

As Reported by the Senate Education Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 34

Senator Kunze

Cosponsors: Senators Maharath, Brenner

A BILL

To amend sections 2953.25, 3314.03, 3314.101, 1
3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 2
3319.316, 3319.40, 3319.99, 3326.081, 3326.11, 3
3328.18, 3328.24, and 5153.176 and to enact 4
sections 3319.0812, 3319.318, 3319.319, 5
3319.393, 3319.394, and 3319.47 of the Revised 6
Code regarding school employee employment and 7
educator licensure and conduct. 8

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

Section 1. That sections 2953.25, 3314.03, 3314.101, 9
3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 3319.316, 10
3319.40, 3319.99, 3326.081, 3326.11, 3328.18, 3328.24, and 11
5153.176 be amended and sections 3319.0812, 3319.318, 3319.319, 12
3319.393, 3319.394, and 3319.47 of the Revised Code be enacted 13
to read as follows: 14

Sec. 2953.25. (A) As used in this section: 15

(1) "Collateral sanction" means a penalty, disability, or 16
disadvantage that is related to employment or occupational 17
licensing, however denominated, as a result of the individual's 18

conviction of or plea of guilty to an offense and that applies 19
by operation of law in this state whether or not the penalty, 20
disability, or disadvantage is included in the sentence or 21
judgment imposed. 22

"Collateral sanction" does not include imprisonment, 23
probation, parole, supervised release, forfeiture, restitution, 24
fine, assessment, or costs of prosecution. 25

(2) "Decision-maker" includes, but is not limited to, the 26
state acting through a department, agency, board, commission, or 27
instrumentality established by the law of this state for the 28
exercise of any function of government, a political subdivision, 29
an educational institution, or a government contractor or 30
subcontractor made subject to this section by contract, law, or 31
ordinance. 32

(3) "Department-funded program" means a residential or 33
nonresidential program that is not a term in a state 34
correctional institution, that is funded in whole or part by the 35
department of rehabilitation and correction, and that is imposed 36
as a sanction for an offense, as part of a sanction that is 37
imposed for an offense, or as a term or condition of any 38
sanction that is imposed for an offense. 39

(4) "Designee" means the person designated by the deputy 40
director of the division of parole and community services to 41
perform the duties designated in division (B) of this section. 42

(5) "Division of parole and community services" means the 43
division of parole and community services of the department of 44
rehabilitation and correction. 45

(6) "Offense" means any felony or misdemeanor under the 46
laws of this state. 47

(7) "Political subdivision" has the same meaning as in 48
section 2969.21 of the Revised Code. 49

(8) "Discretionary civil impact," "licensing agency," and 50
"mandatory civil impact" have the same meanings as in section 51
2961.21 of the Revised Code. 52

(B) (1) An individual who is subject to one or more 53
collateral sanctions as a result of being convicted of or 54
pleading guilty to an offense and who either has served a term 55
in a state correctional institution for any offense or has spent 56
time in a department-funded program for any offense may file a 57
petition with the designee of the deputy director of the 58
division of parole and community services for a certificate of 59
qualification for employment. 60

(2) An individual who is subject to one or more collateral 61
sanctions as a result of being convicted of or pleading guilty 62
to an offense and who is not in a category described in division 63
(B) (1) of this section may file for a certificate of 64
qualification for employment by doing either of the following: 65

(a) In the case of an individual who resides in this 66
state, filing a petition with the court of common pleas of the 67
county in which the person resides or with the designee of the 68
deputy director of the division of parole and community 69
services; 70

(b) In the case of an individual who resides outside of 71
this state, filing a petition with the court of common pleas of 72
any county in which any conviction or plea of guilty from which 73
the individual seeks relief was entered or with the designee of 74
the deputy director of the division of parole and community 75
services. 76

(3) A petition under division (B) (1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section and shall contain all of the information described in division (F) of this section.

(4) (a) Except as provided in division (B) (4) (b) of this section, an individual may file a petition under division (B) (1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(b) The department of rehabilitation and correction may 107
establish criteria by rule adopted under Chapter 119. of the 108
Revised Code that, if satisfied by an individual, would allow 109
the individual to file a petition before the expiration of six 110
months or one year from the date of final release, whichever is 111
applicable under division (B) (4) (a) of this section. 112

(5) (a) A designee that receives a petition for a 113
certificate of qualification for employment from an individual 114
under division (B) (1) or (2) of this section shall review the 115
petition to determine whether it is complete. If the petition is 116
complete, the designee shall forward the petition, and any other 117
information the designee possesses that relates to the petition, 118
to the court of common pleas of the county in which the 119
individual resides if the individual submitting the petition 120
resides in this state or, if the individual resides outside of 121
this state, to the court of common pleas of the county in which 122
the conviction or plea of guilty from which the individual seeks 123
relief was entered. 124

(b) A court of common pleas that receives a petition for a 125
certificate of qualification for employment from an individual 126
under division (B) (2) of this section, or that is forwarded a 127
petition for such a certificate under division (B) (5) (a) of this 128
section, shall attempt to determine all other courts in this 129
state in which the individual was convicted of or pleaded guilty 130
to an offense other than the offense from which the individual 131
is seeking relief. The court that receives or is forwarded the 132
petition shall notify all other courts in this state that it 133
determines under this division were courts in which the 134
individual was convicted of or pleaded guilty to an offense 135
other than the offense from which the individual is seeking 136
relief that the individual has filed the petition and that the 137

court may send comments regarding the possible issuance of the certificate. 138
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A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition. 140
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A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section, or that is forwarded a petition for qualification under division (B) (5) (a) of this section may direct the clerk of court to process and record all notices required in or under this section. 144
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(C) (1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition for such a certificate under division (B) (5) (a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment. 150
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(2) Upon receiving a petition for a certificate of 168
qualification for employment filed by an individual under 169
division (B) (2) of this section or being forwarded a petition 170
for such a certificate under division (B) (5) (a) of this section, 171
except as otherwise provided in this division, the court shall 172
decide whether to issue the certificate within sixty days after 173
the court receives or is forwarded the completed petition and 174
all information requested for the court to make that decision. 175
Upon request of the individual who filed the petition, the court 176
may extend the sixty-day period specified in this division. 177

(3) Subject to division (C) (5) of this section, a court 178
that receives an individual's petition for a certificate of 179
qualification for employment under division (B) (2) of this 180
section or that is forwarded a petition for such a certificate 181
under division (B) (5) (a) of this section may issue a certificate 182
of qualification for employment, at the court's discretion, if 183
the court finds that the individual has established all of the 184
following by a preponderance of the evidence: 185

(a) Granting the petition will materially assist the 186
individual in obtaining employment or occupational licensing. 187

(b) The individual has a substantial need for the relief 188
requested in order to live a law-abiding life. 189

(c) Granting the petition would not pose an unreasonable 190
risk to the safety of the public or any individual. 191

(4) The submission of an incomplete petition by an 192
individual shall not be grounds for the designee or court to 193
deny the petition. 194

(5) A certificate of qualification for employment shall 195
not create relief from any of the following collateral 196

sanctions:	197
(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;	198 199 200
(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;	201 202 203 204 205 206
(c) Restrictions on employment as a prosecutor or law enforcement officer;	207 208
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code;	209 210 211 212 213 214 215 216 217 218 219
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	220 221 222 223 224
(f) The denial or ineligibility for employment in a pain	225

clinic under division (B) (4) of section 4729.552 of the Revised Code; 226
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(g) The mandatory suspension of a license that is imposed 228
on an individual applying for or holding a license as a health 229
care professional under Title XLVII of the Revised Code pursuant 230
to section 3123.43 of the Revised Code; 231

(h) The denial, limitation, suspension, or revocation of a 232
license that is imposed upon an individual applying for or 233
holding a license issued by the state board of education under 234
Title XXXIII of the Revised Code if the individual is convicted 235
of, pleads guilty to, or is found guilty by a jury or court of, 236
or is subject to a judicial finding of eligibility for 237
intervention in lieu of conviction for a violation of division 238
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code; 239
a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 240
2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.32, 241
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 242
2907.22, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 243
2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 244
2911.01, 2911.11, 2921.02, 2921.03, 2921.04, 2921.41, 2923.21, 245
or 2925.02 of the Revised Code; a violation of section 2905.04 246
of the Revised Code as it existed prior to July 1, 1996; a 247
violation of section 2919.23 of the Revised Code that would have 248
been a violation of section 2905.04 of the Revised Code as it 249
existed prior to July 1, 1996, had the violation been committed 250
prior to that date; felonious sexual penetration in violation of 251
former section 2907.12 of the Revised Code; or a violation of an 252
ordinance of a municipal corporation that is substantively 253
comparable to an offense listed in this paragraph. 254

(6) If a court that receives an individual's petition for 255

a certificate of qualification for employment under division (B) 256
(2) of this section or that is forwarded a petition for such a 257
certificate under division (B) (5) (a) of this section denies the 258
petition, the court shall provide written notice to the 259
individual of the court's denial. The court may place conditions 260
on the individual regarding the individual's filing of any 261
subsequent petition for a certificate of qualification for 262
employment. The written notice must notify the individual of any 263
conditions placed on the individual's filing of a subsequent 264
petition for a certificate of qualification for employment. 265

If a court of common pleas that receives an individual's 266
petition for a certificate of qualification for employment under 267
division (B) (2) of this section or that is forwarded a petition 268
for such a certificate under division (B) (5) (a) of this section 269
denies the petition, the individual may appeal the decision to 270
the court of appeals only if the individual alleges that the 271
denial was an abuse of discretion on the part of the court of 272
common pleas. 273

(D) (1) A certificate of qualification for employment 274
issued to an individual lifts the automatic bar of a collateral 275
sanction, and a decision-maker shall consider on a case-by-case 276
basis whether to grant or deny the issuance or restoration of an 277
occupational license or an employment opportunity, 278
notwithstanding the individual's possession of the certificate, 279
without, however, reconsidering or rejecting any finding made by 280
a designee or court under division (C) (3) of this section. 281

(2) The certificate constitutes a rebuttable presumption 282
that the person's criminal convictions are insufficient evidence 283
that the person is unfit for the license, employment 284
opportunity, or certification in question. Notwithstanding the 285

presumption established under this division, the agency may deny 286
the license or certification for the person if it determines 287
that the person is unfit for issuance of the license. 288

(3) If an employer that has hired a person who has been 289
issued a certificate of qualification for employment applies to 290
a licensing agency for a license or certification and the person 291
has a conviction or guilty plea that otherwise would bar the 292
person's employment with the employer or licensure for the 293
employer because of a mandatory civil impact, the agency shall 294
give the person individualized consideration, notwithstanding 295
the mandatory civil impact, the mandatory civil impact shall be 296
considered for all purposes to be a discretionary civil impact, 297
and the certificate constitutes a rebuttable presumption that 298
the person's criminal convictions are insufficient evidence that 299
the person is unfit for the employment, or that the employer is 300
unfit for the license or certification, in question. 301

(E) A certificate of qualification for employment does not 302
grant the individual to whom the certificate was issued relief 303
from the mandatory civil impacts identified in division (A)(1) 304
of section 2961.01 or division (B) of section 2961.02 of the 305
Revised Code. 306

(F) A petition for a certificate of qualification for 307
employment filed by an individual under division (B)(1) or (2) 308
of this section shall include all of the following: 309

(1) The individual's name, date of birth, and social 310
security number; 311

(2) All aliases of the individual and all social security 312
numbers associated with those aliases; 313

(3) The individual's residence address, including the 314

city, county, and state of residence and zip code;	315
(4) The length of time that the individual has resided in	316
the individual's current state of residence, expressed in years	317
and months of residence;	318
(5) A general statement as to why the individual has filed	319
the petition and how the certificate of qualification for	320
employment would assist the individual;	321
(6) A summary of the individual's criminal history with	322
respect to each offense that is a disqualification from	323
employment or licensing in an occupation or profession,	324
including the years of each conviction or plea of guilty for	325
each of those offenses;	326
(7) A summary of the individual's employment history,	327
specifying the name of, and dates of employment with, each	328
employer;	329
(8) Verifiable references and endorsements;	330
(9) The name of one or more immediate family members of	331
the individual, or other persons with whom the individual has a	332
close relationship, who support the individual's reentry plan;	333
(10) A summary of the reason the individual believes the	334
certificate of qualification for employment should be granted;	335
(11) Any other information required by rule by the	336
department of rehabilitation and correction.	337
(G) (1) In a judicial or administrative proceeding alleging	338
negligence or other fault, a certificate of qualification for	339
employment issued to an individual under this section may be	340
introduced as evidence of a person's due care in hiring,	341
retaining, licensing, leasing to, admitting to a school or	342

program, or otherwise transacting business or engaging in 343
activity with the individual to whom the certificate of 344
qualification for employment was issued if the person knew of 345
the certificate at the time of the alleged negligence or other 346
fault. 347

(2) In any proceeding on a claim against an employer for 348
negligent hiring, a certificate of qualification for employment 349
issued to an individual under this section shall provide 350
immunity for the employer as to the claim if the employer knew 351
of the certificate at the time of the alleged negligence. 352

(3) If an employer hires an individual who has been issued 353
a certificate of qualification for employment under this 354
section, if the individual, after being hired, subsequently 355
demonstrates dangerousness or is convicted of or pleads guilty 356
to a felony, and if the employer retains the individual as an 357
employee after the demonstration of dangerousness or the 358
conviction or guilty plea, the employer may be held liable in a 359
civil action that is based on or relates to the retention of the 360
individual as an employee only if it is proved by a 361
preponderance of the evidence that the person having hiring and 362
firing responsibility for the employer had actual knowledge that 363
the employee was dangerous or had been convicted of or pleaded 364
guilty to the felony and was willful in retaining the individual 365
as an employee after the demonstration of dangerousness or the 366
conviction or guilty plea of which the person has actual 367
knowledge. 368

(H) A certificate of qualification for employment issued 369
under this section shall be revoked if the individual to whom 370
the certificate of qualification for employment was issued is 371
convicted of or pleads guilty to a felony offense committed 372

subsequent to the issuance of the certificate of qualification 373
for employment. The department of rehabilitation and correction 374
shall periodically review the certificates listed in the 375
database described in division (K) of this section to identify 376
those that are subject to revocation under this division. Upon 377
identifying a certificate of qualification for employment that 378
is subject to revocation, the department shall note in the 379
database that the certificate has been revoked, the reason for 380
revocation, and the effective date of revocation, which shall be 381
the date of the conviction or plea of guilty subsequent to the 382
issuance of the certificate. 383

(I) A designee's forwarding, or failure to forward, a 384
petition for a certificate of qualification for employment to a 385
court or a court's issuance, or failure to issue, a petition for 386
a certificate of qualification for employment to an individual 387
under division (B) of this section does not give rise to a claim 388
for damages against the department of rehabilitation and 389
correction or court. 390

(J) The division of parole and community services shall 391
adopt rules in accordance with Chapter 119. of the Revised Code 392
for the implementation and administration of this section and 393
shall prescribe the form for the petition to be used under 394
division (B)(1) or (2) of this section. The form for the 395
petition shall include places for all of the information 396
specified in division (F) of this section. 397

(K) The department of rehabilitation and correction shall 398
maintain a database that identifies granted certificates and 399
revoked certificates and tracks the number of certificates 400
granted and revoked, the industries, occupations, and 401
professions with respect to which the certificates have been 402

most applicable, and the types of employers that have accepted 403
the certificates. The department shall annually create a report 404
that summarizes the information maintained in the database and 405
shall make the report available to the public on its internet 406
web site. 407

Sec. 3314.03. A copy of every contract entered into under 408
this section shall be filed with the superintendent of public 409
instruction. The department of education shall make available on 410
its web site a copy of every approved, executed contract filed 411
with the superintendent under this section. 412

(A) Each contract entered into between a sponsor and the 413
governing authority of a community school shall specify the 414
following: 415

(1) That the school shall be established as either of the 416
following: 417

(a) A nonprofit corporation established under Chapter 418
1702. of the Revised Code, if established prior to April 8, 419
2003; 420

(b) A public benefit corporation established under Chapter 421
1702. of the Revised Code, if established after April 8, 2003. 422

(2) The education program of the school, including the 423
school's mission, the characteristics of the students the school 424
is expected to attract, the ages and grades of students, and the 425
focus of the curriculum; 426

(3) The academic goals to be achieved and the method of 427
measurement that will be used to determine progress toward those 428
goals, which shall include the statewide achievement 429
assessments; 430

(4) Performance standards, including but not limited to	431
all applicable report card measures set forth in section 3302.03	432
or 3314.017 of the Revised Code, by which the success of the	433
school will be evaluated by the sponsor;	434
(5) The admission standards of section 3314.06 of the	435
Revised Code and, if applicable, section 3314.061 of the Revised	436
Code;	437
(6) (a) Dismissal procedures;	438
(b) A requirement that the governing authority adopt an	439
attendance policy that includes a procedure for automatically	440
withdrawing a student from the school if the student without a	441
legitimate excuse fails to participate in seventy-two	442
consecutive hours of the learning opportunities offered to the	443
student.	444
(7) The ways by which the school will achieve racial and	445
ethnic balance reflective of the community it serves;	446
(8) Requirements for financial audits by the auditor of	447
state. The contract shall require financial records of the	448
school to be maintained in the same manner as are financial	449
records of school districts, pursuant to rules of the auditor of	450
state. Audits shall be conducted in accordance with section	451
117.10 of the Revised Code.	452
(9) An addendum to the contract outlining the facilities	453
to be used that contains at least the following information:	454
(a) A detailed description of each facility used for	455
instructional purposes;	456
(b) The annual costs associated with leasing each facility	457
that are paid by or on behalf of the school;	458

(c) The annual mortgage principal and interest payments	459
that are paid by the school;	460
(d) The name of the lender or landlord, identified as	461
such, and the lender's or landlord's relationship to the	462
operator, if any.	463
(10) Qualifications of teachers, including a requirement	464
that the school's classroom teachers be licensed in accordance	465
with sections 3319.22 to 3319.31 of the Revised Code, except	466
that a community school may engage noncertificated persons to	467
teach up to twelve hours per week pursuant to section 3319.301	468
of the Revised Code.	469
(11) That the school will comply with the following	470
requirements:	471
(a) The school will provide learning opportunities to a	472
minimum of twenty-five students for a minimum of nine hundred	473
twenty hours per school year.	474
(b) The governing authority will purchase liability	475
insurance, or otherwise provide for the potential liability of	476
the school.	477
(c) The school will be nonsectarian in its programs,	478
admission policies, employment practices, and all other	479
operations, and will not be operated by a sectarian school or	480
religious institution.	481
(d) The school will comply with sections 9.90, 9.91,	482
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	483
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	484
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609,	485
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643,	486
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,	487

3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 488
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 489
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 490
3313.89, 3313.96, 3319.073, 3319.074, 3319.0812, 3319.318, 491
3319.321, 3319.39, 3319.391, 3319.393, 3319.394, 3319.41, 492
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 493
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 494
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 495
and 4167. of the Revised Code as if it were a school district 496
and will comply with section 3301.0714 of the Revised Code in 497
the manner specified in section 3314.17 of the Revised Code. 498

(e) The school shall comply with Chapter 102. and section 499
2921.42 of the Revised Code. 500

(f) The school will comply with sections 3313.61, 501
3313.611, and 3313.614 of the Revised Code, except that for 502
students who enter ninth grade for the first time before July 1, 503
2010, the requirement in sections 3313.61 and 3313.611 of the 504
Revised Code that a person must successfully complete the 505
curriculum in any high school prior to receiving a high school 506
diploma may be met by completing the curriculum adopted by the 507
governing authority of the community school rather than the 508
curriculum specified in Title XXXVIII of the Revised Code or any 509
rules of the state board of education. Beginning with students 510
who enter ninth grade for the first time on or after July 1, 511
2010, the requirement in sections 3313.61 and 3313.611 of the 512
Revised Code that a person must successfully complete the 513
curriculum of a high school prior to receiving a high school 514
diploma shall be met by completing the requirements prescribed 515
in division (C) of section 3313.603 of the Revised Code, unless 516
the person qualifies under division (D) or (F) of that section. 517
Each school shall comply with the plan for awarding high school 518

credit based on demonstration of subject area competency, and 519
beginning with the 2017-2018 school year, with the updated plan 520
that permits students enrolled in seventh and eighth grade to 521
meet curriculum requirements based on subject area competency 522
adopted by the state board of education under divisions (J) (1) 523
and (2) of section 3313.603 of the Revised Code. Beginning with 524
the 2018-2019 school year, the school shall comply with the 525
framework for granting units of high school credit to students 526
who demonstrate subject area competency through work-based 527
learning experiences, internships, or cooperative education 528
developed by the department under division (J) (3) of section 529
3313.603 of the Revised Code. 530

(g) The school governing authority will submit within four 531
months after the end of each school year a report of its 532
activities and progress in meeting the goals and standards of 533
divisions (A) (3) and (4) of this section and its financial 534
status to the sponsor and the parents of all students enrolled 535
in the school. 536

(h) The school, unless it is an internet- or computer- 537
based community school, will comply with section 3313.801 of the 538
Revised Code as if it were a school district. 539

(i) If the school is the recipient of moneys from a grant 540
awarded under the federal race to the top program, Division (A), 541
Title XIV, Sections 14005 and 14006 of the "American Recovery 542
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 543
the school will pay teachers based upon performance in 544
accordance with section 3317.141 and will comply with section 545
3319.111 of the Revised Code as if it were a school district. 546

(j) If the school operates a preschool program that is 547
licensed by the department of education under sections 3301.52 548

to 3301.59 of the Revised Code, the school shall comply with 549
sections 3301.50 to 3301.59 of the Revised Code and the minimum 550
standards for preschool programs prescribed in rules adopted by 551
the state board under section 3301.53 of the Revised Code. 552

(k) The school will comply with sections 3313.6021 and 553
3313.6023 of the Revised Code as if it were a school district 554
unless it is either of the following: 555

(i) An internet- or computer-based community school; 556

(ii) A community school in which a majority of the 557
enrolled students are children with disabilities as described in 558
division (A) (4) (b) of section 3314.35 of the Revised Code. 559

(12) Arrangements for providing health and other benefits 560
to employees; 561

(13) The length of the contract, which shall begin at the 562
beginning of an academic year. No contract shall exceed five 563
years unless such contract has been renewed pursuant to division 564
(E) of this section. 565

(14) The governing authority of the school, which shall be 566
responsible for carrying out the provisions of the contract; 567

(15) A financial plan detailing an estimated school budget 568
for each year of the period of the contract and specifying the 569
total estimated per pupil expenditure amount for each such year. 570

(16) Requirements and procedures regarding the disposition 571
of employees of the school in the event the contract is 572
terminated or not renewed pursuant to section 3314.07 of the 573
Revised Code; 574

(17) Whether the school is to be created by converting all 575
or part of an existing public school or educational service 576

center building or is to be a new start-up school, and if it is 577
a converted public school or service center building, 578
specification of any duties or responsibilities of an employer 579
that the board of education or service center governing board 580
that operated the school or building before conversion is 581
delegating to the governing authority of the community school 582
with respect to all or any specified group of employees provided 583
the delegation is not prohibited by a collective bargaining 584
agreement applicable to such employees; 585

(18) Provisions establishing procedures for resolving 586
disputes or differences of opinion between the sponsor and the 587
governing authority of the community school; 588

(19) A provision requiring the governing authority to 589
adopt a policy regarding the admission of students who reside 590
outside the district in which the school is located. That policy 591
shall comply with the admissions procedures specified in 592
sections 3314.06 and 3314.061 of the Revised Code and, at the 593
sole discretion of the authority, shall do one of the following: 594

(a) Prohibit the enrollment of students who reside outside 595
the district in which the school is located; 596

(b) Permit the enrollment of students who reside in 597
districts adjacent to the district in which the school is 598
located; 599

(c) Permit the enrollment of students who reside in any 600
other district in the state. 601

(20) A provision recognizing the authority of the 602
department of education to take over the sponsorship of the 603
school in accordance with the provisions of division (C) of 604
section 3314.015 of the Revised Code; 605

(21) A provision recognizing the sponsor's authority to 606
assume the operation of a school under the conditions specified 607
in division (B) of section 3314.073 of the Revised Code; 608

(22) A provision recognizing both of the following: 609

(a) The authority of public health and safety officials to 610
inspect the facilities of the school and to order the facilities 611
closed if those officials find that the facilities are not in 612
compliance with health and safety laws and regulations; 613

(b) The authority of the department of education as the 614
community school oversight body to suspend the operation of the 615
school under section 3314.072 of the Revised Code if the 616
department has evidence of conditions or violations of law at 617
the school that pose an imminent danger to the health and safety 618
of the school's students and employees and the sponsor refuses 619
to take such action. 620

(23) A description of the learning opportunities that will 621
be offered to students including both classroom-based and non- 622
classroom-based learning opportunities that is in compliance 623
with criteria for student participation established by the 624
department under division (H) (2) of section 3314.08 of the 625
Revised Code; 626

(24) The school will comply with sections 3302.04 and 627
3302.041 of the Revised Code, except that any action required to 628
be taken by a school district pursuant to those sections shall 629
be taken by the sponsor of the school. However, the sponsor 630
shall not be required to take any action described in division 631
(F) of section 3302.04 of the Revised Code. 632

(25) Beginning in the 2006-2007 school year, the school 633
will open for operation not later than the thirtieth day of 634

September each school year, unless the mission of the school as 635
specified under division (A) (2) of this section is solely to 636
serve dropouts. In its initial year of operation, if the school 637
fails to open by the thirtieth day of September, or within one 638
year after the adoption of the contract pursuant to division (D) 639
of section 3314.02 of the Revised Code if the mission of the 640
school is solely to serve dropouts, the contract shall be void. 641

(26) Whether the school's governing authority is planning 642
to seek designation for the school as a STEM school equivalent 643
under section 3326.032 of the Revised Code; 644

(27) That the school's attendance and participation 645
policies will be available for public inspection; 646

(28) That the school's attendance and participation 647
records shall be made available to the department of education, 648
auditor of state, and school's sponsor to the extent permitted 649
under and in accordance with the "Family Educational Rights and 650
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 651
and any regulations promulgated under that act, and section 652
3319.321 of the Revised Code; 653

(29) If a school operates using the blended learning 654
model, as defined in section 3301.079 of the Revised Code, all 655
of the following information: 656

(a) An indication of what blended learning model or models 657
will be used; 658

(b) A description of how student instructional needs will 659
be determined and documented; 660

(c) The method to be used for determining competency, 661
granting credit, and promoting students to a higher grade level; 662

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	663 664 665
(e) A statement describing how student progress will be monitored;	666 667
(f) A statement describing how private student data will be protected;	668 669
(g) A description of the professional development activities that will be offered to teachers.	670 671
(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;	672 673 674 675
(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.	676 677 678 679 680
(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.	681 682 683 684 685
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	686 687 688
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	689 690

following:	691
(1) The process by which the governing authority of the school will be selected in the future;	692 693
(2) The management and administration of the school;	694
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	695 696 697 698 699
(4) The instructional program and educational philosophy of the school;	700 701
(5) Internal financial controls.	702
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	703 704 705 706
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a 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.	707 708 709 710 711 712 713 714 715 716
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered	717 718

into with the department of education under division (B) of 719
section 3314.015 of the Revised Code and shall include the 720
following: 721

(1) Monitor the community school's compliance with all 722
laws applicable to the school and with the terms of the 723
contract; 724

(2) Monitor and evaluate the academic and fiscal 725
performance and the organization and operation of the community 726
school on at least an annual basis; 727

(3) Report on an annual basis the results of the 728
evaluation conducted under division (D) (2) of this section to 729
the department of education and to the parents of students 730
enrolled in the community school; 731

(4) Provide technical assistance to the community school 732
in complying with laws applicable to the school and terms of the 733
contract; 734

(5) Take steps to intervene in the school's operation to 735
correct problems in the school's overall performance, declare 736
the school to be on probationary status pursuant to section 737
3314.073 of the Revised Code, suspend the operation of the 738
school pursuant to section 3314.072 of the Revised Code, or 739
terminate the contract of the school pursuant to section 3314.07 740
of the Revised Code as determined necessary by the sponsor; 741

(6) Have in place a plan of action to be undertaken in the 742
event the community school experiences financial difficulties or 743
closes prior to the end of a school year. 744

(E) Upon the expiration of a contract entered into under 745
this section, the sponsor of a community school may, with the 746
approval of the governing authority of the school, renew that 747

contract for a period of time determined by the sponsor, but not 748
ending earlier than the end of any school year, if the sponsor 749
finds that the school's compliance with applicable laws and 750
terms of the contract and the school's progress in meeting the 751
academic goals prescribed in the contract have been 752
satisfactory. Any contract that is renewed under this division 753
remains subject to the provisions of sections 3314.07, 3314.072, 754
and 3314.073 of the Revised Code. 755

(F) If a community school fails to open for operation 756
within one year after the contract entered into under this 757
section is adopted pursuant to division (D) of section 3314.02 758
of the Revised Code or permanently closes prior to the 759
expiration of the contract, the contract shall be void and the 760
school shall not enter into a contract with any other sponsor. A 761
school shall not be considered permanently closed because the 762
operations of the school have been suspended pursuant to section 763
3314.072 of the Revised Code. 764

Sec. 3314.101. (A) As used in this section, "license" has 765
the same meaning as in section 3319.31 of the Revised Code. 766

(B) If a person who is employed by a community school 767
established under this chapter or by an operator is arrested, 768
summoned, or indicted for an alleged violation of an offense 769
listed in division (C) of section 3319.31 of the Revised Code, 770
if the person holds a license, or an offense listed in division 771
(B) (1) of section 3319.39 of the Revised Code, if the person 772
does not hold a license, the chief administrator of the 773
community school in which that person works shall suspend that 774
person from all duties that require the care, custody, or 775
control of a child during the pendency of the criminal action 776
against the person. If the person who is arrested, summoned, or 777

indicted for an alleged violation of an offense listed in 778
division (C) of section 3319.31 or division (B) (1) of section 779
3319.39 of the Revised Code is the chief administrator of the 780
community school, the governing authority of the school shall 781
suspend the chief administrator from all duties that require the 782
care, custody, or control of a child. 783

(C) When a person who holds a license is suspended in 784
accordance with this section, the chief administrator or 785
governing authority that imposed the suspension promptly shall 786
report the person's suspension to the department of education. 787
The report shall include the offense for which the person was 788
arrested, summoned, or indicted. The superintendent of public 789
instruction, on behalf of the state board of education, shall 790
inactivate the person's license. The inactivation shall remain 791
in force during the pendency of the criminal action against the 792
person. The inactivation of a license under this division does 793
not constitute a suspension or revocation of the license by the 794
state board under section 3319.31 of the Revised Code, and the 795
state board and the state superintendent need not provide the 796
person with an opportunity for a hearing with respect to the 797
inactivation. If the state board does not take action against 798
the person's license under section 3319.31 of the Revised Code, 799
the state superintendent shall reactivate the license upon 800
conclusion of the criminal action against the person. 801

Sec. 3319.0812. (A) As used in this section, "license" has 802
the same meaning as in section 3319.31 of the Revised Code. 803

(B) If a school district, chartered nonpublic school, or 804
county board of developmental disabilities contracts with a 805
public or private entity for the provision of services to the 806
district, school, or board, any individual employed or retained 807

by the entity to provide the services shall hold any license 808
that the individual would be required to hold if the individual 809
were employed directly by the district, school, or board to 810
provide the same services. Prior to the individual commencing 811
the provision of services, the district, school, or board shall 812
obtain verification from the entity employing or retaining the 813
individual that the individual holds the applicable license. 814

Sec. 3319.151. (A) As used in this section, "assessment" 815
means an assessment administered under section 3301.0711 of the 816
Revised Code. 817

(B) No person shall ~~reveal~~ do any of the following: 818

(1) Reveal to any student any specific question that the 819
person knows is part of an assessment ~~to be administered under~~ 820
~~section 3301.0711 of the Revised Code~~ or in any other way assist 821
a pupil to cheat on ~~such an~~ assessment; 822

(2) Obtain prior knowledge of the contents of an 823
assessment; 824

(3) Use prior knowledge of the contents of an assessment 825
to assist students in preparing for the assessment; 826

(4) Fail to comply with any rule adopted by the department 827
of education regarding security protocols for an assessment. 828

~~(B)~~ (C) On a finding by the state board of education, 829
after investigation, that a school employee who holds a license 830
~~issued under sections 3319.22 to~~, as defined in section 3319.31 831
of the Revised Code, has violated division (A) ~~(B)~~ of this 832
section, ~~the license of such teacher shall be suspended for one~~ 833
~~year. Prior to commencing an investigation,~~ the state board 834
shall take any action against the employee under section 3319.31 835
of the Revised Code that it considers appropriate, based on the 836

nature and extent of the violation. The state board shall give 837
the ~~teacher-employee~~ notice of the allegation ~~and upon~~ 838
commencing an investigation and shall give the employee an 839
opportunity to respond ~~and present a defense~~ prior to taking any 840
disciplinary action. 841

~~(C)~~ (D) (1) Violation of division ~~(A)~~ (B) of this section is 842
grounds for termination of employment of a nonteaching employee 843
under division (C) of section 3319.081 or section 124.34 of the 844
Revised Code. 845

(2) Violation of division ~~(A)~~ (B) of this section is 846
grounds for termination of a teacher contract under section 847
3311.82 or 3319.16 of the Revised Code. 848

Sec. 3319.227. (A) Notwithstanding any other provision of 849
the Revised Code or any rule adopted by the state board of 850
education to the contrary, the state board shall issue a 851
resident educator license under section 3319.22 of the Revised 852
Code to each person who is assigned to teach in this state as a 853
participant in the teach for America program and who satisfies 854
the following conditions for the duration of the program: 855

(1) Holds a bachelor's degree from an accredited 856
institution of higher education; 857

(2) Maintained a cumulative undergraduate grade point 858
average of at least 2.5 out of 4.0, or its equivalent; 859

(3) Has passed an examination prescribed by the state 860
board in the subject area to be taught; 861

(4) Has successfully completed the summer training 862
institute operated by teach for America; 863

(5) Remains an active member of the teach for America two- 864

year support program. 865

(B) The state board shall issue a resident educator 866
license under this section for teaching in any grade level or 867
subject area for which a person may obtain a resident educator 868
license under section 3319.22 of the Revised Code. The state 869
board shall not adopt rules establishing any additional 870
qualifications for the license beyond those specified in this 871
section. 872

(C) Notwithstanding any other provision of the Revised 873
Code or any rule adopted by the state board to the contrary, the 874
state board shall issue a resident educator license under 875
section 3319.22 of the Revised Code to any applicant who has 876
completed at least two years of teaching in another state as a 877
participant in the teach for America program and meets all of 878
the conditions of divisions (A) (1) to (4) of this section. The 879
state board shall credit an applicant under this division as 880
having completed two years of the teacher residency program 881
under section 3319.223 of the Revised Code. 882

(D) In order to place teachers in this state, the teach 883
for America program shall enter into an agreement with one or 884
more accredited four-year public or private institutions of 885
higher education in the state to provide optional training of 886
teach for America participants for the purpose of enabling those 887
participants to complete an optional master's degree or an 888
equivalent amount of coursework. Nothing in this division shall 889
require any teach for America participant to complete a master's 890
degree as a condition of holding a license issued under this 891
section. 892

(E) The superintendent of public instruction, on behalf of 893
the state board, shall ~~revoke~~ inactivate a resident educator 894

license issued to a participant in the teach for America program 895
who is assigned to teach in this state if the participant 896
resigns or is dismissed from the program prior to completion of 897
the two-year teach for America support program. The inactivation 898
of a license under this division does not constitute a 899
suspension or revocation of the license by the state board under 900
section 3319.31 of the Revised Code and the state board and the 901
state superintendent need not provide the person with an 902
opportunity for a hearing with respect to the inactivation. 903

Sec. 3319.31. (A) As used in this section and sections 904
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 905
means a certificate, license, or permit described in this 906
chapter or in division (B) of section 3301.071 or in section 907
3301.074 of the Revised Code or a registration described in 908
division (B) of section 3302.151 of the Revised Code. 909

(B) For any of the following reasons, the state board of 910
education, in accordance with Chapter 119. and section 3319.311 911
of the Revised Code, may refuse to issue a license to an 912
applicant; may limit a license it issues to an applicant; may 913
suspend, revoke, or limit a license that has been issued to any 914
person; or may revoke a license that has been issued to any 915
person and has expired: 916

(1) Engaging in an immoral act, incompetence, negligence, 917
or conduct that is unbecoming to the ~~applicant's or person's~~ 918
~~position;~~ teaching profession. The state board need not consider 919
whether there is a connection between the applicant's or 920
person's immoral act, incompetence, negligence, or conduct and 921
the applicant's or person's ability to perform the duties 922
associated with the license or the position for which the 923
license is issued.; 924

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:	925 926
(a) A felony other than a felony listed in division (C) of this section;	927 928
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	929 930
(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;	931 932 933
(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;	934 935 936
(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.	937 938 939
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, <u>for any offense listed in division (B) (2) of this section</u> , 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 in division (B) (2) or (C) of this section;	940 941 942 943 944 945 946
(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	947 948
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or <u>a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for committing</u> any of the offenses listed in this division by a	949 950 951 952

person who holds a current or expired license or is an applicant 953
for a license or renewal of a license, the state board or the 954
superintendent of public instruction, if the state board has 955
delegated the duty pursuant to division (D) of this section, 956
shall by a written order revoke the person's license or deny 957
issuance or renewal of the license to the person. The state 958
board or the superintendent shall revoke a license that has been 959
issued to a person to whom this division applies and has expired 960
in the same manner as a license that has not expired. 961

Revocation of a license or denial of issuance or renewal 962
of a license under this division is effective immediately at the 963
time and date that the board or superintendent issues the 964
written order and is not subject to appeal in accordance with 965
Chapter 119. of the Revised Code. Revocation of a license or 966
denial of issuance or renewal of license under this division 967
remains in force during the pendency of an appeal by the person 968
of the plea of guilty, finding of guilt, ~~or conviction, or~~ 969
judicial finding of eligibility for intervention in lieu of 970
conviction that is the basis of the action taken under this 971
division. 972

The state board or superintendent shall take the action 973
required by this division for any of the following: 974

(1) A plea of guilty to, a finding of guilt by a jury or 975
court of, or a conviction of, or a judicial finding of 976
eligibility for intervention in lieu of conviction for a 977
violation of division (B) (1), (2), (3), or (4) of section 978
2919.22 of the Revised Code; a violation of section 2903.01, 979
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 980
2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 981
2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 982

2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 983
2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 984
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 985
2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 986
2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 987
2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 988
2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 989
2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 990
2927.24, or 3716.11 of the Revised Code; a violation of section 991
2905.04 of the Revised Code as it existed prior to July 1, 1996; 992
a violation of section 2919.23 of the Revised Code that would 993
have been a violation of section 2905.04 of the Revised Code as 994
it existed prior to July 1, 1996, had the violation been 995
committed prior to that date; felonious sexual penetration in 996
violation of former section 2907.12 of the Revised Code; or a 997
violation of an ordinance of a municipal corporation that is 998
substantively comparable to an offense listed in this paragraph; 999

(2) A plea of guilty to, a finding of guilt by a jury or 1000
court of, or a conviction of, or a judicial finding of 1001
eligibility for intervention in lieu of conviction for 1002
conspiracy to commit, attempt to commit, or complicity in 1003
committing any violation listed in division (C)(1) of this 1004
section. 1005

(D) The state board may delegate to the superintendent of 1006
public instruction the authority to revoke a person's license or 1007
to deny issuance or renewal of a license to a person under 1008
division (C) or (F) of this section. 1009

(E) (1) If the plea of guilty, finding of guilt, ~~or~~ 1010
conviction, or judicial finding of eligibility for intervention 1011
in lieu of conviction that is the basis of the action taken 1012

under division (B) (2) or (C) of this section, or under the 1013
version of division (F) of section 3319.311 of the Revised Code 1014
in effect prior to September 12, 2008, is overturned on appeal, 1015
upon exhaustion of the criminal appeal, the clerk of the court 1016
that overturned the plea, finding, ~~or conviction,~~ or judicial
finding or, if applicable, the clerk of the court that accepted 1017
an appeal from the court that overturned the plea, finding, ~~or~~
~~conviction,~~ or judicial finding shall notify the state board 1018
that the plea, finding, ~~or conviction,~~ or judicial finding has 1019
been overturned. Within thirty days after receiving the 1020
notification, the state board shall initiate proceedings to 1021
reconsider the revocation or denial of the person's license in 1022
accordance with division (E) (2) of this section. In addition, 1023
the person whose license was revoked or denied may file with the 1024
state board a petition for reconsideration of the revocation or 1025
denial along with appropriate court documents. 1026
1027
1028

(2) Upon receipt of a court notification or a petition and 1029
supporting court documents under division (E) (1) of this 1030
section, the state board, after offering the person an 1031
opportunity for an adjudication hearing under Chapter 119. of 1032
the Revised Code, shall determine whether the person committed 1033
the act in question in the prior criminal action against the 1034
person that is the basis of the revocation or denial and may 1035
continue the revocation or denial, may reinstate the person's 1036
license, with or without limits, or may grant the person a new 1037
license, with or without limits. The decision of the board shall 1038
be based on grounds for revoking, denying, suspending, or 1039
limiting a license adopted by rule under division (G) of this 1040
section and in accordance with the evidentiary standards the 1041
board employs for all other licensure hearings. The decision of 1042
the board under this division is subject to appeal under Chapter 1043

119. of the Revised Code. 1044

(3) A person whose license is revoked or denied under 1045
division (C) of this section shall not apply for any license if 1046
the plea of guilty, finding of guilt, ~~or conviction, or judicial~~ 1047
finding of eligibility for intervention in lieu of conviction 1048
that is the basis of the revocation or denial, upon completion 1049
of the criminal appeal, either is upheld or is overturned but 1050
the state board continues the revocation or denial under 1051
division (E) (2) of this section and that continuation is upheld 1052
on final appeal. 1053

(F) The state board may take action under division (B) of 1054
this section, and the state board or the superintendent shall 1055
take the action required under division (C) of this section, on 1056
the basis of substantially comparable conduct occurring in a 1057
jurisdiction outside this state or occurring before a person 1058
applies for or receives any license. 1059

(G) The state board may adopt rules in accordance with 1060
Chapter 119. of the Revised Code to carry out this section and 1061
section 3319.311 of the Revised Code. 1062

Sec. 3319.311. (A) (1) The state board of education, or the 1063
superintendent of public instruction on behalf of the board, may 1064
investigate any information received about a person that 1065
reasonably appears to be a basis for action under section 1066
3319.31 of the Revised Code, including information received 1067
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 1068
3328.19, 5126.253, or 5153.176 of the Revised Code. ~~Except as~~ 1069
~~provided in division (A) (2) of this section, the board shall~~ 1070
~~contract with the office of the Ohio attorney general to conduct~~ 1071
~~any investigation of that nature.~~ The board shall pay for the 1072
costs of ~~the contract~~ any such investigation only from moneys in 1073

the state board of education licensure fund established under 1074
section 3319.51 of the Revised Code. Except as provided in 1075
division (A) (2) of this section and section 3319.319 of the 1076
Revised Code, all information received pursuant to section 1077
3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 1078
5153.176 of the Revised Code, and all information obtained 1079
during an investigation is confidential and is not a public 1080
record under section 149.43 of the Revised Code. ~~If an~~ 1081
~~investigation is conducted under this division regarding~~ 1082
~~information received about a person and no action is taken~~ 1083
~~against the person under this section or section 3319.31 of the~~ 1084
~~Revised Code within two years of the completion of the~~ 1085
~~investigation, all records of the investigation shall be~~ 1086
~~expunged.~~ 1087

(2) In the case of a person about whom the board has 1088
learned of a plea of guilty to, finding of guilt by a jury or 1089
court of, ~~or~~ a conviction of, or judicial finding of eligibility 1090
for intervention in lieu of conviction for committing an offense 1091
listed in division (C) of section 3319.31 of the Revised Code, 1092
or substantially comparable conduct occurring in a jurisdiction 1093
outside this state, the board or the superintendent of public 1094
instruction need not conduct any further investigation and shall 1095
take the action required by division (C) or (F) of that section. 1096
Except as provided in division (G) of this section, all 1097
information obtained by the board or the superintendent of 1098
public instruction pertaining to the action is a public record 1099
under section 149.43 of the Revised Code. 1100

(B) The superintendent of public instruction shall review 1101
the results of each investigation of a person conducted under 1102
division (A) (1) of this section and shall determine, on behalf 1103
of the state board, whether the results warrant initiating 1104

action under division (B) of section 3319.31 of the Revised 1105
Code. The superintendent shall advise the board of such 1106
determination at a meeting of the board. Within fourteen days of 1107
the next meeting of the board, any member of the board may ask 1108
that the question of initiating action under section 3319.31 of 1109
the Revised Code be placed on the board's agenda for that next 1110
meeting. Prior to initiating that action against any person, the 1111
person's name and any other personally identifiable information 1112
shall remain confidential. 1113

(C) The board shall take no action against a person under 1114
division (B) of section 3319.31 of the Revised Code without 1115
providing the person with written notice of the charges and with 1116
an opportunity for a hearing in accordance with Chapter 119. of 1117
the Revised Code. 1118

(D) For purposes of an investigation under division (A) (1) 1119
of this section or a hearing under division (C) of this section 1120
or under division (E) (2) of section 3319.31 of the Revised Code, 1121
the board, or the superintendent on behalf of the board, may 1122
administer oaths, order the taking of depositions, issue 1123
subpoenas, and compel the attendance of witnesses and the 1124
production of books, accounts, papers, records, documents, and 1125
testimony. The issuance of subpoenas under this division may be 1126
by certified mail or personal delivery to the person. 1127

(E) The superintendent, on behalf of the board, may enter 1128
into a consent agreement with a person against whom action is 1129
being taken under division (B) of section 3319.31 of the Revised 1130
Code. The board may adopt rules governing the superintendent's 1131
action under this division. 1132

(F) No surrender of a license shall be effective until the 1133
board takes action to accept the surrender unless the surrender 1134

is pursuant to a consent agreement entered into under division 1135
(E) of this section. 1136

(G) The name of any person who is not required to report 1137
information under section 3314.40, 3319.313, 3326.24, 3328.19, 1138
5126.253, or 5153.176 of the Revised Code, but who in good faith 1139
provides information to the state board or superintendent of 1140
public instruction about alleged misconduct committed by a 1141
person who holds a license or has applied for issuance or 1142
renewal of a license, shall be confidential and shall not be 1143
released. Any such person shall be immune from any civil 1144
liability that otherwise might be incurred or imposed for 1145
injury, death, or loss to person or property as a result of the 1146
provision of that information. 1147

(H) (1) No person shall knowingly make a false report to 1148
the superintendent of public instruction or the state board of 1149
education alleging misconduct by an employee of a public or 1150
chartered nonpublic school or an employee of the operator of a 1151
community school established under Chapter 3314. or a college- 1152
preparatory boarding school established under Chapter 3328. of 1153
the Revised Code. 1154

(2) (a) In any civil action brought against a person in 1155
which it is alleged and proved that the person violated division 1156
(H) (1) of this section, the court shall award the prevailing 1157
party reasonable attorney's fees and costs that the prevailing 1158
party incurred in the civil action or as a result of the false 1159
report that was the basis of the violation. 1160

(b) If a person is convicted of or pleads guilty to a 1161
violation of division (H) (1) of this section, if the subject of 1162
the false report that was the basis of the violation was charged 1163
with any violation of a law or ordinance as a result of the 1164

false report, and if the subject of the false report is found 1165
not to be guilty of the charges brought against the subject as a 1166
result of the false report or those charges are dismissed, the 1167
court that sentences the person for the violation of division 1168
(H) (1) of this section, as part of the sentence, shall order the 1169
person to pay restitution to the subject of the false report, in 1170
an amount equal to reasonable attorney's fees and costs that the 1171
subject of the false report incurred as a result of or in 1172
relation to the charges. 1173

Sec. 3319.313. (A) As used in this section: 1174

(1) "Conduct unbecoming to the teaching profession" shall 1175
be as described in rules adopted by the state board of 1176
education. 1177

(2) "Intervention in lieu of conviction" means 1178
intervention in lieu of conviction under section 2951.041 of the 1179
Revised Code. 1180

(3) "License" has the same meaning as in section 3319.31 1181
of the Revised Code. 1182

(4) "Pre-trial diversion program" means a pre-trial 1183
diversion program under section 2935.36 of the Revised Code or a 1184
similar diversion program under rules of a court. 1185

(B) The superintendent of each school district and each 1186
educational service center or the president of the district or 1187
service center board, if division (C) (1) of this section 1188
applies, and the chief administrator of each chartered nonpublic 1189
school or the president or chairperson of the governing 1190
authority of the nonpublic school, if division (C) (2) of this 1191
section applies, shall promptly submit to the superintendent of 1192
public instruction the information prescribed in division (D) of 1193

this section when any of the following conditions applies to an 1194
employee of the district, service center, or nonpublic school 1195
who holds a license ~~issued by the state board of education:~~ 1196

(1) The superintendent, chief administrator, president, or 1197
chairperson knows that the employee has pleaded guilty to, has 1198
been found guilty by a jury or court of, has been convicted of, 1199
has been found to be eligible for intervention in lieu of 1200
conviction for, or has agreed to participate in a pre-trial 1201
diversion program for an offense described in division (B) (2) or 1202
(C) of section 3319.31 or division (B) (1) of section 3319.39 of 1203
the Revised Code; 1204

(2) The district board of education, service center 1205
governing board, or nonpublic school chief administrator or 1206
governing authority has initiated termination or nonrenewal 1207
proceedings against, has terminated, or has not renewed the 1208
contract of the employee because the board of education, 1209
governing board, or chief administrator has reasonably 1210
determined that the employee has committed an act that is 1211
unbecoming to the teaching profession or an offense described in 1212
division (B) (2) or (C) of section 3319.31 or division (B) (1) of 1213
section 3319.39 of the Revised Code; 1214

(3) The employee has resigned under threat of termination 1215
or nonrenewal as described in division (B) (2) of this section; 1216

(4) The employee has resigned because of or in the course 1217
of an investigation by the board of education, governing board, 1218
or chief administrator regarding whether the employee has 1219
committed an act that is unbecoming to the teaching profession 1220
or an offense described in division (B) (2) or (C) of section 1221
3319.31 or division (B) (1) of section 3319.39 of the Revised 1222
Code. 1223

(C) (1) If the employee to whom any of the conditions 1224
prescribed in divisions (B) (1) to (4) of this section applies is 1225
the superintendent or treasurer of a school district or 1226
educational service center, the president of the board of 1227
education of the school district or of the governing board of 1228
the educational service center shall make the report required 1229
under this section. 1230

(2) If the employee to whom any of the conditions 1231
prescribed in divisions (B) (1) to (4) of this section applies is 1232
the chief administrator of a chartered nonpublic school, the 1233
president or chairperson of the governing authority of the 1234
chartered nonpublic school shall make the report required under 1235
this section. 1236

(D) If a report is required under this section, the 1237
superintendent, chief administrator, president, or chairperson 1238
shall submit to the superintendent of public instruction the 1239
name and social security number of the employee about whom the 1240
information is required and a factual statement regarding any of 1241
the conditions prescribed in divisions (B) (1) to (4) of this 1242
section that applies to the employee. 1243

(E) A determination made by the board of education, 1244
governing board, chief administrator, or governing authority as 1245
described in division (B) (2) of this section or a termination, 1246
nonrenewal, resignation, or other separation described in 1247
divisions (B) (2) to (4) of this section does not create a 1248
presumption of the commission or lack of the commission by the 1249
employee of an act unbecoming to the teaching profession or an 1250
offense described in division (B) (2) or (C) of section 3319.31 1251
or division (B) (1) of section 3319.39 of the Revised Code. 1252

(F) No individual required to submit a report under 1253

division (B) of this section shall knowingly fail to comply with 1254
that division. 1255

(G) An individual who provides information to the 1256
superintendent of public instruction in accordance with this 1257
section in good faith shall be immune from any civil liability 1258
that otherwise might be incurred or imposed for injury, death, 1259
or loss to person or property as a result of the provision of 1260
that information. 1261

Sec. 3319.316. The department of education, on behalf of 1262
the state board of education, shall be a participating public 1263
office for purposes of the retained applicant fingerprint 1264
database established under section 109.5721 of the Revised Code 1265
and shall receive notification from the bureau of criminal 1266
identification and investigation of the arrest or conviction of 1267
persons to whom ~~the state board has issued~~ a license, as defined 1268
in section 3319.31 of the Revised Code, has been issued. 1269

Sec. 3319.318. (A) As used in this section: 1270

(1) "School representative" includes all of the following: 1271

(a) An employee of a school district, chartered nonpublic 1272
school, or county board of developmental disabilities; 1273

(b) An employee of an entity with which a school district, 1274
chartered nonpublic school, or county board of developmental 1275
disabilities contracts for the provision of services; 1276

(c) A member of a school district board of education, 1277
chartered nonpublic school governing body, or county board of 1278
developmental disabilities. 1279

(2) "Student" means a child who is enrolled in a school 1280
district or chartered nonpublic school or who is receiving 1281

services from a county board of developmental disabilities. 1282

(B) Except as provided in division (C) of this section, no 1283
school representative shall knowingly engage in any activity 1284
intended to assist another individual in obtaining employment 1285
with a school district or chartered nonpublic school, or in 1286
obtaining employment with a county board of developmental 1287
disabilities in a position responsible for providing educational 1288
services to children from six through twenty-one years of age, 1289
other than transmitting administrative and personnel files to 1290
the prospective employer, if the school representative knows or 1291
has reasonable cause to believe that the individual has 1292
committed an offense listed in Chapter 2907. of the Revised 1293
Code, or a substantially comparable offense, involving a 1294
student. 1295

(C) Division (B) of this section shall not apply if the 1296
information on which the knowledge or reasonable cause is based 1297
has been reported to appropriate law enforcement authorities or, 1298
if applicable, to the appropriate public children services 1299
agency under section 2151.421 of the Revised Code and one of the 1300
following conditions is met: 1301

(1) Law enforcement authorities have investigated the 1302
alleged offense and determined that there is insufficient 1303
information to indict the individual for the alleged offense. 1304

(2) The individual has not been indicted for the alleged 1305
offense within four years after the date the alleged offense was 1306
reported to law enforcement authorities or a public children 1307
services agency. 1308

(3) The individual has been acquitted or otherwise 1309
exonerated of the offense. 1310

Sec. 3319.319. The appointing or hiring officer of a school district or school located in Ohio or another state may request the department of education for any report the department has received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code regarding an individual who is under consideration for employment by the district or school. If the department has received a report under any of those sections regarding the individual, the department shall provide the contents of the report to the requesting officer. Upon provision of the contents of the report to the requesting officer, the department shall notify the officer that the information provided is confidential and may not be disseminated to any other person or entity.

If the department provides the contents of a report to an appointing or hiring officer under this section, the department shall document the information provided in the record of any investigation undertaken pursuant to section 3319.311 of the Revised Code based on the report. Such documentation shall include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom the information was provided.

Sec. 3319.393. (A) Each school district and chartered nonpublic school shall include the following notice in boldface type in 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."

(B) (1) Each district and chartered nonpublic school shall consult the "educator profile" database maintained on the web

site of the department of education prior to making any hiring 1341
decision. 1342

(2) After consulting the "educator profile" database, a 1343
district or chartered nonpublic school may further discern the 1344
employment, disciplinary, or criminal record of an applicant for 1345
employment in either or both of the following ways: 1346

(a) Consulting the office of professional conduct within 1347
the department of education in accordance with section 3319.319 1348
of the Revised Code to determine whether the individual has been 1349
the subject of either: 1350

(i) Any notice to the department under section 3314.40, 1351
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 1352

(ii) Any disciplinary actions conducted by the department. 1353

(b) Consulting any prior education-related employers of 1354
the individual. 1355

(3) A district or chartered nonpublic school may require 1356
additional background checks other than the criminal records 1357
checks authorized under sections 109.574 to 109.577 of the 1358
Revised Code or those required under section 3319.39 or 3319.391 1359
of the Revised Code for any applicant for employment or 1360
potential volunteer. 1361

(C) A district or chartered nonpublic school may 1362
conditionally employ an individual pending the receipt of 1363
information sought in accordance with division (B)(2) of this 1364
section. Should that information indicate that the individual 1365
has engaged in conduct unbecoming to the teaching profession or 1366
has committed an offense that prevents, limits, or otherwise 1367
affects the applicant's employment with the district or school, 1368
the district or chartered nonpublic school may release the 1369

individual from employment. 1370

Sec. 3319.394. (A) When a complaint is filed against an 1371
employee of a school district or chartered nonpublic school 1372
alleging misconduct by that employee, the district or school 1373
shall conduct a review of the personnel file of that employee to 1374
determine if any recorded or reported instance of related 1375
misconduct or disciplinary actions are contained in that 1376
employee's file. 1377

(B) (1) If a school district or chartered nonpublic school 1378
receives a request for the personnel file of a current or former 1379
employee from a district or chartered nonpublic school to which 1380
the current or former employee has applied for employment, the 1381
district or chartered nonpublic school that receives the request 1382
shall send that file to the requestor within twenty business 1383
days of receiving the request for hiring purposes. 1384

(2) If the district or school receiving the request 1385
determines that it is not possible to send the file within 1386
twenty business days, that district or school shall promptly 1387
notify the requestor and indicate the reason the information 1388
cannot be sent within that time. 1389

Sec. 3319.40. (A) As used in this section, "license" has 1390
the same meaning as in section 3319.31 of the Revised Code. 1391

(B) If a person who is employed by a school district or 1392
chartered nonpublic school is arrested, summoned, or indicted 1393
for an alleged violation of an offense listed in division (C) of 1394
section 3319.31 of the Revised Code, if the person holds a 1395
license, or an offense listed in division (B) (1) of section 1396
3319.39 of the Revised Code, if the person does not hold a 1397
license, the superintendent of the district or the chief 1398

administrative officer of the chartered nonpublic school shall 1399
suspend that person from all duties that require the care, 1400
custody, or control of a child during the pendency of the 1401
criminal action against the person. If the person who is 1402
arrested, summoned, or indicted for an alleged violation of an 1403
offense listed in division (C) of section 3319.31 or division 1404
(B) (1) of section 3319.39 of the Revised Code is a person whose 1405
duties are assigned by the district treasurer under division (B) 1406
of section 3313.31 of the Revised Code, the treasurer shall 1407
suspend the person from all duties that require the care, 1408
custody, or control of a child. If the person who is arrested, 1409
summoned, or indicted for an alleged violation of an offense 1410
listed in division (C) of section 3319.31 or division (B) (1) of 1411
section 3319.39 of the Revised Code is the superintendent or 1412
treasurer of the district, the district board shall suspend the 1413
superintendent or treasurer from all duties that require the 1414
care, custody, or control of a child. If the person who is 1415
arrested, summoned, or indicted for an alleged violation of an 1416
offense listed in division (C) of section 3319.31 or division 1417
(B) (1) of section 3319.39 of the Revised Code is the chief 1418
administrative officer of the chartered nonpublic school, the 1419
governing authority of the chartered nonpublic school shall 1420
suspend the chief administrative officer from all duties that 1421
require the care, custody, or control of a child. 1422

(C) When a person who holds a license is suspended in 1423
accordance with this section, the superintendent, treasurer, 1424
board of education, chief administrative officer, or governing 1425
authority that imposed the suspension promptly shall report the 1426
person's suspension to the department of education. The report 1427
shall include the offense for which the person was arrested, 1428
summoned, or indicted. The superintendent of public instruction, 1429

on behalf of the state board of education, shall inactivate the 1430
person's license. The inactivation shall remain in force during 1431
the pendency of the criminal action against the person. The 1432
inactivation of a license under this division does not 1433
constitute a suspension or revocation of the license by the 1434
state board under section 3319.31 of the Revised Code and the 1435
state board and the state superintendent need not provide the 1436
person with an opportunity for a hearing with respect to the 1437
inactivation. If the state board does not take action against 1438
the person's license under section 3319.31 of the Revised Code, 1439
the state superintendent shall reactivate the license upon 1440
conclusion of the criminal action against the person. 1441

Sec. 3319.47. The school districts, public schools, and 1442
chartered nonpublic schools of this state may provide counseling 1443
to any victim of sexual harassment or sexually related conduct. 1444

Sec. 3319.99. (A) Whoever violates division ~~(A)~~ (B) (1) of 1445
section 3319.151 of the Revised Code is guilty of a minor 1446
misdemeanor. 1447

(B) Whoever violates division (H) (1) of section 3319.311 1448
of the Revised Code is guilty of a misdemeanor of the first 1449
degree. 1450

(C) Whoever violates division (F) of section 3319.313 of 1451
the Revised Code shall be punished as follows: 1452

(1) Except as otherwise provided in division (C) (2) of 1453
this section, the person is guilty of a misdemeanor of the 1454
fourth degree. 1455

(2) The person is guilty of a misdemeanor of the first 1456
degree if both of the following conditions apply: 1457

(a) The employee who is the subject of the report that the 1458

person fails to submit was required to be reported for the 1459
commission or alleged commission of an act or offense involving 1460
the infliction on a child of any physical or mental wound, 1461
injury, disability, or condition of a nature that constitutes 1462
abuse or neglect of the child; 1463

(b) During the period between the violation of division 1464
(F) of section 3319.313 of the Revised Code and the conviction 1465
of or plea of guilty by the person for that violation, the 1466
employee who is the subject of the report that the person fails 1467
to submit inflicts on any child attending a school district, 1468
educational service center, public or nonpublic school, or 1469
county board of developmental disabilities where the employee 1470
works any physical or mental wound, injury, disability, or 1471
condition of a nature that constitutes abuse or neglect of the 1472
child. 1473

(D) Whoever violates division (B) or (D) of section 1474
3319.317 of the Revised Code is guilty of a misdemeanor of the 1475
first degree. 1476

Sec. 3326.081. (A) As used in this section, "license" has 1477
the same meaning as in section 3319.31 of the Revised Code. 1478

(B) If a person who is employed by a science, technology, 1479
engineering, and mathematics school established under this 1480
chapter is arrested, summoned, or indicted for an alleged 1481
violation of an offense listed in division (C) of section 1482
3319.31 of the Revised Code, if the person holds a license, or 1483
an offense listed in division (B)(1) of section 3319.39 of the 1484
Revised Code, if the person does not hold a license, the chief 1485
administrative officer of the school shall suspend that person 1486
from all duties that require the care, custody, or control of a 1487
child during the pendency of the criminal action against the 1488

person. If the person who is arrested, summoned, or indicted for 1489
an alleged violation of an offense listed in division (C) of 1490
section 3319.31 or division (B)(1) of section 3319.39 of the 1491
Revised Code is the chief administrative officer of the school, 1492
the governing body of the school shall suspend the chief 1493
administrative officer from all duties that require the care, 1494
custody, or control of a child. 1495

(C) When a person who holds a license is suspended in 1496
accordance with this section, the chief administrative officer 1497
or governing body that imposed the suspension promptly shall 1498
report the person's suspension to the department of education. 1499
The report shall include the offense for which the person was 1500
arrested, summoned, or indicted. The superintendent of public 1501
instruction, on behalf of the state board of education, shall 1502
inactivate the person's license. The inactivation shall remain 1503
in force during the pendency of the criminal action against the 1504
person. The inactivation of a license under this division does 1505
not constitute a suspension or revocation of the license by the 1506
state board under section 3319.31 of the Revised Code and the 1507
state board and the state superintendent need not provide the 1508
person with an opportunity for a hearing with respect to the 1509
inactivation. If the state board does not take action against 1510
the person's license under section 3319.31 of the Revised Code, 1511
the state superintendent shall reactivate the license upon 1512
conclusion of the criminal action against the person. 1513

Sec. 3326.11. Each science, technology, engineering, and 1514
mathematics school established under this chapter and its 1515
governing body shall comply with sections 9.90, 9.91, 109.65, 1516
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1517
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1518
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1519

3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1520
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1521
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1522
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1523
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 1524
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 1525
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 1526
3313.86, 3313.89, 3313.96, 3319.073, 3319.0812, 3319.21, 1527
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 1528
3319.393, 3319.394, 3319.41, 3319.45, 3319.46, 3321.01, 1529
3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1530
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1531
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1532
4123., 4141., and 4167. of the Revised Code as if it were a 1533
school district. 1534

Sec. 3328.18. (A) As used in this section, "license" has 1535
the same meaning as in section 3319.31 of the Revised Code. 1536

(B) If a person who is employed by a college-preparatory 1537
boarding school established under this chapter or its operator 1538
is arrested, summoned, or indicted for an alleged violation of 1539
an offense listed in division (C) of section 3319.31 of the 1540
Revised Code, if the person holds a license, or an offense 1541
listed in division (B) (1) of section 3319.39 of the Revised 1542
Code, if the person does not hold a license, the chief 1543
administrator of the school in which that person works shall 1544
suspend that person from all duties that require the care, 1545
custody, or control of a child during the pendency of the 1546
criminal action against the person. If the person who is 1547
arrested, summoned, or indicted for an alleged violation of an 1548
offense listed in division (C) of section 3319.31 or division 1549
(B) (1) of section 3319.39 of the Revised Code is the chief 1550

administrator of the school, the board of trustees of the school 1551
shall suspend the chief administrator from all duties that 1552
require the care, custody, or control of a child. 1553

(C) When a person who holds a license is suspended in 1554
accordance with this section, the chief administrator or board 1555
that imposed the suspension promptly shall report the person's 1556
suspension to the department of education. The report shall 1557
include the offense for which the person was arrested, summoned, 1558
or indicted. The superintendent of public instruction, on behalf 1559
of the state board of education, shall inactivate the person's 1560
license. The inactivation shall remain in force during the 1561
pendency of the criminal action against the person. The 1562
inactivation of a license under this division does not 1563
constitute a suspension or revocation of the license by the 1564
state board under section 3319.31 of the Revised Code and the 1565
state board and the state superintendent need not provide the 1566
person with an opportunity for a hearing with respect to the 1567
inactivation. If the state board does not take action against 1568
the person's license under section 3319.31 of the Revised Code, 1569
the state superintendent shall reactivate the license upon 1570
conclusion of the criminal action against the person. 1571

Sec. 3328.24. A college-preparatory boarding school 1572
established under this chapter and its board of trustees shall 1573
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1574
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 1575
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.0812, 3319.318, 1576
3319.39, 3319.391, 3319.393, 3319.394, and 3319.46 and Chapter 1577
3365. of the Revised Code as if the school were a school 1578
district and the school's board of trustees were a district 1579
board of education. 1580

Sec. 5153.176. As used in this section, "license" has the 1581
same meaning as in section 3319.31 of the Revised Code. 1582

(A) Notwithstanding division (I)(1) of section 2151.421, 1583
section 5153.17, or any other section of the Revised Code 1584
pertaining to confidentiality, the director of a public children 1585
services agency shall promptly provide to the superintendent of 1586
public instruction information regarding the agency's 1587
investigation of a report of child abuse or neglect made 1588
pursuant to section 2151.421 of the Revised Code involving a 1589
person who holds a license ~~issued by the state board of~~ 1590
~~education~~ where the agency has determined that child abuse or 1591
neglect occurred and that abuse or neglect is related to the 1592
person's duties and responsibilities under the license. The 1593
information provided by the director shall include the 1594
following: 1595

(1) A summary of the nature of the allegations contained 1596
in the report of which the person is the subject and the final 1597
disposition of the investigation conducted in response to that 1598
report or, if the investigation is not complete, the status of 1599
the investigation; 1600

(2) Upon written request of the superintendent of public 1601
instruction, the additional information described in division 1602
(C) of this section regarding the agency's investigation of the 1603
report, unless the prosecuting attorney of the county served by 1604
the agency determines that such information may not be released 1605
pursuant to division (B) of this section. 1606

(B) Upon receipt of a written request from the 1607
superintendent of public instruction for the additional 1608
information described in division (C) of this section, the 1609
director shall determine if the prosecuting attorney of the 1610

county served by the public children services agency intends to 1611
prosecute the subject of the report based on the allegations 1612
contained in the report. If the prosecuting attorney intends to 1613
prosecute the subject of the report, the prosecuting attorney 1614
shall determine the information described in division (C) of 1615
this section that may be released, if any, and shall provide the 1616
director with written authorization to release the information 1617
so determined. The director shall provide the superintendent of 1618
public instruction with any information described in division 1619
(C) of this section that the prosecuting attorney determines may 1620
be released, but in no case shall the director provide any 1621
information that the prosecuting attorney determines shall not 1622
be released. If the prosecuting attorney does not intend to 1623
prosecute the subject of the report, the prosecuting attorney 1624
shall notify the director of that fact and the director shall 1625
provide all of the information described in division (C) of this 1626
section to the superintendent of public instruction. 1627

(C) In accordance with division (B) of this section, the 1628
director shall provide information to the superintendent of 1629
public instruction regarding the public children services 1630
agency's investigation of the report described in division (A) 1631
of this section, including, but not limited to, the following: 1632

(1) The following information about the alleged child 1633
victim of the abuse or neglect: 1634

(a) Full name; 1635

(b) Date of birth; 1636

(c) Address and telephone number; 1637

(d) Grade level; 1638

(e) Name and contact information of the child's parent, 1639

guardian, or legal custodian;	1640
(f) Name and contact information of any medical facility	1641
that provided treatment to the child, if the child was injured	1642
in connection with the abuse or neglect and if that information	1643
is available;	1644
(g) A summary of interviews with the child or, if an	1645
entity other than the agency conducted the interviews, the	1646
contact information for that entity. The summary shall include	1647
an accounting of the facts and circumstances of the alleged	1648
abuse or neglect, including, but not limited to, the time and	1649
place that the abuse or neglect occurred.	1650
(h) Copies of any written correspondence between the child	1651
and the alleged perpetrator of the abuse or neglect that was	1652
used by the agency to determine that abuse or neglect occurred,	1653
the release of which is not otherwise prohibited by law.	1654
(2) The following information about the alleged	1655
perpetrator of the abuse or neglect:	1656
(a) Full name;	1657
(b) Date of birth;	1658
(c) Address and telephone number;	1659
(d) Name of school district and school building that	1660
employed the alleged perpetrator at the time the report was	1661
made;	1662
(e) Name and contact information of any medical facility	1663
that provided treatment to the alleged perpetrator, if the	1664
alleged perpetrator was injured in connection with the abuse or	1665
neglect and if that information is available;	1666

(f) A summary of interviews with the alleged perpetrator 1667
or, if an entity other than the agency conducted the interviews, 1668
the contact information for that entity. The summary shall 1669
include an accounting of the facts and circumstances of the 1670
alleged abuse or neglect, including, but not limited to, the 1671
time and place that the abuse or neglect occurred. 1672

(g) Copies of any written correspondence between the 1673
alleged child victim and the alleged perpetrator that was used 1674
by the agency to determine that abuse or neglect occurred, the 1675
release of which is not otherwise prohibited by law; 1676

(h) If the alleged perpetrator has been the subject of any 1677
previous reports made pursuant to section 2151.421 of the 1678
Revised Code where the agency determined that physical or sexual 1679
child abuse occurred, a summary of the chronology of those 1680
reports; the final disposition of the investigations conducted 1681
in response to those reports, or if an investigation is not 1682
complete, the status of that investigation; and any underlying 1683
documentation concerning those reports. 1684

(3) The following information about each person, other 1685
than the alleged child victim and the alleged perpetrator, whom 1686
the agency has determined to be important to the investigation, 1687
except that the information shall not be provided about the 1688
person who made the report unless that person grants written 1689
permission for the director to release the information: 1690

(a) Full name; 1691

(b) Address and telephone number; 1692

(c) If the person has been interviewed regarding the 1693
alleged abuse or neglect, a summary of those interviews or, if 1694
an entity other than the agency conducted the interviews, the 1695

contact information for such entity. 1696

(D) Upon provision of any information to the 1697
superintendent of public instruction under this section, the 1698
director shall notify the superintendent of both of the 1699
following: 1700

(1) That the information is confidential; 1701

(2) That unauthorized dissemination of the information is 1702
a violation of division (I) (2) of section 2151.421 and section 1703
3319.311 of the Revised Code and any person who permits or 1704
encourages unauthorized dissemination of the information is 1705
guilty of a misdemeanor of the fourth degree pursuant to section 1706
2151.99 of the Revised Code. 1707

If the director determines that the superintendent of 1708
public instruction or any person involved in the conduct of an 1709
investigation under section 3319.311 of the Revised Code 1710
committed, caused, permitted, or encouraged the unauthorized 1711
dissemination of any information provided under this section, 1712
the director shall provide written notification of the 1713
unauthorized dissemination to the prosecuting attorney of the 1714
county or the village solicitor, city director of law, or 1715
similar chief legal officer of the municipal corporation in 1716
which the unauthorized dissemination occurred. A copy of the 1717
notification shall be retained in the investigative record 1718
maintained by the public children services agency. 1719

(E) The director shall include documentation of the 1720
information provided to the superintendent of public instruction 1721
under this section in the investigative record maintained by the 1722
public children services agency. The documentation shall include 1723
the following: 1724

(1) A list of the information provided;	1725
(2) The date the information was provided;	1726
(3) If the superintendent of public instruction designates a person to receive the information on the superintendent's behalf, the name of that person;	1727 1728 1729
(4) The reason for providing the information;	1730
(5) If written authorization to provide the information is required from the prosecuting attorney under division (B) of this section, a copy of that authorization.	1731 1732 1733
(F) No director of a public children services agency shall knowingly fail to comply with division (A) or (C) of this section.	1734 1735 1736
(G) A director of a public children services agency who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil or criminal liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.	1737 1738 1739 1740 1741 1742
(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section prevail over any conflicting provisions of a collective bargaining agreement or contract for employment entered into after March 30, 2007.	1743 1744 1745 1746 1747
Section 2. That existing sections 2953.25, 3314.03, 3314.101, 3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 3319.316, 3319.40, 3319.99, 3326.081, 3326.11, 3328.18, 3328.24, and 5153.176 of the Revised Code are hereby repealed.	1748 1749 1750 1751
Section 3. The General Assembly, applying the principle	1752

stated in division (B) of section 1.52 of the Revised Code that 1753
amendments are to be harmonized if reasonably capable of 1754
simultaneous operation, finds that the following sections, 1755
presented in this act as composites of the sections as amended 1756
by the acts indicated, are the resulting versions of the 1757
sections in effect prior to the effective date of the sections 1758
as presented in this act: 1759

Section 3314.03 of the Revised Code, as amended by both 1760
Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General 1761
Assembly. 1762

Section 3328.24 of the Revised Code, as amended by both 1763
Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. 1764