

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. S. B. No. 34**

**Senator Kunze**

**Cosponsors: Senators Maharath, Brenner, Antonio, Blessing, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Manning, McColley, O'Brien, Rulli, Schaffer, Sykes, Thomas, Williams, Wilson**

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**A BILL**

To amend sections 2953.25, 3314.03, 3314.101, 1  
3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 2  
3319.316, 3319.40, 3319.99, 3326.081, 3326.11, 3  
3328.18, 3328.24, and 5153.176 and to enact 4  
sections 3319.0812, 3319.318, 3319.319, 5  
3319.393, 3319.394, and 3319.47 of the Revised 6  
Code regarding school employee employment and 7  
educator licensure and conduct. 8

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

**Section 1.** That sections 2953.25, 3314.03, 3314.101, 9  
3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 3319.316, 10  
3319.40, 3319.99, 3326.081, 3326.11, 3328.18, 3328.24, and 11  
5153.176 be amended and sections 3319.0812, 3319.318, 3319.319, 12  
3319.393, 3319.394, and 3319.47 of the Revised Code be enacted 13  
to read as follows: 14

**Sec. 2953.25.** (A) As used in this section: 15

(1) "Collateral sanction" means a penalty, disability, or 16

disadvantage that is related to employment or occupational 17  
licensing, however denominated, as a result of the individual's 18  
conviction of or plea of guilty to an offense and that applies 19  
by operation of law in this state whether or not the penalty, 20  
disability, or disadvantage is included in the sentence or 21  
judgment imposed. 22

"Collateral sanction" does not include imprisonment, 23  
probation, parole, supervised release, forfeiture, restitution, 24  
fine, assessment, or costs of prosecution. 25

(2) "Decision-maker" includes, but is not limited to, the 26  
state acting through a department, agency, board, commission, or 27  
instrumentality established by the law of this state for the 28  
exercise of any function of government, a political subdivision, 29  
an educational institution, or a government contractor or 30  
subcontractor made subject to this section by contract, law, or 31  
ordinance. 32

(3) "Department-funded program" means a residential or 33  
nonresidential program that is not a term in a state 34  
correctional institution, that is funded in whole or part by the 35  
department of rehabilitation and correction, and that is imposed 36  
as a sanction for an offense, as part of a sanction that is 37  
imposed for an offense, or as a term or condition of any 38  
sanction that is imposed for an offense. 39

(4) "Designee" means the person designated by the deputy 40  
director of the division of parole and community services to 41  
perform the duties designated in division (B) of this section. 42

(5) "Division of parole and community services" means the 43  
division of parole and community services of the department of 44  
rehabilitation and correction. 45

(6) "Offense" means any felony or misdemeanor under the laws of this state. 46  
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(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 48  
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(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code. 50  
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(B) (1) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment. 53  
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(2) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B) (1) of this section may file for a certificate of qualification for employment by doing either of the following: 61  
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(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services; 66  
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(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of 71  
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the deputy director of the division of parole and community services. 75  
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(3) A petition under division (B) (1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section and shall contain all of the information described in division (F) of this section. 77  
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(4) (a) Except as provided in division (B) (4) (b) of this section, an individual may file a petition under division (B) (1) or (2) of this section at any time after the expiration of whichever of the following is applicable: 82  
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(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense. 86  
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(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of 96  
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the individual from all sanctions imposed for that offense 105  
including any period of supervision. 106

(b) The department of rehabilitation and correction may 107  
establish criteria by rule adopted under Chapter 119. of the 108  
Revised Code that, if satisfied by an individual, would allow 109  
the individual to file a petition before the expiration of six 110  
months or one year from the date of final release, whichever is 111  
applicable under division (B) (4) (a) of this section. 112

(5) (a) A designee that receives a petition for a 113  
certificate of qualification for employment from an individual 114  
under division (B) (1) or (2) of this section shall review the 115  
petition to determine whether it is complete. If the petition is 116  
complete, the designee shall forward the petition, and any other 117  
information the designee possesses that relates to the petition, 118  
to the court of common pleas of the county in which the 119  
individual resides if the individual submitting the petition 120  
resides in this state or, if the individual resides outside of 121  
this state, to the court of common pleas of the county in which 122  
the conviction or plea of guilty from which the individual seeks 123  
relief was entered. 124

(b) A court of common pleas that receives a petition for a 125  
certificate of qualification for employment from an individual 126  
under division (B) (2) of this section, or that is forwarded a 127  
petition for such a certificate under division (B) (5) (a) of this 128  
section, shall attempt to determine all other courts in this 129  
state in which the individual was convicted of or pleaded guilty 130  
to an offense other than the offense from which the individual 131  
is seeking relief. The court that receives or is forwarded the 132  
petition shall notify all other courts in this state that it 133  
determines under this division were courts in which the 134

individual was convicted of or pleaded guilty to an offense 135  
other than the offense from which the individual is seeking 136  
relief that the individual has filed the petition and that the 137  
court may send comments regarding the possible issuance of the 138  
certificate. 139

A court of common pleas that receives a petition for a 140  
certificate of qualification for employment under division (B) 141  
(2) of this section shall notify the county's prosecuting 142  
attorney that the individual has filed the petition. 143

A court of common pleas that receives a petition for a 144  
certificate of qualification for employment under division (B) 145  
(2) of this section, or that is forwarded a petition for 146  
qualification under division (B) (5) (a) of this section may 147  
direct the clerk of court to process and record all notices 148  
required in or under this section. 149

(C) (1) Upon receiving a petition for a certificate of 150  
qualification for employment filed by an individual under 151  
division (B) (2) of this section or being forwarded a petition 152  
for such a certificate under division (B) (5) (a) of this section, 153  
the court shall review the individual's petition, the 154  
individual's criminal history, all filings submitted by the 155  
prosecutor or by the victim in accordance with rules adopted by 156  
the division of parole and community services, the applicant's 157  
military service record, if applicable, and whether the 158  
applicant has an emotional, mental, or physical condition that 159  
is traceable to the applicant's military service in the armed 160  
forces of the United States and that was a contributing factor 161  
in the commission of the offense or offenses, and all other 162  
relevant evidence. The court may order any report, 163  
investigation, or disclosure by the individual that the court 164

believes is necessary for the court to reach a decision on 165  
whether to approve the individual's petition for a certificate 166  
of qualification for employment. 167

(2) Upon receiving a petition for a certificate of 168  
qualification for employment filed by an individual under 169  
division (B) (2) of this section or being forwarded a petition 170  
for such a certificate under division (B) (5) (a) of this section, 171  
except as otherwise provided in this division, the court shall 172  
decide whether to issue the certificate within sixty days after 173  
the court receives or is forwarded the completed petition and 174  
all information requested for the court to make that decision. 175  
Upon request of the individual who filed the petition, the court 176  
may extend the sixty-day period specified in this division. 177

(3) Subject to division (C) (5) of this section, a court 178  
that receives an individual's petition for a certificate of 179  
qualification for employment under division (B) (2) of this 180  
section or that is forwarded a petition for such a certificate 181  
under division (B) (5) (a) of this section may issue a certificate 182  
of qualification for employment, at the court's discretion, if 183  
the court finds that the individual has established all of the 184  
following by a preponderance of the evidence: 185

(a) Granting the petition will materially assist the 186  
individual in obtaining employment or occupational licensing. 187

(b) The individual has a substantial need for the relief 188  
requested in order to live a law-abiding life. 189

(c) Granting the petition would not pose an unreasonable 190  
risk to the safety of the public or any individual. 191

(4) The submission of an incomplete petition by an 192  
individual shall not be grounds for the designee or court to 193

deny the petition.	194
(5) A certificate of qualification for employment shall	195
not create relief from any of the following collateral	196
sanctions:	197
(a) Requirements imposed by Chapter 2950. of the Revised	198
Code and rules adopted under sections 2950.13 and 2950.132 of	199
the Revised Code;	200
(b) A driver's license, commercial driver's license, or	201
probationary license suspension, cancellation, or revocation	202
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of	203
the Revised Code if the relief sought is available pursuant to	204
section 4510.021 or division (B) of section 4510.13 of the	205
Revised Code;	206
(c) Restrictions on employment as a prosecutor or law	207
enforcement officer;	208
(d) The denial, ineligibility, or automatic suspension of	209
a license that is imposed upon an individual applying for or	210
holding a license as a health care professional under Title	211
XLVII of the Revised Code if the individual is convicted of,	212
pleads guilty to, is subject to a judicial finding of	213
eligibility for intervention in lieu of conviction in this state	214
under section 2951.041 of the Revised Code, or is subject to	215
treatment or intervention in lieu of conviction for a violation	216
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02,	217
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the	218
Revised Code;	219
(e) The immediate suspension of a license, certificate, or	220
evidence of registration that is imposed upon an individual	221
holding a license as a health care professional under Title	222



XLVII of the Revised Code pursuant to division (C) of section	223
3719.121 of the Revised Code;	224
(f) The denial or ineligibility for employment in a pain	225
clinic under division (B) (4) of section 4729.552 of the Revised	226
Code;	227
(g) The mandatory suspension of a license that is imposed	228
on an individual applying for or holding a license as a health	229
care professional under Title XLVII of the Revised Code pursuant	230
to section 3123.43 of the Revised Code;	231
<u>(h) The denial, limitation, suspension, or revocation of a</u>	232
<u>license that is imposed upon an individual applying for or</u>	233
<u>holding a license issued by the state board of education under</u>	234
<u>Title XXXIII of the Revised Code if the individual is convicted</u>	235
<u>of, pleads guilty to, or is found guilty by a jury or court of,</u>	236
<u>or is subject to a judicial finding of eligibility for</u>	237
<u>intervention in lieu of conviction for a violation of division</u>	238
<u>(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code;</u>	239
<u>a violation of section 2903.01, 2903.02, 2903.03, 2903.04,</u>	240
<u>2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.32,</u>	241
<u>2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21,</u>	242
<u>2907.22, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322,</u>	243
<u>2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24,</u>	244
<u>2911.01, 2911.11, 2921.02, 2921.03, 2921.04, 2921.41, 2923.21,</u>	245
<u>or 2925.02 of the Revised Code; a violation of section 2905.04</u>	246
<u>of the Revised Code as it existed prior to July 1, 1996; a</u>	247
<u>violation of section 2919.23 of the Revised Code that would have</u>	248
<u>been a violation of section 2905.04 of the Revised Code as it</u>	249
<u>existed prior to July 1, 1996, had the violation been committed</u>	250
<u>prior to that date; felonious sexual penetration in violation of</u>	251
<u>former section 2907.12 of the Revised Code; or a violation of an</u>	252

ordinance of a municipal corporation that is substantively 253  
comparable to an offense listed in this paragraph. 254

(6) If a court that receives an individual's petition for 255  
a certificate of qualification for employment under division (B) 256  
(2) of this section or that is forwarded a petition for such a 257  
certificate under division (B) (5) (a) of this section denies the 258  
petition, the court shall provide written notice to the 259  
individual of the court's denial. The court may place conditions 260  
on the individual regarding the individual's filing of any 261  
subsequent petition for a certificate of qualification for 262  
employment. The written notice must notify the individual of any 263  
conditions placed on the individual's filing of a subsequent 264  
petition for a certificate of qualification for employment. 265

If a court of common pleas that receives an individual's 266  
petition for a certificate of qualification for employment under 267  
division (B) (2) of this section or that is forwarded a petition 268  
for such a certificate under division (B) (5) (a) of this section 269  
denies the petition, the individual may appeal the decision to 270  
the court of appeals only if the individual alleges that the 271  
denial was an abuse of discretion on the part of the court of 272  
common pleas. 273

(D) (1) A certificate of qualification for employment 274  
issued to an individual lifts the automatic bar of a collateral 275  
sanction, and a decision-maker shall consider on a case-by-case 276  
basis whether to grant or deny the issuance or restoration of an 277  
occupational license or an employment opportunity, 278  
notwithstanding the individual's possession of the certificate, 279  
without, however, reconsidering or rejecting any finding made by 280  
a designee or court under division (C) (3) of this section. 281

(2) The certificate constitutes a rebuttable presumption 282

that the person's criminal convictions are insufficient evidence 283  
that the person is unfit for the license, employment 284  
opportunity, or certification in question. Notwithstanding the 285  
presumption established under this division, the agency may deny 286  
the license or certification for the person if it determines 287  
that the person is unfit for issuance of the license. 288

(3) If an employer that has hired a person who has been 289  
issued a certificate of qualification for employment applies to 290  
a licensing agency for a license or certification and the person 291  
has a conviction or guilty plea that otherwise would bar the 292  
person's employment with the employer or licensure for the 293  
employer because of a mandatory civil impact, the agency shall 294  
give the person individualized consideration, notwithstanding 295  
the mandatory civil impact, the mandatory civil impact shall be 296  
considered for all purposes to be a discretionary civil impact, 297  
and the certificate constitutes a rebuttable presumption that 298  
the person's criminal convictions are insufficient evidence that 299  
the person is unfit for the employment, or that the employer is 300  
unfit for the license or certification, in question. 301

(E) A certificate of qualification for employment does not 302  
grant the individual to whom the certificate was issued relief 303  
from the mandatory civil impacts identified in division (A) (1) 304  
of section 2961.01 or division (B) of section 2961.02 of the 305  
Revised Code. 306

(F) A petition for a certificate of qualification for 307  
employment filed by an individual under division (B) (1) or (2) 308  
of this section shall include all of the following: 309

(1) The individual's name, date of birth, and social 310  
security number; 311

(2) All aliases of the individual and all social security numbers associated with those aliases;	312 313
(3) The individual's residence address, including the city, county, and state of residence and zip code;	314 315
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	316 317 318
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	319 320 321
(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	322 323 324 325 326
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	327 328 329
(8) Verifiable references and endorsements;	330
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	331 332 333
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	334 335
(11) Any other information required by rule by the department of rehabilitation and correction.	336 337
(G) (1) In a judicial or administrative proceeding alleging	338

negligence or other fault, a certificate of qualification for 339  
employment issued to an individual under this section may be 340  
introduced as evidence of a person's due care in hiring, 341  
retaining, licensing, leasing to, admitting to a school or 342  
program, or otherwise transacting business or engaging in 343  
activity with the individual to whom the certificate of 344  
qualification for employment was issued if the person knew of 345  
the certificate at the time of the alleged negligence or other 346  
fault. 347

(2) In any proceeding on a claim against an employer for 348  
negligent hiring, a certificate of qualification for employment 349  
issued to an individual under this section shall provide 350  
immunity for the employer as to the claim if the employer knew 351  
of the certificate at the time of the alleged negligence. 352

(3) If an employer hires an individual who has been issued 353  
a certificate of qualification for employment under this 354  
section, if the individual, after being hired, subsequently 355  
demonstrates dangerousness or is convicted of or pleads guilty 356  
to a felony, and if the employer retains the individual as an 357  
employee after the demonstration of dangerousness or the 358  
conviction or guilty plea, the employer may be held liable in a 359  
civil action that is based on or relates to the retention of the 360  
individual as an employee only if it is proved by a 361  
preponderance of the evidence that the person having hiring and 362  
firing responsibility for the employer had actual knowledge that 363  
the employee was dangerous or had been convicted of or pleaded 364  
guilty to the felony and was willful in retaining the individual 365  
as an employee after the demonstration of dangerousness or the 366  
conviction or guilty plea of which the person has actual 367  
knowledge. 368

(H) A certificate of qualification for employment issued 369  
under this section shall be revoked if the individual to whom 370  
the certificate of qualification for employment was issued is 371  
convicted of or pleads guilty to a felony offense committed 372  
subsequent to the issuance of the certificate of qualification 373  
for employment. The department of rehabilitation and correction 374  
shall periodically review the certificates listed in the 375  
database described in division (K) of this section to identify 376  
those that are subject to revocation under this division. Upon 377  
identifying a certificate of qualification for employment that 378  
is subject to revocation, the department shall note in the 379  
database that the certificate has been revoked, the reason for 380  
revocation, and the effective date of revocation, which shall be 381  
the date of the conviction or plea of guilty subsequent to the 382  
issuance of the certificate. 383

(I) A designee's forwarding, or failure to forward, a 384  
petition for a certificate of qualification for employment to a 385  
court or a court's issuance, or failure to issue, a petition for 386  
a certificate of qualification for employment to an individual 387  
under division (B) of this section does not give rise to a claim 388  
for damages against the department of rehabilitation and 389  
correction or court. 390

(J) The division of parole and community services shall 391  
adopt rules in accordance with Chapter 119. of the Revised Code 392  
for the implementation and administration of this section and 393  
shall prescribe the form for the petition to be used under 394  
division (B) (1) or (2) of this section. The form for the 395  
petition shall include places for all of the information 396  
specified in division (F) of this section. 397

(K) The department of rehabilitation and correction shall 398

maintain a database that identifies granted certificates and 399  
revoked certificates and tracks the number of certificates 400  
granted and revoked, the industries, occupations, and 401  
professions with respect to which the certificates have been 402  
most applicable, and the types of employers that have accepted 403  
the certificates. The department shall annually create a report 404  
that summarizes the information maintained in the database and 405  
shall make the report available to the public on its internet 406  
web site. 407

**Sec. 3314.03.** A copy of every contract entered into under 408  
this section shall be filed with the superintendent of public 409  
instruction. The department of education shall make available on 410  
its web site a copy of every approved, executed contract filed 411  
with the superintendent under this section. 412

(A) Each contract entered into between a sponsor and the 413  
governing authority of a community school shall specify the 414  
following: 415

(1) That the school shall be established as either of the 416  
following: 417

(a) A nonprofit corporation established under Chapter 418  
1702. of the Revised Code, if established prior to April 8, 419  
2003; 420

(b) A public benefit corporation established under Chapter 421  
1702. of the Revised Code, if established after April 8, 2003. 422

(2) The education program of the school, including the 423  
school's mission, the characteristics of the students the school 424  
is expected to attract, the ages and grades of students, and the 425  
focus of the curriculum; 426

(3) The academic goals to be achieved and the method of 427

measurement that will be used to determine progress toward those 428  
goals, which shall include the statewide achievement 429  
assessments; 430

(4) Performance standards, including but not limited to 431  
all applicable report card measures set forth in section 3302.03 432  
or 3314.017 of the Revised Code, by which the success of the 433  
school will be evaluated by the sponsor; 434

(5) The admission standards of section 3314.06 of the 435  
Revised Code and, if applicable, section 3314.061 of the Revised 436  
Code; 437

(6) (a) Dismissal procedures; 438

(b) A requirement that the governing authority adopt an 439  
attendance policy that includes a procedure for automatically 440  
withdrawing a student from the school if the student without a 441  
legitimate excuse fails to participate in seventy-two 442  
consecutive hours of the learning opportunities offered to the 443  
student. 444

(7) The ways by which the school will achieve racial and 445  
ethnic balance reflective of the community it serves; 446

(8) Requirements for financial audits by the auditor of 447  
state. The contract shall require financial records of the 448  
school to be maintained in the same manner as are financial 449  
records of school districts, pursuant to rules of the auditor of 450  
state. Audits shall be conducted in accordance with section 451  
117.10 of the Revised Code. 452

(9) An addendum to the contract outlining the facilities 453  
to be used that contains at least the following information: 454

(a) A detailed description of each facility used for 455



instructional purposes;	456
(b) The annual costs associated with leasing each facility	457
that are paid by or on behalf of the school;	458
(c) The annual mortgage principal and interest payments	459
that are paid by the school;	460
(d) The name of the lender or landlord, identified as	461
such, and the lender's or landlord's relationship to the	462
operator, if any.	463
(10) Qualifications of teachers, including a requirement	464
that the school's classroom teachers be licensed in accordance	465
with sections 3319.22 to 3319.31 of the Revised Code, except	466
that a community school may engage noncertificated persons to	467
teach up to twelve hours per week pursuant to section 3319.301	468
of the Revised Code.	469
(11) That the school will comply with the following	470
requirements:	471
(a) The school will provide learning opportunities to a	472
minimum of twenty-five students for a minimum of nine hundred	473
twenty hours per school year.	474
(b) The governing authority will purchase liability	475
insurance, or otherwise provide for the potential liability of	476
the school.	477
(c) The school will be nonsectarian in its programs,	478
admission policies, employment practices, and all other	479
operations, and will not be operated by a sectarian school or	480
religious institution.	481
(d) The school will comply with sections 9.90, 9.91,	482
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	483

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 484  
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3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 493  
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 494  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 495  
and 4167. of the Revised Code as if it were a school district 496  
and will comply with section 3301.0714 of the Revised Code in 497  
the manner specified in section 3314.17 of the Revised Code. 498

(e) The school shall comply with Chapter 102. and section 499  
2921.42 of the Revised Code. 500

(f) The school will comply with sections 3313.61, 501  
3313.611, and 3313.614 of the Revised Code, except that for 502  
students who enter ninth grade for the first time before July 1, 503  
2010, the requirement in sections 3313.61 and 3313.611 of the 504  
Revised Code that a person must successfully complete the 505  
curriculum in any high school prior to receiving a high school 506  
diploma may be met by completing the curriculum adopted by the 507  
governing authority of the community school rather than the 508  
curriculum specified in Title XXXVIII of the Revised Code or any 509  
rules of the state board of education. Beginning with students 510  
who enter ninth grade for the first time on or after July 1, 511  
2010, the requirement in sections 3313.61 and 3313.611 of the 512  
Revised Code that a person must successfully complete the 513  
curriculum of a high school prior to receiving a high school 514

diploma shall be met by completing the requirements prescribed 515  
in division (C) of section 3313.603 of the Revised Code, unless 516  
the person qualifies under division (D) or (F) of that section. 517  
Each school shall comply with the plan for awarding high school 518  
credit based on demonstration of subject area competency, and 519  
beginning with the 2017-2018 school year, with the updated plan 520  
that permits students enrolled in seventh and eighth grade to 521  
meet curriculum requirements based on subject area competency 522  
adopted by the state board of education under divisions (J) (1) 523  
and (2) of section 3313.603 of the Revised Code. Beginning with 524  
the 2018-2019 school year, the school shall comply with the 525  
framework for granting units of high school credit to students 526  
who demonstrate subject area competency through work-based 527  
learning experiences, internships, or cooperative education 528  
developed by the department under division (J) (3) of section 529  
3313.603 of the Revised Code. 530

(g) The school governing authority will submit within four 531  
months after the end of each school year a report of its 532  
activities and progress in meeting the goals and standards of 533  
divisions (A) (3) and (4) of this section and its financial 534  
status to the sponsor and the parents of all students enrolled 535  
in the school. 536

(h) The school, unless it is an internet- or computer- 537  
based community school, will comply with section 3313.801 of the 538  
Revised Code as if it were a school district. 539

(i) If the school is the recipient of moneys from a grant 540  
awarded under the federal race to the top program, Division (A), 541  
Title XIV, Sections 14005 and 14006 of the "American Recovery 542  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 543  
the school will pay teachers based upon performance in 544

accordance with section 3317.141 and will comply with section 545  
3319.111 of the Revised Code as if it were a school district. 546

(j) If the school operates a preschool program that is 547  
licensed by the department of education under sections 3301.52 548  
to 3301.59 of the Revised Code, the school shall comply with 549  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 550  
standards for preschool programs prescribed in rules adopted by 551  
the state board under section 3301.53 of the Revised Code. 552

(k) The school will comply with sections 3313.6021 and 553  
3313.6023 of the Revised Code as if it were a school district 554  
unless it is either of the following: 555

(i) An internet- or computer-based community school; 556

(ii) A community school in which a majority of the 557  
enrolled students are children with disabilities as described in 558  
division (A) (4) (b) of section 3314.35 of the Revised Code. 559

(12) Arrangements for providing health and other benefits 560  
to employees; 561

(13) The length of the contract, which shall begin at the 562  
beginning of an academic year. No contract shall exceed five 563  
years unless such contract has been renewed pursuant to division 564  
(E) of this section. 565

(14) The governing authority of the school, which shall be 566  
responsible for carrying out the provisions of the contract; 567

(15) A financial plan detailing an estimated school budget 568  
for each year of the period of the contract and specifying the 569  
total estimated per pupil expenditure amount for each such year. 570

(16) Requirements and procedures regarding the disposition 571  
of employees of the school in the event the contract is 572

terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor

shall not be required to take any action described in division 631  
(F) of section 3302.04 of the Revised Code. 632

(25) Beginning in the 2006-2007 school year, the school 633  
will open for operation not later than the thirtieth day of 634  
September each school year, unless the mission of the school as 635  
specified under division (A) (2) of this section is solely to 636  
serve dropouts. In its initial year of operation, if the school 637  
fails to open by the thirtieth day of September, or within one 638  
year after the adoption of the contract pursuant to division (D) 639  
of section 3314.02 of the Revised Code if the mission of the 640  
school is solely to serve dropouts, the contract shall be void. 641

(26) Whether the school's governing authority is planning 642  
to seek designation for the school as a STEM school equivalent 643  
under section 3326.032 of the Revised Code; 644

(27) That the school's attendance and participation 645  
policies will be available for public inspection; 646

(28) That the school's attendance and participation 647  
records shall be made available to the department of education, 648  
auditor of state, and school's sponsor to the extent permitted 649  
under and in accordance with the "Family Educational Rights and 650  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 651  
and any regulations promulgated under that act, and section 652  
3319.321 of the Revised Code; 653

(29) If a school operates using the blended learning 654  
model, as defined in section 3301.079 of the Revised Code, all 655  
of the following information: 656

(a) An indication of what blended learning model or models 657  
will be used; 658

(b) A description of how student instructional needs will 659

be determined and documented;	660
(c) The method to be used for determining competency,	661
granting credit, and promoting students to a higher grade level;	662
(d) The school's attendance requirements, including how	663
the school will document participation in learning	664
opportunities;	665
(e) A statement describing how student progress will be	666
monitored;	667
(f) A statement describing how private student data will	668
be protected;	669
(g) A description of the professional development	670
activities that will be offered to teachers.	671
(30) A provision requiring that all moneys the school's	672
operator loans to the school, including facilities loans or cash	673
flow assistance, must be accounted for, documented, and bear	674
interest at a fair market rate;	675
(31) A provision requiring that, if the governing	676
authority contracts with an attorney, accountant, or entity	677
specializing in audits, the attorney, accountant, or entity	678
shall be independent from the operator with which the school has	679
contracted.	680
(32) A provision requiring the governing authority to	681
adopt an enrollment and attendance policy that requires a	682
student's parent to notify the community school in which the	683
student is enrolled when there is a change in the location of	684
the parent's or student's primary residence.	685
(33) A provision requiring the governing authority to	686
adopt a student residence and address verification policy for	687



students enrolling in or attending the school. 688

(B) The community school shall also submit to the sponsor 689  
a comprehensive plan for the school. The plan shall specify the 690  
following: 691

(1) The process by which the governing authority of the 692  
school will be selected in the future; 693

(2) The management and administration of the school; 694

(3) If the community school is a currently existing public 695  
school or educational service center building, alternative 696  
arrangements for current public school students who choose not 697  
to attend the converted school and for teachers who choose not 698  
to teach in the school or building after conversion; 699

(4) The instructional program and educational philosophy 700  
of the school; 701

(5) Internal financial controls. 702

When submitting the plan under this division, the school 703  
shall also submit copies of all policies and procedures 704  
regarding internal financial controls adopted by the governing 705  
authority of the school. 706

(C) A contract entered into under section 3314.02 of the 707  
Revised Code between a sponsor and the governing authority of a 708  
community school may provide for the community school governing 709  
authority to make payments to the sponsor, which is hereby 710  
authorized to receive such payments as set forth in the contract 711  
between the governing authority and the sponsor. The total 712  
amount of such payments for monitoring, oversight, and technical 713  
assistance of the school shall not exceed three per cent of the 714  
total amount of payments for operating expenses that the school 715

receives from the state. 716

(D) The contract shall specify the duties of the sponsor 717  
which shall be in accordance with the written agreement entered 718  
into with the department of education under division (B) of 719  
section 3314.015 of the Revised Code and shall include the 720  
following: 721

(1) Monitor the community school's compliance with all 722  
laws applicable to the school and with the terms of the 723  
contract; 724

(2) Monitor and evaluate the academic and fiscal 725  
performance and the organization and operation of the community 726  
school on at least an annual basis; 727

(3) Report on an annual basis the results of the 728  
evaluation conducted under division (D)(2) of this section to 729  
the department of education and to the parents of students 730  
enrolled in the community school; 731

(4) Provide technical assistance to the community school 732  
in complying with laws applicable to the school and terms of the 733  
contract; 734

(5) Take steps to intervene in the school's operation to 735  
correct problems in the school's overall performance, declare 736  
the school to be on probationary status pursuant to section 737  
3314.073 of the Revised Code, suspend the operation of the 738  
school pursuant to section 3314.072 of the Revised Code, or 739  
terminate the contract of the school pursuant to section 3314.07 740  
of the Revised Code as determined necessary by the sponsor; 741

(6) Have in place a plan of action to be undertaken in the 742  
event the community school experiences financial difficulties or 743  
closes prior to the end of a school year. 744

(E) Upon the expiration of a contract entered into under 745  
this section, the sponsor of a community school may, with the 746  
approval of the governing authority of the school, renew that 747  
contract for a period of time determined by the sponsor, but not 748  
ending earlier than the end of any school year, if the sponsor 749  
finds that the school's compliance with applicable laws and 750  
terms of the contract and the school's progress in meeting the 751  
academic goals prescribed in the contract have been 752  
satisfactory. Any contract that is renewed under this division 753  
remains subject to the provisions of sections 3314.07, 3314.072, 754  
and 3314.073 of the Revised Code. 755

(F) If a community school fails to open for operation 756  
within one year after the contract entered into under this 757  
section is adopted pursuant to division (D) of section 3314.02 758  
of the Revised Code or permanently closes prior to the 759  
expiration of the contract, the contract shall be void and the 760  
school shall not enter into a contract with any other sponsor. A 761  
school shall not be considered permanently closed because the 762  
operations of the school have been suspended pursuant to section 763  
3314.072 of the Revised Code. 764

**Sec. 3314.101.** (A) As used in this section, "license" has 765  
the same meaning as in section 3319.31 of the Revised Code. 766

(B) If a person who is employed by a community school 767  
established under this chapter or by an operator is arrested, 768  
summoned, or indicted for an alleged violation of an offense 769  
listed in division (C) of section 3319.31 of the Revised Code, 770  
if the person holds a license, or an offense listed in division 771  
(B) (1) of section 3319.39 of the Revised Code, if the person 772  
does not hold a license, the chief administrator of the 773  
community school in which that person works shall suspend that 774

person from all duties that require the care, custody, or 775  
control of a child during the pendency of the criminal action 776  
against the person. If the person who is arrested, summoned, or 777  
indicted for an alleged violation of an offense listed in 778  
division (C) of section 3319.31 or division (B)(1) of section 779  
3319.39 of the Revised Code is the chief administrator of the 780  
community school, the governing authority of the school shall 781  
suspend the chief administrator from all duties that require the 782  
care, custody, or control of a child. 783

(C) When a person who holds a license is suspended in 784  
accordance with this section, the chief administrator or 785  
governing authority that imposed the suspension promptly shall 786  
report the person's suspension to the department of education. 787  
The report shall include the offense for which the person was 788  
arrested, summoned, or indicted. The superintendent of public 789  
instruction, on behalf of the state board of education, shall 790  
inactivate the person's license. The inactivation shall remain 791  
in force during the pendency of the criminal action against the 792  
person. The inactivation of a license under this division does 793  
not constitute a suspension or revocation of the license by the 794  
state board under section 3319.31 of the Revised Code, and the 795  
state board and the state superintendent need not provide the 796  
person with an opportunity for a hearing with respect to the 797  
inactivation. If the state board does not take action against 798  
the person's license under section 3319.31 of the Revised Code, 799  
the state superintendent shall reactivate the license upon 800  
conclusion of the criminal action against the person. 801

**Sec. 3319.0812.** (A) As used in this section, "license" has 802  
the same meaning as in section 3319.31 of the Revised Code. 803

(B) If a school district, chartered nonpublic school, or 804

county board of developmental disabilities contracts with a 805  
public or private entity for the provision of services to the 806  
district, school, or board, any individual employed or retained 807  
by the entity to provide the services shall hold any license 808  
that the individual would be required to hold if the individual 809  
were employed directly by the district, school, or board to 810  
provide the same services. Prior to the individual commencing 811  
the provision of services, the district, school, or board shall 812  
obtain verification from the entity employing or retaining the 813  
individual that the individual holds the applicable license. 814

**Sec. 3319.151.** (A) As used in this section, "assessment" 815  
means an assessment administered under section 3301.0711 of the 816  
Revised Code. 817

(B) No person shall ~~reveal~~ do any of the following: 818

(1) ~~Reveal~~ to any student any specific question that the 819  
person knows is part of an assessment ~~to be administered under~~ 820  
~~section 3301.0711 of the Revised Code~~ or in any other way assist 821  
a pupil to cheat on ~~such~~ an assessment; 822

(2) Obtain prior knowledge of the contents of an 823  
assessment; 824

(3) Use prior knowledge of the contents of an assessment 825  
to assist students in preparing for the assessment; 826

(4) Fail to comply with any rule adopted by the department 827  
of education regarding security protocols for an assessment. 828

~~(B)~~ (C) On a finding by the state board of education, 829  
after investigation, that a school employee who holds a license 830  
issued under sections 3319.22 to , as defined in section 3319.31 831  
of the Revised Code, has violated division ~~(A)~~ (B) of this 832  
section, the license of such teacher shall be suspended for one 833

~~year. Prior to commencing an investigation, the state board~~ 834  
~~shall take any action against the employee under section 3319.31~~ 835  
~~of the Revised Code that it considers appropriate, based on the~~ 836  
~~nature and extent of the violation. The state board shall give~~ 837  
~~the teacher employee notice of the allegation and upon~~ 838  
~~commencing an investigation and shall give the employee an~~ 839  
~~opportunity to respond and present a defense prior to taking any~~ 840  
~~disciplinary action.~~ 841

~~(C)~~(D) (1) Violation of division ~~(A)~~~~(B)~~ of this section is 842  
grounds for termination of employment of a nonteaching employee 843  
under division (C) of section 3319.081 or section 124.34 of the 844  
Revised Code. 845

(2) Violation of division ~~(A)~~~~(B)~~ of this section is 846  
grounds for termination of a teacher contract under section 847  
3311.82 or 3319.16 of the Revised Code. 848

**Sec. 3319.227.** (A) Notwithstanding any other provision of 849  
the Revised Code or any rule adopted by the state board of 850  
education to the contrary, the state board shall issue a 851  
resident educator license under section 3319.22 of the Revised 852  
Code to each person who is assigned to teach in this state as a 853  
participant in the teach for America program and who satisfies 854  
the following conditions for the duration of the program: 855

(1) Holds a bachelor's degree from an accredited 856  
institution of higher education; 857

(2) Maintained a cumulative undergraduate grade point 858  
average of at least 2.5 out of 4.0, or its equivalent; 859

(3) Has passed an examination prescribed by the state 860  
board in the subject area to be taught; 861

(4) Has successfully completed the summer training 862

institute operated by teach for America; 863

(5) Remains an active member of the teach for America two- 864  
year support program. 865

(B) The state board shall issue a resident educator 866  
license under this section for teaching in any grade level or 867  
subject area for which a person may obtain a resident educator 868  
license under section 3319.22 of the Revised Code. The state 869  
board shall not adopt rules establishing any additional 870  
qualifications for the license beyond those specified in this 871  
section. 872

(C) Notwithstanding any other provision of the Revised 873  
Code or any rule adopted by the state board to the contrary, the 874  
state board shall issue a resident educator license under 875  
section 3319.22 of the Revised Code to any applicant who has 876  
completed at least two years of teaching in another state as a 877  
participant in the teach for America program and meets all of 878  
the conditions of divisions (A) (1) to (4) of this section. The 879  
state board shall credit an applicant under this division as 880  
having completed two years of the teacher residency program 881  
under section 3319.223 of the Revised Code. 882

(D) In order to place teachers in this state, the teach 883  
for America program shall enter into an agreement with one or 884  
more accredited four-year public or private institutions of 885  
higher education in the state to provide optional training of 886  
teach for America participants for the purpose of enabling those 887  
participants to complete an optional master's degree or an 888  
equivalent amount of coursework. Nothing in this division shall 889  
require any teach for America participant to complete a master's 890  
degree as a condition of holding a license issued under this 891  
section. 892

(E) The superintendent of public instruction, on behalf of 893  
the state board, shall ~~revoke~~inactivate a resident educator 894  
license issued to a participant in the teach for America program 895  
who is assigned to teach in this state if the participant 896  
resigns or is dismissed from the program prior to completion of 897  
the two-year teach for America support program. The inactivation 898  
of a license under this division does not constitute a 899  
suspension or revocation of the license by the state board under 900  
section 3319.31 of the Revised Code and the state board and the 901  
state superintendent need not provide the person with an 902  
opportunity for a hearing with respect to the inactivation. 903

**Sec. 3319.31.** (A) As used in this section and sections 904  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 905  
means a certificate, license, or permit described in this 906  
chapter or in division (B) of section 3301.071 or in section 907  
3301.074 of the Revised Code or a registration described in 908  
division (B) of section 3302.151 of the Revised Code. 909

(B) For any of the following reasons, the state board of 910  
education, in accordance with Chapter 119. and section 3319.311 911  
of the Revised Code, may refuse to issue a license to an 912  
applicant; may limit a license it issues to an applicant; may 913  
suspend, revoke, or limit a license that has been issued to any 914  
person; or may revoke a license that has been issued to any 915  
person and has expired: 916

(1) Engaging in an immoral act, incompetence, negligence, 917  
or conduct that is unbecoming to the ~~applicant's or person's~~ 918  
~~position;~~ teaching profession. The state board need not consider 919  
whether there is a connection between the applicant's or 920  
person's immoral act, incompetence, negligence, or conduct and 921  
the applicant's or person's ability to perform the duties 922



<u>associated with the license or the position for which the</u>	923
<u>license is issued.;</u>	924
(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:	925 926
(a) A felony other than a felony listed in division (C) of this section;	927 928
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	929 930
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	931 932 933
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	934 935 936
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section.	937 938 939
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, <u>for any offense listed in division (B) (2) of this section,</u> or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;	940 941 942 943 944 945 946
(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	947 948
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, <del>or</del> a conviction of, <u>or a judicial</u>	949 950

finding of eligibility for intervention in lieu of conviction 951  
for committing any of the offenses listed in this division by a 952  
person who holds a current or expired license or is an applicant 953  
for a license or renewal of a license, the state board or the 954  
superintendent of public instruction, if the state board has 955  
delegated the duty pursuant to division (D) of this section, 956  
shall by a written order revoke the person's license or deny 957  
issuance or renewal of the license to the person. The state 958  
board or the superintendent shall revoke a license that has been 959  
issued to a person to whom this division applies and has expired 960  
in the same manner as a license that has not expired. 961

Revocation of a license or denial of issuance or renewal 962  
of a license under this division is effective immediately at the 963  
time and date that the board or superintendent issues the 964  
written order and is not subject to appeal in accordance with 965  
Chapter 119. of the Revised Code. Revocation of a license or 966  
denial of issuance or renewal of license under this division 967  
remains in force during the pendency of an appeal by the person 968  
of the plea of guilty, finding of guilt, ~~or conviction,~~ or 969  
judicial finding of eligibility for intervention in lieu of 970  
conviction that is the basis of the action taken under this 971  
division. 972

The state board or superintendent shall take the action 973  
required by this division for any of the following: 974

(1) A plea of guilty to, a finding of guilt by a jury or 975  
court of, or a conviction of, or a judicial finding of 976  
eligibility for intervention in lieu of conviction for a 977  
violation of division (B) (1), (2), (3), or (4) of section 978  
2919.22 of the Revised Code; a violation of section 2903.01, 979  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 980

2905.01, 2905.02, 2905.05, 2905.11, ~~2905.32,~~ 2907.02, 2907.03, 981  
2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 982  
2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 983  
2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 984  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 985  
2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 986  
2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 987  
2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 988  
2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 989  
2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 990  
2927.24, or 3716.11 of the Revised Code; a violation of section 991  
2905.04 of the Revised Code as it existed prior to July 1, 1996; 992  
a violation of section 2919.23 of the Revised Code that would 993  
have been a violation of section 2905.04 of the Revised Code as 994  
it existed prior to July 1, 1996, had the violation been 995  
committed prior to that date; felonious sexual penetration in 996  
violation of former section 2907.12 of the Revised Code; or a 997  
violation of an ordinance of a municipal corporation that is 998  
substantively comparable to an offense listed in this paragraph; 999

(2) A plea of guilty to, a finding of guilt by a jury or 1000  
court of, or a conviction of, or a judicial finding of 1001  
eligibility for intervention in lieu of conviction for 1002  
conspiracy to commit, attempt to commit, or complicity in 1003  
committing any violation listed in division (C) (1) of this 1004  
section. 1005

(D) The state board may delegate to the superintendent of 1006  
public instruction the authority to revoke a person's license or 1007  
to deny issuance or renewal of a license to a person under 1008  
division (C) or (F) of this section. 1009

(E) (1) If the plea of guilty, finding of guilt, ~~or~~ 1010

conviction, or judicial finding of eligibility for intervention 1011  
in lieu of conviction that is the basis of the action taken 1012  
under division (B) (2) or (C) of this section, or under the 1013  
version of division (F) of section 3319.311 of the Revised Code 1014  
in effect prior to September 12, 2008, is overturned on appeal, 1015  
upon exhaustion of the criminal appeal, the clerk of the court 1016  
that overturned the plea, finding, ~~or conviction, or judicial~~ 1017  
finding or, if applicable, the clerk of the court that accepted 1018  
an appeal from the court that overturned the plea, finding, ~~or~~ 1019  
conviction, or judicial finding shall notify the state board 1020  
that the plea, finding, ~~or conviction, or judicial finding~~ has 1021  
been overturned. Within thirty days after receiving the 1022  
notification, the state board shall initiate proceedings to 1023  
reconsider the revocation or denial of the person's license in 1024  
accordance with division (E) (2) of this section. In addition, 1025  
the person whose license was revoked or denied may file with the 1026  
state board a petition for reconsideration of the revocation or 1027  
denial along with appropriate court documents. 1028

(2) Upon receipt of a court notification or a petition and 1029  
supporting court documents under division (E) (1) of this 1030  
section, the state board, after offering the person an 1031  
opportunity for an adjudication hearing under Chapter 119. of 1032  
the Revised Code, shall determine whether the person committed 1033  
the act in question in the prior criminal action against the 1034  
person that is the basis of the revocation or denial and may 1035  
continue the revocation or denial, may reinstate the person's 1036  
license, with or without limits, or may grant the person a new 1037  
license, with or without limits. The decision of the board shall 1038  
be based on grounds for revoking, denying, suspending, or 1039  
limiting a license adopted by rule under division (G) of this 1040  
section and in accordance with the evidentiary standards the 1041

board employs for all other licensure hearings. The decision of 1042  
the board under this division is subject to appeal under Chapter 1043  
119. of the Revised Code. 1044

(3) A person whose license is revoked or denied under 1045  
division (C) of this section shall not apply for any license if 1046  
the plea of guilty, finding of guilt, ~~or conviction, or judicial~~ 1047  
finding of eligibility for intervention in lieu of conviction 1048  
that is the basis of the revocation or denial, upon completion 1049  
of the criminal appeal, either is upheld or is overturned but 1050  
the state board continues the revocation or denial under 1051  
division (E) (2) of this section and that continuation is upheld 1052  
on final appeal. 1053

(F) The state board may take action under division (B) of 1054  
this section, and the state board or the superintendent shall 1055  
take the action required under division (C) of this section, on 1056  
the basis of substantially comparable conduct occurring in a 1057  
jurisdiction outside this state or occurring before a person 1058  
applies for or receives any license. 1059

(G) The state board may adopt rules in accordance with 1060  
Chapter 119. of the Revised Code to carry out this section and 1061  
section 3319.311 of the Revised Code. 1062

**Sec. 3319.311.** (A) (1) The state board of education, or the 1063  
superintendent of public instruction on behalf of the board, may 1064  
investigate any information received about a person that 1065  
reasonably appears to be a basis for action under section 1066  
3319.31 of the Revised Code, including information received 1067  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 1068  
3328.19, 5126.253, or 5153.176 of the Revised Code. ~~Except as~~ 1069  
~~provided in division (A) (2) of this section, the board shall~~ 1070  
~~contract with the office of the Ohio attorney general to conduct~~ 1071

~~any investigation of that nature.~~ The board shall pay for the 1072  
costs of ~~the contract~~ any such investigation only from moneys in 1073  
the state board of education licensure fund established under 1074  
section 3319.51 of the Revised Code. Except as provided in 1075  
division (A) (2) of this section and section 3319.319 of the 1076  
Revised Code, all information received pursuant to section 1077  
3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 1078  
5153.176 of the Revised Code, and all information obtained 1079  
during an investigation is confidential and is not a public 1080  
record under section 149.43 of the Revised Code. ~~If an~~ 1081  
~~investigation is conducted under this division regarding~~ 1082  
~~information received about a person and no action is taken~~ 1083  
~~against the person under this section or section 3319.31 of the~~ 1084  
~~Revised Code within two years of the completion of the~~ 1085  
~~investigation, all records of the investigation shall be~~ 1086  
~~expunged.~~ 1087

(2) In the case of a person about whom the board has 1088  
learned of a plea of guilty to, finding of guilt by a jury or 1089  
court of, ~~or~~ a conviction of, or judicial finding of eligibility 1090  
for intervention in lieu of conviction for committing an offense 1091  
listed in division (C) of section 3319.31 of the Revised Code, 1092  
or substantially comparable conduct occurring in a jurisdiction 1093  
outside this state, the board or the superintendent of public 1094  
instruction need not conduct any further investigation and shall 1095  
take the action required by division (C) or (F) of that section. 1096  
Except as provided in division (G) of this section, all 1097  
information obtained by the board or the superintendent of 1098  
public instruction pertaining to the action is a public record 1099  
under section 149.43 of the Revised Code. 1100

(B) The superintendent of public instruction shall review 1101  
the results of each investigation of a person conducted under 1102

division (A) (1) of this section and shall determine, on behalf 1103  
of the state board, whether the results warrant initiating 1104  
action under division (B) of section 3319.31 of the Revised 1105  
Code. The superintendent shall advise the board of such 1106  
determination at a meeting of the board. Within fourteen days of 1107  
the next meeting of the board, any member of the board may ask 1108  
that the question of initiating action under section 3319.31 of 1109  
the Revised Code be placed on the board's agenda for that next 1110  
meeting. Prior to initiating that action against any person, the 1111  
person's name and any other personally identifiable information 1112  
shall remain confidential. 1113

(C) The board shall take no action against a person under 1114  
division (B) of section 3319.31 of the Revised Code without 1115  
providing the person with written notice of the charges and with 1116  
an opportunity for a hearing in accordance with Chapter 119. of 1117  
the Revised Code. 1118

(D) For purposes of an investigation under division (A) (1) 1119  
of this section or a hearing under division (C) of this section 1120  
or under division (E) (2) of section 3319.31 of the Revised Code, 1121  
the board, or the superintendent on behalf of the board, may 1122  
administer oaths, order the taking of depositions, issue 1123  
subpoenas, and compel the attendance of witnesses and the 1124  
production of books, accounts, papers, records, documents, and 1125  
testimony. The issuance of subpoenas under this division may be 1126  
by certified mail or personal delivery to the person. 1127

(E) The superintendent, on behalf of the board, may enter 1128  
into a consent agreement with a person against whom action is 1129  
being taken under division (B) of section 3319.31 of the Revised 1130  
Code. The board may adopt rules governing the superintendent's 1131  
action under this division. 1132

(F) No surrender of a license shall be effective until the board takes action to accept the surrender unless the surrender is pursuant to a consent agreement entered into under division (E) of this section.

(G) The name of any person who is not required to report information under section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, but who in good faith provides information to the state board or superintendent of public instruction about alleged misconduct committed by a person who holds a license or has applied for issuance or renewal of a license, shall be confidential and shall not be released. Any such person shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

(H) (1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) (a) In any civil action brought against a person in which it is alleged and proved that the person violated division (H) (1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H) (1) of this section, if the subject of



the false report that was the basis of the violation was charged 1163  
with any violation of a law or ordinance as a result of the 1164  
false report, and if the subject of the false report is found 1165  
not to be guilty of the charges brought against the subject as a 1166  
result of the false report or those charges are dismissed, the 1167  
court that sentences the person for the violation of division 1168  
(H) (1) of this section, as part of the sentence, shall order the 1169  
person to pay restitution to the subject of the false report, in 1170  
an amount equal to reasonable attorney's fees and costs that the 1171  
subject of the false report incurred as a result of or in 1172  
relation to the charges. 1173

**Sec. 3319.313.** (A) As used in this section: 1174

(1) "Conduct unbecoming to the teaching profession" shall 1175  
be as described in rules adopted by the state board of 1176  
education. 1177

(2) "Intervention in lieu of conviction" means 1178  
intervention in lieu of conviction under section 2951.041 of the 1179  
Revised Code. 1180

(3) "License" has the same meaning as in section 3319.31 1181  
of the Revised Code. 1182

(4) "Pre-trial diversion program" means a pre-trial 1183  
diversion program under section 2935.36 of the Revised Code or a 1184  
similar diversion program under rules of a court. 1185

(B) The superintendent of each school district and each 1186  
educational service center or the president of the district or 1187  
service center board, if division (C) (1) of this section 1188  
applies, and the chief administrator of each chartered nonpublic 1189  
school or the president or chairperson of the governing 1190  
authority of the nonpublic school, if division (C) (2) of this 1191

section applies, shall promptly submit to the superintendent of 1192  
public instruction the information prescribed in division (D) of 1193  
this section when any of the following conditions applies to an 1194  
employee of the district, service center, or nonpublic school 1195  
who holds a license ~~issued by the state board of education:~~ 1196

(1) The superintendent, chief administrator, president, or 1197  
chairperson knows that the employee has pleaded guilty to, has 1198  
been found guilty by a jury or court of, has been convicted of, 1199  
has been found to be eligible for intervention in lieu of 1200  
conviction for, or has agreed to participate in a pre-trial 1201  
diversion program for an offense described in division (B) (2) or 1202  
(C) of section 3319.31 or division (B) (1) of section 3319.39 of 1203  
the Revised Code; 1204

(2) The district board of education, service center 1205  
governing board, or nonpublic school chief administrator or 1206  
governing authority has initiated termination or nonrenewal 1207  
proceedings against, has terminated, or has not renewed the 1208  
contract of the employee because the board of education, 1209  
governing board, or chief administrator has reasonably 1210  
determined that the employee has committed an act that is 1211  
unbecoming to the teaching profession or an offense described in 1212  
division (B) (2) or (C) of section 3319.31 or division (B) (1) of 1213  
section 3319.39 of the Revised Code; 1214

(3) The employee has resigned under threat of termination 1215  
or nonrenewal as described in division (B) (2) of this section; 1216

(4) The employee has resigned because of or in the course 1217  
of an investigation by the board of education, governing board, 1218  
or chief administrator regarding whether the employee has 1219  
committed an act that is unbecoming to the teaching profession 1220  
or an offense described in division (B) (2) or (C) of section 1221

3319.31 or division (B) (1) of section 3319.39 of the Revised Code. 1222  
1223

(C) (1) If the employee to whom any of the conditions 1224  
prescribed in divisions (B) (1) to (4) of this section applies is 1225  
the superintendent or treasurer of a school district or 1226  
educational service center, the president of the board of 1227  
education of the school district or of the governing board of 1228  
the educational service center shall make the report required 1229  
under this section. 1230

(2) If the employee to whom any of the conditions 1231  
prescribed in divisions (B) (1) to (4) of this section applies is 1232  
the chief administrator of a chartered nonpublic school, the 1233  
president or chairperson of the governing authority of the 1234  
chartered nonpublic school shall make the report required under 1235  
this section. 1236

(D) If a report is required under this section, the 1237  
superintendent, chief administrator, president, or chairperson 1238  
shall submit to the superintendent of public instruction the 1239  
name and social security number of the employee about whom the 1240  
information is required and a factual statement regarding any of 1241  
the conditions prescribed in divisions (B) (1) to (4) of this 1242  
section that applies to the employee. 1243

(E) A determination made by the board of education, 1244  
governing board, chief administrator, or governing authority as 1245  
described in division (B) (2) of this section or a termination, 1246  
nonrenewal, resignation, or other separation described in 1247  
divisions (B) (2) to (4) of this section does not create a 1248  
presumption of the commission or lack of the commission by the 1249  
employee of an act unbecoming to the teaching profession or an 1250  
offense described in division (B) (2) or (C) of section 3319.31 1251

or division (B) (1) of section 3319.39 of the Revised Code. 1252

(F) No individual required to submit a report under 1253  
division (B) of this section shall knowingly fail to comply with 1254  
that division. 1255

(G) An individual who provides information to the 1256  
superintendent of public instruction in accordance with this 1257  
section in good faith shall be immune from any civil liability 1258  
that otherwise might be incurred or imposed for injury, death, 1259  
or loss to person or property as a result of the provision of 1260  
that information. 1261

**Sec. 3319.316.** The department of education, on behalf of 1262  
the state board of education, shall be a participating public 1263  
office for purposes of the retained applicant fingerprint 1264  
database established under section 109.5721 of the Revised Code 1265  
and shall receive notification from the bureau of criminal 1266  
identification and investigation of the arrest or conviction of 1267  
persons to whom ~~the state board has issued~~ a license, as defined 1268  
in section 3319.31 of the Revised Code, has been issued. 1269

**Sec. 3319.318.** (A) As used in this section: 1270

(1) "School representative" includes all of the following: 1271

(a) An employee of a school district, chartered nonpublic 1272  
school, or county board of developmental disabilities; 1273

(b) An employee of an entity with which a school district, 1274  
chartered nonpublic school, or county board of developmental 1275  
disabilities contracts for the provision of services; 1276

(c) A member of a school district board of education, 1277  
chartered nonpublic school governing body, or county board of 1278  
developmental disabilities. 1279

(2) "Student" means a child who is enrolled in a school district or chartered nonpublic school or who is receiving services from a county board of developmental disabilities. 1280  
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1282

(B) Except as provided in division (C) of this section, no school representative shall knowingly engage in any activity intended to assist another individual in obtaining employment with a school district or chartered nonpublic school, or in obtaining employment with a county board of developmental disabilities in a position responsible for providing educational services to children from six through twenty-one years of age, other than transmitting administrative and personnel files to the prospective employer, if the school representative knows or has reasonable cause to believe that the individual has committed an offense listed in Chapter 2907. of the Revised Code, or a substantially comparable offense, involving a student. 1283  
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(C) Division (B) of this section shall not apply if the information on which the knowledge or reasonable cause is based has been reported to appropriate law enforcement authorities or, if applicable, to the appropriate public children services agency under section 2151.421 of the Revised Code and one of the following conditions is met: 1296  
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1301

(1) Law enforcement authorities have investigated the alleged offense and determined that there is insufficient information to indict the individual for the alleged offense. 1302  
1303  
1304

(2) The individual has not been indicted for the alleged offense within four years after the date the alleged offense was reported to law enforcement authorities or a public children services agency. 1305  
1306  
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(3) The individual has been acquitted or otherwise 1309  
exonerated of the offense. 1310

**Sec. 3319.319.** The appointing or hiring officer of a 1311  
school district or school located in Ohio or another state may 1312  
request the department of education for any report the 1313  
department has received under sections 3314.40, 3319.313, 1314  
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 1315  
individual who is under consideration for employment by the 1316  
district or school. If the department has received a report 1317  
under any of those sections regarding the individual, the 1318  
department shall provide the contents of the report to the 1319  
requesting officer. Upon provision of the contents of the report 1320  
to the requesting officer, the department shall notify the 1321  
officer that the information provided is confidential and may 1322  
not be disseminated to any other person or entity. 1323

If the department provides the contents of a report to an 1324  
appointing or hiring officer under this section, the department 1325  
shall document the information provided in the record of any 1326  
investigation undertaken pursuant to section 3319.311 of the 1327  
Revised Code based on the report. Such documentation shall 1328  
include a list of the information provided, the date the 1329  
information was provided, and the name and contact information 1330  
of the appointing or hiring officer to whom the information was 1331  
provided. 1332

**Sec. 3319.393.** (A) Each school district and chartered 1333  
nonpublic school shall include the following notice in boldface 1334  
type in each employment application: "ANY PERSON WHO KNOWINGLY 1335  
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 1336  
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 1337  
DEGREE." 1338

(B) (1) Each district and chartered nonpublic school shall 1339  
consult the "educator profile" database maintained on the web 1340  
site of the department of education prior to making any hiring 1341  
decision. 1342

(2) After consulting the "educator profile" database, a 1343  
district or chartered nonpublic school may further discern the 1344  
employment, disciplinary, or criminal record of an applicant for 1345  
employment in either or both of the following ways: 1346

(a) Consulting the office of professional conduct within 1347  
the department of education in accordance with section 3319.319 1348  
of the Revised Code to determine whether the individual has been 1349  
the subject of either: 1350

(i) Any notice to the department under section 3314.40, 1351  
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 1352

(ii) Any disciplinary actions conducted by the department. 1353

(b) Consulting any prior education-related employers of 1354  
the individual. 1355

(3) A district or chartered nonpublic school may require 1356  
additional background checks other than the criminal records 1357  
checks authorized under sections 109.574 to 109.577 of the 1358  
Revised Code or those required under section 3319.39 or 3319.391 1359  
of the Revised Code for any applicant for employment or 1360  
potential volunteer. 1361

(C) A district or chartered nonpublic school may 1362  
conditionally employ an individual pending the receipt of 1363  
information sought in accordance with division (B) (2) of this 1364  
section. Should that information indicate that the individual 1365  
has engaged in conduct unbecoming to the teaching profession or 1366  
has committed an offense that prevents, limits, or otherwise 1367

affects the applicant's employment with the district or school, 1368  
the district or chartered nonpublic school may release the 1369  
individual from employment. 1370

**Sec. 3319.394.** (A) When a complaint is filed against an 1371  
employee of a school district or chartered nonpublic school 1372  
alleging misconduct by that employee, the district or school 1373  
shall conduct a review of the personnel file of that employee to 1374  
determine if any recorded or reported instance of related 1375  
misconduct or disciplinary actions are contained in that 1376  
employee's file. 1377

(B) (1) If a school district or chartered nonpublic school 1378  
receives a request for the personnel file of a current or former 1379  
employee from a district or chartered nonpublic school to which 1380  
the current or former employee has applied for employment, the 1381  
district or chartered nonpublic school that receives the request 1382  
shall send that file to the requestor within twenty business 1383  
days of receiving the request for hiring purposes. 1384

(2) If the district or school receiving the request 1385  
determines that it is not possible to send the file within 1386  
twenty business days, that district or school shall promptly 1387  
notify the requestor and indicate the reason the information 1388  
cannot be sent within that time. 1389

**Sec. 3319.40.** (A) As used in this section, "license" has 1390  
the same meaning as in section 3319.31 of the Revised Code. 1391

(B) If a person who is employed by a school district or 1392  
chartered nonpublic school is arrested, summoned, or indicted 1393  
for an alleged violation of an offense listed in division (C) of 1394  
section 3319.31 of the Revised Code, if the person holds a 1395  
license, or an offense listed in division (B) (1) of section 1396



3319.39 of the Revised Code, if the person does not hold a license, the superintendent of the district or the chief administrative officer of the chartered nonpublic school shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is a person whose duties are assigned by the district treasurer under division (B) of section 3313.31 of the Revised Code, the treasurer shall suspend the person from all duties that require the care, custody, or control of a child. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the superintendent or treasurer of the district, the district board shall suspend the superintendent or treasurer from all duties that require the care, custody, or control of a child. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the chief administrative officer of the chartered nonpublic school, the governing authority of the chartered nonpublic school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

(C) When a person who holds a license is suspended in accordance with this section, the superintendent, treasurer, board of education, chief administrative officer, or governing authority that imposed the suspension promptly shall report the person's suspension to the department of education. The report

shall include the offense for which the person was arrested, 1428  
summoned, or indicted. The superintendent of public instruction, 1429  
on behalf of the state board of education, shall inactivate the 1430  
person's license. The inactivation shall remain in force during 1431  
the pendency of the criminal action against the person. The 1432  
inactivation of a license under this division does not 1433  
constitute a suspension or revocation of the license by the 1434  
state board under section 3319.31 of the Revised Code and the 1435  
state board and the state superintendent need not provide the 1436  
person with an opportunity for a hearing with respect to the 1437  
inactivation. If the state board does not take action against 1438  
the person's license under section 3319.31 of the Revised Code, 1439  
the state superintendent shall reactivate the license upon 1440  
conclusion of the criminal action against the person. 1441

**Sec. 3319.47.** The school districts, public schools, and 1442  
chartered nonpublic schools of this state may provide counseling 1443  
to any victim of sexual harassment or sexually related conduct. 1444

**Sec. 3319.99.** (A) Whoever violates division ~~(A)~~ (B) (1) of 1445  
section 3319.151 of the Revised Code is guilty of a minor 1446  
misdemeanor. 1447

(B) Whoever violates division (H) (1) of section 3319.311 1448  
of the Revised Code is guilty of a misdemeanor of the first 1449  
degree. 1450

(C) Whoever violates division (F) of section 3319.313 of 1451  
the Revised Code shall be punished as follows: 1452

(1) Except as otherwise provided in division (C) (2) of 1453  
this section, the person is guilty of a misdemeanor of the 1454  
fourth degree. 1455

(2) The person is guilty of a misdemeanor of the first 1456

degree if both of the following conditions apply: 1457

(a) The employee who is the subject of the report that the 1458  
person fails to submit was required to be reported for the 1459  
commission or alleged commission of an act or offense involving 1460  
the infliction on a child of any physical or mental wound, 1461  
injury, disability, or condition of a nature that constitutes 1462  
abuse or neglect of the child; 1463

(b) During the period between the violation of division 1464  
(F) of section 3319.313 of the Revised Code and the conviction 1465  
of or plea of guilty by the person for that violation, the 1466  
employee who is the subject of the report that the person fails 1467  
to submit inflicts on any child attending a school district, 1468  
educational service center, public or nonpublic school, or 1469  
county board of developmental disabilities where the employee 1470  
works any physical or mental wound, injury, disability, or 1471  
condition of a nature that constitutes abuse or neglect of the 1472  
child. 1473

(D) Whoever violates division (B) or (D) of section 1474  
3319.317 of the Revised Code is guilty of a misdemeanor of the 1475  
first degree. 1476

**Sec. 3326.081.** (A) As used in this section, "license" has 1477  
the same meaning as in section 3319.31 of the Revised Code. 1478

(B) If a person who is employed by a science, technology, 1479  
engineering, and mathematics school established under this 1480  
chapter is arrested, summoned, or indicted for an alleged 1481  
violation of an offense listed in division (C) of section 1482  
3319.31 of the Revised Code, if the person holds a license, or 1483  
an offense listed in division (B)(1) of section 3319.39 of the 1484  
Revised Code, if the person does not hold a license, the chief 1485

administrative officer of the school shall suspend that person 1486  
from all duties that require the care, custody, or control of a 1487  
child during the pendency of the criminal action against the 1488  
person. If the person who is arrested, summoned, or indicted for 1489  
an alleged violation of an offense listed in division (C) of 1490  
section 3319.31 or division (B)(1) of section 3319.39 of the 1491  
Revised Code is the chief administrative officer of the school, 1492  
the governing body of the school shall suspend the chief 1493  
administrative officer from all duties that require the care, 1494  
custody, or control of a child. 1495

(C) When a person who holds a license is suspended in 1496  
accordance with this section, the chief administrative officer 1497  
or governing body that imposed the suspension promptly shall 1498  
report the person's suspension to the department of education. 1499  
The report shall include the offense for which the person was 1500  
arrested, summoned, or indicted. The superintendent of public 1501  
instruction, on behalf of the state board of education, shall 1502  
inactivate the person's license. The inactivation shall remain 1503  
in force during the pendency of the criminal action against the 1504  
person. The inactivation of a license under this division does 1505  
not constitute a suspension or revocation of the license by the 1506  
state board under section 3319.31 of the Revised Code and the 1507  
state board and the state superintendent need not provide the 1508  
person with an opportunity for a hearing with respect to the 1509  
inactivation. If the state board does not take action against 1510  
the person's license under section 3319.31 of the Revised Code, 1511  
the state superintendent shall reactivate the license upon 1512  
conclusion of the criminal action against the person. 1513

**Sec. 3326.11.** Each science, technology, engineering, and 1514  
mathematics school established under this chapter and its 1515  
governing body shall comply with sections 9.90, 9.91, 109.65, 1516

121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1517  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1518  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1519  
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1520  
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1521  
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1522  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1523  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 1524  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 1525  
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 1526  
3313.86, 3313.89, 3313.96, 3319.073, 3319.0812, 3319.21, 1527  
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 1528  
3319.393, 3319.394, 3319.41, 3319.45, 3319.46, 3321.01, 1529  
3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1530  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1531  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1532  
4123., 4141., and 4167. of the Revised Code as if it were a 1533  
school district. 1534

**Sec. 3328.18.** (A) As used in this section, "license" has 1535  
the same meaning as in section 3319.31 of the Revised Code. 1536

(B) If a person who is employed by a college-preparatory 1537  
boarding school established under this chapter or its operator 1538  
is arrested, summoned, or indicted for an alleged violation of 1539  
an offense listed in division (C) of section 3319.31 of the 1540  
Revised Code, if the person holds a license, or an offense 1541  
listed in division (B)(1) of section 3319.39 of the Revised 1542  
Code, if the person does not hold a license, the chief 1543  
administrator of the school in which that person works shall 1544  
suspend that person from all duties that require the care, 1545  
custody, or control of a child during the pendency of the 1546  
criminal action against the person. If the person who is 1547

arrested, summoned, or indicted for an alleged violation of an 1548  
offense listed in division (C) of section 3319.31 or division 1549  
(B) (1) of section 3319.39 of the Revised Code is the chief 1550  
administrator of the school, the board of trustees of the school 1551  
shall suspend the chief administrator from all duties that 1552  
require the care, custody, or control of a child. 1553

(C) When a person who holds a license is suspended in 1554  
accordance with this section, the chief administrator or board 1555  
that imposed the suspension promptly shall report the person's 1556  
suspension to the department of education. The report shall 1557  
include the offense for which the person was arrested, summoned, 1558  
or indicted. The superintendent of public instruction, on behalf 1559  
of the state board of education, shall inactivate the person's 1560  
license. The inactivation shall remain in force during the 1561  
pendency of the criminal action against the person. The 1562  
inactivation of a license under this division does not 1563  
constitute a suspension or revocation of the license by the 1564  
state board under section 3319.31 of the Revised Code and the 1565  
state board and the state superintendent need not provide the 1566  
person with an opportunity for a hearing with respect to the 1567  
inactivation. If the state board does not take action against 1568  
the person's license under section 3319.31 of the Revised Code, 1569  
the state superintendent shall reactivate the license upon 1570  
conclusion of the criminal action against the person. 1571

**Sec. 3328.24.** A college-preparatory boarding school 1572  
established under this chapter and its board of trustees shall 1573  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1574  
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 1575  
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.0812, 3319.318, 1576  
3319.39, 3319.391, 3319.393, 3319.394, and 3319.46 and Chapter 1577  
3365. of the Revised Code as if the school were a school 1578

district and the school's board of trustees were a district 1579  
board of education. 1580

**Sec. 5153.176.** As used in this section, "license" has the 1581  
same meaning as in section 3319.31 of the Revised Code. 1582

(A) Notwithstanding division (I)(1) of section 2151.421, 1583  
section 5153.17, or any other section of the Revised Code 1584  
pertaining to confidentiality, the director of a public children 1585  
services agency shall promptly provide to the superintendent of 1586  
public instruction information regarding the agency's 1587  
investigation of a report of child abuse or neglect made 1588  
pursuant to section 2151.421 of the Revised Code involving a 1589  
person who holds a license ~~issued by the state board of~~ 1590  
~~education~~ where the agency has determined that child abuse or 1591  
neglect occurred and that abuse or neglect is related to the 1592  
person's duties and responsibilities under the license. The 1593  
information provided by the director shall include the 1594  
following: 1595

(1) A summary of the nature of the allegations contained 1596  
in the report of which the person is the subject and the final 1597  
disposition of the investigation conducted in response to that 1598  
report or, if the investigation is not complete, the status of 1599  
the investigation; 1600

(2) Upon written request of the superintendent of public 1601  
instruction, the additional information described in division 1602  
(C) of this section regarding the agency's investigation of the 1603  
report, unless the prosecuting attorney of the county served by 1604  
the agency determines that such information may not be released 1605  
pursuant to division (B) of this section. 1606

(B) Upon receipt of a written request from the 1607

superintendent of public instruction for the additional 1608  
information described in division (C) of this section, the 1609  
director shall determine if the prosecuting attorney of the 1610  
county served by the public children services agency intends to 1611  
prosecute the subject of the report based on the allegations 1612  
contained in the report. If the prosecuting attorney intends to 1613  
prosecute the subject of the report, the prosecuting attorney 1614  
shall determine the information described in division (C) of 1615  
this section that may be released, if any, and shall provide the 1616  
director with written authorization to release the information 1617  
so determined. The director shall provide the superintendent of 1618  
public instruction with any information described in division 1619  
(C) of this section that the prosecuting attorney determines may 1620  
be released, but in no case shall the director provide any 1621  
information that the prosecuting attorney determines shall not 1622  
be released. If the prosecuting attorney does not intend to 1623  
prosecute the subject of the report, the prosecuting attorney 1624  
shall notify the director of that fact and the director shall 1625  
provide all of the information described in division (C) of this 1626  
section to the superintendent of public instruction. 1627

(C) In accordance with division (B) of this section, the 1628  
director shall provide information to the superintendent of 1629  
public instruction regarding the public children services 1630  
agency's investigation of the report described in division (A) 1631  
of this section, including, but not limited to, the following: 1632

(1) The following information about the alleged child 1633  
victim of the abuse or neglect: 1634

(a) Full name; 1635

(b) Date of birth; 1636



(c) Address and telephone number;	1637
(d) Grade level;	1638
(e) Name and contact information of the child's parent, guardian, or legal custodian;	1639 1640
(f) Name and contact information of any medical facility that provided treatment to the child, if the child was injured in connection with the abuse or neglect and if that information is available;	1641 1642 1643 1644
(g) A summary of interviews with the child or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.	1645 1646 1647 1648 1649 1650
(h) Copies of any written correspondence between the child and the alleged perpetrator of the abuse or neglect that was used by the agency to determine that abuse or neglect occurred, the release of which is not otherwise prohibited by law.	1651 1652 1653 1654
(2) The following information about the alleged perpetrator of the abuse or neglect:	1655 1656
(a) Full name;	1657
(b) Date of birth;	1658
(c) Address and telephone number;	1659
(d) Name of school district and school building that employed the alleged perpetrator at the time the report was made;	1660 1661 1662
(e) Name and contact information of any medical facility	1663

that provided treatment to the alleged perpetrator, if the 1664  
alleged perpetrator was injured in connection with the abuse or 1665  
neglect and if that information is available; 1666

(f) A summary of interviews with the alleged perpetrator 1667  
or, if an entity other than the agency conducted the interviews, 1668  
the contact information for that entity. The summary shall 1669  
include an accounting of the facts and circumstances of the 1670  
alleged abuse or neglect, including, but not limited to, the 1671  
time and place that the abuse or neglect occurred. 1672

(g) Copies of any written correspondence between the 1673  
alleged child victim and the alleged perpetrator that was used 1674  
by the agency to determine that abuse or neglect occurred, the 1675  
release of which is not otherwise prohibited by law; 1676

(h) If the alleged perpetrator has been the subject of any 1677  
previous reports made pursuant to section 2151.421 of the 1678  
Revised Code where the agency determined that physical or sexual 1679  
child abuse occurred, a summary of the chronology of those 1680  
reports; the final disposition of the investigations conducted 1681  
in response to those reports, or if an investigation is not 1682  
complete, the status of that investigation; and any underlying 1683  
documentation concerning those reports. 1684

(3) The following information about each person, other 1685  
than the alleged child victim and the alleged perpetrator, whom 1686  
the agency has determined to be important to the investigation, 1687  
except that the information shall not be provided about the 1688  
person who made the report unless that person grants written 1689  
permission for the director to release the information: 1690

(a) Full name; 1691

(b) Address and telephone number; 1692

(c) If the person has been interviewed regarding the 1693  
alleged abuse or neglect, a summary of those interviews or, if 1694  
an entity other than the agency conducted the interviews, the 1695  
contact information for such entity. 1696

(D) Upon provision of any information to the 1697  
superintendent of public instruction under this section, the 1698  
director shall notify the superintendent of both of the 1699  
following: 1700

(1) That the information is confidential; 1701

(2) That unauthorized dissemination of the information is 1702  
a violation of division (I) (2) of section 2151.421 and section 1703  
3319.311 of the Revised Code and any person who permits or 1704  
encourages unauthorized dissemination of the information is 1705  
guilty of a misdemeanor of the fourth degree pursuant to section 1706  
2151.99 of the Revised Code. 1707

If the director determines that the superintendent of 1708  
public instruction or any person involved in the conduct of an 1709  
investigation under section 3319.311 of the Revised Code 1710  
committed, caused, permitted, or encouraged the unauthorized 1711  
dissemination of any information provided under this section, 1712  
the director shall provide written notification of the 1713  
unauthorized dissemination to the prosecuting attorney of the 1714  
county or the village solicitor, city director of law, or 1715  
similar chief legal officer of the municipal corporation in 1716  
which the unauthorized dissemination occurred. A copy of the 1717  
notification shall be retained in the investigative record 1718  
maintained by the public children services agency. 1719

(E) The director shall include documentation of the 1720  
information provided to the superintendent of public instruction 1721

under this section in the investigative record maintained by the 1722  
public children services agency. The documentation shall include 1723  
the following: 1724

(1) A list of the information provided; 1725

(2) The date the information was provided; 1726

(3) If the superintendent of public instruction designates 1727  
a person to receive the information on the superintendent's 1728  
behalf, the name of that person; 1729

(4) The reason for providing the information; 1730

(5) If written authorization to provide the information is 1731  
required from the prosecuting attorney under division (B) of 1732  
this section, a copy of that authorization. 1733

(F) No director of a public children services agency shall 1734  
knowingly fail to comply with division (A) or (C) of this 1735  
section. 1736

(G) A director of a public children services agency who 1737  
provides information to the superintendent of public instruction 1738  
in accordance with this section in good faith shall be immune 1739  
from any civil or criminal liability that otherwise might be 1740  
incurred or imposed for injury, death, or loss to person or 1741  
property as a result of the provision of that information. 1742

(H) Notwithstanding any provision to the contrary in 1743  
Chapter 4117. of the Revised Code, the provisions of this 1744  
section prevail over any conflicting provisions of a collective 1745  
bargaining agreement or contract for employment entered into 1746  
after March 30, 2007. 1747

**Section 2.** That existing sections 2953.25, 3314.03, 1748  
3314.101, 3319.151, 3319.227, 3319.31, 3319.311, 3319.313, 1749

3319.316, 3319.40, 3319.99, 3326.081, 3326.11, 3328.18, 3328.24, 1750  
and 5153.176 of the Revised Code are hereby repealed. 1751

**Section 3.** The General Assembly, applying the principle 1752  
stated in division (B) of section 1.52 of the Revised Code that 1753  
amendments are to be harmonized if reasonably capable of 1754  
simultaneous operation, finds that the following sections, 1755  
presented in this act as composites of the sections as amended 1756  
by the acts indicated, are the resulting versions of the 1757  
sections in effect prior to the effective date of the sections 1758  
as presented in this act: 1759

Section 3314.03 of the Revised Code, as amended by both 1760  
Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General 1761  
Assembly. 1762

Section 3328.24 of the Revised Code, as amended by both 1763  
Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. 1764