



RE: New Requirements to Share Information with the Ohio Department of Education

Dear Children Services Director,

As you may know, the Ohio Department of Education (ODE) and the Public Children Services Association of Ohio (PCSAO) worked cooperatively to revise the current law regarding the reporting of abuse, neglect and emotional maltreatment by educators. The outcome of that collaborative effort can be found in Amended House Bill 79 (HB 79) effective March 29, 2007. Revised Code section 5153.176 has been amended to facilitate a broader sharing of information between public children services agencies and ODE. Prior to HB 79, agencies were only required to provide ODE with notice of the initiation of an investigation against an educator and the final disposition of the investigation. This limited information, at times, constrained ODE's efforts to thoroughly determine whether the alleged perpetrator was a risk to school children.

All PCSAs should continue to provide ODE with notice of the initiation of an investigation against an educator and the final disposition of the investigation. As a result of HB 79 ODE may ask you, in writing, for more information about the investigation. The information ODE would request includes contact information for the parties involved (alleged victim, alleged perpetrator, witnesses-except the person who made the report, unless that person grants written permission) and a summary of what was shared with the PCSA. Before providing ODE with this information, each PCSA must determine, through their county prosecutor, whether criminal charges will be filed. If criminal charges are to be filed, the prosecutor shall determine what information can be released to ODE; otherwise, PCSAs must release the requested information to ODE. Once ODE receives the information, it will conduct an independent investigation and make a determination as to whether disciplinary action will be taken against the educator's license. Attached is the reporting form designed by ODE, with input from PCSAO.

Both ODE and PCSAO recognized while drafting HB 79 that confidentiality would be critical to successful sharing of information. ODE is prohibited by law from disclosing information obtained as a result of an investigation. Nonetheless, HB 79 provides that the unauthorized dissemination of information provided to ODE by PCSAs constitutes a fourth degree misdemeanor. This additional safeguard should give PCSAs more confidence in sharing this important information with ODE. ODE shares the belief that Ohio's children should be in a safe and supportive environment, whether at home or at school.

If you are interested in attending an informational meeting about the new law requirements, please refer to the enclosed PCSAO District Meeting Schedule and contact Greg Kapcar at 614-224-5802.

Thank you again for your cooperation. If you have any questions or comments, please do not hesitate to contact the Office of Professional Conduct at 614-466-5638 or the Public Children Services Association of Ohio at 614-224-5802.

Sincerely,

A handwritten signature in cursive script that reads "Adrian E. Allison".

Adrian E. Allison, Esq.
Director
Office of Professional Conduct

A handwritten signature in cursive script that reads "Gregory R. Kapcar".

Gregory R. Kapcar
Assistant Legislative Director
Public Children Services Association of Ohio

Enclosures: Children Services Reporting Form
PCSAO District Meeting Schedule