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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 147
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 147's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Fowler Arthur and A. Miller

Local Impact Statement Procedure Required: No

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Highlights

- The bill may minimally increase the administrative workload for the Ohio Department of Education (ODE), school districts, and educational service centers (ESCs) by expanding the school personnel subject to discipline by the State Board of Education, adding prostitution as an automatic bar offense, and requiring districts, ESCs, and chartered nonpublic schools to file misconduct reports with ODE in additional circumstances. ODE investigates misconduct reports to determine if a disciplinary action against an employee's license is necessary. Any additional workload can likely be completed with existing resources.

Detailed Analysis

The bill expands the school personnel subject to discipline by the State Board of Education for misconduct by modifying the definition of the term "license" to include a staff member holding (1) a pupil services personnel registration, (2) an authorization for an unlicensed individual otherwise qualified based on experience to teach at certain high-performing school districts, or (3) a registration as a private provider under the Autism Scholarship Program.

The bill also requires a school district, educational service center (ESC), or chartered nonpublic school to file a report with the Superintendent of Public Instruction (1) if a licensed employee *retires* during a disciplinary investigation for misconduct, in addition to filing such a report when an employee *resigns* during a disciplinary investigation for misconduct as under current law, or (2) when the district, ESC, or nonpublic school removes a licensed employee from the list of eligible substitute teachers for committing an act unbecoming to the teaching profession. Finally, the bill requires the State Board to revoke a license or deny renewal of a license (invoke an "automatic bar") for any applicant found guilty or convicted of prostitution unless the prostitution offense was committed under coercion.

The bill may minimally increase administrative workload for ODE, school districts, and ESCs. According to ODE, most districts already report misconduct by the types of personnel addressed in the bill's expanded definition of "license." ODE also reports that the amount of resources typically used in automatic bar cases is light. While the ODE Office of Professional Conduct may receive additional referrals for discipline as a result of the bill, any additional cases likely can be supported by existing resources.

Background – ODE Office of Professional Conduct

When the Office of Professional Conduct receives allegations of educator misconduct, staff members review the allegation and decide whether or not to open an investigation or collect additional facts. If the Office opens an investigation, staff members create confidential case reports, which are submitted to office leaders for review. Ultimately, the State Board of Education, or the Superintendent of Public Instruction in some cases, reviews the evidence to determine potential discipline for the educator and decides on a resolution, which may or may not include discipline. If discipline is intended, educators may request a due process administrative hearing before a hearing officer. A continuum of sanctions is available to discipline an educator depending on the severity of the misconduct, including a written reprimand, permanent loss of license, or a consent agreement that outlines the terms for bringing the educator's license into good standing with ODE.¹ The Office is funded through license fees paid by teachers and school or district staff that are deposited into the State Board of Education Licensure Fund (Fund 4L20) and spent from line item 200681, Teacher Certification and Licensure.

The Office received 523 educator misconduct referrals from school districts in 2021 (the most recent year of data available), 423 of which were investigated. School district referrals comprised 16% of the approximately 3,200 nonapplication referrals in 2021. Of total case dispositions in 2021 (not just those originating from a school district referral), 49.3% resulted in a disciplinary outcome.²

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¹ Ohio Department of Education, Office of Professional Conduct. See the ODE [Understanding the Educator Discipline Process \(PDF\)](#) resource, which is available on ODE's website: education.ohio.gov.

² Ohio Department of Education, Office of Professional Conduct. See the ODE [2021 Educator Conduct Report, July 2022 \(PDF\)](#), which is available on ODE's website: education.ohio.gov.