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H. B. No. 147

Representatives Fowler Arthur, Miller, A.

Cosponsors: Representatives Dean, Johnson, Willis, Bird, Click, Barhorst, Carruthers, Claggett, Dobos, Gross, Holmes, Hoops, Jones, Lear, Mathews, Merrin, Pavliga, Plummer, Ray, Schmidt, Williams, Young, T.

A BILL

To amend sections 3319.31 and 3319.313 of the
Revised Code regarding teacher licensure
revocation, teacher hiring practices, and
conduct unbecoming to the teaching profession.

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

Section 1. That sections 3319.31 and 3319.313 of the
Revised Code be amended to read as follows:

Sec. 3319.31. (A) As used in this section and sections
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license"
means a certificate, license, or permit described in this
chapter or in division (B) of section 3301.071 or in section
3301.074 of the Revised Code or a registration described in
division (B) of section 3302.151, section 3310.411, or section
3319.221 of the Revised Code.

(B) For any of the following reasons, the state board of
education, except as provided in division (H) of this section
and in accordance with Chapter 119. and section 3319.311 of the

Revised Code, may refuse to issue a license to an applicant; may
limit a license it issues to an applicant; may suspend, revoke,
or limit a license that has been issued to any person; or may
revoke a license that has been issued to any person and has
expired:

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

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

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

(b) An offense of violence other than an offense of
violence listed in division (C) of this section;

(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;

(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;

(e) A violation of an ordinance of a municipal corporation
that is substantively comparable to an offense listed in
divisions (B) (2) (a) to (d) of this section.

(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; 45

(4) Failure to comply with section 3314.40, 3319.313, 46
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code. 47

(C) Upon learning of a plea of guilty to, a finding of 48
guilt by a jury or court of, or a conviction of any of the 49
offenses listed in this division by a person who holds a current 50
or expired license or is an applicant for renewal of a license, 51
the state board or the superintendent of public instruction, if 52
the state board has delegated the duty pursuant to division (D) 53
of this section, shall by a written order revoke the person's 54
license or deny renewal of the license to the person. The state 55
board or the superintendent shall revoke a license that has been 56
issued to a person to whom this division applies and has expired 57
in the same manner as a license that has not expired. 58

Revocation of a license or denial of renewal of a license 59
under this division is effective immediately at the time and 60
date that the board or superintendent issues the written order 61
and is not subject to appeal in accordance with Chapter 119. of 62
the Revised Code. Revocation of a license or denial of renewal 63
of license under this division remains in force during the 64
pendency of an appeal by the person of the plea of guilty, 65
finding of guilt, or conviction that is the basis of the action 66
taken under this division. 67

The state board or superintendent shall take the action 68
required by this division for a violation of division (B) (1), 69
(2), (3), or (4) of section 2919.22 of the Revised Code; a 70
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 71
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 72
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 73
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 74

2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 75
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 76
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 77
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 78
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 79
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 80
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 81
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 82
violation of section 2907.231 of the Revised Code unless the 83
offender was coerced into committing a violation of that 84
section; a violation of section 2905.04 of the Revised Code as 85
it existed prior to July 1, 1996; a violation of section 2919.23 86
of the Revised Code that would have been a violation of section 87
2905.04 of the Revised Code as it existed prior to July 1, 1996, 88
had the violation been committed prior to that date; felonious 89
sexual penetration in violation of former section 2907.12 of the 90
Revised Code; or a violation of an ordinance of a municipal 91
corporation that is substantively comparable to an offense 92
listed in this paragraph. 93

(D) The state board may delegate to the superintendent of 94
public instruction the authority to revoke a person's license or 95
to deny renewal of a license to a person under division (C) or 96
(F) of this section. 97

(E) (1) If the plea of guilty, finding of guilt, or 98
conviction that is the basis of the action taken under division 99
(B) (2) or (C) of this section, or under the version of division 100
(F) of section 3319.311 of the Revised Code in effect prior to 101
September 12, 2008, is overturned on appeal, upon exhaustion of 102
the criminal appeal, the clerk of the court that overturned the 103
plea, finding, or conviction or, if applicable, the clerk of the 104
court that accepted an appeal from the court that overturned the 105

plea, finding, or conviction, shall notify the state board that 106
the plea, finding, or conviction has been overturned. Within 107
thirty days after receiving the notification, the state board 108
shall initiate proceedings to reconsider the revocation or 109
denial of the person's license in accordance with division (E) 110
(2) of this section. In addition, the person whose license was 111
revoked or denied may file with the state board a petition for 112
reconsideration of the revocation or denial along with 113
appropriate court documents. 114

(2) Upon receipt of a court notification or a petition and 115
supporting court documents under division (E) (1) of this 116
section, the state board, after offering the person an 117
opportunity for an adjudication hearing under Chapter 119. of 118
the Revised Code, shall determine whether the person committed 119
the act in question in the prior criminal action against the 120
person that is the basis of the revocation or denial and may 121
continue the revocation or denial, may reinstate the person's 122
license, with or without limits, or may grant the person a new 123
license, with or without limits. The decision of the board shall 124
be based on grounds for revoking, denying, suspending, or 125
limiting a license adopted by rule under division (G) of this 126
section and in accordance with the evidentiary standards the 127
board employs for all other licensure hearings. The decision of 128
the board under this division is subject to appeal under Chapter 129
119. of the Revised Code. 130

(3) A person whose license is revoked or denied under 131
division (C) of this section shall not apply for any license if 132
the plea of guilty, finding of guilt, or conviction that is the 133
basis of the revocation or denial, upon completion of the 134
criminal appeal, either is upheld or is overturned but the state 135
board continues the revocation or denial under division (E) (2) 136

of this section and that continuation is upheld on final appeal. 137

(F) The state board may take action under division (B) of 138
this section, and the state board or the superintendent shall 139
take the action required under division (C) of this section, on 140
the basis of substantially comparable conduct occurring in a 141
jurisdiction outside this state or occurring before a person 142
applies for or receives any license. 143

(G) The state board may adopt rules in accordance with 144
Chapter 119. of the Revised Code to carry out this section and 145
section 3319.311 of the Revised Code. 146

(H) The state board shall not refuse to issue a license to 147
an applicant because of a conviction of, a plea of guilty to, or 148
a finding of guilt by a jury or court of an offense unless the 149
refusal is in accordance with section 9.79 of the Revised Code. 150

Sec. 3319.313. (A) As used in this section: 151

(1) "Conduct unbecoming to the teaching profession" shall 152
be as described in rules adopted by the state board of 153
education. 154

(2) "Intervention in lieu of conviction" means 155
intervention in lieu of conviction under section 2951.041 of the 156
Revised Code. 157

(3) "License" has the same meaning as in section 3319.31 158
of the Revised Code. 159

(4) "Pre-trial diversion program" means a pre-trial 160
diversion program under section 2935.36 of the Revised Code or a 161
similar diversion program under rules of a court. 162

(B) The superintendent of each school district and each 163
educational service center or the president of the district or 164

service center board, if division (C)(1) of this section 165
applies, and the chief administrator of each chartered nonpublic 166
school or the president or chairperson of the governing 167
authority of the nonpublic school, if division (C)(2) of this 168
section applies, shall promptly submit to the superintendent of 169
public instruction the information prescribed in division (D) of 170
this section when any of the following conditions applies to an 171
employee of the district, service center, or nonpublic school 172
who holds a license issued by the state board of education: 173

(1) The superintendent, chief administrator, president, or 174
chairperson knows that the employee has pleaded guilty to, has 175
been found guilty by a jury or court of, has been convicted of, 176
has been found to be eligible for intervention in lieu of 177
conviction for, or has agreed to participate in a pre-trial 178
diversion program for an offense described in division (B)(2) or 179
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 180
the Revised Code; 181

(2) The district board of education, service center 182
governing board, or nonpublic school chief administrator or 183
governing authority has initiated termination or nonrenewal 184
proceedings against, has terminated, or has not renewed the 185
contract of the employee because the board of education, 186
governing board, or chief administrator has reasonably 187
determined that the employee has committed an act that is 188
unbecoming to the teaching profession or an offense described in 189
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 190
section 3319.39 of the Revised Code; 191

(3) The employee has resigned or retired under threat of 192
termination or nonrenewal as described in division (B)(2) of 193
this section; 194

(4) The employee has resigned or retired because of or in 195
the course of an investigation by the board of education, 196
governing board, or chief administrator regarding whether the 197
employee has committed an act that is unbecoming to the teaching 198
profession or an offense described in division (B) (2) or (C) of 199
section 3319.31 or division (B) (1) of section 3319.39 of the 200
Revised Code. 201

(5) The district board of education, service center 202
governing board, or nonpublic school chief administrator or 203
governing authority has removed the employee from the list of 204
eligible substitute teachers for the district, service center, 205
or nonpublic school because the board of education, governing 206
board, or chief administrator has reasonably determined that the 207
employee has committed an act that is unbecoming to the teaching 208
profession. 209

(C) (1) If the employee to whom any of the conditions 210
prescribed in divisions (B) (1) to (4) of this section applies is 211
the superintendent or treasurer of a school district or 212
educational service center, the president of the board of 213
education of the school district or of the governing board of 214
the educational service center shall make the report required 215
under this section. 216

(2) If the employee to whom any of the conditions 217
prescribed in divisions (B) (1) to (4) of this section applies is 218
the chief administrator of a chartered nonpublic school, the 219
president or chairperson of the governing authority of the 220
chartered nonpublic school shall make the report required under 221
this section. 222

(D) If a report is required under this section, the 223
superintendent, chief administrator, president, or chairperson 224

shall submit to the superintendent of public instruction the 225
name and social security number of the employee about whom the 226
information is required and a factual statement regarding any of 227
the conditions prescribed in divisions (B) (1) to (4) of this 228
section that applies to the employee. 229

(E) A determination made by the board of education, 230
governing board, chief administrator, or governing authority as 231
described in division (B) (2) of this section or a termination, 232
nonrenewal, resignation, retirement, or other separation 233
described in divisions (B) (2) to ~~(4)~~ (5) of this section does 234
not create a presumption of the commission or lack of the 235
commission by the employee of an act unbecoming to the teaching 236
profession or an offense described in division (B) (2) or (C) of 237
section 3319.31 or division (B) (1) of section 3319.39 of the 238
Revised Code. 239

(F) No individual required to submit a report under 240
division (B) of this section shall knowingly fail to comply with 241
that division. 242

(G) An individual who provides information to the 243
superintendent of public instruction in accordance with this 244
section in good faith shall be immune from any civil liability 245
that otherwise might be incurred or imposed for injury, death, 246
or loss to person or property as a result of the provision of 247
that information. 248

Section 2. That existing sections 3319.31 and 3319.313 of 249
the Revised Code are hereby repealed. 250