

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

3301-73-24 Application after disciplinary action.

- (A) If any prior disciplinary action by the state board was taken against a respondent that did not address the respondent's eligibility to apply or reapply for a future license and the respondent subsequently requests to be licensed by the state board, the respondent shall provide evidence that licensure by the state board is appropriate based on factors listed in paragraph (F) of this rule, and show that there has been a change in circumstances since the prior disciplinary action.
- (B) To determine if licensure is appropriate after a prior disciplinary action by the state board was taken against a respondent that did not address the respondent's eligibility to apply or reapply for a future license, the superintendent may conduct an investigation and weigh the evidence submitted against the legitimate need of the state board to protect the integrity of the profession, and ~~to~~ ensure the safety and welfare of students, and the school community.
- (C) The superintendent ~~will shall~~ determine if the results of an investigation warrant initiating an action to deny a license.
- (D) If the results of an investigation warrant initiating a denial of a license, the superintendent ~~will shall~~ give notice of an opportunity for a hearing in accordance with sections 119.01 to 119.13 of the Revised Code; however, nothing in this provision ~~shall~~ prohibits the superintendent from amending the notice for the proposed action.
- (E) An administrative hearing ~~is shall not be~~ a forum to re-adjudicate the original order of the state board to limit, suspend, revoke, or deny licensure.
- (F) The superintendent and the hearing officer ~~will shall~~ use the following factors, as applicable, to determine whether licensure after a prior disciplinary action by the state board was taken against a respondent that did not address the respondent's eligibility to apply or reapply for a future license is appropriate:
- (1) The nature and seriousness of the crime or misconduct that was the basis for the state board's prior disciplinary action;
 - (2) The extent of the respondent's past criminal activity or misconduct;
 - (3) The age of the respondent when the crime or misconduct was committed that was the basis for the state board's prior disciplinary action;
 - (4) The amount of time that has elapsed since the respondent's last criminal activity or misconduct;
 - (5) The conduct and work activity of the respondent before and after the criminal activity or misconduct that was the basis for the state board's disciplinary action;
 - (6) Whether the respondent has completed the terms of his/her probation or deferred adjudication;
 - (7) Evidence of rehabilitation;
 - ~~(8) Whether the applicant is eligible for licensure pursuant to rule 3301-20-01 of the Administrative Code;~~
 - (8) Whether the respondent fully disclosed the crime or misconduct to the state board, the department or the employing school district;
 - ~~(9-10)~~ Whether licensure will negatively impact the health, safety, and welfare of the school community

Commented [DM1]: Added for clarity.

Commented [DM2]: Changes made throughout the rule according to SB 9, 134th GA, to remove restrictive regulatory language.

Commented [DM3]: Removed due to rule change which now eliminates any absolute bars to initial licensure.

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

and/or statewide education community; and/or

(10-11) Any other relevant factor.