeding pursuant to this 575
division against a person who is alleged to have violated 576
division (A) (1) of this section may use in the action or 577
proceeding reports of other incidents of known or suspected 578
abuse or neglect, provided that any information in a report that 579
would identify the child who is the subject of the report or the 580
maker of the report, if the maker is not the defendant or an 581
agent or employee of the defendant, has been redacted. 582

(N) (1) As used in this division: 583

(a) "Out-of-home care" includes a nonchartered nonpublic 584
school if the alleged child abuse or child neglect, or alleged 585
threat of child abuse or child neglect, described in a report 586
received by a public children services agency allegedly occurred 587
in or involved the nonchartered nonpublic school and the alleged 588
perpetrator named in the report holds a certificate, permit, or 589

license issued by the state board of education under section	590
3301.071 or Chapter 3319. of the Revised Code.	591
(b) "Administrator, director, or other chief	592
administrative officer" means the superintendent of the school	593
district if the out-of-home care entity subject to a report made	594
pursuant to this section is a school operated by the district.	595
(2) No later than the end of the day following the day on	596
which a public children services agency receives a report of	597
alleged child abuse or child neglect, or a report of an alleged	598
threat of child abuse or child neglect, that allegedly occurred	599
in or involved an out-of-home care entity, the agency shall	600
provide written notice of the allegations contained in and the	601
person named as the alleged perpetrator in the report to the	602
administrator, director, or other chief administrative officer	603
of the out-of-home care entity that is the subject of the report	604
unless the administrator, director, or other chief	605
administrative officer is named as an alleged perpetrator in the	606
report. If the administrator, director, or other chief	607
administrative officer of an out-of-home care entity is named as	608
an alleged perpetrator in a report of alleged child abuse or	609
child neglect, or a report of an alleged threat of child abuse	610
or child neglect, that allegedly occurred in or involved the	611
out-of-home care entity, the agency shall provide the written	612
notice to the owner or governing board of the out-of-home care	613
entity that is the subject of the report. The agency shall not	614
provide witness statements or police or other investigative	615
reports.	616
(3) No later than three days after the day on which a	617
public children services agency that conducted the investigation	618
as determined pursuant to section 2151.422 of the Revised Code	619

makes a disposition of an investigation involving a report of
alleged child abuse or child neglect, or a report of an alleged
threat of child abuse or child neglect, that allegedly occurred
in or involved an out-of-home care entity, the agency shall send
written notice of the disposition of the investigation to the
administrator, director, or other chief administrative officer
and the owner or governing board of the out-of-home care entity.
The agency shall not provide witness statements or police or
other investigative reports.

(O) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a
child" have the same meanings as in section 2151.425 of the
Revised Code.

(2) "Health care professional" means an individual who
provides health-related services. "Health care professional"
includes all of the following: a physician, including a hospital
intern or resident; a dentist; a podiatrist; a registered nurse,
including such a nurse who is an advanced practice registered
nurse; a licensed practical nurse; a home care nurse; a licensed
psychologist; a speech-language pathologist; an audiologist; a
person engaged in social work or the practice of professional
counseling; and an employee of a home health agency. "Health
care professional" does not include a practitioner of a limited
branch of medicine as specified in section 4731.15 of the
Revised Code, licensed school psychologist, independent marriage
and family therapist or marriage and family therapist, or
coroner.

(3) "Investigation" means the public children services
agency's response to an accepted report of child abuse or
neglect through either an alternative response or a traditional

response.	650
(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.	651 652 653 654
<u>Sec. 3313.961. (A) As used in this section, "law enforcement agency" has the same meaning as in section 5180.402 of the Revised Code.</u>	655 656 657
<u>(B) Each school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, and college-preparatory boarding school established under Chapter 3328. of the Revised Code shall appoint a child protection liaison who shall do all of the following regarding any case of child abuse or neglect involving a student who attends the district or school:</u>	658 659 660 661 662 663 664
<u>(1) Receive, monitor, and respond to the school district's or school's notifications under section 5180.408 of the Revised Code and any other correspondence or communication from a public children services agency or law enforcement agency;</u>	665 666 667 668
<u>(2) Serve as the point of contact between the district or school and a public children services agency, law enforcement agency, county prosecuting attorney, and court;</u>	669 670 671
<u>(3) Monitor the progression and resolution of a case.</u>	672
<u>(C) An appointed child protection liaison shall utilize the uniform statewide automated child welfare information system established under section 5180.40 of the Revised Code in accordance with rules adopted under section 5180.404 of the Revised Code as needed to fulfill the duties provided under division (B) of this section.</u>	673 674 675 676 677 678

<u>(D) Each appointed child protection liaison shall complete both of the following:</u>	679 680
<u>(1) The training prescribed by section 5180.403 of the Revised Code;</u>	681 682
<u>(2) The training prescribed by section 5180.4010 of the Revised Code.</u>	683 684
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section.	685 686 687 688 689
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	690 691 692
(1) That the school shall be established as either of the following:	693 694
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	695 696 697
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	698 699
(2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	700 701 702 703
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement	704 705 706

assessments;	707
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	708 709 710 711
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	712 713 714
(6) (a) Dismissal procedures;	715
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	716 717 718 719 720 721
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	722 723
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	724 725 726 727 728 729
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	730 731
(a) A detailed description of each facility used for instructional purposes;	732 733
(b) The annual costs associated with leasing each facility	734

that are paid by or on behalf of the school;	735
(c) The annual mortgage principal and interest payments that are paid by the school;	736 737
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	738 739 740
(10) Qualifications of employees, including both of the following:	741 742
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;	743 744 745 746 747
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	748 749 750
(11) That the school will comply with the following requirements:	751 752
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	753 754 755
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	756 757 758
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	759 760 761 762

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, <u>3313.961</u> , 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.	763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	785 786
(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the	787 788 789 790 791 792 793

curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

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

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the

Revised Code as if it were a school district.	825
(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.	826 827 828 829 830 831 832
(j) If the school operates a preschool program that is licensed by the department under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the department of children and youth under section 3301.53 of the Revised Code.	833 834 835 836 837 838
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	839 840 841
(i) An internet- or computer-based community school;	842
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (B) (2) of section 3314.35 of the Revised Code.	843 844 845
(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.	846 847 848 849
(m) The school will comply with section 3313.7118 of the Revised Code if it serves elementary school students.	850 851
(12) Arrangements for providing health and other benefits	852

to employees; 853

(13) The length of the contract, which shall begin at the 854
beginning of an academic year. No contract shall exceed five 855
years unless such contract has been renewed pursuant to division 856
(D) of this section. 857

(14) The governing authority of the school, which shall be 858
responsible for carrying out the provisions of the contract; 859

(15) A financial plan detailing an estimated school budget 860
for each year of the period of the contract and specifying the 861
total estimated per pupil expenditure amount for each such year. 862

(16) Requirements and procedures regarding the disposition 863
of employees of the school in the event the contract is 864
terminated or not renewed pursuant to section 3314.07 of the 865
Revised Code; 866

(17) Whether the school is to be created by converting all 867
or part of an existing public school or educational service 868
center building or is to be a new start-up school, and if it is 869
a converted public school or service center building, both of 870
the following: 871

(a) Specification of any duties or responsibilities of an 872
employer that the board of education or service center governing 873
board that operated the school or building before conversion is 874
delegating to the governing authority of the community school 875
with respect to all or any specified group of employees provided 876
the delegation is not prohibited by a collective bargaining 877
agreement applicable to such employees; 878

(b) Alternative arrangements for current public school 879
students who choose not to attend the converted school and for 880
teachers who choose not to teach in the school or building after 881

conversion.	882
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	883 884 885
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	886 887 888 889 890 891
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	892 893
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	894 895 896
(c) Permit the enrollment of students who reside in any other district in the state.	897 898
(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	899 900 901 902
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	903 904 905
(22) A provision recognizing both of the following:	906
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in	907 908 909

compliance with health and safety laws and regulations;	910
(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	911 912 913 914 915 916 917
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;	918 919 920 921 922 923
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school.	924 925 926 927
(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.	928 929 930 931 932 933 934 935 936
(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent	937 938

under section 3326.032 of the Revised Code;	939
(27) That the school's attendance and participation policies will be available for public inspection;	940
(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	942
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	949
(a) An indication of what blended learning model or models will be used;	952
(b) A description of how student instructional needs will be determined and documented;	954
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	956
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	958
(e) A statement describing how student progress will be monitored;	961
(f) A statement describing how private student data will be protected;	963
(g) A description of the professional development	965

activities that will be offered to teachers.	966
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	967 968 969 970
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	971 972 973 974 975
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	976 977 978 979 980
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	981 982 983
(34) A provision establishing the process by which the governing authority of the school will be selected in the future.	984 985 986
(35) A description of the management and administration of the school.	987 988
(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.	989 990 991
(B) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a	992 993

community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 994
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(C) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 1002
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(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 1006
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 1009
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(3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 1012
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(4) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 1015
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(5) Have in place a plan of action to be undertaken in the 1022

event the community school experiences financial difficulties or 1023
closes prior to the end of a school year. 1024

(D) Upon the expiration of a contract entered into under 1025
this section, the sponsor of a community school may, with the 1026
approval of the governing authority of the school, renew that 1027
contract for a period of time determined by the sponsor, but not 1028
ending earlier than the end of any school year, if the sponsor 1029
finds that the school's compliance with applicable laws and 1030
terms of the contract and the school's progress in meeting the 1031
academic goals prescribed in the contract have been 1032
satisfactory. Any contract that is renewed under this division 1033
remains subject to the provisions of sections 3314.07, 3314.072, 1034
and 3314.073 of the Revised Code. 1035

(E) If a community school fails to open for operation 1036
within one year after the contract entered into under this 1037
section is adopted pursuant to division (D) of section 3314.02 1038
of the Revised Code or permanently closes prior to the 1039
expiration of the contract, the contract shall be void and the 1040
school shall not enter into a contract with any other sponsor. A 1041
school shall not be considered permanently closed because the 1042
operations of the school have been suspended pursuant to section 1043
3314.072 of the Revised Code. 1044

Sec. 3326.11. Each science, technology, engineering, and 1045
mathematics school established under this chapter and its 1046
governing body shall comply with sections 9.90, 9.91, 109.65, 1047
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1048
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 1049
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 1050
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 1051
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 1052

3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023,	1053
3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61,	1054
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114,	1055
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661,	1056
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610,	1057
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71,	1058
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117,	1059
3313.7118, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814,	1060
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89,	1061
3313.96, <u>3313.961</u> , 3319.073, 3319.077, 3319.078, 3319.0812,	1062
3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324,	1063
3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46,	1064
3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01,	1065
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18,	1066
3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17,	1067
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102.,	1068
117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123.,	1069
4141., and 4167. of the Revised Code as if it were a school	1070
district.	1071
 Sec. 3328.24. A college-preparatory boarding school	1072
established under this chapter and its board of trustees shall	1073
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712,	1074
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318,	1075
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024,	1076
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114,	1077
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717,	1078
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, <u>3313.961</u> ,	1079
3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39,	1080
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04,	1081
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as	1082
if the school were a school district and the school's board of	1083

trustees were a district board of education.	1084
Sec. 5180.40. (A) The department of children and youth shall establish and maintain a uniform statewide automated child welfare information system in accordance with the requirements of 42 U.S.C. 674(a)(3)(C) and related federal regulations and guidelines. The information system shall contain records regarding any of the following:	1085
(1) Investigations of children and families, and children's care in out-of-home care, in accordance with sections 2151.421 and 5153.16 of the Revised Code;	1086
(2) Care and treatment provided to children and families;	1087
(3) <u>Real-time notifications and deadlines to respond to inquiries from public children services agencies, law enforcement, courts, school districts, community schools, STEM schools, college-preparatory boarding schools, and medical personnel regarding children and families;</u>	1088
(4) Any other information related to children and families that state or federal law, regulation, or rule requires the department or a public children services agency to maintain.	1089
(B) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.	1090
Sec. 5180.401. (A) Except as provided in section 5180.402 of the Revised Code, information contained in or obtained from the information system established and maintained under section 5180.40 of the Revised Code is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.	1091
(B) (1) <u>The information contained in the information system</u>	1092
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established and maintained under section 5180.40 of the Revised
Code shall comply with all privacy and security standards under
state and federal law, including the HIPAA privacy rule and the
"Family Educational Rights and Privacy Act of 1974," 20 U.S.C.
1232g. 1112
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(2) As used in this section, "HIPAA privacy rule" has the
same meaning as in section 3798.01 of the Revised Code. 1117
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Sec. 5180.402. (A) Information contained in the
information system established and maintained under section
5180.40 of the Revised Code may be accessed or entered only as
follows: 1119
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(1) The department of job and family services, the
department of children and youth, a public children services
agency, a title IV-E agency, a juvenile court, a law enforcement
agency, a prosecuting attorney, a child protection liaison under
section 3313.961 of the Revised Code, a private child placing
agency, and a private noncustodial agency may access or enter
the information when either of the following is the case: 1123
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(a) The access or entry is directly connected with
assessment, investigation, or services regarding a child or
family; 1130
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(b) The access or entry is permitted by state or federal
law, rule, or regulation. 1133
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(2) A person may access or enter the information in a
manner, to the extent, and for the purposes authorized by rules
adopted by the department. 1135
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(B) A criminal court may be provided information contained
in the information system established and maintained under
section 5180.40 of the Revised Code upon request to the public 1138
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children services agency. The agency shall either disseminate 1141
relevant information regarding a case that is pending before the 1142
court or limit a criminal court's access to such information in 1143
accordance with rules adopted under section 5180.404 of the 1144
Revised Code. 1145

(C) As used in this section, "title: 1146

(1) "Law enforcement agency" means a police department, 1147
the office of a sheriff, the state highway patrol, or a federal, 1148
state, or local governmental body that enforces criminal laws 1149
and that has employees who have a statutory power of arrest. 1150

(2) "Title IV-E agency" means a public children services 1151
agency or a public entity with which the department of job and 1152
family services or department of children and youth has a title 1153
IV-E subgrant agreement in effect. 1154

Sec. 5180.403. (A) (1) No person shall access or use 1155
information contained in the information system established and 1156
maintained under section 5180.40 of the Revised Code other than 1157
in accordance with section 5180.402 of the Revised Code or rules 1158
authorized by that section. 1159

(2) No person shall disclose information obtained from the 1160
information system established and maintained under section 1161
5180.40 of the Revised Code in a manner not specified by rules 1162
authorized by section 5180.404 of the Revised Code. 1163

(B) The department of children and youth shall provide 1164
mandatory training for all individuals and entities that have 1165
access to the information system established and maintained 1166
under section 5180.40 of the Revised Code. The training shall 1167
include all aspects related to the use of and access to the 1168
information system, including privacy and confidentiality. 1169

Sec. 5180.404. (A) Notwithstanding any provision of the Revised Code that requires confidentiality of information that is contained in the uniform statewide automated child welfare information system established in section 5180.40 of the Revised Code, the department of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a-
~~private child placing agency's or private noncustodial agency's~~ access, data entry, and use of information in the uniform statewide automated child welfare information system for a
private child placing agency, a private noncustodial agency, a
criminal court under section 5180.402 of the Revised Code, and a
child protection liaison under section 3313.961 of the Revised
Code.

(B) (1) The department of children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5180.40 to 5180.403 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A) (2) of section 5180.402 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section 5180.40 of the Revised Code in accordance with rules adopted by the department.

Sec. 5180.408. (A) When a public children services agency enters a report of child abuse or neglect in the uniform
statewide automated child welfare information system in
accordance with section 2151.421 of the Revised Code, the agency

<u>shall provide through the information system automatic notifications of the report to each of the following:</u>	1200
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<u>(1) The law enforcement agency with jurisdiction over the case;</u>	1202
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<u>(2) The school district or school attended by the child who is the subject of the report of abuse or neglect;</u>	1204
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<u>(3) The county prosecuting attorney, in accordance with division (G) (2) of section 2151.421 of the Revised Code.</u>	1206
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<u>(B) The department of children and youth shall ensure that the uniform statewide automated child welfare information system has the capability to allow a public children services agency to provide automatic notifications upon entering a report of child abuse or neglect in accordance with division (A) of this section.</u>	1208
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<u>Sec. 5180.409. (A) A public children services agency shall update each case reported in the uniform statewide automated child welfare system established in section 5180.40 of the Revised Code on at least a bi-weekly basis.</u>	1214
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<u>(B) A public children services agency shall ensure that an entry in the uniform statewide automated child welfare information system remains active until the agency has confirmed that one or more of the following has occurred:</u>	1218
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<u>(1) The agency has determined upon investigation that a report of child abuse or neglect is unsubstantiated.</u>	1222
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<u>(2) A child's case plan has been resolved, and the child has been reunified with one or both parents or the child's adoption has been finalized or closed.</u>	1224
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<u>(3) Services to a family or child are no longer needed or</u>	1227

being provided, and the agency has terminated involvement with 1228
the family. 1229

Sec. 5180.4010. The department of children and youth shall 1230
develop, provide, and certify a training program for all child 1231
protection liaisons under section 3313.961 of the Revised Code. 1232
A child protection liaison shall complete the training upon 1233
appointment and annually thereafter. The training shall include 1234
a comprehensive overview of the state's child protection 1235
process, including the child protection liaison's role in the 1236
process and use of the uniform statewide automated child welfare 1237
information system established under section 5180.40 of the 1238
Revised Code. The department shall ensure that the training is 1239
updated annually to include any new developments in child 1240
protection law. The training under this section shall be 1241
separate and in addition to the training prescribed under 1242
section 5180.403 of the Revised Code. 1243

Sec. 5180.4011. The department of children and youth shall 1244
submit, on a quarterly basis, a report to the general assembly 1245
in accordance with section 101.68 of the Revised Code regarding 1246
the uniform statewide automated child welfare information system 1247
established under section 5180.40 of the Revised Code. The 1248
report shall certify compliance with sections 5180.40 to 1249
5180.4010 of the Revised Code and any rules adopted under those 1250
sections and provide updates on the performance of the 1251
information system. 1252

Section 2. That existing sections 2151.421, 3314.03, 1253
3326.11, 3328.24, 5180.40, 5180.401, 5180.402, 5180.403, and 1254
5180.404 of the Revised Code are hereby repealed. 1255

Section 3. This act shall be known as Kei'Mani's Law. 1256