

A public hearing will be held by the Office of Attorney General Mike DeWine on Friday, July 10<sup>th</sup>, 2015 at 2:30 p.m. in the B-1 Hearing Room of the Rhodes State Office Tower, located at 30 East Broad Street, Columbus, Ohio 43215.

The purpose of the hearing is to solicit comment on amended rules **109:5-2-04 and 06**.

**109:5-2-04 School and child care facility's use and administration of information regarding person subject to community notification.**

(A) This rule is intended to assist in the dissemination of information regarding persons subject to community notification.

(B) The executive director of each public children service agency who receives information from the sheriff concerning a person subject to community notification may disseminate said information to employees who are responsible for placing children, investigating allegations of abuse, neglect or dependency or whose duties involve the care, custody or control of children. Employees who receive said information shall be instructed to promptly notify the executive director of the agency if the person subject to community notification is observed in the vicinity of the agency or in the vicinity of any children with whom the agency is involved unless the observed person subject to community notification is a juvenile offender registrant being served by the agency. The executive director shall notify the local law enforcement agency if, in the judgment of the executive director, the presence of the person subject to community notification appears to be without a legitimate purpose or otherwise creates concern for the safety of the children.

(C) Each superintendent or supervising, appointing or hiring officer listed in divisions (A)(3) and (A)(4) of section 2950.11 of the Revised Code who receives information from the sheriff concerning a person subject to community notification may disseminate said information to employees whose duties include supervision of or responsibility for students. Employees who receive said information shall be instructed to promptly notify the superintendent or the appointing or hiring officer if the person subject to community notification is observed in the vicinity of the school unless the observed person subject to community notification is a juvenile offender registrant currently attending the school. The superintendent or the appointing or hiring officer shall notify the local law enforcement agency if, in the judgment of the superintendent or of the supervising, appointing or hiring officer, the presence of the person subject to community notification appears to be without a legitimate purpose or otherwise creates concern for the safety of the students.

(D) The director, head teacher, or elementary principal of the licensed preschool program, who receives information from the sheriff concerning a person subject to community notification, may disseminate said information to employees whose duties involve the care, custody or control of children. Employees who receive said information shall be instructed to promptly notify the director, head teacher, or elementary principal of the licensed preschool program if the person subject to community notification is observed in the vicinity of the program unless the observed person subject to community notification is a juvenile offender registrant currently attending the preschool program. The director, head teacher, or elementary principal of the licensed preschool program shall notify the local law enforcement agency if, in the judgment of the director, head

teacher or principal, the presence of the person subject to community notification appears to be without a legitimate purpose or otherwise creates concern for the safety of the children.

(E) The administrator of each child day-care center or type A family day-care home and the provider of each ~~certified~~certified licensed type B family day-care home, who receive information from the sheriff concerning a person subject to community notification, may disseminate said information to employees whose duties involve the care, custody or control of children. Employees who receive said information shall be instructed to promptly notify the administrator or provider if the person subject to community notification is observed in the vicinity of the center or home. The administrator or provider shall notify the local law enforcement agency if, in the judgment of the administrator or provider, the presence of the person subject to community notification appears to be without a legitimate purpose or otherwise creates concern for the safety of the children.

(F) The president or other chief administrative officer of each institution of higher education, who receives information from the sheriff concerning a person subject to community notification, may disseminate said information to employees whose duties include supervision of or responsibility for students. Employees who receive said information shall be instructed to promptly notify the president or other chief administrative officer if the person subject to community notification is observed on the property of the institution of higher education unless the observed person subject to community notification is currently attending the institution of higher education. The president or other chief administrative officer shall notify the local law enforcement agency if, in the judgment of the president or the chief administrative officer, the presence of the person subject to community notification appears to be without a legitimate purpose or otherwise creates concern for the safety of the students.

(G) The director, head teacher, or elementary principal of the licensed preschool program, the administrator of each child day-care center and type A family day-care home, the provider of each ~~certified~~certified licensed type B family day-care home, the executive director of each public children service agency, the president or other chief administrative officer of each institution of higher education, the superintendent of each board of education of each school district, and the appointing or hiring officer of each chartered non-profit school who receive information from the sheriff concerning a person subject to community notification may:

- (1) Inform parents, guardians, and adult students that they have received notice that a person subject to community notification is residing, employed, or attending a school or institution of higher education within the specified geographical notification area and that certain information concerning the registrant is a public record and is open to inspection, under section 149.43 of the Revised Code, at the office of the sheriff with whom the registrant has registered, and on the state and local internet databases established by the attorney general and the sheriff, and;
- (2) Direct inquiries from parents, guardians, and adult students to the office of the sheriff with whom the person subject to community notification has registered, and;
- (3) Disseminate any other public record in their possession concerning the registrant.

**109:5-2-06 Lists to be compiled, maintained, and updated.**

(A) The department of education shall compile, maintain, and update in January and July of each year the following information:

(1) The name, address and telephone number of each school district, by county, and the name of the superintendent of the board of education of each school district, and the fax number of said individual, if one is available;

(2) The name, address and telephone number of each chartered nonpublic school, by county, and the name of the appointing or hiring officer of each chartered nonpublic school, and the fax number of said individual, if one is available;

(3) The name, address and telephone number of each licensed preschool program, by county, and the name of the director, head teacher or elementary principal of each preschool program, and the fax number of said individual, if one is available.

(B) The Ohio board of regents shall compile, maintain, and update in January and July of each year the name, address and telephone number of each state institution of higher education as defined in section 3345.011 of the Revised Code, each private non-profit college or university located in this state possessing a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code and each school ~~certified~~licensed under Chapter 3332. of the Revised Code, by county, and the name of its president or other chief administrative officer, and the fax number of said individual, if one is available.

(C) The department of job and family services shall compile, maintain, and update in January and July of each year the following information:

(1) The name, address and telephone number of each child day-care center, type A family day-care home, and ~~certified~~licensed type B family day-care home, by county, and the name of the administrator or provider of the center or home, and the fax number of said individual, if one is available;

(2) The name, address and telephone number of each public children services agency and the name of the executive director at each agency, and the fax number of said individual, if one is available.

(D) The department of education, the board of regents, and the department of job and family services shall provide the compiled, maintained, and updated information to a sheriff or a sheriff's designee when requested. This information may be requested by telephone, mail, fax, electronically or in person. The sheriff or the sheriff's designee may make an on-going request for such information, and, if an on-going request is made, the information shall be provided each time it is updated, without requiring subsequent requests. For purposes of this paragraph, the county sheriffs may designate an individual or association to request or receive the information. If a designee obtains the requested information, it shall, as soon as administratively possible, forward that information to the appropriate county sheriff.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Amber Aimar, Policy and Public Affairs Section, Office of the Ohio Attorney General Mike DeWine, 30 East Broad Street, Columbus, Ohio 43215, or [Amber.Aimar@OhioAttorneyGeneral.gov](mailto:Amber.Aimar@OhioAttorneyGeneral.gov) no later than Thursday, July 9<sup>th</sup>, 2015 by close of business.