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Bill Analysis

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SUMMARY

Disciplinary actions for educator licenses

- Specifies that a judicial finding of eligibility for intervention in lieu of conviction for criminal offenses specified in current law for criminal offenses specified by the bill are grounds for automatic denial or revocation of a license issued by the State Board of Education.
- Specifies that conspiracy to commit, attempt to commit, or complicity in committing specified criminal offenses are also grounds for automatic denial or revocation of a license.
- Prohibits a court, when issuing a certificate of qualification for employment, from granting an individual relief from collateral sanctions for licensure action taken by the State Board of Education for certain criminal offenses specified by the bill.
- Permits the State Board to deny, suspend, revoke, or limit a license if the applicant engages in an immoral act, incompetence, negligence, or conduct that is unbecoming to the “teaching profession” (rather than to the applicant’s “position” as under current law).
- Specifies that a judicial finding of eligibility for intervention in lieu of conviction for the criminal offenses that are *not* grounds for automatic revocation or denial of licenses (rather than all criminal offenses) may be a reason for the State Board to deny, suspend, revoke, or limit a license.
- Removes an existing requirement that the State Board contract with the Ohio Attorney General to conduct licensure investigations.
- Removes an existing requirement that information received under an investigation about a person against whom no action was taken must be expunged within two years of the completion of the investigation.

- Permits a school district or school located in Ohio or another state to request that the Department of Education provide any report of misconduct that it has received regarding an individual who is under consideration for employment, and requires the Department to provide the contents of the report to the district or school.

Unlicensed teachers in high-performing school districts

- Specifies that unlicensed teachers who, under continuing law, are permitted to teach in certain high-performing school districts so long as they register with the Department are subject to the same disciplinary actions and related reporting and enforcement requirements licensed teachers.

Assisting individuals in obtaining school employment

- Generally prohibits a school representative from knowingly engaging in any activity intended to assist another individual in obtaining employment with a school district or a county board of developmental disabilities if the representative knows or has reasonable cause to believe that the individual has committed a sex offense involving a student.

Cheating on assessments

- Prohibits a person from obtaining prior knowledge of a state achievement assessment, using prior knowledge of the contents of an assessment to assist students in preparing for the assessment, and failing to comply with any rule adopted by the Department regarding security protocols for an assessment.

Teach for America licenses

- Requires the state Superintendent (rather than the State Board) to inactivate (rather than revoke) a resident educator license issued to a participant in the Teach for American (TFA) Program if the participant resigns or is dismissed from TFA prior to completion of TFA's two-year support program.
- Provides that (1) the inactivation of a resident educator license issued to a TFA participant does not constitute a suspension or revocation of the license by the State Board and (2) the State Board and the state Superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.

Employment of contractors

- Requires that any contractor that is providing services to a public school, chartered nonpublic school, or county board of developmental disabilities must hold a license that the individual would be required to hold if employed directly.

Written notice on employment applications

- Requires each public school and chartered nonpublic school to include a written notice on all employment applications explaining that any person knowingly making a false

statement on the application is guilty of falsification, which is a first degree misdemeanor.

Pre-employment screening process

- Requires each public and chartered nonpublic school to consult the Department of Education’s “educator profile” database before making hiring decisions.
- Permits each public or nonpublic school to require an applicant or volunteer to undergo additional criminal records checks.

Review of personnel files

- Requires each public and chartered nonpublic school to review the personnel file of an employee against whom a complaint of misconduct is filed to determine if related instances are contained in the file.
- Requires each public and chartered nonpublic school to send the personnel file of a current or former employee to a different public or chartered nonpublic school regarding that person’s application, with exceptions.

Victim counseling

- Permits public and chartered nonpublic schools to provide counseling to victims of sexual harassment or sexually related conduct.

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DETAILED ANALYSIS

Disciplinary actions for educator licenses

Automatic revocation or denial

The State Board of Education is required under current law to revoke an individual’s educator license or deny issuance or renewal of an individual’s license, without an administrative hearing, if the individual has pled guilty to, been found guilty of, or been convicted of specified criminal offenses.¹

The bill broadens this provision by specifying that all of the following also are grounds for automatic license revocation or denial:

1. A judicial finding of eligibility for intervention in lieu of conviction for any of the criminal offenses already listed in current law.² (Under current law, the State Board is permitted, but not required, to deny, limit, suspend, or revoke a license for a judicial finding of eligibility in lieu of conviction for those offenses.³)
2. A plea of guilty to, a finding of guilt, or a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for *conspiracy to commit, attempt to commit, or complicity in committing* any of the criminal offenses listed under current law or under the bill’s provisions.⁴

The criminal offenses listed in current law and the criminal offenses specified in the bill’s provisions are listed in the table below (see “**Comparison of criminal offenses**”).

Collateral sanctions for certain criminal offenses

The bill prohibits a court, when issuing a certificate of qualification for employment, from granting an individual relief from “collateral sanctions” for a licensure action by the State Board for a violation of certain criminal offenses specified by the bill.⁵ In other words, a certificate of qualification for employment cannot exempt an individual from the disciplinary

¹ R.C. 3319.31(C)(1).

² R.C. 3319.31(C)(1); conforming changes in R.C. 3319.31(E)(1) and (3) and R.C. 3319.311(A)(2).

³ R.C. 3391.31(B)(3).

⁴ R.C. 3319.31(C)(2).

⁵ R.C. 2953.25(C)(5)(h).

consequences for teacher licensure of a conviction, guilty plea, or finding of guilt or a judicial finding of eligibility for intervention in lieu of conviction for those specified offenses.

A “collateral sanction” is a penalty, disability, or disadvantage that is related to employment or occupational licensing as a result of the individual’s conviction of or plea of guilty to an offense. A certificate of qualification for employment is a document that provides relief from certain bars on employment or occupational licensing for an individual who has been released from incarceration and all supervision for a specified period of time.⁶

The bill’s list of criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment is a subset of those criminal offenses that are grounds for automatic revocation or denial of a license. These offenses are listed in the table below (see “**Comparison of criminal offenses**”).

Comparison of criminal offenses

The following table compares the specific criminal offenses listed in current law and the bill that result in automatic revocation or denial of licenses and the specific criminal offenses listed in the bill for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment.

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Endangering children through abuse, torture, or cruelty (R.C. 2919.22(B)(1) or (2))	✓	✓
Endangering children through corporal or other punishment that is excessive and creates	✓	✓

⁶ R.C. 2953.25.

⁷ R.C. 3319.31(C)(1).

⁸ R.C. 2953.25(C)(5)(h).

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
substantial risk of serious physical harm (R.C. 2919.22(B)(3))		
Endangering children through repeated, unwarranted discipline that poses substantial risk of seriously impairing the child's mental health or development (R.C. 2919.22(B)(4))	✓	✓
Aggravated murder (R.C. 2903.01)	✓	✓
Murder (R.C. 2903.02)	✓	✓
Voluntary manslaughter (R.C. 2903.03)	✓	✓
Involuntary manslaughter (R.C. 2903.04)	✓	✓
Reckless homicide (R.C. 2903.041)	✓	
Felonious assault (R.C. 2903.11)	✓	✓
Aggravated assault (R.C. 2903.12)	✓	✓
Permitting child abuse (R.C. 2903.15)	✓	✓
Kidnapping (R.C. 2905.01)	✓	✓
Abduction (R.C. 2905.02)	✓	✓
Child stealing before July 1, 1996 (former R.C. 2905.04)	✓	✓

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Criminal child enticement (R.C. 2905.05)	✓	✓
Extortion (R.C. 2905.11)	✓	
Trafficking in persons (R.C. 2905.32) (added by the bill for both licensure actions and collateral sanctions employment certificates)	✓	✓
Rape (R.C. 2907.02)	✓	✓
Sexual battery (R.C. 2907.03)	✓	✓
Unlawful sexual conduct with a minor (R.C. 2907.04)	✓	✓
Gross sexual imposition (R.C. 2907.05)	✓	✓
Sexual imposition (R.C. 2907.06)	✓	✓
Importuning (R.C. 2907.07)	✓	✓
Felonious sexual penetration in violation of former R.C. 2907.12	✓	✓
Compelling prostitution (R.C. 2907.21)	✓	✓
Promoting prostitution (R.C. 2907.22)	✓	✓
Procuring (R.C. 2907.23)	✓	
Soliciting (R.C. 2907.24)	✓	
Loitering to engage in solicitation (R.C. 2907.241)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Prostitution (R.C. 2907.25)	✓	
Disseminating matter harmful to juveniles (R.C. 2907.31)	✓	✓
Displaying matter harmful to juveniles (R.C. 2907.311)	✓	✓
Pandering obscenity (R.C. 2907.32)	✓	✓
Pandering obscenity involving a minor (R.C. 2907.321)	✓	✓
Pandering sexually oriented matter involving a minor (R.C. 2907.322)	✓	✓
Illegal use of a minor in nudity-oriented material or performance (R.C. 2907.323)	✓	✓
Deception to obtain matter harmful to juveniles (R.C. 2907.33)	✓	✓
Compelling acceptance of objectionable materials (R.C. 2907.34)	✓	✓
Aggravated arson (R.C. 2909.02)	✓	✓
Soliciting or providing support for an act of terrorism (R.C. 2909.22)	✓	✓

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Making a terroristic threat (R.C. 2909.23)	✓	✓
Terrorism (R.C. 2909.24)	✓	✓
Aggravated robbery (R.C. 2911.01)	✓	✓
Robbery (R.C. 2911.02)	✓	
Aggravated burglary (R.C. 2911.11)	✓	✓
Burglary (R.C. 2911.12)	✓	
Personating an officer (R.C. 2913.44)	✓	
Inciting to violence (R.C. 2917.01)	✓	
Aggravated riot (R.C. 2917.02)	✓	
Riot (R.C. 2917.03)	✓	
Inducing panic (R.C. 2917.31)	✓	
Unlawful possession or use of a hoax weapon of mass destruction (R.C. 2917.33)	✓	
Unlawful abortion (R.C. 2919.12)	✓	
Unlawful abortion upon a minor (R.C. 2919.121)	✓	
Abortion manslaughter (R.C. 2919.13)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Interference with custody that would have been child stealing had it occurred before July 1, 1996 (R.C. 2919.23)	✓	✓
Bribery (R.C. 2921.02)	✓	✓
Intimidation (R.C. 2921.03)	✓	✓
Intimidation of attorney, victim, or witness in a criminal case (R.C. 2921.04)	✓	✓
Retaliation (R.C. 2921.05)	✓	
Perjury (R.C. 2921.11)	✓	
Escape (R.C. 2921.34)	✓	
Theft in office (R.C. 2921.41)	✓	✓
Illegal conveyance or possession of a deadly weapon, dangerous ordnance, or object indistinguishable from a firearm in a school safety zone (R.C. 2923.122)	✓	
Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a courthouse (R.C. 2923.123)	✓	
Improperly discharging a firearm at or into a habitation, in a school safety zone, or with the	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function (R.C. 2923.161)		
Unlawful possession of dangerous ordnance or illegally manufacturing or processing explosives (R.C. 2923.17)	✓	
Improperly furnishing firearms to a minor (R.C. 2923.21)	✓	✓
Corrupting another with drugs (R.C. 2925.02)	✓	✓
Aggravated trafficking or trafficking in drugs, including marihuana (R.C. 2925.03)	✓	
Illegal manufacture of drugs or illegal cultivate of marihuana (R.C. 2925.04)	✓	
Illegal assembly or possession of chemicals for the manufacture of drugs (R.C. 2925.041)	✓	
Aggravated funding of drug trafficking, funding of drug trafficking, and funding of marihuana trafficking (R.C. 2925.05)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Illegal administration or distribution of anabolic steroids (R.C. 2925.06)	✓	
Permitting drug abuse (R.C. 2925.13)	✓	
Deception to obtain a dangerous drug (R.C. 2925.22)	✓	
Illegal processing of drug documents (R.C. 2925.23)	✓	
Tampering with drugs (R.C. 2925.24)	✓	
Trafficking in harmful intoxicants or improperly dispensing or distributing nitrous oxide (R.C. 2925.32)	✓	
Illegal dispensing of drug samples (R.C. 2925.36)	✓	
Possession of counterfeit controlled substances, aggravated trafficking or trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, and fraudulent drug advertising (R.C. 2925.37)	✓	

	Criminal offenses for which a guilty plea, finding of guilt, conviction (under current law), or judicial finding of eligibility for intervention in lieu of conviction (under the bill) results in automatic revocation or denial of license ⁷	Criminal offenses for which an individual cannot be granted relief from collateral sanctions on a certificate of qualification for employment ⁸
Contaminating a substance for human consumption or use or contamination with a hazardous chemical, biological, or radioactive substance; spreading a false report of contamination (R.C. 2927.24)	✓	
Placing a harmful or hazardous object or substance in a food or confection, or furnishing to a person a food or confection so adulterated (R.C. 3716.11)	✓	
Violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed above	✓	✓

Discretionary disciplinary action

The bill permits the State Board to deny, suspend, revoke, or limit a license if the applicant engages in an immoral act, incompetence, negligence, or conduct that is unbecoming to the “teaching profession” (rather than to the applicant’s “position” as under current law). It further specifies that the State Board does not need to consider whether there is a connection between the immoral act, incompetence, negligence, or conduct and the individual’s ability to perform the duties associated with the license or position.⁹

⁹ R.C. 3319.31(B)(1).

The bill also specifies that a judicial finding of eligibility for intervention in lieu of conviction for any of the offenses that are *not* grounds for automatic license revocation or denial of licenses may be a reason for the State Board to deny, suspend, revoke, or limit a license. Under current law, the State Board is permitted, but not required, to deny, limit, suspend, or revoke a license for a judicial finding of eligibility for intervention in lieu of conviction for all criminal offenses.¹⁰

Current law, not changed by the bill also permits the State Board to deny, limit, suspend, or revoke a license for (1) a felony, offense of violence, or theft offense that are not grounds for automatic revocation or denial of a license, (2) a drug abuse offense that is not a minor misdemeanor and is not grounds for automatic revocation or denial of a license, (3) a violation of an ordinance of a municipal corporation that is substantively comparable to these offenses, and (4) failure to comply with provisions of law regarding school management plans¹¹ and required reporting¹² of employee misconduct.¹³

Inactivation of licenses

Under current law, upon the arrest, summons, or indictment of a school employee for an alleged violation of specified offenses, the employee must be suspended from all duties that require the care, custody, or control of a child. This requirement applies to all licensed and nonlicensed employees of school districts, educational service centers, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools. In the case of a licensed employee, the arrest, summons, or indictment and suspension must be reported promptly to the Department of Education. The suspension must continue through the conclusion of the criminal action against the employee.¹⁴

The bill requires the Superintendent of Public Instruction, on behalf of the State Board, to inactivate the license of a school employee who is suspended as described above. The inactivation must remain in force during the pendency of the criminal action against the person. The bill specifies that (1) the inactivation does not constitute a suspension or revocation of the license by the State Board and (2) the state Superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation. If the State Board does not revoke the license, the state Superintendent must reactivate the license upon conclusion of the criminal action against the person.¹⁵

¹⁰ R.C. 3319.31(B)(3).

¹¹ R.C. 3313.536, not in the bill.

¹² R.C. 3319.313; see also R.C. 3314.40, 3326.24, 3328.19, and 5126.253, none in the bill.

¹³ R.C. 3319.31(B)(2) and (4).

¹⁴ R.C. 3314.101, 3319.40, 3326.081, and 3328.18.

¹⁵ R.C. 3314.101(C), 3319.40(C), 3326.081(C), and 3328.18.

Investigations for purposes of disciplinary actions

The State Board is authorized under current law to investigation any information received about an individual that reasonably appears to be a basis for disciplinary action. It is not required to conduct an investigation regarding the automatic revocation or denial of a license.¹⁶

The bill removes a requirement that the State Board contract with the Ohio Attorney General to conduct these investigations. It also removes a requirement that information received under an investigation about a person against whom no action was taken must be expunged within two years of the completion of the investigation.¹⁷

Release of information obtained during an investigation

The bill permits the appointing or hiring officer of a school district or school located in Ohio or another state to request that the Department provide any report of misconduct that the Department has received regarding an individual who is under consideration for employment by the district or school. Upon receiving such a request, the Department must provide the contents of any report of misconduct it has received to the requesting officer and must notify the officer that the information provided is confidential and may not be disseminated to another person or entity.

If the Department provides the contents of a report under this provision, the Department must document the information provided in the record of any investigation undertaken based on the report. The documentation must include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom it was provided.¹⁸

Unlicensed teachers in certain high-performing school districts

Registration and disciplinary actions

Currently, unlicensed teachers are permitted to teach in certain high-performing school districts so long as they register with the Department. The bill subjects those unlicensed registrants to the same disciplinary actions as licensed teachers. It does so by including them within the definition of the licensed individuals who are subject to discipline for misconduct. This means that the State Board may refuse to register an unlicensed teacher, limit the registration upon issuing it, or suspend, revoke, or limit it for the same reasons that the State Board may take those actions against a licensed teacher.¹⁹ Similarly, the State Board may conduct any investigations regarding an unlicensed teacher's registration.²⁰

¹⁶ R.C. 3319.311(A)(2).

¹⁷ R.C. 3319.311(A)(1).

¹⁸ R.C. 3319.319; conforming change in R.C. 3319.311(A)(1).

¹⁹ R.C. 3319.31(A).

²⁰ See R.C. 3319.311.

Under continuing law, a superintendent of a “qualified” school district for three school years may employ an individual who does not hold an educator license but who is otherwise qualified, based on experience, to teach classes in the district. A district is “qualified” if, on its most recent state report card, it received (1) at least 85% for the performance index score, (2) an “A” for performance indicators met, and (3) a four-year adjusted cohort graduation rate of at least 93% and a five-year rate of at least 95%. Individuals employed in this manner must satisfy certain conditions of employment, including submitting a criminal records check to the Department and registering with the Department during the period of employment.²¹

Reports of misconduct

In accordance with those changes, the superintendent of each school district that employs an unlicensed teacher registered with the Department must provide certain information about disciplinary and criminal actions taken against that teacher to the state Superintendent so that the State Board might initiate its own investigations.²² Additionally, a public children services agency must report to the state Superintendent information regarding the agency’s investigation of a report of child abuse or neglect involving a registered unlicensed teacher if the agency has determined that child abuse or neglect related to the teacher’s duties or responsibilities has occurred.²³

Registration revocation or suspension for child support default

Under current law, the occupational, professional, motor vehicle, or recreational license or permit of an obligor found in default under a child support order must be denied or suspended, or not be issued or renewed, at the request of a child support enforcement agency after the obligor has been in default for at least 90 days. The license may not be issued or renewed, and must remain suspended or revoked, until the obligor complies with the child support order or with a subpoena or warrant issued by the CSEA with respect to a proceeding to enforce the order.²⁴

Licenses issued by the State Board are subject to this provision, and the bill specifies that the registration of unlicensed teachers is also subject to this provision.²⁵

Assisting individuals in obtaining school employment

The bill prohibits a “school representative” from knowingly engaging in any activity intended to assist another individual in obtaining employment with a school district, or with a county board of developmental disabilities for a position to teach school age children, if the representative knows or has reasonable cause to believe that the individual has committed a

²¹ R.C. 3302.151, not in the bill.

²² See R.C. 3319.313.

²³ See R.C. 5153.176.

²⁴ See R.C. 3123.41 to 3213.63, none in the bill.

²⁵ R.C. 3319.31(A).

sex offense involving a student. For purposes of this provision, the bill specifies that a school representative is an employee of a school district, community school, STEM school, college-preparatory boarding school, or chartered nonpublic school or county board, an employee of a contractor, or a member of a district board of education or county board.²⁶

This provision does not apply if either:

1. The school representative is transmitting administrative and personnel files to the prospective employer; or
2. The information has been reported to law enforcement or the public children services agency and one of the following applies: (a) law enforcement has determined there is insufficient information to indict the individual for the alleged offense, (b) the individual has not been indicted within four years after the date of the report, or (c) the individual has been acquitted or otherwise exonerated of the offense.

The bill also indicates that “schools” are subject to this provision, but it is unclear what “schools” means in this context. It appears, however, that this provision does not apply to community schools, STEM schools, college-preparatory boarding schools, or chartered or nonchartered nonpublic schools.

Cheating on assessments

Prohibited actions

Current law prohibits a person from revealing to any student any specific question that the person knows is part of a state achievement assessment or in any other way assisting a student to cheat on that assessment. If a person violates this provision, the person is guilty of a minor misdemeanor.²⁷

The bill prohibits a person from taking several other actions regarding state achievement assessments, but it does not establish any type of criminal penalty for violations of these additional provisions. The additional actions prohibited by the bill’s provisions are as follows:

1. Obtaining prior knowledge of the contents of a state achievement assessment;
2. Using prior knowledge of the content of a state achievement assessment to assist students in preparing for the assessment; and
3. Failing to comply with any rule adopted by the Department of Education regarding security protocols for a state achievement assessment.²⁸

²⁶ R.C. 3319.318; conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

²⁷ R.C. 3319.151(B)(1) and 3319.99.

²⁸ R.C. 3319.151(B)(2) to (4).

Consequences for teacher licensure and employment

The bill requires the State Board, after conducting an investigation, to take any action (license suspension, revocation, or limitation) that it considers appropriate against the license of a school employee who takes any of the prohibited actions described above, based on the nature and extent of the violation. Current law, however, requires the State Board to suspend a school employee's license for one year for revealing test content.

The bill also specifies that the State Board must give the employee notice of an allegation regarding cheating on assessments *upon beginning an investigation* and an opportunity to respond *prior to taking any disciplinary action* (current law does not specify the timing by which these actions must occur).²⁹

Finally, the bill specifies that those actions regarding state achievement assessments that are prohibited by the bill, in addition to what is prohibited under current law, are grounds for termination of a teacher contract and for termination of a nonteaching employee.³⁰

Teach for America licenses

The bill requires the state Superintendent, on behalf of the State Board, to inactivate a resident educator license issued to a participant in the Teach for American (TFA) Program if the participant resigns or is dismissed from TFA prior to completion of TFA's two-year support program. Currently, the State Board is required to revoke a TFA participant's resident educator license when the participant resigns or is dismissed. Additionally, the bill states that (1) the inactivation of a resident educator license issued to a TFA participant does not constitute a suspension or revocation of the license by the State Board and (2) the State Board and the state Superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.³¹

Law not changed by the bill provides for the issuing of resident educator licenses to applicants who are assigned to teach in Ohio as participants in TFA. To be eligible for a resident educator license, an individual must be assigned to teach in Ohio as a participant in TFA or have completed two years of teaching in another state through TFA, and meet all of the following conditions:

1. Have a bachelor's degree;
2. Have an undergraduate grade point average of at least 2.5 out of 4.0;
3. Have passed the Praxis II subject area assessment in the teaching area; and
4. Have successfully completed TFA's summer training institute.³²

²⁹ R.C. 3319.151(C).

³⁰ R.C. 3319.151(D).

³¹ R.C. 3319.227(E).

³² R.C. 3319.227(A).

Employment of contractors

The bill requires that any contractor that is providing services to a school district, community school, STEM school, college-preparatory boarding school, chartered nonpublic school, or county board of developmental disabilities must hold any license that the individual would be required to hold if employed directly by the district, school, or county board. The district, school, or county board must obtain verification of licensure from the contractor's employer prior to the contractor commencing the provision of services.³³

Written notice on employment applications

The bill requires each school district, other public school (community school, STEM school, and college-preparatory boarding school), and chartered nonpublic 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.³⁴

Pre-employment screening process

Before making hiring decisions, the bill requires each school district, other public school, and chartered nonpublic school to consult the Department's "Educator Profile" database, currently on the website as "CORE" – Connected Ohio Records for Educators.³⁵ After consulting the database, a district or school may consult with the Department's Office of Professional Conduct to determine if an applicant has been the subject of a disciplinary report by a school official to the state Superintendent or had any disciplinary actions taken against the applicant by the Department. A district or school also may consult any of the applicant's prior education-related employers.³⁶

The bill also permits a district or school to offer conditional employment to an individual pending the completion of the screening process required by the bill, and permits the district or

³³ R.C. 3319.0812, which directly applies to school districts, chartered nonpublic schools, and county boards of developmental disabilities. This provision applies to community schools, STEM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

³⁴ R.C. 3319.393, which directly applies to school districts and chartered nonpublic schools. This provision applies to community schools, STEM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

³⁵ <http://education.ohio.gov/Topics/Teaching/Licensure/Additional-Information/CORE-Overview>, last visited January 24, 2020.

³⁶ R.C. 3319.393(B)(2) and (3).

school to release the individual from employment if the screening process uncovers misconduct for which an individual may not be employed in a school.³⁷

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.³⁸

Review of personnel files

The bill requires each school district, other public school, and chartered nonpublic school, when a complaint is filed against an employee alleging misconduct by that employee, to conduct a review of the personnel file of that employee to determine if any recorded or reported instance of related misconduct or disciplinary actions are contained in that employee's file. Further, each district or school that receives a request for the personnel file of a current or former employee from a different public or chartered nonpublic school (regarding that employee's application) must either: (1) send that file to the requestor within 20 business days of receiving the request or (2) if the public or chartered nonpublic school determines it is not possible to send the file within 20 business days, promptly notify the requestor and indicate the reason the information cannot be sent within that time.³⁹

Victim counseling

The bill permits school districts, other public schools, and chartered nonpublic schools to provide counseling to victims of sexual harassment or sexually related conduct.⁴⁰

HISTORY

Action	Date
Introduced	02-12-19
Reported, S. Education	02-04-20
Passed Senate (33-0)	09-23-20

S0034-PS-133/ks

³⁷ R.C. 3319.393(C).

³⁸ R.C. 3319.393(B)(3).

³⁹ R.C. 3313.394, which directly applies to school districts and chartered nonpublic schools. This provision applies to community schools, STEM schools, and college-preparatory boarding schools through references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

⁴⁰ R.C. 3319.47.