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Sponsor Testimony  
Senate Bill 325  
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Chairwoman Lehner and members of the Senate Education committee. Thank you for allowing me to present sponsor testimony on Senate Bill 325. This legislation, if enacted into law, seeks to revise the law regarding background check policies for public and chartered nonpublic schools.

Senate Bill 325 provides additional safeguards to further ensure that any school employee that is hired by a school district is someone that has been thoroughly vetted by the hiring district. Individuals seeking employment will still undergo the appropriate BCI and FBI background screenings as required by current law. In addition to those, this legislation will require the hiring district to do the following:

1. Prior to employing any individual, each district and school shall consult with the office of professional conduct within the department of education to determine whether the individual has been the subject of either:

Any notice to the department under section 3314.40 (Report of employee conviction or alternative disposition); 3319.313 (Information concerning improper conduct by licensed employee); 3326.24 (Report of employee conviction or alternative disposition); 3328.19 (Conduct unbecoming to the teaching profession; report to superintendent); or 5126.253 (Information concerning improper conduct by licensed employee) of the Revised Code; to inquire if any disciplinary actions have been conducted by the department against the individual;

2. Each district or school shall consult with any prior employers of an applicant for employment.
3. If a school district or school receives a request for the personnel file of a current or former employee from a district or school to which the current or former employee has applied for employment, the district or school that receives the request shall send that file to the requestor **within twenty business days** of receiving the request.

The Office of Professional Conduct is already established in the Ohio Department of Education to administer the ethical standards for the teaching profession pursuant to Ohio Revised Code §3319.31 and §3319.311. The office investigates allegations of educator misconduct involving criminal or ethical violations and, if warranted, initiates disciplinary action against an educator's credentials. The office has jurisdiction to investigate allegations of misconduct by

any person who holds, or has applied for, an educator credential issued by the State Board of Education. I have included with my testimony a memo from the Ohio Legislative Service Commission that shows the hiring practices of school districts in Franklin County. Many school districts in Franklin County have indicated that they already contact this office when screening applicants. Additionally with my testimony, I have enclosed a copy of the Ohio Department of Education 2017 Educator Conduct Report that was released in June of this year by the Office of Professional Conduct. Each year, the office compiles data regarding the allegations it receives, the cases it investigates and the disciplinary actions the State Board imposes. In 2017, the office received 12,547 referrals in 2017. This represents an 8.8 percent increase from the number of referrals received in 2016.

Senate Bill 325 also includes provisions to allow school districts to do any other additional background checks for employment, or volunteers, that they might feel is necessary to further screen their applicants or individuals who will have direct access to Ohio's school-aged children.

Another component of this legislative proposal is to require each school district and chartered nonpublic school to include the following notice in boldface type on each employment application: "ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE." Anyone who violates this provision could be subject up to 180 days in jail and/or up to a \$1000 fine. This section mirrors Ohio's Falsification statute and simply adds it to Ohio's Education Revised Code, which currently does not reference 2921.13.

Additionally, when a complaint is filed against an employee of a school district or chartered nonpublic school alleging misconduct by that employee, the district or school must conduct an immediate review of the personnel file of that employee to investigate any recorded instance of misconduct or disciplinary actions contained within that individual's employee file. This legislation also requires school districts and chartered nonpublic schools to establish policies for periodic review of their employee personnel files to investigate any instance of misconduct or disciplinary actions. The districts must designate an individual who is authorized to review the personnel files under this division. Senate Bill 325 also stipulates that any employee, officer, or board member of a district or chartered nonpublic school who does not report an instance of child abuse or neglect, including sexual conduct or sexual relationships between students and adults, may face disciplinary action up to and including termination and provides that a district or chartered nonpublic school may provide counseling to a victim of sexual harassment.

Chairwoman Lehner and members of the Senate Education committee. Thank you for allowing me to present sponsor testimony on Senate Bill 325. I am happy to answer any questions that the committee might have.