



November 3, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 478

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Amendments of Children Services Licensing Rules in Chapter 5101:2-5 of the Administrative Code.

This letter transmits amendment to three Ohio Administrative Code (OAC) rules 5101:2-5-09, 5101:2-5-15 and 5101:2-5-35 surrounding foster care as a result of the passage of HB 110 of the 134th General Assembly and the five-year review. The rules will be effective November 15, 2021. The following is a list of the changes.

OAC 5101:2-5-09 entitled **Personnel and Prohibited Convictions for Employment** provides guidance to agencies on the background check requirements for personnel at an agency. Paragraph (K) was amended to add subcontractors, interns and volunteers to the criminal check requirements for employees. Paragraph (M) was amended to add subcontractors, interns and volunteers to the reference for criminal checks. Paragraph (P) was amended to include subcontractors, interns and volunteers in the alleged perpetrator search requirements. Paragraph (Q) was amended to add subcontractors, interns and volunteers to the sex offender registry search requirements. A new paragraph (R) was added to ensure agencies complete a search for all employees, subcontractors, interns and volunteers who have never had an alleged perpetrator search or a sex offender search.

OAC 5101:2-5-15 entitled **Volunteers and College Interns** provides guidance to agencies on what requirements are needed for volunteers and interns. The title of the rule has been changed to **Volunteers, Interns and Subcontractors**. Paragraph (A) was amended to include a requirement for subcontractors to be trained. A new paragraph (B) was added to ensure a volunteer, intern or subcontractor complies with the background check requirements of rule 5101:2-5-09 of the Administrative Code. For purposes of a criminal background check in rules 5101:2-5-09 and 5101:2-5-09.1 of the Administrative Code, the volunteer, intern or subcontractor will be evaluated as if they are an employee. Paragraphs (C), (D) and (E) were amended to add subcontractors.

OAC 5101:2-5-35 entitled **Children's Rights** provides guidance to agencies on the rights of children placed in their care. The title of the rule has changed to **Foster Youth Bill of Rights**. The entire rule has been re-written in a format more easily readable with new and improved rights and processes.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Service Manual (FCASM) and the materials that are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Foster Care Licensing	5101:2-5-09	5101:2-5-09
	5101:2-5-15	5101:2-5-15
	5101:2-5-35	5101:2-5-35
Transmittal Letters		FCASMTL No. 478

5101:2-5-09

Personnel and prohibited convictions for employment.

- (A) An agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall have written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers, and employees.
- (B) Prior to hire, an agency shall obtain, from persons not related to the subject of reference, at least three written references or written notes on verbal references regarding prospective college interns, volunteers, and employees who will have direct contact with children.
- (C) An agency shall hire qualified employees to provide the services which it is certified to provide.
- (1) The person employed as the administrator of the agency shall possess at least a bachelor's degree from a college or university accredited by a nationally recognized accrediting organization and other qualifications and experience as determined by the governing body in writing.
 - (2) An agency shall assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.
 - (3) Persons employed in positions responsible for the daily direct care or supervision of children shall be at least twenty-one years of age and possess a high school diploma or equivalency certificate. As an alternative to the educational requirement such persons shall have at least one year of full-time equivalent paid or volunteer experience in the direct provision of care to children.
- (D) In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of paragraph (C) of this rule, such employee shall meet those qualifications which are the most rigorous among the competing criteria.
- (E) A residential facility shall require a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any person who will have direct contact with children.
- (F) An agency shall, at its own discretion or at the request of the Ohio department of job and family services (ODJFS), require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified professionals

when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of children.

(G) Pursuant to section 5103.037 of the Revised Code, prior to hiring or appointing a person as board president, administrator or officer, an agency is to:

- (1) Conduct an alleged perpetrator search as described in paragraph (P) of this rule. The process can be found at: <http://jfs.ohio.gov/ocf/childprotectiveservices.stm>.
- (2) Request a certified search of the findings for recovery database. The website is located at: <http://ffr.ohioauditor.gov/>.
- (3) Conduct a database review at the federal website known as the system for award management. The website is located at: <https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>.
- (4) Conduct a search of the United States department of justice national sex offender public website. The website is located at: <https://www.nsopw.gov/>.
- (5) Create a file for each board president, administrator or officer to house the information required in this paragraph.

(H) The agency may refuse to hire or appoint a person as a board president, administrator or officer as follows:

- (1) Based solely on the findings of the summary report as described in paragraph (G)(1) of this rule or the results of the search described in paragraph (G)(4) of this rule.
- (2) Based on the results of the certified search or database review as described in paragraphs (G)(2) and (G)(3) of this rule.

(I) An agency shall document that any person hired after October 29, 1993 as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home care shall not have been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule except as provided in paragraph (J) of this rule.

(J) Unless specifically prohibited in appendix A to this rule, a prospective employee convicted of or who has pleaded guilty to an offense listed in appendix A to this rule may be hired by an agency as an administrator, child care staff or caseworker, or in any other position responsible for a child's care in out-of-home care only if the following rehabilitative criteria has been met:

- (1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.
- (2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.
- (3) The victim of the offense was not one of the following:
 - (a) A person under the age of eighteen or person sixty years of age or older.
 - (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
 - (c) An intellectually disabled person as defined in section 5123.01 of the Revised Code.
 - (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
 - (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
- (4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining whether to hire the prospective employee:
 - (a) The person's age at the time of the offense.
 - (b) The nature and seriousness of the offense.
 - (c) The circumstances under which the offense was committed.
 - (d) The degree to which the person participated in the offense.
 - (e) The time elapsed since the person was fully discharged from imprisonment or probation.
 - (f) The likelihood that the circumstances leading to the offense will recur.
 - (g) Whether the person is a repeat offender.

- (h) The person's employment record.
 - (i) The person's efforts at rehabilitation and the results of those efforts.
 - (j) Whether any criminal proceedings are pending against the person.
 - (k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (K)(1) of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.
 - (l) Any others factors the agency considers relevant.
- (K) Except as provided in paragraph (J) of this rule, an agency shall not, as of October 29, 1993, hire a prospective employee as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home-care if the person has been convicted of or pleaded guilty to any of the following:
- (1) Any offense listed in appendix A to this rule.
 - (2) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, a violation of section 4511.19 of the Revised Code if the person previously was convicted of or plead guilty to two or more violations within the three years immediately preceding the current violation, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code.
 - (3) A violation of an existing or former law of this state or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.
- (L) It is the prospective employee's duty to provide written verification that the conditions specified in paragraph (J) of this rule are met. If the prospective employee fails to provide such proof or if the agency determines that the proof offered by the prospective employee is inconclusive or insufficient, the person shall not be hired. Any doubt shall be resolved in favor of protecting the children the agency serves.
- (M) To determine whether a prospective employee is qualified to be hired pursuant to paragraph (K) of this rule, a criminal records check shall be conducted pursuant to rule 5101:2-5-09.1 of the Administrative Code.

- (N) The provisions of paragraph (J) of this rule must be considered for any prospective employee who has been convicted of, or pleaded guilty to, one or more of the offenses listed in appendix A to this rule even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care of children who may be entrusted to the person's care.
- (O) A conviction of, or plea of guilty to, an offense listed in appendix A to this rule shall not prevent a prospective employee's hire if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.
- (P) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency is to complete an alleged perpetrator search of abuse and neglect report history through the system for each prospective employee. The search is to also be obtained for each subcontractor, intern, or volunteer at a residential facility and for each subcontractor, intern, or volunteer who has access to children at an agency that is not a residential facility. If the agency does not have the ability to complete the search in SACWIS, the agency is to ~~request~~obtain a search of the system from ODJFS for each employee and prospective employee.
- (1) The agency is to ~~request~~obtain a check of the child abuse and neglect registry of any other state a prospective employee has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code. The process can be found at: <http://centerforchildwelfare.fmhi.usf.edu/ChildProtective/AdamWalsh.pdf>.
 - (2) A report with the results of the search is to be placed in the ~~applicant or employee's~~individual's record.
 - (3) This report is to be used to determine the suitability of the ~~applicant or employee~~individual to provide care to children.
- (Q) An agency is to ~~conduct~~obtain a search of the United States department of justice national sex offender public website for each employee and prospective employee. The search is to also be obtained for each subcontractor, intern, or volunteer at a residential facility and for each subcontractor, intern, or volunteer who has access to children at an agency that is not a residential facility. The website is located at: <https://www.nsopw.gov/>.

- (1) A report with the results of the search is to be placed in the ~~applicant or employee's~~ individual's record.
- (2) This report is to be used to determine the suitability of the ~~applicant or employee~~ individual to provide care to children.

(R) If, at the time of the effective date of this rule, the agency has not obtained a report required under paragraphs (P) and (Q) of this rule for the person, subcontractor, intern, or volunteer currently working at the agency, the agency is to obtain the report.

~~(R)~~(S) An agency may refuse to hire a prospective employee, intern or subcontractor and may refuse volunteer services from an individual based solely on the findings of the summary report described in paragraph (P) of this rule or the results of the search described in paragraph (Q) of this rule.

~~(S)~~(T) An individual is not eligible for employment or approval as an intern, subcontractor, volunteer, employee, board president, administrator or officer in a residential setting if either of the following is true:

- (1) The individual's alleged perpetrator results show a finding of substantiated abuse or neglect within the past ten years.
- (2) The individual is listed on the national sex offender public website.

~~(T)~~(U) An agency shall have a separate personnel file for each employee which shall include at a minimum:

- (1) The employee's application for employment.
- (2) Copies of references.
- (3) A copy of the employee's current job description.
- (4) A copy of each job evaluation performed.
- (5) A copy of all medical records obtained.
- (6) Documentation of all training received, including specific training for and an annual review of acceptable methods of restraint, if applicable.
- (7) Copies of all professional credentials, licenses or certifications.
- (8) Copies of all disciplinary actions involving the employee.
- (9) The employee's date of hire and termination if applicable.

- (10) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records check results required by rule 5101:2-5-09.1 of the Administrative Code and, if applicable, documentation that the requirements of paragraph (J) of this rule have been met.
 - (11) Any notification of charges of any criminal offense brought against the employee and any notification of conviction of any criminal offense.
 - (12) Copies of all educational degrees, diplomas or equivalency certificates.
 - (13) Copies showing proof of a valid driver's license and current automobile insurance, if the staff member will be utilizing his or her own vehicle when transporting children.
- ~~(U)~~(V) Personnel files for each employee shall be maintained for at least five years after the date of employment ends.
- ~~(V)~~(W) Nothing in this rule shall apply to a foster caregiver who is subject to the provisions of Chapter 5101:2-7 of the Administrative Code.

Effective: 11/15/2021

Five Year Review (FYR) Dates: 6/15/2025

CERTIFIED ELECTRONICALLY

Certification

11/01/2021

Date

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10/01/1990, 01/01/1991, 09/18/1996, 05/01/1998,
07/01/2000, 08/22/2005, 08/14/2008, 12/01/2010,
09/01/2015, 06/15/2020

5101:2-5-15

Volunteers, ~~and college-interns~~ and subcontractors.

- (A) Volunteers, subcontractors or ~~college-interns~~ whose duties include any of the same general duties as child care staff shall be trained in the mission of the out-of-home care setting to which they are assigned.
- (B) An agency is to ensure a volunteer, intern or subcontractor complies with the background check requirements of rule 5101:2-5-09 of the Administrative Code.
- ~~(B)~~(C) Volunteers, subcontractors or ~~college-interns~~ whose duties include any of the same general duties as child care staff shall receive training pursuant to rule 5101:2-9-03 of the Administrative Code, shall be supervised by agency staff, and shall participate in at least monthly face-to-face supervisory conferences.
- ~~(C)~~(D) Volunteers, subcontractors or ~~college-interns~~ shall be given a specific written job description delineating the functions to be performed.
- ~~(D)~~(E) An agency shall not use volunteers, subcontractors or ~~college-interns~~ as a replacement for or in lieu of paid staff. Volunteers, subcontractors or ~~college-interns~~ shall not be counted to meet required staff ratios as required by rule 5101:2-9-02 of the Administrative Code.
- ~~(E)~~(F) An agency which accepts ~~college-interns~~ shall have a written agreement with each school placing students. This agreement shall, at a minimum, include:
- (1) A statement of the student's role and responsibilities.
 - (2) A description of the minimum qualifications the student must possess.
 - (3) A statement outlining the respective supervisory and evaluation responsibilities of the agency and the placing school.

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TO BE RESCINDED

5101:2-5-35 **Children's rights.**

- (A) No agency, foster caregiver, residential facility or any employee of an agency or residential facility shall in any way violate any of the following rights of children:
- (1) The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.
 - (2) The right to reasonable enjoyment of privacy.
 - (3) The right to have his or her opinions heard and be included, to the greatest extent possible, when any decisions are being made affecting his life.
 - (4) The right to receive appropriate and reasonable adult guidance, support, and supervision.
 - (5) The right to be free from physical abuse and inhumane treatment.
 - (6) The right to be protected from all forms of sexual exploitation.
 - (7) The right to receive adequate and appropriate medical care.
 - (8) The right to receive adequate and appropriate food, clothing, and housing.
 - (9) The right to his or her own money and personal property in accordance with the child's service or case plan.
 - (10) The right to live in clean, safe surroundings.
 - (11) The right to participate in an appropriate educational program.
 - (12) The right to communicate with family, friends and "significant others" from whom he or she is living apart, in accordance with the child's service or case plan.
 - (13) The right to be taught to fulfill appropriate responsibilities to himself or herself and to others.
- (B) A residential facility shall include the above list of children's rights in the handbook for residents and their families required pursuant to rule 5101:2-9-15 of the Administrative Code.

- (C) An agency operating a foster care or independent living program shall include the list of children's rights identified in paragraph (A) of this rule in any handbook used by the agency for children in the care of the agency.
- (D) If an agency places any restrictions upon a child's rights for more than two hours, the agency shall:
- (1) Inform the child and the child's custodian of the conditions of and the reasons for the restriction of rights;
 - (2) Place a written report summarizing the conditions of and reasons for the restriction of the child's rights in that child's record maintained pursuant to rule 5101:2-5-10 of the Administrative Code;
 - (3) When a restriction of a child's rights affects another individual, inform the individual, as appropriate, of the conditions of and reasons for the action;
 - (4) Document review of this decision at least weekly. Any such restriction shall be included in the service plan and approved by the child's custodian.

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12/11/2006, 10/01/2011, 03/01/2017

5101:2-5-35**Foster Youth Bill of Rights.**

(A) No court, agency, resource caregiver, residential facility or any employee, volunteer, intern or subcontractor of an agency, court or residential facility is to in any way violate any of the following rights of children:

(1) The right to be free from physical, verbal, and emotional abuse and inhumane treatment.

(2) The right to be protected from all forms of sexual abuse and exploitation.

(3) The right to receive timely and consistent access to:

(a) Housing that is a clean and safe living environment, free of infestation and contaminants. This includes the right to enter their housing at any time during their placement.

(b) Food in accordance to rule 5101:2-7-06 or 5101:2-9-20 of the Administrative Code. This includes the right to have other special considerations regarding food as a result of trauma included in their service and/or case plan.

(c) Clothing appropriate to the child's age and gender identity. This includes the right to participate and provide input regarding the selection of their clothing.

(4) The right to privacy and personal belongings.

(5) The right to their own money. As age and developmentally appropriate, the right to earn their own money, open a bank account, and be provided guidance on how to save and spend money. For youth age fourteen and older, this is to be addressed as a part of the youth independent living plan pursuant to rule 5101:2-42-19 of the Administrative Code.

(6) The right to visitation and communication with parents, siblings, other family members, non-related kin, friends and significant others from whom they are living apart, in accordance with the child's service or case plan. Unless restricted in the case plan or in accordance to paragraph (E) of this rule, the youth has the right to communicate with these persons in private.

(7) The right to contact their attorney, caseworker, custodial agency worker, probation officer, court appointed special advocate (CASA) and guardian ad litem (GAL) as well as other professionals involved with the youth in private, within twenty-four hours of the request. Each of the phone numbers for these individuals and the recommending and custodial agency hotline is to be accessible to the youth.

- (8) The right to have their opinions heard and be included when any decisions are being made affecting their lives. As age or developmentally appropriate, this includes the right to be invited to and prepared for meetings and court hearings including information about their permanency options.
 - (9) The right to receive timely, adequate, and appropriate medical care, dental services, vision care, and mental health services. This includes the right to have appointments scheduled and be transported to these appointments.
 - (10) The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.
 - (11) The right to receive appropriate and reasonable guidance, support, and supervision from adults in their lives including parents, resource caregivers, agency staff, mentors, youth advisory boards, and others, as applicable.
 - (12) The right to participate in an appropriate educational program including the following:
 - (a) The right to provide their input regarding selection of schools consistent with the Every Student Succeeds Act (ESSA) 2015.
 - (b) The right to participate in educational and school related activities, without any barriers to access.
 - (c) For youth aged fourteen and older, the right to have access to information regarding vocational and post-secondary educational programs and financial assistance for post- secondary education.
 - (13) The right to life skills preparation pursuant to rule 5101:2-42-19 of the Administrative Code.
 - (14) The right to participate in age-appropriate extracurricular, enrichment, and social activities per section 2151.315 of the Ohio Revised Code.
 - (15) The right to protection against being discriminated against or harassed on the basis of race, sex, gender, gender identity, sexual orientation, disability, religion, color or national origin.
- (B) The custodial agency is to ensure the foster youth bill of rights and/or a copy of the JFS 01677 "Foster Youth Rights Handbook" pursuant to rule 5101:2-42-90 of the Administrative Code, along with the agency's complaint procedure, pursuant to rule 5101:2-33-20, are explained to each child as developmentally appropriate and provided to all children in custody.

(C) A residential facility is to include the foster youth bill of rights in the handbook for residents and their families required pursuant to rule 5101:2-9-15 of the Administrative Code. The residential agency is to ensure the following:

(1) Children in the care of the agency have ongoing access to the handbook for residents and youth aged fourteen and older have ongoing access to the JFS 01677.

(2) The list of the foster youth bill of rights along with the facility's complaint procedure pursuant to rule 5101:2-9-24 of the Administrative Code is to be clearly posted in each facility so that it may be easily seen by all children.

(D) An agency operating a foster care or independent living program is to include the foster youth bill of rights in any handbook used by the agency for children in the care of the agency. The agency is to ensure children in the care of the agency:

(1) Are provided the list of foster youth bill of rights and the agency's complaint procedure which are explained to each child as developmentally appropriate and provided to all children.

(2) Have ongoing access to the handbook, if applicable, and the agency's complaint procedure.

(3) Youth aged fourteen and older have ongoing access to the JFS 01677.

(E) Restrictions upon a child's rights should be reserved only for instances where it is necessary for the health and safety of the child or others. If an agency places any restrictions upon a child's rights for more than two hours, the agency is to:

(1) Inform the child immediately and the child's custodian within twenty-four hours of the conditions of and the reasons for the restriction of rights.

(2) Place a written report summarizing the conditions of and reasons for the restriction of the child's rights in that child's record maintained pursuant to rule 5101:2-5-10 and/or 5101:2-33-70 of the Administrative Code.

(3) Inform the individual of the conditions of and reasons for the action, as appropriate, when a restriction of a child's rights affects another individual.

(4) Document review of this decision at least weekly. Any such restriction is to be included in the service and/or case plan and approved by the child's custodian.

(F) Nothing in this rule prevents a resource caregiver or residential facility from providing care, supervision, and discipline pursuant to rule 5101:2-7-09 or 5101:2-9-21 of the Administrative Code.

(G) If the rights of a youth, as established in this rule, conflict with the rights of a resource family or resource caregiver, as established in rule 5101:2-42-20, the rights of the youth is to preempt the rights of the resource family or resource caregiver.

(H) The rights established by this rule do not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

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Certification

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12/11/2006, 10/01/2011, 03/01/2017

DISQUALIFYING OFFENSES FOR RULE 5101:2-5-09 OF THE ADMINISTRATIVE CODE

Non-rehabilitative felony offenses.			
Misdemeanor convictions of these offenses must be evaluated using the rehabilitation criteria in rule 5101:2-5-09, but are not automatically disqualifying.			
ORC	Offense	Misdemeanor	Felony
2903.01	Aggravated murder	N/A	Non-rehabilitation offense - employee cannot be approved
2903.02	Murder	N/A	Non-rehabilitation offense - employee cannot be approved
2903.03	Voluntary manslaughter	N/A	Non-rehabilitation offense - employee cannot be approved
2903.04	Involuntary manslaughter	N/A	Non-rehabilitation offense - employee cannot be approved
2903.041	Reckless homicide	N/A	Non-rehabilitation offense - employee cannot be approved
2903.06	Aggravated Vehicular Homicide	√	Non-rehabilitation offense - employee cannot be approved
2905.32	Trafficking in persons	N/A	Non-rehabilitation offense - employee cannot be approved
2907.02	Rape	N/A	Non-rehabilitation offense -

DISQUALIFYING OFFENSES FOR RULE 5101:2-5-09 OF THE ADMINISTRATIVE CODE

			employee cannot be approved
2907.03	Sexual battery	N/A	Non-rehabilitation offense - employee cannot be approved
2907.04	Unlawful sexual conduct with a minor	√	√Non-rehabilitation offense - employee cannot be approved
2907.05	Gross sexual imposition	N/A	Non-rehabilitation offense - employee cannot be approved
2907.12	Felonious sexual penetration (as this former section of law existed)	N/A	Non-rehabilitation offense - employee cannot be approved
2907.19	Commercial sexual exploitation of a minor	N/A	Non-rehabilitation offense - employee cannot be approved
2907.21	Compelling prostitution	N/A	Non-rehabilitation offense - employee cannot be approved
2907.321	Pandering obscenity involving a minor	N/A	Non-rehabilitation offense - employee cannot be approved
2907.322	Pandering sexually oriented matter involving a minor	N/A	Non-rehabilitation offense - employee

DISQUALIFYING OFFENSES FOR RULE 5101:2-5-09 OF THE ADMINISTRATIVE CODE

			cannot be approved
2907.323	Illegal use of a minor in nudity-oriented material or performance	N/A	Non-rehabilitation offense - employee cannot be approved
2919.22	Endangering children	√	Non-rehabilitation offense - employee cannot be approved
2919.25	Domestic violence	√	Non-rehabilitation offense, if considered spousal abuse - employee cannot be approved
Offenses that must be evaluated using the rehabilitation criteria in rule 5101:2-5-09.			
959.13	Cruelty to animals	√	N/A
2903.08	Aggravated Vehicular Assault; Vehicular Assault	√	√
2903.11	Felonious assault	N/A	√
2903.12	Aggravated assault	N/A	√
2903.13	Assault	√	√
2903.15	Permitting child abuse	√	√
2903.16	Failing to provide for a functionally impaired person	√	√
2903.21	Aggravated menacing	√	√
2903.211	Menacing by stalking	√	√
2903.22	Menacing	√	√
2903.34	Patient abuse, neglect	√	√
2905.01	Kidnapping	N/A	√
2905.02	Abduction	N/A	√
2905.05	Criminal child enticement	√	√
2905.11	Extortion	N/A	√
2907.06	Sexual imposition	√	√
2907.07	Importuning	N/A	√
2907.08	Voyeurism	√	√
2907.09	Public indecency	√	√
2907.22	Promoting prostitution	N/A	√

DISQUALIFYING OFFENSES FOR RULE 5101:2-5-09 OF THE ADMINISTRATIVE CODE

2907.23	Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	√	√
2907.25	Prostitution – after positive HIV test	N/A	√
2907.31	Disseminating matter harmful to juveniles	√	√
2907.32	Pandering obscenity	N/A	√
2909.02	Aggravated arson	N/A	√
2909.03	Arson	√	√
2909.22	Soliciting or providing support for act of terrorism	√	√
2909.23	Making terroristic threat	N/A	√
2909.24	Terrorism	One degree higher than the most serious underlying specified offense the defendant committed (If the offense was a third degree felony, the terrorism charge related to that offense would be a second degree felony) This could be a disqualifying offense if the original charge was a non-rehabilitative crime listed above.	
2911.01	Aggravated robbery	N/A	√
2911.02	Robbery	N/A	√
2911.11	Aggravated burglary	N/A	√
2911.12	Burglary	N/A	√
2913.49	Identity Fraud	N/A	√
2917.01	Inciting to violence	√	√
2917.02	Aggravated riot	N/A	√
2919.12	Unlawful abortion	√	√
2919.23	Interference with custody (that would have been a violation of RC 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)	√	√
2919.24	Contributing to unruliness or delinquency of a child	√	N/A
2923.12	Carrying concealed weapons	√	√
2923.13	Having weapons while under disability	N/A	√
2923.161	Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function	N/A	√
2923.17	Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives	N/A	√

DISQUALIFYING OFFENSE	IMPOSED BY (FURNISHING WEAPONS TO MINOR)	THE ADMINISTRATIVE CODE	
2923.42	Participating in criminal gang	N/A	√
2925.02	Corrupting another with drugs		√
2925.03	Trafficking, aggravated trafficking in drugs	√	√
2925.04	Illegal manufacture of drugs or cultivation of marijuana	√	√
2925.041	Illegal assembly or possession of chemicals for manufacture of drugs	N/A	√
2925.05	Funding of drug or marijuana trafficking	N/A	√
2925.06	Illegal administration or distribution of anabolic steroids	N/A	√
2925.11	Possession of a controlled substance	√	√
2925.13	Permitting drug abuse	√	√
2925.22	Deception to obtain a dangerous drug	N/A	√
2925.23	Illegal processing of drug documents	N/A	√
2925.24	Tampering with drugs	N/A	√
2925.31	Abusing harmful intoxicants	√	√
2925.32	Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide	√	√
2925.36	Illegal dispensing of drug samples	√	√
2925.37	Counterfeit controlled substance offenses	√	√
2927.12	Ethnic intimidation	√	√
3716.11	Placing harmful objects in food or confection	√	N/A
4511.19	Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC	√ Only a disqualifying offense if two or more violations have been committed within the past 3 years	√ Only a disqualifying offense if two or more violations have been committed within the past 3 years
A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in this appendix.			