



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: S.B. 325 of the 132nd G.A.

Status: As Introduced

Sponsor: Sen. Kunze

Local Impact Statement Procedure Required: No

Subject: School pre-employment screening and personnel file review procedures

Fiscal Highlights

- The administrative workload of public districts and schools may increase to implement the bill's requirements relating to pre-employment screening and personnel file review procedures if such procedures are not in place currently. Many school districts may already comply with some portion of the bill's requirements.

Detailed Fiscal Analysis

Pre-employment screening and personnel file review procedures requirements

The bill requires traditional school districts, community schools, STEM and STEAM schools, and chartered nonpublic schools to implement the following list of pre-employment screening and personnel file review procedures, which may increase the administrative workload of public districts and schools if they do not already have such procedures in place. These new requirements are in addition to current law that requires school employees to undergo criminal records checks from the Bureau of Criminal Investigation within the Ohio Attorney General's Office and the Federal Bureau of Investigation. In general, the bill requires public districts and schools to:

- Consult the Educator Profile Database website maintained by the Ohio Department of Education (ODE) before making any hiring decisions;¹
- Consult with an applicant's prior education-related employers before hiring the applicant;
- Include a false statement penalty notice on all employment applications;
- Establish policies for periodic reviews of employee personnel files and designate a person authorized to periodically review such files;
- Respond to requests for personnel files from another school, to which the current or former employee has applied for employment, within 20 business days of receiving the request; and

¹ The database contains demographic information, application status, credentials, and dates of criminal records checks or disciplinary information about each licensed educator.

- Review an employee's personnel file to investigate any prior instances of misconduct or disciplinary actions when a complaint is filed against the employee.

Optional procedures

The bill also permits public districts and schools to use several optional procedures, the cost for which, if any, will depend on district or school implementation decisions. Under the bill, public districts and schools may:

- Require applicants or volunteers to undergo additional background checks beyond the criminal records checks required under current law;
- Consult with ODE's Office of Professional Conduct to determine if an applicant has been disciplined by ODE, has engaged in conduct unbecoming of the teaching profession, or has committed an offense that affects the applicant's employment with the district or school;
- Conditionally employ an applicant pending the completion of the pre-employment screening process; and
- Provide counseling to victims of sexual harassment or sexually related conduct.

Case study – selected hiring practices of Franklin County school districts

Many public districts and schools across the state may already comply with some portion of the bill's pre-employment screening requirements or carry out the optional activities, based on results of a September 2017 LSC survey of Franklin County school districts. Of the 13 districts that responded, all reported that they contact the prior school district of employment prior to hiring a new teacher or principal and eight (62%) reported that they regularly contact ODE, which includes performing a check of ODE's online educator disciplinary action database. The other districts reported that they contact ODE only in specific circumstances or they perform a different reference or background check. The table below summarizes the survey responses from each district on those two topics.

Summary of Selected Hiring Policies in Franklin County School Districts		
District	Contact ODE before hiring teachers or principals to check on prior disciplinary action in a previous school?	Contact prior school district of employment before hiring new teachers or principals?
Canal Winchester Local	Yes	Yes
Columbus City	No – performs reference and licensure checks instead	Yes
Dublin City	Yes	Yes
Grandview Heights City	No – uses third-party company to conduct comprehensive background check	Yes
Groveport Madison Local	Yes	Yes
Hamilton Local	Yes	Yes
Hilliard City	Yes	Yes

Summary of Selected Hiring Policies in Franklin County School Districts		
District	Contact ODE before hiring teachers or principals to check on prior disciplinary action in a previous school?	Contact prior school district of employment before hiring new teachers or principals?
New Albany-Plain Local	Yes	Yes
South-Western City	Only in specific instances	Yes
Upper Arlington City	Yes	Yes
Westerville City	Only if the prior school district cannot be reached	Yes
Whitehall City	Yes	Yes
Worthington City	No – conducts a thorough background check that varies with each individual	Yes