

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 403

Representatives Fowler Arthur, Miller, A.

A BILL

To amend section 3319.313 of the Revised Code to 1
require a school district superintendent or 2
administrator of a public or chartered nonpublic 3
school to file a report with the Department of 4
Education regarding a teacher that retired under 5
threat of disciplinary investigation. 6

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

Section 1. That section 3319.313 of the Revised Code be 7
amended to read as follows: 8

Sec. 3319.313. (A) As used in this section: 9

(1) "Conduct unbecoming to the teaching profession" shall 10
be as described in rules adopted by the state board of 11
education. 12

(2) "Intervention in lieu of conviction" means 13
intervention in lieu of conviction under section 2951.041 of the 14
Revised Code. 15

(3) "License" has the same meaning as in section 3319.31 16
of the Revised Code. 17

(4) "Pre-trial diversion program" means a pre-trial 18

diversion program under section 2935.36 of the Revised Code or a 19
similar diversion program under rules of a court. 20

(B) The superintendent of each school district and each 21
educational service center or the president of the district or 22
service center board, if division (C)(1) of this section 23
applies, and the chief administrator of each chartered nonpublic 24
school or the president or chairperson of the governing 25
authority of the nonpublic school, if division (C)(2) of this 26
section applies, shall promptly submit to the superintendent of 27
public instruction the information prescribed in division (D) of 28
this section when any of the following conditions applies to an 29
employee of the district, service center, or nonpublic school 30
who holds a license issued by the state board of education: 31

(1) The superintendent, chief administrator, president, or 32
chairperson knows that the employee has pleaded guilty to, has 33
been found guilty by a jury or court of, has been convicted of, 34
has been found to be eligible for intervention in lieu of 35
conviction for, or has agreed to participate in a pre-trial 36
diversion program for an offense described in division (B)(2) or 37
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 38
the Revised Code; 39

(2) The district board of education, service center 40
governing board, or nonpublic school chief administrator or 41
governing authority has initiated termination or nonrenewal 42
proceedings against, has terminated, or has not renewed the 43
contract of the employee because the board of education, 44
governing board, or chief administrator has reasonably 45
determined that the employee has committed an act that is 46
unbecoming to the teaching profession or an offense described in 47
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 48

section 3319.39 of the Revised Code; 49

(3) The employee has resigned or retired under threat of 50
termination or nonrenewal as described in division (B) (2) of 51
this section; 52

(4) The employee has resigned or retired because of or in 53
the course of an investigation by the board of education, 54
governing board, or chief administrator regarding whether the 55
employee has committed an act that is unbecoming to the teaching 56
profession or an offense described in division (B) (2) or (C) of 57
section 3319.31 or division (B) (1) of section 3319.39 of the 58
Revised Code. 59

(C) (1) If the employee to whom any of the conditions 60
prescribed in divisions (B) (1) to (4) of this section applies is 61
the superintendent or treasurer of a school district or 62
educational service center, the president of the board of 63
education of the school district or of the governing board of 64
the educational service center shall make the report required 65
under this section. 66

(2) If the employee to whom any of the conditions 67
prescribed in divisions (B) (1) to (4) of this section applies is 68
the chief administrator of a chartered nonpublic school, the 69
president or chairperson of the governing authority of the 70
chartered nonpublic school shall make the report required under 71
this section. 72

(D) If a report is required under this section, the 73
superintendent, chief administrator, president, or chairperson 74
shall submit to the superintendent of public instruction the 75
name and social security number of the employee about whom the 76
information is required and a factual statement regarding any of 77

the conditions prescribed in divisions (B) (1) to (4) of this 78
section that applies to the employee. 79

(E) A determination made by the board of education, 80
governing board, chief administrator, or governing authority as 81
described in division (B) (2) of this section or a termination, 82
nonrenewal, resignation, retirement, or other separation 83
described in divisions (B) (2) to (4) of this section does not 84
create a presumption of the commission or lack of the commission 85
by the employee of an act unbecoming to the teaching profession 86
or an offense described in division (B) (2) or (C) of section 87
3319.31 or division (B) (1) of section 3319.39 of the Revised 88
Code. 89

(F) No individual required to submit a report under 90
division (B) of this section shall knowingly fail to comply with 91
that division. 92

(G) An individual who provides information to the 93
superintendent of public instruction in accordance with this 94
section in good faith shall be immune from any civil liability 95
that otherwise might be incurred or imposed for injury, death, 96
or loss to person or property as a result of the provision of 97
that information. 98

Section 2. That existing section 3319.313 of the Revised 99
Code is hereby repealed. 100