

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 147**

**Representatives Fowler Arthur, Miller, A.**

**Cosponsors: Representatives Dean, Johnson, Willis, Bird, Click, Barhorst, Carruthers, Claggett, Dobos, Gross, Holmes, Hoops, Jones, Lear, Mathews, Merrin, Pavliga, Plummer, Ray, Schmidt, Williams, Young, T.**

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**A BILL**

To amend sections 3319.31 and 3319.313 of the  
Revised Code regarding teacher licensure  
revocation, teacher hiring practices, and  
conduct unbecoming to the teaching profession.

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

**Section 1.** That sections 3319.31 and 3319.313 of the  
Revised Code be amended to read as follows:

**Sec. 3319.31.** (A) As used in this section and sections  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license"  
means a certificate, license, or permit described in this  
chapter or in division (B) of section 3301.071 or in section  
3301.074 of the Revised Code or a registration described in  
division (B) of section 3302.151, section 3310.411, or section  
3319.221 of the Revised Code.

(B) For any of the following reasons, the state board of  
education, except as provided in division (H) of this section  
and in accordance with Chapter 119. and section 3319.311 of the

Revised Code, may refuse to issue a license to an applicant; may  
limit a license it issues to an applicant; may suspend, revoke,  
or limit a license that has been issued to any person; or may  
revoke a license that has been issued to any person and has  
expired:

(1) Engaging in an immoral act, incompetence, negligence,  
or conduct that is unbecoming to the applicant's or person's  
position;

(2) A plea of guilty to, a finding of guilt by a jury or  
court of, or a conviction of any of the following:

(a) A felony other than a felony listed in division (C) of  
this section;

(b) An offense of violence other than an offense of  
violence listed in division (C) of this section;

(c) A theft offense, as defined in section 2913.01 of the  
Revised Code, other than a theft offense listed in division (C)  
of this section;

(d) A drug abuse offense, as defined in section 2925.01 of  
the Revised Code, that is not a minor misdemeanor, other than a  
drug abuse offense listed in division (C) of this section;

(e) A violation of an ordinance of a municipal corporation  
that is substantively comparable to an offense listed in  
divisions (B) (2) (a) to (d) of this section.

(3) A judicial finding of eligibility for intervention in  
lieu of conviction under section 2951.041 of the Revised Code,  
or agreeing to participate in a pre-trial diversion program  
under section 2935.36 of the Revised Code, or a similar  
diversion program under rules of a court, for any offense listed

in division (B) (2) or (C) of this section; 45

(4) Failure to comply with section 3314.40, 3319.313, 46  
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code. 47

(C) Upon learning of a plea of guilty to, a finding of 48  
guilt by a jury or court of, or a conviction of any of the 49  
offenses listed in this division by a person who holds a current 50  
or expired license or is an applicant for renewal of a license, 51  
the state board or the superintendent of public instruction, if 52  
the state board has delegated the duty pursuant to division (D) 53  
of this section, shall by a written order revoke the person's 54  
license or deny renewal of the license to the person. The state 55  
board or the superintendent shall revoke a license that has been 56  
issued to a person to whom this division applies and has expired 57  
in the same manner as a license that has not expired. 58

Revocation of a license or denial of renewal of a license 59  
under this division is effective immediately at the time and 60  
date that the board or superintendent issues the written order 61  
and is not subject to appeal in accordance with Chapter 119. of 62  
the Revised Code. Revocation of a license or denial of renewal 63  
of license under this division remains in force during the 64  
pendency of an appeal by the person of the plea of guilty, 65  
finding of guilt, or conviction that is the basis of the action 66  
taken under this division. 67

The state board or superintendent shall take the action 68  
required by this division for a violation of division (B) (1), 69  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 70  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 71  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 72  
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 73  
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 74

2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 75  
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 76  
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 77  
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 78  
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 79  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 80  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 81  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 82  
violation of section 2907.231 of the Revised Code unless the 83  
offender was coerced into committing a violation of that 84  
section; a violation of section 2905.04 of the Revised Code as 85  
it existed prior to July 1, 1996; a violation of section 2919.23 86  
of the Revised Code that would have been a violation of section 87  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 88  
had the violation been committed prior to that date; felonious 89  
sexual penetration in violation of former section 2907.12 of the 90  
Revised Code; or a violation of an ordinance of a municipal 91  
corporation that is substantively comparable to an offense 92  
listed in this paragraph. 93

(D) The state board may delegate to the superintendent of 94  
public instruction the authority to revoke a person's license or 95  
to deny renewal of a license to a person under division (C) or 96  
(F) of this section. 97

(E) (1) If the plea of guilty, finding of guilt, or 98  
conviction that is the basis of the action taken under division 99  
(B) (2) or (C) of this section, or under the version of division 100  
(F) of section 3319.311 of the Revised Code in effect prior to 101  
September 12, 2008, is overturned on appeal, upon exhaustion of 102  
the criminal appeal, the clerk of the court that overturned the 103  
plea, finding, or conviction or, if applicable, the clerk of the 104  
court that accepted an appeal from the court that overturned the 105

plea, finding, or conviction, shall notify the state board that 106  
the plea, finding, or conviction has been overturned. Within 107  
thirty days after receiving the notification, the state board 108  
shall initiate proceedings to reconsider the revocation or 109  
denial of the person's license in accordance with division (E) 110  
(2) of this section. In addition, the person whose license was 111  
revoked or denied may file with the state board a petition for 112  
reconsideration of the revocation or denial along with 113  
appropriate court documents. 114

(2) Upon receipt of a court notification or a petition and 115  
supporting court documents under division (E) (1) of this 116  
section, the state board, after offering the person an 117  
opportunity for an adjudication hearing under Chapter 119. of 118  
the Revised Code, shall determine whether the person committed 119  
the act in question in the prior criminal action against the 120  
person that is the basis of the revocation or denial and may 121  
continue the revocation or denial, may reinstate the person's 122  
license, with or without limits, or may grant the person a new 123  
license, with or without limits. The decision of the board shall 124  
be based on grounds for revoking, denying, suspending, or 125  
limiting a license adopted by rule under division (G) of this 126  
section and in accordance with the evidentiary standards the 127  
board employs for all other licensure hearings. The decision of 128  
the board under this division is subject to appeal under Chapter 129  
119. of the Revised Code. 130

(3) A person whose license is revoked or denied under 131  
division (C) of this section shall not apply for any license if 132  
the plea of guilty, finding of guilt, or conviction that is the 133  
basis of the revocation or denial, upon completion of the 134  
criminal appeal, either is upheld or is overturned but the state 135  
board continues the revocation or denial under division (E) (2) 136

of this section and that continuation is upheld on final appeal. 137

(F) The state board may take action under division (B) of 138  
this section, and the state board or the superintendent shall 139  
take the action required under division (C) of this section, on 140  
the basis of substantially comparable conduct occurring in a 141  
jurisdiction outside this state or occurring before a person 142  
applies for or receives any license. 143

(G) The state board may adopt rules in accordance with 144  
Chapter 119. of the Revised Code to carry out this section and 145  
section 3319.311 of the Revised Code. 146

(H) The state board shall not refuse to issue a license to 147  
an applicant because of a conviction of, a plea of guilty to, or 148  
a finding of guilt by a jury or court of an offense unless the 149  
refusal is in accordance with section 9.79 of the Revised Code. 150

**Sec. 3319.313.** (A) As used in this section: 151

(1) "Conduct unbecoming to the teaching profession" shall 152  
be as described in rules adopted by the state board of 153  
education. 154

(2) "Intervention in lieu of conviction" means 155  
intervention in lieu of conviction under section 2951.041 of the 156  
Revised Code. 157

(3) "License" has the same meaning as in section 3319.31 158  
of the Revised Code. 159

(4) "Pre-trial diversion program" means a pre-trial 160  
diversion program under section 2935.36 of the Revised Code or a 161  
similar diversion program under rules of a court. 162

(B) The superintendent of each school district and each 163  
educational service center or the president of the district or 164

service center board, if division (C)(1) of this section 165  
applies, and the chief administrator of each chartered nonpublic 166  
school or the president or chairperson of the governing 167  
authority of the nonpublic school, if division (C)(2) of this 168  
section applies, shall promptly submit to the superintendent of 169  
public instruction the information prescribed in division (D) of 170  
this section when any of the following conditions applies to an 171  
employee of the district, service center, or nonpublic school 172  
who holds a license issued by the state board of education: 173

(1) The superintendent, chief administrator, president, or 174  
chairperson knows that the employee has pleaded guilty to, has 175  
been found guilty by a jury or court of, has been convicted of, 176  
has been found to be eligible for intervention in lieu of 177  
conviction for, or has agreed to participate in a pre-trial 178  
diversion program for an offense described in division (B)(2) or 179  
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 180  
the Revised Code; 181

(2) The district board of education, service center 182  
governing board, or nonpublic school chief administrator or 183  
governing authority has initiated termination or nonrenewal 184  
proceedings against, has terminated, or has not renewed the 185  
contract of the employee because the board of education, 186  
governing board, or chief administrator has reasonably 187  
determined that the employee has committed an act that is 188  
unbecoming to the teaching profession or an offense described in 189  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 190  
section 3319.39 of the Revised Code; 191

(3) The employee has resigned or retired under threat of 192  
termination or nonrenewal as described in division (B)(2) of 193  
this section; 194

(4) The employee has resigned or retired because of or in 195  
the course of an investigation by the board of education, 196  
governing board, or chief administrator regarding whether the 197  
employee has committed an act that is unbecoming to the teaching 198  
profession or an offense described in division (B) (2) or (C) of 199  
section 3319.31 or division (B) (1) of section 3319.39 of the 200  
Revised Code. 201

(5) The district board of education, service center 202  
governing board, or nonpublic school chief administrator or 203  
governing authority has removed the employee from the list of 204  
eligible substitute teachers for the district, service center, 205  
or nonpublic school because the board of education, governing 206  
board, or chief administrator has reasonably determined that the 207  
employee has committed an act that is unbecoming to the teaching 208  
profession. 209

(C) (1) If the employee to whom any of the conditions 210  
prescribed in divisions (B) (1) to (4) of this section applies is 211  
the superintendent or treasurer of a school district or 212  
educational service center, the president of the board of 213  
education of the school district or of the governing board of 214  
the educational service center shall make the report required 215  
under this section. 216

(2) If the employee to whom any of the conditions 217  
prescribed in divisions (B) (1) to (4) of this section applies is 218  
the chief administrator of a chartered nonpublic school, the 219  
president or chairperson of the governing authority of the 220  
chartered nonpublic school shall make the report required under 221  
this section. 222

(D) If a report is required under this section, the 223  
superintendent, chief administrator, president, or chairperson 224

shall submit to the superintendent of public instruction the 225  
name and social security number of the employee about whom the 226  
information is required and a factual statement regarding any of 227  
the conditions prescribed in divisions (B) (1) to (4) of this 228  
section that applies to the employee. 229

(E) A determination made by the board of education, 230  
governing board, chief administrator, or governing authority as 231  
described in division (B) (2) of this section or a termination, 232  
nonrenewal, resignation, retirement, or other separation 233  
described in divisions (B) (2) to ~~(4)~~ (5) of this section does 234  
not create a presumption of the commission or lack of the 235  
commission by the employee of an act unbecoming to the teaching 236  
profession or an offense described in division (B) (2) or (C) of 237  
section 3319.31 or division (B) (1) of section 3319.39 of the 238  
Revised Code. 239

(F) No individual required to submit a report under 240  
division (B) of this section shall knowingly fail to comply with 241  
that division. 242

(G) An individual who provides information to the 243  
superintendent of public instruction in accordance with this 244  
section in good faith shall be immune from any civil liability 245  
that otherwise might be incurred or imposed for injury, death, 246  
or loss to person or property as a result of the provision of 247  
that information. 248

**Section 2.** That existing sections 3319.31 and 3319.313 of 249  
the Revised Code are hereby repealed. 250