



Ohio Administrative Code

Rule 3301-20-01 Employment of individuals in positions that require a license and licensure of individuals with certain criminal convictions or other alternative dispositions.

Effective: July 27, 2023

The purpose of this rule is to ensure the safety and well-being of students, and, pursuant to sections 3319.39 and 3319.31 of the Revised Code, establish rehabilitation standards for those individuals with certain criminal convictions and other alternative dispositions seeking employment with a district for a position that requires a license issued by the state board of education, those currently employed by a district in a position that requires a license issued by the state board of education, and those seeking or currently holding licensure by the state board of education. The provisions of this rule apply to teachers, substitutes, educational aides, holders of pupil activity permits, and any other position which requires a license issued by the state board of education.

(A) The following terms are defined as they are used in this rule:

(1) "Applicant" means one of the following:

(a) One who is under final consideration for appointment or employment in a position that requires a license issued by the state board of education. An "applicant" does not include a person currently employed by a district in a position that requires a license issued by the state board of education who is under consideration for a different position with the same district; or

(b) A person who has never held or who is applying for an initial license, certificate, or permit described in Chapter 3319. or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code.

(2) "Educator" means a person holding or having previously held any license, certificate, or permit described in Chapter 3319. or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code.

(3) "Criminal records check" has the same meaning as section 109.572 of the Revised Code.



(4) "District" means a school district as described in Chapter 3311. of the Revised Code, educational service centers, community schools, STEM schools, college-preparatory boarding schools, county boards of DD, chartered non-public schools, preschool programs, and any other future school chartered by the department.

(5) "State board" means the Ohio state board of education as defined in section 3301.01 of the Revised Code.

(6) "Superintendent" means the superintendent of public instruction and his/her designee as defined in section 3301.13 of the Revised Code.

(7) "Department" means the Ohio department of education as defined in section 3301.13 of the Revised Code.

(8) "License" means the same as the term license as defined in division (A) of section 3319.31 of the Revised Code.

(9) "Upon learning" means when first having knowledge of either official results of a criminal background check or a guilty plea, finding of guilt or conviction that has been verified through certified court or law enforcement records.

(10) "Absolute bar offense" means any offense listed in division (C) of section 3319.31 of the Revised Code.

(11) "Offense" means a violation of a criminal section of the Revised Code, or any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to a violation of a criminal section of the Revised Code.

(12) For the purposes of this rule, the term "conviction" or "convicted" includes any determination of guilt resulting from a plea of guilty to or a finding of guilt by a jury or court of any violation of an offense.



(B) Unless otherwise permitted by law, no district may employ, the state board will not issue a license to, and the superintendent will not enter into a consent agreement with an educator upon learning that the educator has been convicted of any absolute bar offense, if the conviction occurred after the issuance of the educator's initial license.

(C) Division (C) of section 3319.31 of the Revised Code requires the state board to revoke an educator's license upon learning that the educator has been convicted of any violation of any absolute bar offense. If the state board intends to deny or revoke a license the state board will act in accordance with division (C) of sections 3319.31 and 3319.311 of the Revised Code and Chapter 3301-73 of the Administrative Code.

(D) The following only applies to convictions of guilty pleas to an offense that occurred after an educator's initial license. If an educator has been convicted of any offense, the state board will act in accordance with sections 3319.31 and 3319.311 of the Revised Code and Chapter 3301-73 of the Administrative Code. An educator is deemed rehabilitated regarding the conviction of guilty plea to any offense that is listed in Revised Code 3319.39, that is not an absolute bar offense, when the educator's license is in good standing and the educator:

- (1) Signs and returns a letter of admonishment from the department listing the specific offense;
- (2) Executes a consent agreement with the department listing the specific offense;
- (3) Receives a board resolution listing the specific offense.

An educator is employable regarding the conviction or guilty plea to an offense listed in section 3319.39 of the Revised Code, that is not an absolute bar offense, in the absence of a disciplinary action if the educator has a license in good standing or is otherwise employable pursuant to section 119.06 of the Revised Code.

(E) No district may employ, an applicant who has previously been convicted of an offense listed in division (B)(1) of section 3319.39 of the Revised Code or section 3319.31 of the Revised Code if that offense listed in division (B)(1) of section 3319.39 or 3319.31 of the Revised Code is also contained on the list published on the department's website in accordance with division (B)(1) of



section 9.79 of the Revised Code, entitled "disqualifying offenses pursuant to ORC § 9.79", until the applicant has obtained an initial license from the state board.

(F) This rule is applicable to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code or any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to section 2953.32 of the Revised Code. For purposes of this rule, a sealed conviction includes a conviction that has been expunged pursuant to a court order.

(G) A conviction of an offense listed in division (B)(1) of section 3319.39 of the Revised Code or section 3319.31 of the Revised Code does not prevent an applicant's licensure or hiring if the applicant has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, unconditional pardon includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(H) If an applicant or educator has been granted a judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or has agreed to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) of section 3319.31 or division (C) of 3319.31 of the Revised Code, the state board will act in accordance with sections 3319.31 , 3319.311 and 9.79, if applicable of the Revised Code and Chapter 3301-73 of the Administrative Code.

(I) This rule is promulgated under the state board and department of education's rule-making authority under section 3319.31, division (E) of section 3319.311, and section 3319.39 of the Revised Code.

(J) Thorough documentation of the district's proceedings and decision on employment shall be maintained in the district's files.