

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 30**

**Representative Johnson**

**Cosponsors: Representatives Duffey, Retherford, Young, Derickson, Green**

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**A B I L L**

To enact section 3319.318 of the Revised Code 1  
regarding letters of admonishment to licensed 2  
educators. 3

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

**Section 1.** That section 3319.318 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 3319.318.** (A) As used in this section: 6

(1) "Letter of admonishment" means a written reprimand issued 7  
by the state board of education, or the superintendent of public 8  
instruction on behalf of the state board, to a person who holds a 9  
license detailing misconduct by the person that the state board 10  
considers to be conduct unbecoming to the person's position but 11  
for which the state board does not intend to take action under 12  
section 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) The superintendent of public instruction, on behalf of 16  
the state board, may issue a letter of admonishment to a license 17  
holder against whom action is pending under sections 3319.31 and 18  
3319.311 of the Revised Code. A letter of admonishment shall 19

include a written waiver signed by the license holder 20  
acknowledging that the license holder is in agreement with the 21  
letter of admonishment and waiving the license holder's right to 22  
an administrative hearing pursuant to Chapter 119. of the Revised 23  
Code. 24

(C) A license holder who received a letter of admonishment 25  
prior to January 1, 2012, may file a petition with the department 26  
of education to rescind that letter of admonishment. Upon receipt 27  
of a petition to rescind, the state superintendent, on behalf of 28  
the state board, may rescind a letter of admonishment, unless the 29  
letter of admonishment was issued pursuant to a consent agreement 30  
or a resolution of the state board. No petition for rescission 31  
under this division, shall be filed later than one year after the 32  
effective date of the rules adopted by the state board under 33  
division (G) of this section. A rescinded letter of admonishment 34  
and any related documents are not public records under section 35  
149.43 of the Revised Code. 36

(D) A license holder who received any letter of admonishment 37  
may file a petition with the department to seal that letter of 38  
admonishment. The state superintendent, on behalf of the state 39  
board, may seal a letter of admonishment only if the license 40  
holder meets rehabilitation criteria prescribed by rules adopted 41  
by the state board. No petition to seal a letter of admonishment 42  
shall be filed until the effective date of the rules adopted by 43  
the state board under division (G) of this section. A sealed 44  
letter of admonishment and any related documents are not public 45  
records under section 149.43 of the Revised Code, except in 46  
subsequent disciplinary proceedings involving the license holder 47  
who was the subject of the admonishment. 48

(E) The state superintendent, on behalf of the state board, 49  
shall issue a written decision upon granting a rescission or 50  
sealing of a letter of admonishment under division (C) or (D) of 51

this section. In the written decision, the superintendent shall 52  
notify the petitioner of the petitioner's rights to request an 53  
oral review hearing before an independent hearing officer to 54  
appeal the superintendent's decision. The review hearing shall not 55  
be subject to the provisions of Chapter 119. of the Revised Code, 56  
and the hearing officer's decision shall be a final, nonappealable 57  
order. 58

(F) The state board and its members, the state 59  
superintendent, and the department and its employees shall be 60  
immune from any civil liability related to the issuance, 61  
rescission, or sealing of a letter of admonishment and shall not 62  
be responsible for any attorney's fees or other costs incurred or 63  
imposed as a result of a letter of admonishment being issued, 64  
rescinded, or sealed. 65

(G) The state board shall adopt rules pursuant to Chapter 66  
119. of the Revised Code to implement this section. 67