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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 147
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 147's Bill Analysis](#)

Version: As Passed by the House

Primary Sponsors: Reps. Fowler Arthur and A. Miller

Local Impact Statement Procedure Required: No

Andrew C. Ephlin, Budget Analyst

Highlights

- The bill may minimally increase the administrative workload for the State Board of Education, school districts, and educational service centers (ESCs) by expanding the school personnel subject to discipline by the State Board, adding prostitution as an automatic bar offense, and requiring districts, ESCs, and chartered nonpublic schools to file misconduct reports with the State Board in additional circumstances. The State Board 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 expands the school personnel subject to discipline by the State Board of Education for misconduct by modifying the definition of the term "license" to include a staff member holding (1) a pupil services personnel registration, (2) an authorization for an unlicensed individual otherwise qualified based on experience to teach at certain high-performing school districts, or (3) a registration as a private provider under the Autism Scholarship Program.

The bill also requires a school district, educational service center (ESC), or chartered nonpublic school to file a report with the Superintendent of Public Instruction (1) 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, or (2) when the district, ESC, or nonpublic school removes a licensed employee from the list of eligible substitute teachers for committing an act unbecoming to the teaching profession. Finally, the bill requires the State Board to revoke a license or deny renewal of a license (invoke an "automatic bar") for any applicant found guilty or convicted of prostitution unless the prostitution offense was committed under coercion.

The bill may minimally increase administrative workload for the State Board,¹ school districts, and ESCs. According to the Department of Education and Workforce (DEW), most districts already report misconduct by the types of personnel addressed in the bill's expanded definition of "license." DEW also reports that the amount of resources typically used in automatic bar cases is light. While the State Board's Office of Professional Conduct may receive additional referrals for discipline as a result of the bill, any additional cases likely can be supported by existing resources.

Background – Office of Professional Conduct

When the Office of Professional Conduct 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 the State Board.² 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).

The Office received 669 educator misconduct referrals from schools and districts in 2022 (the most recent year of data available), 410 of which were investigated. School and district referrals comprised 15% of the approximately 4,600 nonapplication referrals in 2022. Of total case dispositions in 2022 (not just those originating from a school district referral), 45.5% resulted in a disciplinary outcome.³

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¹ H.B. 33 of the 135th General Assembly transferred control of the Ohio Department of Education (renamed the Department of Education and Workforce) from the State Board and the Superintendent of Public Instruction to a Governor-appointed Director of Education and Workforce. However, the State Board, which becomes an independent agency with the Superintendent as its administrative head, retains its duties and powers associated with educator licensure and discipline.

² See the DEW [Understanding the Educator Discipline Process \(PDF\)](#) resource, which is available on DEW's website: education.ohio.gov.

³ See the DEW [2022 Educator Conduct Report, August 2023 \(PDF\)](#), which is available on DEW's website: education.ohio.gov.