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H.B. 403
134th General Assembly

Bill Analysis

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Version: As Reported by House Primary & Secondary Education

Primary Sponsors: Reps. Fowler Arthur and A. Miller

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SUMMARY

- 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.

DETAILED ANALYSIS

School employee misconduct

The bill requires a school district, educational service center, 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.¹ 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.

Background

Under continuing law, public schools (school districts, community schools, STEM schools, and college-preparatory boarding schools), chartered nonpublic schools, educational service centers, and county boards of developmental disabilities must report to the state Superintendent misconduct by their employees who are licensed by the State Board of Education. When a report is required, the employer must submit the employee's name and

¹ R.C. 3319.313(B)(3), (B)(4), and (E).

Social Security number and a factual statement of the employee's misconduct. A report is mandatory under any of the following circumstances:

1. The employer knows that the employee has pleaded guilty to, been found guilty of, been convicted of, been found eligible for intervention in lieu of conviction for, or has agreed to a pre-trial diversion program for an offense for which the State Board may sanction the licensee or which would bar the employment of the licensee;
2. The employer has initiated termination or contract nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because the employer has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense for which the State Board may sanction the licensee or which would bar the employment of the licensee;
3. The employee has resigned under threat of termination or nonrenewal as described in (2); or
4. The employee has resigned because of or in the course of an investigation by the employer regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense for which the State Board may sanction the licensee or which would bar the employment of the licensee.²

HISTORY

| Action | Date |
|--|----------|
| Introduced | 08-30-21 |
| Reported, H. Primary & Secondary Education | 03-23-22 |

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² R.C. 3314.40, 3319.313, 3326.24, 3328.19, and 5126.253. There are no college-preparatory boarding schools under R.C. Chapter 3328 currently operating in the state.