

As Reported by the Senate Education Committee

132nd General Assembly

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Sub. 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, 3313.668, 3313.71, 3313.753, and 2
3319.074, to enact sections 3314.146, 3326.271, 3
and 3328.241, and to repeal sections 3301.073, 4
3301.0722, 3301.111, 3301.21, 3301.25, 3301.86, 5
3301.88, 3301.95, 3301.96, 3302.037, 3302.30, 6
3311.061, 3313.206, and 3313.711 of the Revised 7
Code to eliminate various provisions and 8
programs related to the Department of Education 9
and the operation of primary and secondary 10
schools, to revise the law on paraprofessional 11
certification, and to provide civil immunity 12
regarding decisions not to procure mental health 13
services for a suspended or expelled student. 14

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

Section 1. That sections 109.57, 2917.46, 3301.133, 15
3302.26, 3313.668, 3313.71, 3313.753, and 3319.074 be amended 16
and sections 3314.146, 3326.271, and 3328.241 of the Revised 17

Code be enacted to read as follows: 18

Sec. 109.57. (A) (1) The superintendent of the bureau of 19
criminal identification and investigation shall procure from 20
wherever procurable and file for record photographs, pictures, 21
descriptions, fingerprints, measurements, and other information 22
that may be pertinent of all persons who have been convicted of 23
committing within this state a felony, any crime constituting a 24
misdemeanor on the first offense and a felony on subsequent 25
offenses, or any misdemeanor described in division (A) (1) (a), 26
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 27
of all children under eighteen years of age who have been 28
adjudicated delinquent children for committing within this state 29
an act that would be a felony or an offense of violence if 30
committed by an adult or who have been convicted of or pleaded 31
guilty to committing within this state a felony or an offense of 32
violence, and of all well-known and habitual criminals. The 33
person in charge of any county, multicounty, municipal, 34
municipal-county, or multicounty-municipal jail or workhouse, 35
community-based correctional facility, halfway house, 36
alternative residential facility, or state correctional 37
institution and the person in charge of any state institution 38
having custody of a person suspected of having committed a 39
felony, any crime constituting a misdemeanor on the first 40
offense and a felony on subsequent offenses, or any misdemeanor 41
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 42
section 109.572 of the Revised Code or having custody of a child 43
under eighteen years of age with respect to whom there is 44
probable cause to believe that the child may have committed an 45
act that would be a felony or an offense of violence if 46
committed by an adult shall furnish such material to the 47
superintendent of the bureau. Fingerprints, photographs, or 48

other descriptive information of a child who is under eighteen 49
years of age, has not been arrested or otherwise taken into 50
custody for committing an act that would be a felony or an 51
offense of violence who is not in any other category of child 52
specified in this division, if committed by an adult, has not 53
been adjudicated a delinquent child for committing an act that 54
would be a felony or an offense of violence if committed by an 55
adult, has not been convicted of or pleaded guilty to committing 56
a felony or an offense of violence, and is not a child with 57
respect to whom there is probable cause to believe that the 58
child may have committed an act that would be a felony or an 59
offense of violence if committed by an adult shall not be 60
procured by the superintendent or furnished by any person in 61
charge of any county, multicounty, municipal, municipal-county, 62
or multicounty-municipal jail or workhouse, community-based 63
correctional facility, halfway house, alternative residential 64
facility, or state correctional institution, except as 65
authorized in section 2151.313 of the Revised Code. 66

(2) Every clerk of a court of record in this state, other 67
than the supreme court or a court of appeals, shall send to the 68
superintendent of the bureau a weekly report containing a 69
summary of each case involving a felony, involving any crime 70
constituting a misdemeanor on the first offense and a felony on 71
subsequent offenses, involving a misdemeanor described in 72
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 73
of the Revised Code, or involving an adjudication in a case in 74
which a child under eighteen years of age was alleged to be a 75
delinquent child for committing an act that would be a felony or 76
an offense of violence if committed by an adult. The clerk of 77
the court of common pleas shall include in the report and 78
summary the clerk sends under this division all information 79

described in divisions (A) (2) (a) to (f) of this section 80
regarding a case before the court of appeals that is served by 81
that clerk. The summary shall be written on the standard forms 82
furnished by the superintendent pursuant to division (B) of this 83
section and shall include the following information: 84

(a) The incident tracking number contained on the standard 85
forms furnished by the superintendent pursuant to division (B) 86
of this section; 87

(b) The style and number of the case; 88

(c) The date of arrest, offense, summons, or arraignment; 89

(d) The date that the person was convicted of or pleaded 90
guilty to the offense, adjudicated a delinquent child for 91
committing the act that would be a felony or an offense of 92
violence if committed by an adult, found not guilty of the 93
offense, or found not to be a delinquent child for committing an 94
act that would be a felony or an offense of violence if 95
committed by an adult, the date of an entry dismissing the 96
charge, an entry declaring a mistrial of the offense in which 97
the person is discharged, an entry finding that the person or 98
child is not competent to stand trial, or an entry of a nolle 99
prosequi, or the date of any other determination that 100
constitutes final resolution of the case; 101

(e) A statement of the original charge with the section of 102
the Revised Code that was alleged to be violated; 103

(f) If the person or child was convicted, pleaded guilty, 104
or was adjudicated a delinquent child, the sentence or terms of 105
probation imposed or any other disposition of the offender or 106
the delinquent child. 107

If the offense involved the disarming of a law enforcement 108

officer or an attempt to disarm a law enforcement officer, the 109
clerk shall clearly state that fact in the summary, and the 110
superintendent shall ensure that a clear statement of that fact 111
is placed in the bureau's records. 112

(3) The superintendent shall cooperate with and assist 113
sheriffs, chiefs of police, and other law enforcement officers 114
in the establishment of a complete system of criminal 115
identification and in obtaining fingerprints and other means of 116
identification of all persons arrested on a charge of a felony, 117
any crime constituting a misdemeanor on the first offense and a 118
felony on subsequent offenses, or a misdemeanor described in 119
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 120
of the Revised Code and of all children under eighteen years of 121
age arrested or otherwise taken into custody for committing an 122
act that would be a felony or an offense of violence if 123
committed by an adult. The superintendent also shall file for 124
record the fingerprint impressions of all persons confined in a 125
county, multicounty, municipal, municipal-county, or 126
multicounty-municipal jail or workhouse, community-based 127
correctional facility, halfway house, alternative residential 128
facility, or state correctional institution for the violation of 129
state laws and of all children under eighteen years of age who 130
are confined in a county, multicounty, municipal, municipal- 131
county, or multicounty-municipal jail or workhouse, community- 132
based correctional facility, halfway house, alternative 133
residential facility, or state correctional institution or in 134
any facility for delinquent children for committing an act that 135
would be a felony or an offense of violence if committed by an 136
adult, and any other information that the superintendent may 137
receive from law enforcement officials of the state and its 138
political subdivisions. 139

(4) The superintendent shall carry out Chapter 2950. of 140
the Revised Code with respect to the registration of persons who 141
are convicted of or plead guilty to a sexually oriented offense 142
or a child-victim oriented offense and with respect to all other 143
duties imposed on the bureau under that chapter. 144

(5) The bureau shall perform centralized recordkeeping 145
functions for criminal history records and services in this 146
state for purposes of the national crime prevention and privacy 147
compact set forth in section 109.571 of the Revised Code and is 148
the criminal history record repository as defined in that 149
section for purposes of that compact. The superintendent or the 150
superintendent's designee is the compact officer for purposes of 151
that compact and shall carry out the responsibilities of the 152
compact officer specified in that compact. 153

(6) The superintendent shall, upon request, assist a 154
county coroner in the identification of a deceased person 155
through the use of fingerprint impressions obtained pursuant to 156
division (A)(1) of this section or collected pursuant to section 157
109.572 or 311.41 of the Revised Code. 158

(B) The superintendent shall prepare and furnish to every 159
county, multicounty, municipal, municipal-county, or 160
multicounty-municipal jail or workhouse, community-based 161
correctional facility, halfway house, alternative residential 162
facility, or state correctional institution and to every clerk 163
of a court in this state specified in division (A)(2) of this 164
section standard forms for reporting the information required 165
under division (A) of this section. The standard forms that the 166
superintendent prepares pursuant to this division may be in a 167
tangible format, in an electronic format, or in both tangible 168
formats and electronic formats. 169

(C) (1) The superintendent may operate a center for 170
electronic, automated, or other data processing for the storage 171
and retrieval of information, data, and statistics pertaining to 172
criminals and to children under eighteen years of age who are 173
adjudicated delinquent children for committing an act that would 174
be a felony or an offense of violence if committed by an adult, 175
criminal activity, crime prevention, law enforcement, and 176
criminal justice, and may establish and operate a statewide 177
communications network to be known as the Ohio law enforcement 178
gateway to gather and disseminate information, data, and 179
statistics for the use of law enforcement agencies and for other 180
uses specified in this division. The superintendent may gather, 181
store, retrieve, and disseminate information, data, and 182
statistics that pertain to children who are under eighteen years 183
of age and that are gathered pursuant to sections 109.57 to 184
109.61 of the Revised Code together with information, data, and 185
statistics that pertain to adults and that are gathered pursuant 186
to those sections. 187

(2) The superintendent or the superintendent's designee 188
shall gather information of the nature described in division (C) 189
(1) of this section that pertains to the offense and delinquency 190
history of a person who has been convicted of, pleaded guilty 191
to, or been adjudicated a delinquent child for committing a 192
sexually oriented offense or a child-victim oriented offense for 193
inclusion in the state registry of sex offenders and child- 194
victim offenders maintained pursuant to division (A) (1) of 195
section 2950.13 of the Revised Code and in the internet database 196
operated pursuant to division (A) (13) of that section and for 197
possible inclusion in the internet database operated pursuant to 198
division (A) (11) of that section. 199

(3) In addition to any other authorized use of 200

information, data, and statistics of the nature described in 201
division (C) (1) of this section, the superintendent or the 202
superintendent's designee may provide and exchange the 203
information, data, and statistics pursuant to the national crime 204
prevention and privacy compact as described in division (A) (5) 205
of this section. 206

(4) The Ohio law enforcement gateway shall contain the 207
name, confidential address, and telephone number of program 208
participants in the address confidentiality program established 209
under sections 111.41 to 111.47 of the Revised Code. 210

(5) The attorney general may adopt rules under Chapter 211
119. of the Revised Code establishing guidelines for the 212
operation of and participation in the Ohio law enforcement 213
gateway. The rules may include criteria for granting and 214
restricting access to information gathered and disseminated 215
through the Ohio law enforcement gateway. The attorney general 216
shall adopt rules under Chapter 119. of the Revised Code that 217
grant access to information in the gateway regarding an address 218
confidentiality program participant under sections 111.41 to 219
111.47 of the Revised Code to only chiefs of police, village 220
marshals, county sheriffs, county prosecuting attorneys, and a 221
designee of each of these individuals. The attorney general 222
shall permit the state medical board and board of nursing to 223
access and view, but not alter, information gathered and 224
disseminated through the Ohio law enforcement gateway. 225

The attorney general may appoint a steering committee to 226
advise the attorney general in the operation of the Ohio law 227
enforcement gateway that is comprised of persons who are 228
representatives of the criminal justice agencies in this state 229
that use the Ohio law enforcement gateway and is chaired by the 230

superintendent or the superintendent's designee.	231
(D) (1) The following are not public records under section 149.43 of the Revised Code:	232
(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	233
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C) (1) of this section;	234
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	235
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.	236
(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A) (1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	237
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(2) Except as otherwise provided in this division or 260
division (E) (3) or (4) of this section, a rule adopted under 261
division (E) (1) of this section may provide only for the release 262
of information gathered pursuant to division (A) of this section 263
that relates to the conviction of a person, or a person's plea 264
of guilty to, a criminal offense or to the arrest of a person as 265
provided in division (E) (3) of this section. The superintendent 266
shall not release, and the attorney general shall not adopt any 267
rule under division (E) (1) of this section that permits the 268
release of, any information gathered pursuant to division (A) of 269
this section that relates to an adjudication of a child as a 270
delinquent child, or that relates to a criminal conviction of a 271
person under eighteen years of age if the person's case was 272
transferred back to a juvenile court under division (B) (2) or 273
(3) of section 2152.121 of the Revised Code and the juvenile 274
court imposed a disposition or serious youthful offender 275
disposition upon the person under either division, unless either 276
of the following applies with respect to the adjudication or 277
conviction: 278

(a) The adjudication or conviction was for a violation of 279
section 2903.01 or 2903.02 of the Revised Code. 280

(b) The adjudication or conviction was for a sexually 281
oriented offense, the juvenile court was required to classify 282
the child a juvenile offender registrant for that offense under 283
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 284
classification has not been removed, and the records of the 285
adjudication or conviction have not been sealed or expunged 286
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 287
section 2952.32 of the Revised Code. 288

(3) A rule adopted under division (E) (1) of this section 289

may provide for the release of information gathered pursuant to 290
division (A) of this section that relates to the arrest of a 291
person who is eighteen years of age or older when the person has 292
not been convicted as a result of that arrest if any of the 293
following applies: 294

(a) The arrest was made outside of this state. 295

(b) A criminal action resulting from the arrest is 296
pending, and the superintendent confirms that the criminal 297
action has not been resolved at the time the criminal records 298
check is performed. 299

(c) The bureau cannot reasonably determine whether a 300
criminal action resulting from the arrest is pending, and not 301
more than one year has elapsed since the date of the arrest. 302

(4) A rule adopted under division (E) (1) of this section 303
may provide for the release of information gathered pursuant to 304
division (A) of this section that relates to an adjudication of 305
a child as a delinquent child if not more than five years have 306
elapsed since the date of the adjudication, the adjudication was 307
for an act that would have been a felony if committed by an 308
adult, the records of the adjudication have not been sealed or 309
expunged pursuant to sections 2151.355 to 2151.358 of the 310
Revised Code, and the request for information is made under 311
division (F) of this section or under section 109.572 of the 312
Revised Code. In the case of an adjudication for a violation of 313
the terms of community control or supervised release, the five- 314
year period shall be calculated from the date of the 315
adjudication to which the community control or supervised 316
release pertains. 317

(F) (1) As used in division (F) (2) of this section, "head 318

start agency" means an entity in this state that has been 319
approved to be an agency for purposes of subchapter II of the 320
"Community Economic Development Act," 95 Stat. 489 (1981), 42 321
U.S.C.A. 9831, as amended. 322

(2) (a) In addition to or in conjunction with any request 323
that is required to be made under section 109.572, 2151.86, 324
3301.32, 3301.541, division (C) of section 3310.58, or section 325
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 326
5153.111 of the Revised Code or that is made under section 327
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 328
board of education of any school district; the director of 329
developmental disabilities; any county board of developmental 330
disabilities; any provider or subcontractor as defined in 331
section 5123.081 of the Revised Code; the chief administrator of 332
any chartered nonpublic school; the chief administrator of a 333
registered private provider that is not also a chartered 334
nonpublic school; the chief administrator of any home health 335
agency; the chief administrator of or person operating any child 336
day-care center, type A family day-care home, or type B family 337
day-care home licensed under Chapter 5104. of the Revised Code; 338
the chief administrator of any head start agency; the executive 339
director of a public children services agency; a private company 340
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 341
the Revised Code; or an employer described in division (J) (2) of 342
section 3327.10 of the Revised Code may request that the 343
superintendent of the bureau investigate and determine, with 344
respect to any individual who has applied for employment in any 345
position after October 2, 1989, or any individual wishing to 346
apply for employment with a board of education may request, with 347
regard to the individual, whether the bureau has any information 348
gathered under division (A) of this section that pertains to 349

that individual. On receipt of the request, subject to division 350
(E) (2) of this section, the superintendent shall determine 351
whether that information exists and, upon request of the person, 352
board, or entity requesting information, also shall request from 353
the federal bureau of investigation any criminal records it has 354
pertaining to that individual. The superintendent or the 355
superintendent's designee also may request criminal history 356
records from other states or the federal government pursuant to 357
the national crime prevention and privacy compact set forth in 358
section 109.571 of the Revised Code. Within thirty days of the 359
date that the superintendent receives a request, subject to 360
division (E) (2) of this section, the superintendent shall send 361
to the board, entity, or person a report of any information that 362
the superintendent determines exists, including information 363
contained in records that have been sealed under section 2953.32 364
of the Revised Code, and, within thirty days of its receipt, 365
subject to division (E) (2) of this section, shall send the 366
board, entity, or person a report of any information received 367
from the federal bureau of investigation, other than information 368
the dissemination of which is prohibited by federal law. 369

(b) When a board of education or a registered private 370
provider is required to receive information under this section 371
as a prerequisite to employment of an individual pursuant to 372
division (C) of section 3310.58 or section 3319.39 of the 373
Revised Code, it may accept a certified copy of records that 374
were issued by the bureau of criminal identification and 375
investigation and that are presented by an individual applying 376
for employment with the district in lieu of requesting that 377
information itself. In such a case, the board shall accept the 378
certified copy issued by the bureau in order to make a photocopy 379
of it for that individual's employment application documents and 380

shall return the certified copy to the individual. In a case of 381
that nature, a district or provider only shall accept a 382
certified copy of records of that nature within one year after 383
the date of their issuance by the bureau. 384

(c) Notwithstanding division (F) (2) (a) of this section, in 385
the case of a request under section 3319.39, 3319.391, or 386
3327.10 of the Revised Code only for criminal records maintained 387
by the federal bureau of investigation, the superintendent shall 388
not determine whether any information gathered under division 389
(A) of this section exists on the person for whom the request is 390
made. 391

(3) The state board of education may request, with respect 392
to any individual who has applied for employment after October 393
2, 1989, in any position with the state board or the department 394
of education, any information that a school district board of 395
education is authorized to request under division (F) (2) of this 396
section, and the superintendent of the bureau shall proceed as 397
if the request has been received from a school district board of 398
education under division (F) (2) of this section. 399

(4) When the superintendent of the bureau receives a 400
request for information under section 3319.291 of the Revised 401
Code, the superintendent shall proceed as if the request has 402
been received from a school district board of education and 403
shall comply with divisions (F) (2) (a) and (c) of this section. 404

~~(5) When a recipient of a classroom reading improvement 405
grant paid under section 3301.86 of the Revised Code requests, 406
with respect to any individual who applies to participate in 407
providing any program or service funded in whole or in part by 408
the grant, the information that a school district board of 409
education is authorized to request under division (F) (2) (a) of 410~~

~~this section, the superintendent of the bureau shall proceed as— 411
if the request has been received from a school district board of 412
education under division (F) (2) (a) of this section.— 413~~

(G) In addition to or in conjunction with any request that 414
is required to be made under section 3701.881, 3712.09, or 415
3721.121 of the Revised Code with respect to an individual who 416
has applied for employment in a position that involves providing 417
direct care to an older adult or adult resident, the chief 418
administrator of a home health agency, hospice care program, 419
home licensed under Chapter 3721. of the Revised Code, or adult 420
day-care program operated pursuant to rules adopted under 421
section 3721.04 of the Revised Code may request that the 422
superintendent of the bureau investigate and determine, with 423
respect to any individual who has applied after January 27, 424
1997, for employment in a position that does not involve 425
providing direct care to an older adult or adult resident, 426
whether the bureau has any information gathered under division 427
(A) of this section that pertains to that individual. 428

In addition to or in conjunction with any request that is 429
required to be made under section 173.27 of the Revised Code 430
with respect to an individual who has applied for employment in 431
a position that involves providing ombudsman services to 432
residents of long-term care facilities or recipients of 433
community-based long-term care services, the state long-term 434
care ombudsman, the director of aging, a regional long-term care 435
ombudsman program, or the designee of the ombudsman, director, 436
or program may request that the superintendent investigate and 437
determine, with respect to any individual who has applied for 438
employment in a position that does not involve providing such 439
ombudsman services, whether the bureau has any information 440
gathered under division (A) of this section that pertains to 441

that applicant. 442

In addition to or in conjunction with any request that is 443
required to be made under section 173.38 of the Revised Code 444
with respect to an individual who has applied for employment in 445
a direct-care position, the chief administrator of a provider, 446
as defined in section 173.39 of the Revised Code, may request 447
that the superintendent investigate and determine, with respect 448
to any individual who has applied for employment in a position 449
that is not a direct-care position, whether the bureau has any 450
information gathered under division (A) of this section that 451
pertains to that applicant. 452

In addition to or in conjunction with any request that is 453
required to be made under section 3712.09 of the Revised Code 454
with respect to an individual who has applied for employment in 455
a position that involves providing direct care to a pediatric 456
respite care patient, the chief administrator of a pediatric 457
respite care program may request that the superintendent of the 458
bureau investigate and determine, with respect to any individual 459
who has applied for employment in a position that does not 460
involve providing direct care to a pediatric respite care 461
patient, whether the bureau has any information gathered under 462
division (A) of this section that pertains to that individual. 463

On receipt of a request under this division, the 464
superintendent shall determine whether that information exists 465
and, on request of the individual requesting information, shall 466
also request from the federal bureau of investigation any 467
criminal records it has pertaining to the applicant. The 468
superintendent or the superintendent's designee also may request 469
criminal history records from other states or the federal 470
government pursuant to the national crime prevention and privacy 471

compact set forth in section 109.571 of the Revised Code. Within 472
thirty days of the date a request is received, subject to 473
division (E) (2) of this section, the superintendent shall send 474
to the requester a report of any information determined to 475
exist, including information contained in records that have been 476
sealed under section 2953.32 of the Revised Code, and, within 477
thirty days of its receipt, shall send the requester a report of 478
any information received from the federal bureau of 479
investigation, other than information the dissemination of which 480
is prohibited by federal law. 481

(H) Information obtained by a government entity or person 482
under this section is confidential and shall not be released or 483
disseminated. 484

(I) The superintendent may charge a reasonable fee for 485
providing information or criminal records under division (F) (2) 486
or (G) of this section. 487

(J) As used in this section: 488

(1) "Pediatric respite care program" and "pediatric care 489
patient" have the same meanings as in section 3712.01 of the 490
Revised Code. 491

(2) "Sexually oriented offense" and "child-victim oriented 492
offense" have the same meanings as in section 2950.01 of the 493
Revised Code. 494

(3) "Registered private provider" means a nonpublic school 495
or entity registered with the superintendent of public 496
instruction under section 3310.41 of the Revised Code to 497
participate in the autism scholarship program or section 3310.58 498
of the Revised Code to participate in the Jon Peterson special 499
needs scholarship program. 500

Sec. 2917.46. (A) No person shall, with intent to identify 501
a building as a block parent home or building, display the block 502
parent symbol adopted by the state board of education pursuant 503
to former section 3301.076 of the Revised Code prior to its 504
repeal ~~on the effective date of this amendment~~ July 1, 2007. 505

(B) No person shall, with intent to identify a building as 506
a block parent home or building, display a symbol that falsely 507
gives the appearance of being the block parent symbol adopted by 508
the state board of education pursuant to former section 3301.076 509
of the Revised Code prior to its repeal ~~on the effective date of~~ 510
~~this amendment~~ July 1, 2007. 511

(C) No person, with intent to identify a home or building 512
as a mcgruff house program home or building, shall display the 513
mcgruff house symbol adopted by the division of criminal justice 514
services in the state department of public safety pursuant to 515
section 5502.62 of the Revised Code unless authorized in 516
accordance with that section, any rule adopted pursuant to that 517
section, or former section 3313.206 of the Revised Code prior to 518
its repeal on the effective date of this amendment. 519

(D) No person, with intent to identify a home or building 520
as a mcgruff house program home or building, shall display a 521
symbol that falsely gives the appearance of being the mcgruff 522
house symbol adopted by the division of criminal justice 523
services in the state department of public safety pursuant to 524
section 5502.62 of the Revised Code or any rule adopted pursuant 525
to that section. 526

(E) (1) Whoever violates division (A) or (B) of this 527
section is guilty of unauthorized use of a block parent symbol, 528
a minor misdemeanor. 529

(2) Whoever violates division (C) or (D) of this section 530
is guilty of unauthorized use of a mcgruff house symbol, a minor 531
misdemeanor. 532

Sec. 3301.133. As used in this section, "form"~~has the~~ 533
~~same meaning as in section 3301.0722~~ means any report, document, 534
paper, computer software program, or other instrument used in 535
the management information system created by section 3301.0714 536
of the Revised Code or used to gather required or requested 537
education data under division (I) of section 3301.07 of the 538
Revised Code or any other provision of state or federal statute 539
or rule. 540

(A) ~~No later than July 1, 1992, the~~ The organization of 541
the department of education shall include an identifiable 542
organizational unit that deals with the management of any 543
education data that the department gathers, processes, uses, or 544
reports. The superintendent of public instruction shall assign 545
employees to this unit or employ persons for this unit who are 546
trained and experienced in data management and the design of 547
forms and who understand the data needs of the department of 548
education. The superintendent shall provide a sufficient number 549
of such employees for the unit to perform its duties in an 550
effective and timely manner. 551

(B) The unit established pursuant to division (A) of this 552
section shall: 553

(1) Review each new form or modification of any existing 554
form that the state board, the superintendent of public 555
instruction, or the department of education proposes to put into 556
use on or after July 1, 1992. In conducting the review of any 557
form, the unit shall evaluate it utilizing at least the criteria 558
specified under division (C) of this section. The unit shall 559

report in writing to the superintendent of public instruction 560
whether the form satisfies the criteria specified under division 561
(C) of this section, and if not, the reasons why it does not. 562
Each report shall include recommendations regarding the 563
simplification, consolidation, or elimination of the proposed 564
form or any other forms related to the proposed form that would 565
enable all the criteria specified under division (C) of this 566
section to be met. 567

(2) Regularly contact and seek to work with other state 568
and federal agencies that collect and use education data for the 569
purpose of increasing the efficiency and coordination of data 570
collection; 571

(3) Perform any other duties assigned by the 572
superintendent of public instruction. 573

(C) In conducting the review of any form pursuant to 574
division (B)(1) of this section, the unit established under 575
division (A) of this section shall determine whether the 576
following criteria are satisfied: 577

(1) Each data item on the form does not duplicate data 578
already submitted to the state board, superintendent of public 579
instruction, or department of education. 580

(2) The form cannot be consolidated with any other form 581
required by the state board, superintendent, or department. 582

(3) The form is required to be submitted no more often 583
than necessary and no sooner than reasonably necessary prior to 584
the date on which the data reported on the form will be 585
initially used. 586

(4) The stated purpose of the form cannot be met as part 587
of any other procedure, such as a verification or certification 588

procedure or other reporting procedure.	589
(5) If the form or any data item on the form is attributed to any requirement of state statute, federal statute or rule, or any court, the form or data item is limited to the data that the statute, rule, or court requires.	590 591 592 593
(6) If the form or any data item on the form is attributed to the requirements of any research or of any process of auditing school districts for compliance with any requirement, the research is planned or currently taking place or the compliance is currently required.	594 595 596 597 598
(7) The form is designed in a way that minimizes the cost of completing it.	599 600
(8) The form includes instructions that clearly explain how to complete it, who will use the data reported on it, and whom to contact with questions about completing the form or the use of the data reported on it.	601 602 603 604
Sec. 3302.26. (A) As used in this section:	605
(1) "Expenditure per equivalent pupils" is the total operating expenditures of a school district divided by the measure of equivalent pupils.	606 607 608
(2) "Measure of equivalent pupils" is the total number of students in a school district adjusted for the relative differences in costs associated with the unique characteristics and needs of each category of pupil.	609 610 611 612
(B) The department of education shall create a performance management section on the department's public web site. The performance management section shall include information on academic and financial performance metrics for each school	613 614 615 616

district to assist schools and districts in providing an 617
effective and efficient delivery of educational services. The 618
section shall be located in a prominent location on the 619
department's public web site. The section shall include, but not 620
be limited to, all of the following: 621

(1) A graph that illustrates the relationship between a 622
district's academic performance, as measured by the performance 623
index score, and its expenditure per equivalent pupils as 624
compared to similar districts; 625

(2) Each district's total operating expenditures per 626
pupil; 627

(3) Statistics of academic and financial performance 628
measures for each district to allow for a comparison and 629
benchmarking between districts. 630

(C) The department may contract with an independent 631
organization to develop and host the performance management 632
section of its web site. 633

Sec. 3313.668. (A) On and after July 1, 2017, no school 634
district or school shall suspend, expel, or remove a student 635
from school under section 3313.66 of the Revised Code solely on 636
the basis of the student's absences from school without 637
legitimate excuse. 638

(B)(1) Except as described in division (B) of this 639
section, no school district or school shall issue an out-of- 640
school suspension or expulsion to a student in grades pre- 641
kindergarten through three. 642

(a) A school district or school may issue an out-of-school 643
suspension or expulsion, in accordance with section 3313.66 of 644
the Revised Code, to a student in any of grades pre-kindergarten 645

through three who has engaged in any of the behaviors described 646
in divisions (B) (2) to (5) of section 3313.66 of the Revised 647
Code. 648

(b) A school district or school may issue an out-of-school 649
suspension not to exceed ten days or an expulsion to a student 650
in any of grades pre-kindergarten through three who has not 651
engaged in any of the behaviors described in divisions (B) (2) to 652
(5) of section 3313.66 of the Revised Code only as necessary to 653
protect the immediate health and safety of the student, the 654
student's fellow classmates, the classroom staff and teachers, 655
or other school employees. 656

(2) Whenever possible, the principal shall consult with a 657
mental health professional under contract with the district or 658
school prior to suspending or expelling a student in any of 659
grades pre-kindergarten through three. If the events leading up 660
to suspension or expulsion indicate a need for additional mental 661
health services, the student's principal or the district's 662
mental health professional shall, in any manner that does not 663
result in a financial burden to the school district or school, 664
assist the student's parent or guardian with locating providers 665
or obtaining those services, including referral to an 666
independent mental health professional. Nothing in this division 667
shall be construed to limit the responsibilities of a school 668
district or school with respect to the provision of special 669
education and related services under Chapter 3323. of the 670
Revised Code. 671

(3) A student in any of grades pre-kindergarten through 672
three who is suspended or expelled shall be afforded the same 673
notice and hearing, procedural, and educational opportunities as 674
prescribed for a suspension or expulsion pursuant to section 675

3313.66 of the Revised Code. 676

(4) Nothing in division (B) of this section shall be 677
construed to limit the authority of a school district or school 678
to issue an in-school suspension to a student in any of grades 679
pre-kindergarten through three, provided that the in-school 680
suspension is served in a supervised learning environment in 681
accordance with divisions (A) (2) and (K) (2) of section 3313.66 682
of the Revised Code. 683

(C) A school district, member of a school district board 684
of education, or school district employee is not liable in 685
damages in a civil action for injury, death, or loss to person 686
or property allegedly arising from a district employee's 687
decision not to provide or procure mental health services for a 688
suspended or expelled student under division (B) (2) of this 689
section, unless the decision is made with malicious purpose, in 690
bad faith, or in a wanton or reckless manner. 691

This division does not eliminate, limit, or reduce any 692
other immunity or defense to which a school district, member of 693
a school district board of education, or school district 694
employee may be entitled to under Chapter 2744. or any other 695
provision of the Revised Code or under the common law of this 696
state. 697

Sec. 3313.71. School physicians may make examinations, 698
which shall include tests to determine the existence of hearing 699
defects, and diagnoses of all children referred to them. They 700
may make such examination of teachers and other school employees 701
and inspection of school buildings as in their opinion the 702
protection of health of the pupils, teachers, and other school 703
employees requires. 704

Boards of education shall require and provide, in 705
accordance with section 3313.67 of the Revised Code, such tests 706
and examinations for tuberculosis of pupils in selected grades 707
and of school employees as may be required by the director of 708
health. 709

Boards may require annual tuberculin tests of any grades. 710
All pupils with positive reactions to the test shall have chest 711
x-rays and all positive reactions and x-ray findings shall be 712
reported promptly to the county record bureau of tuberculosis 713
cases provided for in section 339.74 of the Revised Code. Boards 714
shall waive the required test where a pupil presents a written 715
statement from the pupil's family physician certifying that such 716
test has been given and that such pupil is free from 717
tuberculosis in a communicable stage, or that such test is 718
inadvisable for medical reasons, or from the pupil's parent or 719
guardian objecting to such test because of religious 720
convictions. 721

Whenever a pupil, teacher, or other school employee is 722
found to be ill or suffering from tuberculosis in a communicable 723
stage or other communicable disease, the school physician shall 724
promptly send such pupil, teacher, or other school employee 725
home, with a statement, in the case of a pupil, to the pupil's 726
parents or guardian, briefly setting forth the discovered facts, 727
and advising that the family physician be consulted. School 728
physicians shall keep accurate card-index records of all 729
examinations, and said records, that they may be uniform 730
throughout the state, shall be according to the form prescribed 731
by the state board of education, and the reports shall be made 732
according to the method of said form. If the parent or guardian 733
of any pupil or any teacher or other school employee, after 734
notice from the board of education, furnishes within two weeks 735

thereafter the written certificate of any reputable physician 736
that the pupil, teacher, or other school employee has been 737
examined, in such cases the service of the school physician 738
shall be dispensed with, and such certificate shall be furnished 739
by such parent or guardian, as required by the board of 740
education. Such individual records shall not be open to the 741
public and shall be solely for the use of the boards of 742
education and boards of health officer. If any teacher or other 743
school employee is found to have tuberculosis in a communicable 744
stage or other communicable disease, the teacher's or employee's 745
employment shall be discontinued or suspended upon such terms as 746
to salary as the board deems just until the school physician has 747
certified to a recovery from such disease. The methods of making 748
the tuberculin tests and chest x-rays required by this section 749
shall be such as are approved by the director of health. 750

This section shall apply to all elementary and high 751
schools for which the state board of education sets minimum 752
standards pursuant to section 3301.07 of the Revised Code. 753

Sec. 3313.753. (A) As used in this section: 754

(1) "Electronic communications device" means any device 755
that is powered by batteries or electricity and that is capable 756
of receiving, transmitting, or receiving and transmitting 757
communications between two or more persons or a communication 758
from or to a person. 759

~~(2) "Pocket pager" means any device that can be carried by 760~~
~~a person, that is capable of receiving a radio signal or other 761~~
~~telecommunications signal, and that emits a signal upon receipt 762~~
~~of a radio or other telecommunications signal. 763~~

~~(3) "School" means any school that is operated by a board 764~~

of education of a city, local, exempted village, or joint 765
vocational school district. 766

~~(4)~~(3) "School building" means any building in which any 767
of the instruction, extracurricular activities, or training 768
provided by a school is conducted. 769

~~(5)~~(4) "School grounds or premises" means either of the 770
following: 771

(a) The parcel of real property on which any school 772
building is situated; 773

(b) Any other parcel of real property that is owned or 774
leased by a board of education and on which some of the 775
instruction, extracurricular activities, or training of the 776
school is conducted. 777

(B) The board of education of any city, exempted village, 778
local, joint vocational, or cooperative education school 779
district may adopt a policy prohibiting pupils from carrying a- 780
~~pocket pager or other~~an electronic communications device in any 781
school building or on any school grounds or premises of the 782
district. The policy may provide for exceptions to this 783
prohibition as specified in the policy. The policy shall specify 784
any disciplinary measures that will be taken for violation of 785
this prohibition. 786

If a board of education adopts a policy under this 787
section, the board shall post the policy in a central location 788
in each school building and make it available to pupils and 789
parents upon request. 790

Sec. 3314.146. A community school, community school 791
governing authority, or community school employee is not liable 792
in damages in a civil action for injury, death, or loss to 793

person or property allegedly arising from a school employee's 794
decision not to provide or procure mental health services for a 795
suspended or expelled student under division (B)(2) of section 796
3313.668 of the Revised Code, unless the decision is made with 797
malicious purpose, in bad faith, or in a wanton or reckless 798
manner. 799

This section does not eliminate, limit, or reduce any 800
other immunity or defense to which a community school, community 801
school governing authority, or community school employee may be 802
entitled to under Chapter 2744. or any other provision of the 803
Revised Code or under the common law of this state. 804

Sec. 3319.074. (A) As used in this section: 805

(1) "Core subject area" means reading and English language 806
arts, mathematics, science, social studies, foreign language, 807
and fine arts. 808

(2) "Properly certified or licensed teacher" means a 809
classroom teacher who has successfully completed all 810
requirements for certification or licensure under this chapter 811
applicable to the subject areas and grade levels in which the 812
teacher provides instruction and the students to whom the 813
teacher provides the instruction. 814

(3) "Properly certified paraprofessional" means a 815
paraprofessional who holds an educational aide permit issued 816
under section 3319.088 of the Revised Code and satisfies at 817
least one of the following conditions: 818

(a) Has a designation of "ESEA qualified" on the 819
educational aide permit; 820

(b) Has successfully completed at least two years of 821
coursework at an accredited institution of higher education; 822

(c) Holds an associate degree or higher from an accredited institution of higher education;	823 824
(d) Meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the department of education.	825 826 827
(B) Beginning July 1, 2019, no city, exempted village, local, joint vocational, or cooperative education school district shall do either of the following:	828 829 830
(1) Employ any classroom teacher to provide instruction in a core subject area to any student, unless such teacher is a properly certified or licensed teacher;	831 832 833
(2) Employ any paraprofessional <u>in a program supported with funds received under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.,</u> to provide academic support in a core subject area to any student, unless such paraprofessional is a properly certified paraprofessional.	834 835 836 837 838 839
(C) At the start of each school year, each school district shall notify the parent or guardian of each student enrolled in the district that the parent or guardian may request information on the professional qualifications of each classroom teacher who provides instruction to the student. The district shall provide the information on each applicable teacher in a timely manner to any parent or guardian who requests it. Such information shall include at least the following:	840 841 842 843 844 845 846 847
(1) Whether the teacher has satisfied all requirements for certification or licensure under this chapter applicable to the subject areas and grade levels in which the teacher provides instruction and the students to whom the teacher provides the	848 849 850 851

instruction, or whether the teacher provides instruction under a 852
waiver of any such requirements; 853

(2) Whether a paraprofessional provides any services to 854
the student and, if so, the qualifications of the 855
paraprofessional. 856

Sec. 3326.271. A STEM school, member of a STEM school 857
governing body, or STEM school employee is not liable in damages 858
in a civil action for injury, death, or loss to person or 859
property allegedly arising from a school employee's decision not 860
to provide or procure mental health services for a suspended or 861
expelled student under division (B)(2) of section 3313.668 of 862
the Revised Code, unless the decision is made with malicious 863
purpose, in bad faith, or in a wanton or reckless manner. 864

This section does not eliminate, limit, or reduce any 865
other immunity or defense to which a STEM school, member of a 866
STEM school governing body, or STEM school employee may be 867
entitled to under Chapter 2744. or any other provision of the 868
Revised Code or under the common law of this state. 869

Sec. 3328.241. A college-preparatory boarding school, 870
member of a college-preparatory boarding school board of 871
trustees, or college-preparatory boarding school employee is not 872
liable in damages in a civil action for injury, death, or loss 873
to person or property allegedly arising from a school employee's 874
decision not to provide or procure mental health services for a 875
suspended or expelled student under division (B)(2) of section 876
3313.668 of the Revised Code, unless the decision is made with 877
malicious purpose, in bad faith, or in a wanton or reckless 878
manner. 879

This section does not eliminate, limit, or reduce any 880

other immunity or defense to which a college-preparatory 881
boarding school, member of a college-preparatory boarding school 882
board of trustees, or college-preparatory boarding school 883
employee may be entitled to under Chapter 2744. or any other 884
provision of the Revised Code or under the common law of this 885
state. 886

Section 2. That existing sections 109.57, 2917.46, 887
3301.133, 3302.26, 3313.668, 3313.71, 3313.753, and 3319.074 and 888
sections 3301.073, 3301.0722, 3301.111, 3301.21, 3301.25, 889
3301.86, 3301.88, 3301.95, 3301.96, 3302.037, 3302.30, 3311.061, 890
3313.206, and 3313.711 of the Revised Code are hereby repealed. 891

Section 3. Section 109.57 of the Revised Code is presented 892
in this act as a composite of the section as amended by both 893
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 894
Assembly. The General Assembly, applying the principle stated in 895
division (B) of section 1.52 of the Revised Code that amendments 896
are to be harmonized if reasonably capable of simultaneous 897
operation, finds that the composite is the resulting version of 898
the section in effect prior to the effective date of the section 899
as presented in this act. 900