

As Introduced

127th General Assembly
Regular Session
2007-2008

S. B. No. 270

Senator Cates

Cosponsor: Senator Padgett

—

A BILL

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

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

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

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

under section 3319.311 of the Revised Code regarding persons 20
licensed by the state board of education. 21

Sec. 2953.33. (A) Except as provided in division (G) of 22
section 2953.32 of the Revised Code, an order to seal the record 23
of a person's conviction restores the person who is the subject of 24
the order to all rights and privileges not otherwise restored by 25
termination of the sentence or community control sanction or by 26
final release on parole or post-release control. 27

(B) In any application for employment, license, or other 28
right or privilege, any appearance as a witness, or any other 29
inquiry, except as provided in division (E) of section 2953.32 and 30
in section 3319.292 of the Revised Code, a person may be 31
questioned only with respect to convictions not sealed, bail 32
forfeitures not expunged under section 2953.42 of the Revised Code 33
as it existed prior to June 29, 1988, and bail forfeitures not 34
sealed, unless the question bears a direct and substantial 35
relationship to the position for which the person is being 36
considered. 37

Sec. 3313.31. (A) All the duties and obligations of the 38
county auditor, county treasurer, or other officer or person 39
relating to the moneys of a school district shall be complied with 40
by dealing with the treasurer of the board of education thereof. 41

The treasurer shall be the chief fiscal officer of the school 42
district, shall be responsible for the financial affairs of the 43
district, and shall report to and is subject to the direction of 44
the district board of education. Except as otherwise required by 45
law, no treasurer shall be required to verify the accuracy of 46
nonfinancial information or data of the school district. 47

(B) Notwithstanding any provision of the Revised Code to the 48
contrary, but subject to section 3319.40 of the Revised Code, in 49

all school districts and educational service centers, the 50
treasurer shall direct and assign employees directly engaged in 51
the day-to-day fiscal operations of the district or service 52
center, as those employees are so designated by the board of the 53
district or service center. 54

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

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

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

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

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

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

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

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

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

(6)(a) Dismissal procedures; 78

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

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

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

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

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

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

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

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

(c) The school will be nonsectarian in its programs,

admission policies, employment practices, and all other 109
operations, and will not be operated by a sectarian school or 110
religious institution~~+~~. 111

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

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

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

Ohio core curriculum prescribed in division (C) of section 141
3313.603 of the Revised Code, unless the person qualifies under 142
division (D) or (F) of that section. Each school shall comply with 143
the plan for awarding high school credit based on demonstration of 144
subject area competency, adopted by the state board of education 145
under division (J) of section 3313.603 of the Revised Code. 146

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

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

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

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

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

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

percentage figure to be used for reducing the per pupil amount of 172
the subsidy calculated pursuant to section 3317.029 of the Revised 173
Code the school is to receive that year under section 3314.08 of 174
the Revised Code. 175

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

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

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

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

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

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

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

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	203 204 205 206
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	207 208 209
(22) A provision recognizing both of the following:	210
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	211 212 213 214
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;	215 216 217 218 219 220 221
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;	222 223 224 225 226 227
(24) The school will comply with section 3302.04 of the Revised Code, including division (E) of that section to the extent possible, except that any action required to be taken by a school district pursuant to that section shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of that section.	228 229 230 231 232 233

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

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

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

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

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

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

(5) Internal financial controls. 255

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

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

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

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

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

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

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

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

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

than the end of any school year, if the sponsor finds that the 296
school's compliance with applicable laws and terms of the contract 297
and the school's progress in meeting the academic goals prescribed 298
in the contract have been satisfactory. Any contract that is 299
renewed under this division remains subject to the provisions of 300
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 301

(F) If a community school fails to open for operation within 302
one year after the contract entered into under this section is 303
adopted pursuant to division (D) of section 3314.02 of the Revised 304
Code or permanently closes prior to the expiration of the 305
contract, the contract shall be void and the school shall not 306
enter into a contract with any other sponsor. A school shall not 307
be considered permanently closed because the operations of the 308
school have been suspended pursuant to section 3314.072 of the 309
Revised Code. Any contract that becomes void under this division 310
shall not count toward any statewide limit on the number of such 311
contracts prescribed by section 3314.013 of the Revised Code. 312

Sec. 3314.101. (A) As used in this section, "license" has the 313
same meaning as in section 3319.31 of the Revised Code. 314

(B) If a person who is employed by a community school 315
established under this chapter or by an operator is arrested, 316
summoned, or indicted for an alleged violation of an offense 317
listed in division (C) of section 3319.31 of the Revised Code, if 318
the person holds a license, or an offense listed in division 319
(B)(1) of section 3319.39 of the Revised Code, if the person does 320
not hold a license, the chief administrator of the community 321
school in which that person works shall suspend that person from 322
all duties that require the care, custody, or control of a child 323
during the pendency of the criminal action against the person. If 324
the person who is arrested, summoned, or indicted for an alleged 325
violation of an offense listed in division (C) of section 3319.31 326

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

331

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Holds a bachelor's degree; 594

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

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

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

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

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

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

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

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

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

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

(A) Holds a bachelor's degree; 665

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

prescribed by the state board; 667

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e)~~ An offense of violence other than an offense of violence listed in division (C) of this section; 730
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~~(d)~~(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section; 732
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~~(e)~~(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section; 735
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~~(f)~~(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e)(d) of this section. 738
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(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. 741
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(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. 747
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Revocation of a license or denial of issuance or renewal of a 759

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

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

(D) The state board may delegate to the superintendent of public instruction the authority to revoke a person's license or to deny issuance or renewal of a license to a person under division (C) or (F) of this section. 792
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(E)(1) If the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under division (B)(2) or (C) of this section, or under the version of division (F) of section 3319.311 of the Revised Code in effect prior to the effective date of this amendment, is overturned on appeal, upon exhaustion of the criminal appeal, the person whose license was revoked or denied under either division may file with the state board a petition for reconsideration of the revocation or denial along with appropriate court documents. 796
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(2) Upon receipt of a petition and supporting court documents submitted under division (E)(1) of this section, the state board, after offering the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, shall determine whether the person committed the act in question in the prior criminal action against the person that is the basis of the revocation or denial and may continue the revocation or denial, may reinstate the person's license, with or without limits, or may grant the person a new license, with or without limits. The decision of the board shall be based on grounds for revoking, denying, suspending, or limiting a license adopted by rule under division (G) of this section and in accordance with the evidentiary standards the board employs for all other licensure hearings. The decision of the board under this division is subject to appeal under Chapter 119. of the Revised Code. 805
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(F) The state board may take action under division (B) of this section, and the state board or the superintendent shall take the action required under division (C) of this section, on the basis of substantially comparable conduct occurring in a 820
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jurisdiction outside this state or occurring before a person 824
applies for or receives any license. 825

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The employee has resigned under threat of termination or 978
nonrenewal as described in division (B)(2) of this section; 979
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(4) The employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code.

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

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

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

~~(D)~~(E) A determination made by the board of education, governing board, ~~or~~ chief administrator, or governing authority as described in division (B)(2) of this section or a termination, nonrenewal, resignation, or other separation described in divisions (B)(2) to (4) of this section does not create a presumption of the commission or lack of the commission by the

employee of an act unbecoming to the teaching profession or an 1013
offense described in division (B)(2) or (C) of section 3319.31 or 1014
division (B)(1) of section 3319.39 of the Revised Code. 1015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

superintendent or president shall submit to the superintendent of 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.

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

(F) 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.

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

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

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