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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

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 proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	18 19 20 21 22 23
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	24 25 26
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	27 28 29
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	30 31 32 33 34 35
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	36 37
(g) Trial preparation records;	38
(h) Confidential law enforcement investigatory records;	39
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	40 41
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	42 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 participating in the director's review, and all work products of	65 66 67 68 69 70 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 serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;	131 132 133 134 135 136
(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;	137 138 139 140 141
(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;	142 143 144 145 146 147
(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:	148 149 150
(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.	151 152 153 154
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	155 156 157
(jj) Restricted portions of a body-worn camera or	158

dashboard camera recording;	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 Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;

(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 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 a report prepared pursuant to section 307.656 of the Revised Code;

(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;

(ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;

(tt) Educational support services data, as defined in section 3319.325 of the Revised Code.

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	304

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;

(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;

(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;

(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;

(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.

(9) As used in divisions (A) (7) and (15) to (17) of this
section:

"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
sheriff of a county or a supervisory employee who, in the

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 Code.	392 393
"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.	394 395
(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:	396 397 398 399 400 401
(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	402 403 404 405
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	406 407
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	408 409
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	410 411 412 413 414 415
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	416 417
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	418 419

(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 administrator has been obtained; 449
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(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained; 451
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(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 457
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(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 462
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(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 468
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(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the 474
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performance of official duties, unless, subject to division (H)	478
(l) 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
(l) 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 agency;	507 508
(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;	509 510 511 512
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;	513 514 515 516
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location.	517 518 519 520
As used in division (A) (17) of this section:	521
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	522 523
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	524 525
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	526 527
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	528 529
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	530 531 532 533

"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 or software that 1183
a school district, acting independently or with a technology 1184
provider, provides to an individual student for that student's 1185
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
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(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 respond to an imminent 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) If a school district or technology provider interacts 1279
with a school-issued device in the manner prescribed by division 1280
(B) of this section, it shall, within seventy-two hours of the 1281
access, notify the student to whom the school-issued device was 1282
issued or that student's parent and provide a written 1283
description of the interaction, including which features of the 1284
device were accessed and a description of the threat, if any. 1285
This notice is not required at any time when the notice itself 1286
would pose an imminent threat to life or safety, but must 1287
instead be given within seventy-two hours after that imminent 1288
threat has ceased. 1289

Unless otherwise provided by law, no person shall release, 1290
or permit access to, educational support services data 1291
concerning any student attending a public school for any 1292
purpose. 1293

Educational support services data shall be made available 1294
to the opportunities for Ohioans with disabilities agency 1295
established in section 3304.15 of the Revised Code in 1296
furtherance of that agency's duties and supports to individuals 1297
with disabilities as described in Chapter 3304. of the Revised 1298
Code. 1299

Section 2. That existing sections 149.43 and 3319.31 of 1300
the Revised Code are hereby repealed. 1301