

As Reported by the House Education Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 428

Representative Setzer

Cosponsors: Representatives Evans, Stebelton, Williams, B.

—

A B I L L

To amend sections 109.57, 2953.33, 3313.31, 3314.03, 1
3314.19, 3319.01, 3319.20, 3319.291, 3319.302, 2
3319.304, 3319.31, 3319.311, 3319.313, 3319.314, 3
3319.39, 3319.391, 3319.52, 3319.99, 3326.11, 4
3326.23, 3327.10, 5126.253, 5126.254, 5126.99, and 5
5153.176 and to enact sections 3314.101, 3314.40, 6
3314.401, 3314.402, 3314.403, 3314.41, 3314.99, 7
3319.292, 3319.316, 3319.317, 3319.392, 3319.40, 8
3326.081, 3326.24, 3326.241, 3326.242, 3326.243, 9
3326.25, 3326.99, and 5153.99 of the Revised Code 10
regarding the reporting of and discipline for 11
school employee misconduct. 12

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

Section 1. That sections 109.57, 2953.33, 3313.31, 3314.03, 13
3314.19, 3319.01, 3319.20, 3319.291, 3319.302, 3319.304, 3319.31, 14
3319.311, 3319.313, 3319.314, 3319.39, 3319.391, 3319.52, 3319.99, 15
3326.11, 3326.23, 3327.10, 5126.253, 5126.254, 5126.99, and 16
5153.176 be amended and sections 3314.101, 3314.40, 3314.401, 17
3314.402, 3314.403, 3314.41, 3314.99, 3319.292, 3319.316, 18
3319.317, 3319.392, 3319.40, 3326.081, 3326.24, 3326.241, 19
3326.242, 3326.243, 3326.25, 3326.99, and 5153.99 of the Revised 20

Code be enacted to read as follows: 21

Sec. 109.57. (A)(1) The superintendent of the bureau of 22
criminal identification and investigation shall procure from 23
wherever procurable and file for record photographs, pictures, 24
descriptions, fingerprints, measurements, and other information 25
that may be pertinent of all persons who have been convicted of 26
committing within this state a felony, any crime constituting a 27
misdemeanor on the first offense and a felony on subsequent 28
offenses, or any misdemeanor described in division (A)(1)(a) or 29
(A)(10)(a) of section 109.572 of the Revised Code, of all children 30
under eighteen years of age who have been adjudicated delinquent 31
children for committing within this state an act that would be a 32
felony or an offense of violence if committed by an adult or who 33
have been convicted of or pleaded guilty to committing within this 34
state a felony or an offense of violence, and of all well-known 35
and habitual criminals. The person in charge of any county, 36
multicounty, municipal, municipal-county, or multicounty-municipal 37
jail or workhouse, community-based correctional facility, halfway 38
house, alternative residential facility, or state correctional 39
institution and the person in charge of any state institution 40
having custody of a person suspected of having committed a felony, 41
any crime constituting a misdemeanor on the first offense and a 42
felony on subsequent offenses, or any misdemeanor described in 43
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 44
Code or having custody of a child under eighteen years of age with 45
respect to whom there is probable cause to believe that the child 46
may have committed an act that would be a felony or an offense of 47
violence if committed by an adult shall furnish such material to 48
the superintendent of the bureau. Fingerprints, photographs, or 49
other descriptive information of a child who is under eighteen 50
years of age, has not been arrested or otherwise taken into 51

custody for committing an act that would be a felony or an offense 52
of violence if committed by an adult, has not been adjudicated a 53
delinquent child for committing an act that would be a felony or 54
an offense of violence if committed by an adult, has not been 55
convicted of or pleaded guilty to committing a felony or an 56
offense of violence, and is not a child with respect to whom there 57
is probable cause to believe that the child may have committed an 58
act that would be a felony or an offense of violence if committed 59
by an adult shall not be procured by the superintendent or 60
furnished by any person in charge of any county, multicounty, 61
municipal, municipal-county, or multicounty-municipal jail or 62
workhouse, community-based correctional facility, halfway house, 63
alternative residential facility, or state correctional 64
institution, except as authorized in section 2151.313 of the 65
Revised Code. 66

(2) Every clerk of a court of record in this state, other 67
than the supreme court or a court of appeals, shall send to the 68
superintendent of the bureau a weekly report containing a summary 69
of each case involving a felony, involving any crime constituting 70
a misdemeanor on the first offense and a felony on subsequent 71
offenses, involving a misdemeanor described in division (A)(1)(a) 72
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 73
an adjudication in a case in which a child under eighteen years of 74
age was alleged to be a delinquent child for committing an act 75
that would be a felony or an offense of violence if committed by 76
an adult. The clerk of the court of common pleas shall include in 77
the report and summary the clerk sends under this division all 78
information described in divisions (A)(2)(a) to (f) of this 79
section regarding a case before the court of appeals that is 80
served by that clerk. The summary shall be written on the standard 81
forms furnished by the superintendent pursuant to division (B) of 82
this section and shall include the following information: 83

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	84 85 86
(b) The style and number of the case;	87
(c) The date of arrest;	88
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	89 90 91 92 93 94 95 96 97 98 99 100
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	101 102
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	103 104 105 106
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	107 108 109 110 111
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification	112 113 114

and in obtaining fingerprints and other means of identification of 115
all persons arrested on a charge of a felony, any crime 116
constituting a misdemeanor on the first offense and a felony on 117
subsequent offenses, or a misdemeanor described in division 118
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 119
of all children under eighteen years of age arrested or otherwise 120
taken into custody for committing an act that would be a felony or 121
an offense of violence if committed by an adult. The 122
superintendent also shall file for record the fingerprint 123
impressions of all persons confined in a county, multicounty, 124
municipal, municipal-county, or multicounty-municipal jail or 125
workhouse, community-based correctional facility, halfway house, 126
alternative residential facility, or state correctional 127
institution for the violation of state laws and of all children 128
under eighteen years of age who are confined in a county, 129
multicounty, municipal, municipal-county, or multicounty-municipal 130
jail or workhouse, community-based correctional facility, halfway 131
house, alternative residential facility, or state correctional 132
institution or in any facility for delinquent children for 133
committing an act that would be a felony or an offense of violence 134
if committed by an adult, and any other information that the 135
superintendent may receive from law enforcement officials of the 136
state and its political subdivisions. 137

(4) The superintendent shall carry out Chapter 2950. of the 138
Revised Code with respect to the registration of persons who are 139
convicted of or plead guilty to a sexually oriented offense or a 140
child-victim oriented offense and with respect to all other duties 141
imposed on the bureau under that chapter. 142

(5) The bureau shall perform centralized recordkeeping 143
functions for criminal history records and services in this state 144
for purposes of the national crime prevention and privacy compact 145
set forth in section 109.571 of the Revised Code and is the 146

criminal history record repository as defined in that section for 147
purposes of that compact. The superintendent or the 148
superintendent's designee is the compact officer for purposes of 149
that compact and shall carry out the responsibilities of the 150
compact officer specified in that compact. 151

(B) The superintendent shall prepare and furnish to every 152
county, multicounty, municipal, municipal-county, or 153
multicounty-municipal jail or workhouse, community-based 154
correctional facility, halfway house, alternative residential 155
facility, or state correctional institution and to every clerk of 156
a court in this state specified in division (A)(2) of this section 157
standard forms for reporting the information required under 158
division (A) of this section. The standard forms that the 159
superintendent prepares pursuant to this division may be in a 160
tangible format, in an electronic format, or in both tangible 161
formats and electronic formats. 162

(C)(1) The superintendent may operate a center for 163
electronic, automated, or other data processing for the storage 164
and retrieval of information, data, and statistics pertaining to 165
criminals and to children under eighteen years of age who are 166
adjudicated delinquent children for committing an act that would 167
be a felony or an offense of violence if committed by an adult, 168
criminal activity, crime prevention, law enforcement, and criminal 169
justice, and may establish and operate a statewide communications 170
network to gather and disseminate information, data, and 171
statistics for the use of law enforcement agencies and for other 172
uses specified in this division. The superintendent may gather, 173
store, retrieve, and disseminate information, data, and statistics 174
that pertain to children who are under eighteen years of age and 175
that are gathered pursuant to sections 109.57 to 109.61 of the 176
Revised Code together with information, data, and statistics that 177
pertain to adults and that are gathered pursuant to those 178

sections. 179

(2) The superintendent or the superintendent's designee shall 180
gather information of the nature described in division (C)(1) of 181
this section that pertains to the offense and delinquency history 182
of a person who has been convicted of, pleaded guilty to, or been 183
adjudicated a delinquent child for committing a sexually oriented 184
offense or a child-victim oriented offense for inclusion in the 185
state registry of sex offenders and child-victim offenders 186
maintained pursuant to division (A)(1) of section 2950.13 of the 187
Revised Code and in the internet database operated pursuant to 188
division (A)(13) of that section and for possible inclusion in the 189
internet database operated pursuant to division (A)(11) of that 190
section. 191

(3) In addition to any other authorized use of information, 192
data, and statistics of the nature described in division (C)(1) of 193
this section, the superintendent or the superintendent's designee 194
may provide and exchange the information, data, and statistics 195
pursuant to the national crime prevention and privacy compact as 196
described in division (A)(5) of this section. 197

(D) The information and materials furnished to the 198
superintendent pursuant to division (A) of this section and 199
information and materials furnished to any board or person under 200
division (F) or (G) of this section are not public records under 201
section 149.43 of the Revised Code. The superintendent or the 202
superintendent's designee shall gather and retain information so 203
furnished under division (A) of this section that pertains to the 204
offense and delinquency history of a person who has been convicted 205
of, pleaded guilty to, or been adjudicated a delinquent child for 206
committing a sexually oriented offense or a child-victim oriented 207
offense for the purposes described in division (C)(2) of this 208
section. 209

(E) The attorney general shall adopt rules, in accordance 210

with Chapter 119. of the Revised Code, setting forth the procedure 211
by which a person may receive or release information gathered by 212
the superintendent pursuant to division (A) of this section. A 213
reasonable fee may be charged for this service. If a temporary 214
employment service submits a request for a determination of 215
whether a person the service plans to refer to an employment 216
position has been convicted of or pleaded guilty to an offense 217
listed in division (A)(1), (3), (4), (5), or (6) of section 218
109.572 of the Revised Code, the request shall be treated as a 219
single request and only one fee shall be charged. 220

(F)(1) As used in division (F)(2) of this section, "head 221
start agency" means an entity in this state that has been approved 222
to be an agency for purposes of subchapter II of the "Community 223
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 224
as amended. 225

(2)(a) In addition to or in conjunction with any request that 226
is required to be made under section 109.572, 2151.86, 3301.32, 227
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 228
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 229
Code or that is made under section 3314.41, 3319.392, or 3326.25 230
of the Revised Code, the board of education of any school 231
district; the director of mental retardation and developmental 232
disabilities; any county board of mental retardation and 233
developmental disabilities; any entity under contract with a 234
county board of mental retardation and developmental disabilities; 235
the chief administrator of any chartered nonpublic school; the 236
chief administrator of any home health agency; the chief 237
administrator of or person operating any child day-care center, 238
type A family day-care home, or type B family day-care home 239
licensed or certified under Chapter 5104. of the Revised Code; the 240
administrator of any type C family day-care home certified 241
pursuant to Section 1 of Sub. H.B. 62 of the 121st general 242

assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general 243
assembly; the chief administrator of any head start agency; the 244
executive director of a public children services agency; ~~or an~~ 245
~~employer~~ a private company described in division (A)(2) of section 246
3319.391, 3314.41, 3319.392, or 3326.25 of the Revised Code; or an 247
employer described in division (J)(2) of section 3327.10 of the 248
Revised Code may request that the superintendent of the bureau 249
investigate and determine, with respect to any individual who has 250
applied for employment in any position after October 2, 1989, or 251
any individual wishing to apply for employment with a board of 252
education may request, with regard to the individual, whether the 253
bureau has any information gathered under division (A) of this 254
section that pertains to that individual. On receipt of the 255
request, the superintendent shall determine whether that 256
information exists and, upon request of the person, board, or 257
entity requesting information, also shall request from the federal 258
bureau of investigation any criminal records it has pertaining to 259
that individual. The superintendent or the superintendent's 260
designee also may request criminal history records from other 261
states or the federal government pursuant to the national crime 262
prevention and privacy compact set forth in section 109.571 of the 263
Revised Code. Within thirty days of the date that the 264
superintendent receives a request, the superintendent shall send 265
to the board, entity, or person a report of any information that 266
the superintendent determines exists, including information 267
contained in records that have been sealed under section 2953.32 268
of the Revised Code, and, within thirty days of its receipt, shall 269
send the board, entity, or person a report of any information 270
received from the federal bureau of investigation, other than 271
information the dissemination of which is prohibited by federal 272
law. 273

(b) When a board of education is required to receive 274
information under this section as a prerequisite to employment of 275

an individual pursuant to section 3319.39 of the Revised Code, it 276
may accept a certified copy of records that were issued by the 277
bureau of criminal identification and investigation and that are 278
presented by an individual applying for employment with the 279
district in lieu of requesting that information itself. In such a 280
case, the board shall accept the certified copy issued by the 281
bureau in order to make a photocopy of it for that individual's 282
employment application documents and shall return the certified 283
copy to the individual. In a case of that nature, a district only 284
shall accept a certified copy of records of that nature within one 285
year after the date of their issuance by the bureau. 286

(3) The state board of education may request, with respect to 287
any individual who has applied for employment after October 2, 288
1989, in any position with the state board or the department of 289
education, any information that a school district board of 290
education is authorized to request under division (F)(2) of this 291
section, and the superintendent of the bureau shall proceed as if 292
the request has been received from a school district board of 293
education under division (F)(2) of this section. 294

(4) When the superintendent of the bureau receives a request 295
for information under section 3319.291 of the Revised Code, the 296
superintendent shall proceed as if the request has been received 297
from a school district board of education under division (F)(2) of 298
this section. 299

(5) When a recipient of a classroom reading improvement grant 300
paid under section 3301.86 of the Revised Code requests, with 301
respect to any individual who applies to participate in providing 302
any program or service funded in whole or in part by the grant, 303
the information that a school district board of education is 304
authorized to request under division (F)(2)(a) of this section, 305
the superintendent of the bureau shall proceed as if the request 306
has been received from a school district board of education under 307

division (F)(2)(a) of this section. 308

(G) In addition to or in conjunction with any request that is 309
required to be made under section 3701.881, 3712.09, 3721.121, or 310
3722.151 of the Revised Code with respect to an individual who has 311
applied for employment in a position that involves providing 312
direct care to an older adult, the chief administrator of a home 313
health agency, hospice care program, home licensed under Chapter 314
3721. of the Revised Code, adult day-care program operated 315
pursuant to rules adopted under section 3721.04 of the Revised 316
Code, or adult care facility may request that the superintendent 317
of the bureau investigate and determine, with respect to any 318
individual who has applied after January 27, 1997, for employment 319
in a position that does not involve providing direct care to an 320
older adult, whether the bureau has any information gathered under 321
division (A) of this section that pertains to that individual. 322

In addition to or in conjunction with any request that is 323
required to be made under section 173.27 of the Revised Code with 324
respect to an individual who has applied for employment in a 325
position that involves providing ombudsperson services to 326
residents of long-term care facilities or recipients of 327
community-based long-term care services, the state long-term care 328
ombudsperson, ombudsperson's designee, or director of health may 329
request that the superintendent investigate and determine, with 330
respect to any individual who has applied for employment in a 331
position that does not involve providing such ombudsperson 332
services, whether the bureau has any information gathered under 333
division (A) of this section that pertains to that applicant. 334

In addition to or in conjunction with any request that is 335
required to be made under section 173.394 of the Revised Code with 336
respect to an individual who has applied for employment in a 337
position that involves providing direct care to an individual, the 338
chief administrator of a community-based long-term care agency may 339

request that the superintendent investigate and determine, with 340
respect to any individual who has applied for employment in a 341
position that does not involve providing direct care, whether the 342
bureau has any information gathered under division (A) of this 343
section that pertains to that applicant. 344

On receipt of a request under this division, the 345
superintendent shall determine whether that information exists 346
and, on request of the individual requesting information, shall 347
also request from the federal bureau of investigation any criminal 348
records it has pertaining to the applicant. The superintendent or 349
the superintendent's designee also may request criminal history 350
records from other states or the federal government pursuant to 351
the national crime prevention and privacy compact set forth in 352
section 109.571 of the Revised Code. Within thirty days of the 353
date a request is received, the superintendent shall send to the 354
requester a report of any information determined to exist, 355
including information contained in records that have been sealed 356
under section 2953.32 of the Revised Code, and, within thirty days 357
of its receipt, shall send the requester a report of any 358
information received from the federal bureau of investigation, 359
other than information the dissemination of which is prohibited by 360
federal law. 361

(H) Information obtained by a government entity or person 362
under this section is confidential and shall not be released or 363
disseminated. 364

(I) The superintendent may charge a reasonable fee for 365
providing information or criminal records under division (F)(2) or 366
(G) of this section. 367

(J) As used in this section, "sexually oriented offense" and 368
"child-victim oriented offense" have the same meanings as in 369
section 2950.01 of the Revised Code. 370

Sec. 2953.33. (A) Except as provided in division (G) of 371
section 2953.32 of the Revised Code, an order to seal the record 372
of a person's conviction restores the person who is the subject of 373
the order to all rights and privileges not otherwise restored by 374
termination of the sentence or community control sanction or by 375
final release on parole or post-release control. 376

(B) In any application for employment, license, or other 377
right or privilege, any appearance as a witness, or any other 378
inquiry, except as provided in division (E) of section 2953.32 and 379
in section 3319.292 of the Revised Code, a person may be 380
questioned only with respect to convictions not sealed, bail 381
forfeitures not expunged under section 2953.42 of the Revised Code 382
as it existed prior to June 29, 1988, and bail forfeitures not 383
sealed, unless the question bears a direct and substantial 384
relationship to the position for which the person is being 385
considered. 386

Sec. 3313.31. (A) All the duties and obligations of the 387
county auditor, county treasurer, or other officer or person 388
relating to the moneys of a school district shall be complied with 389
by dealing with the treasurer of the board of education thereof. 390

The treasurer shall be the chief fiscal officer of the school 391
district, shall be responsible for the financial affairs of the 392
district, and shall report to and is subject to the direction of 393
the district board of education. Except as otherwise required by 394
law, no treasurer shall be required to verify the accuracy of 395
nonfinancial information or data of the school district. 396

(B) Notwithstanding any provision of the Revised Code to the 397
contrary, but subject to section 3319.40 of the Revised Code, in 398
all school districts and educational service centers, the 399
treasurer shall direct and assign employees directly engaged in 400

the day-to-day fiscal operations of the district or service center, as those employees are so designated by the board of the district or service center.

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

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

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

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

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

(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;

(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;

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

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

(6)(a) Dismissal procedures;

(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 430
legitimate excuse fails to participate in one hundred five 431
consecutive hours of the learning opportunities offered to the 432
student. 433

(7) The ways by which the school will achieve racial and 434
ethnic balance reflective of the community it serves; 435

(8) Requirements for financial audits by the auditor of 436
state. The contract shall require financial records of the school 437
to be maintained in the same manner as are financial records of 438
school districts, pursuant to rules of the auditor of state, and 439
the audits shall be conducted in accordance with section 117.10 of 440
the Revised Code. 441

(9) The facilities to be used and their locations; 442

(10) Qualifications of teachers, including a requirement that 443
the school's classroom teachers be licensed in accordance with 444
sections 3319.22 to 3319.31 of the Revised Code, except that a 445
community school may engage noncertificated persons to teach up to 446
twelve hours per week pursuant to section 3319.301 of the Revised 447
Code; 448

(11) That the school will comply with the following 449
requirements: 450

(a) The school will provide learning opportunities to a 451
minimum of twenty-five students for a minimum of nine hundred 452
twenty hours per school year; 453

(b) The governing authority will purchase liability 454
insurance, or otherwise provide for the potential liability of the 455
school; 456

(c) The school will be nonsectarian in its programs, 457
admission policies, employment practices, and all other 458
operations, and will not be operated by a sectarian school or 459

religious institution~~+~~; 460

(d) The school will comply with sections 9.90, 9.91, 109.65, 461
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 462
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 463
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 464
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 465
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 466
3313.96, 3319.073, ~~3319.313, 3319.314, 3319.315,~~ 3319.321, 467
3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 468
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 469
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 470
and 4167. of the Revised Code as if it were a school district and 471
will comply with section 3301.0714 of the Revised Code in the 472
manner specified in section 3314.17 of the Revised Code~~+~~; 473

(e) The school shall comply with Chapter 102. and section 474
2921.42 of the Revised Code~~+~~; 475

(f) The school will comply with sections 3313.61, 3313.611, 476
and 3313.614 of the Revised Code, except that for students who 477
enter ninth grade for the first time before July 1, 2010, the 478
requirement in sections 3313.61 and 3313.611 of the Revised Code 479
that a person must successfully complete the curriculum in any 480
high school prior to receiving a high school diploma may be met by 481
completing the curriculum adopted by the governing authority of 482
the community school rather than the curriculum specified in Title 483
XXXVIII of the Revised Code or any rules of the state board of 484
education. Beginning with students who enter ninth grade for the 485
first time on or after July 1, 2010, the requirement in sections 486
3313.61 and 3313.611 of the Revised Code that a person must 487
successfully complete the curriculum of a high school prior to 488
receiving a high school diploma shall be met by completing the 489
Ohio core curriculum prescribed in division (C) of section 490
3313.603 of the Revised Code, unless the person qualifies under 491

division (D) or (F) of that section. Each school shall comply with 492
the plan for awarding high school credit based on demonstration of 493
subject area competency, adopted by the state board of education 494
under division (J) of section 3313.603 of the Revised Code. 495

(g) The school governing authority will submit within four 496
months after the end of each school year a report of its 497
activities and progress in meeting the goals and standards of 498
divisions (A)(3) and (4) of this section and its financial status 499
to the sponsor and the parents of all students enrolled in the 500
school. 501

(h) The school, unless it is an internet- or computer-based 502
community school, will comply with section 3313.801 of the Revised 503
Code as if it were a school district. 504

(12) Arrangements for providing health and other benefits to 505
employees; 506

(13) The length of the contract, which shall begin at the 507
beginning of an academic year. No contract shall exceed five years 508
unless such contract has been renewed pursuant to division (E) of 509
this section. 510

(14) The governing authority of the school, which shall be 511
responsible for carrying out the provisions of the contract; 512

(15) A financial plan detailing an estimated school budget 513
for each year of the period of the contract and specifying the 514
total estimated per pupil expenditure amount for each such year. 515
The plan shall specify for each year the base formula amount that 516
will be used for purposes of funding calculations under section 517
3314.08 of the Revised Code. This base formula amount for any year 518
shall not exceed the formula amount defined under section 3317.02 519
of the Revised Code. The plan may also specify for any year a 520
percentage figure to be used for reducing the per pupil amount of 521
the subsidy calculated pursuant to section 3317.029 of the Revised 522

Code the school is to receive that year under section 3314.08 of 523
the Revised Code. 524

(16) Requirements and procedures regarding the disposition of 525
employees of the school in the event the contract is terminated or 526
not renewed pursuant to section 3314.07 of the Revised Code; 527

(17) Whether the school is to be created by converting all or 528
part of an existing public school or is to be a new start-up 529
school, and if it is a converted public school, specification of 530
any duties or responsibilities of an employer that the board of 531
education that operated the school before conversion is delegating 532
to the governing board of the community school with respect to all 533
or any specified group of employees provided the delegation is not 534
prohibited by a collective bargaining agreement applicable to such 535
employees; 536

(18) Provisions establishing procedures for resolving 537
disputes or differences of opinion between the sponsor and the 538
governing authority of the community school; 539

(19) A provision requiring the governing authority to adopt a 540
policy regarding the admission of students who reside outside the 541
district in which the school is located. That policy shall comply 542
with the admissions procedures specified in sections 3314.06 and 543
3314.061 of the Revised Code and, at the sole discretion of the 544
authority, shall do one of the following: 545

(a) Prohibit the enrollment of students who reside outside 546
the district in which the school is located; 547

(b) Permit the enrollment of students who reside in districts 548
adjacent to the district in which the school is located; 549

(c) Permit the enrollment of students who reside in any other 550
district in the state. 551

(20) A provision recognizing the authority of the department 552

of education to take over the sponsorship of the school in 553
accordance with the provisions of division (C) of section 3314.015 554
of the Revised Code; 555

(21) A provision recognizing the sponsor's authority to 556
assume the operation of a school under the conditions specified in 557
division (B) of section 3314.073 of the Revised Code; 558

(22) A provision recognizing both of the following: 559

(a) The authority of public health and safety officials to 560
inspect the facilities of the school and to order the facilities 561
closed if those officials find that the facilities are not in 562
compliance with health and safety laws and regulations; 563

(b) The authority of the department of education as the 564
community school oversight body to suspend the operation of the 565
school under section 3314.072 of the Revised Code if the 566
department has evidence of conditions or violations of law at the 567
school that pose an imminent danger to the health and safety of 568
the school's students and employees and the sponsor refuses to 569
take such action; 570

(23) A description of the learning opportunities that will be 571
offered to students including both classroom-based and 572
non-classroom-based learning opportunities that is in compliance 573
with criteria for student participation established by the 574
department under division (L)(2) of section 3314.08 of the Revised 575
Code; 576

(24) The school will comply with section 3302.04 of the 577
Revised Code, including division (E) of that section to the extent 578
possible, except that any action required to be taken by a school 579
district pursuant to that section shall be taken by the sponsor of 580
the school. However, the sponsor shall not be required to take any 581
action described in division (F) of that section. 582

(25) Beginning in the 2006-2007 school year, the school will 583

open for operation not later than the thirtieth day of September 584
each school year, unless the mission of the school as specified 585
under division (A)(2) of this section is solely to serve dropouts. 586
In its initial year of operation, if the school fails to open by 587
the thirtieth day of September, or within one year after the 588
adoption of the contract pursuant to division (D) of section 589
3314.02 of the Revised Code if the mission of the school is solely 590
to serve dropouts, the contract shall be void. 591

(B) The community school shall also submit to the sponsor a 592
comprehensive plan for the school. The plan shall specify the 593
following: 594

(1) The process by which the governing authority of the 595
school will be selected in the future; 596

(2) The management and administration of the school; 597

(3) If the community school is a currently existing public 598
school, alternative arrangements for current public school 599
students who choose not to attend the school and teachers who 600
choose not to teach in the school after conversion; 601

(4) The instructional program and educational philosophy of 602
the school; 603

(5) Internal financial controls. 604

(C) A contract entered into under section 3314.02 of the 605
Revised Code between a sponsor and the governing authority of a 606
community school may provide for the community school governing 607
authority to make payments to the sponsor, which is hereby 608
authorized to receive such payments as set forth in the contract 609
between the governing authority and the sponsor. The total amount 610
of such payments for oversight and monitoring of the school shall 611
not exceed three per cent of the total amount of payments for 612
operating expenses that the school receives from the state. 613

(D) The contract shall specify the duties of the sponsor 614
which shall be in accordance with the written agreement entered 615
into with the department of education under division (B) of 616
section 3314.015 of the Revised Code and shall include the 617
following: 618

(1) Monitor the community school's compliance with all laws 619
applicable to the school and with the terms of the contract; 620

(2) Monitor and evaluate the academic and fiscal performance 621
and the organization and operation of the community school on at 622
least an annual basis; 623

(3) Report on an annual basis the results of the evaluation 624
conducted under division (D)(2) of this section to the department 625
of education and to the parents of students enrolled in the 626
community school; 627

(4) Provide technical assistance to the community school in 628
complying with laws applicable to the school and terms of the 629
contract; 630

(5) Take steps to intervene in the school's operation to 631
correct problems in the school's overall performance, declare the 632
school to be on probationary status pursuant to section 3314.073 633
of the Revised Code, suspend the operation of the school pursuant 634
to section 3314.072 of the Revised Code, or terminate the contract 635
of the school pursuant to section 3314.07 of the Revised Code as 636
determined necessary by the sponsor; 637

(6) Have in place a plan of action to be undertaken in the 638
event the community school experiences financial difficulties or 639
closes prior to the end of a school year. 640

(E) Upon the expiration of a contract entered into under this 641
section, the sponsor of a community school may, with the approval 642
of the governing authority of the school, renew that contract for 643
a period of time determined by the sponsor, but not ending earlier 644

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 676
chief administrator of the community school, the governing 677
authority of the school shall suspend the chief administrator from 678
all duties that require the care, custody, or control of a child. 679

680

(C) When a person who holds a license is suspended in 681
accordance with this section, the chief administrator or governing 682
authority that imposed the suspension promptly shall report the 683
person's suspension to the department of education. The report 684
shall include the offense for which the person was arrested, 685
summoned, or indicted. 686

Sec. 3314.19. The sponsor of each community school annually 687
shall provide the following assurances in writing to the 688
department of education not later than ten business days prior to 689
the opening of the school: 690

(A) That a current copy of the contract between the sponsor 691
and the governing authority of the school entered into under 692
section 3314.03 of the Revised Code has been filed with the state 693
office of community schools established under section 3314.11 of 694
the Revised Code and that any subsequent modifications to that 695
contract will be filed with the office; 696

(B) That the school has submitted to the sponsor a plan for 697
providing special education and related services to students with 698
disabilities and has demonstrated the capacity to provide those 699
services in accordance with Chapter 3323. of the Revised Code and 700
federal law; 701

(C) That the school has a plan and procedures for 702
administering the achievement tests and diagnostic assessments 703
prescribed by sections 3301.0710 and 3301.0715 of the Revised 704
Code; 705

(D) That school personnel have the necessary training, 706
knowledge, and resources to properly use and submit information to 707
all databases maintained by the department for the collection of 708
education data, including the education management information 709
system established under section 3301.0714 of the Revised Code in 710
accordance with methods and timelines established under section 711
3314.17 of the Revised Code; 712

(E) That all required information about the school has been 713
submitted to the Ohio education directory system or any successor 714
system; 715

(F) That the school will enroll at least the minimum number 716
of students required by division (A)(11)(a) of section 3314.03 of 717
the Revised Code in the school year for which the assurances are 718
provided; 719

(G) That all classroom teachers are licensed in accordance 720
with sections 3319.22 to 3319.31 of the Revised Code, except for 721
noncertificated persons engaged to teach up to twelve hours per 722
week pursuant to section 3319.301 of the Revised Code; 723

(H) That the school's fiscal officer is in compliance with 724
section 3314.011 of the Revised Code; 725

(I) That the school has complied with ~~section~~ sections 726
3319.39 and 3319.391 of the Revised Code with respect to all 727
employees and that the school has conducted a criminal records 728
check of each of its governing authority members; 729

(J) That the school holds all of the following: 730

(1) Proof of property ownership or a lease for the facilities 731
used by the school; 732

(2) A certificate of occupancy; 733

(3) Liability insurance for the school, as required by 734
division (A)(11)(b) of section 3314.03 of the Revised Code, that 735

the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;

(4) A satisfactory health and safety inspection;

(5) A satisfactory fire inspection;

(6) A valid food permit, if applicable.

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;

(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;

(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.

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

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

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

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

(4) "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.

(B) The chief administrator of each community school, or the president or chairperson of the governing authority of each community school if division (C) of this section applies, shall promptly submit to the superintendent of public instruction the information prescribed in division (D) of this section when any of

the following conditions applies to an employee of the school, or 765
an employee of an operator working in the school, who holds a 766
license issued by the state board of education: 767

(1) The chief administrator, or president or chairperson, 768
knows that the employee has pleaded guilty to, has been found 769
guilty by a jury or court of, has been convicted of, has been 770
found to be eligible for intervention in lieu of conviction for, 771
or has agreed to participate in a pre-trial diversion program for 772
an offense described in division (B)(2) or (C) of section 3319.31 773
or division (B)(1) of section 3319.39 of the Revised Code. 774

(2) The governing authority of the school, or the operator, 775
has initiated termination or nonrenewal proceedings against, has 776
terminated, or has not renewed the contract of the employee 777
because the governing authority or operator has reasonably 778
determined that the employee has committed an act that is 779
unbecoming to the teaching profession or an offense described in 780
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 781
section 3319.39 of the Revised Code. 782

(3) The employee has resigned under threat of termination or 783
nonrenewal as described in division (B)(2) of this section. 784

(4) The employee has resigned because of or in the course of 785
an investigation by the governing authority or operator regarding 786
whether the employee has committed an act that is unbecoming to 787
the teaching profession or an offense described in division (B)(2) 788
or (C) of section 3319.31 or division (B)(1) of section 3319.39 of 789
the Revised Code. 790

(C) If the employee to whom any of the conditions prescribed 791
in divisions (B)(1) to (4) of this section applies is the chief 792
administrator of the community school, the president or 793
chairperson of the governing authority of the school shall make 794
the report required under this section. 795

(D) If a report is required under this section, the chief administrator, or 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 to the employee. 796
797
798
799
800
801
802

(E) A determination made by the governing authority or operator 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 division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code. 803
804
805
806
807
808
809
810

(F) No individual required to submit a report under division (B) of this section shall knowingly fail to comply with that division. 811
812
813

(G) An individual who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information. 814
815
816
817
818
819

Sec. 3314.401. The governing authority of each community school shall require that the reports of any investigation by the governing authority of the school or by an operator of an employee who works in the school, regarding whether the employee has committed an act or offense for which the chief administrator of the community school or the president or chairperson of the governing authority is required to make a report to the 820
821
822
823
824
825
826

superintendent of public instruction under section 3314.40 of the 827
Revised Code, be kept in the employee's personnel file. If, after 828
an investigation under division (A) of section 3319.311 of the 829
Revised Code, the superintendent of public instruction determines 830
that the results of that investigation do not warrant initiating 831
action under section 3319.31 of the Revised Code, the governing 832
authority shall require the reports of the governing authority's 833
or operator's investigation to be moved from the employee's 834
personnel file to a separate public file. 835

Sec. 3314.402. Notwithstanding any provision to the contrary 836
in Chapter 4117. of the Revised Code, the provisions of sections 837
3314.40 and 3314.401 of the Revised Code prevail over any 838
conflicting provisions of a collective bargaining agreement or 839
contract for employment entered into after March 30, 2007. 840

Sec. 3314.403. (A) As used in this section, "license" has the 841
same meaning as in section 3319.31 of the Revised Code. 842

(B) No employee of a community school or an operator working 843
in the school shall do either of the following: 844

(1) Knowingly make a false report to the chief administrator 845
of the school, or the chief administrator's designee, alleging 846
misconduct by another employee of the school or operator; 847

(2) Knowingly cause the chief administrator, or the chief 848
administrator's designee, to make a false report of the alleged 849
misconduct to the superintendent of public instruction or the 850
state board of education. 851

(C) Any employee of a community school or an operator working 852
in the school who in good faith reports to the chief administrator 853
of the school, or the chief administrator's designee, information 854
about alleged misconduct committed by another employee of the 855

school or operator shall be immune from any civil liability that 856
otherwise might be incurred or imposed for injury, death, or loss 857
to person or property as a result of the reporting of that 858
information. 859

If the alleged misconduct involves a person who holds a 860
license but the chief administrator is not required to submit a 861
report to the superintendent of public instruction under section 862
3314.40 of the Revised Code and the chief administrator, or the 863
chief administrator's designee, in good faith reports the alleged 864
misconduct to the superintendent of public instruction or the 865
state board, the chief administrator, or the chief administrator's 866
designee, shall be immune from any civil liability that otherwise 867
might be incurred or imposed for injury, death, or loss to person 868
or property as a result of the reporting of that information. 869

(D)(1) In any civil action brought against a person in which 870
it is alleged and proved that the person violated division (B) of 871
this section, the court shall award the prevailing party 872
reasonable attorney's fees and costs that the prevailing party 873
incurred in the civil action or as a result of the false report 874
that was the basis of the violation. 875

(2) If a person is convicted of or pleads guilty to a 876
violation of division (B) of this section, if the subject of the 877
false report that was the basis of the violation was charged with 878
any violation of a law or ordinance as a result of the false 879
report, and if the subject of the false report is found not to be 880
guilty of the charges brought against the subject as a result of 881
the false report or those charges are dismissed, the court that 882
sentences the person for the violation of division (B) of this 883
section, as part of the sentence, shall order the person to pay 884
restitution to the subject of the false report, in an amount equal 885
to reasonable attorney's fees and costs that the subject of the 886
false report incurred as a result of or in relation to the 887

charges. 888

Sec. 3314.41. (A) As used in this section: 889

(1) "Designated official" means the chief administrator of a 890
community school, or the chief administrator's designee. 891

(2) "Essential school services" means services provided by a 892
private company under contract with a community school that the 893
chief administrator of the school has determined are necessary for 894
the operation of the school and that would need to be provided by 895
employees of the school if the services were not provided by the 896
private company. 897

(3) "License" has the same meaning as in section 3319.31 of 898
the Revised Code. 899

(B) This section applies to any person who is an employee of 900
a private company under contract with a community school to 901
provide essential school services and who will work in the school 902
in a position that does not require a license issued by the state 903
board of education, is not for the operation of a vehicle for 904
pupil transportation, and that involves routine interaction with a 905
child or regular responsibility for the care, custody, or control 906
of a child. 907

(C) No community school shall permit a person to whom this 908
section applies to work in the school, unless one of the following 909
applies to the person: 910

(1) The person's employer presents proof of both of the 911
following to the designated official: 912

(a) That the person has been the subject of a criminal 913
records check conducted in accordance with division (D) of this 914
section within the five-year period immediately prior to the date 915
on which the person will begin working in the school; 916

(b) That the criminal records check indicates that the person 917

has not been convicted of or pleaded guilty to any offense 918
described in division (B)(1) of section 3319.39 of the Revised 919
Code. 920

(2) During any period of time in which the person will have 921
routine interaction with a child or regular responsibility for the 922
care, custody, or control of a child, the designated official has 923
arranged for an employee of the school to be present in the same 924
room with the child or, if outdoors, to be within a thirty-yard 925
radius of the child or to have visual contact with the child. 926

(D) Any private company that has been hired or seeks to be 927
hired by a community school to provide essential school services 928
may request the bureau of criminal identification and 929
investigation to conduct a criminal records check of any of its 930
employees for the purpose of complying with division (C)(1) of 931
this section. Each request for a criminal records check under this 932
division shall be made to the superintendent of the bureau in the 933
manner prescribed in section 3319.39 of the Revised Code. Upon 934
receipt of a request, the bureau shall conduct the criminal 935
records check in accordance with section 109.572 of the Revised 936
Code as if the request had been made under section 3319.39 of the 937
Revised Code. 938

Notwithstanding division (H) of section 109.57 of the Revised 939
Code, the private company may share the results of any criminal 940
records check conducted under this division with the designated 941
official for the purpose of complying with division (C)(1) of this 942
section, but in no case shall the designated official release that 943
information to any other person. 944

Sec. 3314.99. (A) Whoever violates division (F) of section 945
3314.40 of the Revised Code shall be punished as follows: 946

(1) Except as otherwise provided in division (A)(2) of this 947
section, the person is guilty of a misdemeanor of the fourth 948

degree. 949

(2) The person is guilty of a misdemeanor of the first degree 950
if both of the following conditions apply: 951

(a) The employee who is the subject of the report that the 952
person fails to submit was required to be reported for the 953
commission or alleged commission of an act or offense involving 954
the infliction on a child of any physical or mental wound, injury, 955
disability, or condition of a nature that constitutes abuse or 956
neglect of the child; 957

(b) During the period between the violation of division (F) 958
of section 3314.40 of the Revised Code and the conviction of or 959
plea of guilty by the person for that violation, the employee who 960
is the subject of the report that the person fails to submit 961
inflicts on any child attending a school district, educational 962
service center, public or nonpublic school, or county board of 963
mental retardation and developmental disabilities where the 964
employee works any physical or mental wound, injury, disability, 965
or condition of a nature that constitutes abuse or neglect of the 966
child. 967

(B) Whoever violates division (B) of section 3314.403 of the 968
Revised Code is guilty of a misdemeanor of the first degree. 969

Sec. 3319.01. Except in an island school district, where the 970
superintendent of an educational service center otherwise may 971
serve as superintendent of the district and except as otherwise 972
provided for any cooperative education school district pursuant to 973
division (B)(2) of section 3311.52 or division (B)(3) of section 974
3311.521 of the Revised Code, the board of education in each 975
school district and the governing board of each service center 976
shall, at a regular or special meeting held not later than the 977
first day of May of the calendar year in which the term of the 978
superintendent expires, appoint a person possessed of the 979

qualifications provided in this section to act as superintendent, 980
for a term not longer than five years beginning the first day of 981
August and ending on the thirty-first day of July. Such 982
superintendent is, at the expiration of a current term of 983
employment, deemed reemployed for a term of one year at the same 984
salary plus any increments that may be authorized by the board, 985
unless such board, on or before the first day of March of the year 986
in which the contract of employment expires, either reemploys the 987
superintendent for a succeeding term as provided in this section 988
or gives to the superintendent written notice of its intention not 989
to reemploy the superintendent. A superintendent may not be 990
transferred to any other position during the term of the 991
superintendent's employment or reemployment except by mutual 992
agreement by the superintendent and the board. If a vacancy occurs 993
in the office of superintendent, the board shall appoint a 994
superintendent for a term not to exceed five years from the next 995
preceding first day of August. 996

A board may at any regular or special meeting held during the 997
period beginning on the first day of January of the calendar year 998
immediately preceding the year the contract of employment of a 999
superintendent expires and ending on the first day of March of the 1000
year it expires, reemploy such superintendent for a succeeding 1001
term for not longer than five years, beginning on the first day of 1002
August immediately following the expiration of the 1003
superintendent's current term of employment and ending on the 1004
thirty-first day of July of the year in which such succeeding term 1005
expires. No person shall be appointed to the office of 1006
superintendent of a city, or exempted village school district or a 1007
service center who does not hold a license designated for being a 1008
superintendent issued under section 3319.22 of the Revised Code, 1009
unless such person had been employed as a county, city, or 1010
exempted village superintendent prior to August 1, 1939. No person 1011
shall be appointed to the office of local superintendent who does 1012

not hold a license designated for being a superintendent issued 1013
under section 3319.22 of the Revised Code, unless such person held 1014
or was qualified to hold the position of executive head of a local 1015
school district on September 16, 1957. At the time of making such 1016
appointment or designation of term, such board shall fix the 1017
compensation of the superintendent, which may be increased or 1018
decreased during such term, provided such decrease is a part of a 1019
uniform plan affecting salaries of all employees of the district, 1020
and shall execute a written contract of employment with such 1021
superintendent. 1022

Each board shall adopt procedures for the evaluation of its 1023
superintendent and shall evaluate its superintendent in accordance 1024
with those procedures. An evaluation based upon such procedures 1025
shall be considered by the board in deciding whether to renew the 1026
superintendent's contract. The establishment of an evaluation 1027
procedure shall not create an expectancy of continued employment. 1028
Nothing in this section shall prevent a board from making the 1029
final determination regarding the renewal or failure to renew of a 1030
superintendent's contract. 1031

Termination of a superintendent's contract shall be pursuant 1032
to section 3319.16 of the Revised Code. 1033

A board may establish vacation leave for its superintendent. 1034
Upon the superintendent's separation from employment a board that 1035
has such leave may provide compensation at the superintendent's 1036
current rate of pay for all lawfully accrued and unused vacation 1037
leave to the superintendent's credit at the time of separation, 1038
not to exceed the amount accrued within three years before the 1039
date of separation. In case of the death of a superintendent, such 1040
unused vacation leave as the board would have paid to this 1041
superintendent upon separation shall be paid in accordance with 1042
section 2113.04 of the Revised Code, or to the superintendent's 1043
estate. 1044

Notwithstanding section 9.481 of the Revised Code, the board 1045
of a city, local, exempted village, or joint vocational school 1046
district may require its superintendent, as a condition of 1047
employment, to reside within the boundaries of the district. 1048

The superintendent shall be the executive officer for the 1049
board. ~~The Subject to section 3319.40 of the Revised Code, the~~ 1050
superintendent shall direct and assign teachers and other 1051
employees of the district or service center, except as provided in 1052
division (B) of section 3313.31 and section 3319.04 of the Revised 1053
Code~~+~~. The superintendent shall assign the pupils to the proper 1054
schools and grades, provided that the assignment of a pupil to a 1055
school outside of the pupil's district of residence is approved by 1056
the board of the district of residence of such pupil~~+~~ and. The 1057
superintendent shall perform such other duties as the board 1058
determines. 1059

The board of education of any school district may contract 1060
with the governing board of the educational service center from 1061
which it otherwise receives services to conduct searches and 1062
recruitment of candidates for the superintendent position 1063
authorized under this section. 1064

Sec. 3319.20. (A) Whenever an employee of a board of 1065
education, other than an employee who is a license holder to whom 1066
section 3319.52 of the Revised Code applies, is convicted of or 1067
pleads guilty to a felony, a violation of section 2907.04 or 1068
2907.06 or of division (A) or (B) of section 2907.07 of the 1069
Revised Code, an offense of violence, theft offense, or drug abuse 1070
offense that is not a minor misdemeanor, or a violation of an 1071
ordinance of a municipal corporation that is substantively 1072
comparable to a felony or to a violation or offense of that 1073
nature, or if the employee has been found to be eligible for 1074
intervention in lieu of conviction or has agreed to participate in 1075

a pre-trial diversion program for one of those offenses, the 1076
prosecutor in the case, on forms prescribed and furnished by the 1077
state board of education, shall notify the employing board of 1078
education of the employee's name and residence address, the fact 1079
that the employee was convicted of ~~or~~, pleaded guilty to, has been 1080
found eligible for intervention in lieu of conviction for, or has 1081
agreed to a diversion program for the specified offense, the 1082
section of the Revised Code or the municipal ordinance violated, 1083
and the sentence imposed by the court. 1084

The (B) In the case of a conviction or guilty plea, the 1085
prosecutor shall give the notification required by this section no 1086
earlier than the fifth day following the expiration of the period 1087
within which the employee may file a notice of appeal from the 1088
judgment of the trial court under Appellate Rule 4(B) and no later 1089
than the eighth day following the expiration of that period. The 1090
notification also shall indicate whether the employee appealed the 1091
conviction, and, if applicable, the court in which the appeal will 1092
be heard. If the employee is permitted, by leave of court pursuant 1093
to Appellate Rule 5, to appeal the judgment of the trial court 1094
subsequent to the expiration of the period for filing a notice of 1095
appeal under Appellate Rule 4(B), the prosecutor promptly shall 1096
notify the employing board of education of the appeal and the 1097
court in which the appeal will be heard. 1098

(C) In the case of a finding of eligibility for intervention 1099
in lieu of conviction or an agreement to participate in a 1100
pre-trial diversion program, the prosecutor shall give the 1101
notification required by this section by a deadline prescribed by 1102
the state board. 1103

(D) As used in this section, "theft offense" has the same 1104
meaning as in section 2913.01 of the Revised Code, "drug: 1105

(1) "Drug abuse offense" has the same meaning as in section 1106
2925.01 of the Revised Code, and "prosecutor". 1107

(2) "Intervention in lieu of conviction" means intervention 1108
in lieu of conviction under section 2951.041 of the Revised Code. 1109

(3) "Pre-trial diversion program" means a pre-trial diversion 1110
program under section 2935.36 of the Revised Code or a similar 1111
diversion program under rules of a court. 1112

(4) "Prosecutor" has the same meaning as in section 2935.01 1113
of the Revised Code. 1114

(5) "Theft offense" has the same meaning as in section 1115
2913.01 of the Revised Code. 1116

Sec. 3319.291. (A) The state board of education shall require 1117
each of the following persons, at the times prescribed by division 1118
(A) of this section, to submit two complete sets of fingerprints 1119
and written permission that authorizes the superintendent of 1120
public instruction to forward the fingerprints to the bureau of 1121
criminal identification and investigation pursuant to division (F) 1122
of section 109.57 of the Revised Code and that authorizes that 1123
bureau to forward the fingerprints to the federal bureau of 1124
investigation for purposes of obtaining any criminal records that 1125
the federal bureau maintains on the person: 1126

(1) Any person initially applying for any certificate, 1127
license, or permit described in this chapter or in division (B) of 1128
section 3301.071 or in section 3301.074 of the Revised Code at the 1129
time that application is made; 1130

(2) Any person applying for renewal of any certificate, 1131
license, or permit described in division (A)(1) of this section at 1132
the time that application is made; 1133

(3) Any person who is teaching under a professional teaching 1134
certificate issued under former section 3319.22 or under section 1135
3319.222 of the Revised Code upon a date prescribed by the state 1136
board ~~that is not later than five years after the date that the~~ 1137

~~certificate was issued or renewed;~~ 1138

(4) Any person who is teaching under a permanent teaching 1139
certificate issued under former section 3319.22 or under section 1140
3319.222 of the Revised Code upon a date prescribed by the state 1141
board and every five years thereafter. 1142

(B) Except as provided in division (C) of this section, prior 1143
to issuing or renewing any certificate, license, or permit 1144
described in division (A)(1) or (2) of this section and in the 1145
case of a person required to submit fingerprints and written 1146
permission under division (A)(3) or (4) of this section, the state 1147
board or the superintendent of public instruction shall request 1148
the superintendent of the bureau of criminal identification and 1149
investigation to investigate and determine whether the bureau has 1150
any information, gathered pursuant to division (A) of section 1151
109.57 of the Revised Code, pertaining to any person submitting 1152
fingerprints and written permission under this section and to 1153
obtain any criminal records that the federal bureau of 1154
investigation has on the person. 1155

(C) The state board or the superintendent of public 1156
instruction may choose not to request any information required by 1157
division (B) of this section if the person applying for the 1158
issuance or renewal of a certificate, license, or permit described 1159
in division (A)(1) or (2) of this section or the person required 1160
to submit fingerprints and written permission under division 1161
(A)(3) or (4) of this section provides proof that a criminal 1162
records check was conducted on the person as a condition of 1163
employment pursuant to section 3319.39 of the Revised Code within 1164
the immediately preceding year. The state board or the 1165
superintendent of public instruction may accept a certified copy 1166
of records that were issued by the bureau of criminal 1167
identification and investigation and that are presented by a 1168
person applying for the issuance or renewal of a certificate, 1169

license, or permit described in this section in lieu of requesting 1170
that information under division (B) of this section if the records 1171
were issued by the bureau within the immediately preceding year. 1172

(D)(1) If a person described in division (A)(3) or (4) of 1173
this section fails to submit fingerprints and written permission 1174
by the date specified in the applicable division, and the state 1175
board or the superintendent of public instruction does not apply 1176
division (C) of this section to the person, the superintendent 1177
shall prepare a written notice stating that if the person does not 1178
submit the fingerprints and written permission within fifteen days 1179
after the date the notice was mailed, the person's professional or 1180
permanent teaching certificate will be inactivated. The 1181
superintendent shall send the notification by regular mail to the 1182
person's last known residence address or last known place of 1183
employment, as indicated in the department of education's records, 1184
or both. 1185

If the person fails to submit the fingerprints and written 1186
permission within fifteen days after the date the notice was 1187
mailed, the superintendent of public instruction, on behalf of the 1188
state board, shall issue a written order inactivating the person's 1189
professional or permanent teaching certificate. The inactivation 1190
shall remain in effect until the person submits the fingerprints 1191
and written permission. The superintendent shall send the order by 1192
regular mail to the person's last known residence address or last 1193
known place of employment, as indicated in the department's 1194
records, or both. The order shall state the reason for the 1195
inactivation and shall explain that the inactivation remains in 1196
effect until the person complies with division (A) of this 1197
section. 1198

The inactivation of a professional or permanent teaching 1199
certificate under division (D)(1) of this section does not 1200
constitute a suspension or revocation of the certificate by the 1201

state board under section 3319.31 of the Revised Code and the 1202
state board and the superintendent of public instruction need not 1203
provide the person with an opportunity for a hearing with respect 1204
to the inactivation. 1205

(2) If a person whose professional or permanent teaching 1206
certificate has been inactivated under division (D)(1) of this 1207
section submits fingerprints and written permission as required by 1208
division (A) of this section, the superintendent of public 1209
instruction, on behalf of the state board, shall issue a written 1210
order reactivating the certificate. The superintendent shall send 1211
the order to the person by regular mail. 1212

Sec. 3319.292. As used in this section, "license" has the 1213
same meaning as in section 3319.31 of the Revised Code. 1214

The state board of education and the department of education 1215
may question an applicant for issuance or renewal of any license 1216
with respect to any criminal offense committed or alleged to have 1217
been committed by the applicant. If the record of a conviction, 1218
plea of guilty, bail forfeiture, or other disposition of a 1219
criminal offense committed or alleged to have been committed by 1220
the applicant has been sealed or expunged, the state board and the 1221
department need not assert or demonstrate that its questioning 1222
with respect to the offense bears a direct and substantial 1223
relationship to the issuance or renewal of the license or to the 1224
position in which the applicant will work under the license. 1225

Any questions regarding a record of a conviction, plea of 1226
guilty, bail forfeiture, or other disposition of a criminal 1227
offense committed or alleged to have been committed by the 1228
applicant that has been sealed or expunged and the responses of 1229
the applicant to such questions shall not be a public record under 1230
section 149.43 of the Revised Code. 1231

Sec. 3319.302. It is the intent of the general assembly that 1232
the state board of education shall administer this section without 1233
adopting any rules for its implementation. 1234

Unless the provisions of division (B) ~~or~~, (C), or (F) of 1235
section 3319.31 of the Revised Code apply to an applicant, the 1236
state board of education shall issue a one-year conditional 1237
teaching permit for teaching in grades seven to twelve to any 1238
applicant who meets the following conditions: 1239

(A) Holds a bachelor's degree; 1240

(B) Has successfully completed a basic skills test as 1241
prescribed by the state board; 1242

(C) Has completed either as part of the applicant's degree 1243
program or separate from it the equivalent of at least fifteen 1244
semester hours of coursework in the teaching area or subject area 1245
in which licensure under this section is sought; 1246

(D) Has completed the equivalent of a total of six semester 1247
hours of additional coursework within the past five years with a 1248
grade point average of at least 2.5 out of 4.0, or its equivalent, 1249
in the areas of the teaching or subject area described in division 1250
(C) of this section, characteristics of student learning, 1251
diversity of learners, planning for instruction, instruction 1252
strategies, learning environments, communication, assessment, or 1253
student support and that coursework has been approved by the 1254
school district, community school, chartered nonpublic school, or 1255
nonprofit or for-profit entity operating an alternative school 1256
under section 3313.533 of the Revised Code that will employ the 1257
applicant. The coursework may have been completed through classes 1258
developed and offered by regional professional development 1259
providers, such as special education regional resource centers, 1260
regional professional development centers, educational service 1261
centers, local educational agencies, professional organizations, 1262

and institutions of higher education, provided the coursework is 1263
taken for credit in collaboration with a college or university 1264
that has a teacher education program approved by the state board. 1265

(E) The applicant has entered into a written agreement with 1266
the school district; community school; chartered nonpublic school; 1267
or nonprofit or for profit entity operating an alternative school 1268
under section 3313.533 of the Revised Code that will employ the 1269
applicant and the department of education under which the 1270
district, school, or entity will provide for the applicant a 1271
structured mentoring program in the areas listed in division (D) 1272
of this section that is aligned with the performance expectations 1273
prescribed by state board rule for entry-year teachers. 1274

(F) The applicant agrees to complete while employed under the 1275
one-year teaching permit the equivalent of an additional three 1276
semester hours of coursework in the teaching area or subject area 1277
in which the individual is teaching and for which the individual 1278
will seek an alternative educator license pursuant to division (G) 1279
of this section. The individual's mentor prescribed in division 1280
(E) of this section shall assist the individual in selecting 1281
coursework to satisfy the requirement prescribed in this division. 1282
The coursework may be completed through classes offered by 1283
regional professional development providers, such as special 1284
education regional resource centers, regional professional 1285
development centers, educational service centers, local 1286
educational agencies, professional organizations, and institutions 1287
of higher education, if the coursework is taken for credit in 1288
collaboration with a college or university that has a teacher 1289
education program approved by the state board. 1290

(G) The applicant agrees to seek at the conclusion of the 1291
year in which the individual is employed under the one-year 1292
teaching permit issued under this section an alternative educator 1293
license issued under section 3319.26 of the Revised Code in the 1294

teaching area or subject area in which the individual has been 1295
teaching and plans to continue to teach. The applicant shall not 1296
be reemployed by the school district; community school; chartered 1297
nonpublic school; or nonprofit or for profit entity operating an 1298
alternative school under section 3313.533 of the Revised Code or 1299
be employed by another such district, school, or entity unless 1300
that alternative educator license is issued to the applicant prior 1301
to the beginning of the next school year. 1302

(H) The applicant pays the fee established under section 1303
3319.51 of the Revised Code. 1304

Sec. 3319.304. Unless the provisions of division (B) ~~or~~ (C) 1305
or (F) of section 3319.31 of the Revised Code apply to an 1306
applicant, the state board of education shall issue a one-year 1307
conditional teaching permit in the area of intervention 1308
specialist, as defined by rule of the state board, to any 1309
applicant who meets the following conditions: 1310

(A) Holds a bachelor's degree; 1311

(B) Has successfully completed a basic skills test as 1312
prescribed by the state board; 1313

(C) Has completed either as part of the applicant's degree 1314
program or separate from it the equivalent of at least fifteen 1315
semester hours of coursework in the principles and practices of 1316
teaching exceptional children, including such topics as child and 1317
adolescent development, diagnosis and assessment of children with 1318
disabilities, curriculum design and instruction, applied 1319
behavioral analysis, and how to best teach students from 1320
culturally diverse backgrounds with different learning styles; 1321

(D) The applicant has entered into a written agreement with 1322
the department of education and the school district, community 1323
school, or nonprofit or for profit entity operating an alternative 1324

school under section 3313.533 of the Revised Code that will employ 1325
the applicant under which the district, school, or entity will 1326
provide for the applicant a structured mentoring program in the 1327
teaching of exceptional children that is aligned with the 1328
performance expectations prescribed by state board rule for 1329
entry-year teachers. 1330

(E) The applicant agrees to complete while employed under the 1331
one-year teaching permit the equivalent of an additional three 1332
semester hours of coursework in the content and methods of 1333
teaching reading. The coursework may be completed through classes 1334
offered by regional professional development providers, such as 1335
special education regional resource centers, regional professional 1336
development centers, educational service centers, local 1337
educational agencies, professional organizations, and institutions 1338
of higher education, if the coursework is taken for credit in 1339
collaboration with a college or university that has a teacher 1340
education program approved by the state board. 1341

(F) The applicant agrees to seek at the conclusion of the 1342
year in which the individual is employed under the one-year 1343
teaching permit issued under this section an alternative educator 1344
license issued under section 3319.26 of the Revised Code in the 1345
area of intervention specialist. The applicant shall not be 1346
reemployed by the school district, community school, or nonprofit 1347
or for profit entity operating an alternative school under section 1348
3313.533 of the Revised Code or be employed by another such 1349
district, school, or entity unless that alternative educator 1350
license is issued to the applicant prior to the beginning of the 1351
next school year. 1352

(G) The applicant pays the fee established under section 1353
3319.51 of the Revised Code. 1354

Sec. 3319.31. (A) As used in this section and sections 1355

3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1356
means a certificate, license, or permit described in this chapter 1357
or in division (B) of section 3301.071 or in section 3301.074 of 1358
the Revised Code. 1359

(B) For any of the following reasons, the state board of 1360
education, in accordance with Chapter 119. and section 3319.311 of 1361
the Revised Code, may refuse to issue a license to an applicant; 1362
may limit a license it issues to an applicant; may suspend, 1363
revoke, or limit a license that has been issued to any person; or 1364
may revoke a license that has been issued to any person and has 1365
expired: 1366

(1) Engaging in an immoral act, incompetence, negligence, or 1367
conduct that is unbecoming to the applicant's or person's 1368
position; 1369

(2) A plea of guilty to, a finding of guilt by a jury or 1370
court of, or a conviction of any of the following: 1371

(a) A felony other than a felony listed in division (C) of 1372
this section; 1373

~~(b) A violation of section 2907.04 or 2907.06 or division (A)~~ 1374
~~or (B) of section 2907.07 of the Revised Code;~~ 1375

~~(c)~~ An offense of violence other than an offense of violence 1376
listed in division (C) of this section; 1377

~~(d)~~(c) A theft offense, as defined in section 2913.01 of the 1378
Revised Code, other than a theft offense listed in division (C) of 1379
this section; 1380

~~(e)~~(d) A drug abuse offense, as defined in section 2925.01 of 1381
the Revised Code, that is not a minor misdemeanor, other than a 1382
drug abuse offense listed in division (C) of this section; 1383

~~(f)~~(e) A violation of an ordinance of a municipal corporation 1384
that is substantively comparable to an offense listed in divisions 1385

(B)(2)(a) to ~~(e)~~(d) of this section. 1386

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section; 1387
1388
1389
1390
1391
1392

(4) Failure to comply with section 3314.40, 3319.313, 3326.24, or 5126.253 of the Revised Code. 1393
1394

(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired. 1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405

Revocation of a license or denial of issuance or renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of issuance or renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under this division. 1406
1407
1408
1409
1410
1411
1412
1413
1414
1415

The state board or superintendent shall take the action 1416

required by this division for a violation of division (B)(1), (2), 1417
(3), or (4) of section 2919.22 of the Revised Code; a violation of 1418
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 1419
2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 1420
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 1421
2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 1422
2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 1423
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 1424
2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 1425
2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 1426
2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 1427
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1428
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 1429
of the Revised Code; a violation of section 2905.04 of the Revised 1430
Code as it existed prior to July 1, 1996; a violation of section 1431
2919.23 of the Revised Code that would have been a violation of 1432
section 2905.04 of the Revised Code as it existed prior to July 1, 1433
1996, had the violation been committed prior to that date; 1434
felonious sexual penetration in violation of former section 1435
2907.12 of the Revised Code; or a violation of an ordinance of a 1436
municipal corporation that is substantively comparable to an 1437
offense listed in this paragraph. 1438

(D) The state board may delegate to the superintendent of 1439
public instruction the authority to revoke a person's license or 1440
to deny issuance or renewal of a license to a person under 1441
division (C) or (F) of this section. 1442

(E)(1) If the plea of guilty, finding of guilt, or conviction 1443
that is the basis of the action taken under division (B)(2) or (C) 1444
of this section, or under the version of division (F) of section 1445
3319.311 of the Revised Code in effect prior to the effective date 1446
of this amendment, is overturned on appeal, upon exhaustion of the 1447
criminal appeal, the clerk of the court that overturned the plea, 1448

finding, or conviction or, if applicable, the clerk of the court 1449
that accepted an appeal from the court that overturned the plea, 1450
finding, or conviction, shall notify the state board that the 1451
plea, finding, or conviction has been overturned. Within thirty 1452
days after receiving the notification, the state board shall 1453
initiate proceedings to reconsider the revocation or denial of the 1454
person's license in accordance with division (E)(2) of this 1455
section. In addition, the person whose license was revoked or 1456
denied may file with the state board a petition for 1457
reconsideration of the revocation or denial along with appropriate 1458
court documents. 1459

(2) Upon receipt of a court notification or a petition and 1460
supporting court documents under division (E)(1) of this section, 1461
the state board, after offering the person an opportunity for an 1462
adjudication hearing under Chapter 119. of the Revised Code, shall 1463
determine whether the person committed the act in question in the 1464
prior criminal action against the person that is the basis of the 1465
revocation or denial and may continue the revocation or denial, 1466
may reinstate the person's license, with or without limits, or may 1467
grant the person a new license, with or without limits. The 1468
decision of the board shall be based on grounds for revoking, 1469
denying, suspending, or limiting a license adopted by rule under 1470
division (G) of this section and in accordance with the 1471
evidentiary standards the board employs for all other licensure 1472
hearings. The decision of the board under this division is subject 1473
to appeal under Chapter 119. of the Revised Code. 1474

(3) A person whose license is revoked or denied under 1476
division (C) of this section shall not apply for any license if 1477
the plea of guilty, finding of guilt, or conviction that is the 1478
basis of the revocation or denial, upon completion of the criminal 1479
appeal, either is upheld or is overturned but the state board 1480

continues the revocation or denial under division (E)(2) of this 1481
section and that continuation is upheld on final appeal. 1482

(F) The state board may take action under division (B) of 1483
this section, and the state board or the superintendent shall take 1484
the action required under division (C) of this section, on the 1485
basis of substantially comparable conduct occurring in a 1486
jurisdiction outside this state or occurring before a person 1487
applies for or receives any license. 1488

~~(D)~~(G) The state board may adopt rules in accordance with 1489
Chapter 119. of the Revised Code to carry out this section and 1490
section 3319.311 of the Revised Code. 1491

Sec. 3319.311. (A)(1) The state board of education, or the 1492
superintendent of public instruction on behalf of the board, may 1493
investigate any information received about a person that 1494
reasonably appears to be a basis for action under section 3319.31 1495
of the Revised Code, including information received pursuant to 1496
section 3314.40, 3319.291, 3319.313, 3326.24, 5126.253, or 1497
5153.176 of the Revised Code. ~~The~~ Except as provided in division 1498
(A)(2) of this section, the board shall contract with the office 1499
of the Ohio attorney general to conduct any investigation of that 1500
nature. The board shall pay for the costs of the contract only 1501
from moneys in the state board of education licensure fund 1502
established under section 3319.51 of the Revised Code. ~~All~~ Except 1503
as provided in division (A)(2) of this section, all information 1504
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 1505
5126.253, or 5153.176 of the Revised Code, and all information 1506
obtained during an investigation is confidential and is not a 1507
public record under section 149.43 of the Revised Code. If an 1508
investigation is conducted under this division regarding 1509
information received about a person and no action is taken against 1510
the person under this section or section 3319.31 of the Revised 1511

Code within two years of the completion of the investigation, all 1512
records of the investigation shall be expunged. 1513

(2) In the case of a person about whom the board has learned 1514
of a plea of guilty to, finding of guilt by a jury or court of, or 1515
a conviction of an offense listed in division (C) of section 1516
3319.31 of the Revised Code, or substantially comparable conduct 1517
occurring in a jurisdiction outside this state, the board or the 1518
superintendent of public instruction need not conduct any further 1519
investigation and shall take the action required by division (C) 1520
or (F) of that section. Except as provided in division (G) of this 1521
section, all information obtained by the board or the 1522
superintendent of public instruction pertaining to the action is a 1523
public record under section 149.43 of the Revised Code. 1524

(B) The superintendent of public instruction shall review the 1525
results of each investigation of a person conducted under division 1526
(A)(1) of this section and shall determine, on behalf of the state 1527
board, whether the results warrant initiating action under 1528
division (B) of section 3319.31 of the Revised Code. The 1529
superintendent shall advise the board of such determination at a 1530
meeting of the board. Within fourteen days of the next meeting of 1531
the board, any member of the board may ask that the question of 1532
initiating action under section 3319.31 of the Revised Code be 1533
placed on the board's agenda for that next meeting. Prior to 1534
initiating that action against any person, the person's name and 1535
any other personally identifiable information shall remain 1536
confidential. 1537

(C) The board shall take no action against a person under 1538
division (B) of section 3319.31 of the Revised Code without 1539
providing the person with written notice of the charges and with 1540
an opportunity for a hearing in accordance with Chapter 119. of 1541
the Revised Code. 1542

(D) For purposes of an investigation under division (A)(1) of 1543

this section or a hearing under division (C) of this section or 1544
under division (E)(2) of section 3319.31 of the Revised Code, the 1545
board, or the superintendent on behalf of the board, may 1546
administer oaths, order the taking of depositions, issue 1547
subpoenas, and compel the attendance of witnesses and the 1548
production of books, accounts, papers, records, documents, and 1549
testimony. The issuance of subpoenas under this division may be by 1550
certified mail or personal delivery to the person. 1551

(E) The superintendent, on behalf of the board, may enter 1552
into a consent agreement with a person against whom action is 1553
being taken under division (B) of section 3319.31 of the Revised 1554
Code. The board may adopt rules governing the superintendent's 1555
action under this division. 1556

~~(F) The board automatically may suspend any license without a 1557
prior hearing if the license holder is convicted of or pleads 1558
guilty to one or more of the following offenses or a violation of 1559
an ordinance of a municipal corporation or a law of another state 1560
that is substantially comparable to one of the following offenses: 1561
aggravated murder; murder; aggravated arson; aggravated robbery; 1562
aggravated burglary; voluntary manslaughter; felonious assault; 1563
kidnapping; rape; sexual battery; gross sexual imposition; or 1564
unlawful sexual conduct with a minor. A suspension under this 1565
division is effective on the date of the conviction or guilty 1566
plea. 1567~~

~~For a suspension under this division, the board, in 1568
accordance with section 119.07 of the Revised Code, shall issue a 1569
written order of suspension to the license holder by certified 1570
mail or in person and shall afford the person a hearing upon 1571
request. If the person does not request a hearing within the time 1572
limits established by that section, the board shall enter a final 1573
order revoking the person's license. An order of suspension under 1574
this division is not subject to suspension by a court during the 1575~~

~~pendency of an appeal filed under section 119.12 of the Revised Code.~~ 1576
1577

~~An order of suspension under this division shall remain in effect, unless reversed on appeal, until the final order of the board, issued pursuant to this section and Chapter 119. of the Revised Code, becomes effective. The board shall issue a final order within sixty days of the date of an order of suspension under this division or a hearing on an order of suspension, whichever is later. If the board fails to issue a final order by that deadline, the order of suspension is dissolved. No dissolution of an order of suspension under this division shall invalidate a subsequent final order of the board.~~ 1578
1579
1580
1581
1582
1583
1584
1585
1586
1587

~~(G) No surrender of a license shall be effective until the board takes action to accept the surrender unless the surrender is pursuant to a consent agreement entered into under division (E) of this section.~~ 1588
1589
1590
1591

(G) The name of any person who is not required to report information under section 3314.40, 3319.313, 3326.24, 5126.253, or 5153.176 of the Revised Code, but who in good faith provides information to the state board or superintendent of public instruction about alleged misconduct committed by a person who holds a license or has applied for issuance or renewal of a license, shall be confidential and shall not be released. Any such person shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information. 1592
1593
1594
1595
1596
1597
1598
1599
1600
1601

(H)(1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. of the Revised Code. 1602
1603
1604
1605
1606
1607

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

(b) If a person is convicted of or pleads guilty to a violation of division (H)(1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H)(1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the false report incurred as a result of or in relation to the charges.

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

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

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

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

(4) "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.

(B) ~~The board of education~~ superintendent of each school

district, ~~the governing board of~~ and each educational service 1638
center or the president of the district or service center board, 1639
if division (C)(1) of this section applies, and the chief 1640
administrator of each chartered nonpublic school or the president 1641
or chairperson of the governing authority of the nonpublic school, 1642
if division (C)(2) of this section applies, shall promptly submit 1643
to the superintendent of public instruction the information 1644
prescribed in division ~~(C)~~(D) of this section when any of the 1645
following conditions ~~apply~~ applies to an employee of the district, 1646
service center, or nonpublic school who holds a license issued by 1647
the state board of education: 1648

(1) The ~~board of education, governing board, or~~ 1649
superintendent, chief administrator, president, or chairperson 1650
knows that the employee has pleaded guilty to, has been found 1651
guilty by a jury or court of, ~~or~~ has been convicted of, has been 1652
found to be eligible for intervention in lieu of conviction for, 1653
or has agreed to participate in a pre-trial diversion program for 1654
an offense described in division (B)(2) or (C) of section 3319.31 1655
or division (B)(1) of section 3319.39 of the Revised Code; 1656

(2) The district board of education, service center governing 1657
board, or nonpublic school chief administrator or governing 1658
authority has initiated termination or nonrenewal proceedings 1659
against, has terminated, or has not renewed the contract of the 1660
employee because the board of education, governing board, or chief 1661
administrator has reasonably determined that the employee has 1662
committed an act that is unbecoming to the teaching profession or 1663
an offense described in division (B)(2) or (C) of section 3319.31 1664
or division (B)(1) of section 3319.39 of the Revised Code; 1665

(3) The employee has resigned under threat of termination or 1667
nonrenewal as described in division (B)(2) of this section; 1668

(4) The employee has resigned because of or in the course of 1669

an investigation by the board of education, governing board, or 1670
chief administrator regarding whether the employee has committed 1671
an act that is unbecoming to the teaching profession or an offense 1672
described in division (B)(2) or (C) of section 3319.31 or division 1673
(B)(1) of section 3319.39 of the Revised Code. 1674

(C)(1) If the employee to whom any of the conditions 1675
prescribed in divisions (B)(1) to (4) of this section applies is 1676
the superintendent or treasurer of a school district or 1677
educational service center, the president of the board of 1678
education of the school district or of the governing board of the 1679
educational service center shall make the report required under 1680
this section. 1681

(2) If the employee to whom any of the conditions prescribed 1682
in divisions (B)(1) to (4) of this section applies is the chief 1683
administrator of a chartered nonpublic school, the president or 1684
chairperson of the governing authority of the chartered nonpublic 1685
school shall make the report required under this section. 1686

(D) If a report is required under this section, the ~~board of~~ 1687
~~education, governing board, or superintendent,~~ chief 1688
~~administrator, president, or chairperson~~ shall submit to the 1689
superintendent of public instruction the name and social security 1690
number of the employee about whom the information is required and 1691
a factual statement regarding any of the conditions prescribed in 1692
divisions (B)(1) to (4) of this section that ~~apply~~ applies to the 1693
employee. 1694

~~(D)~~(E) A determination made by the board of education, 1695
governing board, ~~or~~ chief administrator, or governing authority as 1696
described in division (B)(2) of this section or a termination, 1697
nonrenewal, resignation, or other separation described in 1698
divisions (B)(2) to (4) of this section does not create a 1699
presumption of the commission or lack of the commission by the 1700
employee of an act unbecoming to the teaching profession or an 1701

offense described in division (B)(2) or (C) of section 3319.31 or 1702
division (B)(1) of section 3319.39 of the Revised Code. 1703

(F) No individual required to submit a report under division 1704
(B) of this section shall knowingly fail to comply with that 1705
division. 1706

(G) An individual who provides information to the 1707
superintendent of public instruction in accordance with this 1708
section in good faith shall be immune from any civil liability 1709
that otherwise might be incurred or imposed for injury, death, or 1710
loss to person or property as a result of the provision of that 1711
information. 1712

Sec. 3319.314. The board of education of each school 1713
district, the governing board of each educational service center, 1714
and the chief administrator of each chartered nonpublic school 1715
shall require that the reports of any investigation by the 1716
district board of education, service center governing board, or 1717
nonpublic school chief administrator of an employee regarding 1718
whether the employee has committed an act or offense for which the 1719
~~board of education, governing board,~~ district or service center 1720
superintendent or board president or nonpublic school chief 1721
administrator or governing authority president or chairperson is 1722
required to make a report to the superintendent of public 1723
instruction under section 3319.313 of the Revised Code be kept in 1724
the employee's personnel file. If, after an investigation under 1725
division (A) of section 3319.311 of the Revised Code, the 1726
superintendent of public instruction determines that the results 1727
of that investigation do not warrant initiating action under 1728
section 3319.31 of the Revised Code, the board of education, 1729
governing board, or chief administrator shall require the reports 1730
of the board's or chief administrator's investigation to be moved 1731
from the employee's personnel file to a separate public file. 1732

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

Sec. 3319.317. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) No employee of a school district or educational service center shall do either of the following:

(1) Knowingly make a false report to the district or service center superintendent, or the superintendent's designee, alleging misconduct by another employee of the district or service center;

(2) Knowingly cause the district or service center superintendent, or the superintendent's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board of education.

(C) Any employee of a school district or educational service center who in good faith reports to the district or service center superintendent, or the superintendent's designee, information about alleged misconduct committed by another employee of the district or service center shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the district or service center superintendent is not required to submit a report to the superintendent of public

instruction under section 3319.313 of the Revised Code and the 1763
district or service center superintendent, or the superintendent's 1764
designee, in good faith reports the alleged misconduct to the 1765
superintendent of public instruction or the state board, the 1766
district or service center superintendent, or the superintendent's 1767
designee, shall be immune from any civil liability that otherwise 1768
might be incurred or imposed for injury, death, or loss to person 1769
or property as a result of the reporting of that information. 1770

(D) No employee of a chartered nonpublic school shall do 1771
either of the following: 1772

(1) Knowingly make a false report to the chief administrator 1773
of the school, or the chief administrator's designee, alleging 1774
misconduct by another employee of the school; 1775

(2) Knowingly cause the chief administrator, or the chief 1776
administrator's designee, to make a false report of the alleged 1777
misconduct to the superintendent of public instruction or the 1778
state board. 1779

(E) Any employee of a chartered nonpublic school who in good 1780
faith reports to the chief administrator of the school, or the 1781
chief administrator's designee, information about alleged 1782
misconduct committed by another employee of the school shall be 1783
immune from any civil liability that otherwise might be incurred 1784
or imposed for injury, death, or loss to person or property as a 1785
result of the reporting of that information. 1786

If the alleged misconduct involves a person who holds a 1787
license but the chief administrator is not required to submit a 1788
report to the superintendent of public instruction under section 1789
3319.313 of the Revised Code and the chief administrator, or the 1790
chief administrator's designee, in good faith reports the alleged 1791
misconduct to the superintendent of public instruction or the 1792
state board, the chief administrator, or the chief administrator's 1793

designee, shall be immune from any civil liability that otherwise 1794
might be incurred or imposed for injury, death, or loss to person 1795
or property as a result of the reporting of that information. 1796

(F)(1) In any civil action brought against a person in which 1797
it is alleged and proved that the person violated division (B) or 1798
(D) of this section, the court shall award the prevailing party 1799
reasonable attorney's fees and costs that the prevailing party 1800
incurred in the civil action or as a result of the false report 1801
that was the basis of the violation. 1802

(2) If a person is convicted of or pleads guilty to a 1803
violation of division (B) or (D) of this section, if the subject 1804
of the false report that was the basis of the violation was 1805
charged with any violation of a law or ordinance as a result of 1806
the false report, and if the subject of the false report is found 1807
not to be guilty of the charges brought against the subject as a 1808
result of the false report or those charges are dismissed, the 1809
court that sentences the person for the violation of division (B) 1810
or (D) of this section, as part of the sentence, shall order the 1811
person to pay restitution to the subject of the false report, in 1812
an amount equal to reasonable attorney's fees and costs that the 1813
subject of the false report incurred as a result of or in relation 1814
to the charges. 1815

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 1816
of section 109.57 of the Revised Code, the appointing or hiring 1817
officer of the board of education of a school district, the 1818
governing board of an educational service center, or of a 1819
chartered nonpublic school shall request the superintendent of the 1820
bureau of criminal identification and investigation to conduct a 1821
criminal records check with respect to any applicant who has 1822
applied to the school district, educational service center, or 1823
school for employment in any position. The appointing or hiring 1824

officer shall request that the superintendent include information 1825
from the federal bureau of investigation in the criminal records 1826
check, unless all of the following apply to the applicant: 1827

(a) The applicant is applying to be an instructor of adult 1829
education. 1830

(b) The duties of the position for which the applicant is 1831
applying do not involve routine interaction with a child or 1832
regular responsibility for the care, custody, or control of a 1833
child or, if the duties do involve such interaction or 1834
responsibility, during any period of time in which the applicant, 1835
if hired, has such interaction or responsibility, another employee 1836
of the school district, educational service center, or chartered 1837
nonpublic school will be present in the same room with the child 1838
or, if outdoors, will be within a thirty-yard radius of the child 1839
or have visual contact with the child. 1840

(c) The applicant presents proof that the applicant has been 1841
a resident of this state for the five-year period immediately 1842
prior to the date upon which the criminal records check is 1843
requested or provides evidence that within that five-year period 1844
the superintendent has requested information about the applicant 1845
from the federal bureau of investigation in a criminal records 1846
check. 1847

(2) A person required by division (A)(1) of this section to 1848
request a criminal records check shall provide to each applicant a 1849
copy of the form prescribed pursuant to division (C)~~(2)~~(1) of 1850
section 109.572 of the Revised Code, provide to each applicant a 1851
standard impression sheet to obtain fingerprint impressions 1852
prescribed pursuant to division (C)(2) of section 109.572 of the 1853
Revised Code, obtain the completed form and impression sheet from 1854
each applicant, and forward the completed form and impression 1855
sheet to the superintendent of the bureau of criminal 1856

identification and investigation at the time the person requests a 1857
criminal records check pursuant to division (A)(1) of this 1858
section. 1859

(3) An applicant who receives pursuant to division (A)(2) of 1860
this section a copy of the form prescribed pursuant to division 1861
(C)(1) of section 109.572 of the Revised Code and a copy of an 1862
impression sheet prescribed pursuant to division (C)(2) of that 1863
section and who is requested to complete the form and provide a 1864
set of fingerprint impressions shall complete the form or provide 1865
all the information necessary to complete the form and shall 1866
provide the impression sheet with the impressions of the 1867
applicant's fingerprints. If an applicant, upon request, fails to 1868
provide the information necessary to complete the form or fails to 1869
provide impressions of the applicant's fingerprints, the board of 1870
education of a school district, governing board of an educational 1871
service center, or governing authority of a chartered nonpublic 1872
school shall not employ that applicant for any position. 1873

(B)(1) Except as provided in rules adopted by the department 1874
of education in accordance with division (E) of this section and 1875
as provided in division (B)(3) of this section, no board of 1876
education of a school district, no governing board of an 1877
educational service center, and no governing authority of a 1878
chartered nonpublic school shall employ a person if the person 1879
previously has been convicted of or pleaded guilty to any of the 1880
following: 1881

(a) A violation of section 2903.01, 2903.02, 2903.03, 1882
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1883
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1884
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1885
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1886
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1887
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1888

2925.06, or 3716.11 of the Revised Code, a violation of section 1889
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1890
violation of section 2919.23 of the Revised Code that would have 1891
been a violation of section 2905.04 of the Revised Code as it 1892
existed prior to July 1, 1996, had the violation been committed 1893
prior to that date, a violation of section 2925.11 of the Revised 1894
Code that is not a minor drug possession offense, or felonious 1895
sexual penetration in violation of former section 2907.12 of the 1896
Revised Code; 1897

(b) A violation of an existing or former law of this state, 1898
another state, or the United States that is substantially 1899
equivalent to any of the offenses or violations described in 1900
division (B)(1)(a) of this section. 1901

(2) A board, governing board of an educational service 1902
center, or a governing authority of a chartered nonpublic school 1903
may employ an applicant conditionally until the criminal records 1904
check required by this section is completed and the board or 1905
governing authority receives the results of the criminal records 1906
check. If the results of the criminal records check indicate that, 1907
pursuant to division (B)(1) of this section, the applicant does 1908
not qualify for employment, the board or governing authority shall 1909
release the applicant from employment. 1910

(3) No board and no governing authority of a chartered 1911
nonpublic school shall employ a teacher who previously has been 1912
convicted of or pleaded guilty to any of the offenses listed in 1913
section 3319.31 of the Revised Code. 1914

(C)(1) Each board and each governing authority of a chartered 1915
nonpublic school shall pay to the bureau of criminal 1916
identification and investigation the fee prescribed pursuant to 1917
division (C)(3) of section 109.572 of the Revised Code for each 1918
criminal records check conducted in accordance with that section 1919
upon the request pursuant to division (A)(1) of this section of 1920

the appointing or hiring officer of the board or governing authority. 1921
1922

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C)(1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment. 1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant. 1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944

(E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B)(1) or (3) of this section but who meets standards in regard to rehabilitation set by the department. 1945
1946
1947
1948
1949
1950

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the 1951
1952

time of the person's initial application for employment, of the 1953
requirement to provide a set of fingerprint impressions and that a 1954
criminal records check is required to be conducted and 1955
satisfactorily completed in accordance with section 109.572 of the 1956
Revised Code if the person comes under final consideration for 1957
appointment or employment as a precondition to employment for the 1958
school district, educational service center, or school for that 1959
position. 1960

(G) As used in this section: 1961

(1) "Applicant" means a person who is under final 1962
consideration for appointment or employment in a position with a 1963
board of education, governing board of an educational service 1964
center, or a chartered nonpublic school, except that "applicant" 1965
does not include a person already employed by a board or chartered 1966
nonpublic school who is under consideration for a different 1967
position with such board or school. 1968

(2) "Teacher" means a person holding an educator license or 1969
permit issued under section 3319.22 or 3319.301 of the Revised 1970
Code and teachers in a chartered nonpublic school. 1971

(3) "Criminal records check" has the same meaning as in 1972
section 109.572 of the Revised Code. 1973

(4) "Minor drug possession offense" has the same meaning as 1974
in section 2925.01 of the Revised Code. 1975

(H) If the board of education of a local school district 1976
adopts a resolution requesting the assistance of the educational 1977
service center in which the local district has territory in 1978
conducting criminal records checks of substitute teachers and 1979
substitutes for other district employees under this section, the 1980
appointing or hiring officer of such educational service center 1981
shall serve for purposes of this section as the appointing or 1982
hiring officer of the local board in the case of hiring substitute 1983

teachers and other substitute employees for ~~employment in the~~ 1984
local district. 1985

Sec. 3319.391. ~~(A)(1)~~ This ~~division~~ section applies to any 1986
person hired by a school district, educational service center, or 1987
chartered nonpublic school in any position that does not require a 1988
"license" issued by the state board of education, as defined in 1989
section 3319.31 of the Revised Code, and is not for the operation 1990
of a vehicle for pupil transportation. 1991

(A) For each person to whom this ~~division~~ section applies who 1992
is hired on or after ~~the effective date of this section~~ November 1993
14, 2007, the employer shall request a criminal records check in 1994
accordance with section 3319.39 of the Revised Code and shall 1995
request a subsequent criminal records check by the fifth day of 1996
September every ~~five years~~ fifth year thereafter. For each person 1997
to whom this division applies who is hired prior to ~~that date~~ 1998
November 14, 2007, the employer shall request a criminal records 1999
check by a date prescribed by the department of education and 2000
shall request a subsequent criminal records check by the fifth day 2001
of September every ~~five years~~ fifth year thereafter. 2002

~~(2) This division applies to any person hired to work in a~~ 2004
~~school district, educational service center, or chartered~~ 2005
~~nonpublic school, in any position that does not require a~~ 2006
~~"license" issued by the state board of education, as defined in~~ 2007
~~section 3319.31 of the Revised Code, and is not for the operation~~ 2008
~~of a vehicle for pupil transportation, and who is employed by a~~ 2009
~~private company under contract with the district, service center,~~ 2010
~~or chartered nonpublic school to provide services.~~ 2011

~~For each person to whom this division applies who is hired on~~ 2012
~~or after the effective date of this section, the employer shall~~ 2013
~~request a criminal records check prior to the person's hiring and~~ 2014

~~every five years thereafter. For each person to whom this division
applies who is hired prior to that date, the employer shall
request a criminal records check by a date prescribed by the
department and every five years thereafter.~~

(B) Each request for a criminal records check under this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code. Upon receipt of a request, the bureau shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code.

(C) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the department under division (E) of that section.

Sec. 3319.392. (A) As used in this section:

(1) "Designated official" means the superintendent, or the superintendent's designee, in the case of a school district or educational service center and the chief administrator, or the chief administrator's designee, in the case of a chartered nonpublic school.

(2) "Essential school services" means services provided by a private company under contract with a school district, educational service center, or chartered nonpublic school that the district or service center superintendent or the chief administrator of the chartered nonpublic school has determined are necessary for the operation of the district, service center, or chartered nonpublic school and that would need to be provided by employees of the

district, service center, or chartered nonpublic school if the 2046
services were not provided by the private company. 2047

(3) "License" has the same meaning as in section 3319.31 of 2048
the Revised Code. 2049

(B) This section applies to any person who is an employee of 2050
a private company under contract with a school district, 2051
educational service center, or chartered nonpublic school to 2052
provide essential school services and who will work in the 2053
district, service center, or chartered nonpublic school in a 2054
position that does not require a license issued by the state board 2055
of education, is not for the operation of a vehicle for pupil 2056
transportation, and that involves routine interaction with a child 2057
or regular responsibility for the care, custody, or control of a 2058
child. 2059

(C) No school district, educational service center, or 2060
chartered nonpublic school shall permit a person to whom this 2061
section applies to work in the district, service center, or 2062
chartered nonpublic school, unless one of the following applies to 2063
the person: 2064

(1) The person's employer presents proof of both of the 2065
following to the designated official: 2066

(a) That the person has been the subject of a criminal 2067
records check conducted in accordance with division (D) of this 2068
section within the five-year period immediately prior to the date 2069
on which the person will begin working in the district, service 2070
center, or chartered nonpublic school; 2071

(b) That the criminal records check indicates that the person 2072
has not been convicted of or pleaded guilty to any offense 2073
described in division (B)(1) of section 3319.39 of the Revised 2074
Code. 2075

(2) During any period of time in which the person will have 2076

routine interaction with a child or regular responsibility for the 2077
care, custody, or control of a child, the designated official has 2078
arranged for an employee of the district, service center, or 2079
chartered nonpublic school to be present in the same room with the 2080
child or, if outdoors, to be within a thirty-yard radius of the 2081
child or to have visual contact with the child. 2082

(D) Any private company that has been hired or seeks to be 2083
hired by a school district, educational service center, or 2084
chartered nonpublic school to provide essential school services 2085
may request the bureau of criminal identification and 2086
investigation to conduct a criminal records check of any of its 2087
employees for the purpose of complying with division (C)(1) of 2088
this section. Each request for a criminal records check under this 2089
division shall be made to the superintendent of the bureau in the 2090
manner prescribed in section 3319.39 of the Revised Code. Upon 2091
receipt of a request, the bureau shall conduct the criminal 2092
records check in accordance with section 109.572 of the Revised 2093
Code as if the request had been made under section 3319.39 of the 2094
Revised Code. 2095

Notwithstanding division (H) of section 109.57 of the Revised 2096
Code, the private company may share the results of any criminal 2097
records check conducted under this division with the designated 2098
official for the purpose of complying with division (C)(1) of this 2099
section, but in no case shall the designated official release that 2100
information to any other person. 2101

Sec. 3319.40. (A) As used in this section, "license" has the 2102
same meaning as in section 3319.31 of the Revised Code. 2103

(B) If a person who is employed by a school district or 2104
chartered nonpublic school is arrested, summoned, or indicted for 2105
an alleged violation of an offense listed in division (C) of 2106
section 3319.31 of the Revised Code, if the person holds a 2107

license, or an offense listed in division (B)(1) of section 2108
3319.39 of the Revised Code, if the person does not hold a 2109
license, the superintendent of the district or the chief 2110
administrative officer of the chartered nonpublic school shall 2111
suspend that person from all duties that require the care, 2112
custody, or control of a child during the pendency of the criminal 2113
action against the person. If the person who is arrested, 2114
summoned, or indicted for an alleged violation of an offense 2115
listed in division (C) of section 3319.31 or division (B)(1) of 2116
section 3319.39 of the Revised Code is a person whose duties are 2117
assigned by the district treasurer under division (B) of section 2118
3313.31 of the Revised Code, the treasurer shall suspend the 2119
person from all duties that require the care, custody, or control 2120
of a child. If the person who is arrested, summoned, or indicted 2121
for an alleged violation of an offense listed in division (C) of 2122
section 3319.31 or division (B)(1) of section 3319.39 of the 2123
Revised Code is the superintendent or treasurer of the district, 2124
the district board shall suspend the superintendent or treasurer 2125
from all duties that require the care, custody, or control of a 2126
child. If the person who is arrested, summoned, or indicted for an 2127
alleged violation of an offense listed in division (C) of section 2128
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 2129
is the chief administrative officer of the chartered nonpublic 2130
school, the governing authority of the chartered nonpublic school 2131
shall suspend the chief administrative officer from all duties 2132
that require the care, custody, or control of a child. 2133

2134
(C) When a person who holds a license is suspended in 2135
accordance with this section, the superintendent, treasurer, board 2136
of education, chief administrative officer, or governing authority 2137
that imposed the suspension promptly shall report the person's 2138
suspension to the department of education. The report shall 2139
include the offense for which the person was arrested, summoned, 2140

or indicted. 2141

Sec. 3319.52. (A) As used in this section: 2142

(1) "Intervention in lieu of conviction" means intervention 2143
in lieu of conviction under section 2951.041 of the Revised Code. 2144

(2) "License" has the same meaning as in section 3319.31 of 2145
the Revised Code. 2146

~~(2)~~(3) "Pre-trial diversion program" means a pre-trial 2147
diversion program under section 2935.36 of the Revised Code or a 2148
similar diversion program under rules of a court. 2149

(4) "Prosecutor" has the same meaning as in section 2935.01 2150
of the Revised Code. 2151

(B) If there is any judicial finding of guilt or any 2152
conviction or a judicial finding of eligibility for intervention 2153
in lieu of conviction against a license holder, or if a license 2154
holder agrees to participate in a pre-trial diversion program, for 2155
any of the offenses listed in ~~divisions~~ division (B)(2)(a) ~~to (f)~~ 2156
or (C) of section 3319.31 of the Revised Code, the prosecutor in 2157
the case, on forms that the state board of education shall 2158
prescribe and furnish, promptly shall notify the board and, if 2159
known, any school district or chartered nonpublic school employing 2160
the license holder of the license holder's name and residence 2161
address, and the fact that the license holder pleaded guilty to 2162
~~or,~~ was convicted of, has been found eligible for intervention in 2163
lieu of conviction for, or has agreed to a diversion program for 2164
the offense. 2165

Sec. 3319.99. (A) Whoever violates division (A) of section 2166
3319.151 of the Revised Code is guilty of a minor misdemeanor. 2167

(B) Whoever violates division (H)(1) of section 3319.311 of 2168
the Revised Code is guilty of a misdemeanor of the first degree. 2169

(C) Whoever violates division (F) of section 3319.313 of the Revised Code shall be punished as follows: 2170
2171

(1) Except as otherwise provided in division (C)(2) of this section, the person is guilty of a misdemeanor of the fourth degree. 2172
2173
2174

(2) The person is guilty of a misdemeanor of the first degree if both of the following conditions apply: 2175
2176

(a) The employee who is the subject of the report that the person fails to submit was required to be reported for the commission or alleged commission of an act or offense involving the infliction on a child of any physical or mental wound, injury, disability, or condition of a nature that constitutes abuse or neglect of the child; 2177
2178
2179
2180
2181
2182

(b) During the period between the violation of division (F) of section 3319.313 of the Revised Code and the conviction of or plea of guilty by the person for that violation, the employee who is the subject of the report that the person fails to submit inflicts on any child attending a school district, educational service center, public or nonpublic school, or county board of mental retardation and developmental disabilities where the employee works any physical or mental wound, injury, disability, or condition of a nature that constitutes abuse or neglect of the child. 2183
2184
2185
2186
2187
2188
2189
2190
2191
2192

(D) Whoever violates division (B) or (D) of section 3319.317 of the Revised Code is guilty of a misdemeanor of the first degree. 2193
2194
2195

Sec. 3326.081. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 2196
2197

(B) If a person who is employed by a science, technology, engineering, and mathematics school established under this chapter 2198
2199

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 administrative officer of the school 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 chief administrative officer of the school, the governing body of the school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

(C) When a person who holds a license is suspended in accordance with this section, the chief administrative officer or governing body that imposed the suspension promptly shall report the person's suspension to the department of education. The report shall include the offense for which the person was arrested, summoned, or indicted.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, ~~3319.313,~~ ~~3319.314,~~ ~~3319.315,~~ 3319.32, 3319.321, 3319.35, 3319.39, 3319.391,

3319.45, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 2232
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 2233
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 2234
4123., 4141., and 4167. of the Revised Code as if it were a school 2235
district. 2236

Sec. 3326.23. The governing body of each science, technology, 2237
engineering, and mathematics school annually shall provide the 2238
following assurances in writing to the department of education not 2239
later than ten business days prior to the opening of the school: 2240
2241

(A) That the school has a plan for providing special 2242
education and related services to students with disabilities and 2243
has demonstrated the capacity to provide those services in 2244
accordance with Chapter 3323. of the Revised Code and federal law; 2245
2246

(B) That the school has a plan and procedures for 2247
administering the achievement tests and diagnostic assessments 2248
prescribed by sections 3301.0710 and 3301.0715 of the Revised 2249
Code; 2250

(C) That school personnel have the necessary training, 2251
knowledge, and resources to properly use and submit information to 2252
all databases maintained by the department for the collection of 2253
education data, including the education management information 2254
system established under section 3301.0714 of the Revised Code; 2255

(D) That all required information about the school has been 2256
submitted to the Ohio education directory system or any successor 2257
system; 2258

(E) That all classroom teachers are licensed in accordance 2259
with sections 3319.22 to 3319.31 of the Revised Code or are 2260
engaged to teach pursuant to section 3319.301 of the Revised Code; 2261

(F) That the school's treasurer is in compliance with section 3326.21 of the Revised Code;	2262 2263
(G) That the school has complied with section <u>sections</u> 3319.39 <u>and 3319.391</u> of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing body members;	2264 2265 2266 2267
(H) That the school holds all of the following:	2268
(1) Proof of property ownership or a lease for the facilities used by the school;	2269 2270
(2) A certificate of occupancy;	2271
(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;	2272 2273
(4) A satisfactory health and safety inspection;	2274
(5) A satisfactory fire inspection;	2275
(6) A valid food permit, if applicable.	2276
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	2277 2278 2279
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	2280 2281
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	2282 2283 2284
<u>Sec. 3326.24.</u> (A) As used in this section:	2285
<u>(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the state board of education.</u>	2286 2287
<u>(2) "Intervention in lieu of conviction" means intervention in lieu of conviction under section 2951.041 of the Revised Code.</u>	2288 2289

(3) "License" has the same meaning as in section 3319.31 of 2290
the Revised Code. 2291

(4) "Pre-trial diversion program" means a pre-trial diversion 2292
program under section 2935.36 of the Revised Code or a similar 2293
diversion program under rules of a court. 2294

(B) The chief administrative officer of each science, 2295
technology, engineering, and mathematics school, or the president 2296
or chairperson of the governing body of the school, if division 2297
(C) of this section applies, shall promptly submit to the 2298
superintendent of public instruction the information prescribed in 2299
division (D) of this section when any of the following conditions 2300
applies to an employee of the school who holds a license issued by 2301
the state board of education: 2302

(1) The chief administrative officer, president, or 2303
chairperson knows that the employee has pleaded guilty to, has 2304
been found guilty by a jury or court of, has been convicted of, 2305
has been found to be eligible for intervention in lieu of 2306
conviction for, or has agreed to participate in a pre-trial 2307
diversion program for an offense described in division (B)(2) or 2308
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 2309
the Revised Code. 2310

(2) The governing body of the school has initiated 2311
termination or nonrenewal proceedings against, has terminated, or 2312
has not renewed the contract of the employee because the governing 2313
body has reasonably determined that the employee has committed an 2314
act that is unbecoming to the teaching profession or an offense 2315
described in division (B)(2) or (C) of section 3319.31 or division 2316
(B)(1) of section 3319.39 of the Revised Code. 2317

(3) The employee has resigned under threat of termination or 2318
nonrenewal as described in division (B)(2) of this section. 2319

(4) The employee has resigned because of or in the course of 2320

an investigation by the governing body regarding whether the 2321
employee has committed an act that is unbecoming to the teaching 2322
profession or an offense described in division (B)(2) or (C) of 2323
section 3319.31 or division (B)(1) of section 3319.39 of the 2324
Revised Code. 2325

(C) If the employee to whom any of the conditions prescribed 2326
in divisions (B)(1) to (4) of this section applies is the chief 2327
administrative officer of a science, technology, engineering, or 2328
mathematics school, the president or chairperson of the governing 2329
body of the school shall make the report required under this 2330
section. 2331

(D) If a report is required under this section, the chief 2332
administrative officer, president, or chairperson shall submit to 2333
the superintendent of public instruction the name and social 2334
security number of the employee about whom the information is 2335
required and a factual statement regarding any of the conditions 2336
prescribed in divisions (B)(1) to (4) of this section that applies 2337
to the employee. 2338

(E) A determination made by the governing body as described 2339
in division (B)(2) of this section or a termination, nonrenewal, 2340
resignation, or other separation described in divisions (B)(2) to 2341
(4) of this section does not create a presumption of the 2342
commission or lack of the commission by the employee of an act 2343
unbecoming to the teaching profession or an offense described in 2344
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 2345
section 3319.39 of the Revised Code. 2346

(F) No individual required to submit a report under division 2347
(B) of this section shall knowingly fail to comply with that 2348
division. 2349

(G) An individual who provides information to the 2350
superintendent of public instruction in accordance with this 2351

section in good faith shall be immune from any civil liability 2352
that otherwise might be incurred or imposed for injury, death, or 2353
loss to person or property as a result of the provision of that 2354
information. 2355

Sec. 3326.241. The governing body of each science, 2356
technology, engineering, and mathematics school shall require that 2357
the reports of any investigation by the governing body of an 2358
employee regarding whether the employee has committed an act or 2359
offense for which the chief administrative officer of the school 2360
or the president or chairperson of the governing body is required 2361
to make a report to the superintendent of public instruction under 2362
section 3314.40 of the Revised Code be kept in the employee's 2363
personnel file. If, after an investigation under division (A) of 2364
section 3319.311 of the Revised Code, the superintendent of public 2365
instruction determines that the results of that investigation do 2366
not warrant initiating action under section 3319.31 of the Revised 2367
Code, the governing body shall require the reports of the 2368
investigation to be moved from the employee's personnel file to a 2369
separate public file. 2370

Sec. 3326.242. Notwithstanding any provision to the contrary 2371
in Chapter 4117. of the Revised Code, the provisions of sections 2372
3326.24 and 3326.241 of the Revised Code prevail over any 2373
conflicting provisions of a collective bargaining agreement or 2374
contract for employment entered into after March 30, 2007. 2375

Sec. 3326.243. (A) As used in this section, "license" has the 2376
same meaning as in section 3319.31 of the Revised Code. 2377

(B) No employee of a science, technology, engineering, and 2378
mathematics school shall do either of the following: 2379

(1) Knowingly make a false report to the chief administrative 2380
officer of the school, or the chief administrative officer's 2381

designee, alleging misconduct by another employee of the school; 2382

(2) Knowingly cause the chief administrative officer, or the 2383
chief administrative officer's designee, to make a false report of 2384
the alleged misconduct to the superintendent of public instruction 2385
or the state board of education. 2386

(C) Any employee of a STEM school who in good faith reports 2387
to the chief administrative officer of the school, or the chief 2388
administrative officer's designee, information about alleged 2389
misconduct committed by another employee of the school shall be 2390
immune from any civil liability that otherwise might be incurred 2391
or imposed for injury, death, or loss to person or property as a 2392
result of the reporting of that information. 2393

If the alleged misconduct involves a person who holds a 2394
license but the chief administrative officer is not required to 2395
submit a report to the superintendent of public instruction under 2396
section 3326.24 of the Revised Code and the chief administrative 2397
officer, or the chief administrative officer's designee, in good 2398
faith reports the alleged misconduct to the superintendent of 2399
public instruction or the state board, the chief administrative 2400
officer, or the chief administrative officer's designee, shall be 2401
immune from any civil liability that otherwise might be incurred 2402
or imposed for injury, death, or loss to person or property as a 2403
result of the reporting of that information. 2404

(D)(1) In any civil action brought against a person in which 2405
it is alleged and proved that the person violated division (B) of 2406
this section, the court shall award the prevailing party 2407
reasonable attorney's fees and costs that the prevailing party 2408
incurred in the civil action or as a result of the false report 2409
that was the basis of the violation. 2410

(2) If a person is convicted of or pleads guilty to a 2411
violation of division (B) of this section, if the subject of the 2412

false report that was the basis of the violation was charged with 2413
any violation of a law or ordinance as a result of the false 2414
report, and if the subject of the false report is found not to be 2415
guilty of the charges brought against the subject as a result of 2416
the false report or those charges are dismissed, the court that 2417
sentences the person for the violation of division (B) of this 2418
section, as part of the sentence, shall order the person to pay 2419
restitution to the subject of the false report, in an amount equal 2420
to reasonable attorney's fees and costs that the subject of the 2421
false report incurred as a result of or in relation to the 2422
charges. 2423

Sec. 3326.25. (A) As used in this section: 2424

(1) "Designated official" means the chief administrative 2425
officer of a science, technology, engineering, and mathematics 2426
school, or the chief administrative officer's designee. 2427

(2) "Essential school services" means services provided by a 2428
private company under contract with a STEM school that the chief 2429
administrative officer of the school has determined are necessary 2430
for the operation of the school and that would need to be provided 2431
by employees of the school if the services were not provided by 2432
the private company. 2433

(3) "License" has the same meaning as in section 3319.31 of 2434
the Revised Code. 2435

(B) This section applies to any person who is an employee of 2436
a private company under contract with a STEM school to provide 2437
essential school services and who will work in the school in a 2438
position that does not require a license issued by the state board 2439
of education, is not for the operation of a vehicle for pupil 2440
transportation, and that involves routine interaction with a child 2441
or regular responsibility for the care, custody, or control of a 2442
child. 2443

(C) No STEM school shall permit a person to whom this section applies to work in the school, unless one of the following applies to the person: 2444
2445
2446

(1) The person's employer presents proof of both of the following to the designated official: 2447
2448

(a) That the person has been the subject of a criminal records check conducted in accordance with division (D) of this section within the five-year period immediately prior to the date on which the person will begin working in the school; 2449
2450
2451
2452

(b) That the criminal records check indicates that the person has not been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code. 2453
2454
2455
2456

(2) During any period of time in which the person will have routine interaction with a child or regular responsibility for the care, custody, or control of a child, the designated official has arranged for an employee of the school to be present in the same room with the child or, if outdoors, to be within a thirty-yard radius of the child or to have visual contact with the child. 2457
2458
2459
2460
2461
2462

(D) Any private company that has been hired or seeks to be hired by a STEM school to provide essential school services may request the bureau of criminal identification and investigation to conduct a criminal records check of any of its employees for the purpose of complying with division (C)(1) of this section. Each request for a criminal records check under this division shall be made to the superintendent of the bureau in the manner prescribed in section 3319.39 of the Revised Code. Upon receipt of a request, the bureau shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. 2463
2464
2465
2466
2467
2468
2469
2470
2471
2472
2473

Notwithstanding division (H) of section 109.57 of the Revised 2474

Code, the private company may share the results of any criminal 2475
records check conducted under this division with the designated 2476
official for the purpose of complying with division (C)(1) of this 2477
section, but in no case shall the designated official release that 2478
information to any other person. 2479

Sec. 3326.99. (A) Whoever violates division (F) of section 2480
3326.24 of the Revised Code shall be punished as follows: 2481

(1) Except as otherwise provided in division (A)(2) of this 2482
section, the person is guilty of a misdemeanor of the fourth 2483
degree. 2484

(2) The person is guilty of a misdemeanor of the first degree 2485
if both of the following conditions apply: 2486

(a) The employee who is the subject of the report that the 2487
person fails to submit was required to be reported for the 2488
commission or alleged commission of an act or offense involving 2489
the infliction on a child of any physical or mental wound, injury, 2490
disability, or condition of a nature that constitutes abuse or 2491
neglect of the child; 2492

(b) During the period between the violation of division (F) 2493
of section 3326.24 of the Revised Code and the conviction of or 2494
plea of guilty by the person for that violation, the employee who 2495
is the subject of the report that the person fails to submit 2496
inflicts on any child attending a school district, educational 2497
service center, public or nonpublic school, or county board of 2498
mental retardation and developmental disabilities where the 2499
employee works any physical or mental wound, injury, disability, 2500
or condition of a nature that constitutes abuse or neglect of the 2501
child. 2502

(B) Whoever violates division (B) of section 3326.243 of the 2503
Revised Code is guilty of a misdemeanor of the first degree. 2504

Sec. 3327.10. (A) No person shall be employed as driver of a 2505
school bus or motor van, owned and operated by any school district 2506
or educational service center or privately owned and operated 2507
under contract with any school district or service center in this 2508
state, who has not received a certificate from the educational 2509
service center governing board in case such person is employed by 2510
a service center or by a local school district under the 2511
supervision of the service center governing board, or by the 2512
superintendent of schools, in case such person is employed by the 2513
board of a city or exempted village school district, certifying 2514
that such person is at least eighteen years of age and is of good 2515
moral character and is qualified physically and otherwise for such 2516
position. The service center governing board or the 2517
superintendent, as the case may be, shall provide for an annual 2518
physical examination that conforms with rules adopted by the state 2519
board of education of each driver to ascertain the driver's 2520
physical fitness for such employment. Any certificate may be 2521
revoked by the authority granting the same on proof that the 2522
holder has been guilty of failing to comply with division (D)(1) 2523
of this section, or upon a conviction or a guilty plea for a 2524
violation, or any other action, that results in a loss or 2525
suspension of driving rights. Failure to comply with such division 2526
may be cause for disciplinary action or termination of employment 2527
under division (C) of section 3319.081, or section 124.34 of the 2528
Revised Code. 2529

(B) No person shall be employed as driver of a school bus or 2530
motor van not subject to the rules of the department of education 2531
pursuant to division (A) of this section who has not received a 2532
certificate from the school administrator or contractor certifying 2533
that such person is at least eighteen years of age, is of good 2534
moral character, and is qualified physically and otherwise for 2535
such position. Each driver shall have an annual physical 2536

examination which conforms to the state highway patrol rules,	2537
ascertaining the driver's physical fitness for such employment.	2538
The examination shall be performed by one of the following:	2539
(1) A person licensed under Chapter 4731. of the Revised Code	2540
or by another state to practice medicine and surgery or	2541
osteopathic medicine and surgery;	2542
(2) A physician assistant;	2543
(3) A certified nurse practitioner;	2544
(4) A clinical nurse specialist;	2545
(5) A certified nurse-midwife.	2546
Any written documentation of the physical examination shall	2547
be completed by the individual who performed the examination.	2548
Any certificate may be revoked by the authority granting the	2549
same on proof that the holder has been guilty of failing to comply	2550
with division (D)(2) of this section.	2551
(C) Any person who drives a school bus or motor van must give	2552
satisfactory and sufficient bond except a driver who is an	2553
employee of a school district and who drives a bus or motor van	2554
owned by the school district.	2555
(D) No person employed as driver of a school bus or motor van	2556
under this section who is convicted of a traffic violation or who	2557
has had the person's commercial driver's license suspended shall	2558
drive a school bus or motor van until the person has filed a	2559
written notice of the conviction or suspension, as follows:	2560
(1) If the person is employed under division (A) of this	2561
section, the person shall file the notice with the superintendent,	2562
or a person designated by the superintendent, of the school	2563
district for which the person drives a school bus or motor van as	2564
an employee or drives a privately owned and operated school bus or	2565
motor van under contract.	2566

(2) If employed under division (B) of this section, the 2567
person shall file the notice with the employing school 2568
administrator or contractor, or a person designated by the 2569
administrator or contractor. 2570

(E) In addition to resulting in possible revocation of a 2571
certificate as authorized by divisions (A) and (B) of this 2572
section, violation of division (D) of this section is a minor 2573
misdemeanor. 2574

(F)(1) Not later than thirty days after June 30, 2007, each 2575
owner of a school bus or motor van shall obtain the complete 2576
driving record for each person who is currently employed or 2577
otherwise authorized to drive the school bus or motor van. An 2578
owner of a school bus or motor van shall not permit a person to 2579
operate the school bus or motor van for the first time before the 2580
owner has obtained the person's complete driving record. 2581
Thereafter, the owner of a school bus or motor van shall obtain 2582
the person's driving record not less frequently than semiannually 2583
if the person remains employed or otherwise authorized to drive 2584
the school bus or motor van. An owner of a school bus or motor van 2585
shall not permit a person to resume operating a school bus or 2586
motor van, after an interruption of one year or longer, before the 2587
owner has obtained the person's complete driving record. 2588

(2) The owner of a school bus or motor van shall not permit a 2589
person to operate the school bus or motor van for six years after 2590
the date on which the person pleads guilty to or is convicted of a 2591
violation of section 4511.19 of the Revised Code or a 2592
substantially equivalent municipal ordinance. 2593

(3) An owner of a school bus or motor van shall not permit 2594
any person to operate such a vehicle unless the person meets all 2595
other requirements contained in rules adopted by the state board 2596
of education prescribing qualifications of drivers of school buses 2597
and other student transportation. 2598

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section, including information from the federal bureau of investigation, has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J)(1) This division applies to persons hired by a school

district, educational service center, community school, chartered 2630
nonpublic school, or science, technology, engineering, and 2631
mathematics school established under Chapter 3326. of the Revised 2632
Code to operate a vehicle used for pupil transportation. 2633

For each person to whom this division applies who is hired on 2634
or after ~~the effective date of this amendment~~ November 14, 2007, 2635
the employer shall request a criminal records check in accordance 2636
with section 3319.39 of the Revised Code and every six years 2637
thereafter. For each person to whom this division applies who is 2638
hired prior to that date, the employer shall request a criminal 2639
records check by a date prescribed by the department of education 2640
and every six years thereafter. 2641

(2) This division applies to persons hired by a public or 2642
private employer not described in division (J)(1) of this section 2643
to operate a vehicle used for pupil transportation. 2644

For each person to whom this division applies who is hired on 2645
or after ~~the effective date of this amendment~~ November 14, 2007, 2646
the employer shall request a criminal records check prior to the 2647
person's hiring and every six years thereafter. For each person to 2648
whom this division applies who is hired prior to that date, the 2649
employer shall request a criminal records check by a date 2650
prescribed by the department and every six years thereafter. 2651

(3) Each request for a criminal records check under division 2652
(J) of this section shall be made to the superintendent of the 2653
bureau of criminal identification and investigation in the manner 2654
prescribed in section 3319.39 of the Revised Code. Upon receipt of 2655
a request, the bureau shall conduct the criminal records check in 2656
accordance with section 109.572 of the Revised Code as if the 2657
request had been made under section 3319.39 of the Revised Code. 2658

(K) Any person who is the subject of a criminal records check 2659
under division (J) of this section and has been convicted of or 2660

pleaded guilty to any offense described in division ~~(B)(1)~~ (C) of 2661
section ~~3319.39~~ 3319.31 of the Revised Code shall not be hired or 2662
shall be released from employment, ~~as applicable, unless the~~ 2663
~~person meets the rehabilitation standards adopted by the~~ 2664
~~department under division (E) of that section.~~ 2665

Sec. 5126.253. (A) As used in this section: 2666

(1) "Conduct unbecoming to the teaching profession" shall be 2667
as described in rules adopted by the state board of education. 2668

(2) "Intervention in lieu of conviction" means intervention 2669
in lieu of conviction under section 2951.041 of the Revised Code. 2670

(3) "License" has the same meaning as in section 3319.31 of 2671
the Revised Code. 2672

(4) "Pre-trial diversion program" means a pre-trial diversion 2673
program under section 2935.36 of the Revised Code or a similar 2674
diversion program under rules of a court. 2675

(B) ~~Each~~ The superintendent of each county board of mental 2676
retardation and developmental disabilities or the president of the 2677
board, if division (C) of this section applies, shall promptly 2678
submit to the superintendent of public instruction the information 2679
prescribed in division ~~(C)~~(D) of this section when any of the 2680
following conditions ~~apply~~ applies to an employee of the board who 2681
holds a license issued by the state board of education: 2682

(1) The ~~board~~ superintendent or president knows that the 2684
employee has pleaded guilty to, has been found guilty by a jury or 2685
court of, ~~or~~ has been convicted of, has been found to be eligible 2686
for intervention in lieu of conviction for, or has agreed to 2687
participate in a pre-trial diversion program for an offense 2688
described in division (B)(2) or (C) of section 3319.31 or division 2689
(B)(1) of section 3319.39 of the Revised Code~~+~~. 2690

(2) The board has initiated termination or nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because the board has reasonably determined that the employee has committed an act 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~~+~~. 2691-2697

(3) The employee has resigned under threat of termination or nonrenewal as described in division (B)(2) of this section~~+~~. 2698-2699

(4) The employee has resigned because of or in the course of an investigation by the board regarding whether the employee has committed an act 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. 2700-2704

(C) If the employee to whom any of the conditions prescribed in divisions (B)(1) to (4) of this section applies is the superintendent of a county board of mental retardation and developmental disabilities, the president of the board shall make the report required under this section. 2705-2709

(D) If a report is required under this section, the ~~board~~ superintendent or president 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~~ applies to the employee. 2710-2715

~~(D)~~(E) 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 2716-2721

division (B)(2) or (C) of section 3319.31 or division (B)(1) of 2722
section 3319.39 of the Revised Code. 2723

(F) No individual required to submit a report under division 2724
(B) of this section shall knowingly fail to comply with that 2725
division. 2726

(G) An individual who provides information to the 2727
superintendent of public instruction in accordance with this 2728
section in good faith shall be immune from any civil liability 2729
that otherwise might be incurred or imposed for injury, death, or 2730
loss to person or property as a result of the provision of that 2731
information. 2732

Sec. 5126.254. ~~Each~~ The superintendent of each county board 2733
of mental retardation and developmental disabilities shall require 2734
that the reports of any investigation by the board of an employee 2735
regarding whether the employee has committed an act or offense for 2736
which the ~~board~~ superintendent is required to make a report to the 2737
superintendent of public instruction under section 5126.253 of the 2738
Revised Code be kept in the employee's personnel file. If, after 2739
an investigation under division (A) of section 3319.311 of the 2740
Revised Code, the superintendent of public instruction determines 2741
that the results of that investigation do not warrant initiating 2742
action under section 3319.31 of the Revised Code, the 2743
superintendent of the county board shall require the reports of 2744
the board's investigation to be moved from the employee's 2745
personnel file to a separate public file. 2746

Sec. 5126.99. (A) Whoever violates division (B) of section 2747
5126.044 of the Revised Code is guilty of a misdemeanor of the 2748
first degree. 2749

(B) Whoever violates division (F) of section 5126.253 of the 2750
Revised Code shall be punished as follows: 2751

(1) Except as otherwise provided in division (B)(2) of this section, the person is guilty of a misdemeanor of the fourth degree. 2752
2753
2754

(2) The person is guilty of a misdemeanor of the first degree if both of the following conditions apply: 2755
2756

(a) The employee who is the subject of the report that the person fails to submit was required to be reported for the commission or alleged commission of an act or offense involving the infliction on a child of any physical or mental wound, injury, disability, or condition of a nature that constitutes abuse or neglect of the child; 2757
2758
2759
2760
2761
2762

(b) During the period between the violation of division (F) of section 5126.253 of the Revised Code and the conviction of or plea of guilty by the person for that violation, the employee who is the subject of the report that the person fails to submit inflicts on any child attending a school district, educational service center, public or nonpublic school, or county board of mental retardation and developmental disabilities where the employee works any physical or mental wound, injury, disability, or condition of a nature that constitutes abuse or neglect of the child. 2763
2764
2765
2766
2767
2768
2769
2770
2771
2772

Sec. 5153.176. As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 2773
2774

(A) Notwithstanding division (H)(1) of section 2151.421, section 5153.17, or any other section of the Revised Code pertaining to confidentiality, the director of a public children services agency shall promptly provide to the superintendent of public instruction information 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 2775
2776
2777
2778
2779
2780
2781
2782

agency has determined that child abuse or neglect occurred and 2783
that abuse or neglect is related to the person's duties and 2784
responsibilities under the license. The information provided by 2785
the ~~agency~~ director shall include the following: 2786

(1) A summary of the nature of the allegations contained in 2787
the report of which the person is the subject and the final 2788
disposition of the investigation conducted in response to that 2789
report or, if the investigation is not complete, the status of the 2790
investigation; 2791

(2) Upon written request of the superintendent of public 2792
instruction, the additional information described in division (C) 2793
of this section regarding the agency's investigation of the 2794
report, unless the prosecuting attorney of the county served by 2795
the agency determines that such information may not be released 2796
pursuant to division (B) of this section. 2797

(B) Upon receipt of a written request from the superintendent 2798
of public instruction for the additional information described in 2799
division (C) of this section, the director ~~of the public children~~ 2800
~~services agency~~ shall determine if the prosecuting attorney of the 2801
county served by the public children services agency intends to 2802
prosecute the subject of the report based on the allegations 2803
contained in the report. If the prosecuting attorney intends to 2804
prosecute the subject of the report, the prosecuting attorney 2805
shall determine the information described in division (C) of this 2806
section that may be released, if any, and shall provide the 2807
director with written authorization to release the information so 2808
determined. The ~~agency~~ director shall provide the superintendent 2809
of public instruction with any information described in division 2810
(C) of this section that the prosecuting attorney determines may 2811
be released, but in no case shall the ~~agency~~ director provide any 2812
information that the prosecuting attorney determines shall not be 2813
released. If the prosecuting attorney does not intend to prosecute 2814

the subject of the report, the prosecuting attorney shall notify 2815
the director of that fact and the ~~agency~~ director shall provide 2816
all of the information described in division (C) of this section 2817
to the superintendent of public instruction. 2818

(C) In accordance with division (B) of this section, the 2819
~~public children services agency~~ director shall provide information 2820
to the superintendent of public instruction regarding the public 2821
children services agency's investigation of the report described 2822
in division (A) of this section, including, but not limited to, 2823
the following: 2824

(1) The following information about the alleged child victim 2825
of the abuse or neglect: 2826

(a) Full name; 2827

(b) Date of birth; 2828

(c) Address and telephone number; 2829

(d) Grade level; 2830

(e) Name and contact information of the child's parent, 2831
guardian, or legal custodian; 2832

(f) Name and contact information of any medical facility that 2833
provided treatment to the child, if the child was injured in 2834
connection with the abuse or neglect and if that information is 2835
available; 2836

(g) A summary of interviews with the child or, if an entity 2837
other than the agency conducted the interviews, the contact 2838
information for that entity. The summary shall include an 2839
accounting of the facts and circumstances of the alleged abuse or 2840
neglect, including, but not limited to, the time and place that 2841
the abuse or neglect occurred. 2842

(h) Copies of any written correspondence between the child 2843
and the alleged perpetrator of the abuse or neglect that was used 2844

by the agency to determine that abuse or neglect occurred, the 2845
release of which is not otherwise prohibited by law. 2846

(2) The following information about the alleged perpetrator 2847
of the abuse or neglect: 2848

(a) Full name; 2849

(b) Date of birth; 2850

(c) Address and telephone number; 2851

(d) Name of school district and school building that employed 2852
the alleged perpetrator at the time the report was made; 2853

(e) Name and contact information of any medical facility that 2854
provided treatment to the alleged perpetrator, if the alleged 2855
perpetrator was injured in connection with the abuse or neglect 2856
and if that information is available; 2857

(f) A summary of interviews with the alleged perpetrator or, 2858
if an entity other than the agency conducted the interviews, the 2859
contact information for that entity. The summary shall include an 2860
accounting of the facts and circumstances of the alleged abuse or 2861
neglect, including, but not limited to, the time and place that 2862
the abuse or neglect occurred. 2863

(g) Copies of any written correspondence between the alleged 2864
child victim and the alleged perpetrator that was used by the 2865
agency to determine that abuse or neglect occurred, the release of 2866
which is not otherwise prohibited by law; 2867

(h) If the alleged perpetrator has been the subject of any 2868
previous reports made pursuant to section 2151.421 of the Revised 2869
Code where the agency determined that physical or sexual child 2870
abuse occurred, a summary of the chronology of those reports; the 2871
final disposition of the investigations conducted in response to 2872
those reports, or if an investigation is not complete, the status 2873
of that investigation; and any underlying documentation concerning 2874

those reports. 2875

(3) The following information about each person, other than 2876
the alleged child victim and the alleged perpetrator, whom the 2877
agency has determined to be important to the investigation, except 2878
that the information shall not be provided about the person who 2879
made the report unless that person grants written permission for 2880
the ~~agency~~ director to release the information: 2881

(a) Full name; 2882

(b) Address and telephone number; 2883

(c) If the person has been interviewed regarding the alleged 2884
abuse or neglect, a summary of those interviews or, if an entity 2885
other than the agency conducted the interviews, the contact 2886
information for such entity. 2887

(D) Upon provision of any information to the superintendent 2888
of public instruction under this section, the ~~public children~~ 2889
~~services agency~~ director shall notify the superintendent of both 2890
of the following: 2891

(1) That the information is confidential; 2892

(2) That unauthorized dissemination of the information is a 2893
violation of division (H)(2) of section 2151.421 and section 2894
3319.311 of the Revised Code and any person who permits or 2895
encourages unauthorized dissemination of the information is guilty 2896
of a misdemeanor of the fourth degree pursuant to section 2151.99 2897
of the Revised Code. 2898

If the ~~agency~~ director determines that the superintendent of 2899
public instruction or any person involved in the conduct of an 2900
investigation under section 3319.311 of the Revised Code 2901
committed, caused, permitted, or encouraged the unauthorized 2902
dissemination of any information provided under this section, the 2903
~~agency~~ director shall provide written notification of the 2904

unauthorized dissemination to the prosecuting attorney of the 2905
county or the village solicitor, city director of law, or similar 2906
chief legal officer of the municipal corporation in which the 2907
unauthorized dissemination occurred. A copy of the notification 2908
shall be retained in the investigative record maintained by the 2909
public children services agency. 2910

(E) The ~~public children services agency~~ director shall 2911
include documentation of the information provided to the 2912
superintendent of public instruction under this section in the 2913
investigative record maintained by the public children services 2914
agency. The documentation shall include the following: 2915

(1) A list of the information provided; 2916

(2) The date the information was provided; 2917

(3) If the superintendent of public instruction designates a 2918
person to receive the information on the superintendent's behalf, 2919
the name of that person; 2920

(4) The reason for providing the information; 2921

(5) If written authorization to provide the information is 2922
required from the prosecuting attorney under division (B) of this 2923
section, a copy of that authorization. 2924

(F) ~~An employee~~ No director of a public children services 2925
agency shall knowingly fail to comply with division (A) or (C) of 2926
this section. 2927

(G) A director of a public children services agency who 2928
provides information to the superintendent of public instruction 2929
in accordance with this section in good faith shall be immune from 2930
any civil or criminal liability that otherwise might be incurred 2931
or imposed for injury, death, or loss to person or property as a 2932
result of the provision of that information. 2933

~~(G)~~(H) Notwithstanding any provision to the contrary in 2934

Chapter 4117. of the Revised Code, the provisions of this section 2935
prevail over any conflicting provisions of a collective bargaining 2936
agreement or contract for employment entered into after ~~the~~ 2937
~~effective date of this section~~ March 30, 2007. 2938

Sec. 5153.99. Whoever violates division (F) of section 2939
5153.176 of the Revised Code shall be punished as follows: 2940

(A) Except as otherwise provided in division (B) of this 2941
section, the person is guilty of a misdemeanor of the fourth 2942
degree. 2943

(B) The person is guilty of a misdemeanor of the first degree 2944
if, during the period between the violation and the conviction of 2945
or plea of guilty by the person for that violation, the license 2946
holder who is the subject of the investigation about which the 2947
person fails to provide information inflicts on any child 2948
attending a school district, educational service center, public or 2949
nonpublic school, or county board of mental retardation and 2950
developmental disabilities where the license holder works any 2951
physical or mental wound, injury, disability, or condition of a 2952
nature that constitutes abuse or neglect of the child. 2953

Section 2. That existing sections 109.57, 2953.33, 3313.31, 2954
3314.03, 3314.19, 3319.01, 3319.20, 3319.291, 3319.302, 3319.304, 2955
3319.31, 3319.311, 3319.313, 3319.314, 3319.39, 3319.391, 3319.52, 2956
3319.99, 3326.11, 3326.23, 3327.10, 5126.253, 5126.254, 5126.99, 2957
and 5153.176 of the Revised Code are hereby repealed. 2958