

*****DRAFT - NOT FOR FILING*****

3301-73-05 Notice for opportunity for hearing; failure to request.

- (A) The superintendent ~~will~~shall determine if the results of an investigation warrant initiating an action to limit, suspend, revoke, or deny a license.
- (B) If the results of an investigation warrant initiating an action, the superintendent ~~will~~shall give notice of an opportunity for a hearing in accordance with sections ~~9.79 and~~ 119.01 to 119.13 of the Revised Code. Nothing in this provision ~~shall~~prohibits the superintendent from amending the notice for the proposed action.
- (C) The notice ~~will~~shall also inform the respondent that if he/she fails ~~within thirty calendar days~~ to request a hearing within thirty calendar days in accordance with section 119.07 of the Revised Code, or fails to appear at a scheduled hearing, the state board may suspend, limit, deny or revoke, as applicable, any licenses held or applied for without holding an administrative hearing.
- (D) ~~The~~ respondent is responsible to ensure that the respondent's mailing address and email address listed in the respondent's account in the licensure database, that is maintained by the department, is up to date.
- ~~(E)~~ Should the respondent fail to properly request a hearing in accordance with section 119.07 of the Revised Code, that respondent ~~shall~~will be deemed to have waived his or her right to participate in any and all proceedings in front of a hearing officer should an administrative hearing take place.

Commented [DM1]: Changes made throughout the rule according to SB 9, 134th GA, to remove restrictive regulatory language.

Commented [DM2]: Added to include new requirements in 9.79

Commented [DM3]: Reworded for clarity.

Commented [DM4]: Added to ensure educators are properly notified of investigations and actions and to provide efficiencies to investigations.