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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 403  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 403's Bill Analysis](#)

**Version:** As Reported by House Primary and Secondary Education

**Primary Sponsors:** Reps. Fowler Arthur and A. Miller

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill may negligibly increase administrative workload for the Ohio Department of Education (ODE), school districts, and educational service centers (ESCs) by requiring districts, ESCs, and chartered nonpublic schools to file a report with ODE when an employee retires during a disciplinary investigation for misconduct. 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 requires school districts, educational service centers (ESCs), and chartered nonpublic schools to file a report with the Superintendent of Public Instruction 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. Administrative workload may negligibly increase for the Ohio Department of Education (ODE), school districts, and ESCs as a result of the bill, with any additional workload likely completed with existing resources.

### ODE Office of Professional Conduct

The ODE Office of Professional Conduct may receive additional referrals as a result of the bill. When the Office 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.<sup>1</sup> According to ODE, the Office can use existing resources to manage additional referrals. 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.

## **Background – misconduct referrals**

ODE's Office of Professional Conduct received 635 educator misconduct referrals from school districts in 2019, 333 of which were investigated.<sup>2</sup> According to ODE, school district misconduct referrals include referrals due to educators resigning as a result of a disciplinary investigation, among other reasons. However, ODE does not separately report the number of educators resigning as a result of a disciplinary investigation. School district referrals comprised 17% of the approximately 3,700 nonapplication referrals in 2019. Of total case dispositions in 2019 (not just those originating from a school district referral), 47.9% resulted in a disciplinary outcome.<sup>3</sup>

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<sup>1</sup> 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](http://education.ohio.gov).

<sup>2</sup> We provide 2019 data since ODE reports that 2020 saw a marked decrease in the number of school district referrals, possibly due to many educators working remotely for most of 2020.

<sup>3</sup> Ohio Department of Education, Office of Professional Conduct. See the ODE [2020 Educator Conduct Report, July 2021 \(PDF\)](#) and ODE [Educator Disciplinary Procedures – Annual report 2019 \(Video\)](#), both of which are available through ODE's website: [education.ohio.gov](http://education.ohio.gov).