

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 428

Representatives Johnson, Kozlowski

Cosponsors: Representatives Duffey, Maag, Ashford, Dovilla, Henne

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A B I L L

To enact section 3319.318 of the Revised Code to 1
establish a process to appeal letters of 2
admonishment issued by the State Board of 3
Education. 4

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

Section 1. That section 3319.318 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3319.318. (A) As used in this section: 7

(1) "Letter of admonishment" means a written reprimand issued 8
by the state board of education to a person who holds a license 9
detailing misconduct by the person that the state board considers 10
to be conduct unbecoming to the person's position but for which 11
the state board does not intend to take action under section 12
3319.31 of the Revised Code. 13

(2) "License" has the same meaning as in section 3319.31 of 14
the Revised Code. 15

(B) Within thirty days after the issuance of a letter of 16
admonishment, the person who is the subject of the letter may 17
request the department of education to hold a hearing to review 18

the decision to issue the letter. If a hearing is requested, the 19
department shall set a date for the hearing that is not later than 20
sixty days after the request is made. 21

(C) The hearing shall be conducted by a panel consisting of 22
the following members: 23

(1) The superintendent of public instruction, or the 24
superintendent's designee; 25

(2) The director of the department's office of educator 26
licensure, or the director's designee; 27

(3) The chairperson of the educator standards board 28
established under section 3319.60 of the Revised Code, or the 29
chairperson's designee. 30

(D) At the hearing, a representative of the department's 31
office of professional conduct shall present the findings that led 32
to the issuance of the letter of admonishment and the person who 33
is the subject of the letter shall present any information that 34
the person believes should be considered in reviewing the decision 35
to issue the letter. The person who is the subject of the letter 36
may be represented by counsel for the hearing. 37

(E) Within sixty days after the conclusion of the hearing, 38
the panel, by majority vote, shall recommend to the state board 39
that the letter of admonishment be upheld or rescinded. The panel 40
shall issue a written statement explaining its recommendation. At 41
the state board's next meeting that occurs at least two weeks 42
after issuance of the panel's recommendation, the state board 43
shall consider the recommendation and, by majority vote, shall 44
decide whether to uphold or rescind the letter of admonishment. If 45
the state board decides in favor of rescission, the letter of 46
admonishment shall be removed from the disciplinary record of the 47
person who is the subject of the letter. The decision of the state 48
board shall be final and is not appealable. 49

(F) All documents and records pertaining to a hearing 50
conducted under this section are public records under section 51
149.43 of the Revised Code. 52

(G) A person may request a hearing regarding a letter of 53
admonishment only in accordance with this section. The appeals 54
procedures of Chapter 119. of the Revised Code shall not apply to 55
letters of admonishment. 56

Section 2. Notwithstanding division (B) of section 3319.318 57
of the Revised Code, as enacted by this act, any person who was 58
issued a letter of admonishment prior to the effective date of 59
this section may request the Department of Education to hold a 60
hearing to review the decision to issue the letter, provided the 61
request is made within thirty days after that effective date. Upon 62
such a request, the person shall be granted a hearing in 63
accordance with section 3319.318 of the Revised Code. 64