



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 468  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Klopfenstein and Brennan

Rachel Larsen, Research Analyst

### SUMMARY

- Permits federally recognized patriotic youth organizations to request a public school to allow representatives from the organization to provide written information or present information in person to students on school property.
- Requires public schools to provide at least one opportunity per school year for a representative of an organization to provide information.
- Requires public schools to request a criminal records check of the organization's representative before permitting the representative to provide information to students.

### DETAILED ANALYSIS

#### Patriotic youth organizations

The bill permits youth organizations listed in federal law that have an educational purpose and promote patriotism and civic involvement<sup>1</sup> to request a school district, community school, STEM school, or college-preparatory boarding school, to allow representatives from the organization to provide written information or present information in person to students on school property. In the request, the organization must include information regarding how the organization furthers the educational interest and civic involvement of students.<sup>2</sup>

<sup>1</sup> Part B of subtitle II of Title 36 of the United States Code (U.S.C.), 36 U.S.C. 20101, *et seq.*

<sup>2</sup> R.C. 3313.473(B). The bill's provisions apply to community schools, STEM schools, and college-preparatory boarding schools through cross references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24, respectively.

Each district or school must provide at least one opportunity each school year for a representative of an organization to provide information to students on school property. The bill permits the opportunity to be during the school day.<sup>3</sup>

## **Background check**

The bill requires a district or school to request a criminal records check of the organization's representative before permitting the representative to provide information to students on school property. The criminal records check is to be conducted in the same manner as a check for a licensed teacher.<sup>4</sup> Under the bill, the representative is responsible for paying all costs associated with obtaining the records check, and may be required to provide written consent for the records check.<sup>5</sup>

A district or school may refuse to allow a representative to provide information to students if the representative has been convicted of or plead guilty to the same offenses that would bar an applicant from employment as an educator.<sup>6</sup>

## **Past conduct**

In addition, the bill requires a district or school to consider certain factors regarding the past conduct of a representative of an organization when evaluating whether to permit the person to provide information to students:

1. Crimes or misconduct involving minors;
2. Crimes or misconduct involving school children;
3. Crimes or misconduct involving academic fraud;
4. A plea of guilty, a finding of guilty, a conviction, a granting of treatment in lieu of conviction, or a pre-trial diversion program to any offense in violation of federal, state, or local criminal law; and
5. Any violation of the terms and conditions of a consent agreement.<sup>7</sup>

If the district or school finds that a representative has engaged in any of the conduct listed above, the district or school may consider certain factors before deciding whether to permit the person to provide information to students:

1. The nature and seriousness of the crime or misconduct;
2. The extent of the person's past criminal activity or misconduct;

---

<sup>3</sup> R.C. 3313.473(C).

<sup>4</sup> R.C. 3319.39, not in the bill.

<sup>5</sup> R.C. 3313.473(D).

<sup>6</sup> R.C. 3319.39(B)(1)(a) or (b), not in the bill.

<sup>7</sup> R.C. 3313.473(E).

3. The age of the person when the crime or misconduct occurred;
4. The amount of time that has elapsed since the person's last criminal activity or misconduct;
5. The conduct and work activity of the person before and after the criminal activity or misconduct;
6. Whether the person has completed any terms of probation or deferred adjudication;
7. Evidence of rehabilitation and evidence of whether the person is amenable to rehabilitation;
8. Whether the person fully disclosed the crime or misconduct to the district or school or the employing organization;
9. Whether the person will negatively impact the health, safety, or welfare of the school community; and
10. Any other factor the district or school finds relevant.<sup>8</sup>

Under the bill, a district or school may investigate and refuse to permit a representative of an organization to provide information to students on school property regardless of whether the representative has a criminal charge, indictment, prosecution, or conviction.<sup>9</sup>

## HISTORY

Action	Date
Introduced	04-02-24

ANHB0468IN-135/ks

<sup>8</sup> R.C. 3313.473(F).

<sup>9</sup> R.C. 3313.473(G).