

As Reported by the House Education Committee

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Regular Session

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Sub. H. B. No. 79

**Representatives Raga, Latta, Setzer, C. Evans, Hagan, DeWine, McGregor,
Willamowski, Gilb, Flowers, Seaver, Reidelbach, Schlichter, Reinhard**

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A B I L L

To amend sections 3314.03, 3319.291, and 3319.311 and 1
to enact sections 3319.313, 3319.314, 5126.253, 2
5126.254, and 5153.176 of the Revised Code to 3
require that information about specified 4
professional misconduct or child abuse or neglect 5
committed by a person licensed by the State Board 6
of Education be submitted to the Superintendent of 7
Public Instruction, to require the State Board to 8
request a criminal records check prior to renewing 9
an educator license, and to require the State 10
Board to request a criminal records check every 11
five years for a person teaching under an 12
eight-year professional teaching certificate or 13
permanent teaching certificate issued under former 14
law. 15

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

Section 1. That sections 3314.03, 3319.291, and 3319.311 be 16
amended and sections 3319.313, 3319.314, 5126.253, 5126.254, and 17
5153.176 of the Revised Code be enacted to read as follows: 18

Sec. 3314.03. A copy of every contract entered into under 19

this section shall be filed with the superintendent of public instruction. 20
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 22
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(1) That the school shall be established as either of the following: 25
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 27
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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003; 29
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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 31
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests; 35
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(4) Performance standards by which the success of the school will be evaluated by the sponsor; 38
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(5) The admission standards of section 3314.06 of the Revised Code; 40
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(6)(a) Dismissal procedures; 42

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. Such a policy shall provide for withdrawing the student by the end of the thirtieth day after the student has failed to 43
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participate as required under this division.	50
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	51 52
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	53 54 55 56 57 58
(9) The facilities to be used and their locations;	59
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	60 61 62 63 64 65
(11) That the school will comply with the following requirements:	66 67
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	68 69 70
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	71 72 73
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	74 75 76 77
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711,	78 79

3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643,
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671,
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96,
3319.073, 3319.313, 3319.314, 3319.321, 3319.39, 3321.01, 3321.13,
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17,
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365.,
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it
were a school district and will comply with section 3301.0714 of
the Revised Code in the manner specified in section 3314.17 of the
Revised Code;

(e) The school shall comply with Chapter 102. of the Revised
Code except that nothing in that chapter shall prohibit a member
of the school's governing board from also being an employee of the
school and nothing in that chapter or section 2921.42 of the
Revised Code shall prohibit a member of the school's governing
board from having an interest in a contract into which the
governing board enters that is not a contract with a for-profit
firm for the operation or management of a school under the
auspices of the governing authority;

(f) The school will comply with sections 3313.61, 3313.611,
and 3313.614 of the Revised Code, except that the requirement in
sections 3313.61 and 3313.611 of the Revised Code that a person
must successfully complete the curriculum in any high school prior
to receiving a high school diploma may be met by completing the
curriculum adopted by the governing authority of the community
school rather than the curriculum specified in Title XXXIII of the
Revised Code or any rules of the state board of education;

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

school, and the legislative office of education oversight. The 112
school will collect and provide any data that the legislative 113
office of education oversight requests in furtherance of any study 114
or research that the general assembly requires the office to 115
conduct, including the studies required under Section 50.39 of Am. 116
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 117
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 118

(12) Arrangements for providing health and other benefits to 119
employees; 120

(13) The length of the contract, which shall begin at the 121
beginning of an academic year. No contract shall exceed five years 122
unless such contract has been renewed pursuant to division (E) of 123
this section. 124

(14) The governing authority of the school, which shall be 125
responsible for carrying out the provisions of the contract; 126

(15) A financial plan detailing an estimated school budget 127
for each year of the period of the contract and specifying the 128
total estimated per pupil expenditure amount for each such year. 129
The plan shall specify for each year the base formula amount that 130
will be used for purposes of funding calculations under section 131
3314.08 of the Revised Code. This base formula amount for any year 132
shall not exceed the formula amount defined under section 3317.02 133
of the Revised Code. The plan may also specify for any year a 134
percentage figure to be used for reducing the per pupil amount of 135
disadvantaged pupil impact aid calculated pursuant to section 136
3317.029 of the Revised Code the school is to receive that year 137
under section 3314.08 of the Revised Code. 138

(16) Requirements and procedures regarding the disposition of 139
employees of the school in the event the contract is terminated or 140
not renewed pursuant to section 3314.07 of the Revised Code; 141

(17) Whether the school is to be created by converting all or 142

part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

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

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

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

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

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

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

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

(22) A provision recognizing both of the following:	173
(a) The authority of public health and safety officials to	174
inspect the facilities of the school and to order the facilities	175
closed if those officials find that the facilities are not in	176
compliance with health and safety laws and regulations;	177
(b) The authority of the department of education as the	178
community school oversight body to suspend the operation of the	179
school under section 3314.072 of the Revised Code if the	180
department has evidence of conditions or violations of law at the	181
school that pose an imminent danger to the health and safety of	182
the school's students and employees and the sponsor refuses to	183
take such action;	184
(23) A description of the learning opportunities that will be	185
offered to students including both classroom-based and	186
non-classroom-based learning opportunities that is in compliance	187
with criteria for student participation established by the	188
department under division (L)(2) of section 3314.08 of the Revised	189
Code;	190
(24) The school will comply with section 3302.04 of the	191
Revised Code, including division (E) of that section to the extent	192
possible, except that any action required to be taken by a school	193
district pursuant to that section shall be taken by the sponsor of	194
the school. However, the sponsor shall not be required to take any	195
action described in division (F) of that section.	196
(B) The community school shall also submit to the sponsor a	197
comprehensive plan for the school. The plan shall specify the	198
following:	199
(1) The process by which the governing authority of the	200
school will be selected in the future;	201
(2) The management and administration of the school;	202

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	203 204 205 206
(4) The instructional program and educational philosophy of the school;	207 208
(5) Internal financial controls.	209
(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 oversight and monitoring 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.	210 211 212 213 214 215 216 217 218
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	219 220 221 222 223
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	224 225
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	226 227 228
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	229 230 231 232

(4) Provide technical assistance to the community school in 233
complying with laws applicable to the school and terms of the 234
contract; 235

(5) Take steps to intervene in the school's operation to 236
correct problems in the school's overall performance, declare the 237
school to be on probationary status pursuant to section 3314.073 238
of the Revised Code, suspend the operation of the school pursuant 239
to section 3314.072 of the Revised Code, or terminate the contract 240
of the school pursuant to section 3314.07 of the Revised Code as 241
determined necessary by the sponsor; 242

(6) Have in place a plan of action to be undertaken in the 243
event the community school experiences financial difficulties or 244
closes prior to the end of a school year. 245

(E) Upon the expiration of a contract entered into under this 246
section, the sponsor of a community school may, with the approval 247
of the governing authority of the school, renew that contract for 248
a period of time determined by the sponsor, but not ending earlier 249
than the end of any school year, if the sponsor finds that the 250
school's compliance with applicable laws and terms of the contract 251
and the school's progress in meeting the academic goals prescribed 252
in the contract have been satisfactory. Any contract that is 253
renewed under this division remains subject to the provisions of 254
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 255

Sec. 3319.291. ~~(A) When any person initially applies for any~~ 256
~~certificate, license, or permit described in division (B) of~~ 257
~~section 3301.071, in section 3301.074, 3319.088, 3319.29,~~ 258
~~3319.302, or 3319.304, or in division (A) of section 3319.303 of~~ 259
~~the Revised Code, the~~ The state board of education shall require 260
each of the person following persons, at the times prescribed by 261
division (A) of this section, to submit ~~with the application~~ two 262
complete sets of fingerprints and written permission that 263

authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person;

(1) Any person initially applying for any certificate, license, or permit described in division (B) of section 3301.071, in section 3301.074, 3319.088, 3319.29, 3319.302, or 3319.304, or in division (A) of section 3319.303 of the Revised Code at the time that application is made;

(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made;

(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.22 or under section 3319.222 of the Revised Code upon a date prescribed by the state board that is not later than five years after the date that the license was issued or renewed;

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 or under section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B) The Except as provided in division (C) of this section, prior to issuing or renewing any certificate, license, or permit described in division (A)(1) or (2) of this section and in the case of a person required to submit fingerprints and written permission under division (A)(3) or (4) of this section, the state board of education or the superintendent of public instruction shall request the superintendent of the bureau of criminal

identification and investigation to investigate and determine 295
whether the bureau has any information, gathered pursuant to 296
division (A) of section 109.57 of the Revised Code, pertaining to 297
any person submitting fingerprints and written permission under 298
this section. If the person does not present proof that the person 299
has been a resident of this state for the five-year period 300
immediately prior to the date upon which the investigation 301
described in this division is requested, or does not provide 302
evidence that within that five-year period the superintendent of 303
the bureau of criminal identification and investigation has 304
requested information about the person from the federal bureau of 305
investigation, the state board or the superintendent of public 306
instruction shall request the superintendent of the bureau of 307
criminal identification and investigation to obtain any criminal 308
records that the federal bureau of investigation has on the 309
person. If the person presents proof that the person has been a 310
resident of this state for that five-year period, the state board 311
or the superintendent of public instruction may request the 312
superintendent of the bureau of criminal identification and 313
investigation to obtain any criminal records that the federal 314
bureau of investigation has on the person. 315

(C) The state board or the superintendent of public 316
instruction may choose not to request any information required by 317
division (B) of this section if the person applying for the 318
issuance or renewal of a certificate, license, or permit described 319
in division (A)(1) or (2) of this section or the person required 320
to submit fingerprints and written permission under division 321
(A)(3) or (4) of this section provides proof that a criminal 322
records check was conducted on the person as a condition of 323
employment pursuant to section 3319.39 of the Revised Code within 324
the immediately preceding year. The state board or the 325
superintendent of public instruction may accept a certified copy 326
of records that were issued by the bureau of criminal 327

identification and investigation and that are presented by a 328
person applying for the issuance or renewal of a certificate, 329
license, or permit described in this section in lieu of requesting 330
that information under division (B) of this section if the records 331
were issued by the bureau within the immediately preceding year. 332

Sec. 3319.311. (A) The state board of education, or the 333
superintendent of public instruction on behalf of the board, may 334
investigate any information received about a person that 335
reasonably appears to be a basis for action under section 3319.31 336
of the Revised Code, including information received pursuant to 337
section 3319.313, 5126.253, or 5153.176 of the Revised Code. The 338
board shall contract with the office of the Ohio attorney general 339
to conduct any investigation of that nature. The board shall pay 340
for the costs of the contract only from moneys in the state board 341
of education licensure fund established under ~~division (B) of~~ 342
section 3319.51 of the Revised Code. All information received 343
pursuant to section 3319.313, 5126.253, or 5153.176 of the Revised 344
Code, and all information obtained during an investigation is 345
confidential and is not a public record under section 149.43 of 346
the Revised Code. If an investigation is conducted under this 347
division regarding information received about a person and no 348
action is taken against the person under this section or section 349
3319.31 of the Revised Code within two years of the completion of 350
the investigation, all records of the investigation shall be 351
expunged. 352

(B) The superintendent of public instruction shall review the 353
results of each investigation of a person conducted under division 354
(A) of this section and shall determine, on behalf of the state 355
board, whether the results warrant initiating action under section 356
3319.31 of the Revised Code. The superintendent shall advise the 357
board of such determination at a meeting of the board. Within 358

fourteen days of the next meeting of the board, any member of the
board may ask that the question of initiating action under section
3319.31 of the Revised Code be placed on the board's agenda for
that next meeting. Prior to initiating that action against any
person, the person's name and any other personally identifiable
information shall remain confidential.

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

(D) For purposes of an investigation under division (A) of
this section or a hearing under division (C) of this section, the
board, or the superintendent on behalf of the board, may
administer oaths, order the taking of depositions, issue
subpoenas, and compel the attendance of witnesses and the
production of books, accounts, papers, records, documents, and
testimony. The issuance of subpoenas under this division may be by
certified mail or personal delivery to the person.

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

(F) The board automatically may suspend any license without a
prior hearing if the license holder is convicted of or pleads
guilty to one or more of the following offenses or a violation of
an ordinance of a municipal corporation or a law of another state
that is substantially comparable to one of the following offenses:
aggravated murder; murder; aggravated arson; aggravated robbery;
aggravated burglary; voluntary manslaughter; felonious assault;
kidnapping; rape; sexual battery; gross sexual imposition; or

unlawful sexual conduct with a minor. A suspension under this 390
division is effective on the date of the conviction or guilty 391
plea. 392

For a suspension under this division, the board, in 393
accordance with section 119.07 of the Revised Code, shall issue a 394
written order of suspension to the license holder by certified 395
mail or in person and shall afford the person a hearing upon 396
request. If the person does not request a hearing within the time 397
limits established by that section, the board shall enter a final 398
order revoking the person's license. An order of suspension under 399
this division is not subject to suspension by a court during the 400
pendency of an appeal filed under section 119.12 of the Revised 401
Code. 402

An order of suspension under this division shall remain in 403
effect, unless reversed on appeal, until the final order of the 404
board, issued pursuant to this section and Chapter 119. of the 405
Revised Code, becomes effective. The board shall issue a final 406
order within sixty days of the date of an order of suspension 407
under this division or a hearing on an order of suspension, 408
whichever is later. If the board fails to issue a final order by 409
that deadline, the order of suspension is dissolved. No 410
dissolution of an order of suspension under this division shall 411
invalidate a subsequent final order of the board. 412

(G) No surrender of a license shall be effective until the 413
board takes action to accept the surrender unless the surrender is 414
pursuant to a consent agreement entered into under division (E) of 415
this section. 416

Sec. 3319.313. (A) As used in this section: 417

(1) "Conduct unbecoming to the teaching profession" shall be 418
as described in rules adopted by the state board of education. 419

(2) "License" has the same meaning as in section 3319.31 of 420
the Revised Code. 421

(B) The board of education of each school district, the 422
governing board of each educational service center, and the chief 423
administrator of each chartered nonpublic school shall promptly 424
submit to the superintendent of public instruction the information 425
prescribed in division (C) of this section when any of the 426
following conditions apply to an employee who holds a license 427
issued by the state board of education: 428

(1) The board of education, governing board, or chief 429
administrator knows that the employee has pleaded guilty to, has 430
been found guilty by a jury or court of, or has been convicted of 431
an offense described in divisions (B)(2)(a) to (f) of section 432
3319.31 or division (B)(1) of section 3319.39 of the Revised Code; 433

(2) The board of education, governing board, or chief 434
administrator has initiated termination or nonrenewal proceedings 435
against, has terminated, or has not renewed the contract of the 436
employee because the board of education, governing board, or chief 437
administrator has reasonably determined that the employee has 438
committed an act that is unbecoming to the teaching profession or 439
an offense described in divisions (B)(2)(a) to (f) of section 440
3319.31 or division (B)(1) of section 3319.39 of the Revised Code; 441

(3) The employee has resigned under threat of termination or 442
nonrenewal as described in division (B)(2) of this section; 443

(4) The employee has resigned because of or in the course of 444
an investigation by the board of education, governing board, or 445
chief administrator regarding whether the employee has committed 446
an act that is unbecoming to the teaching profession or an offense 447
described in divisions (B)(2)(a) to (f) of section 3319.31 or 448
division (B)(1) of section 3319.39 of the Revised Code. 449

(C) If a report is required under this section, the board of 450

education, governing board, or chief administrator shall submit to
the superintendent of public instruction the name and social
security number of the employee about whom the information is
required and a factual statement regarding any of the conditions
prescribed in divisions (B)(1) to (4) of this section that apply
to the employee.

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(D) A determination made by the board of education, governing
board, or chief administrator as described in division (B)(2) of
this section or a termination, nonrenewal, resignation, or other
separation described in divisions (B)(2) to (4) of this section
does not create a presumption of the commission or lack of the
commission by the employee of an act unbecoming to the teaching
profession or an offense described in divisions (B)(2)(a) to (f)
of section 3319.31 or division (B)(1) of section 3319.39 of the
Revised Code.

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Sec. 3319.314. The board of education of each school
district, the governing board of each educational service center,
and the chief administrator of each chartered nonpublic school
shall require that the reports of any investigation by the board
of education, governing board, or chief administrator of an
employee regarding whether the employee has committed an act or
offense for which the board of education, governing board, or
chief administrator is required to make a report to the
superintendent of public instruction under section 3319.313 of the
Revised Code be kept in the employee's personnel file. If, after
an investigation under division (A) of section 3319.311 of the
Revised Code, the superintendent of public instruction determines
that the results of that investigation do not warrant initiating
action under section 3319.31 of the Revised Code, the board of
education, governing board, or chief administrator may permit the
reports of the board's or chief administrator's investigation to

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be moved from the employee's personnel file to a separate public 482
file. 483

Sec. 5126.253. (A) As used in this section: 484

(1) "Conduct unbecoming to the teaching profession" shall be 485
as described in rules adopted by the state board of education. 486

(2) "License" has the same meaning as in section 3319.31 of 487
the Revised Code. 488

(B) Each county board of mental retardation and developmental 489
disabilities shall promptly submit to the superintendent of public 490
instruction the information prescribed in division (C) of this 491
section when any of the following conditions apply to an employee 492
who holds a license issued by the state board of education: 493

(1) The board knows that the employee has pleaded guilty to, 494
has been found guilty by a jury or court of, or has been convicted 495
of an offense described in divisions (B)(2)(a) to (f) of section 496
3319.31 or division (B)(1) of section 3319.39 of the Revised Code; 497

(2) The board has initiated termination or nonrenewal 498
proceedings against, has terminated, or has not renewed the 499
contract of the employee because the board has reasonably 500
determined that the employee has committed an act unbecoming to 501
the teaching profession or an offense described in divisions 502
(B)(2)(a) to (f) of section 3319.31 or division (B)(1) of section 503
3319.39 of the Revised Code; 504

(3) The employee has resigned under threat of termination or 505
nonrenewal as described in division (B)(2) of this section; 506

(4) The employee has resigned because of or in the course of 507
an investigation by the board regarding whether the employee has 508
committed an act unbecoming to the teaching profession or an 509
offense described in divisions (B)(2)(a) to (f) of section 3319.31 510

or division (B)(1) of section 3319.39 of the Revised Code.

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(C) If a report is required under this section, the board shall submit to the superintendent of public instruction the name and social security number of the employee about whom information is required and a factual statement regarding any of the conditions prescribed in divisions (B)(1) to (4) of this section that apply to the employee.

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(D) A determination made by the board as described in division (B)(2) of this section or a termination, nonrenewal, resignation, or other separation described in divisions (B)(2) to (4) of this section does not create a presumption of the commission or lack of the commission by the employee of an act unbecoming to the teaching profession or an offense described in divisions (B)(2)(a) to (f) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code.

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Sec. 5123.254. Each county board of mental retardation and developmental disabilities shall require that the reports of any investigation by the board of an employee regarding whether the employee has committed an act or offense for which the board is required to make a report to the superintendent of public instruction under section 5123.253 of the Revised Code be kept in the employee's personnel file. If, after an investigation under division (A) of section 3319.311 of the Revised Code, the superintendent of public instruction determines that the results of that investigation do not warrant initiating action under section 3319.31 of the Revised Code, the board may permit the reports of the board's investigation to be moved from the employee's personnel file to a separate public file.

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

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Notwithstanding any provision to the contrary in section 2151.421, 5153.17, or any other section of the Revised Code pertaining to confidentiality, a public children services agency shall promptly provide to the superintendent of public instruction any information the public children services agency determines to be relevant regarding the agency's investigation of a report of child abuse or neglect made pursuant to section 2151.421 of the Revised Code involving a person who holds a license issued by the state board of education where the agency has determined that evidence of child abuse or neglect exists including, but not limited to, both of the following:

(A) A summary of the chronology of abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the person is the subject and the final disposition of the investigations conducted in response to those reports, or if an investigation is not complete, the status of that investigation;

(B) Any underlying documentation concerning the reports described in division (A) of this section.

The information provided by the public children services agency shall pertain to the person's duties and responsibilities under the license.

The agency shall not include in the information provided to the superintendent the name of the person or entity that made or participated in making the report of abuse or neglect.

Section 2. That existing sections 3314.03, 3319.291, and 3319.311 of the Revised Code are hereby repealed.

Section 3. Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. The General Assembly, applying the principle stated in division

(B) of section 1.52 of the Revised Code that amendments are to be	571
harmonized if reasonably capable of simultaneous operation, finds	572
that the composite is the resulting version of the section in	573
effect prior to the effective date of the section as presented in	574
this act.	575