

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

3301-73-25 Automatic revocation or denial.

- (A) The superintendent ~~will shall~~ revoke a license or deny issuance or renewal of a license upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in division (C) or (F) of section 3319.31 of the Revised Code.
- (B) The superintendent ~~will shall~~ obtain certified court records to verify a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in division (C) or (F) of section 3319.31 of the Revised Code. In the case of a sealed or expunged conviction, the superintendent ~~will shall~~ obtain any and all records, including official results of a criminal background check, to verify a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in division (C) or (F) of section 3319.31 of the Revised Code.
- (C) If the superintendent issues a written order to revoke a license or deny issuance or renewal of a license pursuant to division (C) or (F) of section 3319.31 of the Revised Code, the written order shall contain the following information:
- (1) That the revocation or denial of the license ~~is shall be~~ effective immediately upon the date of the written order;
 - (2) Notification to the respondent of the plea of guilty to, finding of guilt by a jury or court of, or conviction that is the basis for the written order;
 - (3) That the respondent has no right to appeal the superintendent's written order under Chapter 119. of the Revised Code pursuant to division (C) of section 3319.31 of the Revised Code;
 - (4) That the respondent ~~is 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;
 - (5) That the respondent ~~is shall be~~ ineligible for and shall not apply for any license issued by the state board; and
 - (6) That the revocation or denial of the license ~~will shall~~ remain in effect during the pendency of an appeal by the respondent of the plea of guilty, finding of guilt, or conviction that is the basis for the written order.
- (D) The written order ~~will shall~~ be sent by registered mail to the respondent and his/~~or~~ her duly authorized representative on file.
- (1) If the written order is returned because the respondent failed to claim ~~or refused delivery of~~ the written order, the superintendent ~~will mail shall send~~ the written order ~~by ordinary by first class~~ mail to the respondent at the respondent's last known address, and ~~will shall~~ obtain a certificate of mailing. Service ~~by ordinary first class~~ mail is complete when the certificate of mailing is obtained unless the notice is returned showing failure of delivery.
 - (2) If the written order sent by ~~ordinary or registered registered or first class~~ mail is returned for failure of delivery, the superintendent ~~may shall~~ make personal delivery of the notice by an employee, agent of the agency, or agent hired by the agency, or ~~shall~~ cause a summary of the substantive provisions of the written order to be published in the educator conduct database and the educator's electronic credential history, which can be accessed through the department's website (education.ohio.gov).
- (E) The written order ~~will shall~~ be sent by ~~ordinary or registered first class~~ mail to the respondent's attorney

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

Commented [DM2]: Removed for redundancy.

Commented [DM3]: Updated language to align with standards in Revised Code section 119.07

Commented [DM4]: Added to remain consistent with change in D (1) of this rule.

Commented [RA5]: Updated language to align with standards in Revised Code section 119.07

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(F) The written order may be sent by mail or electronic mail to ~~and~~ any known, former-~~former~~, current, or reporting school district.

Commented [RA6]: Added to provide for flexibility and timely notification to schools and districts.