



Ohio Legislative Service Commission

Bill Analysis

Carol Napp

S.B. 234

131st General Assembly
(As Introduced)

Sens. Cafaro, Brown, Tavares, Yuko, Seitz, Schiavoni

BILL SUMMARY

- Requires the principal or chief administrative officer of a public or nonpublic school to conduct a search of the Uniform Statewide Automated Child Welfare Information System (SACWIS) within 30 days after a student's enrollment, except in the case of part-time enrollment in a nonchartered nonpublic school.
- Requires the principal or officer to notify the county public children services agency if the SACWIS search indicates (1) there is an active investigation regarding whether the child is an abused, neglected, or dependent child or (2) an investigation was closed because the location of the family was unknown.
- Specifies that the bill's provisions do not apply to a student who has been excused from attendance at school for the purposes of home instruction, even if that student is also receiving instruction at a public, chartered nonpublic, or nonchartered nonpublic school.
- Requires a public children services agency that receives notice from a principal or officer, not later than three business days after receiving that notice, to conduct an investigation to determine whether the child or the child's family is in need of public care or protective services.
- Provides immunity from liability for schools, school officials, and school employees for taking actions in accordance with the bill's provisions or relying on those actions.

CONTENT AND OPERATION

Required search of SACWIS by school officials

The bill requires the principal or chief administrative officer, or the principal's or officer's designee, of a public school (including a community school, STEM school, or college-preparatory boarding school) or a chartered or nonchartered nonpublic school to conduct a search of the Uniform Statewide Automated Child Welfare Information System (SACWIS) within 30 days after a student's enrollment, except in the case of a student's part-time enrollment in a *nonchartered* nonpublic school.¹ The principal, officer, or designee must notify the public children services agency (PCSA) of the county in which the school is located if the search indicates that either:

(1) There is an active investigation regarding whether the child is an abused, neglected, or dependent child; or

(2) Such an investigation was closed because the location of the family was unknown.²

The bill specifies that these provisions do not apply to a student who has been excused from attendance at school for home instruction, even if that student is also receiving instruction at a public, chartered nonpublic, or nonchartered nonpublic school.³

The State Board of Education, upon consultation with the Department of Job and Family Services, must adopt rules for the administration and enforcement of these requirements.⁴

Investigation by a public children services agency

A PCSA that receives a notice from a school based on the SACWIS search as described above, not later than three business days after receipt of the notice, must conduct an investigation to determine whether the child or the child's family is in need of public care or protective services. If it determines that a PCSA of another county is

¹ R.C. 3313.675(A)(1), 3314.03(A)(11)(d), 3326.11, and 3328.24; conforming changes in R.C. 5101.132(A)(3) and 5101.134(B)(2). There are currently no college-preparatory boarding schools, as authorized under R.C. Chapter 3328., operating in the state.

² R.C. 3313.675(A)(2).

³ R.C. 3313.675(C).

⁴ R.C. 3313.675(B).



(1) conducting an active investigation regarding whether the child is an abused, neglected, or dependent child, or (2) providing services to the child or family, it must seek transfer of the case from the other county.⁵

Immunity from liability

The bill provides immunity from any civil liability for injury, death, or loss to person or property allegedly arising from the principal or chief administrative officer, or the principal's or officer's designee, conducting a search of SACWIS and taking any action based on that search and from any reliance upon any action taken by the principal, officer, or designee. This immunity extends to all of the following:

(1) A school district; members of the school district board; the principal, chief administrative officer, or designee; and any other employees of the school district;⁶

(2) A chartered or nonchartered nonpublic school; the principal, chief administrative officer, or designee; and any other officer, director, or employee of the school;⁷

(3) A community school, members of the governing authority of the community school, the chief administrative officer or the officer's designee, and any other employees of the school;⁸

(4) A STEM school, members of the governing authority of the school, the chief administrative officer or the officer's designee, and any other employees of the school;⁹ and

(5) A college-preparatory boarding school, members of the school's board of trustees, the chief administrative officer or that officer's designee, and any other employees of the school.¹⁰

⁵ R.C. 2151.4210.

⁶ R.C. 3313.675(E)(1).

⁷ R.C. 3313.675(E)(2).

⁸ R.C. 3314.60.

⁹ R.C. 3326.60.

¹⁰ R.C. 3328.60.



Miscellaneous provisions

The bill states that its provisions are not to be construed to do any of the following:

(1) Authorize a principal, chief administrative officer, or designee to enter a student's home;¹¹

(2) Relieve any individual of the duty to make a report of child abuse or neglect under current law;¹² or

(3) Permit the retention of information obtained under the bill's provisions in the school record of a student or in any reports submitted to the Department of Education under the Education Management Information System (EMIS).¹³

The bill also specifies that any information obtained under the bill's provisions must remain confidential as required under current law.¹⁴

HISTORY

ACTION	DATE
Introduced	10-27-15

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¹¹ R.C. 3313.675(D).

¹² R.C. 3313.675(F). See R.C. 2151.421, not in the bill.

¹³ R.C. 3313.675(H).

¹⁴ R.C. 3313.675(G).

