

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

3301-73-22 Suspension, revocation, permanent revocation and admonishment.

- (A) The state board, in accordance with Chapter 119. and section 3319.311 of the Revised Code, may suspend, revoke or deny a license as specified in paragraph (A) of this rule.
- (1) Suspension of a license ~~will shall~~ be for a specified period of time, or until the educator completes any education requirements, criminal background check requirements, or other conditions required in the state board's order or consent agreement.
- (a) At the conclusion of the specified period, upon demonstration of compliance with any educational requirements, criminal background check requirements, and other conditions in the state board's order or consent agreement, the license ~~will shall~~ be reactivated.
- (b) A suspended license ~~is shall be~~ subject to expiration.
- (c) A suspension can be stayed in whole or part.
- (d) A stayed suspension ~~will be shall be~~ considered a suspension for all licensure reporting requirements.
- (e) When an educator's license is suspended, the ~~state~~ board may issue an order stating that the educator is not eligible to apply or reapply for any license with the department during the time period of the license suspension.
- (2) After revoking a license, the state board shall impose one of the conditions described in paragraphs (A)(2)(a) and (A)(2)(b) of this rule. A revoked license will not be reinstated.
- (a) The state board may establish a minimum period of time before an applicant can apply for a new license. At the conclusion of the specified period, and upon demonstration of compliance with any educational requirements, criminal background check requirements, the terms of the state board's order, and the criteria set forth in rule 3301-73-24 of the Administrative Code, the state board may issue a new license to the applicant.
- (b) The state board may order that the respondent whose license has been revoked ~~will shall~~ be permanently ineligible to apply for any license issued by the state board and that the respondent ~~will shall~~ no longer be permitted to hold any position in any school district in the state that requires a license issued by the state board.
- (3) After denying an application, the state board shall impose one of the conditions described in paragraphs (A)(3)(a) and (A)(3)(b) of this rule. A license shall not be issued from an application that is denied.
- (a) The state board may establish a minimum period of time before an applicant can apply for a license. At the conclusion of the specified period, and upon demonstration of compliance with any educational requirements, criminal background check requirements, the state board's order, and the criteria set forth in rule 3301-73-24 of the Administrative Code, the state board may issue a license to the applicant.
- (b) The state board may order that the respondent whose license has been denied ~~will shall~~ be permanently ineligible to apply for any license issued by the state board and that the respondent ~~will shall~~ not be permitted to hold any position in any school district in the state that requires a license issued by the state board.

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

Commented [DM2]: Added "state" per the definition in 3301-73-02

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(B) The state board may accept the permanent voluntary surrender or the permanent voluntary denial of a license under division (F) of section 3319.311 of the Revised Code. A respondent who permanently voluntarily surrenders a license or agrees to the permanent voluntary denial of a license under division (F) of section 3319.311 of the Revised Code shall agree, in writing, and his/her signature shall be acknowledged by two witnesses and/or notarized by a notary public. A permanent voluntary surrender or permanent voluntary denial must be submitted to the state board on the official form of the department. The document must include the following information:

- (1) That the respondent waives all rights under Chapter 119. of the Revised Code including, but not limited to, the right of being formally notified of the state board's intent to take action, the right to a hearing, the right to counsel, the right to present evidence and witnesses, the right to cross examine witnesses and the right to appeal an order of the state board;
- (2) That the respondent voluntarily, knowingly and intelligently surrenders all rights to hold a license and to hold a position which requires a license issued by the state board;
- (3) That the respondent ~~will shall~~ no longer be permitted to hold any position that requires a license issued by the state board in any school district in the state;
- (4) That the respondent ~~will shall~~ be ineligible for and ~~will shall~~ not apply for any license issued by the state board;
- (5) A basis for the permanent voluntary surrender or denial of the license; and
- (6) That the respondent authorizes the state board to adopt a resolution permanently revoking a license or permanently denying an application.

(C) If a respondent has completed due process under Chapter 119. of the Revised Code, the ~~state~~ board may issue a letter of admonishment to a respondent without his/her agreement. Otherwise, upon agreement of a respondent, the superintendent, on behalf of the state board, may issue a letter of admonishment to persons who have engaged in a violation of section 3319.31 of the Revised Code. A respondent who agrees to accept the letter of admonishment shall do so in ~~writing with respondent's signature and his/her signature shall be acknowledged by two witnesses and/or notarized by a notary public~~. A copy of the letter of admonishment ~~will shall~~ be placed in the department's file. When issued by agreement, the letter of admonishment must include the following information:

- (1) That the respondent accepts the letter of admonishment being fully aware of his/her rights under Chapter 119. of the Revised Code;
- (2) That the respondent has been given the opportunity to review the letter of admonishment and has done so with legal counsel, if applicable;
- (3) That the respondent has had an opportunity to ask questions concerning the letter of admonishment, and that all questions asked have been answered;
- (4) That the respondent waives all rights under Chapter 119. of the Revised Code, including but not limited to, the right of being formally notified of the state board's intent to take action, the right to a hearing, the right to counsel, the right to present evidence and witnesses, the right to cross-examine witnesses and the right to appeal the issuance of the letter of admonishment;
- (5) That the respondent agrees not to proceed with any action to recover attorney's fees from the state board

Commented [DM3]: Removed requirement of notary and/or two witness to align with standards for executing a consent agreement. Change will decrease burden on Respondents.

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and the department; and

(6) A basis for the issuance of the letter of admonishment.

(D) A disciplinary action ~~is shall be considered~~ final and ~~will shall~~ not be subject to further review and/or modification upon the completion of one of the following:

- (1) Issuance of a written order which automatically revokes or automatically denies a license, certificate, or permit;
- (2) Execution of a consent agreement;
- (3) Issuance and acceptance of a letter of admonishment; or
- (4) Exhaustion of all appeal rights pursuant to Chapter 119. of the Revised Code.