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H.B. 147
135th General Assembly

Bill Analysis

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Version: As Reported by House Primary and Secondary Education

Primary Sponsors: Reps. Fowler Arthur and A. Miller

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SUMMARY

- Includes pupil services personnel registration, private provider registration under the Autism Scholarship Program, and the authorization for certain unlicensed individuals to teach in high-performing school districts within the definition of a “license” for purposes of the laws regarding school employee misconduct.
- Requires school districts, educational service centers, and chartered nonpublic schools to file a report with the Superintendent of Public Instruction regarding a licensed employee who retires during a disciplinary investigation for misconduct.
- Requires school districts, educational service centers, and chartered nonpublic schools to file a report when a licensed employee is removed from the list of eligible substitute teachers because it has reasonably been determined the employee committed an act unbecoming to the teaching profession.
- Requires the State Board of Education to revoke the license of an individual who is convicted of prostitution unless the individual was coerced into committing the offense.

DETAILED ANALYSIS

School employee misconduct

Definition of “license”

The bill expands the school personnel subject to discipline by the State Board of Education for misconduct by modifying the definition of “license” to include staff members holding the following registrations or authorizations:

1. Pupil services personnel registration;
2. The authorization under which an unlicensed individual otherwise qualified based on experience may teach at certain high-performing school districts, provided the employing district offers mentoring and professional development opportunities; and

3. Private provider registration with approval to participate in the Autism Scholarship Program.¹

As a result, an individual holding one of these registrations or authorizations may be subject to discipline by the State Board of Education for misconduct. Currently “license” means any certificate, license, or permit issued by the State Board, a certificate to teach in a chartered nonpublic school, or a school district treasurer license.²

Reports required to be filed with state Superintendent

Retirement under disciplinary investigation

The bill requires a school district, educational service center (ESC), or chartered nonpublic school to file a report with the Superintendent of Public Instruction regarding a licensed employee who retires during a disciplinary investigation for misconduct. This includes a report when an employee retires under threat of termination or nonrenewal of the employee’s contract during the investigation.³ Continuing law already requires that such a report be filed when an employee resigns during a disciplinary investigation.

Unlike the other similar reporting requirements discussed in “**Background**” below, this new reporting requirement does not apply to community schools, STEM schools, college-preparatory boarding schools, or county boards of developmental disability.

Removal from substitute list for conduct unbecoming

The bill also requires a school district, ESC, or chartered nonpublic school to file a report with the state Superintendent when the district, ESC, or chartered nonpublic school removes a licensed employee from the list of eligible substitute teachers because the district, ESC, or chartered nonpublic school has reasonably determined that the employee committed an act that is unbecoming to the teaching profession.⁴

Similar to the report above, this new reporting requirement does not apply to community schools, STEM schools, college-preparatory boarding schools, or county boards of developmental disability.

Prostitution – a bar to teaching

Under the bill, when the State Board learns of a guilty plea, a finding of guilt, or a conviction of prostitution by a current or expired license holder or by an applicant for renewal

¹ R.C. 3319.31(A). *See also* R.C. 3302.151, 3310.411, and 3319.221, none in the bill.

² *See* Chapter 3319. *See also* R.C. 3301.071 and 3301.074, neither in the bill.

³ R.C. 3319.313(B)(3), (B)(4), and (E).

⁴ R.C. 3319.313(B)(5).

of a license, the State Board must revoke the license or deny renewal of the license, unless the prostitution offense was committed under coercion.⁵

HISTORY

Action	Date
Introduced	04-18-23
Reported, H. Primary & Secondary Education	10-30-23

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⁵ R.C. 3319.31(C).