

OAC Ann. 109:5-2-04

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***Ohio Administrative Code > 109:5 Bureau of Criminal Identification and Investigation > Chapter 109:5-2
Registration of Sex Offenders; Notifications***

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 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 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 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 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 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 only 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.

Statutory Authority

Promulgated Under:

119.03.

Statutory Authority:

2950.13(A)(9).

Rule Amplifies:

2950.13(a)(9), 2950.11(A), 2950.11(E).

History

History:

Effective: 08/25/2015.

Five Year Review (FYR) Dates: 06/03/2015 and 08/25/2020.

Prior Effective Dates:

7/1/1997, 4/13/2002, 12/9/2004.

OHIO ADMINISTRATIVE CODE

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