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Bill Analysis
Legislative Service Commission

H.B. 358

123rd General Assembly
(As Introduced)

Reps. Cates, Allen, Calvert, Williams

BILL SUMMARY

- Prohibits school officials from entering into contracts or agreements with photographers for senior photos, that *require* students to use the contracting photographers.
- Prohibits school officials from entering into contracts or agreements with photographers for senior photos, that prohibit students from using a noncontracting photographer.
- Prohibits school officials from entering into contracts or agreements with photographers for senior photos, that exclude from school publications photos taken by a noncontracting photographer.
- Prohibits school officials from refusing to publish a senior photo taken by a noncontracting photographer as long as the photo satisfies the quality and uniformity specifications set for a school publication.

CONTENT AND OPERATION

Senior photographs

Definitions

The bill defines two operating terms. "Senior" is defined as a student who is enrolled in the school year during which the student anticipates graduation from high school. "Senior photograph" is defined as a still portrait photograph taken to commemorate a senior's membership in a high school graduating class. (Sec. 3319.322(D).)

Senior photography contracts

The bill prohibits three contractual actions by school officials with respect to senior photographs.¹ First, the bill prohibits a school official from entering into a contract or agreement for the taking of senior photographs that *requires* a senior to have his or her senior photograph taken by the contracting photographer. Second, the bill prohibits a school official from entering into a contract or agreement that prohibits a senior from engaging the services of a noncontracting photographer for the taking of his or her senior photograph. Third, the bill prohibits a school official from entering a contract or agreement that would *exclude* a senior photograph from a school yearbook or other school publication if taken by a noncontracting photographer. (Sec. 3319.322(B).)

School publications

The bill prohibits a school official from refusing to publish a senior photograph provided by a senior, in lieu of a senior photograph taken by a contracting photographer, as long as the photograph provided by the senior satisfies the specifications for the school publication. In addition, the bill requires that school publication specifications be adopted only for the purpose of ensuring quality and uniformity. (Sec. 3319.322(C).)

School photographs--in general

Background

Under existing law that the bill does not substantively affect, the principal or chief administrative officer of each public school must request any person authorized to take photographs of students of the school, to provide one wallet size photograph, free of charge, to the school for inclusion in the school's student files. The principal or chief administrative officer must indicate that the request (1) is being made in order that the school has a current photograph of a child that could be shown to a law enforcement officer if the child is or could be a missing child and (2) is being made pursuant to R.C. 3319.322 but that that statute does not require the photographer to comply with the request. (Sec. 3319.322.)

Changes proposed by the bill

Existing law provides that the latter school photograph provisions do not preclude the principal or chief administrative officer of a school *or any other*

¹ *School officials include a board of education, a superintendent, a principal, a chief administrative officer, or other individual authorized to act on behalf of a public school.*

authorized school official dealing with a photographer from agreeing as a part of a contractual or other agreement with a photographer that a wallet or other size photograph will be provided to the school as a condition to the taking of student photographs. The bill generally continues this authority but specifies that the *superintendent of schools* (added by the bill), the principal or chief administrative officer of a school (existing law), or any other authorized *individual* (replacing existing law's "school official") dealing with a photographer *on behalf of a school* may enter into that type of contract or other agreement. (Sec. 3319.322(A).)

HISTORY

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