

## List of disqualifying offenses under [Rule 3302-83-23 - Ohio Administrative Code | Ohio Laws](#)

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.

| <b>ORC Section</b>                    | <b>Notes</b> | <b>Offense</b>  | <b>Eligible for Rehabilitation</b> |
|---------------------------------------|--------------|---|------------------------------------|
| <b>Sexually oriented offenses</b>     |              |   |                                    |
| 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                 |
| 2907.12                               |              | Felonious Sexual Penetration (former section)   | Non•rehabilitative                 |
| 2907.21                               |              | Compelling Prostitution   | Non•rehabilitative                 |
| 2907.22                               |              | Promoting Prostitution  | Non•rehabilitative                 |
| 2907.23                               |              | Procuring   | Non•rehabilitative                 |
| 2907.25                               |              | 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                 |
| <b>Child-related violent offenses</b> |              |   |                                    |
| 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                 |
| <b>Violent offenses</b>               |              |   |                                    |
| 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                 |

| <b>Other violence related offenses</b>  |  |   |                |
|---|--|---|----------------|
| 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;<br>School• related Offenses | AFTER 20 YEARS |
| 2919.12   |  | Unlawful Abortion   | AFTER 20 YEARS |
| 3716.11   |  | Placing Harmful Objects in Food/Confection                                    | AFTER 20 YEARS |
| <b>Drug offenses</b>  |  |   |                |
| 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<br>Marihuana                 | AFTER 10 YEARS |
| 2925.05   |  | Funding, aggravated funding of drug or marihuana<br>trafficking               | AFTER 10 YEARS |
| 2925.06   |  | Illegal Administration or<br>Distribution of Anabolic Steroids                | AFTER 10 YEARS |
| <b>Non-violent theft offense</b>  |  |   |                |
| 2911.12   |  | Burglary  | AFTER 10 YEARS |
| <b>Major motor vehicle offenses</b>   |  |   |                |
| 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  |
| <b>Other offenses</b>   |  |   |                |
| 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  |
| <b>Other motor vehicle offenses</b>   |  |   |                |
| 4511.75   |  | Violation of school bus lights  | AFTER ONE YEAR |
| 4511.21   |  | School zone speed limit (while operating a school<br>vehicle)                 | AFTER ONE YEAR |
| 4511.62   |  | Railroad crossing violation <sup>1</sup>                                      | AFTER ONE YEAR |
| <b>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.</b> |  |   |                |

<sup>1</sup> 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<sup>2</sup>; 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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<sup>2</sup> "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.