



Ohio Administrative Code Rule 3301-73-20 Reports and recommendations.

Effective: [March 27, 2014](#)

(A) Within thirty days following both the close of the record of an administrative hearing conducted pursuant to Chapter 119. and section 3319.311 of the Revised Code and of receiving the transcript from the hearing, the hearing officer shall submit a written report setting forth a summary of proceedings, proposed findings of fact and conclusions of law, and a recommendation of the action to be taken by the state board. The hearing record shall not be considered closed until such time as the record is complete, as determined by the hearing officer.

Any requests by the hearing officer to extend the time to file the report must be submitted in writing to the superintendent prior to the thirtieth day and shall include an explanation why such extension is necessary. Such request shall be decided by the superintendent.

(B) The original written report shall be filed with the department. The department will serve the parties as provided under Chapter 119. of the Revised Code.

(C) Pursuant to section 119.09 of the Revised Code, a party may file written objections to the report and recommendation within ten days of receipt of the hearing officer's report and recommendation. Filing of objections shall be in compliance with rule 3301-73-06 of the Administrative Code. Only those objections filed in a timely manner shall be considered by the state board. A party may file a motion to strike in response to the submission of objections. If a motion to strike is filed, the hearing officer shall make a recommendation to the state board on the motion to strike.

(D) Prior to the tenth day after receipt of the report and recommendation pursuant to section 119.09 of the Revised Code and upon written request, the superintendent may grant extensions of time within which to file objections. The extension shall not be for more than fourteen days.

(E) The state board shall consider the hearing officer's report and recommendation and any objections thereto at the next possible regularly scheduled meeting, if the state board's agenda permits, after the time for filing objections, a motion to strike, and a recommendation on the motion



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to strike has passed. The state board may decide to accept, reject, or modify the report and recommendation or remand the matter to the hearing officer. The state board shall memorialize the decision on the report and recommendation through a written resolution and/or order.