

Facilitator Notes for Principle 4: Criminal Acts

The facilitator notes include discussion points for scenarios that raise awareness and increase understanding of *Principle 4* of the *Licensure Code of Professional Conduct*. Please reference the [Facilitator Instructions](#) to help you prepare professional development using these scenarios.

Scenario 1	
<i>When a teacher was in college, they were cited for underage consumption and public intoxication. Since the teacher had the conviction expunged/sealed from their record, they didn't report it when they applied for their teaching license.</i>	
Area of Concern Under Principle 4	<ul style="list-style-type: none"> • Even though the conviction was sealed/expunged, it must be reported per Principle 4e.
Primary Users	<ul style="list-style-type: none"> • All licensed educators
Key Considerations	<ul style="list-style-type: none"> • All educators need to properly complete licensure applications, listing all criminal convictions, both misdemeanors and felonies. The application asks about sealed and expunged convictions.
Strategies to Mitigate Risk	<ul style="list-style-type: none"> • When in doubt, disclose it. Provide details in the notes field of the application. • If there are questions, contact the ODE Office of Professional Conduct.
Related Code of Conduct Principles	<ul style="list-style-type: none"> • In this scenario, the educator is going against Principle 3b because he or she is willfully omitting information when reporting criminal history. • There are also concerns under Principles 6a and 6b, if their consumption of alcohol is habitual and/or excessive.
Resources	<ul style="list-style-type: none"> • Ohio Revised Code <ul style="list-style-type: none"> ◦ 3319.29 Questioning of applicant regarding criminal history • Tip Sheet #7—Rapback and Applications

Scenario 2

A school treasurer got cited for driving under the influence and disorderly conduct over the weekend in another state. Since this didn't happen during work hours, the school treasurer didn't notify his supervisor and doesn't plan to since he plans to plea to a lesser charge.

Area of Concern Under Principle 4	<ul style="list-style-type: none"> This incident is a violation of Principle 4e, as it involves a criminal charge, regardless of whether it occurred in another state.
Primary Users	<ul style="list-style-type: none"> All licensed educators
Key Considerations	<ul style="list-style-type: none"> The educator's local board policy may require immediate disclosure. The board policy for alcohol convictions and/or arrests may be different than the licensure code. The educator should always consider their own safety and the safety of others. Anytime he drives intoxicated, he's putting himself and others at risk. Incidents involving a criminal charge may affect professional licensure.
Strategies to Mitigate Risk	<ul style="list-style-type: none"> Familiarize yourself with your local board policy. Act in accordance with the ODE Office of Professional Conduct Guidance on Convictions.
Related Code of Conduct Principles	<ul style="list-style-type: none"> Under Principle 3c, educators should not use sick leave to go to court. Principle 1d, related to violating state and/or federal laws, statutes, or rules, even if there are no criminal charges, indictments, prosecution, or convictions. If the educator is driving under the influence of an illegal substance, then this scenario would be a violation of Principle 6a. Engaging in excessive or habitual abuse of alcohol is also a violation of Principle 6b.
Resources	<ul style="list-style-type: none"> N/A

Scenario 3

A history teacher owns a large, antique knife. When covering that time period in history class, he shows it to students as an example of an artifact from that era. Sometimes he also uses it as a pointer during class or to cut cake in the teachers' lounge, but mostly it's kept in a locked drawer in the desk.

Area of Concern Under Principle 4	<ul style="list-style-type: none"> This scenario causes concerns under Principle 4c because the individual is in possession of a weapon or ordnance on school property.
Primary Users	<ul style="list-style-type: none"> All licensed educators
Key Considerations	<ul style="list-style-type: none"> Having a weapon at school could be a criminal act. How others feel about the knife matters. Bringing a weapon to school could make others feel uncomfortable or threatened. How secure is the desk drawer? If the teacher forgets to lock it, students could gain access to it and hurt themselves or others.
Strategies to Mitigate Risk	<ul style="list-style-type: none"> Don't bring a weapon or ordnance to school.
Related Code of Conduct Principles	<ul style="list-style-type: none"> There are also concerns related to Principle 2h. If there is a risk that a student could obtain a weapon, then the teacher is putting the safety and welfare of students at risk.
Resources	<ul style="list-style-type: none"> Ohio School Safety Center: Keep Students Safe

Scenario 4

A school district hires an individual to work as an instructional aide. The individual has a prior criminal offense for safe cracking that occurred two years ago. The district allowed this aide to begin work pending approval of their initial license.

Area of Concern Under Principle 4	<ul style="list-style-type: none"> In this scenario, the administration is assisting an act of conduct unbecoming, as described in Principle 4b.
Primary Users	<ul style="list-style-type: none"> Administrators
Key Considerations	<ul style="list-style-type: none"> State law allows certain applicants to work with a pending license for limited periods of time; however, this individual is not eligible to work due to his/her prior conviction. The school district and ODE are both responsible for ensuring new hires and new licensees are eligible. The school district should not hire educators for licensed positions when they know that the educator is ineligible under OAC 3301-20-01. This section of the OAC outlines certain convictions that may make first time applicants ineligible for licensure. Depending on the conviction(s), the applicant may have different paths available for rehabilitation to become eligible in the future.
Strategies to Mitigate Risk	<ul style="list-style-type: none"> Schools and districts should conduct and review background checks as part of hiring process.
Related Code of Conduct Principles	<ul style="list-style-type: none"> N/A
Resources	<ul style="list-style-type: none"> How Convictions Affect Licensure Rehabilitation Rules Matrix Ohio Administrative Code <ul style="list-style-type: none"> OAC 3301-20-01 Employment of individuals in positions that require a license and licensure of individuals with certain criminal convictions Ohio Revised Code <ul style="list-style-type: none"> ORC 3319.36 Requirements of Payment of Teacher for Services