



**Sub. H.B. 1\***

123rd General Assembly  
(As Reported by S. Education)

**Reps. Brading, Gardner, Coughlin, Opfer, Hollister, Winkler, Callender, Metzger, Hartnett, Logan, Jerse, Carey, Taylor, O'Brien, Allen, Harris, Wilson, Bateman, Vesper, Myers, Evans, Stapleton, Krebs, Mead, Tiberi, Perz, Trakas, Olman, Kilbane, Thomas, Calvert, Schuler, Hoops, Corbin, Goodman, Householder, Womer Benjamin, Amstutz, Core, Cates, Mottley, Jolivette, Padgett, Damschroder, Buehrer, Haines, Schuring, Willamowski, Williams, Austria, Roman, Clancy, Buchy, Salerno, Hood, Young, Van Vyven, Jacobson, Netzley, Terwilleger, Krupinski, Barrett, Jones, Schuck, Bender, Grendell, Boyd, Ogg, Patton, DePiero, Barnes, Pringle, Lucas, Roberts, Sutton, Opfer, Maier, Jerse, D. Miller, Britton, Sykes, Peterson**

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**BILL SUMMARY**

- Creates an 11-member OhioReads Council, whose duties include awarding OhioReads grants, evaluating the OhioReads initiative, and developing a strategic plan to recruit and train volunteers.
- Abolishes the Council on July 1, 2004.
- Establishes the OhioReads Classroom Reading Grants Program and the OhioReads Community Reading Grants Program.
- Establishes the OhioReads Office within the Department of Education as fiscal agent for the classroom and community reading grants.
- Permits recipients of OhioReads grants to request criminal records checks on individuals applying to provide directly to children any programs or services funded by the grant from the Bureau of Criminal Identification and Investigation (BCII).

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\* *This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

- Permits a grant recipient to allow conditional participation by an individual until the results of a criminal records check are received.
- Specifies offenses that, if they appear in information provided by BCII, disqualify an individual from providing directly to children any programs or services funded by an OhioReads grant except as provided in rules the Department of Education must adopt.
- Requires the OhioReads Office to reimburse grant recipients for each records check.
- Specifies that the report of a criminal records check is not a public record for purposes of the Ohio Public Records Law and specifies who may have access to the report.
- Requires the OhioReads Council, in collaboration with the Department of Education and the Ohio Board of Regents, to review each university and college approved by the State Board to train teachers to determine its capability to serve as a resource center for the OhioReads initiative.
- Declares an emergency.

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## CONTENT AND OPERATION

### OhioReads Council

#### Membership

(sec. 3301.90)

The bill establishes the OhioReads Council, consisting of seven voting members and four nonvoting members. The seven voting members are:

- Five persons appointed by the Governor, one of whom must be a practicing reading specialist and one of whom must represent an Ohio college of education;
- The Director of Budget and Management, or the Director's designee; and
- The state Superintendent of Public Instruction, or the Superintendent's designee.

The four nonvoting members are two members of the House appointed by the Speaker, one from each political party, and two members of the Senate appointed by the Senate President, also one from each party. Each legislative member may designate a member of the same legislative house and the same political party to attend meetings in his or her place.

The five out of seven voting members appointed by the Governor serve at the pleasure of the Governor. The four nonvoting legislative members serve at the pleasure of the Speaker of the House or the Senate President, whichever appointed the member, but a legislative member who ceases to be a member of the legislative house from which he or she was appointed ceases to be a member of the Council. The Governor fills any vacancies in positions appointed by the Governor, the Speaker fills any vacancies in the position for a member of the House, and the Senate President fills any vacancies in the position for a member of the Senate.

The Governor must appoint one of the voting members to serve as chairperson. The Council must meet at least four times a year to conduct business, or more often at the call of the chair. Its members may receive no compensation but the Department of Education must reimburse the voting members for their actual and necessary expenses incurred in performing their official duties. The reading specialist appointed by the Governor must suffer no loss of salary or benefits because of absence from his or her regular employment to attend the Council's meetings.

### **Duties**

(sec. 3301.91)

The bill specifies the Council's duties as including, but not limited to:

(1) Advising and consenting to the state Superintendent's appointments to the position of executive director of the OhioReads Office in the Department of Education, while establishing guidelines for and overseeing the general responsibilities and mission of the executive director;

(2) Beginning in FY 2002, evaluating the effectiveness of the OhioReads initiative, described as including classroom reading grants and community reading grants;

(3) Developing a strategic plan for identifying, recruiting, training, qualifying, and placing volunteers for the OhioReads initiative;

(4) Awarding OhioReads classroom and community reading grants; and

(5) Establishing the guidelines for awarding those grants, including eligibility criteria, grant amounts, the purposes for which grants may be used, and administrative, programmatic, and reporting requirements.

The Council, in performing its duties, must do the following to the extent practicable:

(a) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative;

(b) Maximize use of resources to improve reading outcomes, especially the fourth grade reading proficiency test passage rates;

(c) Identify and maximize relevant federal and state resources to leverage OhioReads resources and related programs;

(d) Focus on early reading intervention strategies, professional development, and parental involvement; and

(e) Give priority to programs recognized as promising educational practices for accelerating student achievement, including programs primarily using volunteers and programs that may have been reviewed by the Education Commission of the States.

### **Sunset**

(Section 3)

The bill abolishes the Council on July 1, 2004. It overrides the current Sunset Review Law, which would have terminated the Council on December 31, 2002 (unless the General Assembly decided to continue its existence).<sup>1</sup> Not later than January 1, 2004, the Director of Budget and Management must submit to the Speaker of the House and the Senate President a written recommendation of a governmental entity to assume the Council's duties beginning July 1, 2004, if the General Assembly does not continue the Council's existence.

### **Classroom and community reading grants and OhioReads Office**

(secs. 3301.85, 3301.86, 3301.87, and 3301.92)

The bill establishes the OhioReads Classroom Reading Grants Program, the OhioReads Community Reading Grants Program, and the OhioReads Office to

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<sup>1</sup> See Revised Code § 101.84, not in the bill.

administer both grant programs as fiscal agent. Until July 1, 2004, when the bill abolishes the OhioReads Council, the grants under both programs are to be awarded by the Council and paid by the Office. (The bill does not abolish the grant programs or the Office on that date.)

The Office is established within the Department of Education. It is to be under the supervision of an executive director appointed by the state Superintendent of Public Instruction. The executive director will serve at the pleasure of and report to the Superintendent. But until July 1, 2004, the Superintendent's appointment is subject to the advice and consent of the OhioReads Council, and the executive director must discharge the position according to guidelines issued by the Council and must perform any task designated by the Council. (One of the Council's duties is to establish guidelines for and oversee the executive director's general responsibilities and mission.) The executive director is to devote full time to the position and may hold no other position within the Department. Any additional staff for the Office are to be hired by the Superintendent.

In addition to paying the grants awarded by the Council, the Office must provide the Council with staff, administrative support, and other resources requested by the Council. The Department must provide the executive director and other staff with offices within the Department's office space.

### **Background checks**

(secs. 109.57(F)(5) and 3301.88)

The bill permits, but does not require, the recipient of an OhioReads classroom or community reading grant to request from the Bureau of Criminal Identification and Investigation a criminal records check on any individual who would provide directly to children any program or service funded by the grant. If the grant recipient requests a check, the request must be accompanied by one of the following identification options:

- (1) The form and standard impression sheet prescribed by the Bureau for obtaining a person's fingerprint impressions;
- (2) A form prescribed by the Bureau on which is specified the individual's name, social security number, and date of birth.

The grant recipient cannot, however, request a criminal records check concerning any individual who furnishes a certified copy of a report of a BCII criminal records check completed within the previous year.

The request to BCII must be for the same information that a school district may request under current law about its employees and job applicants, which means *any* information BCII has obtained on the individual, including information in certain records sealed by a court. Also like school districts, an OhioReads grant recipient may request BCII to seek information from the FBI.

**Disqualifying offenses**

(sec. 3301.88(C))

Except as provided in rules that the bill requires the Department of Education to adopt (see below under "**Rules regarding the criminal records check**"), an OhioReads grant recipient must not allow an individual to provide directly to children any program or service funded by the grant if information it requested from BCII indicates that the individual ever pleaded guilty to or was found guilty of:

- (1) Any felony;
- (2) Any misdemeanor that is an offense of violence, a theft offense, or a drug abuse offense, as those terms are currently defined in the Criminal Code;
- (3) Any of several other specified misdemeanors, including various sex offenses and other types of offenses; or
- (4) A violation of an existing or former ordinance of a municipal corporation or law of the United States or another state that is substantively similar to an offense listed in (1) to (3) above.

**Conditional participation**

(sec. 3301.88(D))

A grant recipient who has requested, but not received, the results of a criminal records check on an individual may allow that individual to conditionally participate in providing programs or services directly to children. If the results when received indicate that the individual has been convicted of or pleaded guilty to any of the bill's prohibited offenses, the grant recipient may not allow the individual to further participate, except as provided in the Department's rules.

**Criminal records check not a public record**

(sec. 3301.88(E))

The report of a criminal records check under the bill is not a public record under the Ohio Public Records Law (sec. 149.43, not in the bill). The report may not be made available to any person other than the individual who is the subject of the check, the grant recipient, their representatives, and any court, hearing officer, or other necessary individual in an action that concerns the denial of participation in a program or service funded by an OhioReads grant.

**Reimbursement**

(sec. 3301.88(F))

The OhioReads Office must reimburse each grant recipient for each criminal records check the actual amount paid by the grant recipient for the portion of the check conducted by the BCII. This reimbursement is in addition to the grant. It can be paid only for background checks on individuals who apply to participate in providing directly to children programs or services funded by an OhioReads grant. To receive it, the grant recipient must submit information to the OhioReads Office in the form and manner required by the Office.<sup>2</sup>

**Rules regarding the criminal records check**

(sec. 3301.88(G))

The Department of Education must adopt rules pursuant to the Administrative Procedures Act that do the following:

(1) Prescribe the form and manner in which grant recipients must submit information to the OhioReads Office to receive reimbursement for the criminal records check;

(2) Specify circumstances under which a grant recipient may allow an individual to participate in programs directly related to children even though a criminal records check report indicates that the individual has been convicted of or pleaded guilty to an offense that would otherwise prohibit participation in the program. To participate, the person would have to meet the standards in regards to rehabilitation as set forth in the rules.

**Review of universities and colleges**

(Section 4)

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<sup>2</sup> BCII currently charges \$15 for criminal records checks. (O.A.C. § 105:5-1-01.)

The bill requires the OhioReads Council to collaborate with the Department of Education and the Ohio Board of Regents to review the universities and colleges that the State Board has approved to train teachers to determine the current capability of each to serve as a "resource center to support the OhioReads Initiative." The Council must submit a report of its review and any recommendations by January 1, 2000, to the Governor, the Speaker of the House, the Senate President, the Chancellor of the Board of Regents, and the state Superintendent of Public Instruction.

The review criteria may include, but do not have to include and need not be limited to, the following:

(1) Developmentally appropriate practices used by faculty in pre-service and in-service education;

(2) Knowledge of and experience with the recommendations of the National Reading Association and the National Association for the Education of Young Children;

(3) Membership in literacy-related professional organizations;

(4) Facility capacity to house the "resource center";

(5) Institutional support;

(6) Electronic connectivity to the Ohio Education Computer Network; and

(7) Infrastructure to deliver video distance learning.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 84
Reported, H. Education	02-24-99	p. 229
Passed House (94-0)	03-03-99	pp. 243-245
Reported, S. Education	---	---

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