

# As Introduced

127th General Assembly  
Regular Session  
2007-2008

H. B. No. 428

Representative Setzer

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## A BILL

To amend sections 2953.33, 3313.31, 3314.03, 3319.01, 1  
3319.20, 3319.302, 3319.304, 3319.31, 3319.311, 2  
3319.313, 3319.314, 3319.52, 3326.11, 5126.253, 3  
and 5126.254 and to enact sections 109.66, 4  
3314.101, 3314.40, 3314.401, 3314.402, 3319.292, 5  
3319.316, 3319.40, 3326.081, 3326.24, 3326.241, 6  
and 3326.242 of the Revised Code regarding the 7  
reporting of and discipline for school employee 8  
misconduct. 9

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

**Section 1.** That sections 2953.33, 3313.31, 3314.03, 3319.01, 10  
3319.20, 3319.302, 3319.304, 3319.31, 3319.311, 3319.313, 11  
3319.314, 3319.52, 3326.11, 5126.253, and 5126.254 be amended and 12  
sections 109.66, 3314.101, 3314.40, 3314.401, 3314.402, 3319.292, 13  
3319.316, 3319.40, 3326.081, 3326.24, 3326.241, and 3326.242 of 14  
the Revised Code be enacted to read as follows: 15

**Sec. 109.66.** Upon application from any person employed by the 16  
department of education in the office of professional conduct, the 17  
attorney general shall grant that person access to the Ohio law 18  
enforcement gateway for the purpose of investigations conducted 19  
under section 3319.311 of the Revised Code regarding persons 20

licensed by the state board of education.

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**Sec. 2953.33.** (A) Except as provided in division (G) of  
section 2953.32 of the Revised Code, an order to seal the record  
of a person's conviction restores the person who is the subject of  
the order to all rights and privileges not otherwise restored by  
termination of the sentence or community control sanction or by  
final release on parole or post-release control.

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(B) In any application for employment, license, or other  
right or privilege, any appearance as a witness, or any other  
inquiry, except as provided in division (E) of section 2953.32 and  
in section 3319.292 of the Revised Code, a person may be  
questioned only with respect to convictions not sealed, bail  
forfeitures not expunged under section 2953.42 of the Revised Code  
as it existed prior to June 29, 1988, and bail forfeitures not  
sealed, unless the question bears a direct and substantial  
relationship to the position for which the person is being  
considered.

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**Sec. 3313.31.** (A) All the duties and obligations of the  
county auditor, county treasurer, or other officer or person  
relating to the moneys of a school district shall be complied with  
by dealing with the treasurer of the board of education thereof.

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The treasurer shall be the chief fiscal officer of the school  
district, shall be responsible for the financial affairs of the  
district, and shall report to and is subject to the direction of  
the district board of education. Except as otherwise required by  
law, no treasurer shall be required to verify the accuracy of  
nonfinancial information or data of the school district.

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(B) Notwithstanding any provision of the Revised Code to the  
contrary, but subject to section 3319.40 of the Revised Code, in  
all school districts and educational service centers, the

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treasurer shall direct and assign employees directly engaged in 51  
the day-to-day fiscal operations of the district or service 52  
center, as those employees are so designated by the board of the 53  
district or service center. 54

**Sec. 3314.03.** A copy of every contract entered into under 55  
this section shall be filed with the superintendent of public 56  
instruction. 57

(A) Each contract entered into between a sponsor and the 58  
governing authority of a community school shall specify the 59  
following: 60

(1) That the school shall be established as either of the 61  
following: 62

(a) A nonprofit corporation established under Chapter 1702. 63  
of the Revised Code, if established prior to April 8, 2003; 64

(b) A public benefit corporation established under Chapter 65  
1702. of the Revised Code, if established after April 8, 2003; 66

(2) The education program of the school, including the 67  
school's mission, the characteristics of the students the school 68  
is expected to attract, the ages and grades of students, and the 69  
focus of the curriculum; 70

(3) The academic goals to be achieved and the method of 71  
measurement that will be used to determine progress toward those 72  
goals, which shall include the statewide achievement tests; 73

(4) Performance standards by which the success of the school 74  
will be evaluated by the sponsor; 75

(5) The admission standards of section 3314.06 of the Revised 76  
Code and, if applicable, section 3314.061 of the Revised Code; 77

(6)(a) Dismissal procedures; 78

(b) A requirement that the governing authority adopt an 79

attendance policy that includes a procedure for automatically 80  
withdrawing a student from the school if the student without a 81  
legitimate excuse fails to participate in one hundred five 82  
consecutive hours of the learning opportunities offered to the 83  
student. 84

(7) The ways by which the school will achieve racial and 85  
ethnic balance reflective of the community it serves; 86

(8) Requirements for financial audits by the auditor of 87  
state. The contract shall require financial records of the school 88  
to be maintained in the same manner as are financial records of 89  
school districts, pursuant to rules of the auditor of state, and 90  
the audits shall be conducted in accordance with section 117.10 of 91  
the Revised Code. 92

(9) The facilities to be used and their locations; 93

(10) Qualifications of teachers, including a requirement that 94  
the school's classroom teachers be licensed in accordance with 95  
sections 3319.22 to 3319.31 of the Revised Code, except that a 96  
community school may engage noncertificated persons to teach up to 97  
twelve hours per week pursuant to section 3319.301 of the Revised 98  
Code; 99

(11) That the school will comply with the following 100  
requirements: 101

(a) The school will provide learning opportunities to a 102  
minimum of twenty-five students for a minimum of nine hundred 103  
twenty hours per school year~~+~~. 104

(b) The governing authority will purchase liability 105  
insurance, or otherwise provide for the potential liability of the 106  
school~~+~~. 107

(c) The school will be nonsectarian in its programs, 108  
admission policies, employment practices, and all other 109

operations, and will not be operated by a sectarian school or 110  
religious institution~~+~~. 111

(d) The school will comply with sections 9.90, 9.91, 109.65, 112  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 113  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 114  
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 115  
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 116  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 117  
3313.96, 3319.073, ~~3319.313, 3319.314, 3319.315~~, 3319.321, 118  
3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 119  
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 120  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 121  
and 4167. of the Revised Code as if it were a school district and 122  
will comply with section 3301.0714 of the Revised Code in the 123  
manner specified in section 3314.17 of the Revised Code~~+~~. 124

(e) The school shall comply with Chapter 102. and section 125  
2921.42 of the Revised Code~~+~~. 126

(f) The school will comply with sections 3313.61, 3313.611, 127  
and 3313.614 of the Revised Code, except that for students who 128  
enter ninth grade for the first time before July 1, 2010, the 129  
requirement in sections 3313.61 and 3313.611 of the Revised Code 130  
that a person must successfully complete the curriculum in any 131  
high school prior to receiving a high school diploma may be met by 132  
completing the curriculum adopted by the governing authority of 133  
the community school rather than the curriculum specified in Title 134  
XXXIII of the Revised Code or any rules of the state board of 135  
education. Beginning with students who enter ninth grade for the 136  
first time on or after July 1, 2010, the requirement in sections 137  
3313.61 and 3313.611 of the Revised Code that a person must 138  
successfully complete the curriculum of a high school prior to 139  
receiving a high school diploma shall be met by completing the 140  
Ohio core curriculum prescribed in division (C) of section 141

3313.603 of the Revised Code, unless the person qualifies under 142  
division (D) or (F) of that section. Each school shall comply with 143  
the plan for awarding high school credit based on demonstration of 144  
subject area competency, adopted by the state board of education 145  
under division (J) of section 3313.603 of the Revised Code. 146

(g) The school governing authority will submit within four 147  
months after the end of each school year a report of its 148  
activities and progress in meeting the goals and standards of 149  
divisions (A)(3) and (4) of this section and its financial status 150  
to the sponsor and the parents of all students enrolled in the 151  
school. 152

(h) The school, unless it is an internet- or computer-based 153  
community school, will comply with section 3313.801 of the Revised 154  
Code as if it were a school district. 155

(12) Arrangements for providing health and other benefits to 156  
employees; 157

(13) The length of the contract, which shall begin at the 158  
beginning of an academic year. No contract shall exceed five years 159  
unless such contract has been renewed pursuant to division (E) of 160  
this section. 161

(14) The governing authority of the school, which shall be 162  
responsible for carrying out the provisions of the contract; 163

(15) A financial plan detailing an estimated school budget 164  
for each year of the period of the contract and specifying the 165  
total estimated per pupil expenditure amount for each such year. 166  
The plan shall specify for each year the base formula amount that 167  
will be used for purposes of funding calculations under section 168  
3314.08 of the Revised Code. This base formula amount for any year 169  
shall not exceed the formula amount defined under section 3317.02 170  
of the Revised Code. The plan may also specify for any year a 171  
percentage figure to be used for reducing the per pupil amount of 172

the subsidy calculated pursuant to section 3317.029 of the Revised 173  
Code the school is to receive that year under section 3314.08 of 174  
the Revised Code. 175

(16) Requirements and procedures regarding the disposition of 176  
employees of the school in the event the contract is terminated or 177  
not renewed pursuant to section 3314.07 of the Revised Code; 178

(17) Whether the school is to be created by converting all or 179  
part of an existing public school or is to be a new start-up 180  
school, and if it is a converted public school, specification of 181  
any duties or responsibilities of an employer that the board of 182  
education that operated the school before conversion is delegating 183  
to the governing board of the community school with respect to all 184  
or any specified group of employees provided the delegation is not 185  
prohibited by a collective bargaining agreement applicable to such 186  
employees; 187

(18) Provisions establishing procedures for resolving 188  
disputes or differences of opinion between the sponsor and the 189  
governing authority of the community school; 190

(19) A provision requiring the governing authority to adopt a 191  
policy regarding the admission of students who reside outside the 192  
district in which the school is located. That policy shall comply 193  
with the admissions procedures specified in sections 3314.06 and 194  
3314.061 of the Revised Code and, at the sole discretion of the 195  
authority, shall do one of the following: 196

(a) Prohibit the enrollment of students who reside outside 197  
the district in which the school is located; 198

(b) Permit the enrollment of students who reside in districts 199  
adjacent to the district in which the school is located; 200

(c) Permit the enrollment of students who reside in any other 201  
district in the state. 202

(20) A provision recognizing the authority of the department 203  
of education to take over the sponsorship of the school in 204  
accordance with the provisions of division (C) of section 3314.015 205  
of the Revised Code; 206

(21) A provision recognizing the sponsor's authority to 207  
assume the operation of a school under the conditions specified in 208  
division (B) of section 3314.073 of the Revised Code; 209

(22) A provision recognizing both of the following: 210

(a) The authority of public health and safety officials to 211  
inspect the facilities of the school and to order the facilities 212  
closed if those officials find that the facilities are not in 213  
compliance with health and safety laws and regulations; 214

(b) The authority of the department of education as the 215  
community school oversight body to suspend the operation of the 216  
school under section 3314.072 of the Revised Code if the 217  
department has evidence of conditions or violations of law at the 218  
school that pose an imminent danger to the health and safety of 219  
the school's students and employees and the sponsor refuses to 220  
take such action; 221

(23) A description of the learning opportunities that will be 222  
offered to students including both classroom-based and 223  
non-classroom-based learning opportunities that is in compliance 224  
with criteria for student participation established by the 225  
department under division (L)(2) of section 3314.08 of the Revised 226  
Code; 227

(24) The school will comply with section 3302.04 of the 228  
Revised Code, including division (E) of that section to the extent 229  
possible, except that any action required to be taken by a school 230  
district pursuant to that section shall be taken by the sponsor of 231  
the school. However, the sponsor shall not be required to take any 232  
action described in division (F) of that section. 233



(25) Beginning in the 2006-2007 school year, the school will 234  
open for operation not later than the thirtieth day of September 235  
each school year, unless the mission of the school as specified 236  
under division (A)(2) of this section is solely to serve dropouts. 237  
In its initial year of operation, if the school fails to open by 238  
the thirtieth day of September, or within one year after the 239  
adoption of the contract pursuant to division (D) of section 240  
3314.02 of the Revised Code if the mission of the school is solely 241  
to serve dropouts, the contract shall be void. 242

(B) The community school shall also submit to the sponsor a 243  
comprehensive plan for the school. The plan shall specify the 244  
following: 245

(1) The process by which the governing authority of the 246  
school will be selected in the future; 247

(2) The management and administration of the school; 248

(3) If the community school is a currently existing public 249  
school, alternative arrangements for current public school 250  
students who choose not to attend the school and teachers who 251  
choose not to teach in the school after conversion; 252

(4) The instructional program and educational philosophy of 253  
the school; 254

(5) Internal financial controls. 255

(C) A contract entered into under section 3314.02 of the 256  
Revised Code between a sponsor and the governing authority of a 257  
community school may provide for the community school governing 258  
authority to make payments to the sponsor, which is hereby 259  
authorized to receive such payments as set forth in the contract 260  
between the governing authority and the sponsor. The total amount 261  
of such payments for oversight and monitoring of the school shall 262  
not exceed three per cent of the total amount of payments for 263  
operating expenses that the school receives from the state. 264

(D) The contract shall specify the duties of the sponsor 265  
which shall be in accordance with the written agreement entered 266  
into with the department of education under division (B) of 267  
section 3314.015 of the Revised Code and shall include the 268  
following: 269

(1) Monitor the community school's compliance with all laws 270  
applicable to the school and with the terms of the contract; 271

(2) Monitor and evaluate the academic and fiscal performance 272  
and the organization and operation of the community school on at 273  
least an annual basis; 274

(3) Report on an annual basis the results of the evaluation 275  
conducted under division (D)(2) of this section to the department 276  
of education and to the parents of students enrolled in the 277  
community school; 278

(4) Provide technical assistance to the community school in 279  
complying with laws applicable to the school and terms of the 280  
contract; 281

(5) Take steps to intervene in the school's operation to 282  
correct problems in the school's overall performance, declare the 283  
school to be on probationary status pursuant to section 3314.073 284  
of the Revised Code, suspend the operation of the school pursuant 285  
to section 3314.072 of the Revised Code, or terminate the contract 286  
of the school pursuant to section 3314.07 of the Revised Code as 287  
determined necessary by the sponsor; 288

(6) Have in place a plan of action to be undertaken in the 289  
event the community school experiences financial difficulties or 290  
closes prior to the end of a school year. 291

(E) Upon the expiration of a contract entered into under this 292  
section, the sponsor of a community school may, with the approval 293  
of the governing authority of the school, renew that contract for 294  
a period of time determined by the sponsor, but not ending earlier 295

than the end of any school year, if the sponsor finds that the  
school's compliance with applicable laws and terms of the contract  
and the school's progress in meeting the academic goals prescribed  
in the contract have been satisfactory. Any contract that is  
renewed under this division remains subject to the provisions of  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within  
one year after the contract entered into under this section is  
adopted pursuant to division (D) of section 3314.02 of the Revised  
Code or permanently closes prior to the expiration of the  
contract, the contract shall be void and the school shall not  
enter into a contract with any other sponsor. A school shall not  
be considered permanently closed because the operations of the  
school have been suspended pursuant to section 3314.072 of the  
Revised Code. Any contract that becomes void under this division  
shall not count toward any statewide limit on the number of such  
contracts prescribed by section 3314.013 of the Revised Code.

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

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

or division (B)(1) of section 3319.39 of the Revised Code is the 327  
chief administrator of the community school, the governing 328  
authority of the school shall suspend the chief administrator from 329  
all duties that require the care, custody, or control of a child. 330

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(C) When a person who holds a license is suspended in 332  
accordance with this section, the chief administrator or governing 333  
authority that imposed the suspension promptly shall report the 334  
person's suspension to the department of education. The report 335  
shall include the offense for which the person was arrested, 336  
summoned, or indicted. 337

**Sec. 3314.40. (A) As used in this section:** 338

(1) "Conduct unbecoming to the teaching profession" shall be 339  
as described in rules adopted by the state board of education. 340

(2) "Intervention in lieu of conviction" means intervention 341  
in lieu of conviction under section 2951.041 of the Revised Code. 342

(3) "License" has the same meaning as in section 3319.31 of 343  
the Revised Code. 344

(4) "Pre-trial diversion program" means a pre-trial diversion 345  
program under section 2935.36 of the Revised Code or a similar 346  
diversion program under rules of a court. 347

(B) The chief administrator of each community school, or the 348  
president or chairperson of the governing authority of each 349  
community school if division (C) of this section applies, shall 350  
promptly submit to the superintendent of public instruction the 351  
information prescribed in division (D) of this section when any of 352  
the following conditions applies to an employee of the school, or 353  
an employee of an operator working in the school, who holds a 354  
license issued by the state board of education: 355

(1) The chief administrator, or president or chairperson, 356

knows that the employee has pleaded guilty to, has been found 357  
guilty by a jury or court of, has been convicted of, has been 358  
found to be eligible for intervention in lieu of conviction for, 359  
or has agreed to participate in a pre-trial diversion program for 360  
an offense described in division (B)(2) or (C) of section 3319.31 361  
or division (B)(1) of section 3319.39 of the Revised Code. 362

(2) The governing authority of the school, or the operator, 363  
has initiated termination or nonrenewal proceedings against, has 364  
terminated, or has not renewed the contract of the employee 365  
because the governing authority or operator has reasonably 366  
determined that the employee has committed an act that is 367  
unbecoming to the teaching profession or an offense described in 368  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 369  
section 3319.39 of the Revised Code. 370

(3) The employee has resigned under threat of termination or 371  
nonrenewal as described in division (B)(2) of this section. 372

(4) The employee has resigned because of or in the course of 373  
an investigation by the governing authority or operator regarding 374  
whether the employee has committed an act that is unbecoming to 375  
the teaching profession or an offense described in division (B)(2) 376  
or (C) of section 3319.31 or division (B)(1) of section 3319.39 of 377  
the Revised Code. 378

(C) If the employee to whom any of the conditions prescribed 379  
in divisions (B)(1) to (4) of this section applies is the chief 380  
administrator of the community school, the president or 381  
chairperson of the governing authority of the school shall make 382  
the report required under this section. 383

(D) If a report is required under this section, the chief 384  
administrator, or president or chairperson, shall submit to the 385  
superintendent of public instruction the name and social security 386  
number of the employee about whom the information is required and 387

a factual statement regarding any of the conditions prescribed in 388  
divisions (B)(1) to (4) of this section that apply to the 389  
employee. 390

(E) A determination made by the governing authority or 391  
operator as described in division (B)(2) of this section or a 392  
termination, nonrenewal, resignation, or other separation 393  
described in divisions (B)(2) to (4) of this section does not 394  
create a presumption of the commission or lack of the commission 395  
by the employee of an act unbecoming to the teaching profession or 396  
an offense described in division (B)(2) or (C) of section 3319.31 397  
or division (B)(1) of section 3319.39 of the Revised Code. 398

(F) An individual who provides information to the 399  
superintendent of public instruction in accordance with this 400  
section in good faith shall be immune from any civil liability 401  
that otherwise might be incurred or imposed for injury, death, or 402  
loss to person or property as a result of the provision of that 403  
information. 404

**Sec. 3314.401.** The governing authority of each community 405  
school shall require that the reports of any investigation by the 406  
governing authority of the school or by an operator of an employee 407  
who works in the school, regarding whether the employee has 408  
committed an act or offense for which the chief administrator of 409  
the community school or the president or chairperson of the 410  
governing authority is required to make a report to the 411  
superintendent of public instruction under section 3314.40 of the 412  
Revised Code, be kept in the employee's personnel file. If, after 413  
an investigation under division (A) of section 3319.311 of the 414  
Revised Code, the superintendent of public instruction determines 415  
that the results of that investigation do not warrant initiating 416  
action under section 3319.31 of the Revised Code, the governing 417  
authority shall require the reports of the governing authority's 418

or operator's investigation to be moved from the employee's 419  
personnel file to a separate public file. 420

**Sec. 3314.402.** Notwithstanding any provision to the contrary 421  
in Chapter 4117. of the Revised Code, the provisions of sections 422  
3314.40 and 3314.401 of the Revised Code prevail over any 423  
conflicting provisions of a collective bargaining agreement or 424  
contract for employment entered into after March 30, 2007. 425

**Sec. 3319.01.** Except in an island school district, where the 426  
superintendent of an educational service center otherwise may 427  
serve as superintendent of the district and except as otherwise 428  
provided for any cooperative education school district pursuant to 429  
division (B)(2) of section 3311.52 or division (B)(3) of section 430  
3311.521 of the Revised Code, the board of education in each 431  
school district and the governing board of each service center 432  
shall, at a regular or special meeting held not later than the 433  
first day of May of the calendar year in which the term of the 434  
superintendent expires, appoint a person possessed of the 435  
qualifications provided in this section to act as superintendent, 436  
for a term not longer than five years beginning the first day of 437  
August and ending on the thirty-first day of July. Such 438  
superintendent is, at the expiration of a current term of 439  
employment, deemed reemployed for a term of one year at the same 440  
salary plus any increments that may be authorized by the board, 441  
unless such board, on or before the first day of March of the year 442  
in which the contract of employment expires, either reemploys the 443  
superintendent for a succeeding term as provided in this section 444  
or gives to the superintendent written notice of its intention not 445  
to reemploy the superintendent. A superintendent may not be 446  
transferred to any other position during the term of the 447  
superintendent's employment or reemployment except by mutual 448

agreement by the superintendent and the board. If a vacancy occurs 449  
in the office of superintendent, the board shall appoint a 450  
superintendent for a term not to exceed five years from the next 451  
preceding first day of August. 452

A board may at any regular or special meeting held during the 453  
period beginning on the first day of January of the calendar year 454  
immediately preceding the year the contract of employment of a 455  
superintendent expires and ending on the first day of March of the 456  
year it expires, reemploy such superintendent for a succeeding 457  
term for not longer than five years, beginning on the first day of 458  
August immediately following the expiration of the 459  
superintendent's current term of employment and ending on the 460  
thirty-first day of July of the year in which such succeeding term 461  
expires. No person shall be appointed to the office of 462  
superintendent of a city, or exempted village school district or a 463  
service center who does not hold a license designated for being a 464  
superintendent issued under section 3319.22 of the Revised Code, 465  
unless such person had been employed as a county, city, or 466  
exempted village superintendent prior to August 1, 1939. No person 467  
shall be appointed to the office of local superintendent who does 468  
not hold a license designated for being a superintendent issued 469  
under section 3319.22 of the Revised Code, unless such person held 470  
or was qualified to hold the position of executive head of a local 471  
school district on September 16, 1957. At the time of making such 472  
appointment or designation of term, such board shall fix the 473  
compensation of the superintendent, which may be increased or 474  
decreased during such term, provided such decrease is a part of a 475  
uniform plan affecting salaries of all employees of the district, 476  
and shall execute a written contract of employment with such 477  
superintendent. 478

Each board shall adopt procedures for the evaluation of its 479  
superintendent and shall evaluate its superintendent in accordance 480



with those procedures. An evaluation based upon such procedures 481  
shall be considered by the board in deciding whether to renew the 482  
superintendent's contract. The establishment of an evaluation 483  
procedure shall not create an expectancy of continued employment. 484  
Nothing in this section shall prevent a board from making the 485  
final determination regarding the renewal or failure to renew of a 486  
superintendent's contract. 487

Termination of a superintendent's contract shall be pursuant 488  
to section 3319.16 of the Revised Code. 489

A board may establish vacation leave for its superintendent. 490  
Upon the superintendent's separation from employment a board that 491  
has such leave may provide compensation at the superintendent's 492  
current rate of pay for all lawfully accrued and unused vacation 493  
leave to the superintendent's credit at the time of separation, 494  
not to exceed the amount accrued within three years before the 495  
date of separation. In case of the death of a superintendent, such 496  
unused vacation leave as the board would have paid to this 497  
superintendent upon separation shall be paid in accordance with 498  
section 2113.04 of the Revised Code, or to the superintendent's 499  
estate. 500

Notwithstanding section 9.481 of the Revised Code, the board 501  
of a city, local, exempted village, or joint vocational school 502  
district may require its superintendent, as a condition of 503  
employment, to reside within the boundaries of the district. 504

The superintendent shall be the executive officer for the 505  
board. ~~The~~ Subject to section 3319.40 of the Revised Code, the 506  
superintendent shall direct and assign teachers and other 507  
employees of the district or service center, except as provided in 508  
division (B) of section 3313.31 and section 3319.04 of the Revised 509  
Code~~+~~. The superintendent shall assign the pupils to the proper 510  
schools and grades, provided that the assignment of a pupil to a 511  
school outside of the pupil's district of residence is approved by 512

the board of the district of residence of such pupil; ~~and. The~~ 513  
superintendent shall perform such other duties as the board 514  
determines. 515

The board of education of any school district may contract 516  
with the governing board of the educational service center from 517  
which it otherwise receives services to conduct searches and 518  
recruitment of candidates for the superintendent position 519  
authorized under this section. 520

**Sec. 3319.20. (A)** Whenever an employee of a board of 521  
education, other than an employee who is a license holder to whom 522  
section 3319.52 of the Revised Code applies, is convicted of or 523  
pleads guilty to a felony, a violation of section 2907.04 or 524  
2907.06 or of division (A) or (B) of section 2907.07 of the 525  
Revised Code, an offense of violence, theft offense, or drug abuse 526  
offense that is not a minor misdemeanor, or a violation of an 527  
ordinance of a municipal corporation that is substantively 528  
comparable to a felony or to a violation or offense of that 529  
nature, or if the employee has been found to be eligible for 530  
intervention in lieu of conviction or has agreed to participate in 531  
a pre-trial diversion program for one of those offenses, the 532  
prosecutor in the case, on forms prescribed and furnished by the 533  
state board of education, shall notify the employing board of 534  
education of the employee's name and residence address, the fact 535  
that the employee was convicted of ~~or~~, pleaded guilty to, has been 536  
found eligible for intervention in lieu of conviction for, or has 537  
agreed to a diversion program for the specified offense, the 538  
section of the Revised Code or the municipal ordinance violated, 539  
and the sentence imposed by the court. 540

The (B) In the case of a conviction or guilty plea, the 541  
prosecutor shall give the notification required by this section no 542  
earlier than the fifth day following the expiration of the period 543

within which the employee may file a notice of appeal from the  
judgment of the trial court under Appellate Rule 4(B) and no later  
than the eighth day following the expiration of that period. The  
notification also shall indicate whether the employee appealed the  
conviction, and, if applicable, the court in which the appeal will  
be heard. If the employee is permitted, by leave of court pursuant  
to Appellate Rule 5, to appeal the judgment of the trial court  
subsequent to the expiration of the period for filing a notice of  
appeal under Appellate Rule 4(B), the prosecutor promptly shall  
notify the employing board of education of the appeal and the  
court in which the appeal will be heard.

(C) In the case of a finding of eligibility for intervention  
in lieu of conviction or an agreement to participate in a  
pre-trial diversion program, the prosecutor shall give the  
notification required by this section by a deadline prescribed by  
the state board.

(D) As used in this section, ~~"theft offense" has the same~~  
~~meaning as in section 2913.01 of the Revised Code, "drug:~~

(1) "Drug abuse offense" has the same meaning as in section  
2925.01 of the Revised Code, and ~~"prosecutor".~~

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

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

(4) "Prosecutor" has the same meaning as in section 2935.01  
of the Revised Code.

(5) "Theft offense" has the same meaning as in section  
2913.01 of the Revised Code.

Sec. 3319.292. As used in this section, "license" has the

same meaning as in section 3319.31 of the Revised Code. 574

The state board of education and the department of education 575  
may question an applicant for issuance or renewal of any license 576  
with respect to any criminal offense committed or alleged to have 577  
been committed by the applicant. If the record of a conviction, 578  
plea of guilty, bail forfeiture, or other disposition of a 579  
criminal offense committed or alleged to have been committed by 580  
the applicant has been sealed or expunged, the state board and the 581  
department need not assert or demonstrate that its questioning 582  
with respect to the offense bears a direct and substantial 583  
relationship to the issuance or renewal of the license or to the 584  
position in which the applicant will work under the license. 585

**Sec. 3319.302.** It is the intent of the general assembly that 586  
the state board of education shall administer this section without 587  
adopting any rules for its implementation. 588

Unless the provisions of division (B) ~~or~~, (C), ~~or~~ (F) of 589  
section 3319.31 of the Revised Code apply to an applicant, the 590  
state board of education shall issue a one-year conditional 591  
teaching permit for teaching in grades seven to twelve to any 592  
applicant who meets the following conditions: 593

(A) Holds a bachelor's degree; 594

(B) Has successfully completed a basic skills test as 595  
prescribed by the state board; 596

(C) Has completed either as part of the applicant's degree 597  
program or separate from it the equivalent of at least fifteen 598  
semester hours of coursework in the teaching area or subject area 599  
in which licensure under this section is sought; 600

(D) Has completed the equivalent of a total of six semester 601  
hours of additional coursework within the past five years with a 602  
grade point average of at least 2.5 out of 4.0, or its equivalent, 603

in the areas of the teaching or subject area described in division 604  
(C) of this section, characteristics of student learning, 605  
diversity of learners, planning for instruction, instruction 606  
strategies, learning environments, communication, assessment, or 607  
student support and that coursework has been approved by the 608  
school district, community school, chartered nonpublic school, or 609  
nonprofit or for-profit entity operating an alternative school 610  
under section 3313.533 of the Revised Code that will employ the 611  
applicant. The coursework may have been completed through classes 612  
developed and offered by regional professional development 613  
providers, such as special education regional resource centers, 614  
regional professional development centers, educational service 615  
centers, local educational agencies, professional organizations, 616  
and institutions of higher education, provided the coursework is 617  
taken for credit in collaboration with a college or university 618  
that has a teacher education program approved by the state board. 619

(E) The applicant has entered into a written agreement with 620  
the school district; community school; chartered nonpublic school; 621  
or nonprofit or for profit entity operating an alternative school 622  
under section 3313.533 of the Revised Code that will employ the 623  
applicant and the department of education under which the 624  
district, school, or entity will provide for the applicant a 625  
structured mentoring program in the areas listed in division (D) 626  
of this section that is aligned with the performance expectations 627  
prescribed by state board rule for entry-year teachers. 628

(F) The applicant agrees to complete while employed under the 629  
one-year teaching permit the equivalent of an additional three 630  
semester hours of coursework in the teaching area or subject area 631  
in which the individual is teaching and for which the individual 632  
will seek an alternative educator license pursuant to division (G) 633  
of this section. The individual's mentor prescribed in division 634  
(E) of this section shall assist the individual in selecting 635

coursework to satisfy the requirement prescribed in this division. 636  
The coursework may be completed through classes offered by 637  
regional professional development providers, such as special 638  
education regional resource centers, regional professional 639  
development centers, educational service centers, local 640  
educational agencies, professional organizations, and institutions 641  
of higher education, if the coursework is taken for credit in 642  
collaboration with a college or university that has a teacher 643  
education program approved by the state board. 644

(G) The applicant agrees to seek at the conclusion of the 645  
year in which the individual is employed under the one-year 646  
teaching permit issued under this section an alternative educator 647  
license issued under section 3319.26 of the Revised Code in the 648  
teaching area or subject area in which the individual has been 649  
teaching and plans to continue to teach. The applicant shall not 650  
be reemployed by the school district; community school; chartered 651  
nonpublic school; or nonprofit or for profit entity operating an 652  
alternative school under section 3313.533 of the Revised Code or 653  
be employed by another such district, school, or entity unless 654  
that alternative educator license is issued to the applicant prior 655  
to the beginning of the next school year. 656

(H) The applicant pays the fee established under section 657  
3319.51 of the Revised Code. 658

**Sec. 3319.304.** Unless the provisions of division (B) ~~or~~ (C) 659  
or (F) of section 3319.31 of the Revised Code apply to an 660  
applicant, the state board of education shall issue a one-year 661  
conditional teaching permit in the area of intervention 662  
specialist, as defined by rule of the state board, to any 663  
applicant who meets the following conditions: 664

(A) Holds a bachelor's degree; 665

(B) Has successfully completed a basic skills test as 666

prescribed by the state board; 667

(C) Has completed either as part of the applicant's degree 668  
program or separate from it the equivalent of at least fifteen 669  
semester hours of coursework in the principles and practices of 670  
teaching exceptional children, including such topics as child and 671  
adolescent development, diagnosis and assessment of children with 672  
disabilities, curriculum design and instruction, applied 673  
behavioral analysis, and how to best teach students from 674  
culturally diverse backgrounds with different learning styles; 675

(D) The applicant has entered into a written agreement with 676  
the department of education and the school district, community 677  
school, or nonprofit or for profit entity operating an alternative 678  
school under section 3313.533 of the Revised Code that will employ 679  
the applicant under which the district, school, or entity will 680  
provide for the applicant a structured mentoring program in the 681  
teaching of exceptional children that is aligned with the 682  
performance expectations prescribed by state board rule for 683  
entry-year teachers. 684

(E) The applicant agrees to complete while employed under the 685  
one-year teaching permit the equivalent of an additional three 686  
semester hours of coursework in the content and methods of 687  
teaching reading. The coursework may be completed through classes 688  
offered by regional professional development providers, such as 689  
special education regional resource centers, regional professional 690  
development centers, educational service centers, local 691  
educational agencies, professional organizations, and institutions 692  
of higher education, if the coursework is taken for credit in 693  
collaboration with a college or university that has a teacher 694  
education program approved by the state board. 695

(F) The applicant agrees to seek at the conclusion of the 696  
year in which the individual is employed under the one-year 697  
teaching permit issued under this section an alternative educator 698

license issued under section 3319.26 of the Revised Code in the 699  
area of intervention specialist. The applicant shall not be 700  
reemployed by the school district, community school, or nonprofit 701  
or for profit entity operating an alternative school under section 702  
3313.533 of the Revised Code or be employed by another such 703  
district, school, or entity unless that alternative educator 704  
license is issued to the applicant prior to the beginning of the 705  
next school year. 706

(G) The applicant pays the fee established under section 707  
3319.51 of the Revised Code. 708

**Sec. 3319.31.** (A) As used in this section and sections 709  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 710  
means a certificate, license, or permit described in this chapter 711  
or in division (B) of section 3301.071 or in section 3301.074 of 712  
the Revised Code. 713

(B) For any of the following reasons, the state board of 714  
education, in accordance with Chapter 119. and section 3319.311 of 715  
the Revised Code, may refuse to issue a license to an applicant; 716  
may limit a license it issues to an applicant; may suspend, 717  
revoke, or limit a license that has been issued to any person; or 718  
may revoke a license that has been issued to any person and has 719  
expired: 720

(1) Engaging in an immoral act, incompetence, negligence, or 721  
conduct that is unbecoming to the applicant's or person's 722  
position; 723

(2) A plea of guilty to, a finding of guilt by a jury or 724  
court of, or a conviction of any of the following: 725

(a) A felony other than a felony listed in division (C) of 726  
this section; 727

(b) ~~A violation of section 2907.04 or 2907.06 or division (A)~~ 728



or ~~(B)~~ of section 2907.07 of the Revised Code; 729

~~(e)~~ An offense of violence other than an offense of violence 730  
listed in division (C) of this section; 731

~~(d)~~(c) A theft offense, as defined in section 2913.01 of the 732  
Revised Code, other than a theft offense listed in division (C) of 733  
this section; 734

~~(e)~~(d) A drug abuse offense, as defined in section 2925.01 of 735  
the Revised Code, that is not a minor misdemeanor, other than a 736  
drug abuse offense listed in division (C) of this section; 737

~~(f)~~(e) A violation of an ordinance of a municipal corporation 738  
that is substantively comparable to an offense listed in divisions 739  
(B)(2)(a) to ~~(e)~~(d) of this section. 740

(3) A judicial finding of eligibility for intervention in 741  
lieu of conviction under section 2951.041 of the Revised Code, or 742  
agreeing to participate in a pre-trial diversion program under 743  
section 2935.36 of the Revised Code, or a similar diversion 744  
program under rules of a court, for any offense listed in division 745  
(B)(2) or (C) of this section. 746

(C) Upon learning of a plea of guilty to, a finding of guilt 747  
by a jury or court of, or a conviction of any of the offenses 748  
listed in this division by a person who holds a current or expired 749  
license or is an applicant for a license or renewal of a license, 750  
the state board or the superintendent of public instruction, if 751  
the state board has delegated the duty pursuant to division (D) of 752  
this section, shall by a written order revoke the person's license 753  
or deny issuance or renewal of the license to the person. The 754  
state board or the superintendent shall revoke a license that has 755  
been issued to a person to whom this division applies and has 756  
expired in the same manner as a license that has not expired. 757  
758

Revocation of a license or denial of issuance or renewal of a 759

license under this division is effective immediately at the time 760  
and date that the board or superintendent issues the written order 761  
and is not subject to appeal in accordance with Chapter 119. of 762  
the Revised Code. Revocation of a license or denial of issuance or 763  
renewal of license under this division remains in force during the 764  
pendency of an appeal by the person of the plea of guilty, finding 765  
of guilt, or conviction that is the basis of the action taken 766  
under this division. 767

The state board or superintendent shall take the action 768  
required by this division for a violation of division (B)(1), (2), 769  
(3), or (4) of section 2919.22 of the Revised Code; a violation of 770  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 771  
2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 772  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 773  
2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 774  
2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 775  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 776  
2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 777  
2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 778  
2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 779  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 780  
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 781  
of the Revised Code; a violation of section 2905.04 of the Revised 782  
Code as it existed prior to July 1, 1996; a violation of section 783  
2919.23 of the Revised Code that would have been a violation of 784  
section 2905.04 of the Revised Code as it existed prior to July 1, 785  
1996, had the violation been committed prior to that date; a 786  
violation of section 2925.11 of the Revised Code that is not a 787  
minor drug possession offense; felonious sexual penetration in 788  
violation of former section 2907.12 of the Revised Code; or a 789  
violation of an ordinance of a municipal corporation that is 790  
substantively comparable to an offense listed in this paragraph. 791

(D) The state board may delegate to the superintendent of 792  
public instruction the authority to revoke a person's license or 793  
to deny issuance or renewal of a license to a person under 794  
division (C) or (F) of this section. 795

(E)(1) If the plea of guilty, finding of guilt, or conviction 796  
that is the basis of the action taken under division (B)(2) or (C) 797  
of this section, or under the version of division (F) of section 798  
3319.311 of the Revised Code in effect prior to the effective date 799  
of this amendment, is overturned on appeal, upon exhaustion of the 800  
criminal appeal, the person whose license was revoked or denied 801  
under either division may file with the state board a petition for 802  
reconsideration of the revocation or denial along with appropriate 803  
court documents. 804

(2) Upon receipt of a petition and supporting court documents 805  
submitted under division (E)(1) of this section, the state board, 806  
after offering the person an opportunity for an adjudication 807  
hearing under Chapter 119. of the Revised Code, shall determine 808  
whether the person committed the act in question in the prior 809  
criminal action against the person that is the basis of the 810  
revocation or denial and may continue the revocation or denial, 811  
may reinstate the person's license, with or without limits, or may 812  
grant the person a new license, with or without limits. The 813  
decision of the board shall be based on grounds for revoking, 814  
denying, suspending, or limiting a license adopted by rule under 815  
division (G) of this section and in accordance with the 816  
evidentiary standards the board employs for all other licensure 817  
hearings. The decision of the board under this division is subject 818  
to appeal under Chapter 119. of the Revised Code. 819

(F) The state board may take action under division (B) of 820  
this section, and the state board or the superintendent shall take 821  
the action required under division (C) of this section, on the 822  
basis of substantially comparable conduct occurring in a 823

jurisdiction outside this state or occurring before a person 824  
applies for or receives any license. 825

~~(D)~~(G) The state board may adopt rules in accordance with 826  
Chapter 119. of the Revised Code to carry out this section and 827  
section 3319.311 of the Revised Code. 828

**Sec. 3319.311.** (A)(1) The state board of education, or the 829  
superintendent of public instruction on behalf of the board, may 830  
investigate any information received about a person that 831  
reasonably appears to be a basis for action under section 3319.31 832  
of the Revised Code, including information received pursuant to 833  
section 3314.40, 3319.291, 3319.313, 3326.24, 5126.253, or 834  
5153.176 of the Revised Code. ~~The~~ Except as provided in division 835  
(A)(2) of this section, the board shall contract with the office 836  
of the Ohio attorney general to conduct any investigation of that 837  
nature. The board shall pay for the costs of the contract only 838  
from moneys in the state board of education licensure fund 839  
established under section 3319.51 of the Revised Code. ~~All~~ Except 840  
as provided in division (A)(2) of this section, all information 841  
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 842  
5126.253, or 5153.176 of the Revised Code, and all information 843  
obtained during an investigation is confidential and is not a 844  
public record under section 149.43 of the Revised Code. If an 845  
investigation is conducted under this division regarding 846  
information received about a person and no action is taken against 847  
the person under this section or section 3319.31 of the Revised 848  
Code within two years of the completion of the investigation, all 849  
records of the investigation shall be expunged. 850

(2) In the case of a person about whom the board has learned 851  
of a plea of guilty to, finding of guilt by a jury or court of, or 852  
a conviction of an offense listed in division (C) of section 853  
3319.31 of the Revised Code, or substantially comparable conduct 854

occurring in a jurisdiction outside this state, the board or the 855  
superintendent of public instruction need not conduct any further 856  
investigation and shall take the action required by division (C) 857  
or (F) of that section. Except as provided in division (G) of this 858  
section, all information obtained by the board or the 859  
superintendent of public instruction pertaining to the action is a 860  
public record under section 149.43 of the Revised Code. 861

(B) The superintendent of public instruction shall review the 862  
results of each investigation of a person conducted under division 863  
(A)(1) of this section and shall determine, on behalf of the state 864  
board, whether the results warrant initiating action under 865  
division (B) of section 3319.31 of the Revised Code. The 866  
superintendent shall advise the board of such determination at a 867  
meeting of the board. Within fourteen days of the next meeting of 868  
the board, any member of the board may ask that the question of 869  
initiating action under section 3319.31 of the Revised Code be 870  
placed on the board's agenda for that next meeting. Prior to 871  
initiating that action against any person, the person's name and 872  
any other personally identifiable information shall remain 873  
confidential. 874

(C) The board shall take no action against a person under 875  
division (B) of section 3319.31 of the Revised Code without 876  
providing the person with written notice of the charges and with 877  
an opportunity for a hearing in accordance with Chapter 119. of 878  
the Revised Code. 879

(D) For purposes of an investigation under division (A)(1) of 880  
this section or a hearing under division (C) of this section or 881  
under division (E)(2) of section 3319.31 of the Revised Code, the 882  
board, or the superintendent on behalf of the board, may 883  
administer oaths, order the taking of depositions, issue 884  
subpoenas, and compel the attendance of witnesses and the 885  
production of books, accounts, papers, records, documents, and 886

testimony. The issuance of subpoenas under this division may be by 887  
certified mail or personal delivery to the person. 888

(E) The superintendent, on behalf of the board, may enter 889  
into a consent agreement with a person against whom action is 890  
being taken under division (B) of section 3319.31 of the Revised 891  
Code. The board may adopt rules governing the superintendent's 892  
action under this division. 893

~~(F) The board automatically may suspend any license without a 894  
prior hearing if the license holder is convicted of or pleads 895  
guilty to one or more of the following offenses or a violation of 896  
an ordinance of a municipal corporation or a law of another state 897  
that is substantially comparable to one of the following offenses: 898  
aggravated murder; murder; aggravated arson; aggravated robbery; 899  
aggravated burglary; voluntary manslaughter; felonious assault; 900  
kidnapping; rape; sexual battery; gross sexual imposition; or 901  
unlawful sexual conduct with a minor. A suspension under this 902  
division is effective on the date of the conviction or guilty 903  
plea. 904~~

~~For a suspension under this division, the board, in 905  
accordance with section 119.07 of the Revised Code, shall issue a 906  
written order of suspension to the license holder by certified 907  
mail or in person and shall afford the person a hearing upon 908  
request. If the person does not request a hearing within the time 909  
limits established by that section, the board shall enter a final 910  
order revoking the person's license. An order of suspension under 911  
this division is not subject to suspension by a court during the 912  
pendency of an appeal filed under section 119.12 of the Revised 913  
Code. 914~~

~~An order of suspension under this division shall remain in 915  
effect, unless reversed on appeal, until the final order of the 916  
board, issued pursuant to this section and Chapter 119. of the 917  
Revised Code, becomes effective. The board shall issue a final 918~~

~~order within sixty days of the date of an order of suspension~~ 919  
~~under this division or a hearing on an order of suspension,~~ 920  
~~whichever is later. If the board fails to issue a final order by~~ 921  
~~that deadline, the order of suspension is dissolved. No~~ 922  
~~dissolution of an order of suspension under this division shall~~ 923  
~~invalidate a subsequent final order of the board.~~ 924

~~(G)~~ No surrender of a license shall be effective until the 925  
board takes action to accept the surrender unless the surrender is 926  
pursuant to a consent agreement entered into under division (E) of 927  
this section. 928

(G) The name of any person who is not required to report 929  
information under section 3314.40, 3319.313, 3326.24, 5126.253, or 930  
5153.176 of the Revised Code, but who in good faith provides 931  
information to the state board or superintendent of public 932  
instruction about alleged misconduct committed by a person who 933  
holds a license or has applied for issuance or renewal of a 934  
license, shall be confidential and shall not be released. Any such 935  
person shall be immune from any civil liability that otherwise 936  
might be incurred or imposed for injury, death, or loss to person 937  
or property as a result of the provision of that information. 938

**Sec. 3319.313.** (A) As used in this section: 939

(1) "Conduct unbecoming to the teaching profession" shall be 940  
as described in rules adopted by the state board of education. 941

(2) "Intervention in lieu of conviction" means intervention 942  
in lieu of conviction under section 2951.041 of the Revised Code. 943

(3) "License" has the same meaning as in section 3319.31 of 944  
the Revised Code. 945

(4) "Pre-trial diversion program" means a pre-trial diversion 946  
program under section 2935.36 of the Revised Code or a similar 947  
diversion program under rules of a court. 948

(B) The ~~board of education~~ superintendent of each school 949  
district, ~~the governing board of~~ and each educational service 950  
center or the president of the district or service center board, 951  
if division (C)(1) of this section applies, and the chief 952  
administrator of each chartered nonpublic school or the president 953  
or chairperson of the governing authority of the nonpublic school, 954  
if division (C)(2) of this section applies, shall promptly submit 955  
to the superintendent of public instruction the information 956  
prescribed in division ~~(C)(D)~~ of this section when any of the 957  
following conditions ~~apply~~ applies to an employee of the district, 958  
service center, or nonpublic school who holds a license issued by 959  
the state board of education: 960

(1) The ~~board of education, governing board, or~~ 961  
superintendent, chief administrator, president, or chairperson 962  
knows that the employee has pleaded guilty to, has been found 963  
guilty by a jury or court of, ~~or~~ has been convicted of, has been 964  
found to be eligible for intervention in lieu of conviction for, 965  
or has agreed to participate in a pre-trial diversion program for 966  
an offense described in division (B)(2) or (C) of section 3319.31 967  
or division (B)(1) of section 3319.39 of the Revised Code; 968

(2) The district board of education, service center governing 969  
board, or nonpublic school chief administrator or governing 970  
authority has initiated termination or nonrenewal proceedings 971  
against, has terminated, or has not renewed the contract of the 972  
employee because the board of education, governing board, or chief 973  
administrator has reasonably determined that the employee has 974  
committed an act that is unbecoming to the teaching profession or 975  
an offense described in division (B)(2) or (C) of section 3319.31 976  
or division (B)(1) of section 3319.39 of the Revised Code; 977  
978

(3) The employee has resigned under threat of termination or 979  
nonrenewal as described in division (B)(2) of this section; 980



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

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

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

(D) If a report is required under this section, the ~~board of~~  
~~education, governing board, or superintendent,~~ chief  
administrator, president, or chairperson 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~~ applies to the  
employee.

~~(D)~~(E) A determination made by the board of education,  
governing board, ~~or~~ chief administrator, or governing authority 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 1013  
offense described in division (B)(2) or (C) of section 3319.31 or 1014  
division (B)(1) of section 3319.39 of the Revised Code. 1015

(F) An individual who provides information to the 1016  
superintendent of public instruction in accordance with this 1017  
section in good faith shall be immune from any civil liability 1018  
that otherwise might be incurred or imposed for injury, death, or 1019  
loss to person or property as a result of the provision of that 1020  
information. 1021

**Sec. 3319.314.** The board of education of each school 1022  
district, the governing board of each educational service center, 1023  
and the chief administrator of each chartered nonpublic school 1024  
shall require that the reports of any investigation by the 1025  
district board of education, service center governing board, or 1026  
nonpublic school chief administrator of an employee regarding 1027  
whether the employee has committed an act or offense for which the 1028  
~~board of education, governing board,~~ district or service center 1029  
superintendent or board president or nonpublic school chief 1030  
administrator or governing authority president or chairperson is 1031  
required to make a report to the superintendent of public 1032  
instruction under section 3319.313 of the Revised Code be kept in 1033  
the employee's personnel file. If, after an investigation under 1034  
division (A) of section 3319.311 of the Revised Code, the 1035  
superintendent of public instruction determines that the results 1036  
of that investigation do not warrant initiating action under 1037  
section 3319.31 of the Revised Code, the board of education, 1038  
governing board, or chief administrator shall require the reports 1039  
of the board's or chief administrator's investigation to be moved 1040  
from the employee's personnel file to a separate public file. 1041

**Sec. 3319.316.** The department of education, on behalf of the 1042  
state board of education, shall be a participating public office 1043

for purposes of the retained applicant fingerprint database 1044  
established under section 109.5721 of the Revised Code and shall 1045  
receive notification from the bureau of criminal identification 1046  
and investigation of the arrest or conviction of persons to whom 1047  
the state board has issued a license, as defined in section 1048  
3319.31 of the Revised Code. 1049

**Sec. 3319.40.** (A) As used in this section, "license" has the 1050  
same meaning as in section 3319.31 of the Revised Code. 1051

(B) If a person who is employed by a school district or 1052  
chartered nonpublic school is arrested, summoned, or indicted for 1053  
an alleged violation of an offense listed in division (C) of 1054  
section 3319.31 of the Revised Code, if the person holds a 1055  
license, or an offense listed in division (B)(1) of section 1056  
3319.39 of the Revised Code, if the person does not hold a 1057  
license, the superintendent of the district or the chief 1058  
administrative officer of the chartered nonpublic school shall 1059  
suspend that person from all duties that require the care, 1060  
custody, or control of a child during the pendency of the criminal 1061  
action against the person. If the person who is arrested, 1062  
summoned, or indicted for an alleged violation of an offense 1063  
listed in division (C) of section 3319.31 or division (B)(1) of 1064  
section 3319.39 of the Revised Code is a person whose duties are 1065  
assigned by the district treasurer under division (B) of section 1066  
3313.31 of the Revised Code, the treasurer shall suspend the 1067  
person from all duties that require the care, custody, or control 1068  
of a child. If the person who is arrested, summoned, or indicted 1069  
for an alleged violation of an offense listed in division (C) of 1070  
section 3319.31 or division (B)(1) of section 3319.39 of the 1071  
Revised Code is the superintendent or treasurer of the district, 1072  
the district board shall suspend the superintendent or treasurer 1073  
from all duties that require the care, custody, or control of a 1074

child. If the person who is arrested, summoned, or indicted for an 1075  
alleged violation of an offense listed in division (C) of section 1076  
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 1077  
is the chief administrative officer of the chartered nonpublic 1078  
school, the governing authority of the chartered nonpublic school 1079  
shall suspend the chief administrative officer from all duties 1080  
that require the care, custody, or control of a child. 1081

1082

(C) When a person who holds a license is suspended in 1083  
accordance with this section, the superintendent, treasurer, board 1084  
of education, chief administrative officer, or governing authority 1085  
that imposed the suspension promptly shall report the person's 1086  
suspension to the department of education. The report shall 1087  
include the offense for which the person was arrested, summoned, 1088  
or indicted. 1089

**Sec. 3319.52.** (A) As used in this section: 1090

(1) "Intervention in lieu of conviction" means intervention 1091  
in lieu of conviction under section 2951.041 of the Revised Code. 1092

(2) "License" has the same meaning as in section 3319.31 of 1093  
the Revised Code. 1094

~~(2)~~(3) "Pre-trial diversion program" means a pre-trial 1095  
diversion program under section 2935.36 of the Revised Code or a 1096  
similar diversion program under rules of a court. 1097

(4) "Prosecutor" has the same meaning as in section 2935.01 1098  
of the Revised Code. 1099

(B) If there is any judicial finding of guilt or any 1100  
conviction or a judicial finding of eligibility for intervention 1101  
in lieu of conviction against a license holder, or if a license 1102  
holder agrees to participate in a pre-trial diversion program, for 1103  
any of the offenses listed in ~~divisions~~ division (B)(2)(a) ~~to (f)~~ 1104

or (C) of section 3319.31 of the Revised Code, the prosecutor in 1105  
the case, on forms that the state board of education shall 1106  
prescribe and furnish, promptly shall notify the board and, if 1107  
known, any school district or chartered nonpublic school employing 1108  
the license holder of the license holder's name and residence 1109  
address, and the fact that the license holder pleaded guilty to 1110  
~~or~~, was convicted of, has been found eligible for intervention in 1111  
lieu of conviction for, or has agreed to a diversion program for 1112  
the offense. 1113

**Sec. 3326.081.** (A) As used in this section, "license" has the 1114  
same meaning as in section 3319.31 of the Revised Code. 1115

(B) If a person who is employed by a science, technology, 1116  
engineering, and mathematics school established under this chapter 1117  
is arrested, summoned, or indicted for an alleged violation of an 1118  
offense listed in division (C) of section 3319.31 of the Revised 1119  
Code, if the person holds a license, or an offense listed in 1120  
division (B)(1) of section 3319.39 of the Revised Code, if the 1121  
person does not hold a license, the chief administrative officer 1122  
of the school shall suspend that person from all duties that 1123  
require the care, custody, or control of a child during the 1124  
pendency of the criminal action against the person. If the person 1125  
who is arrested, summoned, or indicted for an alleged violation of 1126  
an offense listed in division (C) of section 3319.31 or division 1127  
(B)(1) of section 3319.39 of the Revised Code is the chief 1128  
administrative officer of the school, the governing body of the 1129  
school shall suspend the chief administrative officer from all 1130  
duties that require the care, custody, or control of a child. 1131

(C) When a person who holds a license is suspended in 1132  
accordance with this section, the chief administrative officer or 1133  
governing body that imposed the suspension promptly shall report 1134  
the person's suspension to the department of education. The report 1135

shall include the offense for which the person was arrested, 1136  
summoned, or indicted. 1137

**Sec. 3326.11.** Each science, technology, engineering, and 1138  
mathematics school established under this chapter and its 1139  
governing body shall comply with sections 9.90, 9.91, 109.65, 1140  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 1141  
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 1142  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 1143  
3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 1144  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 1145  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1146  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1147  
3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, ~~3319.313,~~ 1148  
~~3319.314, 3319.315,~~ 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 1149  
3319.45, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1150  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1151  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1152  
4123., 4141., and 4167. of the Revised Code as if it were a school 1153  
district. 1154

**Sec. 3326.24.** (A) As used in this section: 1155

(1) "Conduct unbecoming to the teaching profession" shall be 1156  
as described in rules adopted by the state board of education. 1157

(2) "Intervention in lieu of conviction" means intervention 1158  
in lieu of conviction under section 2951.041 of the Revised Code. 1159

(3) "License" has the same meaning as in section 3319.31 of 1160  
the Revised Code. 1161

(4) "Pre-trial diversion program" means a pre-trial diversion 1162  
program under section 2935.36 of the Revised Code or a similar 1163  
diversion program under rules of a court. 1164

(B) The chief administrative officer of each science, 1165

technology, engineering, and mathematics school, or the president 1166  
or chairperson of the governing body of the school, if division 1167  
(C) of this section applies, shall promptly submit to the 1168  
superintendent of public instruction the information prescribed in 1169  
division (D) of this section when any of the following conditions 1170  
applies to an employee of the school who holds a license issued by 1171  
the state board of education: 1172

(1) The chief administrative officer, president, or 1173  
chairperson knows that the employee has pleaded guilty to, has 1174  
been found guilty by a jury or court of, has been convicted of, 1175  
has been found to be eligible for intervention in lieu of 1176  
conviction for, or has agreed to participate in a pre-trial 1177  
diversion program for an offense described in division (B)(2) or 1178  
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 1179  
the Revised Code. 1180

(2) The governing body of the school has initiated 1181  
termination or nonrenewal proceedings against, has terminated, or 1182  
has not renewed the contract of the employee because the governing 1183  
body has reasonably determined that the employee has committed an 1184  
act that is unbecoming to the teaching profession or an offense 1185  
described in division (B)(2) or (C) of section 3319.31 or division 1186  
(B)(1) of section 3319.39 of the Revised Code. 1187

(3) The employee has resigned under threat of termination or 1188  
nonrenewal as described in division (B)(2) of this section. 1189

(4) The employee has resigned because of or in the course of 1190  
an investigation by the governing body regarding whether the 1191  
employee has committed an act that is unbecoming to the teaching 1192  
profession or an offense described in division (B)(2) or (C) of 1193  
section 3319.31 or division (B)(1) of section 3319.39 of the 1194  
Revised Code. 1195

(C) If the employee to whom any of the conditions prescribed 1196

in divisions (B)(1) to (4) of this section applies is the chief 1197  
administrative officer of a science, technology, engineering, or 1198  
mathematics school, the president or chairperson of the governing 1199  
body of the school shall make the report required under this 1200  
section. 1201

(D) If a report is required under this section, the chief 1202  
administrative officer, president, or chairperson shall submit to 1203  
the superintendent of public instruction the name and social 1204  
security number of the employee about whom the information is 1205  
required and a factual statement regarding any of the conditions 1206  
prescribed in divisions (B)(1) to (4) of this section that applies 1207  
to the employee. 1208

(E) A determination made by the governing body as described 1209  
in division (B)(2) of this section or a termination, nonrenewal, 1210  
resignation, or other separation described in divisions (B)(2) to 1211  
(4) of this section does not create a presumption of the 1212  
commission or lack of the commission by the employee of an act 1213  
unbecoming to the teaching profession or an offense described in 1214  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 1215  
section 3319.39 of the Revised Code. 1216

(F) An individual who provides information to the 1217  
superintendent of public instruction in accordance with this 1218  
section in good faith shall be immune from any civil liability 1219  
that otherwise might be incurred or imposed for injury, death, or 1220  
loss to person or property as a result of the provision of that 1221  
information. 1222

**Sec. 3326.241.** The governing body of each science, 1223  
technology, engineering, and mathematics school shall require that 1224  
the reports of any investigation by the governing body of an 1225  
employee regarding whether the employee has committed an act or 1226  
offense for which the chief administrative officer of the school 1227



or the president or chairperson of the governing body is required 1228  
to make a report to the superintendent of public instruction under 1229  
section 3314.40 of the Revised Code be kept in the employee's 1230  
personnel file. If, after an investigation under division (A) of 1231  
section 3319.311 of the Revised Code, the superintendent of public 1232  
instruction determines that the results of that investigation do 1233  
not warrant initiating action under section 3319.31 of the Revised 1234  
Code, the governing body shall require the reports of the 1235  
investigation to be moved from the employee's personnel file to a 1236  
separate public file. 1237

**Sec. 3326.242.** Notwithstanding any provision to the contrary 1238  
in Chapter 4117. of the Revised Code, the provisions of sections 1239  
3326.24 and 3326.241 of the Revised Code prevail over any 1240  
conflicting provisions of a collective bargaining agreement or 1241  
contract for employment entered into after March 30, 2007. 1242

**Sec. 5126.253.** (A) As used in this section: 1243

(1) "Conduct unbecoming to the teaching profession" shall be 1244  
as described in rules adopted by the state board of education. 1245

(2) "Intervention in lieu of conviction" means intervention 1246  
in lieu of conviction under section 2951.041 of the Revised Code. 1247

(3) "License" has the same meaning as in section 3319.31 of 1248  
the Revised Code. 1249

(4) "Pre-trial diversion program" means a pre-trial diversion 1250  
program under section 2935.36 of the Revised Code or a similar 1251  
diversion program under rules of a court. 1252

(B) ~~Each~~ The superintendent of each county board of mental 1253  
retardation and developmental disabilities or the president of the 1254  
board, if division (C) of this section applies, shall promptly 1255  
submit to the superintendent of public instruction the information 1256

prescribed in division ~~(C)~~(D) of this section when any of the 1257  
following conditions ~~apply~~ applies to an employee of the board who 1258  
holds a license issued by the state board of education: 1259  
1260

(1) The ~~board~~ superintendent or president knows that the 1261  
employee has pleaded guilty to, has been found guilty by a jury or 1262  
court of, ~~or~~ has been convicted of, has been found to be eligible 1263  
for intervention in lieu of conviction for, or has agreed to 1264  
participate in a pre-trial diversion program for an offense 1265  
described in division (B)(2) or (C) of section 3319.31 or division 1266  
(B)(1) of section 3319.39 of the Revised Code~~+~~. 1267

(2) The board has initiated termination or nonrenewal 1268  
proceedings against, has terminated, or has not renewed the 1269  
contract of the employee because the board has reasonably 1270  
determined that the employee has committed an act unbecoming to 1271  
the teaching profession or an offense described in division (B)(2) 1272  
or (C) of section 3319.31 or division (B)(1) of section 3319.39 of 1273  
the Revised Code~~+~~. 1274

(3) The employee has resigned under threat of termination or 1275  
nonrenewal as described in division (B)(2) of this section~~+~~. 1276

(4) The employee has resigned because of or in the course of 1277  
an investigation by the board regarding whether the employee has 1278  
committed an act unbecoming to the teaching profession or an 1279  
offense described in division (B)(2) or (C) of section 3319.31 or 1280  
division (B)(1) of section 3319.39 of the Revised Code. 1281

(C) If the employee to whom any of the conditions prescribed 1282  
in divisions (B)(1) to (4) of this section applies is the 1283  
superintendent of a county board of mental retardation and 1284  
developmental disabilities, the president of the board shall make 1285  
the report required under this section. 1286

(D) If a report is required under this section, the ~~board~~ 1287

superintendent or president shall submit to the superintendent of 1288  
public instruction the name and social security number of the 1289  
employee about whom information is required and a factual 1290  
statement regarding any of the conditions prescribed in divisions 1291  
(B)(1) to (4) of this section that ~~apply~~ applies to the employee. 1292

~~(D)~~(E) A determination made by the board as described in 1293  
division (B)(2) of this section or a termination, nonrenewal, 1294  
resignation, or other separation described in divisions (B)(2) to 1295  
(4) of this section does not create a presumption of the 1296  
commission or lack of the commission by the employee of an act 1297  
unbecoming to the teaching profession or an offense described in 1298  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 1299  
section 3319.39 of the Revised Code. 1300

(F) An individual who provides information to the 1301  
superintendent of public instruction in accordance with this 1302  
section in good faith shall be immune from any civil liability 1303  
that otherwise might be incurred or imposed for injury, death, or 1304  
loss to person or property as a result of the provision of that 1305  
information. 1306

**Sec. 5126.254.** ~~Each~~ The superintendent of each county board 1307  
of mental retardation and developmental disabilities shall require 1308  
that the reports of any investigation by the board of an employee 1309  
regarding whether the employee has committed an act or offense for 1310  
which the ~~board~~ superintendent is required to make a report to the 1311  
superintendent of public instruction under section 5126.253 of the 1312  
Revised Code be kept in the employee's personnel file. If, after 1313  
an investigation under division (A) of section 3319.311 of the 1314  
Revised Code, the superintendent of public instruction determines 1315  
that the results of that investigation do not warrant initiating 1316  
action under section 3319.31 of the Revised Code, the 1317  
superintendent of the county board shall require the reports of 1318

the board's investigation to be moved from the employee's 1319  
personnel file to a separate public file. 1320

**Section 2.** That existing sections 2953.33, 3313.31, 3314.03, 1321  
3319.01, 3319.20, 3319.302, 3319.304, 3319.31, 3319.311, 3319.313, 1322  
3319.314, 3319.52, 3326.11, 5126.253, and 5126.254 of the Revised 1323  
Code are hereby repealed. 1324