



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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S.B. 325

132nd General Assembly
(As Introduced)

Sen. Kunze

BILL SUMMARY

- Requires specific pre-employment screening procedures for public and chartered nonpublic schools that include checking for prior misconduct by consulting the Department of Education and prior education-related employers.
 - Permits a district or school to conditionally employ an applicant pending the completion of the pre-employment screening process.
 - Requires each district or school to (1) establish policies for periodic review of personnel files, (2) designate an employee to review those files, (3) review the file of any employee who becomes the subject of complaint alleging misconduct, and (4) respond to personnel file requests by other districts or schools within 20 days.
 - Specifies that failure to report an instance of child abuse or neglect by a school or district employee may result in disciplinary action up to and including termination, in addition to criminal penalties under continuing law.
 - Permits a district or school to provide counseling to victims of sexual harassment or sexually related conduct.
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CONTENT AND OPERATION

Pre-employment screening process

The bill requires each school district, community school, STEM or STEAM school, college-preparatory boarding school, and each chartered nonpublic school to consult the Department of Education's "Educator Profile Database" before making

hiring decisions.¹ The "Educator Profile Database" contains demographic information, application status, credentials, and dates of criminal records checks or disciplinary information about each licensed educator.² The bill also requires each district and school to consult with each applicant's prior education related employers.³

The bill permits a district or school to further consult with the Department's Office of Professional Conduct to determine whether an applicant has been disciplined by the Department, has engaged in conduct unbecoming to the teaching profession, or has committed an offense that prevents, limits, or otherwise affects the applicant's employment with the district or school.⁴ Finally, the bill permits a district or school to require an applicant or volunteer to undergo background checks in addition to the criminal records checks already required under continuing law.⁵

Conditional employment

The bill permits a district or school to offer conditional employment pending the completion of the screening process described above. If the screening process uncovers misconduct, for which an individual may not be employed in a school, the district or school may release the individual from employment.⁶

Written notice on applications

The bill requires each district and school to include on all employment applications the following notice:

ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.⁷

¹ R.C. 3319.393(B). The bill applies to school districts and chartered nonpublic schools. It also applies to community schools, STEM or STEAM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

² The "Educator Profile Database" can be found at the following link: <https://coreprodint.ode.state.oh.us/core2.3/ode.core.EducatorProfile.UI/EducatorSearch.aspx>.

³ R.C. 3319.393(D).

⁴ R.C. 3319.393(B). See also R.C. 3314.40, 3319.31(B)(2) and (3), 3319.311, 3319.313, 3319.39(B)(1), 3326.24, and 3328.19, none in the bill.

⁵ R.C. 3319.393(E).

⁶ R.C. 3319.393(B).

⁷ R.C. 3319.393(A).



Review of personnel files

Under the bill, each public and chartered nonpublic school must establish policies for periodic review of personnel files and designate an individual authorized to review those files. In addition to periodic review, the district or school must review an employee's file if a misconduct complaint is filed against that employee.⁸

Review by potential employers

The bill specifies that when a district or school receives a request for the personnel file of a current or former employee from a different district or school (regarding that employee's application), the receiving district must respond within 20 days. A receiving district or school that is unable to comply with the request within that time must promptly notify the requesting district of the reasons.⁹

Reporting child abuse or neglect

The bill states that any employee or officer of a public or chartered nonpublic school who does not report an instance of child abuse or neglect, including sexual conduct or sexual relationships between students and adults, may face disciplinary action up to and including termination of employment.¹⁰

School employees are required under separate continuing law to report to the appropriate public children services agency or local law enforcement suspected child abuse or neglect. The failure of a school employee to report child abuse or neglect generally is a fourth degree misdemeanor. If the child suffers the abuse or neglect when the child is under direct supervision of that school employee, the failure to report is a first degree misdemeanor.¹¹

Victim counseling

The bill specifically permits the district or school to provide counseling to victims of sexual harassment or sexually related conduct.¹²

⁸ R.C. 3319.393(C).

⁹ R.C. 3319.394.

¹⁰ R.C. 3319.393(F).

¹¹ R.C. 2151.421 and 2151.99, neither in the bill.

¹² R.C. 3319.393(G).



HISTORY

ACTION

DATE

Introduced

08-22-18

