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H. B. No. 477

Representative Koehler

Cosponsors: Representatives Thompson, Sweeney, Becker, Ingram, Vitale, Hambley, Brenner, Anielski, Blessing, Dean, Dever, Green, Henne, Hoops, Lang, Patton, Reineke, Riedel, Ryan, Scherer, Speaker Smith

A BILL

To amend sections 109.57, 2917.46, 3301.133, 1
3302.26, 3313.71, and 3313.753 and to repeal 2
sections 3301.073, 3301.0722, 3301.111, 3301.21, 3
3301.25, 3301.86, 3301.88, 3301.95, 3301.96, 4
3302.037, 3302.30, 3311.061, 3313.206, and 5
3313.711 of the Revised Code to eliminate 6
various provisions and programs related to the 7
Department of Education and the operation of 8
primary and secondary schools. 9

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

Section 1. That sections 109.57, 2917.46, 3301.133, 10
3302.26, 3313.71, and 3313.753 of the Revised Code be amended to 11
read as follows: 12

Sec. 109.57. (A) (1) The superintendent of the bureau of 13
criminal identification and investigation shall procure from 14
wherever procurable and file for record photographs, pictures, 15
descriptions, fingerprints, measurements, and other information 16
that may be pertinent of all persons who have been convicted of 17

committing within this state a felony, any crime constituting a 18
misdemeanor on the first offense and a felony on subsequent 19
offenses, or any misdemeanor described in division (A) (1) (a), 20
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 21
of all children under eighteen years of age who have been 22
adjudicated delinquent children for committing within this state 23
an act that would be a felony or an offense of violence if 24
committed by an adult or who have been convicted of or pleaded 25
guilty to committing within this state a felony or an offense of 26
violence, and of all well-known and habitual criminals. The 27
person in charge of any county, multicounty, municipal, 28
municipal-county, or multicounty-municipal jail or workhouse, 29
community-based correctional facility, halfway house, 30
alternative residential facility, or state correctional 31
institution and the person in charge of any state institution 32
having custody of a person suspected of having committed a 33
felony, any crime constituting a misdemeanor on the first 34
offense and a felony on subsequent offenses, or any misdemeanor 35
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 36
section 109.572 of the Revised Code or having custody of a child 37
under eighteen years of age with respect to whom there is 38
probable cause to believe that the child may have committed an 39
act that would be a felony or an offense of violence if 40
committed by an adult shall furnish such material to the 41
superintendent of the bureau. Fingerprints, photographs, or 42
other descriptive information of a child who is under eighteen 43
years of age, has not been arrested or otherwise taken into 44
custody for committing an act that would be a felony or an 45
offense of violence who is not in any other category of child 46
specified in this division, if committed by an adult, has not 47
been adjudicated a delinquent child for committing an act that 48
would be a felony or an offense of violence if committed by an 49

adult, has not been convicted of or pleaded guilty to committing 50
a felony or an offense of violence, and is not a child with 51
respect to whom there is probable cause to believe that the 52
child may have committed an act that would be a felony or an 53
offense of violence if committed by an adult shall not be 54
procured by the superintendent or furnished by any person in 55
charge of any county, multicounty, municipal, municipal-county, 56
or multicounty-municipal jail or workhouse, community-based 57
correctional facility, halfway house, alternative residential 58
facility, or state correctional institution, except as 59
authorized in section 2151.313 of the Revised Code. 60

(2) Every clerk of a court of record in this state, other 61
than the supreme court or a court of appeals, shall send to the 62
superintendent of the bureau a weekly report containing a 63
summary of each case involving a felony, involving any crime 64
constituting a misdemeanor on the first offense and a felony on 65
subsequent offenses, involving a misdemeanor described in 66
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 67
of the Revised Code, or involving an adjudication in a case in 68
which a child under eighteen years of age was alleged to be a 69
delinquent child for committing an act that would be a felony or 70
an offense of violence if committed by an adult. The clerk of 71
the court of common pleas shall include in the report and 72
summary the clerk sends under this division all information 73
described in divisions (A) (2) (a) to (f) of this section 74
regarding a case before the court of appeals that is served by 75
that clerk. The summary shall be written on the standard forms 76
furnished by the superintendent pursuant to division (B) of this 77
section and shall include the following information: 78

(a) The incident tracking number contained on the standard 79
forms furnished by the superintendent pursuant to division (B) 80

of this section;	81
(b) The style and number of the case;	82
(c) The date of arrest, offense, summons, or arraignment;	83
(d) The date that the person was convicted of or pleaded	84
guilty to the offense, adjudicated a delinquent child for	85
committing the act that would be a felony or an offense of	86
violence if committed by an adult, found not guilty of the	87
offense, or found not to be a delinquent child for committing an	88
act that would be a felony or an offense of violence if	89
committed by an adult, the date of an entry dismissing the	90
charge, an entry declaring a mistrial of the offense in which	91
the person is discharged, an entry finding that the person or	92
child is not competent to stand trial, or an entry of a nolle	93
prosequi, or the date of any other determination that	94
constitutes final resolution of the case;	95
(e) A statement of the original charge with the section of	96
the Revised Code that was alleged to be violated;	97
(f) If the person or child was convicted, pleaded guilty,	98
or was adjudicated a delinquent child, the sentence or terms of	99
probation imposed or any other disposition of the offender or	100
the delinquent child.	101
If the offense involved the disarming of a law enforcement	102
officer or an attempt to disarm a law enforcement officer, the	103
clerk shall clearly state that fact in the summary, and the	104
superintendent shall ensure that a clear statement of that fact	105
is placed in the bureau's records.	106
(3) The superintendent shall cooperate with and assist	107
sheriffs, chiefs of police, and other law enforcement officers	108
in the establishment of a complete system of criminal	109

identification and in obtaining fingerprints and other means of 110
identification of all persons arrested on a charge of a felony, 111
any crime constituting a misdemeanor on the first offense and a 112
felony on subsequent offenses, or a misdemeanor described in 113
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 114
of the Revised Code and of all children under eighteen years of 115
age arrested or otherwise taken into custody for committing an 116
act that would be a felony or an offense of violence if 117
committed by an adult. The superintendent also shall file for 118
record the fingerprint impressions of all persons confined in a 119
county, multicounty, municipal, municipal-county, or 120
multicounty-municipal jail or workhouse, community-based 121
correctional facility, halfway house, alternative residential 122
facility, or state correctional institution for the violation of 123
state laws and of all children under eighteen years of age who 124
are confined in a county, multicounty, municipal, municipal- 125
county, or multicounty-municipal jail or workhouse, community- 126
based correctional facility, halfway house, alternative 127
residential facility, or state correctional institution or in 128
any facility for delinquent children for committing an act that 129
would be a felony or an offense of violence if committed by an 130
adult, and any other information that the superintendent may 131
receive from law enforcement officials of the state and its 132
political subdivisions. 133

(4) The superintendent shall carry out Chapter 2950. of 134
the Revised Code with respect to the registration of persons who 135
are convicted of or plead guilty to a sexually oriented offense 136
or a child-victim oriented offense and with respect to all other 137
duties imposed on the bureau under that chapter. 138

(5) The bureau shall perform centralized recordkeeping 139
functions for criminal history records and services in this 140

state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and

criminal justice, and may establish and operate a statewide 171
communications network to be known as the Ohio law enforcement 172
gateway to gather and disseminate information, data, and 173
statistics for the use of law enforcement agencies and for other 174
uses specified in this division. The superintendent may gather, 175
store, retrieve, and disseminate information, data, and 176
statistics that pertain to children who are under eighteen years 177
of age and that are gathered pursuant to sections 109.57 to 178
109.61 of the Revised Code together with information, data, and 179
statistics that pertain to adults and that are gathered pursuant 180
to those sections. 181

(2) The superintendent or the superintendent's designee 182
shall gather information of the nature described in division (C) 183
(1) of this section that pertains to the offense and delinquency 184
history of a person who has been convicted of, pleaded guilty 185
to, or been adjudicated a delinquent child for committing a 186
sexually oriented offense or a child-victim oriented offense for 187
inclusion in the state registry of sex offenders and child- 188
victim offenders maintained pursuant to division (A) (1) of 189
section 2950.13 of the Revised Code and in the internet database 190
operated pursuant to division (A) (13) of that section and for 191
possible inclusion in the internet database operated pursuant to 192
division (A) (11) of that section. 193

(3) In addition to any other authorized use of 194
information, data, and statistics of the nature described in 195
division (C) (1) of this section, the superintendent or the 196
superintendent's designee may provide and exchange the 197
information, data, and statistics pursuant to the national crime 198
prevention and privacy compact as described in division (A) (5) 199
of this section. 200

(4) The Ohio law enforcement gateway shall contain the 201
name, confidential address, and telephone number of program 202
participants in the address confidentiality program established 203
under sections 111.41 to 111.47 of the Revised Code. 204

(5) The attorney general may adopt rules under Chapter 205
119. of the Revised Code establishing guidelines for the 206
operation of and participation in the Ohio law enforcement 207
gateway. The rules may include criteria for granting and 208
restricting access to information gathered and disseminated 209
through the Ohio law enforcement gateway. The attorney general 210
shall adopt rules under Chapter 119. of the Revised Code that 211
grant access to information in the gateway regarding an address 212
confidentiality program participant under sections 111.41 to 213
111.47 of the Revised Code to only chiefs of police, village 214
marshals, county sheriffs, county prosecuting attorneys, and a 215
designee of each of these individuals. The attorney general 216
shall permit the state medical board and board of nursing to 217
access and view, but not alter, information gathered and 218
disseminated through the Ohio law enforcement gateway. 219

The attorney general may appoint a steering committee to 220
advise the attorney general in the operation of the Ohio law 221
enforcement gateway that is comprised of persons who are 222
representatives of the criminal justice agencies in this state 223
that use the Ohio law enforcement gateway and is chaired by the 224
superintendent or the superintendent's designee. 225

(D) (1) The following are not public records under section 226
149.43 of the Revised Code: 227

(a) Information and materials furnished to the 228
superintendent pursuant to division (A) of this section; 229

(b) Information, data, and statistics gathered or	230
disseminated through the Ohio law enforcement gateway pursuant	231
to division (C) (1) of this section;	232
(c) Information and materials furnished to any board or	233
person under division (F) or (G) of this section.	234
(2) The superintendent or the superintendent's designee	235
shall gather and retain information so furnished under division	236
(A) of this section that pertains to the offense and delinquency	237
history of a person who has been convicted of, pleaded guilty	238
to, or been adjudicated a delinquent child for committing a	239
sexually oriented offense or a child-victim oriented offense for	240
the purposes described in division (C) (2) of this section.	241
(E) (1) The attorney general shall adopt rules, in	242
accordance with Chapter 119. of the Revised Code and subject to	243
division (E) (2) of this section, setting forth the procedure by	244
which a person may receive or release information gathered by	245
the superintendent pursuant to division (A) of this section. A	246
reasonable fee may be charged for this service. If a temporary	247
employment service submits a request for a determination of	248
whether a person the service plans to refer to an employment	249
position has been convicted of or pleaded guilty to an offense	250
listed or described in division (A) (1), (2), or (3) of section	251
109.572 of the Revised Code, the request shall be treated as a	252
single request and only one fee shall be charged.	253
(2) Except as otherwise provided in this division or	254
division (E) (3) or (4) of this section, a rule adopted under	255
division (E) (1) of this section may provide only for the release	256
of information gathered pursuant to division (A) of this section	257
that relates to the conviction of a person, or a person's plea	258
of guilty to, a criminal offense or to the arrest of a person as	259

provided in division (E) (3) of this section. The superintendent 260
shall not release, and the attorney general shall not adopt any 261
rule under division (E) (1) of this section that permits the 262
release of, any information gathered pursuant to division (A) of 263
this section that relates to an adjudication of a child as a 264
delinquent child, or that relates to a criminal conviction of a 265
person under eighteen years of age if the person's case was 266
transferred back to a juvenile court under division (B) (2) or 267
(3) of section 2152.121 of the Revised Code and the juvenile 268
court imposed a disposition or serious youthful offender 269
disposition upon the person under either division, unless either 270
of the following applies with respect to the adjudication or 271
conviction: 272

(a) The adjudication or conviction was for a violation of 273
section 2903.01 or 2903.02 of the Revised Code. 274

(b) The adjudication or conviction was for a sexually 275
oriented offense, the juvenile court was required to classify 276
the child a juvenile offender registrant for that offense under 277
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 278
classification has not been removed, and the records of the 279
adjudication or conviction have not been sealed or expunged 280
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 281
section 2952.32 of the Revised Code. 282

(3) A rule adopted under division (E) (1) of this section 283
may provide for the release of information gathered pursuant to 284
division (A) of this section that relates to the arrest of a 285
person who is eighteen years of age or older when the person has 286
not been convicted as a result of that arrest if any of the 287
following applies: 288

(a) The arrest was made outside of this state. 289

(b) A criminal action resulting from the arrest is 290
pending, and the superintendent confirms that the criminal 291
action has not been resolved at the time the criminal records 292
check is performed. 293

(c) The bureau cannot reasonably determine whether a 294
criminal action resulting from the arrest is pending, and not 295
more than one year has elapsed since the date of the arrest. 296

(4) A rule adopted under division (E) (1) of this section 297
may provide for the release of information gathered pursuant to 298
division (A) of this section that relates to an adjudication of 299
a child as a delinquent child if not more than five years have 300
elapsed since the date of the adjudication, the adjudication was 301
for an act that would have been a felony if committed by an 302
adult, the records of the adjudication have not been sealed or 303
expunged pursuant to sections 2151.355 to 2151.358 of the 304
Revised Code, and the request for information is made under 305
division (F) of this section or under section 109.572 of the 306
Revised Code. In the case of an adjudication for a violation of 307
the terms of community control or supervised release, the five- 308
year period shall be calculated from the date of the 309
adjudication to which the community control or supervised 310
release pertains. 311

(F) (1) As used in division (F) (2) of this section, "head 312
start agency" means an entity in this state that has been 313
approved to be an agency for purposes of subchapter II of the 314
"Community Economic Development Act," 95 Stat. 489 (1981), 42 315
U.S.C.A. 9831, as amended. 316

(2) (a) In addition to or in conjunction with any request 317
that is required to be made under section 109.572, 2151.86, 318
3301.32, 3301.541, division (C) of section 3310.58, or section 319

3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 320
5153.111 of the Revised Code or that is made under section 321
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 322
board of education of any school district; the director of 323
developmental disabilities; any county board of developmental 324
disabilities; any provider or subcontractor as defined in 325
section 5123.081 of the Revised Code; the chief administrator of 326
any chartered nonpublic school; the chief administrator of a 327
registered private provider that is not also a chartered 328
nonpublic school; the chief administrator of any home health 329
agency; the chief administrator of or person operating any child 330
day-care center, type A family day-care home, or type B family 331
day-care home licensed under Chapter 5104. of the Revised Code; 332
the chief administrator of any head start agency; the executive 333
director of a public children services agency; a private company 334
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 335
the Revised Code; or an employer described in division (J)(2) of 336
section 3327.10 of the Revised Code may request that the 337
superintendent of the bureau investigate and determine, with 338
respect to any individual who has applied for employment in any 339
position after October 2, 1989, or any individual wishing to 340
apply for employment with a board of education may request, with 341
regard to the individual, whether the bureau has any information 342
gathered under division (A) of this section that pertains to 343
that individual. On receipt of the request, subject to division 344
(E)(2) of this section, the superintendent shall determine 345
whether that information exists and, upon request of the person, 346
board, or entity requesting information, also shall request from 347
the federal bureau of investigation any criminal records it has 348
pertaining to that individual. The superintendent or the 349
superintendent's designee also may request criminal history 350
records from other states or the federal government pursuant to 351

the national crime prevention and privacy compact set forth in 352
section 109.571 of the Revised Code. Within thirty days of the 353
date that the superintendent receives a request, subject to 354
division (E) (2) of this section, the superintendent shall send 355
to the board, entity, or person a report of any information that 356
the superintendent determines exists, including information 357
contained in records that have been sealed under section 2953.32 358
of the Revised Code, and, within thirty days of its receipt, 359
subject to division (E) (2) of this section, shall send the 360
board, entity, or person a report of any information received 361
from the federal bureau of investigation, other than information 362
the dissemination of which is prohibited by federal law. 363

(b) When a board of education or a registered private 364
provider is required to receive information under this section 365
as a prerequisite to employment of an individual pursuant to 366
division (C) of section 3310.58 or section 3319.39 of the 367
Revised Code, it may accept a certified copy of records that 368
were issued by the bureau of criminal identification and 369
investigation and that are presented by an individual applying 370
for employment with the district in lieu of requesting that 371
information itself. In such a case, the board shall accept the 372
certified copy issued by the bureau in order to make a photocopy 373
of it for that individual's employment application documents and 374
shall return the certified copy to the individual. In a case of 375
that nature, a district or provider only shall accept a 376
certified copy of records of that nature within one year after 377
the date of their issuance by the bureau. 378

(c) Notwithstanding division (F) (2) (a) of this section, in 379
the case of a request under section 3319.39, 3319.391, or 380
3327.10 of the Revised Code only for criminal records maintained 381
by the federal bureau of investigation, the superintendent shall 382

not determine whether any information gathered under division 383
(A) of this section exists on the person for whom the request is 384
made. 385

(3) The state board of education may request, with respect 386
to any individual who has applied for employment after October 387
2, 1989, in any position with the state board or the department 388
of education, any information that a school district board of 389
education is authorized to request under division (F) (2) of this 390
section, and the superintendent of the bureau shall proceed as 391
if the request has been received from a school district board of 392
education under division (F) (2) of this section. 393

(4) When the superintendent of the bureau receives a 394
request for information under section 3319.291 of the Revised 395
Code, the superintendent shall proceed as if the request has 396
been received from a school district board of education and 397
shall comply with divisions (F) (2) (a) and (c) of this section. 398

~~(5) When a recipient of a classroom reading improvement 399
grant paid under section 3301.86 of the Revised Code requests, 400
with respect to any individual who applies to participate in 401
providing any program or service funded in whole or in part by 402
the grant, the information that a school district board of 403
education is authorized to request under division (F) (2) (a) of 404
this section, the superintendent of the bureau shall proceed as 405
if the request has been received from a school district board of 406
education under division (F) (2) (a) of this section. 407~~

(G) In addition to or in conjunction with any request that 408
is required to be made under section 3701.881, 3712.09, or 409
3721.121 of the Revised Code with respect to an individual who 410
has applied for employment in a position that involves providing 411
direct care to an older adult or adult resident, the chief 412

administrator of a home health agency, hospice care program, 413
home licensed under Chapter 3721. of the Revised Code, or adult 414
day-care program operated pursuant to rules adopted under 415
section 3721.04 of the Revised Code may request that the 416
superintendent of the bureau investigate and determine, with 417
respect to any individual who has applied after January 27, 418
1997, for employment in a position that does not involve 419
providing direct care to an older adult or adult resident, 420
whether the bureau has any information gathered under division 421
(A) of this section that pertains to that individual. 422

In addition to or in conjunction with any request that is 423
required to be made under section 173.27 of the Revised Code 424
with respect to an individual who has applied for employment in 425
a position that involves providing ombudsman services to 426
residents of long-term care facilities or recipients of 427
community-based long-term care services, the state long-term 428
care ombudsman, the director of aging, a regional long-term care 429
ombudsman program, or the designee of the ombudsman, director, 430
or program may request that the superintendent investigate and 431
determine, with respect to any individual who has applied for 432
employment in a position that does not involve providing such 433
ombudsman services, whether the bureau has any information 434
gathered under division (A) of this section that pertains to 435
that applicant. 436

In addition to or in conjunction with any request that is 437
required to be made under section 173.38 of the Revised Code 438
with respect to an individual who has applied for employment in 439
a direct-care position, the chief administrator of a provider, 440
as defined in section 173.39 of the Revised Code, may request 441
that the superintendent investigate and determine, with respect 442
to any individual who has applied for employment in a position 443

that is not a direct-care position, whether the bureau has any 444
information gathered under division (A) of this section that 445
pertains to that applicant. 446

In addition to or in conjunction with any request that is 447
required to be made under section 3712.09 of the Revised Code 448
with respect to an individual who has applied for employment in 449
a position that involves providing direct care to a pediatric 450
respite care patient, the chief administrator of a pediatric 451
respite care program may request that the superintendent of the 452
bureau investigate and determine, with respect to any individual 453
who has applied for employment in a position that does not 454
involve providing direct care to a pediatric respite care 455
patient, whether the bureau has any information gathered under 456
division (A) of this section that pertains to that individual. 457

On receipt of a request under this division, the 458
superintendent shall determine whether that information exists 459
and, on request of the individual requesting information, shall 460
also request from the federal bureau of investigation any 461
criminal records it has pertaining to the applicant. The 462
superintendent or the superintendent's designee also may request 463
criminal history records from other states or the federal 464
government pursuant to the national crime prevention and privacy 465
compact set forth in section 109.571 of the Revised Code. Within 466
thirty days of the date a request is received, subject to 467
division (E) (2) of this section, the superintendent shall send 468
to the requester a report of any information determined to 469
exist, including information contained in records that have been 470
sealed under section 2953.32 of the Revised Code, and, within 471
thirty days of its receipt, shall send the requester a report of 472
any information received from the federal bureau of 473
investigation, other than information the dissemination of which 474

is prohibited by federal law. 475

(H) Information obtained by a government entity or person 476
under this section is confidential and shall not be released or 477
disseminated. 478

(I) The superintendent may charge a reasonable fee for 479
providing information or criminal records under division (F) (2) 480
or (G) of this section. 481

(J) As used in this section: 482

(1) "Pediatric respite care program" and "pediatric care 483
patient" have the same meanings as in section 3712.01 of the 484
Revised Code. 485

(2) "Sexually oriented offense" and "child-victim oriented 486
offense" have the same meanings as in section 2950.01 of the 487
Revised Code. 488

(3) "Registered private provider" means a nonpublic school 489
or entity registered with the superintendent of public 490
instruction under section 3310.41 of the Revised Code to 491
participate in the autism scholarship program or section 3310.58 492
of the Revised Code to participate in the Jon Peterson special 493
needs scholarship program. 494

Sec. 2917.46. (A) No person shall, with intent to identify 495
a building as a block parent home or building, display the block 496
parent symbol adopted by the state board of education pursuant 497
to former section 3301.076 of the Revised Code prior to its 498
repeal on ~~the effective date of this amendment~~ July 1, 2007. 499

(B) No person shall, with intent to identify a building as 500
a block parent home or building, display a symbol that falsely 501
gives the appearance of being the block parent symbol adopted by 502

the state board of education pursuant to former section 3301.076 503
of the Revised Code prior to its repeal on ~~the effective date of~~ 504
~~this amendment~~ July 1, 2007. 505

(C) No person, with intent to identify a home or building 506
as a mcgruff house program home or building, shall display the 507
mcgruff house symbol adopted by the division of criminal justice 508
services in the state department of public safety pursuant to 509
section 5502.62 of the Revised Code unless authorized in 510
accordance with that section, any rule adopted pursuant to that 511
section, or former section 3313.206 of the Revised Code prior to 512
its repeal on the effective date of this amendment. 513

(D) No person, with intent to identify a home or building 514
as a mcgruff house program home or building, shall display a 515
symbol that falsely gives the appearance of being the mcgruff 516
house symbol adopted by the division of criminal justice 517
services in the state department of public safety pursuant to 518
section 5502.62 of the Revised Code or any rule adopted pursuant 519
to that section. 520

(E) (1) Whoever violates division (A) or (B) of this 521
section is guilty of unauthorized use of a block parent symbol, 522
a minor misdemeanor. 523

(2) Whoever violates division (C) or (D) of this section 524
is guilty of unauthorized use of a mcgruff house symbol, a minor 525
misdemeanor. 526

Sec. 3301.133. As used in this section, "form" ~~has the~~ 527
~~same meaning as in section 3301.0722~~ means any report, document, 528
paper, computer software program, or other instrument used in 529
the management information system created by section 3301.0714 530
of the Revised Code or used to gather required or requested 531

education data under division (I) of section 3301.07 of the 532
Revised Code or any other provision of state or federal statute 533
or rule. 534

(A) ~~No later than July 1, 1992, the~~ The organization of 535
the department of education shall include an identifiable 536
organizational unit that deals with the management of any 537
education data that the department gathers, processes, uses, or 538
reports. The superintendent of public instruction shall assign 539
employees to this unit or employ persons for this unit who are 540
trained and experienced in data management and the design of 541
forms and who understand the data needs of the department of 542
education. The superintendent shall provide a sufficient number 543
of such employees for the unit to perform its duties in an 544
effective and timely manner. 545

(B) The unit established pursuant to division (A) of this 546
section shall: 547

(1) Review each new form or modification of any existing 548
form that the state board, the superintendent of public 549
instruction, or the department of education proposes to put into 550
use on or after July 1, 1992. In conducting the review of any 551
form, the unit shall evaluate it utilizing at least the criteria 552
specified under division (C) of this section. The unit shall 553
report in writing to the superintendent of public instruction 554
whether the form satisfies the criteria specified under division 555
(C) of this section, and if not, the reasons why it does not. 556
Each report shall include recommendations regarding the 557
simplification, consolidation, or elimination of the proposed 558
form or any other forms related to the proposed form that would 559
enable all the criteria specified under division (C) of this 560
section to be met. 561

(2) Regularly contact and seek to work with other state	562
and federal agencies that collect and use education data for the	563
purpose of increasing the efficiency and coordination of data	564
collection;	565
(3) Perform any other duties assigned by the	566
superintendent of public instruction.	567
(C) In conducting the review of any form pursuant to	568
division (B)(1) of this section, the unit established under	569
division (A) of this section shall determine whether the	570
following criteria are satisfied:	571
(1) Each data item on the form does not duplicate data	572
already submitted to the state board, superintendent of public	573
instruction, or department of education.	574
(2) The form cannot be consolidated with any other form	575
required by the state board, superintendent, or department.	576
(3) The form is required to be submitted no more often	577
than necessary and no sooner than reasonably necessary prior to	578
the date on which the data reported on the form will be	579
initially used.	580
(4) The stated purpose of the form cannot be met as part	581
of any other procedure, such as a verification or certification	582
procedure or other reporting procedure.	583
(5) If the form or any data item on the form is attributed	584
to any requirement of state statute, federal statute or rule, or	585
any court, the form or data item is limited to the data that the	586
statute, rule, or court requires.	587
(6) If the form or any data item on the form is attributed	588
to the requirements of any research or of any process of	589

auditing school districts for compliance with any requirement, 590
the research is planned or currently taking place or the 591
compliance is currently required. 592

(7) The form is designed in a way that minimizes the cost 593
of completing it. 594

(8) The form includes instructions that clearly explain 595
how to complete it, who will use the data reported on it, and 596
whom to contact with questions about completing the form or the 597
use of the data reported on it. 598

Sec. 3302.26. (A) As used in this section: 599

(1) "Expenditure per equivalent pupils" is the total 600
operating expenditures of a school district divided by the 601
measure of equivalent pupils. 602

(2) "Measure of equivalent pupils" is the total number of 603
students in a school district adjusted for the relative 604
differences in costs associated with the unique characteristics 605
and needs of each category of pupil. 606

(B) The department of education shall create a performance 607
management section on the department's public web site. The 608
performance management section shall include information on 609
academic and financial performance metrics for each school 610
district to assist schools and districts in providing an 611
effective and efficient delivery of educational services. The 612
section shall be located in a prominent location on the 613
department's public web site. The section shall include, but not 614
be limited to, all of the following: 615

(1) A graph that illustrates the relationship between a 616
district's academic performance, as measured by the performance 617
index score, and its expenditure per equivalent pupils as 618

compared to similar districts; 619

(2) Each district's total operating expenditures per 620
pupil; 621

(3) Statistics of academic and financial performance 622
measures for each district to allow for a comparison and 623
benchmarking between districts. 624

(C) The department may contract with an independent 625
organization to develop and host the performance management 626
section of its web site. 627

Sec. 3313.71. School physicians may make examinations, 628
which shall include tests to determine the existence of hearing 629
defects, and diagnoses of all children referred to them. They 630
may make such examination of teachers and other school employees 631
and inspection of school buildings as in their opinion the 632
protection of health of the pupils, teachers, and other school 633
employees requires. 634

Boards of education shall require and provide, in 635
accordance with section 3313.67 of the Revised Code, such tests 636
and examinations for tuberculosis of pupils in selected grades 637
and of school employees as may be required by the director of 638
health. 639

Boards may require annual tuberculin tests of any grades. 640
All pupils with positive reactions to the test shall have chest 641
x-rays and all positive reactions and x-ray findings shall be 642
reported promptly to the county record bureau of tuberculosis 643
cases provided for in section 339.74 of the Revised Code. Boards 644
shall waive the required test where a pupil presents a written 645
statement from the pupil's family physician certifying that such 646
test has been given and that such pupil is free from 647

tuberculosis in a communicable stage, or that such test is 648
inadvisable for medical reasons, or from the pupil's parent or 649
guardian objecting to such test because of religious 650
convictions. 651

Whenever a pupil, teacher, or other school employee is 652
found to be ill or suffering from tuberculosis in a communicable 653
stage or other communicable disease, the school physician shall 654
promptly send such pupil, teacher, or other school employee 655
home, with a statement, in the case of a pupil, to the pupil's 656
parents or guardian, briefly setting forth the discovered facts, 657
and advising that the family physician be consulted. School 658
physicians shall keep accurate card-index records of all 659
examinations, and said records, that they may be uniform 660
throughout the state, shall be according to the form prescribed 661
by the state board of education, and the reports shall be made 662
according to the method of said form. If the parent or guardian 663
of any pupil or any teacher or other school employee, after 664
notice from the board of education, furnishes within two weeks 665
thereafter the written certificate of any reputable physician 666
that the pupil, teacher, or other school employee has been 667
examined, in such cases the service of the school physician 668
shall be dispensed with, and such certificate shall be furnished 669
by such parent or guardian, as required by the board of 670
education. Such individual records shall not be open to the 671
public and shall be solely for the use of the boards of 672
education and boards of health officer. If any teacher or other 673
school employee is found to have tuberculosis in a communicable 674
stage or other communicable disease, the teacher's or employee's 675
employment shall be discontinued or suspended upon such terms as 676
to salary as the board deems just until the school physician has 677
certified to a recovery from such disease. The methods of making 678

the tuberculin tests and chest x-rays required by this section 679
shall be such as are approved by the director of health. 680

This section shall apply to all elementary and high 681
schools for which the state board of education sets minimum 682
standards pursuant to section 3301.07 of the Revised Code. 683

Sec. 3313.753. (A) As used in this section: 684

(1) "Electronic communications device" means any device 685
that is powered by batteries or electricity and that is capable 686
of receiving, transmitting, or receiving and transmitting 687
communications between two or more persons or a communication 688
from or to a person. 689

~~(2) "Pocket pager" means any device that can be carried by 690~~
~~a person, that is capable of receiving a radio signal or other 691~~
~~telecommunications signal, and that emits a signal upon receipt 692~~
~~of a radio or other telecommunications signal. 693~~

~~(3) "School" means any school that is operated by a board 694~~
~~of education of a city, local, exempted village, or joint 695~~
~~vocational school district. 696~~

~~(4) (3) "School building" means any building in which any 697~~
~~of the instruction, extracurricular activities, or training 698~~
~~provided by a school is conducted. 699~~

~~(5) (4) "School grounds or premises" means either of the 700~~
~~following: 701~~

(a) The parcel of real property on which any school 702
building is situated; 703

(b) Any other parcel of real property that is owned or 704
leased by a board of education and on which some of the 705
instruction, extracurricular activities, or training of the 706

school is conducted. 707

(B) The board of education of any city, exempted village, 708
local, joint vocational, or cooperative education school 709
district may adopt a policy prohibiting pupils from carrying a- 710
~~pocket pager or other~~ an electronic communications device in any 711
school building or on any school grounds or premises of the 712
district. The policy may provide for exceptions to this 713
prohibition as specified in the policy. The policy shall specify 714
any disciplinary measures that will be taken for violation of 715
this prohibition. 716

If a board of education adopts a policy under this 717
section, the board shall post the policy in a central location 718
in each school building and make it available to pupils and 719
parents upon request. 720

Section 2. That existing sections 109.57, 2917.46, 721
3301.133, 3302.26, 3313.71, and 3313.753 and sections 3301.073, 722
3301.0722, 3301.111, 3301.21, 3301.25, 3301.86, 3301.88, 723
3301.95, 3301.96, 3302.037, 3302.30, 3311.061, 3313.206, and 724
3313.711 of the Revised Code are hereby repealed. 725

Section 3. Section 109.57 of the Revised Code is presented 726
in this act as a composite of the section as amended by both 727
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 728
Assembly. The General Assembly, applying the principle stated in 729
division (B) of section 1.52 of the Revised Code that amendments 730
are to be harmonized if reasonably capable of simultaneous 731
operation, finds that the composite is the resulting version of 732
the section in effect prior to the effective date of the section 733
as presented in this act. 734