



Ohio Revised Code

Section 3319.391 Applicants and new hires subject to criminal records check provisions.

Effective: October 3, 2023

Legislation: House Bill 33

This section applies to any person hired by a school district, educational service center, or chartered nonpublic school and any contractor or person hired by a contractor engaged in providing services to a school district, educational service center, or chartered nonpublic school in any position that does not require a "license" issued by the state board of education, as defined in section 3319.31 of the Revised Code, or a registration issued by the state board of education under Chapter 3319. of the Revised Code, and is not for the operation of a vehicle for pupil transportation. This section does not apply to any person who volunteers at a school building within a district, educational service center, or chartered nonpublic school, including a parent volunteer in a student's classroom.

(A)(1) For each person to whom this section applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(2) For each person to whom this section applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the state board and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(3) If, on the effective date of this amendment, the most recent criminal records check requested for a person under division (A)(1) or (2) of this section was completed more than one year prior to that date or does not include information gathered pursuant to division (A) of section 109.57 of the Revised Code, the employer shall request a new criminal records check that includes information gathered pursuant to division (A) of section 109.57 of the Revised Code by a date prescribed by the state board and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.



(B)(1) Each request for a criminal records check under this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

(2) Upon receipt of a request under division (B)(1) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(C) Notwithstanding division (D) of section 3319.39 of the Revised Code, the bureau of criminal identification and investigation shall make the initial criminal records check of a person requested by an employer under division (A) of this section on or after the effective date of this amendment available to the state board. The state board shall use the information received to enroll the person in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. If the state board is unable to enroll the person in the retained applicant fingerprint database because the person has not satisfied the requirements for enrollment, the state board shall notify the employer that the person has not satisfied the requirements for enrollment. However, the bureau shall not be required to make available to the state board the criminal records check of any person who is already



enrolled in the retained applicant fingerprint database on the date the person's employer requests a records check of the person under division (A) of this section.

If the state board receives notification of the arrest, guilty plea, or conviction of a person who is subject to this section, the state board shall promptly notify the employing school district, chartered nonpublic school, or educational service center in accordance with division (B) of section 3319.316 of the Revised Code.

(D) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the state board under division (E) of that section.