

RETAINED APPLICANT FINGERPRINT DATABASE MONITORING SERVICE TERMS OF USE

Purpose

1. A participating local education entity, defined as a city, local, exempted village, and joint vocational school district, educational service center, community school established under Chapter 3314 of the Ohio Revised Code, STEM school established under Chapter 3326 of the Ohio Revised Code, and chartered nonpublic school established under Chapter 3301-39 of the Ohio Administrative Code, or any other entity employing individuals that are subject to 3319.39 of the Ohio Revised Code (each a "Participant"), may receive information from the Ohio Attorney General's Bureau of Criminal Investigation's ("BCI") Retained Applicant Fingerprint Database continuous criminal record monitoring service ("Rapback Service") through the Ohio Department of Education ("ODE"). By accessing this service through the ODE, the Participant agrees to be bound by the provisions of these Terms of Use.
2. These Terms of Use identify the terms, conditions, duties, and responsibilities of each party regarding the use of the Rapback Service, and constitutes the entire agreement between the parties relating to the Rapback Service. These Terms of Use supersede any prior agreement between the parties relating to the Rapback Service.

Use of Rapback Service

3. To receive information about an individual in the Rapback Service, the Participant must agree to these Terms of Use. Enrolled individuals will be added to the Rapback Service. Enrolled individuals include state licensed educators, pupil transportation drivers, and any persons to whom the State Board of Education has issued a license, as defined in Ohio Revised Code section 3319.31.
4. Fingerprint-based criminal record databases maintained by BCI pursuant to R.C. 109.57 will be continually compared against the Retained Applicant Fingerprint Database. When the Rapback Service identifies that records received under R.C. 109.572 indicate an individual enrolled in the Rapback Service has been arrested or convicted, the Rapback Service will alert ODE to log into the webportal for detailed information of the arrest or conviction. ODE will then notify the Participant via secure email and send a copy of the record upon verification of the employment or application of the state licensed educator or pupil transportation driver with Participant, and upon verification that Participant has agreed to the Terms of Use.
5. ODE will provide Participant with information solely received from the BCI and does not warrant the accuracy or completeness of the information. Participant shall direct any questions related to the information received from the Rapback Service to BCI. Participant is responsible to make a determination on personnel issues.
6. The Participant understands that the Rapback Service is not a records retention service, but rather a notification service only, and the Participant is responsible for retaining any information received from use of the Rapback Service in accordance with the Participant's retention schedule. ODE is not

responsible for retaining any records or information received by the Participant through use of the Rapback Service.

Unauthorized Use

7. The Participant understands that access to criminal history ("CH") information is governed by both state and federal laws, and the Participant agrees to comply with Ohio Revised Code section 109.5721(E) as outlined below, and any other applicable federal or state laws and regulations concerning CH information control and disclosure prohibitions. Any violation of applicable federal or state laws and regulations may result in the immediate termination of the Participant's access to the Rapback Service.

a. Pursuant to Ohio Revised Code section 109.5721(E), the bureau of criminal identification and investigation and the participating public office or participating private party shall use information contained in the retained applicant fingerprint database and in the notice described in 109.5721(C) for the purpose of employment with, licensure by, or approval for adoption by the participating public office or participating private party. This information is otherwise confidential and not a public record under section 149.43 of the Revised Code.

8. The Participant understands that unauthorized or misuse of CH information or falsifying information transmitted or received through the Rapback Service in violation of state or federal law may result in criminal liability. Any person who uses information from the Rapback Service for a purpose other than those described in R.C. 109.5721 is subject to prosecution pursuant to R.C. 109.5721(H).

9. The Participant shall notify ODE of any security event, including, but not limited to, any unauthorized access to the Rapback Service, as soon as it becomes known to the Participant.

10. The Participant shall notify ODE of any breach of these Terms of Use as soon as it becomes known to the Participant.

Funding

11. There are no costs or expenses associated with the use of the Rapback Service as outlined in these Terms of Use. Each party will fund its own activities unless otherwise agreed to in writing.

Term and Termination

12. These Terms of Use are effective for one year from the date of acceptance of and agreement to these Terms of Use, unless sooner terminated as set forth herein. The Participant will agree to these Terms of Use, and any modifications thereto, every year.

13. ODE may terminate the Participant's use of the Rapback Service immediately upon a breach of these Terms of Use by Participant. ODE will provide written notice of the immediate termination as soon as possible after the circumstances of the breach are known to ODE.

14. These Terms of Use may be amended only by the mutual written consent of the Parties.

Miscellaneous

15. These Terms of Use and any claims arising out of these Terms of Use shall be governed by the laws of the state of Ohio. If any provision is later determined to be invalid or unenforceable, the remainder of the terms shall not be affected by such determination.

Superintendent of Public Instruction

Date

Superintendent or Administrator

Organization

Date