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OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research
and Drafting

Legislative Budget
Office

H.B. 455*
136th General Assembly

Occupational Regulation Report

[Click here for H.B. 455's Bill Analysis / Fiscal Note](#)

Primary Sponsors: Reps. Manning and Bird

Impacted Professions: School employees

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

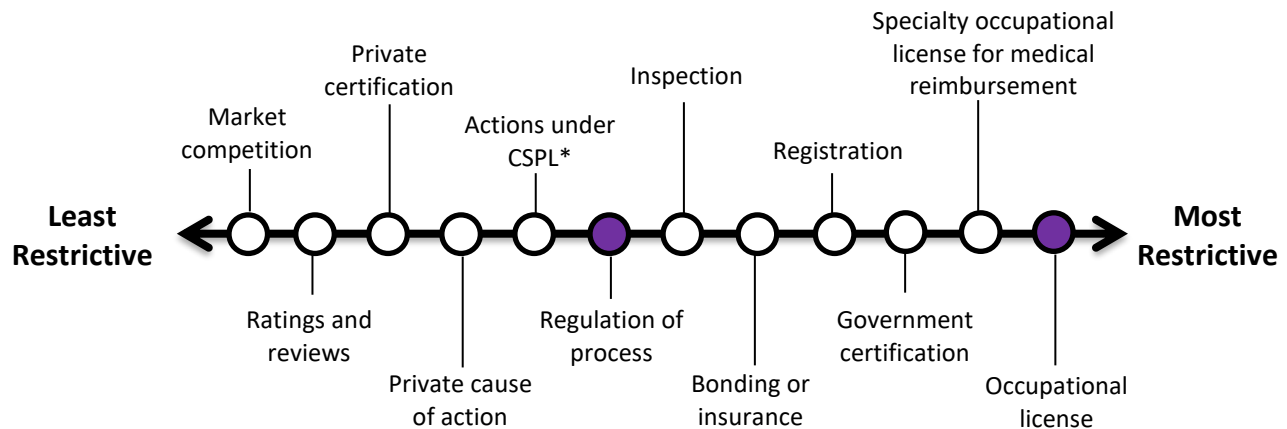
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."²

The degree of "restrictiveness" of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state's policy by least to most restrictive:

* This report addresses the "As Introduced" version of H.B. 455. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.



*CSPL – The Consumer Sales Practices Law

H.B. 455 of the 136th General Assembly makes various changes related to the Department of Education and Workforce and public and chartered nonpublic schools. Of those changes, three aspects of the bill appear to substantially change or enact an occupational regulation and are covered in this report.

The bill requires the State Board of Education to automatically revoke or deny the renewal of any certificate, license, permit, or registration it has issued to an individual who pleads guilty to, is found guilty of, or is convicted of domestic violence.³

In addition, the bill permits a city school district and a city to enter a written agreement that exempts the district, in whole or in part, from the jurisdiction of the city's civil service commission.⁴

Lastly, the bill prohibits a school district or chartered nonpublic school from providing pay or benefits to an employee who, in accordance with continuing law, is suspended from duties that require the care, custody, or control of a child due to a pending criminal case against that employee for certain offenses.⁵

Necessity of regulations

The bill's primary sponsors, Representative Gayle Manning and Representative Adam Bird, did not provide testimony specifically addressing the bill's occupational regulations addressed in this report. However, the representatives asserted that the bill works to modernize

³ R.C. 3319.31(C). See also R.C. 2919.25, not in the bill.

⁴ R.C. 124.011(D).

⁵ R.C. 3319.40(B).

Ohio's education code by eliminating outdated educator requirements, reducing unnecessary regulations, and ensuring teachers can devote more time to student instruction.⁶

Restrictiveness of regulations

Licensure

Licensure is the most restrictive of all regulatory options identified within the state's continuum of regulations. Accordingly, the state's policy prescribes a narrow range of situations in which required licensure is appropriate; specifically, when all of the following circumstances are present:

- The occupation involves providing a service regulated by both state and federal law;
- The licensing framework allows individuals licensed in other states and territories to practice in Ohio; and
- The licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.⁷

H.B. 455 requires the State Board of Education to automatically revoke or deny the renewal of any certificate, license, permit, or registration it has issued to an individual who pleads guilty to, is found guilty of, or is convicted of domestic violence.⁸ Ohio's current law governing certificates, licenses, permits, or registrations issued by the State Board does not satisfy two of the three criteria under which licensure is the preferred method of regulation. There is no federal regulatory framework for those licensed school employees. In addition, although all 50 states require licensure of certain school employees, including teachers, the licensing laws vary from state to state and lack uniformity.⁹

However, Ohio's current school employee licensing framework appears to satisfy the reciprocity criterion. Ohio's Occupational Licenses for Out-of-State Applicants Law generally requires licenses issued by the State Board to be issued to applicants who hold analogous out-of-state occupational licenses under certain circumstances.¹⁰

The bill does not create a new license or expand the scope of activities for which licensure is required. Additionally, the bill does not bring the school employee licensing framework into compliance with the state's general policy on occupational regulations. It simply modifies existing licensure law to require the State Board to automatically revoke or deny the renewal of any

⁶ See [Representative Gayle Manning Sponsor Testimony \(PDF\)](#) and [Representative Adam C. Bird Sponsor Testimony \(PDF\)](#), House Education Committee October 21, 2025, available on the General Assembly's website, legislature.ohio.gov, by searching for "HB 455" and looking under the "Committee Activity" tab.

⁷ R.C. 4798.02, not in the bill.

⁸ R.C. 3319.31(C). See also R.C. 2919.25, not in the bill.

⁹ See [Teacher Certification and Licensing Requirements by State](#), which is available on All Education Schools' website: alleducationschools.com.

¹⁰ R.C. 3319.22(I); R.C. Chapter 4796.

certificate, license, permit, or registration it has issued to an individual who pleads guilty to, is found guilty of, or is convicted of domestic violence.¹¹ Currently, the State Board may discipline a certificate, license, permit, or registration holder for pleading guilty to, or being found guilty of or convicted of, domestic violence.¹² Because continuing law requires automatic revocation and denial of a renewal for numerous other criminal offenses, the bill appears to result in only a slight increase in the restrictiveness of existing regulations.

Regulation of process

The state's general policy does not specify when a process regulation is the appropriate means of protecting consumers. Presumably, process regulations are preferred when market competition, ratings and reviews, private certifications, private causes of action, and actions under the Consumer Sales Practice Act are not sufficient to achieve the intent of the regulation.¹³

Whether these mechanisms are a sufficient means of protecting consumers is a policy decision. However, to protect the safety of school students, current Ohio law establishes many process regulations that govern school employment. For example, current law requires all applicants for employment in a school to complete and pass a criminal records check.¹⁴

H.B. 455 regulates process by permitting a city school district and a city to enter a written agreement that exempts the district, in whole or in part, from the jurisdiction of the city's civil service commission.¹⁵ Civil service commissions generally oversee employment practices for certain classifications of public employees, including most nonteaching staff in applicable school districts. However, according to the Ohio School Boards Association (OSBA), a city may adopt an ordinance limiting the jurisdiction of its civil service commission to city employees only, meaning that the employees of the city school district would be excluded, and the civil service law would have no authority in the district. In addition, OSBA explains that many districts can already opt out of most civil service requirements through the collective bargaining process. It is unclear how many cities and districts have taken either action, thus, it is unclear how much this change affects restrictiveness.¹⁶

The bill also regulates process by prohibiting a school district or chartered nonpublic school from providing pay or benefits to an employee who, in accordance with continuing law, is suspended from duties that require the care, custody, or control of a child due to a pending criminal case against that employee for certain offenses.¹⁷ This appears to increase restrictiveness, as it does not appear that an employee is prohibited from being paid currently (the law is silent on the issue).

¹¹ R.C. 3319.31(C). See also R.C. 2919.25, not in the bill.

¹² R.C. 3319.31(B).

¹³ R.C. 4798.01, not in the bill.

¹⁴ R.C. 3319.39, not in the bill.

¹⁵ R.C. 124.011(D).

¹⁶ See [OSBA's 2024 Human Resources Desktop Reference Guide to School Law \(PDF\)](https://www.ohioschoolboards.org/2024-Human-Resources-Desktop-Reference-Guide-to-School-Law-PDF), which is available on OSBA's website: [ohioschoolboards.org](https://www.ohioschoolboards.org).

¹⁷ R.C. 3319.40(B).

IMPACT STATEMENT

Opportunities for employment

The bill may reduce school employment opportunities for those individuals who plead guilty to, are found guilty of, or are convicted of domestic violence. Currently, the State Board may discipline a certificate, license, permit, or registration holder for these actions, but the bill removes the State Board's discretion in favor of automatically revoking or denying the renewal of any certificate, license, permit, or registration it has issued to an applicable individual. The overall impact on employment opportunities is likely to be limited.

Consumer choice and market competition

According to statistics from the Ohio Department of Public Safety, roughly 1% of the state's population is suspected of domestic violence in a given year. Suspect rates were highest for individuals between 26-35 years old while persons over 65 years of age consistently had the lowest suspect rates out of all age groups. Because the bill's domestic violence provision applies only to the licensing and employment of a small subset of school employees, it is unlikely to significantly affect consumer choice or market competition. Parents and students generally do not select individual school employees, and this provision does not change the availability or variety of educational services provided by schools.

Cost to government

The bill is expected to result in minimal administrative costs for the Department of Education and Workforce. The Department would need to update procedure for verifying convictions for domestic violence and ensuring timely license revocation or denial. However, since the Department already administers similar automatic revocation processes for other criminal offenses, any additional cost is expected to be absorbed within existing resources. For further details, please refer to the [LBO fiscal note \(PDF\)](#).

SUMMARY OF PROPOSED REGULATIONS

In addition to the changes discussed above, H.B. 455 makes other changes to the education law, including eliminating certain programs and requirements, revising performance measures, and revising certain parental notifications. For more information, see the [LSC bill analysis \(PDF\)](#).

COMPARISON TO OTHER STATES

Employment suspension without pay

The bill prohibits a school district or chartered nonpublic school from providing pay or benefits to an employee who is suspended from child-related duties due to pending criminal

charges for certain offenses.¹⁸ None of the states surrounding Ohio have enacted a similar prohibition.

However, Indiana, Kentucky, and Michigan expressly authorize, but do not require, suspension of a teacher's duties without pay. In Michigan, a teacher may be suspended without pay due to pending criminal charges against the teacher. In Indiana and Kentucky, the reasons for such an unpaid suspension include immorality (and pending criminal charges could be construed to indicate immorality).¹⁹

License discipline for domestic violence offenders

The bill requires the State Board of Education to automatically revoke or deny the renewal of any certificate, license, permit, or registration it has issued to an individual who pleads guilty to, is found guilty of, or is convicted of domestic violence.²⁰ None of the states surrounding Ohio require such *automatic* discipline due to a domestic violence conviction or guilty plea. However, in the surrounding states, committing domestic violence is or could be construed as grounds for license discipline as explained below.

Indiana: A licensed public or nonpublic school employee who has been convicted of certain felony battery offenses is subject to mandatory, permanent license revocation. It appears that such offenses include felonious domestic battery, although this is somewhat unclear.²¹

Kentucky: Superintendents, teachers, and other specified school employees are subject to discretionary discipline such as license suspension or revocation. Disciplinary grounds include felony pleas or convictions, immoral conduct, or demonstrating willful or careless disregard for the health, welfare, or safety of others. Those grounds potentially could involve domestic violence.²²

Michigan: A teacher's certificate may be suspended if the teacher commits the offense of domestic violence.²³

Pennsylvania: An educator's certificate and employment eligibility must immediately be suspended on indictment for the crime of aggravated assault, which could include domestic violence. (Pennsylvania has not established a separate offense of domestic violence.) The educator's certificate and employment eligibility must be revoked on conviction for aggravated assault or for a crime of moral turpitude, which also potentially could involve domestic violence.²⁴

¹⁸ R.C. 3319.40(B).

¹⁹ Ind. Code 20-28-9-21, Ky. Rev. Stat. 161.790(10), and Mich. Comp. Laws 38.103(3).

²⁰ R.C. 3319.31(C). See also R.C. 2919.25.

²¹ Ind. Code 20-28-5-8(c) and 35-42-2-1.3.

²² Ky. Rev. Stat. 161.120(1) and 508.032.

²³ Mich. Comp. Laws 380.1535a(1) and 750.81(2).

²⁴ 24 P.S. 1-111(e) and 2070.9b; 18 Pa. Cons. Stat. 2702.

West Virginia: A teacher's certificate may be suspended or revoked for cruelty or immorality (which could be construed to include committing domestic violence) or for a felony conviction, guilty plea, or plea of no contest. Domestic battery and domestic assault are felonies on a third or subsequent offense.²⁵

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²⁵ W. Va. Code 18A-3-6(a) and 61-2-28(d).