List of disqualifying offenses under Rule 3302-83-23 - Ohio Administrative Code | Ohio Laws and Section 3319.39 - Ohio Revised Code

For all offenses listed, an applicant cannot be hired or employed as a school bus or other student transportation driver.

For all offenses listed, employers are required to suspend the employee during the pendency of the criminal action. Each district may determine its own policy with regard to continued employment of these individuals during this period.

Rehabilitation

An employer may, at its discretion, employ an individual who has been deemed rehabilitated. An employer may determine an employee has been rehabilitated once all of the following conditions for rehabilitation have been met**:**

(1) The offense is **not** a non-rehabilitative offense and the time period for the offense has expired (see chart below);

(2) At the time of the offense, the victim of the offense was not a person under eighteen years of age or enrolled as a student in a school;

(3) The employee provides written confirmation of his/her efforts at rehabilitation and the results of those efforts. Written confirmation may include a statement by a court, parole officer, probation officer and/or counselor, or another source as approved by the employer that the applicant or employee has been rehabilitated; and

(4) A reasonable person would conclude that the applicant's hiring or the retention of the employee would not jeopardize the health, safety, or welfare of the persons served by the employer, based upon information pertinent to the following factors:

(a) The nature and seriousness of the crime;

(b) The extent of the applicant or employee's past criminal activity;

(c) The age of the applicant or employee when the crime was committed;

(d) The amount of time elapsed since the applicant or employee's last criminal activity;

(e) The conduct and work activity of the applicant or employee before and after the criminal activity;

(f) Whether the applicant or employee has completed the terms of his probation or deferred adjudication;

(g) Evidence of rehabilitation;

(h) Whether the applicant fully disclosed the crime to the district and/or employer;

(i) Whether employment could have a negative impact on the local education community;

(j) Whether employment could have a negative impact on the state-wide education community;

(k) If the employer is a private employer, information regarding the individual's criminal background check and any subsequent actions by the contractor must be disclosed to any entity contracting for school transportation services;

(l) Any entity contracting for transportation services is not bound by the determination of a private employer to re-employ an individual in accordance with this section; and

(m) Any other factor the employer considers relevant.

ORC Section	Notes	Offense	Eligible for Rehabilitation
Sexually oriented offenses			
2907.02		Rape	Non•rehabilitative
2907.03		Sexual Battery	Non•rehabilitative
2907.04		Unlawful Sexual Conduct with a Minor	Non•rehabilitative
2907.05		Gross Sexual Imposition	Non•rehabilitative
2907.06		Sexual Imposition	Non•rehabilitative
2907.07		Importuning	Non•rehabilitative
2907.071		Grooming	Non•rehabilitative
2907.12		Felonious Sexual Penetration (former section)	Non•rehabilitative
2907.21		Compelling Prostitution	Non•rehabilitative
2907.22		Promoting Prostitution	Non•rehabilitative
2907.23		Procuring	Non•rehabilitative
2907.231		Engaging in Prostitution (unless the offender was coerced into committing a violation of this section)	Non•rehabilitative
2907.25		Prostitution – after positive HIV test	Non•rehabilitative
2907.31		Disseminating Matter Harmful to Juveniles	Non•rehabilitative
2907.32		Pandering Obscenity	Non•rehabilitative
2907.321		Pandering Obscenity Involving a Minor	Non•rehabilitative
2907.322		Pandering Sexually Oriented Matter Involving a Minor	Non•rehabilitative
2907.323		Illegal Use of Minor In Nudity Oriented Material or Performance	Non•rehabilitative
Child-related violent offenses			
2905.01		Kidnapping	Non•rehabilitative
2905.02		Abduction	Non•rehabilitative
2905.04		Child Stealing (as it existed prior to July 1, 1996)	Non•rehabilitative
2905.05		Criminal Child Enticement	Non•rehabilitative
2919.22(B)		Endangering Children (only for violations of division (B)(1), (2), (3) or (4))	Non•rehabilitative
2919.23		Interference of Custody (if the violation of Section 2919.23 of the Ohio Revised Code would have been a violation of Section 2905.04 of the Ohio Revised Code (child stealing) before July 1, 1996)	Non•rehabilitative
Violent offenses			
2903.01		Aggravated Murder	Non•rehabilitative
2903.02		Murder	Non•rehabilitative
2903.03		Voluntary Manslaughter	Non•rehabilitative
2903.04		Involuntary Manslaughter	Non•rehabilitative
2903.06		Aggravated Vehicular Homicide – Vehicular Homicide – Vehicular Manslaughter	Non•rehabilitative
2903.08		Aggravated Vehicular Assault; Vehicular Assault	Non•rehabilitative
2903.09		Vehicular Manslaughter	Non•rehabilitative
2903.18		Strangulation	Non•rehabilitative
2909.24		Terrorism	Non•rehabilitative

Other violence related offenses			
2903.11		Felonious Assault	AFTER 20 YEARS
2903.12		Aggravated Assault	AFTER 20 YEARS
2911.01		Aggravated Robbery	AFTER 20 YEARS
2911.02		Robbery	AFTER 20 YEARS
2911.11		Aggravated Burglary	AFTER 20 YEARS
2923.161		Improper Discharge Firearm at or into Habitation; School• related Offenses	AFTER 20 YEARS
2919.12		Unlawful Abortion	AFTER 20 YEARS
3716.11		Placing Harmful Objects in Food/Confection	AFTER 20 YEARS
Drug offenses			
2925.02		Corrupting Another with Drugs	AFTER 10 YEARS
2925.03		Trafficking in Drugs	AFTER 10 YEARS
2925.04		Illegal Manufacturing of Drugs or Cultivation of Marihuana	AFTER 10 YEARS
2925.05		Funding, aggravated funding of drug or marihuana trafficking	AFTER 10 YEARS
2925.06		Illegal Administration or Distribution of Anabolic Steroids	AFTER 10 YEARS
Non-violent theft offense			
2911.12		Burglary	AFTER 10 YEARS
Major motor vehicle offenses			
4511.19		Operating under the influence	AFTER 10 YEARS
4511.20		Reckless Operation	AFTER 6 YEARS
4510.11		Driving under suspension	AFTER 6 YEARS
4510.14		Driving under OVI suspension	AFTER 6 YEARS
4511.194		Physical control under influence	AFTER 6 YEARS
Other offenses			
2903.13		Assault	AFTER 5 YEARS
2903.16		Failing to provide for a functionally impaired person	AFTER 5 YEARS
2903.21		Aggravated Menacing	AFTER 5 YEARS
2903.34		Patient abuse or neglect	AFTER 5 YEARS
2907.08		Voyeurism	AFTER 5 YEARS
2907.09		Public Indecency	AFTER 5 YEARS
2919.22(A)		Endangering Children (for violations of section (A))	AFTER 5 YEARS
2919.24		Contributing to unruliness or delinquency of a child	AFTER 5 YEARS
2919.25		Domestic Violence	AFTER 5 YEARS
2923.12		Carrying concealed weapons	AFTER 5 YEARS
2923.13		Having weapons while under disability	AFTER 5 YEARS
2925.11		Possession of controlled substance	AFTER 5 YEARS
Other motor vehicle offenses			
4511.75		Violation of school bus lights	AFTER ONE YEAR
4511.21		School zone speed limit (while operating a school vehicle)	AFTER ONE YEAR
4511.62		Railroad crossing violation[1]	AFTER ONE YEAR
A conviction of or guilty plea to a violation of any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to any of the offenses listed above.			

[1] Pursuant to Rule 3301-83-06 of the Ohio Administrative Code, drivers shall also be disqualified from operating a student transportation vehicle for one year for any railroad crossing violation that is evidenced by a video or a report by a railroad official, regardless of whether it results in a conviction.

Semi-Annual Driver Record Checks

In addition, employers are required by Rule 3301-83-06 of the Ohio Administrative Code to complete semi-annual driver record checks and maintain those records for a minimum of six years. The employer shall disqualify any drivers with any of the following from operating a school transportation vehicle:

(a) More than six Bureau of Motor Vehicle points during the past two years;

(b) A conviction of driving while under the influence of alcohol and/or a controlled substance during the past ten years;

(c) Two (or more) serious traffic violations, as defined in division (II) of section 4506.01 of the Revised Code, during the past two years[2]; or

(d) Any railroad crossing violation during the past year as evidenced by a conviction, video, or a report by a railroad official.

Please note, employers are permitted to adopt more stringent qualifications. Employers also need to be aware that any other conviction which directly impacts the status of a driver's license or commercial drivers license may impact the employer's ability to employ this individual as a driver.

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[2] "Serious traffic violation" means any of the following:

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;

(2) (a) Except as provided in division (II)(2)(b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:
(i) Texting while driving;
(ii) Using a handheld mobile telephone.
(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;
(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;
(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:
(i) It relates to traffic control, other than a parking violation;
(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.