

As Re-reported by the Senate Education Committee

128th General Assembly

Regular Session

2009-2010

Sub. H. B. No. 19

Representative Harwood

**Cosponsors: Representatives Brown, Fende, Okey, Williams, B., Garrison,
Bolon, Chandler, Phillips, Boyd, Newcomb, Williams, S., Domenick, Pillich,
Harris, Murray, Luckie, DeBose, Driehaus, Garland, Lundy, Pryor,
Weddington, Celeste, Dodd, Dyer, Foley, Gerberry, Goyal, Hagan, Heard,
Hite, Koziura, Mallory, Otterman, Patten, Skindell, Slesnick, Stewart, Szollosi,
Ujvagi, Winburn, Yuko
Senators Cates, Carey, Gibbs, Sawyer, Fedor, Morano**

A B I L L

To amend sections 3313.60, 3313.666, 3314.35, 1
3319.073, 3319.39, and 3327.10 of the Revised Code 2
to enact the "Tina Croucher Act" to require public 3
schools to incorporate dating violence into their 4
policies prohibiting harassment, intimidation, or 5
bullying; to require school districts to include 6
dating violence prevention education in the health 7
curriculum; to clarify the conditions under which 8
a community school must close for poor academic 9
performance; and to revise the criminal offenses 10
that disqualify school bus drivers for employment. 11
12

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

Section 1. That sections 3313.60, 3313.666, 3314.35, 13
3319.073, 3319.39, and 3327.10 of the Revised Code be amended to 14

read as follows: 15

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 16
of the Revised Code, divisions (A) to (E) of this section do not 17
apply to any cooperative education school district established 18
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 19
Code. 20

(A) The board of education of each city and exempted village 21
school district, the governing board of each educational service 22
center, and the board of each cooperative education school 23
district established pursuant to section 3311.521 of the Revised 24
Code shall prescribe a curriculum for all schools under their 25
control. Except as provided in division (E) of this section, in 26
any such curriculum there shall be included the study of the 27
following subjects: 28

(1) The language arts, including reading, writing, spelling, 29
oral and written English, and literature; 30

(2) Geography, the history of the United States and of Ohio, 31
and national, state, and local government in the United States, 32
including a balanced presentation of the relevant contributions to 33
society of men and women of African, Mexican, Puerto Rican, and 34
American Indian descent as well as other ethnic and racial groups 35
in Ohio and the United States; 36

(3) Mathematics; 37

(4) Natural science, including instruction in the 38
conservation of natural resources; 39

(5) Health education, which shall include instruction in: 40

(a) The nutritive value of foods, including natural and 41
organically produced foods, the relation of nutrition to health, 42
and the use and effects of food additives; 43

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a

student shall be excused from taking instruction in 74
cardiopulmonary resuscitation. 75

(B) Except as provided in division (E) of this section, every 76
school or school district shall include in the requirements for 77
promotion from the eighth grade to the ninth grade one year's 78
course of study of American history. A board may waive this 79
requirement for academically accelerated students who, in 80
accordance with procedures adopted by the board, are able to 81
demonstrate mastery of essential concepts and skills of the eighth 82
grade American history course of study. 83

(C) Except as provided in division (E) of this section, every 84
high school shall include in the requirements for graduation from 85
any curriculum one unit of American history and government, 86
including a study of the constitutions of the United States and of 87
Ohio. 88

(D) Except as provided in division (E) of this section, basic 89
instruction in geography, United States history, the government of 90
the United States, the government of the state of Ohio, local 91
government in Ohio, the Declaration of Independence, the United 92
States Constitution, and the Constitution of the state of Ohio 93
shall be required before pupils may participate in courses 94
involving the study of social problems, economics, foreign 95
affairs, United Nations, world government, socialism and 96
communism. 97

(E) For each cooperative education school district 98
established pursuant to section 3311.521 of the Revised Code and 99
each city, exempted village, and local school district that has 100
territory within such a cooperative district, the curriculum 101
adopted pursuant to divisions (A) to (D) of this section shall 102
only include the study of the subjects that apply to the grades 103
operated by each such school district. The curriculums for such 104
schools, when combined, shall provide to each student of these 105

districts all of the subjects required under divisions (A) to (D) 106
of this section. 107

(F) The board of education of any cooperative education 108
school district established pursuant to divisions (A) to (C) of 109
section 3311.52 of the Revised Code shall prescribe a curriculum 110
for the subject areas and grade levels offered in any school under 111
its control. 112

(G) Upon the request of any parent or legal guardian of a 113
student, the board of education of any school district shall 114
permit the parent or guardian to promptly examine, with respect to 115
the parent's or guardian's own child: 116

(1) Any survey or questionnaire, prior to its administration 117
to the child; 118

(2) Any textbook, workbook, software, video, or other 119
instructional materials being used by the district in connection 120
with the instruction of the child; 121

(3) Any completed and graded test taken or survey or 122
questionnaire filled out by the child; 123

(4) Copies of the statewide academic standards and each model 124
curriculum developed pursuant to section 3301.079 of the Revised 125
Code, which copies shall be available at all times during school 126
hours in each district school building. 127

Sec. 3313.666. (A) As used in this section, "harassment, 128
intimidation, or bullying" means ~~any~~ either of the following: 129

(1) Any intentional written, verbal, or physical act that a 130
student has exhibited toward another particular student more than 131
once and the behavior both: 132

~~(1)~~(a) Causes mental or physical harm to the other student; 133

~~(2)~~(b) Is sufficiently severe, persistent, or pervasive that 134

it creates an intimidating, threatening, or abusive educational environment for the other student.

(2) Violence within a dating relationship.

(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:

(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property or at school-sponsored events;

(2) A definition of harassment, intimidation, or bullying that shall include the definition in division (A) of this section;

(3) A procedure for reporting prohibited incidents;

(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;

(5) A requirement that parents or guardians of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended, have access to any written reports pertaining to the prohibited incident;

(6) A procedure for documenting any prohibited incident that is reported;

(7) A procedure for responding to and investigating any reported incident;

(8) A strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation

following a report; 165

(9) A disciplinary procedure for any student guilty of 166
harassment, intimidation, or bullying, which shall not infringe on 167
any student's rights under the first amendment to the Constitution 168
of the United States; 169

(10) A requirement that the district administration 170
semiannually provide the president of the district board a written 171
summary of all reported incidents and post the summary on its web 172
site, if the district has a web site, to the extent permitted by 173
section 3319.321 of the Revised Code and the "Family Educational 174
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as 175
amended. 176

(C) Each board's policy shall appear in any student 177
handbooks, and in any of the publications that set forth the 178
comprehensive rules, procedures, and standards of conduct for 179
schools and students in the district. Information regarding the 180
policy shall be incorporated into employee training materials. 181

(D) A school district employee, student, or volunteer shall 182
be individually immune from liability in a civil action for 183
damages arising from reporting an incident in accordance with a 184
policy adopted pursuant to this section if that person reports an 185
incident of harassment, intimidation, or bullying promptly in good 186
faith and in compliance with the procedures as specified in the 187
policy. 188

(E) Except as provided in division (D) of this section, 189
nothing in this section prohibits a victim from seeking redress 190
under any other provision of the Revised Code or common law that 191
may apply. 192

(F) This section does not create a new cause of action or a 193
substantive legal right for any person. 194

(G) Not later than six months after the effective date of 195

this amendment, each board shall update the policy adopted under 196
this section to include violence within a dating relationship. 197

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 198
this section, this section applies to any community school that 199
meets one of the following criteria after July 1, 2008, but before 200
July 1, 2009: 201

(a) The school does not offer a grade level higher than three 202
and has been declared to be in a state of academic emergency under 203
section 3302.03 of the Revised Code for four consecutive school 204
years. 205

(b) The school satisfies all of the following conditions: 206

(i) The school offers any of grade levels four to eight but 207
does not offer a grade level higher than nine. 208

(ii) The school has been declared to be in a state of 209
academic emergency under section 3302.03 of the Revised Code for 210
three consecutive school years. 211

(iii) For two of those school years, the school showed less 212
than one standard year of academic growth in either reading or 213
mathematics, as determined by the department of education in 214
accordance with rules adopted under division (A) of section 215
3302.021 of the Revised Code. 216

(c) The school satisfies all of the following conditions: 217

(i) The school offers any of grade levels ten to twelve. 218

(ii) The school has been declared to be in a state of 219
academic emergency under section 3302.03 of the Revised Code for 220
three consecutive school years. 221

(iii) For two of those school years, the school showed less 222
than two standard years of academic growth in either reading or 223
mathematics, as determined by the department in accordance with 224

rules adopted under division (A) of section 3302.021 of the Revised Code. 225
226

(2) Except as provided in division (A)(3) of this section, 227
this section applies to any community school that meets one of the 228
following criteria after July 1, 2009: 229

(a) The school does not offer a grade level higher than three 230
and has been declared to be in a state of academic emergency under 231
section 3302.03 of the Revised Code for three of the four most 232
recent school years. 233

(b) The school satisfies all of the following conditions: 234

(i) The school offers any of grade levels four to eight but 235
does not offer a grade level higher than nine. 236

(ii) The school has been declared to be in a state of 237
academic emergency under section 3302.03 of the Revised Code for 238
two of the three most recent school years. 239

(iii) In at least two of the three most recent school years, 240
the school showed less than one standard year of academic growth 241
in either reading or mathematics, as determined by the department 242
in accordance with rules adopted under division (A) of section 243
3302.021 of the Revised Code. 244

(c) The school offers any of grade levels ten to twelve and 245
has been declared to be in a state of academic emergency under 246
section 3302.03 of the Revised Code for three of the four most 247
recent school years. 248

(3) This section does not apply to either of the following: 249

(a) Any community school in which a majority of the students 250
are enrolled in a dropout prevention and recovery program that is 251
operated by the school and that has been granted a waiver under 252
section 3314.36 of the Revised Code; 253

(b) Any community school in which a majority of the enrolled 254

students are children with disabilities receiving special 255
education and related services in accordance with Chapter 3323. of 256
the Revised Code. 257

(B) Any community school to which this section applies shall 258
permanently close at the conclusion of the school year in which 259
the school first becomes subject to this section. The sponsor and 260
governing authority of the school shall comply with all procedures 261
for closing a community school adopted by the department under 262
division (E) of section 3314.015 of the Revised Code. The 263
governing authority of the school shall not enter into a contract 264
with any other sponsor under section 3314.03 of the Revised Code 265
after the school closes. 266

(C) Not later than July 1, 2008, the department shall 267
determine the feasibility of using the value-added progress 268
dimension, as defined in section 3302.01 of the Revised Code, as a 269
factor in evaluating the academic performance of community schools 270
described in division (A)(1)(c)(i) of this section. 271
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 272
if the department determines that using the value-added progress 273
dimension to evaluate community schools described in division 274
(A)(1)(c)(i) of this section is not feasible, a community school 275
described in that division shall be required to permanently close 276
under this section only if it has been declared to be in a state 277
of academic emergency under section 3302.03 of the Revised Code 278
for four consecutive school years. 279

(D) In accordance with division (B) of section 3314.012 of 280
the Revised Code, the department shall not consider the 281
performance ratings assigned to a community school for its first 282
two years of operation when determining whether the school meets 283
the criteria prescribed by division (A)(2) of this section. The 284
department shall reevaluate each community school that the 285
department directed to close at the conclusion of the 2009-2010 286

school year to determine if the school still meets the criteria 287
prescribed by division (A)(2) of this section when the school's 288
performance ratings for its first two years of operation are not 289
considered and, if the school no longer meets those criteria, the 290
department shall not require the school to close at the conclusion 291
of that school year. 292

Sec. 3319.073. (A) The board of education of each city and 293
exempted village school district and the governing board of each 294
educational service center shall adopt or adapt the curriculum 295
developed by the department of education for, or shall develop in 296
consultation with public or private agencies or persons involved 297
in child abuse prevention or intervention programs, a program of 298
in-service training in the prevention of child abuse, violence, 299
and substance abuse and the promotion of positive youth 300
development. Each person employed by any school district or 301
service center to work in a school as a nurse, teacher, counselor, 302
school psychologist, or administrator shall complete at least four 303
hours of the in-service training within two years of commencing 304
employment with the district or center, and every five years 305
thereafter. A person who is employed by any school district or 306
service center to work in an elementary school as a nurse, 307
teacher, counselor, school psychologist, or administrator on March 308
30, 2007, shall complete at least four hours of the in-service 309
training not later than March 30, 2009, and every five years 310
thereafter. A person who is employed by any school district or 311
service center to work in a middle or high school as a nurse, 312
teacher, counselor, school psychologist, or administrator on ~~the~~ 313
~~effective date of this amendment~~ October 16, 2009, shall complete 314
at least four hours of the in-service training not later than ~~two~~ 315
~~years after the effective date of this amendment~~ October 16, 2011, 316
and every five years thereafter. 317

(B) Each board shall incorporate training in school safety 318

and violence prevention into the in-service training required by 319
division (A) of this section. For this purpose, the board shall 320
adopt or adapt the curriculum developed by the department or shall 321
develop its own curriculum in consultation with public or private 322
agencies or persons involved in school safety and violence 323
prevention programs. 324

(C) Each board shall incorporate training in the prevention 325
of dating violence into the in-service training required by 326
division (A) of this section for middle and high school employees. 327
The board shall develop its own curriculum for this purpose. 328

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 329
of section 109.57 of the Revised Code, the appointing or hiring 330
officer of the board of education of a school district, the 331
governing board of an educational service center, or of a 332
chartered nonpublic school shall request the superintendent of the 333
bureau of criminal identification and investigation to conduct a 334
criminal records check with respect to any applicant who has 335
applied to the school district, educational service center, or 336
school for employment in any position. The appointing or hiring 337
officer shall request that the superintendent include information 338
from the federal bureau of investigation in the criminal records 339
check, unless all of the following apply to the applicant: 340

(a) The applicant is applying to be an instructor of adult 341
education. 342

(b) The duties of the position for which the applicant is 343
applying do not involve routine interaction with a child or 344
regular responsibility for the care, custody, or control of a 345
child or, if the duties do involve such interaction or 346
responsibility, during any period of time in which the applicant, 347
if hired, has such interaction or responsibility, another employee 348
of the school district, educational service center, or chartered 349

nonpublic school will be present in the same room with the child 350
or, if outdoors, will be within a thirty-yard radius of the child 351
or have visual contact with the child. 352

(c) The applicant presents proof that the applicant has been 353
a resident of this state for the five-year period immediately 354
prior to the date upon which the criminal records check is 355
requested or provides evidence that within that five-year period 356
the superintendent has requested information about the applicant 357
from the federal bureau of investigation in a criminal records 358
check. 359

(2) A person required by division (A)(1) of this section to 360
request a criminal records check shall provide to each applicant a 361
copy of the form prescribed pursuant to division (C)(1) of section 362
109.572 of the Revised Code, provide to each applicant a standard 363
impression sheet to obtain fingerprint impressions prescribed 364
pursuant to division (C)(2) of section 109.572 of the Revised 365
Code, obtain the completed form and impression sheet from each 366
applicant, and forward the completed form and impression sheet to 367
the superintendent of the bureau of criminal identification and 368
investigation at the time the person requests a criminal records 369
check pursuant to division (A)(1) of this section. 370

(3) An applicant who receives pursuant to division (A)(2) of 371
this section a copy of the form prescribed pursuant to division 372
(C)(1) of section 109.572 of the Revised Code and a copy of an 373
impression sheet prescribed pursuant to division (C)(2) of that 374
section and who is requested to complete the form and provide a 375
set of fingerprint impressions shall complete the form or provide 376
all the information necessary to complete the form and shall 377
provide the impression sheet with the impressions of the 378
applicant's fingerprints. If an applicant, upon request, fails to 379
provide the information necessary to complete the form or fails to 380
provide impressions of the applicant's fingerprints, the board of 381

education of a school district, governing board of an educational 382
service center, or governing authority of a chartered nonpublic 383
school shall not employ that applicant for any position. 384

(B)(1) Except as provided in rules adopted by the department 385
of education in accordance with division (E) of this section and 386
as provided in division (B)(3) of this section, no board of 387
education of a school district, no governing board of an 388
educational service center, and no governing authority of a 389
chartered nonpublic school shall employ a person if the person 390
previously has been convicted of or pleaded guilty to any of the 391
following: 392

(a) A violation of section 2903.01, 2903.02, 2903.03, 393
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 394
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 395
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 396
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 397
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 398
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 399
2925.06, or 3716.11 of the Revised Code, a violation of section 400
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 401
violation of section 2919.23 of the Revised Code that would have 402
been a violation of section 2905.04 of the Revised Code as it 403
existed prior to July 1, 1996, had the violation been committed 404
prior to that date, a violation of section 2925.11 of the Revised 405
Code that is not a minor drug possession offense, or felonious 406
sexual penetration in violation of former section 2907.12 of the 407
Revised Code; 408

(b) A violation of an existing or former law of this state, 409
another state, or the United States that is substantially 410
equivalent to any of the offenses or violations described in 411
division (B)(1)(a) of this section. 412

(2) A board, governing board of an educational service 413

center, or a governing authority of a chartered nonpublic school 414
may employ an applicant conditionally until the criminal records 415
check required by this section is completed and the board or 416
governing authority receives the results of the criminal records 417
check. If the results of the criminal records check indicate that, 418
pursuant to division (B)(1) of this section, the applicant does 419
not qualify for employment, the board or governing authority shall 420
release the applicant from employment. 421

(3) No board and no governing authority of a chartered 422
nonpublic school shall employ a teacher who previously has been 423
convicted of or pleaded guilty to any of the offenses listed in 424
section 3319.31 of the Revised Code. 425

(C)(1) Each board and each governing authority of a chartered 426
nonpublic school shall pay to the bureau of criminal 427
identification and investigation the fee prescribed pursuant to 428
division (C)(3) of section 109.572 of the Revised Code for each 429
criminal records check conducted in accordance with that section 430
upon the request pursuant to division (A)(1) of this section of 431
the appointing or hiring officer of the board or governing 432
authority. 433

(2) A board and the governing authority of a chartered 434
nonpublic school may charge an applicant a fee for the costs it 435
incurs in obtaining a criminal records check under this section. A 436
fee charged under this division shall not exceed the amount of 437
fees the board or governing authority pays under division (C)(1) 438
of this section. If a fee is charged under this division, the 439
board or governing authority shall notify the applicant at the 440
time of the applicant's initial application for employment of the 441
amount of the fee and that, unless the fee is paid, the board or 442
governing authority will not consider the applicant for 443
employment. 444

(D) The report of any criminal records check conducted by the 445

bureau of criminal identification and investigation in accordance 446
with section 109.572 of the Revised Code and pursuant to a request 447
under division (A)(1) of this section is not a public record for 448
the purposes of section 149.43 of the Revised Code and shall not 449
be made available to any person other than the applicant who is 450
the subject of the criminal records check or the applicant's 451
representative, the board or governing authority requesting the 452
criminal records check or its representative, and any court, 453
hearing officer, or other necessary individual involved in a case 454
dealing with the denial of employment to the applicant. 455

(E) The department of education shall adopt rules pursuant to 456
Chapter 119. of the Revised Code to implement this section, 457
including rules specifying circumstances under which the board or 458
governing authority may hire a person who has been convicted of an 459
offense listed in division (B)(1) or (3) of this section but who 460
meets standards in regard to rehabilitation set by the department. 461

The department shall amend rule 3301-83-23 of the Ohio 462
Administrative Code that took effect August 27, 2009, and that 463
specifies the offenses that disqualify a person for employment as 464
a school bus or school van driver and establishes rehabilitation 465
standards for school bus and school van drivers. 466

(F) Any person required by division (A)(1) of this section to 467
request a criminal records check shall inform each person, at the 468
time of the person's initial application for employment, of the 469
requirement to provide a set of fingerprint impressions and that a 470
criminal records check is required to be conducted and 471
satisfactorily completed in accordance with section 109.572 of the 472
Revised Code if the person comes under final consideration for 473
appointment or employment as a precondition to employment for the 474
school district, educational service center, or school for that 475
position. 476

(G) As used in this section: 477

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

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

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

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

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

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the

superintendent of schools, in case such person is employed by the 509
board of a city or exempted village school district, certifying 510
that such person is at least eighteen years of age and is of good 511
moral character and is qualified physically and otherwise for such 512
position. The service center governing board or the 513
superintendent, as the case may be, shall provide for an annual 514
physical examination that conforms with rules adopted by the state 515
board of education of each driver to ascertain the driver's 516
physical fitness for such employment. Any certificate may be 517
revoked by the authority granting the same on proof that the 518
holder has been guilty of failing to comply with division (D)(1) 519
of this section, or upon a conviction or a guilty plea for a 520
violation, or any other action, that results in a loss or 521
suspension of driving rights. Failure to comply with such division 522
may be cause for disciplinary action or termination of employment 523
under division (C) of section 3319.081, or section 124.34 of the 524
Revised Code. 525

(B) No person shall be employed as driver of a school bus or 526
motor van not subject to the rules of the department of education 527
pursuant to division (A) of this section who has not received a 528
certificate from the school administrator or contractor certifying 529
that such person is at least eighteen years of age, is of good 530
moral character, and is qualified physically and otherwise for 531
such position. Each driver shall have an annual physical 532
examination which conforms to the state highway patrol rules, 533
ascertaining the driver's physical fitness for such employment. 534
The examination shall be performed by one of the following: 535

(1) A person licensed under Chapter 4731. of the Revised Code 536
or by another state to practice medicine and surgery or 537
osteopathic medicine and surgery; 538

(2) A physician assistant; 539

(3) A certified nurse practitioner; 540

(4) A clinical nurse specialist;	541
(5) A certified nurse-midwife.	542
Any written documentation of the physical examination shall	543
be completed by the individual who performed the examination.	544
Any certificate may be revoked by the authority granting the	545
same on proof that the holder has been guilty of failing to comply	546
with division (D)(2) of this section.	547
(C) Any person who drives a school bus or motor van must give	548
satisfactory and sufficient bond except a driver who is an	549
employee of a school district and who drives a bus or motor van	550
owned by the school district.	551
(D) No person employed as driver of a school bus or motor van	552
under this section who is convicted of a traffic violation or who	553
has had the person's commercial driver's license suspended shall	554
drive a school bus or motor van until the person has filed a	555
written notice of the conviction or suspension, as follows:	556
(1) If the person is employed under division (A) of this	557
section, the person shall file the notice with the superintendent,	558
or a person designated by the superintendent, of the school	559
district for which the person drives a school bus or motor van as	560
an employee or drives a privately owned and operated school bus or	561
motor van under contract.	562
(2) If employed under division (B) of this section, the	563
person shall file the notice with the employing school	564
administrator or contractor, or a person designated by the	565
administrator or contractor.	566
(E) In addition to resulting in possible revocation of a	567
certificate as authorized by divisions (A) and (B) of this	568
section, violation of division (D) of this section is a minor	569
misdemeanor.	570

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

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

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

(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 603
license number, date of birth, date of hire, status of physical 604
evaluation, and status of training. 605

(2) The most recent criminal records check required by 606
division (J) of this section has been completed and received by 607
the superintendent or public or private employer. 608

(H) A person, school district, educational service center, 609
community school, nonpublic school, or other public or nonpublic 610
entity that owns a school bus or motor van, or that contracts with 611
another entity to operate a school bus or motor van, may impose 612
more stringent restrictions on drivers than those prescribed in 613
this section, in any other section of the Revised Code, and in 614
rules adopted by the state board. 615

(I) For qualified drivers who, on July 1, 2007, are employed 616
by the owner of a school bus or motor van to drive the school bus 617
or motor van, any instance in which the driver was convicted of or 618
pleaded guilty to a violation of section 4511.19 of the Revised 619
Code or a substantially equivalent municipal ordinance prior to 620
two years prior to July 1, 2007, shall not be considered a 621
disqualifying event with respect to division (F) of this section. 622

(J)(1) This division applies to persons hired by a school 623
district, educational service center, community school, chartered 624
nonpublic school, or science, technology, engineering, and 625
mathematics school established under Chapter 3326. of the Revised 626
Code to operate a vehicle used for pupil transportation. 627

For each person to whom this division applies who is hired on 628
or after November 14, 2007, the employer shall request a criminal 629
records check in accordance with section 3319.39 of the Revised 630
Code and every six years thereafter. For each person to whom this 631
division applies who is hired prior to that date, the employer 632
shall request a criminal records check by a date prescribed by the 633

department of education and every six years thereafter. 634

(2) This division applies to persons hired by a public or 635
private employer not described in division (J)(1) of this section 636
to operate a vehicle used for pupil transportation. 637

For each person to whom this division applies who is hired on 638
or after November 14, 2007, the employer shall request a criminal 639
records check prior to the person's hiring and every six years 640
thereafter. For each person to whom this division applies who is 641
hired prior to that date, the employer shall request a criminal 642
records check by a date prescribed by the department and every six 643
years thereafter. 644

(3) Each request for a criminal records check under division 645
(J) of this section shall be made to the superintendent of the 646
bureau of criminal identification and investigation in the manner 647
prescribed in section 3319.39 of the Revised Code, except that if 648
both of the following conditions apply to the person subject to 649
the records check, the employer shall request the superintendent 650
only to obtain any criminal records that the federal bureau of 651
investigation has on the person: 652

(a) The employer previously requested the superintendent to 653
determine whether the bureau of criminal identification and 654
investigation has any information, gathered pursuant to division 655
(A) of section 109.57 of the Revised Code, on the person in 656
conjunction with a criminal records check requested under section 657
3319.39 of the Revised Code or under division (J) of this section. 658

(b) The person presents proof that the person has been a 659
resident of this state for the five-year period immediately prior 660
to the date upon which the person becomes subject to a criminal 661
records check under this section. 662

Upon receipt of a request, the superintendent shall conduct 663
the criminal records check in accordance with section 109.572 of 664

the Revised Code as if the request had been made under section 665
3319.39 of the Revised Code. However, as specified in division 666
(B)(2) of section 109.572 of the Revised Code, if the employer 667
requests the superintendent only to obtain any criminal records 668
that the federal bureau of investigation has on the person for 669
whom the request is made, the superintendent shall not conduct the 670
review prescribed by division (B)(1) of that section. 671

(K) Any (1) Until the effective date of the amendments to 672
rule 3301-83-23 of the Ohio Administrative Code required by the 673
second paragraph of division (E) of section 3319.39 of the Revised 674
Code, any person who is the subject of a criminal records check 675
under division (J) of this section and has been convicted of or 676
pleaded guilty to any offense described in division ~~(C)~~(B)(1) of 677
section ~~3319.31~~ 3319.39 of the Revised Code shall not be hired or 678
shall be released from employment, as applicable, unless the 679
person meets the rehabilitation standards prescribed for 680
nonlicensed school personnel by rule 3301-20-03 of the Ohio 681
Administrative Code. 682

(2) Beginning on the effective date of the amendments to rule 683
3301-83-23 of the Ohio Administrative Code required by the second 684
paragraph of division (E) of section 3319.39 of the Revised Code, 685
any person who is the subject of a criminal records check under 686
division (J) of this section and has been convicted of or pleaded 687
guilty to any offense that, under the rule, disqualifies a person 688
for employment to operate a vehicle used for pupil transportation 689
shall not be hired or shall be released from employment, as 690
applicable, unless the person meets the rehabilitation standards 691
prescribed by the rule. 692

Section 2. That existing sections 3313.60, 3313.666, 3314.35, 693
3319.073, 3319.39, and 3327.10 of the Revised Code are hereby 694
repealed. 695

Section 3. This act shall be known as the "Tina Croucher Act."
696
697

Section 4. Not later than six months after the effective date
of this section, the State Board of Education shall update its
model policy to prohibit harassment, intimidation, or bullying
adopted under section 3301.22 of the Revised Code to include
violence within a dating relationship.
698
699
700
701
702