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Sub. H. B. No. 410

Representatives Rezabek, Hayes

Cosponsors: Representatives Brenner, Blessing, Henne, Manning, Patmon, Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Boyd, Grossman, McClain, Ryan, Sheehy, Slaby, Smith, R., Sweeney, Young, Speaker Rosenberger

A BILL

To amend sections 2151.011, 2151.022, 2151.18, 1
2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2
2151.354, 2152.02, 2152.021, 2152.19, 2152.26, 3
2919.24, 3313.534, 3313.66, 3314.03, 3321.041, 4
3321.13, 3321.16, 3321.19, 3321.191, 3321.22, 5
3321.38, 3326.11, 3328.24, and 4510.32 and to 6
enact section 3313.668 of the Revised Code with 7
regard to truancy and compulsory school 8
attendance. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.011, 2151.022, 2151.18, 10
2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2151.354, 2152.02, 11
2152.021, 2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 3314.03, 12
3321.041, 3321.13, 3321.16, 3321.19, 3321.191, 3321.22, 3321.38, 13
3326.11, 3328.24, and 4510.32 be amended and section 3313.668 of 14
the Revised Code be enacted to read as follows: 15

Sec. 2151.011. (A) As used in the Revised Code: 16

(1) "Juvenile court" means whichever of the following is 17

applicable that has jurisdiction under this chapter and Chapter 18
2152. of the Revised Code: 19

(a) The division of the court of common pleas specified in 20
section 2101.022 or 2301.03 of the Revised Code as having 21
jurisdiction under this chapter and Chapter 2152. of the Revised 22
Code or as being the juvenile division or the juvenile division 23
combined with one or more other divisions; 24

(b) The juvenile court of Cuyahoga county or Hamilton 25
county that is separately and independently created by section 26
2151.08 or Chapter 2153. of the Revised Code and that has 27
jurisdiction under this chapter and Chapter 2152. of the Revised 28
Code; 29

(c) If division (A) (1) (a) or (b) of this section does not 30
apply, the probate division of the court of common pleas. 31

(2) "Juvenile judge" means a judge of a court having 32
jurisdiction under this chapter. 33

(3) "Private child placing agency" means any association, 34
as defined in section 5103.02 of the Revised Code, that is 35
certified under section 5103.03 of the Revised Code to accept 36
temporary, permanent, or legal custody of children and place the 37
children for either foster care or adoption. 38

(4) "Private noncustodial agency" means any person, 39
organization, association, or society certified by the 40
department of job and family services that does not accept 41
temporary or permanent legal custody of children, that is 42
privately operated in this state, and that does one or more of 43
the following: 44

(a) Receives and cares for children for two or more 45
consecutive weeks; 46

(b) Participates in the placement of children in certified foster homes;	47 48
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	49 50
(B) As used in this chapter:	51
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	52 53 54 55 56 57
(2) "Adult" means an individual who is eighteen years of age or older.	58 59
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	60 61 62 63
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	64 65 66 67 68 69
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	70 71 72
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any	73 74

person who is adjudicated an unruly child prior to attaining 75
eighteen years of age until the person attains twenty-one years 76
of age, and, for purposes of that jurisdiction related to that 77
adjudication, a person who is so adjudicated an unruly child 78
shall be deemed a "child" until the person attains twenty-one 79
years of age. 80

(7) "Child day camp," "child care," "child day-care 81
center," "part-time child day-care center," "type A family day- 82
care home," "licensed type B family day-care home," "type B 83
family day-care home," "administrator of a child day-care 84
center," "administrator of a type A family day-care home," and 85
"in-home aide" have the same meanings as in section 5104.01 of 86
the Revised Code. 87

(8) "Child care provider" means an individual who is a 88
child-care staff member or administrator of a child day-care 89
center, a type A family day-care home, or a type B family day- 90
care home, or an in-home aide or an individual who is licensed, 91
is regulated, is approved, operates under the direction of, or 92
otherwise is certified by the department of job and family 93
services, department of developmental disabilities, or the early 94
childhood programs of the department of education. 95

(9) ~~"Chronic truant" has the same meaning as in section 96
2152.02 of the Revised Code.~~ 97

~~(10)~~ "Commit" means to vest custody as ordered by the 98
court. 99

~~(11)~~ (10) "Counseling" includes both of the following: 100

(a) General counseling services performed by a public 101
children services agency or shelter for victims of domestic 102
violence to assist a child, a child's parents, and a child's 103

siblings in alleviating identified problems that may cause or 104
have caused the child to be an abused, neglected, or dependent 105
child. 106

(b) Psychiatric or psychological therapeutic counseling 107
services provided to correct or alleviate any mental or 108
emotional illness or disorder and performed by a licensed 109
psychiatrist, licensed psychologist, or a person licensed under 110
Chapter 4757. of the Revised Code to engage in social work or 111
professional counseling. 112

~~(12)~~(11) "Custodian" means a person who has legal custody 113
of a child or a public children services agency or private child 114
placing agency that has permanent, temporary, or legal custody 115
of a child. 116

~~(13)~~(12) "Delinquent child" has the same meaning as in 117
section 2152.02 of the Revised Code. 118

~~(14)~~(13) "Detention" means the temporary care of children 119
pending court adjudication or disposition, or execution of a 120
court order, in a public or private facility designed to 121
physically restrict the movement and activities of children. 122

~~(15)~~(14) "Developmental disability" has the same meaning 123
as in section 5123.01 of the Revised Code. 124

~~(16)~~(15) "Differential response approach" means an 125
approach that a public children services agency may use to 126
respond to accepted reports of child abuse or neglect with 127
either an alternative response or a traditional response. 128

~~(17)~~(16) "Foster caregiver" has the same meaning as in 129
section 5103.02 of the Revised Code. 130

~~(18)~~(17) "Guardian" means a person, association, or 131

corporation that is granted authority by a probate court 132
pursuant to Chapter 2111. of the Revised Code to exercise 133
parental rights over a child to the extent provided in the 134
court's order and subject to the residual parental rights of the 135
child's parents. 136

~~(19)~~(18) "Habitual truant" means any child of compulsory 137
school age who is absent without legitimate excuse for absence 138
from the public school the child is supposed to attend for ~~five-~~ 139
~~thirty~~ or more consecutive ~~school days hours~~, ~~seven-~~forty-two or 140
more ~~school days hours~~ in one school month, or ~~twelve-~~seventy- 141
two or more ~~school days hours~~ in a school year. 142

~~(20)~~(19) "Juvenile traffic offender" has the same meaning 143
as in section 2152.02 of the Revised Code. 144

~~(21)~~(20) "Legal custody" means a legal status that vests 145
in the custodian the right to have physical care and control of 146
the child and to determine where and with whom the child shall 147
live, and the right and duty to protect, train, and discipline 148
the child and to provide the child with food, shelter, 149
education, and medical care, all subject to any residual 150
parental rights, privileges, and responsibilities. An individual 151
granted legal custody shall exercise the rights and 152
responsibilities personally unless otherwise authorized by any 153
section of the Revised Code or by the court. 154

~~(22)~~(21) A "legitimate excuse for absence from the public 155
school the child is supposed to attend" includes, but is not 156
limited to, any of the following: 157

(a) The fact that the child in question has enrolled in 158
and is attending another public or nonpublic school in this or 159
another state; 160

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

~~(23)~~(22) "Mental illness" and "mentally ill person subject to court order" have the same meanings as in section 5122.01 of the Revised Code.

~~(24)~~(23) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

~~(25)~~(24) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

~~(26)~~(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

~~(27)~~(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

~~(28)~~(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(29) -(28) "Out-of-home care" means detention facilities,	189
shelter facilities, certified children's crisis care facilities,	190
certified foster homes, placement in a prospective adoptive home	191
prior to the issuance of a final decree of adoption,	192
organizations, certified organizations, child day-care centers,	193
type A family day-care homes, type B family day-care homes,	194
child care provided by in-home aides, group home providers,	195
group homes, institutions, state institutions, residential	196
facilities, residential care facilities, residential camps, day	197
camps, private, nonprofit therapeutic wilderness camps, public	198
schools, chartered nonpublic schools, educational service	199
centers, hospitals, and medical clinics that are responsible for	200
the care, physical custody, or control of children.	201
(30) -(29) "Out-of-home care child abuse" means any of the	202
following when committed by a person responsible for the care of	203
a child in out-of-home care:	204
(a) Engaging in sexual activity with a child in the	205
person's care;	206
(b) Denial to a child, as a means of punishment, of proper	207
or necessary subsistence, education, medical care, or other care	208
necessary for a child's health;	209
(c) Use of restraint procedures on a child that cause	210
injury or pain;	211
(d) Administration of prescription drugs or psychotropic	212
medication to the child without the written approval and ongoing	213
supervision of a licensed physician;	214
(e) Commission of any act, other than by accidental means,	215
that results in any injury to or death of the child in out-of-	216
home care or commission of any act by accidental means that	217

results in an injury to or death of a child in out-of-home care 218
and that is at variance with the history given of the injury or 219
death. 220

~~(31)~~(30) "Out-of-home care child neglect" means any of 221
the following when committed by a person responsible for the 222
care of a child in out-of-home care: 223

(a) Failure to provide reasonable supervision according to 224
the standards of care appropriate to the age, mental and 225
physical condition, or other special needs of the child; 226

(b) Failure to provide reasonable supervision according to 227
the standards of care appropriate to the age, mental and 228
physical condition, or other special needs of the child, that 229
results in sexual or physical abuse of the child by any person; 230

(c) Failure to develop a process for all of the following: 231

(i) Administration of prescription drugs or psychotropic 232
drugs for the child; 233

(ii) Assuring that the instructions of the licensed 234
physician who prescribed a drug for the child are followed; 235

(iii) Reporting to the licensed physician who prescribed 236
the drug all unfavorable or dangerous side effects from the use 237
of the drug. 238

(d) Failure to provide proper or necessary subsistence, 239
education, medical care, or other individualized care necessary 240
for the health or well-being of the child; 241

(e) Confinement of the child to a locked room without 242
monitoring by staff; 243

(f) Failure to provide ongoing security for all 244

prescription and nonprescription medication;	245
(g) Isolation of a child for a period of time when there	246
is substantial risk that the isolation, if continued, will	247
impair or retard the mental health or physical well-being of the	248
child.	249
(32) <u>(31)</u> "Permanent custody" means a legal status that	250
vests in a public children services agency or a private child	251
placing agency, all parental rights, duties, and obligations,	252
including the right to consent to adoption, and divests the	253
natural parents or adoptive parents of all parental rights,	254
privileges, and obligations, including all residual rights and	255
obligations.	256
(33) <u>(32)</u> "Permanent surrender" means the act of the	257
parents or, if a child has only one parent, of the parent of a	258
child, by a voluntary agreement authorized by section 5103.15 of	259
the Revised Code, to transfer the permanent custody of the child	260
to a public children services agency or a private child placing	261
agency.	262
(34) <u>(33)</u> "Person" means an individual, association,	263
corporation, or partnership and the state or any of its	264
political subdivisions, departments, or agencies.	265
(35) <u>(34)</u> "Person responsible for a child's care in out-	266
of-home care" means any of the following:	267
(a) Any foster caregiver, in-home aide, or provider;	268
(b) Any administrator, employee, or agent of any of the	269
following: a public or private detention facility; shelter	270
facility; certified children's crisis care facility;	271
organization; certified organization; child day-care center;	272
type A family day-care home; licensed type B family day-care	273

home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp;	274
school district; community school; chartered nonpublic school;	275
educational service center; hospital; or medical clinic;	276
(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;	277
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	278
(36) <u>(35)</u> "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	279
(a) A substantial impairment of vision, speech, or hearing;	280
(b) A congenital orthopedic impairment;	281
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	282
(37) <u>(36)</u> "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	283
(38) <u>(37)</u> "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	284
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~~(39)~~-(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

~~(40)~~-(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

~~(41)~~-(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

~~(42)~~-(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A) (4) of section 2152.19 of the Revised Code.

~~(43)~~-(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

~~(44)~~-(43) "Psychiatrist" has the same meaning as in

section 5122.01 of the Revised Code.	331
(45) <u>(44)</u> "Psychologist" has the same meaning as in	332
section 4732.01 of the Revised Code.	333
(46) <u>(45)</u> "Residential camp" means a program in which the	334
care, physical custody, or control of children is accepted	335
overnight for recreational or recreational and educational	336
purposes.	337
(47) <u>(46)</u> "Residential care facility" means an	338
institution, residence, or facility that is licensed by the	339
department of mental health and addiction services under section	340
5119.34 of the Revised Code and that provides care for a child.	341
(48) <u>(47)</u> "Residential facility" means a home or facility	342
that is licensed by the department of developmental disabilities	343
under section 5123.19 of the Revised Code and in which a child	344
with a developmental disability resides.	345
(49) <u>(48)</u> "Residual parental rights, privileges, and	346
responsibilities" means those rights, privileges, and	347
responsibilities remaining with the natural parent after the	348
transfer of legal custody of the child, including, but not	349
necessarily limited to, the privilege of reasonable visitation,	350
consent to adoption, the privilege to determine the child's	351
religious affiliation, and the responsibility for support.	352
(50) <u>(49)</u> "School day" means the school day established by	353
the board of education of the applicable school district	354
pursuant to section 3313.481 of the Revised Code.	355
(51) <u>(50)</u> "School year" has the same meaning as in section	356
3313.62 of the Revised Code.	357
(52) <u>(51)</u> "Secure correctional facility" means a facility	358

under the direction of the department of youth services that is 359
designed to physically restrict the movement and activities of 360
children and used for the placement of children after 361
adjudication and disposition. 362

~~(53)~~ (52) "Sexual activity" has the same meaning as in 363
section 2907.01 of the Revised Code. 364

~~(54)~~ (53) "Shelter" means the temporary care of children 365
in physically unrestricted facilities pending court adjudication 366
or disposition. 367

~~(55)~~ (54) "Shelter for victims of domestic violence" has 368
the same meaning as in section 3113.33 of the Revised Code. 369

~~(56)~~ (55) "Temporary custody" means legal custody of a 370
child who is removed from the child's home, which custody may be 371
terminated at any time at the discretion of the court or, if the 372
legal custody is granted in an agreement for temporary custody, 373
by the person who executed the agreement. 374

~~(57)~~ (56) "Traditional response" means a public children 375
services agency's response to a report of child abuse or neglect 376
that encourages engagement of the family in a comprehensive 377
evaluation of the child's current and future safety needs and a 378
fact-finding process to determine whether child abuse or neglect 379
occurred and the circumstances surrounding the alleged harm or 380
risk of harm. 381

(C) For the purposes of this chapter, a child shall be 382
presumed abandoned when the parents of the child have failed to 383
visit or maintain contact with the child for more than ninety 384
days, regardless of whether the parents resume contact with the 385
child after that period of ninety days. 386

Sec. 2151.022. As used in this chapter, "unruly child" 387

includes any of the following:	388
(A) Any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;	389 390 391
(B) Any child who is an habitual truant from school and who previously has not been adjudicated an unruly child for being an habitual truant;	392 393 394
(C) Any child who behaves in a manner as to injure or endanger the child's own health or morals or the health or morals of others;	395 396 397
(D) Any child who violates a law, other than division (C) of section 2907.39, division (A) of section 2923.211, division (C) (1) or (D) of section 2925.55, or section 2151.87 of the Revised Code, that is applicable only to a child.	398 399 400 401
Sec. 2151.18. (A) The juvenile court shall maintain records of all official cases brought before it, including, but not limited to, an appearance docket, a journal, and records of the type required by division (A) (2) of section 2151.35 of the Revised Code. The parents, guardian, or other custodian of any child affected, if living, or the nearest of kin of the child, if the parents would be entitled to inspect the records but are deceased, may inspect these records, either in person or by counsel, during the hours in which the court is open.	402 403 404 405 406 407 408 409 410
(B) Not later than June of each year, the court shall prepare an annual report covering the preceding calendar year showing the number and kinds of cases that have come before it, the disposition of the cases, and any other data pertaining to the work of the court that the juvenile judge directs. <u>The report shall specify the number of children placed in</u>	411 412 413 414 415 416

alternatives to adjudication under division (G) of section 417
2151.27 of the Revised Code, the number who successfully 418
completed alternatives to adjudication, and the number who 419
failed to complete alternatives to adjudication and were 420
adjudicated unruly. The court shall file copies of the report 421
with the board of county commissioners and the supreme court. 422
With the approval of the board, the court may print or cause to 423
be printed copies of the report for distribution to persons and 424
agencies interested in the court or community program for 425
dependent, neglected, abused, or delinquent children and 426
juvenile traffic offenders. The court shall include the number 427
of copies ordered printed and the estimated cost of each printed 428
copy on each copy of the report printed for distribution. 429

Sec. 2151.23. (A) The juvenile court has exclusive 430
original jurisdiction under the Revised Code as follows: 431

(1) Concerning any child who on or about the date 432
specified in the complaint, indictment, or information is 433
alleged to have violated section 2151.87 of the Revised Code or 434
an order issued under that section or to be a juvenile traffic 435
offender or a delinquent, unruly, abused, neglected, or 436
dependent child and, based on and in relation to the allegation 437
pertaining to the child, concerning the parent, guardian, or 438
other person having care of a child who is alleged to be an 439
unruly ~~or delinquent~~ child for being an habitual ~~or chronic~~- 440
truant or who is alleged to be a delinquent child for violating 441
a court order regarding the child's prior adjudication as an 442
unruly child for being an habitual truant; 443

(2) Subject to divisions (G), (K), and (V) of section 444
2301.03 of the Revised Code, to determine the custody of any 445
child not a ward of another court of this state; 446

- (3) To hear and determine any application for a writ of habeas corpus involving the custody of a child; 447
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- (4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code; 449
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- (5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter; 455
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- (6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code; 457
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- (7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code; 468
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- (8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody; 470
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- (9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of 474
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permanent custody agreements, that are filed pursuant to section	476
5103.15 of the Revised Code;	477
(10) To hear and determine applications for consent to	478
marry pursuant to section 3101.04 of the Revised Code;	479
(11) Subject to divisions (G), (K), and (V) of section	480
2301.03 of the Revised Code, to hear and determine a request for	481
an order for the support of any child if the request is not	482
ancillary to an action for divorce, dissolution of marriage,	483
annulment, or legal separation, a criminal or civil action	484
involving an allegation of domestic violence, or an action for	485
support brought under Chapter 3115. of the Revised Code;	486
(12) Concerning an action commenced under section 121.38	487
of the Revised Code;	488
(13) To hear and determine violations of section 3321.38	489
of the Revised Code;	490
(14) To exercise jurisdiction and authority over the	491
parent, guardian, or other person having care of a child alleged	492
to be a delinquent child, unruly child, or juvenile traffic	493
offender, based on and in relation to the allegation pertaining	494
to the child;	495
(15) To conduct the hearings, and to make the	496
determinations, adjudications, and orders authorized or required	497
under sections 2152.82 to 2152.86 and Chapter 2950. of the	498
Revised Code regarding a child who has been adjudicated a	499
delinquent child and to refer the duties conferred upon the	500
juvenile court judge under sections 2152.82 to 2152.86 and	501
Chapter 2950. of the Revised Code to magistrates appointed by	502
the juvenile court judge in accordance with Juvenile Rule 40;	503
(16) To hear and determine a petition for a protection	504

order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made

under the Hague Convention on the Civil Aspects of International 533
Child Abduction pursuant to section 3127.32 of the Revised Code; 534

(9) To grant any relief normally available under the laws 535
of this state to enforce a child custody determination made by a 536
court of another state and registered in accordance with section 537
3127.35 of the Revised Code. 538

(C) The juvenile court, except as to juvenile courts that 539
are a separate division of the court of common pleas or a 540
separate and independent juvenile court, has jurisdiction to 541
hear, determine, and make a record of any action for divorce or 542
legal separation that involves the custody or care of children 543
and that is filed in the court of common pleas and certified by 544
the court of common pleas with all the papers filed in the 545
action to the juvenile court for trial, provided that no 546
certification of that nature shall be made to any juvenile court 547
unless the consent of the juvenile judge first is obtained. 548
After a certification of that nature is made and consent is 549
obtained, the juvenile court shall proceed as if the action 550
originally had been begun in that court, except as to awards for 551
spousal support or support due and unpaid at the time of 552
certification, over which the juvenile court has no 553
jurisdiction. 554

(D) The juvenile court, except as provided in divisions 555
(G) and (I) of section 2301.03 of the Revised Code, has 556
jurisdiction to hear and determine all matters as to custody and 557
support of children duly certified by the court of common pleas 558
to the juvenile court after a divorce decree has been granted, 559
including jurisdiction to modify the judgment and decree of the 560
court of common pleas as the same relate to the custody and 561
support of children. 562

(E) The juvenile court, except as provided in divisions 563
(G) and (I) of section 2301.03 of the Revised Code, has 564
jurisdiction to hear and determine the case of any child 565
certified to the court by any court of competent jurisdiction if 566
the child comes within the jurisdiction of the juvenile court as 567
defined by this section. 568

(F) (1) The juvenile court shall exercise its jurisdiction 569
in child custody matters in accordance with sections 3109.04 and 570
3127.01 to 3127.53 of the Revised Code and, as applicable, 571
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 572
Revised Code. 573

(2) The juvenile court shall exercise its jurisdiction in 574
child support matters in accordance with section 3109.05 of the 575
Revised Code. 576

(G) Any juvenile court that makes or modifies an order for 577
child support shall comply with Chapters 3119., 3121., 3123., 578
and 3125. of the Revised Code. If any person required to pay 579
child support under an order made by a juvenile court on or 580
after April 15, 1985, or modified on or after December 1, 1986, 581
is found in contempt of court for failure to make support 582
payments under the order, the court that makes the finding, in 583
addition to any other penalty or remedy imposed, shall assess 584
all court costs arising out of the contempt proceeding against 585
the person and require the person to pay any reasonable 586
attorney's fees of any adverse party, as determined by the 587
court, that arose in relation to the act of contempt. 588

(H) If a child who is charged with an act that would be an 589
offense if committed by an adult was fourteen years of age or 590
older and under eighteen years of age at the time of the alleged 591
act and if the case is transferred for criminal prosecution 592

pursuant to section 2152.12 of the Revised Code, except as 593
provided in section 2152.121 of the Revised Code, the juvenile 594
court does not have jurisdiction to hear or determine the case 595
subsequent to the transfer. The court to which the case is 596
transferred for criminal prosecution pursuant to that section 597
has jurisdiction subsequent to the transfer to hear and 598
determine the case in the same manner as if the case originally 599
had been commenced in that court, subject to section 2152.121 of 600
the Revised Code, including, but not limited to, jurisdiction to 601
accept a plea of guilty or another plea authorized by Criminal 602
Rule 11 or another section of the Revised Code and jurisdiction 603
to accept a verdict and to enter a judgment of conviction 604
pursuant to the Rules of Criminal Procedure against the child 605
for the commission of the offense that was the basis of the 606
transfer of the case for criminal prosecution, whether the 607
conviction is for the same degree or a lesser degree of the 608
offense charged, for the commission of a lesser-included 609
offense, or for the commission of another offense that is 610
different from the offense charged. 611

(I) If a person under eighteen years of age allegedly 612
commits an act that would be a felony if committed by an adult 613
and if the person is not taken into custody or apprehended for 614
that act until after the person attains twenty-one years of age, 615
the juvenile court does not have jurisdiction to hear or 616
determine any portion of the case charging the person with 617
committing that act. In those circumstances, divisions (A) and 618
(B) of section 2152.12 of the Revised Code do not apply 619
regarding the act, and the case charging the person with 620
committing the act shall be a criminal prosecution commenced and 621
heard in the appropriate court having jurisdiction of the 622
offense as if the person had been eighteen years of age or older 623

when the person committed the act. All proceedings pertaining to 624
the act shall be within the jurisdiction of the court having 625
jurisdiction of the offense, and that court has all the 626
authority and duties in the case that it has in other criminal 627
cases in that court. 628

(J) In exercising its exclusive original jurisdiction 629
under division (A) (16) of this section with respect to any 630
proceedings brought under section 2151.34 or 3113.31 of the 631
Revised Code in which the respondent is a child, the juvenile 632
court retains all dispositional powers consistent with existing 633
rules of juvenile procedure and may also exercise its discretion 634
to adjudicate proceedings as provided in sections 2151.34 and 635
3113.31 of the Revised Code, including the issuance of 636
protection orders or the approval of consent agreements under 637
those sections. 638

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 639
section, any person having knowledge of a child who appears to 640
have violated section 2151.87 of the Revised Code or to be a 641
juvenile traffic offender or to be an unruly, abused, neglected, 642
or dependent child may file a sworn complaint with respect to 643
that child in the juvenile court of the county in which the 644
child has a residence or legal settlement or in which the 645
violation, unruliness, abuse, neglect, or dependency allegedly 646
occurred. If an alleged abused, neglected, or dependent child is 647
taken into custody pursuant to division (D) of section 2151.31 648
of the Revised Code or is taken into custody pursuant to 649
division (A) of section 2151.31 of the Revised Code without the 650
filing of a complaint and placed into shelter care pursuant to 651
division (C) of that section, a sworn complaint shall be filed 652
with respect to the child before the end of the next day after 653
the day on which the child was taken into custody. The sworn 654

complaint may be upon information and belief, and, in addition 655
to the allegation that the child committed the violation or is 656
an unruly, abused, neglected, or dependent child, the complaint 657
shall allege the particular facts upon which the allegation that 658
the child committed the violation or is an unruly, abused, 659
neglected, or dependent child is based. 660

(2) Any person having knowledge of a child who appears to 661
be an unruly child for being an habitual truant may file a sworn 662
complaint with respect to that child and the parent, guardian, 663
or other person having care of the child in the juvenile court 664
of the county in which the child has a residence or legal 665
settlement or in which the child is supposed to attend public 666
school. The sworn complaint may be upon information and belief 667
and shall contain the following allegations: 668

(a) That the child is an unruly child for being an 669
habitual truant and, in addition, the particular facts upon 670
which that allegation is based; 671

(b) That the parent, guardian, or other person having care 672
of the child has failed to cause the child's attendance at 673
school in violation of section 3321.38 of the Revised Code and, 674
in addition, the particular facts upon which that allegation is 675
based. 676

(B) If a child, before arriving at the age of eighteen 677
years, allegedly commits an act for which the child may be 678
adjudicated an unruly child and if the specific complaint 679
alleging the act is not filed or a hearing on that specific 680
complaint is not held until after the child arrives at the age 681
of eighteen years, the court has jurisdiction to hear and 682
dispose of the complaint as if the complaint were filed and the 683
hearing held before the child arrived at the age of eighteen 684

years. 685

(C) If the complainant in a case in which a child is 686
alleged to be an abused, neglected, or dependent child desires 687
permanent custody of the child or children, temporary custody of 688
the child or children, whether as the preferred or an 689
alternative disposition, or the placement of the child in a 690
planned permanent living arrangement, the complaint shall 691
contain a prayer specifically requesting permanent custody, 692
temporary custody, or the placement of the child in a planned 693
permanent living arrangement. 694

(D) Any person with standing under applicable law may file 695
a complaint for the determination of any other matter over which 696
the juvenile court is given jurisdiction by section 2151.23 of 697
the Revised Code. The complaint shall be filed in the county in 698
which the child who is the subject of the complaint is found or 699
was last known to be found. 700

(E) A public children services agency, acting pursuant to 701
a complaint or an action on a complaint filed under this 702
section, is not subject to the requirements of section 3127.23 703
of the Revised Code. 704

(F) Upon the filing of a complaint alleging that a child 705
is an unruly child, the court may hold the complaint in abeyance 706
pending the child's successful completion of actions that 707
constitute a method to divert the child from the juvenile court 708
system. The method may be adopted by a county pursuant to 709
divisions (D) and (E) of section 121.37 of the Revised Code or 710
it may be another method that the court considers satisfactory. 711
If the child completes the actions to the court's satisfaction, 712
the court may dismiss the complaint. If the child fails to 713
complete the actions to the court's satisfaction, the court may 714

consider the complaint. 715

(G) Upon the filing of a complaint that a child is an 716
unruly child that is based solely on a child being an habitual 717
truant, the court shall consider an alternative to adjudication, 718
including actions that constitute a method to divert the child 719
from the juvenile court system, using the Rules of Juvenile 720
Procedure, or by any other means if such an alternative is 721
available to the court and the child has not already 722
participated or failed to complete one of the available 723
alternatives. The court shall consider the complaint only as a 724
matter of last resort. 725

(H) If a complaint that a child is an unruly child based 726
on the child being an habitual truant proceeds to consideration 727
by the court, the prosecution shall bear the burden of proving 728
beyond a reasonable doubt the following: 729

(1) That the child is of compulsory school age, as defined 730
in section 3321.01 of the Revised Code; 731

(2) That the child was absent without legitimate excuse 732
for absence from the public school the child was supposed to 733
attend for thirty or more consecutive hours, forty-two or more 734
hours in one school month, or seventy-two or more hours in a 735
school year. 736

The child may assert as an affirmative defense the fact 737
that the child did participate in, or made satisfactory progress 738
on, the absence intervention plan or other alternatives to 739
adjudication as described in division (C) of section 3321.191 of 740
the Revised Code. 741

Sec. 2151.28. (A) No later than seventy-two hours after 742
the complaint is filed, the court shall fix a time for an 743

adjudicatory hearing. The court shall conduct the adjudicatory 744
hearing within one of the following periods of time: 745

(1) Subject to division (C) of section 2152.13 of the 746
Revised Code and division (A) (3) of this section, if the 747
complaint alleged that the child violated section 2151.87 of the 748
Revised Code or is a delinquent or unruly child or a juvenile 749
traffic offender, the adjudicatory hearing shall be held and may 750
be continued in accordance with the Juvenile Rules. 751

(2) If the complaint alleged that the child is an abused, 752
neglected, or dependent child, the adjudicatory hearing shall be 753
held no later than thirty days after the complaint is filed, 754
except that, for good cause shown, the court may continue the 755
adjudicatory hearing for either of the following periods of 756
time: 757

(a) For ten days beyond the thirty-day deadline to allow 758
any party to obtain counsel; 759

(b) For a reasonable period of time beyond the thirty-day 760
deadline to obtain service on all parties or any necessary 761
evaluation, except that the adjudicatory hearing shall not be 762
held later than sixty days after the date on which the complaint 763
was filed. 764

(3) If the child who is the subject of the complaint is in 765
detention and is charged with violating a section of the Revised 766
Code that may be violated by an adult, the hearing shall be held 767
not later than fifteen days after the filing of the complaint. 768
Upon a showing of good cause, the adjudicatory hearing may be 769
continued and detention extended. 770

(B) At an adjudicatory hearing held pursuant to division 771
(A) (2) of this section, the court, in addition to determining 772

whether the child is an abused, neglected, or dependent child, 773
shall determine whether the child should remain or be placed in 774
shelter care until the dispositional hearing. When the court 775
makes the shelter care determination, all of the following 776
apply: 777

(1) The court shall determine whether there are any 778
relatives of the child who are willing to be temporary 779
custodians of the child. If any relative is willing to be a 780
temporary custodian, the child otherwise would remain or be 781
placed in shelter care, and the appointment is appropriate, the 782
court shall appoint the relative as temporary custodian of the 783
child, unless the court appoints another relative as custodian. 784
If it determines that the appointment of a relative as custodian 785
would not be appropriate, it shall issue a written opinion 786
setting forth the reasons for its determination and give a copy 787
of the opinion to all parties and the guardian ad litem of the 788
child. 789

The court's consideration of a relative for appointment as 790
a temporary custodian does not make that relative a party to the 791
proceedings. 792

(2) The court shall comply with section 2151.419 of the 793
Revised Code. 794

(3) The court shall schedule the date for the 795
dispositional hearing to be held pursuant to section 2151.35 of 796
the Revised Code. The parents of the child have a right to be 797
represented by counsel; however, in no case shall the 798
dispositional hearing be held later than ninety days after the 799
date on which the complaint was filed. 800

(C) (1) The court shall direct the issuance of a summons 801

directed to the child except as provided by this section, the 802
parents, guardian, custodian, or other person with whom the 803
child may be, and any other persons that appear to the court to 804
be proper or necessary parties to the proceedings, requiring 805
them to appear before the court at the time fixed to answer the 806
allegations of the complaint. The summons shall contain the name 807
and telephone number of the court employee designated by the 808
court pursuant to section 2151.314 of the Revised Code to 809
arrange for the prompt appointment of counsel for indigent 810
persons. A child alleged to be an abused, neglected, or 811
dependent child shall not be summoned unless the court so 812
directs. A summons issued for a child who is under fourteen 813
years of age and who is alleged to be a delinquent child, unruly 814
child, or a juvenile traffic offender shall be served on the 815
parent, guardian, or custodian of the child in the child's 816
behalf. 817

If the person who has physical custody of the child, or 818
with whom the child resides, is other than the parent or 819
guardian, then the parents and guardian also shall be summoned. 820
A copy of the complaint shall accompany the summons. 821

(2) In lieu of appearing before the court at the time 822
fixed in the summons and prior to the date fixed for appearance 823
in the summons, a child who is alleged to have violated section 824
2151.87 of the Revised Code and that child's parent, guardian, 825
or custodian may sign a waiver of appearance before the clerk of 826
the juvenile court and pay a fine of one hundred dollars. If the 827
child and that child's parent, guardian, or custodian do not 828
waive the court appearance, the court shall proceed with the 829
adjudicatory hearing as provided in this section. 830

(D) If the complaint contains a prayer for permanent 831

custody, temporary custody, whether as the preferred or an 832
alternative disposition, or a planned permanent living 833
arrangement in a case involving an alleged abused, neglected, or 834
dependent child, the summons served on the parents shall contain 835
as is appropriate an explanation that the granting of permanent 836
custody permanently divests the parents of their parental rights 837
and privileges, an explanation that an adjudication that the 838
child is an abused, neglected, or dependent child may result in 839
an order of temporary custody that will cause the removal of the 840
child from their legal custody until the court terminates the 841
order of temporary custody or permanently divests the parents of 842
their parental rights, or an explanation that the issuance of an 843
order for a planned permanent living arrangement will cause the 844
removal of the child from the legal custody of the parents if 845
any of the conditions listed in divisions (A) (5) (a) to (c) of 846
section 2151.353 of the Revised Code are found to exist. 847

(E) (1) Except as otherwise provided in division (E) (2) of 848
this section, the court may endorse upon the summons an order 849
directing the parents, guardian, or other person with whom the 850
child may be to appear personally at the hearing and directing 851
the person having the physical custody or control of the child 852
to bring the child to the hearing. 853

(2) In cases in which the complaint alleges that a child 854
is an unruly ~~or delinquent~~ child for being an habitual ~~or~~ 855
~~chronic~~ truant or that a child is a delinquent child for 856
violating a court order regarding the child's prior adjudication 857
as an unruly child for being an habitual truant, and that the 858
parent, guardian, or other person having care of the child has 859
failed to cause the child's attendance at school, the court 860
shall endorse upon the summons an order directing the parent, 861
guardian, or other person having care of the child to appear 862

personally at the hearing and directing the person having the 863
physical custody or control of the child to bring the child to 864
the hearing. 865

(F) (1) The summons shall contain a statement advising that 866
any party is entitled to counsel in the proceedings and that the 867
court will appoint counsel or designate a county public defender 868
or joint county public defender to provide legal representation 869
if the party is indigent. 870

(2) In cases in which the complaint alleges a child to be 871
an abused, neglected, or dependent child and no hearing has been 872
conducted pursuant to division (A) of section 2151.314 of the 873
Revised Code with respect to the child or a parent, guardian, or 874
custodian of the child does not attend the hearing, the summons 875
also shall contain a statement advising that a case plan may be 876
prepared for the child, the general requirements usually 877
contained in case plans, and the possible consequences of 878
failure to comply with a journalized case plan. 879

(G) If it appears from an affidavit filed or from sworn 880
testimony before the court that the conduct, condition, or 881
surroundings of the child are endangering the child's health or 882
welfare or those of others, that the child may abscond or be 883
removed from the jurisdiction of the court, or that the child 884
will not be brought to the court, notwithstanding the service of 885
the summons, the court may endorse upon the summons an order 886
that a law enforcement officer serve the summons and take the 887
child into immediate custody and bring the child forthwith to 888
the court. 889

(H) A party, other than the child, may waive service of 890
summons by written stipulation. 891

(I) Before any temporary commitment is made permanent, the court shall fix a time for hearing in accordance with section 2151.414 of the Revised Code and shall cause notice by summons to be served upon the parent or guardian of the child and the guardian ad litem of the child, or published, as provided in section 2151.29 of the Revised Code. The summons shall contain an explanation that the granting of permanent custody permanently divests the parents of their parental rights and privileges.

(J) Any person whose presence is considered necessary and who is not summoned may be subpoenaed to appear and testify at the hearing. Anyone summoned or subpoenaed to appear who fails to do so may be punished, as in other cases in the court of common pleas, for contempt of court. Persons subpoenaed shall be paid the same witness fees as are allowed in the court of common pleas.

(K) The failure of the court to hold an adjudicatory hearing within any time period set forth in division (A)(2) of this section does not affect the ability of the court to issue any order under this chapter and does not provide any basis for attacking the jurisdiction of the court or the validity of any order of the court.

(L) If the court, at an adjudicatory hearing held pursuant to division (A) of this section upon a complaint alleging that a child is an abused, neglected, dependent, delinquent, or unruly child or a juvenile traffic offender, determines that the child is a dependent child, the court shall incorporate that determination into written findings of fact and conclusions of law and enter those findings of fact and conclusions of law in the record of the case. The court shall include in those

findings of fact and conclusions of law specific findings as to 922
the existence of any danger to the child and any underlying 923
family problems that are the basis for the court's determination 924
that the child is a dependent child. 925

Sec. 2151.311. (A) A person taking a child into custody 926
shall, with all reasonable speed and in accordance with division 927
(C) of this section, either: 928

(1) Release the child to the child's parents, guardian, or 929
other custodian, unless the child's detention or shelter care 930
appears to be warranted or required as provided in section 931
2151.31 of the Revised Code; 932

(2) Bring the child to the court or deliver the child to a 933
place of detention or shelter care designated by the court and 934
promptly give notice thereof, together with a statement of the 935
reason for taking the child into custody, to a parent, guardian, 936
or other custodian and to the court. 937

(B) If a parent, guardian, or other custodian fails, when 938
requested by the court, to bring the child before the court as 939
provided by this section, the court may issue its warrant 940
directing that the child be taken into custody and brought 941
before the court. 942

(C) (1) Before taking any action required by division (A) 943
of this section, a person taking a child into custody may hold 944
the child for processing purposes in a county, multicounty, or 945
municipal jail or workhouse, or other place where an adult 946
convicted of crime, under arrest, or charged with crime is held 947
for either of the following periods of time: 948

(a) For a period not to exceed six hours, if all of the 949
following apply: 950

(i) The child is alleged to be a delinquent child for the 951
commission of an act that would be a felony if committed by an 952
adult; 953

(ii) The child remains beyond the range of touch of all 954
adult detainees; 955

(iii) The child is visually supervised by jail or 956
workhouse personnel at all times during the detention; 957

(iv) The child is not handcuffed or otherwise physically 958
secured to a stationary object during the detention. 959

(b) For a period not to exceed three hours, if all of the 960
following apply: 961

(i) The child is alleged to be a delinquent child for the 962
commission of an act that would be a misdemeanor if committed by 963
an adult, is alleged to be a delinquent child for ~~being a~~ 964
~~chronic truant or an habitual truant who previously has been~~ 965
~~adjudicated violating a court order regarding the child's~~ 966
adjudication as an unruly child for being an habitual truant, or 967
is alleged to be an unruly child or a juvenile traffic offender; 968

(ii) The child remains beyond the range of touch of all 969
adult detainees; 970

(iii) The child is visually supervised by jail or 971
workhouse personnel at all times during the detention; 972

(iv) The child is not handcuffed or otherwise physically 973
secured to a stationary object during the detention. 974

(2) If a child has been transferred to an adult court for 975
prosecution for the alleged commission of a criminal offense, 976
subsequent to the transfer, the child may be held as described 977
in division (F) of section 2152.26 or division (B) of section 978

5120.16 of the Revised Code. 979

(D) If a person who is alleged to be or has been 980
adjudicated a delinquent child or who is in any other category 981
of persons identified in this section is confined under 982
authority of this section in a place specified in division (C) 983
of this section, the fact of the person's admission to and 984
confinement in that place is restricted as described in division 985
(G) of section 2152.26 of the Revised Code. 986

(E) As used in division (C) (1) of this section, 987
"processing purposes" means all of the following: 988

(1) Fingerprinting, photographing, or fingerprinting and 989
photographing the child in a secure area of the facility; 990

(2) Interrogating the child, contacting the child's parent 991
or guardian, arranging for placement of the child, or arranging 992
for transfer or transferring the child, while holding the child 993
in a nonsecure area of the facility. 994

Sec. 2151.35. (A) (1) Except as otherwise provided by 995
division (A) (3) of this section or in section 2152.13 of the 996
Revised Code, the juvenile court may conduct its hearings in an 997
informal manner and may adjourn its hearings from time to time. 998
The court may exclude the general public from its hearings in a 999
particular case if the court holds a separate hearing to 1000
determine whether that exclusion is appropriate. If the court 1001
decides that exclusion of the general public is appropriate, the 1002
court still may admit to a particular hearing or all of the 1003
hearings relating to a particular case those persons who have a 1004
direct interest in the case and those who demonstrate that their 1005
need for access outweighs the interest in keeping the hearing 1006
closed. 1007

Except cases involving children who are alleged to be 1008
unruly ~~or delinquent~~ children for being habitual ~~or chronic~~ 1009
truants or alleged to be delinquent children for violating court 1010
orders regarding their prior adjudication as unruly children for 1011
being habitual truants, and except as otherwise provided in 1012
section 2152.13 of the Revised Code, all cases involving 1013
children shall be heard separately and apart from the trial of 1014
cases against adults. The court may excuse the attendance of the 1015
child at the hearing in cases involving abused, neglected, or 1016
dependent children. The court shall hear and determine all cases 1017
of children without a jury, except cases involving serious 1018
youthful offenders under section 2152.13 of the Revised Code. 1019

If a complaint alleges a child to be a delinquent child, 1020
unruly child, or juvenile traffic offender, the court shall 1021
require the parent, guardian, or custodian of the child to 1022
attend all proceedings of the court regarding the child. If a 1023
parent, guardian, or custodian fails to so attend, the court may 1024
find the parent, guardian, or custodian in contempt. 1025

If the court finds from clear and convincing evidence that 1026
the child violated section 2151.87 of the Revised Code, the 1027
court shall proceed in accordance with divisions (F) and (G) of 1028
that section. 1029

If the court at the adjudicatory hearing finds from clear 1030
and convincing evidence that the child is an abused, neglected, 1031
or dependent child, the court shall proceed, in accordance with 1032
division (B) of this section, to hold a dispositional hearing 1033
and hear the evidence as to the proper disposition to be made 1034
under section 2151.353 of the Revised Code. If the court at the 1035
adjudicatory hearing finds beyond a reasonable doubt that the 1036
child is a delinquent or unruly child or a juvenile traffic 1037

offender, the court shall proceed immediately, or at a postponed 1038
hearing, to hear the evidence as to the proper disposition to be 1039
made under section 2151.354 or Chapter 2152. of the Revised 1040
Code. If the court at the adjudicatory hearing finds beyond a 1041
reasonable doubt that the child is an unruly child for being an 1042
habitual truant, or that the child is an unruly child for being 1043
an habitual truant and that the parent, guardian, or other 1044
person having care of the child has failed to cause the child's 1045
attendance at school in violation of section 3321.38 of the 1046
Revised Code, the court shall proceed to hold a hearing to hear 1047
the evidence as to the proper disposition to be made in regard 1048
to the child under division (C) (1) of section 2151.354 of the 1049
Revised Code and the proper action to take in regard to the 1050
parent, guardian, or other person having care of the child under 1051
division (C) (2) of section 2151.354 of the Revised Code. If the 1052
court at the adjudicatory hearing finds beyond a reasonable 1053
doubt that the child is a delinquent child ~~for being a chronic-~~ 1054
~~truant or for being an habitual truant who previously has been-~~ 1055
~~adjudicated an unruly child for being an habitual truant, or-~~ 1056
~~that the child is a delinquent child for either of those reasons-~~ 1057
for violating a court order regarding the child's prior 1058
adjudication as an unruly child for being an habitual truant, 1059
and the parent, guardian, or other person having care of the 1060
child has failed to cause the child's attendance at school in 1061
violation of section 3321.38 of the Revised Code, the court 1062
shall proceed to hold a hearing to hear the evidence as to the 1063
proper disposition to be made in regard to the child under 1064
division (A) (7) (a) of section 2152.19 of the Revised Code and 1065
the proper action to take in regard to the parent, guardian, or 1066
other person having care of the child under division (A) (7) (b) 1067
of section 2152.19 of the Revised Code. 1068

If the court does not find the child to have violated 1069
section 2151.87 of the Revised Code or to be an abused, 1070
neglected, dependent, delinquent, or unruly child or a juvenile 1071
traffic offender, it shall order that the case be dismissed and 1072
that the child be discharged from any detention or restriction 1073
theretofore ordered. 1074

(2) A record of all testimony and other oral proceedings 1075
in juvenile court shall be made in all proceedings that are held 1076
pursuant to section 2151.414 of the Revised Code or in which an 1077
order of disposition may be made pursuant to division (A) (4) of 1078
section 2151.353 of the Revised Code, and shall be made upon 1079
request in any other proceedings. The record shall be made as 1080
provided in section 2301.20 of the Revised Code. 1081

(3) The authority of a juvenile court to exclude the 1082
general public from its hearings that is provided by division 1083
(A) (1) of this section does not limit or affect any right of a 1084
victim of a crime or delinquent act, or of a victim's 1085
representative, under Chapter 2930. of the Revised Code. 1086

(B) (1) If the court at an adjudicatory hearing determines 1087
that a child is an abused, neglected, or dependent child, the 1088
court shall not issue a dispositional order until after the 1089
court holds a separate dispositional hearing. The court may hold 1090
the dispositional hearing for an adjudicated abused, neglected, 1091
or dependent child immediately after the adjudicatory hearing if 1092
all parties were served prior to the adjudicatory hearing with 1093
all documents required for the dispositional hearing. The 1094
dispositional hearing may not be held more than thirty days 1095
after the adjudicatory hearing is held. The court, upon the 1096
request of any party or the guardian ad litem of the child, may 1097
continue a dispositional hearing for a reasonable time not to 1098

exceed the time limits set forth in this division to enable a 1099
party to obtain or consult counsel. The dispositional hearing 1100
shall not be held more than ninety days after the date on which 1101
the complaint in the case was filed. 1102

If the dispositional hearing is not held within the period 1103
of time required by this division, the court, on its own motion 1104
or the motion of any party or the guardian ad litem of the 1105
child, shall dismiss the complaint without prejudice. 1106

(2) The dispositional hearing shall be conducted in 1107
accordance with all of the following: 1108

(a) The judge or referee who presided at the adjudicatory 1109
hearing shall preside, if possible, at the dispositional 1110
hearing; 1111

(b) The court may admit any evidence that is material and 1112
relevant, including, but not limited to, hearsay, opinion, and 1113
documentary evidence; 1114

(c) Medical examiners and each investigator who prepared a 1115
social history shall not be cross-examined, except upon consent 1116
of the parties, for good cause shown, or as the court in its 1117
discretion may direct. Any party may offer evidence 1118
supplementing, explaining, or disputing any information 1119
contained in the social history or other reports that may be 1120
used by the court in determining disposition. 1121

(3) After the conclusion of the dispositional hearing, the 1122
court shall enter an appropriate judgment within seven days and 1123
shall schedule the date for the hearing to be held pursuant to 1124
section 2151.415 of the Revised Code. The court may make any 1125
order of disposition that is set forth in section 2151.353 of 1126
the Revised Code. A copy of the judgment shall be given to each 1127

party and to the child's guardian ad litem. If the judgment is 1128
conditional, the order shall state the conditions of the 1129
judgment. If the child is not returned to the child's own home, 1130
the court shall determine which school district shall bear the 1131
cost of the child's education and shall comply with section 1132
2151.36 of the Revised Code. 1133

(4) As part of its dispositional order, the court may 1134
issue any order described in division (B) of section 2151.33 of 1135
the Revised Code. 1136

(C) The court shall give all parties to the action and the 1137
child's guardian ad litem notice of the adjudicatory and 1138
dispositional hearings in accordance with the Juvenile Rules. 1139

(D) If the court issues an order pursuant to division (A) 1140
(4) of section 2151.353 of the Revised Code committing a child 1141
to the permanent custody of a public children services agency or 1142
a private child placing agency, the parents of the child whose 1143
parental rights were terminated cease to be parties to the 1144
action upon the issuance of the order. This division is not 1145
intended to eliminate or restrict any right of the parents to 1146
appeal the permanent custody order issued pursuant to division 1147
(A) (4) of section 2151.353 of the Revised Code. 1148

(E) Each juvenile court shall schedule its hearings in 1149
accordance with the time requirements of this chapter. 1150

(F) In cases regarding abused, neglected, or dependent 1151
children, the court may admit any statement of a child that the 1152
court determines to be excluded by the hearsay rule if the 1153
proponent of the statement informs the adverse party of the 1154
proponent's intention to offer the statement and of the 1155
particulars of the statement, including the name of the 1156

declarant, sufficiently in advance of the hearing to provide the 1157
party with a fair opportunity to prepare to challenge, respond 1158
to, or defend against the statement, and the court determines 1159
all of the following: 1160

(1) The statement has circumstantial guarantees of 1161
trustworthiness; 1162

(2) The statement is offered as evidence of a material 1163
fact; 1164

(3) The statement is more probative on the point for which 1165
it is offered than any other evidence that the proponent can 1166
procure through reasonable efforts; 1167

(4) The general purposes of the evidence rules and the 1168
interests of justice will best be served by the admission of the 1169
statement into evidence. 1170

(G) If a child is alleged to be an abused child, the court 1171
may order that the testimony of the child be taken by 1172
deposition. On motion of the prosecuting attorney, guardian ad 1173
litem, or any party, or in its own discretion, the court may 1174
order that the deposition be videotaped. Any deposition taken 1175
under this division shall be taken with a judge or referee 1176
present. 1177

If a deposition taken under this division is intended to 1178
be offered as evidence at the hearing, it shall be filed with 1179
the court. Part or all of the deposition is admissible in 1180
evidence if counsel for all parties had an opportunity and 1181
similar motive at the time of the taking of the deposition to 1182
develop the testimony by direct, cross, or redirect examination 1183
and the judge determines that there is reasonable cause to 1184
believe that if the child were to testify in person at the 1185

hearing, the child would experience emotional trauma as a result 1186
of participating at the hearing. 1187

Sec. 2151.354. (A) If the child is adjudicated an unruly 1188
child, the court may: 1189

(1) Make any of the dispositions authorized under section 1190
2151.353 of the Revised Code; 1191

(2) Place the child on community control under any 1192
sanctions, services, and conditions that the court prescribes, 1193
as described in division (A) (4) of section 2152.19 of the 1194
Revised Code, provided that, if the court imposes a period of 1195
community service upon the child, the period of community 1196
service shall not exceed one hundred seventy-five hours; 1197

(3) Suspend the driver's license, probationary driver's 1198
license, or temporary instruction permit issued to the child for 1199
a period of time prescribed by the court and suspend the 1200
registration of all motor vehicles registered in the name of the 1201
child for a period of time prescribed by the court. A child 1202
whose license or permit is so suspended is ineligible for 1203
issuance of a license or permit during the period of suspension. 1204
At the end of the period of suspension, the child shall not be 1205
reissued a license or permit until the child has paid any 1206
applicable reinstatement fee and complied with all requirements 1207
governing license reinstatement. 1208

(4) Commit the child to the temporary or permanent custody 1209
of the court; 1210

(5) Make any further disposition the court finds proper 1211
that is consistent with sections 2151.312 and 2151.56 to 2151.59 1212
of the Revised Code; 1213

(6) If, after making a disposition under division (A) (1), 1214

(2), or (3) of this section, the court finds upon further 1215
hearing that the child is not amenable to treatment or 1216
rehabilitation under that disposition, make a disposition 1217
otherwise authorized under divisions (A) (1), (4), (5), and (8) 1218
of section 2152.19 of the Revised Code that is consistent with 1219
sections 2151.312 and 2151.56 to 2151.59 of the Revised Code. 1220

(B) If a child is adjudicated an unruly child for 1221
committing any act that, if committed by an adult, would be a 1222
drug abuse offense, as defined in section 2925.01 of the Revised 1223
Code, or a violation of division (B) of section 2917.11 of the 1224
Revised Code, in addition to imposing, in its discretion, any 1225
other order of disposition authorized by this section, the court 1226
shall do both of the following: 1227

(1) Require the child to participate in a drug abuse or 1228
alcohol abuse counseling program; 1229

(2) Suspend the temporary instruction permit, probationary 1230
driver's license, or driver's license issued to the child for a 1231
period of time prescribed by the court. The court, in its 1232
discretion, may terminate the suspension if the child attends 1233
and satisfactorily completes a drug abuse or alcohol abuse 1234
education, intervention, or treatment program specified by the 1235
court. During the time the child is attending a program as 1236
described in this division, the court shall retain the child's 1237
temporary instruction permit, probationary driver's license, or 1238
driver's license, and the court shall return the permit or 1239
license if it terminates the suspension. 1240

(C) (1) If a child is adjudicated an unruly child for being 1241
an habitual truant, in addition to or in lieu of imposing any 1242
other order of disposition authorized by this section, the court 1243
may do any of the following: 1244

(a) Order the board of education of the child's school 1245
district or the governing board of the educational service 1246
center in the child's school district to require the child to 1247
attend an alternative school if an alternative school has been 1248
established pursuant to section 3313.533 of the Revised Code in 1249
the school district in which the child is entitled to attend 1250
school; 1251

(b) Require the child to participate in any academic 1252
program or community service program; 1253

(c) Require the child to participate in a drug abuse or 1254
alcohol abuse counseling program; 1255

(d) Require that the child receive appropriate medical or 1256
psychological treatment or counseling; 1257

(e) Make any other order that the court finds proper to 1258
address the child's habitual truancy, including an order 1259
requiring the child to not be absent without legitimate excuse 1260
from the public school the child is supposed to attend for ~~five-~~ 1261
~~thirty~~ or more consecutive ~~days~~ hours, ~~seven-forty-two~~ or more 1262
~~school days~~ hours in one school month, or ~~twelve-seventy-two~~ or 1263
more ~~school days~~ hours in a school year and including an order 1264
requiring the child to participate in a truancy prevention 1265
mediation program. 1266

(2) If a child is adjudicated an unruly child for being an 1267
habitual truant and the court determines that the parent, 1268
guardian, or other person having care of the child has failed to 1269
cause the child's attendance at school in violation of section 1270
3321.38 of the Revised Code, in addition to any order of 1271
disposition authorized by this section, all of the following 1272
apply: 1273

(a) The court may require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(b) The court may require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program.

(c) The court shall warn the parent, guardian, or other person having care of the child that any subsequent adjudication of the child as an unruly or delinquent child for being an habitual ~~or chronic~~ truant or for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant, may result in a criminal charge against the parent, guardian, or other person having care of the child for a violation of division (C) of section 2919.21 or section 2919.24 of the Revised Code.

(d) Not later than ten days after a child is adjudicated an unruly child for being an habitual truant, the court shall provide notice of that fact to the school district in which the child is entitled to attend school and to the school in which the child was enrolled at the time of the filing of the complaint.

Sec. 2152.02. As used in this chapter:

(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.

(B) "Admitted to a department of youth services facility"

includes admission to a facility operated, or contracted for, by 1303
the department and admission to a comparable facility outside 1304
this state by another state or the United States. 1305

(C) (1) "Child" means a person who is under eighteen years 1306
of age, except as otherwise provided in divisions (C) (2) to (8) 1307
of this section. 1308

(2) Subject to division (C) (3) of this section, any person 1309
who violates a federal or state law or a municipal ordinance 1310
prior to attaining eighteen years of age shall be deemed a 1311
"child" irrespective of that person's age at the time the 1312
complaint with respect to that violation is filed or the hearing 1313
on the complaint is held. 1314

(3) Any person who, while under eighteen years of age, 1315
commits an act that would be a felony if committed by an adult 1316
and who is not taken into custody or apprehended for that act 1317
until after the person attains twenty-one years of age is not a 1318
child in relation to that act. 1319

(4) Except as otherwise provided in divisions (C) (5) and 1320
(7) of this section, any person whose case is transferred for 1321
criminal prosecution pursuant to section 2152.12 of the Revised 1322
Code shall be deemed after the transfer not to be a child in the 1323
transferred case. 1324

(5) Any person whose case is transferred for criminal 1325
prosecution pursuant to section 2152.12 of the Revised Code and 1326
who subsequently is convicted of or pleads guilty to a felony in 1327
that case, unless a serious youthful offender dispositional 1328
sentence is imposed on the child for that offense under division 1329
(B) (2) or (3) of section 2152.121 of the Revised Code and the 1330
adult portion of that sentence is not invoked pursuant to 1331

section 2152.14 of the Revised Code, and any person who is 1332
adjudicated a delinquent child for the commission of an act, who 1333
has a serious youthful offender dispositional sentence imposed 1334
for the act pursuant to section 2152.13 of the Revised Code, and 1335
whose adult portion of the dispositional sentence is invoked 1336
pursuant to section 2152.14 of the Revised Code, shall be deemed 1337
after the conviction, plea, or invocation not to be a child in 1338
any case in which a complaint is filed against the person. 1339

(6) The juvenile court has jurisdiction over a person who 1340
is adjudicated a delinquent child or juvenile traffic offender 1341
prior to attaining eighteen years of age until the person 1342
attains twenty-one years of age, and, for purposes of that 1343
jurisdiction related to that adjudication, except as otherwise 1344
provided in this division, a person who is so adjudicated a 1345
delinquent child or juvenile traffic offender shall be deemed a 1346
"child" until the person attains twenty-one years of age. If a 1347
person is so adjudicated a delinquent child or juvenile traffic 1348
offender and the court makes a disposition of the person under 1349
this chapter, at any time after the person attains twenty-one 1350
years of age, the places at which the person may be held under 1351
that disposition are not limited to places authorized under this 1352
chapter solely for confinement of children, and the person may 1353
be confined under that disposition, in accordance with division 1354
(F) (2) of section 2152.26 of the Revised Code, in places other 1355
than those authorized under this chapter solely for confinement 1356
of children. 1357

(7) The juvenile court has jurisdiction over any person 1358
whose case is transferred for criminal prosecution solely for 1359
the purpose of detaining the person as authorized in division 1360
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 1361
person is convicted of or pleads guilty to a felony in the adult 1362

court. 1363

(8) Any person who, while eighteen years of age, violates 1364
division (A) (1) or (2) of section 2919.27 of the Revised Code by 1365
violating a protection order issued or consent agreement 1366
approved under section 2151.34 or 3113.31 of the Revised Code 1367
shall be considered a child for the purposes of that violation 1368
of section 2919.27 of the Revised Code. 1369

~~(D) "Chronic truant" means any child of compulsory school 1370
age who is absent without legitimate excuse for absence from the 1371
public school the child is supposed to attend for seven or more 1372
consecutive school days, ten or more school days in one school- 1373
month, or fifteen or more school days in a school year. 1374~~

~~(E)~~ "Community corrections facility," "public safety 1375
beds," "release authority," and "supervised release" have the 1376
same meanings as in section 5139.01 of the Revised Code. 1377

~~(F)~~ (E) "Delinquent child" includes any of the following: 1378

(1) Any child, except a juvenile traffic offender, who 1379
violates any law of this state or the United States, or any 1380
ordinance of a political subdivision of the state, that would be 1381
an offense if committed by an adult; 1382

(2) Any child who violates any lawful order of the court 1383
made under this chapter ~~or~~, including a child who violates a 1384
court order regarding the child's prior adjudication as an 1385
unruly child for being an habitual truant; 1386

(3) Any child who violates any lawful order of the court 1387
made under Chapter 2151. of the Revised Code other than an order 1388
issued under section 2151.87 of the Revised Code; 1389

~~(3)~~ (4) Any child who violates division (C) of section 1390

2907.39, division (A) of section 2923.211, or division (C) (1) or 1391
(D) of section 2925.55 of the Revised Code. 1392

~~(4) Any child who is a habitual truant and who previously~~ 1393
~~has been adjudicated an unruly child for being a habitual~~ 1394
~~truant.~~ 1395

~~(5) Any child who is a chronic truant.~~ 1396

~~(G)~~ (F) "Discretionary serious youthful offender" means a 1397
person who is eligible for a discretionary SYO and who is not 1398
transferred to adult court under a mandatory or discretionary 1399
transfer. 1400

~~(H)~~ (G) "Discretionary SYO" means a case in which the 1401
juvenile court, in the juvenile court's discretion, may impose a 1402
serious youthful offender disposition under section 2152.13 of 1403
the Revised Code. 1404

~~(I)~~ (H) "Discretionary transfer" means that the juvenile 1405
court has discretion to transfer a case for criminal prosecution 1406
under division (B) of section 2152.12 of the Revised Code. 1407

~~(J)~~ (I) "Drug abuse offense," "felony drug abuse offense," 1408
and "minor drug possession offense" have the same meanings as in 1409
section 2925.01 of the Revised Code. 1410

~~(K)~~ (J) "Electronic monitoring" and "electronic monitoring 1411
device" have the same meanings as in section 2929.01 of the 1412
Revised Code. 1413

~~(L)~~ (K) "Economic loss" means any economic detriment 1414
suffered by a victim of a delinquent act or juvenile traffic 1415
offense as a direct and proximate result of the delinquent act 1416
or juvenile traffic offense and includes any loss of income due 1417
to lost time at work because of any injury caused to the victim 1418

and any property loss, medical cost, or funeral expense incurred 1419
as a result of the delinquent act or juvenile traffic offense. 1420
"Economic loss" does not include non-economic loss or any 1421
punitive or exemplary damages. 1422

~~(M)~~ (L) "Firearm" has the same meaning as in section 1423
2923.11 of the Revised Code. 1424

~~(N)~~ (M) "Juvenile traffic offender" means any child who 1425
violates any traffic law, traffic ordinance, or traffic 1426
regulation of this state, the United States, or any political 1427
subdivision of this state, other than a resolution, ordinance, 1428
or regulation of a political subdivision of this state the 1429
violation of which is required to be handled by a parking 1430
violations bureau or a joint parking violations bureau pursuant 1431
to Chapter 4521. of the Revised Code. 1432

~~(O)~~ (N) A "legitimate excuse for absence from the public 1433
school the child is supposed to attend" has the same meaning as 1434
in section 2151.011 of the Revised Code. 1435

~~(P)~~ (O) "Mandatory serious youthful offender" means a 1436
person who is eligible for a mandatory SYO and who is not 1437
transferred to adult court under a mandatory or discretionary 1438
transfer and also includes, for purposes of imposition of a 1439
mandatory serious youthful dispositional sentence under section 1440
2152.13 of the Revised Code, a person upon whom a juvenile court 1441
is required to impose such a sentence under division (B) (3) of 1442
section 2152.121 of the Revised Code. 1443

~~(Q)~~ (P) "Mandatory SYO" means a case in which the juvenile 1444
court is required to impose a mandatory serious youthful 1445
offender disposition under section 2152.13 of the Revised Code. 1446

~~(R)~~ (Q) "Mandatory transfer" means that a case is required 1447

to be transferred for criminal prosecution under division (A) of 1448
section 2152.12 of the Revised Code. 1449

~~(S)~~(R) "Mental illness" has the same meaning as in 1450
section 5122.01 of the Revised Code. 1451

~~(T)~~(S) "Mentally retarded person" has the same meaning as 1452
in section 5123.01 of the Revised Code. 1453

~~(U)~~(T) "Monitored time" and "repeat violent offender" 1454
have the same meanings as in section 2929.01 of the Revised 1455
Code. 1456

~~(V)~~(U) "Of compulsory school age" has the same meaning as 1457
in section 3321.01 of the Revised Code. 1458

~~(W)~~(V) "Public record" has the same meaning as in section 1459
149.43 of the Revised Code. 1460

~~(X)~~(W) "Serious youthful offender" means a person who is 1461
eligible for a mandatory SYO or discretionary SYO but who is not 1462
transferred to adult court under a mandatory or discretionary 1463
transfer and also includes, for purposes of imposition of a 1464
mandatory serious youthful dispositional sentence under section 1465
2152.13 of the Revised Code, a person upon whom a juvenile court 1466
is required to impose such a sentence under division (B) (3) of 1467
section 2152.121 of the Revised Code. 1468

~~(Y)~~(X) "Sexually oriented offense," "juvenile offender 1469
registrant," "child-victim oriented offense," "tier I sex 1470
offender/child-victim offender," "tier II sex offender/child- 1471
victim offender," "tier III sex offender/child-victim offender," 1472
and "public registry-qualified juvenile offender registrant" 1473
have the same meanings as in section 2950.01 of the Revised 1474
Code. 1475

~~(Z)~~(Y) "Traditional juvenile" means a case that is not 1476
transferred to adult court under a mandatory or discretionary 1477
transfer, that is eligible for a disposition under sections 1478
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1479
that is not eligible for a disposition under section 2152.13 of 1480
the Revised Code. 1481

~~(AA)~~(Z) "Transfer" means the transfer for criminal 1482
prosecution of a case involving the alleged commission by a 1483
child of an act that would be an offense if committed by an 1484
adult from the juvenile court to the appropriate court that has 1485
jurisdiction of the offense. 1486

~~(BB)~~(AA) "Category one offense" means any of the 1487
following: 1488

(1) A violation of section 2903.01 or 2903.02 of the 1489
Revised Code; 1490

(2) A violation of section 2923.02 of the Revised Code 1491
involving an attempt to commit aggravated murder or murder. 1492

~~(CC)~~(BB) "Category two offense" means any of the 1493
following: 1494

(1) A violation of section 2903.03, 2905.01, 2907.02, 1495
2909.02, 2911.01, or 2911.11 of the Revised Code; 1496

(2) A violation of section 2903.04 of the Revised Code 1497
that is a felony of the first degree; 1498

(3) A violation of section 2907.12 of the Revised Code as 1499
it existed prior to September 3, 1996. 1500

~~(DD)~~(CC) "Non-economic loss" means nonpecuniary harm 1501
suffered by a victim of a delinquent act or juvenile traffic 1502
offense as a result of or related to the delinquent act or 1503

juvenile traffic offense, including, but not limited to, pain 1504
and suffering; loss of society, consortium, companionship, care, 1505
assistance, attention, protection, advice, guidance, counsel, 1506
instruction, training, or education; mental anguish; and any 1507
other intangible loss. 1508

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 1509
section, any person having knowledge of a child who appears to 1510
be a juvenile traffic offender or to be a delinquent child may 1511
file a sworn complaint with respect to that child in the 1512
juvenile court of the county in which the child has a residence 1513
or legal settlement or in which the traffic offense or 1514
delinquent act allegedly occurred. The sworn complaint may be 1515
upon information and belief, and, in addition to the allegation 1516
that the child is a delinquent child or a juvenile traffic 1517
offender, the complaint shall allege the particular facts upon 1518
which the allegation that the child is a delinquent child or a 1519
juvenile traffic offender is based. 1520

If a child appears to be a delinquent child who is 1521
eligible for a serious youthful offender dispositional sentence 1522
under section 2152.11 of the Revised Code and if the prosecuting 1523
attorney desires to seek a serious youthful offender 1524
dispositional sentence under section 2152.13 of the Revised Code 1525
in regard to the child, the prosecuting attorney of the county 1526
in which the alleged delinquency occurs may initiate a case in 1527
the juvenile court of the county by presenting the case to a 1528
grand jury for indictment, by charging the child in a bill of 1529
information as a serious youthful offender pursuant to section 1530
2152.13 of the Revised Code, by requesting a serious youthful 1531
offender dispositional sentence in the original complaint 1532
alleging that the child is a delinquent child, or by filing with 1533
the juvenile court a written notice of intent to seek a serious 1534

youthful offender dispositional sentence. This paragraph does 1535
not apply regarding the imposition of a serious youthful 1536
offender dispositional sentence pursuant to section 2152.121 of 1537
the Revised Code. 1538

(2) Any person having knowledge of a child who appears to 1539
be a delinquent child for ~~being an habitual or chronic truant~~ 1540
violating a court order regarding the child's adjudication as an 1541
unruly child for being an habitual truant, may file a sworn 1542
complaint with respect to that child, or with respect to that 1543
child and the parent, guardian, or other person having care of 1544
the child, in the juvenile court of the county in which the 1545
child has a residence or legal settlement or in which the child 1546
is supposed to attend public school. The sworn complaint may be 1547
upon information and belief and shall allege that the child is a 1548
delinquent child for ~~being a chronic truant or an habitual~~ 1549
~~truant who previously has been adjudicated~~ violating a court 1550
order regarding the child's prior adjudication as an unruly 1551
child for being a habitual truant and, in addition, the 1552
particular facts upon which that allegation is based. If the 1553
complaint contains allegations regarding the child's parent, 1554
guardian, or other person having care of the child, the 1555
complaint additionally shall allege that the parent, guardian, 1556
or other person having care of the child has failed to cause the 1557
child's attendance at school in violation of section 3321.38 of 1558
the Revised Code and, in addition, the particular facts upon 1559
which that allegation is based. 1560

(B) Any person with standing under applicable law may file 1561
a complaint for the determination of any other matter over which 1562
the juvenile court is given jurisdiction by section 2151.23 of 1563
the Revised Code. The complaint shall be filed in the county in 1564
which the child who is the subject of the complaint is found or 1565

was last known to be found. 1566

(C) Within ten days after the filing of a complaint or the 1567
issuance of an indictment, the court shall give written notice 1568
of the filing of the complaint or the issuance of an indictment 1569
and of the substance of the complaint or indictment to the 1570
superintendent of a city, local, exempted village, or joint 1571
vocational school district if the complaint or indictment 1572
alleges that a child committed an act that would be a criminal 1573
offense if committed by an adult, that the child was sixteen 1574
years of age or older at the time of the commission of the 1575
alleged act, and that the alleged act is any of the following: 1576

(1) A violation of section 2923.122 of the Revised Code 1577
that relates to property owned or controlled by, or to an 1578
activity held under the auspices of, the board of education of 1579
that school district; 1580

(2) A violation of section 2923.12 of the Revised Code, of 1581
a substantially similar municipal ordinance, or of section 1582
2925.03 of the Revised Code that was committed on property owned 1583
or controlled by, or at an activity held under the auspices of, 1584
the board of education of that school district; 1585

(3) A violation of section 2925.11 of the Revised Code 1586
that was committed on property owned or controlled by, or at an 1587
activity held under the auspices of, the board of education of 1588
that school district, other than a violation of that section 1589
that would be a minor drug possession offense if committed by an 1590
adult; 1591

(4) A violation of section 2903.01, 2903.02, 2903.03, 1592
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 1593
Code, or a violation of former section 2907.12 of the Revised 1594

Code, that was committed on property owned or controlled by, or 1595
at an activity held under the auspices of, the board of 1596
education of that school district, if the victim at the time of 1597
the commission of the alleged act was an employee of the board 1598
of education of that school district; 1599

(5) Complicity in any violation described in division (C) 1600
(1), (2), (3), or (4) of this section that was alleged to have 1601
been committed in the manner described in division (C) (1), (2), 1602
(3), or (4) of this section, regardless of whether the act of 1603
complicity was committed on property owned or controlled by, or 1604
at an activity held under the auspices of, the board of 1605
education of that school district. 1606

(D) A public children services agency, acting pursuant to 1607
a complaint or an action on a complaint filed under this 1608
section, is not subject to the requirements of section 3127.23 1609
of the Revised Code. 1610

(E) For purposes of the record to be maintained by the 1611
clerk under division (B) of section 2152.71 of the Revised Code, 1612
when a complaint is filed that alleges that a child is a 1613
delinquent child, the court shall determine if the victim of the 1614
alleged delinquent act was sixty-five years of age or older or 1615
permanently and totally disabled at the time of the alleged 1616
commission of the act. 1617

(F) (1) At any time after the filing of a complaint 1618
alleging that a child is a delinquent child and before 1619
adjudication, the court may hold a hearing to determine whether 1620
to hold the complaint in abeyance pending the child's successful 1621
completion of actions that constitute a method to divert the 1622
child from the juvenile court system if the child agrees to the 1623
hearing and either of the following applies: 1624

(a) The act charged would be a violation of section 1625
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1626
were an adult. 1627

(b) The court has reason to believe that the child is a 1628
victim of a violation of section 2905.32 of the Revised Code, 1629
regardless of whether any person has been convicted of a 1630
violation of that section or of any other section for 1631
victimizing the child, and the act charged is related to the 1632
child's victimization. 1633

(2) The prosecuting attorney has the right to participate 1634
in any hearing held under division (F)(1) of this section, to 1635
object to holding the complaint that is the subject of the 1636
hearing in abeyance, and to make recommendations related to 1637
diversion actions. No statement made by a child at a hearing 1638
held under division (F)(1) of this section is admissible in any 1639
subsequent proceeding against the child. 1640

(3) If either division (F)(1)(a) or (b) of this section 1641
applies, the court shall promptly appoint a guardian ad litem 1642
for the child. The court shall not appoint the child's attorney 1643
as guardian ad litem. If the court decides to hold the complaint 1644
in abeyance, the guardian ad litem shall make recommendations 1645
that are in the best interest of the child to the court. 1646

(4) If after a hearing the court decides to hold the 1647
complaint in abeyance, the court may make any orders regarding 1648
placement, services, supervision, diversion actions, and 1649
conditions of abeyance, including, but not limited to, 1650
engagement in trauma-based behavioral health services or 1651
education activities, that the court considers appropriate and 1652
in the best interest of the child. The court may hold the 1653
complaint in abeyance for up to ninety days while the child 1654

engages in diversion actions. If the child violates the 1655
conditions of abeyance or does not complete the diversion 1656
actions to the court's satisfaction within ninety days, the 1657
court may extend the period of abeyance for not more than two 1658
additional ninety-day periods. 1659

(5) If the court holds the complaint in abeyance and the 1660
child complies with the conditions of abeyance and completes the 1661
diversion actions to the court's satisfaction, the court shall 1662
dismiss the complaint and order that the records pertaining to 1663
the case be expunged immediately. If the child fails to complete 1664
the diversion actions to the court's satisfaction, the court 1665
shall proceed upon the complaint. 1666

Sec. 2152.19. (A) If a child is adjudicated a delinquent 1667
child, the court may make any of the following orders of 1668
disposition, in addition to any other disposition authorized or 1669
required by this chapter: 1670

(1) Any order that is authorized by section 2151.353 of 1671
the Revised Code for the care and protection of an abused, 1672
neglected, or dependent child; 1673

(2) Commit the child to the temporary custody of any 1674
school, camp, institution, or other facility operated for the 1675
care of delinquent children by the county, by a district 1676
organized under section 2152.41 or 2151.65 of the Revised Code, 1677
or by a private agency or organization, within or without the 1678
state, that is authorized and qualified to provide the care, 1679
treatment, or placement required, including, but not limited to, 1680
a school, camp, or facility operated under section 2151.65 of 1681
the Revised Code; 1682

(3) Place the child in a detention facility or district 1683

detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;

(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;

(d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours

for an act that would be a minor misdemeanor if committed by an adult; 1713
1714

(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment; 1715
1716
1717

(f) A period of drug and alcohol use monitoring; 1718

(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court; 1719
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1721
1722

(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours; 1723
1724

(i) A requirement that the child serve monitored time; 1725

(j) A period of house arrest without electronic monitoring or continuous alcohol monitoring; 1726
1727

(k) A period of electronic monitoring or continuous alcohol monitoring without house arrest, or house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act. 1728
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A period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, upon a child under this division, 1734
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it shall require the child: to remain in the child's home or 1741
other specified premises for the entire period of house arrest 1742
with electronic monitoring or continuous alcohol monitoring or 1743
both except when the court permits the child to leave those 1744
premises to go to school or to other specified premises. 1745
Regarding electronic monitoring, the court also shall require 1746
the child to be monitored by a central system that can determine 1747
the child's location at designated times; to report periodically 1748
to a person designated by the court; and to enter into a written 1749
contract with the court agreeing to comply with all requirements 1750
imposed by the court, agreeing to pay any fee imposed by the 1751
court for the costs of the house arrest with electronic 1752
monitoring, and agreeing to waive the right to receive credit 1753
for any time served on house arrest with electronic monitoring 1754
toward the period of any other dispositional order imposed upon 1755
the child if the child violates any of the requirements of the 1756
dispositional order of house arrest with electronic monitoring. 1757
The court also may impose other reasonable requirements upon the 1758
child. 1759

Unless ordered by the court, a child shall not receive 1760
credit for any time served on house arrest with electronic 1761
monitoring or continuous alcohol monitoring or both toward any 1762
other dispositional order imposed upon the child for the act for 1763
which was imposed the dispositional order of house arrest with 1764
electronic monitoring or continuous alcohol monitoring. As used 1765
in this division and division (A) (4) (1) of this section, 1766
"continuous alcohol monitoring" has the same meaning as in 1767
section 2929.01 of the Revised Code. 1768

(1) A suspension of the driver's license, probationary 1769
driver's license, or temporary instruction permit issued to the 1770
child for a period of time prescribed by the court, or a 1771

suspension of the registration of all motor vehicles registered 1772
in the name of the child for a period of time prescribed by the 1773
court. A child whose license or permit is so suspended is 1774
ineligible for issuance of a license or permit during the period 1775
of suspension. At the end of the period of suspension, the child 1776
shall not be reissued a license or permit until the child has 1777
paid any applicable reinstatement fee and complied with all 1778
requirements governing license reinstatement. 1779

(5) Commit the child to the custody of the court; 1780

(6) Require the child to not be absent without legitimate 1781
excuse from the public school the child is supposed to attend 1782
for ~~five-thirty~~ or more consecutive ~~days~~ hours, ~~seven-forty-two~~ 1783
or more ~~school days~~ hours in one school month, or ~~twelve~~ 1784
seventy-two or more ~~school days~~ hours in a school year; 1785

(7) (a) If a child is adjudicated a delinquent child for 1786
~~being a chronic truant or a habitual truant who previously has~~ 1787
~~been adjudicated~~ violating a court order regarding the child's 1788
prior adjudication as an unruly child for being a habitual 1789
truant, do either or both of the following: 1790

(i) Require the child to participate in a truancy 1791
prevention mediation program; 1792

(ii) Make any order of disposition as authorized by this 1793
section, except that the court shall not commit the child to a 1794
facility described in division (A) (2) or (3) of this section 1795
unless the court determines that the child violated a lawful 1796
court order made pursuant to division (C) (1) (e) of section 1797
2151.354 of the Revised Code or division (A) (6) of this section. 1798

(b) If a child is adjudicated a delinquent child for ~~being~~ 1799
~~a chronic truant or a habitual truant who previously has been~~ 1800

~~adjudicated violating a court order regarding the child's prior~~ 1801
~~adjudication as an~~ unruly child for being a habitual truant and 1802
the court determines that the parent, guardian, or other person 1803
having care of the child has failed to cause the child's 1804
attendance at school in violation of section 3321.38 of the 1805
Revised Code, do either or both of the following: 1806

(i) Require the parent, guardian, or other person having 1807
care of the child to participate in a truancy prevention 1808
mediation program; 1809

(ii) Require the parent, guardian, or other person having 1810
care of the child to participate in any community service 1811
program, preferably a community service program that requires 1812
the involvement of the parent, guardian, or other person having 1813
care of the child in the school attended by the child. 1814

(8) Make any further disposition that the court finds 1815
proper, except that the child shall not be placed in a state 1816
correctional institution, a county, multicounty, or municipal 1817
jail or workhouse, or another place in which an adult convicted 1818
of a crime, under arrest, or charged with a crime is held. 1819

(B) If a child is adjudicated a delinquent child, in 1820
addition to any order of disposition made under division (A) of 1821
this section, the court, in the following situations and for the 1822
specified periods of time, shall suspend the child's temporary 1823
instruction permit, restricted license, probationary driver's 1824
license, or nonresident operating privilege, or suspend the 1825
child's ability to obtain such a permit: 1826

(1) If the child is adjudicated a delinquent child for 1827
violating section 2923.122 of the Revised Code, impose a class 1828
four suspension of the child's license, permit, or privilege 1829

from the range specified in division (A) (4) of section 4510.02 1830
of the Revised Code or deny the child the issuance of a license 1831
or permit in accordance with division (F) (1) of section 2923.122 1832
of the Revised Code. 1833

(2) If the child is adjudicated a delinquent child for 1834
committing an act that if committed by an adult would be a drug 1835
abuse offense or for violating division (B) of section 2917.11 1836
of the Revised Code, suspend the child's license, permit, or 1837
privilege for a period of time prescribed by the court. The 1838
court, in its discretion, may terminate the suspension if the 1839
child attends and satisfactorily completes a drug abuse or 1840
alcohol abuse education, intervention, or treatment program 1841
specified by the court. During the time the child is attending a 1842
program described in this division, the court shall retain the 1843
child's temporary instruction permit, probationary driver's 1844
license, or driver's license, and the court shall return the 1845
permit or license if it terminates the suspension as described 1846
in this division. 1847

(C) The court may establish a victim-offender mediation 1848
program in which victims and their offenders meet to discuss the 1849
offense and suggest possible restitution. If the court obtains 1850
the assent of the victim of the delinquent act committed by the 1851
child, the court may require the child to participate in the 1852
program. 1853

(D) (1) If a child is adjudicated a delinquent child for 1854
committing an act that would be a felony if committed by an 1855
adult and if the child caused, attempted to cause, threatened to 1856
cause, or created a risk of physical harm to the victim of the 1857
act, the court, prior to issuing an order of disposition under 1858
this section, shall order the preparation of a victim impact 1859

statement by the probation department of the county in which the 1860
victim of the act resides, by the court's own probation 1861
department, or by a victim assistance program that is operated 1862
by the state, a county, a municipal corporation, or another 1863
governmental entity. The court shall consider the victim impact 1864
statement in determining the order of disposition to issue for 1865
the child. 1866

(2) Each victim impact statement shall identify the victim 1867
of the act for which the child was adjudicated a delinquent 1868
child, itemize any economic loss suffered by the victim as a 1869
result of the act, identify any physical injury suffered by the 1870
victim as a result of the act and the seriousness and permanence 1871
of the injury, identify any change in the victim's personal 1872
welfare or familial relationships as a result of the act and any 1873
psychological impact experienced by the victim or the victim's 1874
family as a result of the act, and contain any other information 1875
related to the impact of the act upon the victim that the court 1876
requires. 1877

(3) A victim impact statement shall be kept confidential 1878
and is not a public record. However, the court may furnish 1879
copies of the statement to the department of youth services if 1880
the delinquent child is committed to the department or to both 1881
the adjudicated delinquent child or the adjudicated delinquent 1882
child's counsel and the prosecuting attorney. The copy of a 1883
victim impact statement furnished by the court to the department 1884
pursuant to this section shall be kept confidential and is not a 1885
public record. If an officer is preparing pursuant to section 1886
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 1887
presentence investigation report pertaining to a person, the 1888
court shall make available to the officer, for use in preparing 1889
the report, a copy of any victim impact statement regarding that 1890

person. The copies of a victim impact statement that are made 1891
available to the adjudicated delinquent child or the adjudicated 1892
delinquent child's counsel and the prosecuting attorney pursuant 1893
to this division shall be returned to the court by the person to 1894
whom they were made available immediately following the 1895
imposition of an order of disposition for the child under this 1896
chapter. 1897

The copy of a victim impact statement that is made 1898
available pursuant to this division to an officer preparing a 1899
criminal presentence investigation report shall be returned to 1900
the court by the officer immediately following its use in 1901
preparing the report. 1902

(4) The department of youth services shall work with local 1903
probation departments and victim assistance programs to develop 1904
a standard victim impact statement. 1905

(E) (1) If a child is adjudicated a delinquent child for 1906
~~being a chronic truant or a habitual truant who previously has~~ 1907
~~been adjudicated violating a court order regarding the child's~~ 1908
prior adjudication as an unruly child for being a habitual 1909
truant and the court determines that the parent, guardian, or 1910
other person having care of the child has failed to cause the 1911
child's attendance at school in violation of section 3321.38 of 1912
the Revised Code, in addition to any order of disposition it 1913
makes under this section, the court shall warn the parent, 1914
guardian, or other person having care of the child that any 1915
subsequent adjudication ~~of the child as an unruly or delinquent~~ 1916
~~child for being a habitual or chronic truant with regard to~~ 1917
truancy may result in a criminal charge against the parent, 1918
guardian, or other person having care of the child for a 1919
violation of division (C) of section 2919.21 or section 2919.24 1920

of the Revised Code. 1921

(2) Not later than ten days after a child is adjudicated a 1922
delinquent child for violating a court order regarding the 1923
child's prior adjudication as an unruly child for being an 1924
habitual truant, the court shall provide notice of that fact to 1925
the school district in which the child is entitled to attend 1926
school and to the school in which the child was enrolled at the 1927
time of the filing of the complaint. 1928

(F) (1) During the period of a delinquent child's community 1929
control granted under this section, authorized probation 1930
officers who are engaged within the scope of their supervisory 1931
duties or responsibilities may search, with or without a 1932
warrant, the person of the delinquent child, the place of 1933
residence of the delinquent child, and a motor vehicle, another 1934
item of tangible or intangible personal property, or other real 1935
property in which the delinquent child has a right, title, or 1936
interest or for which the delinquent child has the express or 1937
implied permission of a person with a right, title, or interest 1938
to use, occupy, or possess if the probation officers have 1939
reasonable grounds to believe that the delinquent child is not 1940
abiding by the law or otherwise is not complying with the 1941
conditions of the delinquent child's community control. The 1942
court that places a delinquent child on community control under 1943
this section shall provide the delinquent child with a written 1944
notice that informs the delinquent child that authorized 1945
probation officers who are engaged within the scope of their 1946
supervisory duties or responsibilities may conduct those types 1947
of searches during the period of community control if they have 1948
reasonable grounds to believe that the delinquent child is not 1949
abiding by the law or otherwise is not complying with the 1950
conditions of the delinquent child's community control. The 1951

court also shall provide the written notice described in 1952
division (E) (2) of this section to each parent, guardian, or 1953
custodian of the delinquent child who is described in that 1954
division. 1955

(2) The court that places a child on community control 1956
under this section shall provide the child's parent, guardian, 1957
or other custodian with a written notice that informs them that 1958
authorized probation officers may conduct searches pursuant to 1959
division (E) (1) of this section. The notice shall specifically 1960
state that a permissible search might extend to a motor vehicle, 1961
another item of tangible or intangible personal property, or a 1962
place of residence or other real property in which a notified 1963
parent, guardian, or custodian has a right, title, or interest 1964
and that the parent, guardian, or custodian expressly or 1965
impliedly permits the child to use, occupy, or possess. 1966

(G) If a juvenile court commits a delinquent child to the 1967
custody of any person, organization, or entity pursuant to this 1968
section and if the delinquent act for which the child is so 1969
committed is a sexually oriented offense or is a child-victim 1970
oriented offense, the court in the order of disposition shall do 1971
one of the following: 1972

(1) Require that the child be provided treatment as 1973
described in division (A) (2) of section 5139.13 of the Revised 1974
Code; 1975

(2) Inform the person, organization, or entity that it is 1976
the preferred course of action in this state that the child be 1977
provided treatment as described in division (A) (2) of section 1978
5139.13 of the Revised Code and encourage the person, 1979
organization, or entity to provide that treatment. 1980

Sec. 2152.26. (A) Except as provided in divisions (B) and 1981
(F) of this section, a child alleged to be or adjudicated a 1982
delinquent child or a juvenile traffic offender may be held only 1983
in the following places: 1984

(1) A certified foster home or a home approved by the 1985
court; 1986

(2) A facility operated by a certified child welfare 1987
agency; 1988

(3) Any other suitable place designated by the court. 1989

(B) In addition to the places listed in division (A) of 1990
this section, a child alleged to be or adjudicated a delinquent 1991
child or a person described in division (C) (7) of section 1992
2152.02 of the Revised Code may be held in a detention facility 1993
for delinquent children that is under the direction or 1994
supervision of the court or other public authority or of a 1995
private agency and approved by the court, and a child 1996
adjudicated a delinquent child may be held in accordance with 1997
division (F) (2) of this section in a facility of a type 1998
specified in that division. ~~This division does not apply to a~~ 1999
~~child alleged to be or adjudicated a delinquent child for~~ 2000
~~chronic truancy, unless the child violated a lawful court order~~ 2001
~~made pursuant to division (A) (6) of section 2152.19 of the~~ 2002
~~Revised Code. This division also does not apply to a child~~ 2003
~~alleged to be or adjudicated a delinquent child for being an~~ 2004
~~habitual truant who previously has been adjudicated an unruly~~ 2005
~~child for being an habitual truant, unless the child violated a~~ 2006
~~lawful court order made pursuant to division (C) (1) (e) of~~ 2007
~~section 2151.354 of the Revised Code.~~ 2008

(C) (1) Except as provided under division (C) (1) of section 2009

2151.311 of the Revised Code or division (A) (5) of section 2010
2152.21 of the Revised Code, a child alleged to be or 2011
adjudicated a juvenile traffic offender may not be held in any 2012
of the following facilities: 2013

(a) A state correctional institution, county, multicounty, 2014
or municipal jail or workhouse, or other place in which an adult 2015
convicted of crime, under arrest, or charged with a crime is 2016
held. 2017

(b) A secure correctional facility. 2018

(2) Except as provided under this section, sections 2019
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 2020
2152.21 of the Revised Code, a child alleged to be or 2021
adjudicated a juvenile traffic offender may not be held for more 2022
than twenty-four hours in a detention facility. 2023

(D) Except as provided in division (F) of this section or 2024
in division (C) of section 2151.311, in division (C) (2) of 2025
section 5139.06 and section 5120.162, or in division (B) of 2026
section 5120.16 of the Revised Code, a child who is alleged to 2027
be or is adjudicated a delinquent child or a person described in 2028
division (C) (7) of section 2152.02 of the Revised Code may not 2029
be held in a state correctional institution, county, 2030
multicounty, or municipal jail or workhouse, or other place 2031
where an adult convicted of crime, under arrest, or charged with 2032
crime is held. 2033

(E) Unless the detention is pursuant to division (F) of 2034
this section or division (C) of section 2151.311, division (C) 2035
(2) of section 5139.06 and section 5120.162, or division (B) of 2036
section 5120.16 of the Revised Code, the official in charge of 2037
the institution, jail, workhouse, or other facility shall inform 2038

the court immediately when a person who is or appears to be 2039
under the age of eighteen years, or a person who is charged with 2040
a violation of an order of a juvenile court or a violation of 2041
probation or parole conditions imposed by a juvenile court and 2042
who is or appears to be between the ages of eighteen and twenty- 2043
one years, is received at the facility and shall deliver the 2044
person to the court upon request or transfer the person to a 2045
detention facility designated by the court. 2046

(F) (1) If a case is transferred to another court for 2047
criminal prosecution pursuant to section 2152.12 of the Revised 2048
Code and the alleged offender is a person described in division 2049
(C) (7) of section 2152.02 of the Revised Code, the person may 2050
not be transferred for detention pending the criminal 2051
prosecution in a jail or other facility except under the 2052
circumstances described in division (F) (4) of this section. Any 2053
child held in accordance with division (F) (3) of this section 2054
shall be confined in a manner that keeps the child beyond the 2055
sight and sound of all adult detainees. The child shall be 2056
supervised at all times during the detention. 2057

(2) If a person is adjudicated a delinquent child or 2058
juvenile traffic offender or is a person described in division 2059
(C) (7) of section 2152.02 of the Revised Code and the court 2060
makes a disposition of the person under this chapter, at any 2061
time after the person attains twenty-one years of age, the 2062
person may be held under that disposition or under the 2063
circumstances described in division (F) (4) of this section in 2064
places other than those specified in division (A) of this 2065
section, including, but not limited to, a county, multicounty, 2066
or municipal jail or workhouse, or other place where an adult 2067
convicted of crime, under arrest, or charged with crime is held. 2068

(3) (a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains twenty-one years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F) (3) (a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4) (a) Any person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code or any person who has attained the age of eighteen years but has not attained the age of twenty-one years and who is being held in a place specified in division (B) of this section may be held under that disposition or charge in places other than those specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held if the juvenile court, upon its own motion or upon motion by the prosecutor and after notice and hearing, establishes by a preponderance of the evidence and makes written findings of either of the following:

(i) With respect to a person whose case is transferred for 2099
criminal prosecution pursuant to either specified section or who 2100
has attained the age of eighteen years but who has not attained 2101
the age of twenty-one years and is being so held, that the youth 2102
is a threat to the safety and security of the facility; 2103

(ii) With respect to a person who has attained the age of 2104
eighteen years but who has not attained the age of twenty-one 2105
years and is being so held, that the best interests of the youth 2106
require that the youth be held in a place other than a place 2107
specified in division (B) of this section, including a county, 2108
multicounty, or municipal jail or workhouse, or other place 2109
where an adult under arrest or charged with crime is held. 2110

(b) In determining for purposes of division (F) (4) (a) (i) 2111
of this section whether a youth is a threat to the safety and 2112
security of the facility, evidence that the youth is a threat to 2113
the safety and security of the facility may include, but is not 2114
limited to, whether the youth has done any of the following: 2115

(i) Injured or created an imminent danger to the life or 2116
health of another youth or staff member in the facility or 2117
program by violent behavior; 2118

(ii) Escaped from the facility or program in which the 2119
youth is being held on more than one occasion; 2120

(iii) Established a pattern of disruptive behavior as 2121
verified by a written record that the youth's behavior is not 2122
conducive to the established policies and procedures of the 2123
facility or program in which the youth is being held. 2124

(c) If a prosecutor submits a motion requesting that a 2125
person be held in a place other than those specified in division 2126
(B) of this section or if the court submits its own motion, the 2127

juvenile court shall hold a hearing within five days of the 2128
filing of the motion, and, in determining whether a place other 2129
than those specified in division (B) of this section is the 2130
appropriate place of confinement for the person, the court shall 2131
consider the following factors: 2132

(i) The age of the person; 2133

(ii) Whether the person would be deprived of contact with 2134
other people for a significant portion of the day or would not 2135
have access to recreational facilities or age-appropriate 2136
educational opportunities in order to provide physical 2137
separation from adults; 2138

(iii) The person's current emotional state, intelligence, 2139
and developmental maturity, including any emotional and 2140
psychological trauma, and the risk to the person in an adult 2141
facility, which may be evidenced by mental health or 2142
psychological assessments or screenings made available to the 2143
prosecuting attorney and the defense counsel; 2144

(iv) Whether detention in a juvenile facility would 2145
adequately serve the need for community protection pending the 2146
outcome of the criminal proceeding; 2147

(v) The relative ability of the available adult and 2148
juvenile detention facilities to meet the needs of the person, 2149
including the person's need for age-appropriate mental health 2150
and educational services delivered by individuals specifically 2151
trained to deal with youth; 2152

(vi) Whether the person presents an imminent risk of self- 2153
inflicted harm or an imminent risk of harm to others within a 2154
juvenile facility; 2155

(vii) Any other factors the juvenile court considers to be 2156

relevant. 2157

(d) If the juvenile court determines that a place other 2158
than those specified in division (B) of this section is the 2159
appropriate place for confinement of a person pursuant to 2160
division (F) (4) (a) of this section, the person may petition the 2161
juvenile court for a review hearing thirty days after the 2162
initial confinement decision, thirty days after any subsequent 2163
review hearing, or at any time after the initial confinement 2164
decision upon an emergency petition by the youth due to the 2165
youth facing an imminent danger from others or the youth's self. 2166
Upon receipt of the petition, the juvenile court has discretion 2167
over whether to conduct the review hearing and may set the 2168
matter for a review hearing if the youth has alleged facts or 2169
circumstances that, if true, would warrant reconsideration of 2170
the youth's placement in a place other than those specified in 2171
division (B) of this section based on the factors listed in 2172
division (F) (4) (c) of this section. 2173

(e) Upon the admission of a person described in division 2174
(F) (4) (a) of this section to a place other than those specified 2175
in division (B) of this section, the facility shall advise the 2176
person of the person's right to request a review hearing as 2177
described in division (F) (4) (d) of this section. 2178

(f) Any person transferred under division (F) (4) (a) of 2179
this section to a place other than those specified in division 2180
(B) of this section shall be confined in a manner that keeps 2181
those under eighteen years of age beyond sight and sound of all 2182
adult detainees. Those under eighteen years of age shall be 2183
supervised at all times during the detention. 2184

(G) (1) If a person who is alleged to be or has been 2185
adjudicated a delinquent child or who is in any other category 2186

of persons identified in this section or section 2151.311 of the Revised Code is confined under authority of any Revised Code section in a place other than a place specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held, subject to division (G) (2) of this section, all identifying information, other than the person's county of residence, age, gender, and race and the charges against the person, that relates to the person's admission to and confinement in that place is not a public record open for inspection or copying under section 149.43 of the Revised Code and is confidential and shall not be released to any person other than to a court, to a law enforcement agency for law enforcement purposes, or to a person specified by court order.

(2) Division (G) (1) of this section does not apply with respect to a person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code, who is convicted of or pleads guilty to an offense in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B) (4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code,

the person is sentenced for the offense pursuant to division (B) 2217
(3) of section 2152.121 of the Revised Code by the court in 2218
which the person was convicted of or pleaded guilty to the 2219
offense, and the sentence imposed by that court is invoked 2220
pursuant to division (B) (3) (b) of section 2152.121 of the 2221
Revised Code. 2222

Sec. 2919.24. (A) As used in this section: 2223

(1) "Delinquent child" has the same meaning as in section 2224
2152.02 of the Revised Code. 2225

(2) "Unruly child" has the same meaning as in section 2226
2151.022 of the Revised Code. 2227

(B) No person, including a parent, guardian, or other 2228
custodian of a child, shall do any of the following: 2229

(1) Aid, abet, induce, cause, encourage, or contribute to 2230
a child or a ward of the juvenile court becoming an unruly 2231
child, ~~as defined in section 2151.022 of the Revised Code,~~ or a 2232
delinquent child, ~~as defined in section 2152.02 of the Revised~~ 2233
~~Code;~~ 2234

(2) Act in a way tending to cause a child or a ward of the 2235
juvenile court to become an unruly child, ~~as defined in section~~ 2236
~~2151.022 of the Revised Code,~~ or a delinquent child, ~~as defined~~ 2237
~~in section 2152.02 of the Revised Code;~~ 2238

(3) Act in a way that contributes to an adjudication of 2239
the child as a delinquent child based on the child's violation 2240
of a court order adjudicating the child an unruly child for 2241
being an habitual truant; 2242

(4) If the person is the parent, guardian, or custodian of 2243
a child who has the duties under Chapters 2152. and 2950. of the 2244

Revised Code to register, register a new residence address, and 2245
periodically verify a residence address, and, if applicable, to 2246
send a notice of intent to reside, and if the child is not 2247
emancipated, as defined in section 2919.121 of the Revised Code, 2248
fail to ensure that the child complies with those duties under 2249
Chapters 2152. and 2950. of the Revised Code. 2250

~~(B)~~ (C) Whoever violates this section is guilty of 2251
contributing to the unruliness or delinquency of a child, a 2252
misdemeanor of the first degree. Each day of violation of this 2253
section is a separate offense. 2254

Sec. 3313.534. ~~No later than July 1, 1998, the~~ The board 2255
of education of each city, exempted village, and local school 2256
district shall adopt a policy of zero tolerance for violent, 2257
disruptive, or inappropriate behavior, ~~including excessive~~ 2258
~~truancy,~~ and establish strategies to address such behavior that 2259
range from prevention to intervention. 2260

~~No later than July 1, 1999, each~~ Each of the big eight 2261
school districts, as defined in section 3314.02 of the Revised 2262
Code, shall establish under section 3313.533 of the Revised Code 2263
at least one alternative school to meet the educational needs of 2264
students with severe discipline problems, including, but not 2265
limited to, ~~excessive truancy,~~ excessive disruption in the 2266
classroom, and multiple suspensions or expulsions. Any other 2267
school district that attains after that date a significantly 2268
substandard graduation rate, as defined by the department of 2269
education, shall also establish such an alternative school under 2270
that section. 2271

Sec. 3313.66. (A) Except as provided under division (B) (2) 2272
of this section, and subject to section 3313.668 of the Revised 2273
Code, the superintendent of schools of a city, exempted village, 2274

or local school district, or the principal of a public school 2275
may suspend a pupil from school for not more than ten school 2276
days. The board of education of a city, exempted village, or 2277
local school district may adopt a policy granting assistant 2278
principals and other administrators the authority to suspend a 2279
pupil from school for a period of time as specified in the 2280
policy of the board of education, not to exceed ten school days. 2281
If at the time a suspension is imposed there are fewer than ten 2282
school days remaining in the school year in which the incident 2283
that gives rise to the suspension takes place, the 2284
superintendent may apply any remaining part or all of the period 2285
of the suspension to the following school year. Except in the 2286
case of a pupil given an in-school suspension, no pupil shall be 2287
suspended unless prior to the suspension such superintendent or 2288
principal does both of the following: 2289

(1) Gives the pupil written notice of the intention to 2290
suspend the pupil and the reasons for the intended suspension 2291
and, if the proposed suspension is based on a violation listed 2292
in division (A) of section 3313.662 of the Revised Code and if 2293
the pupil is sixteen years of age or older, includes in the 2294
notice a statement that the superintendent may seek to 2295
permanently exclude the pupil if the pupil is convicted of or 2296
adjudicated a delinquent child for that violation; 2297

(2) Provides the pupil an opportunity to appear at an 2298
informal hearing before the principal, assistant principal, 2299
superintendent, or superintendent's designee and challenge the 2300
reason for the intended suspension or otherwise to explain the 2301
pupil's actions. 2302

(B) (1) Except as provided under division (B) (2), (3), or 2303
(4) of this section, and subject to section 3313.668 of the 2304

Revised Code, the superintendent of schools of a city, exempted 2305
village, or local school district may expel a pupil from school 2306
for a period not to exceed the greater of eighty school days or 2307
the number of school days remaining in the semester or term in 2308
which the incident that gives rise to the expulsion takes place, 2309
unless the expulsion is extended pursuant to division (F) of 2310
this section. If at the time an expulsion is imposed there are 2311
fewer than eighty school days remaining in the school year in 2312
which the incident that gives rise to the expulsion takes place, 2313
the superintendent may apply any remaining part or all of the 2314
period of the expulsion to the following school year. 2315

(2) (a) Unless a pupil is permanently excluded pursuant to 2316
section 3313.662 of the Revised Code, the superintendent of 2317
schools of a city, exempted village, or local school district 2318
shall expel a pupil from school for a period of one year for 2319
bringing a firearm to a school operated by the board of 2320
education of the district or onto any other property owned or 2321
controlled by the board, except that the superintendent may 2322
reduce this requirement on a case-by-case basis in accordance 2323
with the policy adopted by the board under section 3313.661 of 2324
the Revised Code. 2325

(b) The superintendent of schools of a city, exempted 2326
village, or local school district may expel a pupil from school 2327
for a period of one year for bringing a firearm to an 2328
interscholastic competition, an extracurricular event, or any 2329
other school program or activity that is not located in a school 2330
or on property that is owned or controlled by the district. The 2331
superintendent may reduce this disciplinary action on a case-by- 2332
case basis in accordance with the policy adopted by the board 2333
under section 3313.661 of the Revised Code. 2334

(c) Any expulsion pursuant to division (B) (2) of this 2335
section shall extend, as necessary, into the school year 2336
following the school year in which the incident that gives rise 2337
to the expulsion takes place. As used in this division, 2338
"firearm" has the same meaning as provided pursuant to the "Gun- 2339
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 2340

(3) The board of education of a city, exempted village, or 2341
local school district may adopt a resolution authorizing the 2342
superintendent of schools to expel a pupil from school for a 2343
period not to exceed one year for bringing a knife to a school 2344
operated by the board, onto any other property owned or 2345
controlled by the board, or to an interscholastic competition, 2346
an extracurricular event, or any other program or activity 2347
sponsored by the school district or in which the district is a 2348
participant, or for possessing a firearm or knife at a school, 2349
on any other property owned or controlled by the board, or at an 2350
interscholastic competition, an extracurricular event, or any 2351
other school program or activity, which firearm or knife was 2352
initially brought onto school board property by another person. 2353
The resolution may authorize the superintendent to extend such 2354
an expulsion, as necessary, into the school year following the 2355
school year in which the incident that gives rise to the 2356
expulsion takes place. 2357

(4) The board of education of a city, exempted village, or 2358
local school district may adopt a resolution establishing a 2359
policy under section 3313.661 of the Revised Code that 2360
authorizes the superintendent of schools to expel a pupil from 2361
school for a period not to exceed one year for committing an act 2362
that is a criminal offense when committed by an adult and that 2363
results in serious physical harm to persons as defined in 2364
division (A) (5) of section 2901.01 of the Revised Code or 2365

serious physical harm to property as defined in division (A) (6) 2366
of section 2901.01 of the Revised Code while the pupil is at 2367
school, on any other property owned or controlled by the board, 2368
or at an interscholastic competition, an extracurricular event, 2369
or any other school program or activity. Any expulsion under 2370
this division shall extend, as necessary, into the school year 2371
following the school year in which the incident that gives rise 2372
to the expulsion takes place. 2373

(5) The board of education of any city, exempted village, 2374
or local school district may adopt a resolution establishing a 2375
policy under section 3313.661 of the Revised Code that 2376
authorizes the superintendent of schools to expel a pupil from 2377
school for a period not to exceed one year for making a bomb 2378
threat to a school building or to any premises at which a school 2379
activity is occurring at the time of the threat. Any expulsion 2380
under this division shall extend, as necessary, into the school 2381
year following the school year in which the incident that gives 2382
rise to the expulsion takes place. 2383

(6) No pupil shall be expelled under division (B) (1), (2), 2384
(3), (4), or (5) of this section unless, prior to the pupil's 2385
expulsion, the superintendent does both of the following: 2386

(a) Gives the pupil and the pupil's parent, guardian, or 2387
custodian written notice of the intention to expel the pupil; 2388

(b) Provides the pupil and the pupil's parent, guardian, 2389
custodian, or representative an opportunity to appear in person 2390
before the superintendent or the superintendent's designee to 2391
challenge the reasons for the intended expulsion or otherwise to 2392
explain the pupil's actions. 2393

The notice required in this division shall include the 2394

reasons for the intended expulsion, notification of the 2395
opportunity of the pupil and the pupil's parent, guardian, 2396
custodian, or representative to appear before the superintendent 2397
or the superintendent's designee to challenge the reasons for 2398
the intended expulsion or otherwise to explain the pupil's 2399
action, and notification of the time and place to appear. The 2400
time to appear shall not be earlier than three nor later than 2401
five school days after the notice is given, unless the 2402
superintendent grants an extension of time at the request of the 2403
pupil or the pupil's parent, guardian, custodian, or 2404
representative. If an extension is granted after giving the 2405
original notice, the superintendent shall notify the pupil and 2406
the pupil's parent, guardian, custodian, or representative of 2407
the new time and place to appear. If the proposed expulsion is 2408
based on a violation listed in division (A) of section 3313.662 2409
of the Revised Code and if the pupil is sixteen years of age or 2410
older, the notice shall include a statement that the 2411
superintendent may seek to permanently exclude the pupil if the 2412
pupil is convicted of or adjudicated a delinquent child for that 2413
violation. 2414

(7) A superintendent of schools of a city, exempted 2415
village, or local school district shall initiate expulsion 2416
proceedings pursuant to this section with respect to any pupil 2417
who has committed an act warranting expulsion under the 2418
district's policy regarding expulsion even if the pupil has 2419
withdrawn from school for any reason after the incident that 2420
gives rise to the hearing but prior to the hearing or decision 2421
to impose the expulsion. If, following the hearing, the pupil 2422
would have been expelled for a period of time had the pupil 2423
still been enrolled in the school, the expulsion shall be 2424
imposed for the same length of time as on a pupil who has not 2425

withdrawn from the school. 2426

(C) If a pupil's presence poses a continuing danger to 2427
persons or property or an ongoing threat of disrupting the 2428
academic process taking place either within a classroom or 2429
elsewhere on the school premises, the superintendent or a 2430
principal or assistant principal may remove a pupil from 2431
curricular activities or from the school premises, and a teacher 2432
may remove a pupil from curricular activities under the 2433
teacher's supervision, without the notice and hearing 2434
requirements of division (A) or (B) of this section. As soon as 2435
practicable after making such a removal, the teacher shall 2436
submit in writing to the principal the reasons for such removal. 2437

If a pupil is removed under this division from a 2438
curricular activity or from the school premises, written notice 2439
of the hearing and of the reason for the removal shall be given 2440
to the pupil as soon as practicable prior to the hearing, which 2441
shall be held within three school days from the time the initial 2442
removal is ordered. The hearing shall be held in accordance with 2443
division (A) of this section unless it is probable that the 2444
pupil may be subject to expulsion, in which case a hearing in 2445
accordance with division (B) of this section shall be held, 2446
except that the hearing shall be held within three school days 2447
of the initial removal. The individual who ordered, caused, or 2448
requested the removal to be made shall be present at the 2449
hearing. 2450

If the superintendent or the principal reinstates a pupil 2451
in a curricular activity under the teacher's supervision prior 2452
to the hearing following a removal under this division, the 2453
teacher, upon request, shall be given in writing the reasons for 2454
such reinstatement. 2455

(D) The superintendent or principal, within one school day 2456
after the time of a pupil's expulsion or suspension, shall 2457
notify in writing the parent, guardian, or custodian of the 2458
pupil and the treasurer of the board of education of the 2459
expulsion or suspension. The notice shall include the reasons 2460
for the expulsion or suspension, notification of the right of 2461
the pupil or the pupil's parent, guardian, or custodian to 2462
appeal the expulsion or suspension to the board of education or 2463
to its designee, to be represented in all appeal proceedings, to 2464
be granted a hearing before the board or its designee in order 2465
to be heard against the suspension or expulsion, and to request 2466
that the hearing be held in executive session, notification that 2467
the expulsion may be subject to extension pursuant to division 2468
(F) of this section if the pupil is sixteen years of age or 2469
older, and notification that the superintendent may seek the 2470
pupil's permanent exclusion if the suspension or expulsion was 2471
based on a violation listed in division (A) of section 3313.662 2472
of the Revised Code that was committed when the child was 2473
sixteen years of age or older and if the pupil is convicted of 2474
or adjudicated a delinquent child for that violation. 2475

In accordance with the policy adopted by the board of 2476
education under section 3313.661 of the Revised Code, the notice 2477
provided under this division shall specify the manner and date 2478
by which the pupil or the pupil's parent, guardian, or custodian 2479
shall notify the board of the pupil's, parent's, guardian's, or 2480
custodian's intent to appeal the expulsion or suspension to the 2481
board or its designee. 2482

Any superintendent expelling a pupil under this section 2483
for more than twenty school days or for any period of time if 2484
the expulsion will extend into the following semester or school 2485
year shall, in the notice required under this division, provide 2486

the pupil and the pupil's parent, guardian, or custodian with 2487
information about services or programs offered by public and 2488
private agencies that work toward improving those aspects of the 2489
pupil's attitudes and behavior that contributed to the incident 2490
that gave rise to the pupil's expulsion. The information shall 2491
include the names, addresses, and phone numbers of the 2492
appropriate public and private agencies. 2493

(E) A pupil or the pupil's parent, guardian, or custodian 2494
may appeal the pupil's expulsion by a superintendent or 2495
suspension by a superintendent, principal, assistant principal, 2496
or other administrator to the board of education or to its 2497
designee. If the pupil or the pupil's parent, guardian, or 2498
custodian intends to appeal the expulsion or suspension to the 2499
board or its designee, the pupil or the pupil's parent, 2500
guardian, or custodian shall notify the board in the manner and 2501
by the date specified in the notice provided under division (D) 2502
of this section. The pupil or the pupil's parent, guardian, or 2503
custodian may be represented in all appeal proceedings and shall 2504
be granted a hearing before the board or its designee in order 2505
to be heard against the suspension or expulsion. At the request 2506
of the pupil or of the pupil's parent, guardian, custodian, or 2507
attorney, the board or its designee may hold the hearing in 2508
executive session but shall act upon the suspension or expulsion 2509
only at a public meeting. The board, by a majority vote of its 2510
full membership or by the action of its designee, may affirm the 2511
order of suspension or expulsion, reinstate the pupil, or 2512
otherwise reverse, vacate, or modify the order of suspension or 2513
expulsion. 2514

The board or its designee shall make a verbatim record of 2515
hearings held under this division. The decisions of the board or 2516
its designee may be appealed under Chapter 2506. of the Revised 2517

Code. 2518

This section shall not be construed to require notice and 2519
hearing in accordance with division (A), (B), or (C) of this 2520
section in the case of normal disciplinary procedures in which a 2521
pupil is removed from a curricular activity for a period of less 2522
than one school day and is not subject to suspension or 2523
expulsion. 2524

(F)(1) If a pupil is expelled pursuant to division (B) of 2525
this section for committing any violation listed in division (A) 2526
of section 3313.662 of the Revised Code and the pupil was 2527
sixteen years of age or older at the time of committing the 2528
violation, if a complaint, indictment, or information is filed 2529
alleging that the pupil is a delinquent child based upon the 2530
commission of the violation or the pupil is prosecuted as an 2531
adult for the commission of the violation, and if the resultant 2532
juvenile court or criminal proceeding is pending at the time 2533
that the expulsion terminates, the superintendent of schools 2534
that expelled the pupil may file a motion with the court in 2535
which the proceeding is pending requesting an order extending 2536
the expulsion for the lesser of an additional eighty days or the 2537
number of school days remaining in the school year. Upon the 2538
filing of the motion, the court immediately shall schedule a 2539
hearing and give written notice of the time, date, and location 2540
of the hearing to the superintendent and to the pupil and the 2541
pupil's parent, guardian, or custodian. At the hearing, the 2542
court shall determine whether there is reasonable cause to 2543
believe that the pupil committed the alleged violation that is 2544
the basis of the expulsion and, upon determining that reasonable 2545
cause to believe the pupil committed the violation does exist, 2546
shall grant the requested extension. 2547

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of section 3313.662 of the Revised Code for an act that was committed when the child was sixteen years of age or older, if the pupil has been expelled pursuant to division (B) of this section for that violation, and if the board of education of the school district of the school from which the pupil was expelled has adopted a resolution seeking the pupil's permanent exclusion, the superintendent may file a motion with the court that convicted the pupil or adjudicated the pupil a delinquent child requesting an order to extend the expulsion until an adjudication order or other determination regarding permanent exclusion is issued by the superintendent of public instruction pursuant to section 3301.121 and division (D) of section 3313.662 of the Revised Code. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent of the school district, the pupil, and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees and, upon making that determination, shall grant the requested extension.

(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that

is conducted in accordance with sections 3301.121 and 3313.662 2579
of the Revised Code. 2580

(H) With regard to suspensions and expulsions pursuant to 2581
divisions (A) and (B) of this section by the board of education 2582
of any city, exempted village, or local school district, this 2583
section shall apply to any student, whether or not the student 2584
is enrolled in the district, attending or otherwise 2585
participating in any curricular program provided in a school 2586
operated by the board or provided on any other property owned or 2587
controlled by the board. 2588

(I) Whenever a student is expelled under this section, the 2589
expulsion shall result in removal of the student from the 2590
student's regular school setting. However, during the period of 2591
the expulsion, the board of education of the school district 2592
that expelled the student or any board of education admitting 2593
the student during that expulsion period may provide educational 2594
services to the student in an alternative setting. 2595

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 2596
3313.64, and 3313.65 of the Revised Code, any school district, 2597
after offering an opportunity for a hearing, may temporarily 2598
deny admittance to any pupil if one of the following applies: 2599

(a) The pupil has been suspended from the schools of 2600
another district under division (A) of this section and the 2601
period of suspension, as established under that division, has 2602
not expired; 2603

(b) The pupil has been expelled from the schools of 2604
another district under division (B) of this section and the 2605
period of the expulsion, as established under that division or 2606
as extended under division (F) of this section, has not expired. 2607

If a pupil is temporarily denied admission under this 2608
division, the pupil shall be admitted to school in accordance 2609
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 2610
Revised Code no later than upon expiration of the suspension or 2611
expulsion period, as applicable. 2612

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 2613
and 3313.65 of the Revised Code, any school district, after 2614
offering an opportunity for a hearing, may temporarily deny 2615
admittance to any pupil if the pupil has been expelled or 2616
otherwise removed for disciplinary purposes from a public school 2617
in another state and the period of expulsion or removal has not 2618
expired. If a pupil is temporarily denied admission under this 2619
division, the pupil shall be admitted to school in accordance 2620
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 2621
Revised Code no later than the earlier of the following: 2622

(a) Upon expiration of the expulsion or removal period 2623
imposed by the out-of-state school; 2624

(b) Upon expiration of a period established by the 2625
district, beginning with the date of expulsion or removal from 2626
the out-of-state school, that is no greater than the period of 2627
expulsion that the pupil would have received under the policy 2628
adopted by the district under section 3313.661 of the Revised 2629
Code had the offense that gave rise to the expulsion or removal 2630
by the out-of-state school been committed while the pupil was 2631
enrolled in the district. 2632

(K) As used in this section: 2633

(1) "Permanently exclude" and "permanent exclusion" have 2634
the same meanings as in section 3313.662 of the Revised Code. 2635

(2) "In-school suspension" means the pupil will serve all 2636

of the suspension in a school setting. 2637

Sec. 3313.668. On and after July 1, 2016, no school 2638
district or school shall suspend, expel, or remove a student 2639
from school under section 3313.66 of the Revised Code solely on 2640
the basis of the student's absences from school without 2641
legitimate excuse. 2642

Sec. 3314.03. A copy of every contract entered into under 2643
this section shall be filed with the superintendent of public 2644
instruction. The department of education shall make available on 2645
its web site a copy of every approved, executed contract filed 2646
with the superintendent under this section. 2647

(A) Each contract entered into between a sponsor and the 2648
governing authority of a community school shall specify the 2649
following: 2650

(1) That the school shall be established as either of the 2651
following: 2652

(a) A nonprofit corporation established under Chapter 2653
1702. of the Revised Code, if established prior to April 8, 2654
2003; 2655

(b) A public benefit corporation established under Chapter 2656
1702. of the Revised Code, if established after April 8, 2003. 2657

(2) The education program of the school, including the 2658
school's mission, the characteristics of the students the school 2659
is expected to attract, the ages and grades of students, and the 2660
focus of the curriculum; 2661

(3) The academic goals to be achieved and the method of 2662
measurement that will be used to determine progress toward those 2663
goals, which shall include the statewide achievement 2664

assessments;	2665
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	2666 2667 2668 2669
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2670 2671 2672
(6) (a) Dismissal procedures;	2673
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	2674 2675 2676 2677 2678 2679
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2680 2681
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	2682 2683 2684 2685 2686 2687
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	2688 2689
(a) A detailed description of each facility used for instructional purposes;	2690 2691
(b) The annual costs associated with leasing each facility	2692

that are paid by or on behalf of the school;	2693
(c) The annual mortgage principal and interest payments	2694
that are paid by the school;	2695
(d) The name of the lender or landlord, identified as	2696
such, and the lender's or landlord's relationship to the	2697
operator, if any.	2698
(10) Qualifications of teachers, including a requirement	2699
that the school's classroom teachers be licensed in accordance	2700
with sections 3319.22 to 3319.31 of the Revised Code, except	2701
that a community school may engage noncertificated persons to	2702
teach up to twelve hours per week pursuant to section 3319.301	2703
of the Revised Code.	2704
(11) That the school will comply with the following	2705
requirements:	2706
(a) The school will provide learning opportunities to a	2707
minimum of twenty-five students for a minimum of nine hundred	2708
twenty hours per school year.	2709
(b) The governing authority will purchase liability	2710
insurance, or otherwise provide for the potential liability of	2711
the school.	2712
(c) The school will be nonsectarian in its programs,	2713
admission policies, employment practices, and all other	2714
operations, and will not be operated by a sectarian school or	2715
religious institution.	2716
(d) The school will comply with sections 9.90, 9.91,	2717
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	2718
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50,	2719
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013,	2720

3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 2721
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 2722
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 2723
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 2724
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 2725
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 2726
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 2727
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 2728
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 2729
of the Revised Code as if it were a school district and will 2730
comply with section 3301.0714 of the Revised Code in the manner 2731
specified in section 3314.17 of the Revised Code. 2732

(e) The school shall comply with Chapter 102. and section 2733
2921.42 of the Revised Code. 2734

(f) The school will comply with sections 3313.61, 2735
3313.611, and 3313.614 of the Revised Code, except that for 2736
students who enter ninth grade for the first time before July 1, 2737
2010, the requirement in sections 3313.61 and 3313.611 of the 2738
Revised Code that a person must successfully complete the 2739
curriculum in any high school prior to receiving a high school 2740
diploma may be met by completing the curriculum adopted by the 2741
governing authority of the community school rather than the 2742
curriculum specified in Title XXXVIII of the Revised Code or any 2743
rules of the state board of education. Beginning with students 2744
who enter ninth grade for the first time on or after July 1, 2745
2010, the requirement in sections 3313.61 and 3313.611 of the 2746
Revised Code that a person must successfully complete the 2747
curriculum of a high school prior to receiving a high school 2748
diploma shall be met by completing the requirements prescribed 2749
in division (C) of section 3313.603 of the Revised Code, unless 2750
the person qualifies under division (D) or (F) of that section. 2751

Each school shall comply with the plan for awarding high school 2752
credit based on demonstration of subject area competency, and 2753
beginning with the 2016-2017 school year, with the updated plan 2754
that permits students enrolled in seventh and eighth grade to 2755
meet curriculum requirements based on subject area competency 2756
adopted by the state board of education under divisions (J) (1) 2757
and (2) of section 3313.603 of the Revised Code. 2758

(g) The school governing authority will submit within four 2759
months after the end of each school year a report of its 2760
activities and progress in meeting the goals and standards of 2761
divisions (A) (3) and (4) of this section and its financial 2762
status to the sponsor and the parents of all students enrolled 2763
in the school. 2764

(h) The school, unless it is an internet- or computer- 2765
based community school, will comply with section 3313.801 of the 2766
Revised Code as if it were a school district. 2767

(i) If the school is the recipient of moneys from a grant 2768
awarded under the federal race to the top program, Division (A), 2769
Title XIV, Sections 14005 and 14006 of the "American Recovery 2770
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2771
the school will pay teachers based upon performance in 2772
accordance with section 3317.141 and will comply with section 2773
3319.111 of the Revised Code as if it were a school district. 2774

(j) If the school operates a preschool program that is 2775
licensed by the department of education under sections 3301.52 2776
to 3301.59 of the Revised Code, the school shall comply with 2777
sections 3301.50 to 3301.59 of the Revised Code and the minimum 2778
standards for preschool programs prescribed in rules adopted by 2779
the state board under section 3301.53 of the Revised Code. 2780

(12) Arrangements for providing health and other benefits	2781
to employees;	2782
(13) The length of the contract, which shall begin at the	2783
beginning of an academic year. No contract shall exceed five	2784
years unless such contract has been renewed pursuant to division	2785
(E) of this section.	2786
(14) The governing authority of the school, which shall be	2787
responsible for carrying out the provisions of the contract;	2788
(15) A financial plan detailing an estimated school budget	2789
for each year of the period of the contract and specifying the	2790
total estimated per pupil expenditure amount for each such year.	2791
(16) Requirements and procedures regarding the disposition	2792
of employees of the school in the event the contract is	2793
terminated or not renewed pursuant to section 3314.07 of the	2794
Revised Code;	2795
(17) Whether the school is to be created by converting all	2796
or part of an existing public school or educational service	2797
center building or is to be a new start-up school, and if it is	2798
a converted public school or service center building,	2799
specification of any duties or responsibilities of an employer	2800
that the board of education or service center governing board	2801
that operated the school or building before conversion is	2802
delegating to the governing authority of the community school	2803
with respect to all or any specified group of employees provided	2804
the delegation is not prohibited by a collective bargaining	2805
agreement applicable to such employees;	2806
(18) Provisions establishing procedures for resolving	2807
disputes or differences of opinion between the sponsor and the	2808
governing authority of the community school;	2809

(19) A provision requiring the governing authority to 2810
adopt a policy regarding the admission of students who reside 2811
outside the district in which the school is located. That policy 2812
shall comply with the admissions procedures specified in 2813
sections 3314.06 and 3314.061 of the Revised Code and, at the 2814
sole discretion of the authority, shall do one of the following: 2815

(a) Prohibit the enrollment of students who reside outside 2816
the district in which the school is located; 2817

(b) Permit the enrollment of students who reside in 2818
districts adjacent to the district in which the school is 2819
located; 2820

(c) Permit the enrollment of students who reside in any 2821
other district in the state. 2822

(20) A provision recognizing the authority of the 2823
department of education to take over the sponsorship of the 2824
school in accordance with the provisions of division (C) of 2825
section 3314.015 of the Revised Code; 2826

(21) A provision recognizing the sponsor's authority to 2827
assume the operation of a school under the conditions specified 2828
in division (B) of section 3314.073 of the Revised Code; 2829

(22) A provision recognizing both of the following: 2830

(a) The authority of public health and safety officials to 2831
inspect the facilities of the school and to order the facilities 2832
closed if those officials find that the facilities are not in 2833
compliance with health and safety laws and regulations; 2834

(b) The authority of the department of education as the 2835
community school oversight body to suspend the operation of the 2836
school under section 3314.072 of the Revised Code if the 2837

department has evidence of conditions or violations of law at 2838
the school that pose an imminent danger to the health and safety 2839
of the school's students and employees and the sponsor refuses 2840
to take such action. 2841

(23) A description of the learning opportunities that will 2842
be offered to students including both classroom-based and non- 2843
classroom-based learning opportunities that is in compliance 2844
with criteria for student participation established by the 2845
department under division (H) (2) of section 3314.08 of the 2846
Revised Code; 2847

(24) The school will comply with sections 3302.04 and 2848
3302.041 of the Revised Code, except that any action required to 2849
be taken by a school district pursuant to those sections shall 2850
be taken by the sponsor of the school. However, the sponsor 2851
shall not be required to take any action described in division 2852
(F) of section 3302.04 of the Revised Code. 2853

(25) Beginning in the 2006-2007 school year, the school 2854
will open for operation not later than the thirtieth day of 2855
September each school year, unless the mission of the school as 2856
specified under division (A) (2) of this section is solely to 2857
serve dropouts. In its initial year of operation, if the school 2858
fails to open by the thirtieth day of September, or within one 2859
year after the adoption of the contract pursuant to division (D) 2860
of section 3314.02 of the Revised Code if the mission of the 2861
school is solely to serve dropouts, the contract shall be void. 2862

(26) Whether the school's governing authority is planning 2863
to seek designation for the school as a STEM school equivalent 2864
under section 3326.032 of the Revised Code; 2865

(27) That the school's attendance and participation 2866

policies will be available for public inspection; 2867

(28) That the school's attendance and participation 2868
records shall be made available to the department of education, 2869
auditor of state, and school's sponsor to the extent permitted 2870
under and in accordance with the "Family Educational Rights and 2871
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 2872
and any regulations promulgated under that act, and section 2873
3319.321 of the Revised Code; 2874

(29) If a school operates using the blended learning 2875
model, as defined in section 3301.079 of the Revised Code, all 2876
of the following information: 2877

(a) An indication of what blended learning model or models 2878
will be used; 2879

(b) A description of how student instructional needs will 2880
be determined and documented; 2881

(c) The method to be used for determining competency, 2882
granting credit, and promoting students to a higher grade level; 2883

(d) The school's attendance requirements, including how 2884
the school will document participation in learning 2885
opportunities; 2886

(e) A statement describing how student progress will be 2887
monitored; 2888

(f) A statement describing how private student data will 2889
be protected; 2890

(g) A description of the professional development 2891
activities that will be offered to teachers. 2892

(30) A provision requiring that all moneys the school's 2893

operator loans to the school, including facilities loans or cash 2894
flow assistance, must be accounted for, documented, and bear 2895
interest at a fair market rate; 2896

(31) A provision requiring that, if the governing 2897
authority contracts with an attorney, accountant, or entity 2898
specializing in audits, the attorney, accountant, or entity 2899
shall be independent from the operator with which the school has 2900
contracted. 2901

(B) The community school shall also submit to the sponsor 2902
a comprehensive plan for the school. The plan shall specify the 2903
following: 2904

(1) The process by which the governing authority of the 2905
school will be selected in the future; 2906

(2) The management and administration of the school; 2907

(3) If the community school is a currently existing public 2908
school or educational service center building, alternative 2909
arrangements for current public school students who choose not 2910
to attend the converted school and for teachers who choose not 2911
to teach in the school or building after conversion; 2912

(4) The instructional program and educational philosophy 2913
of the school; 2914

(5) Internal financial controls. 2915

When submitting the plan under this division, the school 2916
shall also submit copies of all policies and procedures 2917
regarding internal financial controls adopted by the governing 2918
authority of the school. 2919

(C) A contract entered into under section 3314.02 of the 2920
Revised Code between a sponsor and the governing authority of a 2921

community school may provide for the community school governing 2922
authority to make payments to the sponsor, which is hereby 2923
authorized to receive such payments as set forth in the contract 2924
between the governing authority and the sponsor. The total 2925
amount of such payments for monitoring, oversight, and technical 2926
assistance of the school shall not exceed three per cent of the 2927
total amount of payments for operating expenses that the school 2928
receives from the state. 2929

(D) The contract shall specify the duties of the sponsor 2930
which shall be in accordance with the written agreement entered 2931
into with the department of education under division (B) of 2932
section 3314.015 of the Revised Code and shall include the 2933
following: 2934

(1) Monitor the community school's compliance with all 2935
laws applicable to the school and with the terms of the 2936
contract; 2937

(2) Monitor and evaluate the academic and fiscal 2938
performance and the organization and operation of the community 2939
school on at least an annual basis; 2940

(3) Report on an annual basis the results of the 2941
evaluation conducted under division (D)(2) of this section to 2942
the department of education and to the parents of students 2943
enrolled in the community school; 2944

(4) Provide technical assistance to the community school 2945
in complying with laws applicable to the school and terms of the 2946
contract; 2947

(5) Take steps to intervene in the school's operation to 2948
correct problems in the school's overall performance, declare 2949
the school to be on probationary status pursuant to section 2950

3314.073 of the Revised Code, suspend the operation of the 2951
school pursuant to section 3314.072 of the Revised Code, or 2952
terminate the contract of the school pursuant to section 3314.07 2953
of the Revised Code as determined necessary by the sponsor; 2954

(6) Have in place a plan of action to be undertaken in the 2955
event the community school experiences financial difficulties or 2956
closes prior to the end of a school year. 2957

(E) Upon the expiration of a contract entered into under 2958
this section, the sponsor of a community school may, with the 2959
approval of the governing authority of the school, renew that 2960
contract for a period of time determined by the sponsor, but not 2961
ending earlier than the end of any school year, if the sponsor 2962
finds that the school's compliance with applicable laws and 2963
terms of the contract and the school's progress in meeting the 2964
academic goals prescribed in the contract have been 2965
satisfactory. Any contract that is renewed under this division 2966
remains subject to the provisions of sections 3314.07, 3314.072, 2967
and 3314.073 of the Revised Code. 2968

(F) If a community school fails to open for operation 2969
within one year after the contract entered into under this 2970
section is adopted pursuant to division (D) of section 3314.02 2971
of the Revised Code or permanently closes prior to the 2972
expiration of the contract, the contract shall be void and the 2973
school shall not enter into a contract with any other sponsor. A 2974
school shall not be considered permanently closed because the 2975
operations of the school have been suspended pursuant to section 2976
3314.072 of the Revised Code. 2977

Sec. 3321.041. (A) As used in this section, 2978
"extracurricular activity" means a pupil activity program that a 2979
school or school district operates and is not included in the 2980

school district's graded course of study, including an 2981
interscholastic extracurricular activity that a school or school 2982
district sponsors or participates in and that has participants 2983
from more than one school or school district. 2984

(B) ~~Beginning in the 2009-2010 school year, if~~ If a 2985
student enrolled in a school district is absent from school for 2986
the sole purpose of traveling out of the state to participate in 2987
an enrichment activity approved by the district board of 2988
education or in an extracurricular activity, the district shall 2989
count that absence as an excused absence, up to a maximum of 2990
~~four days twenty-four hours per school year that the student's~~ 2991
school is open for instruction. The district shall require any 2992
such student to complete any classroom assignments that the 2993
student misses because of the absence. 2994

(C) If a student will be absent from school for ~~four~~ 2995
twenty-four or more consecutive school days hours that the 2996
student's school is open for instruction, for a purpose 2997
described in division (B) of this section, a classroom teacher 2998
employed by the school district shall accompany the student 2999
during the travel period to provide the student with 3000
instructional assistance. 3001

Sec. 3321.13. (A) Whenever any child of compulsory school 3002
age withdraws from school the teacher of that child shall 3003
ascertain the reason for withdrawal. The fact of the withdrawal 3004
and the reason for it shall be immediately transmitted by the 3005
teacher to the superintendent of the city, local, or exempted 3006
village school district. If the child who has withdrawn from 3007
school has done so because of change of residence, the next 3008
residence shall be ascertained and shall be included in the 3009
notice thus transmitted. The superintendent shall thereupon 3010

forward a card showing the essential facts regarding the child 3011
and stating the place of the child's new residence to the 3012
superintendent of schools of the district to which the child has 3013
moved. 3014

The superintendent of public instruction may prescribe the 3015
forms to be used in the operation of this division. 3016

(B) (1) Upon receipt of information that a child of 3017
compulsory school age has withdrawn from school for a reason 3018
other than because of change of residence and is not enrolled in 3019
and attending in accordance with school policy an approved 3020
program to obtain a diploma or its equivalent, the 3021
superintendent shall notify the registrar of motor vehicles and 3022
the juvenile judge of the county in which the district is 3023
located of the withdrawal and failure to enroll in and attend an 3024
approved program to obtain a diploma or its equivalent. A 3025
notification to the registrar required by this division shall be 3026
given in the manner the registrar by rule requires and a 3027
notification to the juvenile judge required by this division 3028
shall be given in writing. Each notification shall be given 3029
within two weeks after the withdrawal and failure to enroll in 3030
and attend an approved program or its equivalent. 3031

(2) The board of education of a school district may adopt 3032
a resolution providing that the provisions of division (B) (2) of 3033
this section apply within the district. The provisions of 3034
division (B) (2) of this section do not apply within any school 3035
district, and no superintendent of a school district shall send 3036
a notification of the type described in division (B) (2) of this 3037
section to the registrar of motor vehicles or the juvenile judge 3038
of the county in which the district is located, unless the board 3039
of education of the district has adopted such a resolution. If 3040

the board of education of a school district adopts a resolution 3041
providing that the provisions of division (B) (2) of this section 3042
apply within the district, and if the superintendent of schools 3043
of that district receives information that, during any semester 3044
or term, a child of compulsory school age has been absent 3045
without legitimate excuse from the school the child is supposed 3046
to attend for more than ~~ten sixty consecutive school days hours~~ 3047
in a single month or for at least ~~fifteen total school days~~ 3048
ninety hours in a school year, the superintendent shall notify 3049
the child and the child's parent, guardian, or custodian, in 3050
writing, that the information has been provided to the 3051
superintendent, that as a result of that information the child's 3052
temporary instruction permit or driver's license will be 3053
suspended or the opportunity to obtain such a permit or license 3054
will be denied, and that the child and the child's parent, 3055
guardian, or custodian may appear in person at a scheduled date, 3056
time, and place before the superintendent or a designee to 3057
challenge the information provided to the superintendent. 3058

The notification to the child and the child's parent, 3059
guardian, or custodian required by division (B) (2) of this 3060
section shall set forth the information received by the 3061
superintendent and shall inform the child and the child's 3062
parent, guardian, or custodian of the scheduled date, time, and 3063
place of the appearance that they may have before the 3064
superintendent or a designee. The date scheduled for the 3065
appearance shall be no earlier than three and no later than five 3066
days after the notification is given, provided that an extension 3067
may be granted upon request of the child or the child's parent, 3068
guardian, or custodian. If an extension is granted, the 3069
superintendent shall schedule a new date, time, and place for 3070
the appearance and shall inform the child and the child's 3071

parent, guardian, or custodian of the new date, time, and place. 3072

If the child and the child's parent, guardian, or 3073
custodian do not appear before the superintendent or a designee 3074
on the scheduled date and at the scheduled time and place, or if 3075
the child and the child's parent, guardian, or custodian appear 3076
before the superintendent or a designee on the scheduled date 3077
and at the scheduled time and place but the superintendent or a 3078
designee determines that the information the superintendent 3079
received indicating that, during the semester or term, the child 3080
had been absent without legitimate excuse from the school the 3081
child was supposed to attend for more than ~~ten-sixty~~ consecutive 3082
~~school days-hours~~ or for at least ~~fifteen-ninety~~ total ~~school-~~ 3083
~~days hours~~, the superintendent shall notify the registrar of 3084
motor vehicles and the juvenile judge of the county in which the 3085
district is located that the child has been absent for that 3086
period of time and that the child does not have any legitimate 3087
excuse for the habitual absence. A notification to the registrar 3088
required by this division shall be given in the manner the 3089
registrar by rule requires and a notification to the juvenile 3090
judge required by this division shall be given in writing. Each 3091
notification shall be given within two weeks after the receipt 3092
of the information of the habitual absence from school without 3093
legitimate excuse, or, if the child and the child's parent, 3094
guardian, or custodian appear before the superintendent or a 3095
designee to challenge the information, within two weeks after 3096
the appearance. 3097

For purposes of division (B) (2) of this section, a 3098
legitimate excuse for absence from school includes, but is not 3099
limited to, the fact that the child in question has enrolled in 3100
another school or school district in this or another state, the 3101
fact that the child in question was excused from attendance for 3102

any of the reasons specified in section 3321.04 of the Revised Code, or the fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(3) Whenever a pupil is suspended or expelled from school pursuant to section 3313.66 of the Revised Code and the reason for the suspension or expulsion is the use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse, the superintendent of schools of that district may notify the registrar and the juvenile judge of the county in which the district is located of such suspension or expulsion. Any such notification of suspension or expulsion shall be given to the registrar, in the manner the registrar by rule requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension or expulsion.

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without
legitimate excuse, suspension, or expulsion given to the
registrar or a juvenile judge under division (B) (1), (2), (3),
or (4) of this section shall contain the name, address, date of
birth, school, and school district of the child. If the
superintendent finds, after giving a notification of withdrawal,
habitual absence without legitimate excuse, suspension, or
expulsion to the registrar and the juvenile judge under division
(B) (1), (2), (3), or (4) of this section, that the notification
was given in error, the superintendent immediately shall notify
the registrar and the juvenile judge of that fact.

Sec. 3321.16. (A) An attendance officer or assistant
provided for by section 3321.14 or 3321.15 of the Revised Code
may investigate any case of nonattendance at school or part-time
school of a child under eighteen years of age or supposed to be
under eighteen years of age resident in the district for which
such attendance officer or assistant is employed, or of any such
child found in the district or enrolled in any school within the
district and of any child above eighteen years of age if
enrolled in any school within the district, and may take such
action as the superintendent of schools directs or as such
attendance officer or assistant deems proper in the absence of
specific direction.

(B) (1) Subject to divisions (B) (2) and (3) of this
section, the attendance officer shall file a complaint in the
juvenile court against a student on the sixty-first day after
the implementation of an absence intervention plan, provided
that all of the following apply:

(a) The student was absent without legitimate excuse from
the public school the child is supposed to attend for thirty or

more consecutive hours, forty-two or more hours in one school 3163
month, or seventy-two or more hours in a school year. 3164

(b) The school district or school has made meaningful 3165
attempts to re-engage the student through the absence 3166
intervention plan and any offered alternatives to adjudication 3167
described under division (C) (2) (b) of section 3321.191 of the 3168
Revised Code. 3169

(c) The student has refused to participate in or failed to 3170
make satisfactory progress on the plan, as determined by the 3171
absence intervention team, or any offered alternative to 3172
adjudication. 3173

(2) If the student, at any time during the implementation 3174
phase of the absence intervention plan, is absent without 3175
legitimate excuse for thirty or more consecutive hours or forty- 3176
two or more hours in one school month, the attendance officer 3177
shall file a complaint in juvenile court against that student, 3178
unless the absence intervention team has determined that the 3179
student has made substantial progress on the absence 3180
intervention plan. 3181

(3) In the event that the sixty-first day after the 3182
implementation of the absence intervention plan falls on a day 3183
during the summer months, in the school district's discretion, 3184
the absence intervention team and the attendance officer may 3185
extend the implementation of the plan and delay the filing of 3186
the complaint for an additional thirty days from the first day 3187
of instruction of the next school year. 3188

Sec. 3321.19. (A) As used in this section and section 3189
3321.191 of the Revised Code+ 3190

~~(1) "Habitual"~~, "habitual truant" has the same meaning as 3191

in section 2151.011 of the Revised Code. 3192

~~(2) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.~~ 3193
3194

(B) When a board of education of any city, exempted 3195
village, local, joint vocational, or cooperative education 3196
school district or the governing board of any educational 3197
service center determines that a student in its district has 3198
been truant and the parent, guardian, or other person having 3199
care of the child has failed to cause the student's attendance 3200
at school, the board may require the parent, guardian, or other 3201
person having care of the child pursuant to division (B) of this 3202
section to attend an educational program established pursuant to 3203
rules adopted by the state board of education for the purpose of 3204
encouraging parental involvement in compelling the attendance of 3205
the child at school. 3206

No parent, guardian, or other person having care of a 3207
child shall fail without good cause to attend an educational 3208
program described in this division if the parent, guardian, or 3209
other person has been served notice pursuant to division (C) of 3210
this section. 3211

(C) On the request of the superintendent of schools, the 3212
superintendent of any educational service center, the board of 3213
education of any city, exempted village, local, joint 3214
vocational, or cooperative education school district, or the 3215
governing board of any educational service center or when it 3216
otherwise comes to the notice of the attendance officer or other 3217
appropriate officer of the school district, the attendance 3218
officer or other appropriate officer shall examine into any case 3219
of supposed truancy within the district and shall warn the 3220
child, if found truant, and the child's parent, guardian, or 3221

other person having care of the child, in writing, of the legal 3222
consequences of being ~~an habitual or chronic~~ truant. When any 3223
child of compulsory school age, in violation of law, is not 3224
attending school, the attendance or other appropriate officer 3225
shall notify the parent, guardian, or other person having care 3226
of that child of the fact, and require the parent, guardian, or 3227
other person to cause the child to attend school immediately. 3228
The parent, guardian, or other person having care of the child 3229
shall cause the child's attendance at school. Upon the failure 3230
of the parent, guardian, or other person having care of the 3231
child to do so, the attendance officer or other appropriate 3232
officer, if so directed by the superintendent, the district 3233
board, or the educational service center governing board, shall 3234
send notice requiring the attendance of that parent, guardian, 3235
or other person at a parental education program established 3236
pursuant to division (B) of this section and, subject to 3237
divisions (D) and (E) of this section, may file a complaint 3238
against the parent, guardian, or other person having care of the 3239
child in any court of competent jurisdiction. 3240

(D) Upon the failure of the parent, guardian, or other 3241
person having care of the child to cause the child's attendance 3242
at school, if the child is considered an habitual truant, the 3243
board of education of the school district or the governing board 3244
of the educational service center, within ten days, shall ~~do~~ 3245
~~either or both of the following:~~ 3246

~~(1) Take any appropriate action as an intervention~~ 3247
~~strategy contained in the policy developed by the board pursuant~~ 3248
~~to section 3321.191 of the Revised Code;~~ 3249

~~(2) File assign the student to an absence intervention~~ 3250
~~team as described in division (C) of section 3321.191 of the~~ 3251

Revised Code. The attendance officer shall file a complaint in 3252
the juvenile court of the county in which the child has a 3253
residence or legal settlement or in which the child is supposed 3254
to attend school jointly against the child and the parent, 3255
guardian, or other person having care of the child, in 3256
accordance with the timelines and conditions set forth in 3257
division (B) of section 3321.16 of the Revised Code. A complaint 3258
filed in the juvenile court under this division shall allege 3259
that the child is an unruly child for being an habitual truant 3260
~~or is a delinquent child for being an habitual truant who~~ 3261
~~previously has been adjudicated an unruly child for being an~~ 3262
~~habitual truant~~ and that the parent, guardian, or other person 3263
having care of the child has violated section 3321.38 of the 3264
Revised Code. 3265

Sec. 3321.191. (A) ~~No later than August 31, 2000~~ Effective 3266
beginning with the 2017-2018 school year, the board of education 3267
of each city, exempted village, local, joint vocational, and 3268
cooperative education school district and the governing board of 3269
each educational service center shall adopt a new or amended 3270
policy to guide employees of the school district or service 3271
center in addressing and ameliorating ~~the attendance practice of~~ 3272
~~any pupil who is an habitual truant~~ student absences. In 3273
developing the policy, the appropriate board shall consult with 3274
the judge of the juvenile court of the county or counties in 3275
which the district or service center is located, with the 3276
parents, guardians, or other persons having care of the pupils 3277
attending school in the district, and with appropriate state and 3278
local agencies. ~~The board shall incorporate into the policy as~~ 3279
~~an intervention strategy the assignment of an habitual truant to~~ 3280
~~an alternative school pursuant to section 3313.533 of the~~ 3281
~~Revised Code if an alternative school has been established by~~ 3282

~~the board under that section.~~ 3283

(B) The policy developed under division (A) of this 3284
section ~~may~~ shall include as an intervention strategy ~~any~~ all of 3285
the following actions, if ~~appropriate~~ applicable: 3286

(1) Providing a truancy intervention ~~program plan for an~~ 3287
~~habitual truant~~ any student who is excessively absent from 3288
school, as described in the first paragraph of division (C) of 3289
this section; 3290

(2) Providing counseling for an habitual truant; 3291

(3) Requesting or requiring a parent, guardian, or other 3292
person having care of an habitual truant to attend parental 3293
involvement programs, including programs adopted under section 3294
3313.472 or 3313.663 of the Revised Code; 3295

(4) Requesting or requiring a parent, guardian, or other 3296
person having care of an habitual truant to attend truancy 3297
prevention mediation programs; 3298

(5) Notification of the registrar of motor vehicles under 3299
section 3321.13 of the Revised Code; 3300

(6) Taking legal action under section 2919.222, 3321.20, 3301
or 3321.38 of the Revised Code. 3302

(C) (1) In the event that a child of compulsory school age 3303
is absent with or without legitimate excuse from the public 3304
school the child is supposed to attend for thirty-eight or more 3305
hours in one school month, or sixty-five or more hours in a 3306
school year, the attendance officer of that school shall notify 3307
the child's parent, guardian, or custodian of the child's 3308
absences, in writing, within seven days after the date after the 3309
absence that triggered the notice requirement. At the time 3310

notice is given, the school also may take any appropriate action 3311
as an intervention strategy contained in the policy developed by 3312
the board pursuant to division (A) of this section. 3313

(2) (a) If the absences of a student surpass the threshold 3314
for an habitual truant as set forth in section 2151.011 of the 3315
Revised Code, the principal or chief administrator of the school 3316
or the superintendent of the school district shall assign the 3317
student to an absence intervention team. Within fourteen school 3318
days after the assignment of a student to an absence 3319
intervention team, the team shall develop an intervention plan 3320
for that student in an effort to reduce or eliminate further 3321
absences. Each intervention plan shall vary based on the 3322
individual needs of the student, but the plan shall state that 3323
the attendance officer shall file a complaint not later than 3324
sixty days after the date the plan was developed, if the child 3325
has refused to participate in, or failed to make satisfactory 3326
progress on, the intervention plan or an alternative to 3327
adjudication under division (C) (2) (b) of section 3321.191 of the 3328
Revised Code. Within seven days after the development of the 3329
plan, the school district or school shall make reasonable 3330
efforts to provide the student's parent, guardian, custodian, 3331
guardian ad litem, or temporary custodian with written notice of 3332
the plan. 3333

(b) As part of the absence intervention plan described in 3334
division (C) (2) of this section, the school district or school, 3335
in its discretion, may contact the appropriate juvenile court 3336
and ask to have a student informally enrolled in any alternative 3337
to adjudication described in division (G) of section 2151.27 of 3338
the Revised Code. If the school district or school chooses to 3339
have students informally enrolled in an alternative to 3340
adjudication, the school district or school shall develop a 3341

written policy regarding the use of, and selection process for, 3342
offering alternatives to adjudication to ensure fairness. 3343

(c) The superintendent of each school district, or the 3344
superintendent's designee, shall establish an absence 3345
intervention team for the district to be used by any schools of 3346
the district that do not establish their own absence 3347
intervention team as permitted under division (C)(2)(d) of this 3348
section. Membership of each absence intervention team may vary 3349
based on the needs of each individual student but shall include 3350
a representative from the child's school district or school, 3351
another representative from the child's school district or 3352
school who knows the child, and the child's parent or parent's 3353
designee, or the child's guardian, custodian, guardian ad litem, 3354
or temporary custodian. The team also may include a school 3355
psychologist, counselor, social worker, or representative of a 3356
public or nonprofit agency designed to assist students and their 3357
families in reducing absences. 3358

(d) The principal or chief administrator of each school 3359
may establish an absence intervention team or series of teams to 3360
be used in lieu of the district team established pursuant to 3361
division (C)(2)(c) of this section. Membership of each absence 3362
intervention team may vary based on the needs of each individual 3363
student but shall include a representative from the child's 3364
school district or school, another representative from the 3365
child's school district or school who knows the child, and the 3366
child's parent or parent's designee, or the child's guardian, 3367
custodian, guardian ad litem, or temporary custodian. The team 3368
also may include a school psychologist, counselor, social 3369
worker, or representative of a public or nonprofit agency 3370
designed to assist students and their families in reducing 3371
absences. 3372

(e) A superintendent, as described in division (C) (2) (c) of this section, or principal or chief administrator, as described in division (C) (2) (d) of this section, shall select the members of an absence intervention team within seven school days of the triggering event described in division (C) (2) (a) of this section. The superintendent, principal, or chief administrator, within the same period of seven school days, shall make at least three meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the representative of the school district shall inform the parent of the parent's right to appear by designee. If seven school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the

child's parent, guardian, custodian, guardian ad litem, or 3403
temporary custodian to develop an absence intervention plan 3404
during the summer. If the school district or school selects this 3405
method, the plan shall be implemented not later than seven days 3406
prior to the first day of instruction of the next school year. 3407
In the alternative, the school district or school may toll the 3408
time periods to accommodate for the summer months and reconvene 3409
the absence intervention process upon the first day of 3410
instruction of the next school year. 3411

(3) For purposes of divisions (C) (2) (c) and (d) of this 3412
section, the state board of education shall develop a format for 3413
parental permission to ensure compliance with the "Family 3414
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3415
U.S.C. 1232g, as amended, and any regulations promulgated under 3416
that act, and section 3319.321 of the Revised Code. 3417

(D) Each school district or school may consult or partner 3418
with public and nonprofit agencies to provide assistance as 3419
appropriate to students and their families in reducing absences. 3420

(E) Beginning with the 2017-2018 school year, each school 3421
district shall report to the department of education, as soon as 3422
practicable, and in a format and manner determined by the 3423
department, any of the following occurrences: 3424

(1) When a notice required by division (C) (1) of this 3425
section is submitted to a parent, guardian, or custodian; 3426

(2) When a child of compulsory school age has been absent 3427
without legitimate excuse from the public school the child is 3428
supposed to attend for thirty or more consecutive hours, forty- 3429
two or more hours in one school month, or seventy-two or more 3430
hours in a school year; 3431

(3) When a child of compulsory school age who has been 3432
adjudicated an unruly child for being an habitual truant 3433
violates the court order regarding that adjudication; 3434

(4) When an absence intervention plan has been implemented 3435
for a child under this section. 3436

(F) Nothing in this section shall be construed to limit 3437
the duty or authority of a district board of education or 3438
governing body of an educational service center to develop other 3439
policies related to truancy or to limit the duty or authority of 3440
any employee of the school district or service center to respond 3441
to pupil truancy. However, a board shall be subject to the 3442
prohibition against suspending, expelling, or otherwise 3443
preventing a student from attending school for excessive 3444
absences as prescribed by section 3313.668 of the Revised Code. 3445

Sec. 3321.22. (A) Except as provided in division (B) of 3446
this section, if a complaint is filed against the parent, 3447
guardian, or other person in charge of a child for a failure to 3448
cause the child to attend school or a part-time school or class 3449
and if the parent, guardian, or other person proves an inability 3450
to do so, then the parent, guardian, or other person in charge 3451
of a child shall be discharged. Upon the discharge, the 3452
attendance officer shall file a complaint before the judge of 3453
the juvenile court of the county alleging that the child is a 3454
delinquent child, unruly child, or dependent child within the 3455
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 3456
Code. The judge shall hear the complaint and if the judge 3457
determines that the child is a delinquent, unruly, or dependent 3458
child within one of those sections the judge shall deal with the 3459
child according to section 2151.35 or 2151.36 of the Revised 3460
Code. 3461

(B) Division (A) of this section does not apply regarding 3462
a complaint filed under division (D) or (E) of section 3321.19 3463
of the Revised Code or otherwise filed and alleging that a child 3464
is an habitual truant ~~or chronic truant~~. 3465

Sec. 3321.38. (A) No parent, guardian, or other person 3466
having care of a child of compulsory school age shall violate 3467
any provision of section 3321.01, 3321.03, 3321.04, 3321.07, 3468
3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The 3469
juvenile court, which has exclusive original jurisdiction over 3470
any violation of this section pursuant to section 2151.23 of the 3471
Revised Code, may require a person convicted of violating this 3472
division to give bond in a sum of not more than five hundred 3473
dollars with sureties to the approval of the court, conditioned 3474
that the person will cause the child under the person's charge 3475
to attend upon instruction as provided by law, and remain as a 3476
pupil in the school or class during the term prescribed by law. 3477
If the juvenile court adjudicates the child as an unruly or 3478
delinquent child for being an habitual ~~or chronic~~ truant 3479
pursuant to section 2151.35 of the Revised Code, the court shall 3480
warn the parent, guardian, or other person having care of the 3481
child that any subsequent adjudication of that nature involving 3482
the child may result in a criminal charge against the parent, 3483
guardian, or other person having care of the child for a 3484
violation of division (C) of section 2919.21 or section 2919.24 3485
of the Revised Code. 3486

(B) This section does not relieve from prosecution and 3487
conviction any parent, guardian, or other person upon further 3488
violation of any provision in any of the sections specified in 3489
division (A) of this section, any provision of section 2919.222 3490
or 2919.24 of the Revised Code, or division (C) of section 3491
2919.21 of the Revised Code. A forfeiture of the bond shall not 3492

relieve that parent, guardian, or other person from prosecution 3493
and conviction upon further violation of any provision in any of 3494
those sections or that division. 3495

(C) Section 4109.13 of the Revised Code applies to this 3496
section. 3497

(D) No parent, guardian, or other person having care of a 3498
child of ~~compulsary~~compulsory school age shall fail to give 3499
bond as required by division (A) of this section in the sum of 3500
~~one not more than five~~ hundred dollars with sureties as required 3501
by the court. 3502

Sec. 3326.11. Each science, technology, engineering, and 3503
mathematics school established under this chapter and its 3504
governing body shall comply with sections 9.90, 9.91, 109.65, 3505
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3506
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 3507
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3508
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3509
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3510
3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3511
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3512
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3513
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 3514
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3515
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3516
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 3517
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 3518
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3519
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 3520
the Revised Code as if it were a school district. 3521

Sec. 3328.24. A college-preparatory boarding school 3522

established under this chapter and its board of trustees shall 3523
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3524
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.668, 3525
3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 3526
Chapter 3365. of the Revised Code as if the school were a school 3527
district and the school's board of trustees were a district 3528
board of education. 3529

Sec. 4510.32. (A) The registrar of motor vehicles shall 3530
record within ten days of receipt and keep at the main office of 3531
the bureau of motor vehicles all information provided to the 3532
registrar by the superintendent of a school district in 3533
accordance with division (B) of section 3321.13 of the Revised 3534
Code. 3535

(B) Whenever the registrar receives a notice under 3536
division (B) of section 3321.13 of the Revised Code, the 3537
registrar shall impose a class F suspension of the temporary 3538
instruction permit or driver's license of the person who is the 3539
subject of the notice for the period of time specified in 3540
division (B)(6) of section 4510.02 of the Revised Code, or, if 3541
the person has not been issued a temporary instruction permit or 3542
driver's license, the registrar shall deny to the person the 3543
issuance of a permit or license. The requirements of the second 3544
paragraph of section 119.06 of the Revised Code do not apply to 3545
a suspension of a person's temporary instruction permit or 3546
driver's license or a denial of a person's opportunity to obtain 3547
a temporary instruction permit or driver's license by the 3548
registrar under this division. 3549

(C) Upon suspending the temporary instruction permit or 3550
driver's license of any person or denying any person the 3551
opportunity to be issued such a license or permit as provided in 3552

division (B) of this section, the registrar immediately shall 3553
notify the person in writing of the suspension or denial and 3554
inform the person that the person may petition for a hearing as 3555
provided in division (E) of this section. 3556

(D) Any person whose permit or license is suspended under 3557
this section shall mail or deliver the person's permit or 3558
license to the registrar of motor vehicles within twenty days of 3559
notification of the suspension; however, the person's permit or 3560
license and the person's driving privileges shall be suspended 3561
immediately upon receipt of the notification. The registrar may 3562
retain the permit or license during the period of the suspension 3563
or the registrar may destroy it under section 4510.52 of the 3564
Revised Code. 3565

(E) Any person whose temporary instruction permit or 3566
driver's license has been suspended, or whose opportunity to 3567
obtain such a permit or license has been denied pursuant to this 3568
section, may file a petition in the juvenile court in whose 3569
jurisdiction the person resides alleging error in the action 3570
taken by the registrar under division (B) of this section or 3571
alleging one or more of the matters within the scope of the 3572
hearing, as described in this division, or both. The petitioner 3573
shall notify the registrar and the superintendent of the school 3574
district who gave the notice to the registrar and juvenile judge 3575
under division (B) of section 3321.13 of the Revised Code of the 3576
filing of the petition and send them copies of the petition. The 3577
scope of the hearing is limited to the issues of whether the 3578
notice given by the superintendent to the registrar was in error 3579
and whether the suspension or denial of driving privileges will 3580
result in substantial hardship to the petitioner. 3581

The registrar shall furnish the court a copy of the record 3582

created in accordance with division (A) of this section. The 3583
registrar and the superintendent shall furnish the court with 3584
any other relevant information required by the court. 3585

In hearing the matter and determining whether the 3586
petitioner has shown that the petitioner's temporary instruction 3587
permit or driver's license should not be suspended or that the 3588
petitioner's opportunity to obtain such a permit or license 3589
should not be denied, the court shall decide the issue upon the 3590
information furnished by the registrar and the superintendent 3591
and any such additional evidence that the registrar, the 3592
superintendent, or the petitioner submits. 3593

If the court finds from the evidence submitted that the 3594
petitioner has failed to show error in the action taken by the 3595
registrar under division (B) of this section and has failed to 3596
prove any of the matters within the scope of the hearing, then 3597
the court may assess the cost of the proceeding against the 3598
petitioner and shall uphold the suspension of the petitioner's 3599
permit or license or the denial of the petitioner's opportunity 3600
to obtain a permit or license. If the court finds that the 3601
petitioner has shown error in the action taken by the registrar 3602
under division (B) of this section or has proved one or more of 3603
the matters within the scope of the hearing, or both, the cost 3604
of the proceeding shall be paid out of the county treasury of 3605
the county in which the proceedings were held, and the 3606
suspension of the petitioner's permit or license or the denial 3607
of the person's opportunity to obtain a permit or license shall 3608
be terminated. 3609

(F) The registrar shall cancel the record created under 3610
this section of any person who is the subject of a notice given 3611
under division (B) of section 3321.13 of the Revised Code and 3612

shall terminate the suspension of the person's permit or license 3613
or the denial of the person's opportunity to obtain a permit or 3614
license, if any of the following applies: 3615

(1) The person is at least eighteen years of age. 3616

(2) The person provides evidence, as the registrar shall 3617
require by rule, of receipt of a high school diploma or a 3618
general educational development certificate of high school 3619
equivalence. 3620

(3) The superintendent of a school district informs the 3621
registrar that the notification of withdrawal, habitual absence 3622
without legitimate excuse, suspension, or expulsion concerning 3623
the person was in error. 3624

(4) The suspension or denial was imposed subsequent to a 3625
notification given under division (B)(3) or (4) of section 3626
3321.13 of the Revised Code, and the superintendent of a school 3627
district informs the registrar that the person in question has 3628
satisfied any terms or conditions established by the school as 3629
necessary to terminate the suspension or denial of driving 3630
privileges. 3631

(5) The suspension or denial was imposed subsequent to a 3632
notification given under division (B)(1) of section 3321.13 of 3633
the Revised Code, and the superintendent of a school district 3634
informs the registrar that the person in question is now 3635
attending school or enrolled in and attending an approved 3636
program to obtain a diploma or its equivalent to the 3637
satisfaction of the school superintendent. 3638

(6) The suspension or denial was imposed subsequent to a 3639
notification given under division (B)(2) of section 3321.13 of 3640
the Revised Code, the person has completed at least one semester 3641

or term of school after the one in which the notification was 3642
given, the person requests the superintendent of the school 3643
district to notify the registrar that the person no longer is 3644
habitually absent without legitimate excuse, the superintendent 3645
determines that the person has not been absent from school 3646
without legitimate excuse in the current semester or term, as 3647
determined under that division, for more than ~~ten-sixty~~ 3648
consecutive ~~school days~~ hours or for more than ~~fifteen-ninety~~ 3649
~~total-school days~~ hours, and the superintendent informs the 3650
registrar of that fact. If a person described in division (F) (6) 3651
of this section requests the superintendent of the school 3652
district to notify the registrar that the person no longer is 3653
habitually absent without legitimate excuse and the 3654
superintendent makes the determination described in this 3655
division, the superintendent shall provide the information 3656
described in division (F) (6) of this section to the registrar 3657
within five days after receiving the request. 3658

(7) The suspension or denial was imposed subsequent to a 3659
notification given under division (B) (2) of section 3321.13 of 3660
the Revised Code, and the superintendent of a school district 3661
informs the registrar that the person in question has received 3662
an age and schooling certificate in accordance with section 3663
3331.01 of the Revised Code. 3664

(8) The person filed a petition in court under division 3665
(E) of this section and the court found that the person showed 3666
error in the action taken by the registrar under division (B) of 3667
this section or proved one or more of the matters within the 3668
scope of the hearing on the petition, as set forth in division 3669
(E) of this section, or both. 3670

At the end of the suspension period under this section and 3671

upon the request of the person whose temporary instruction 3672
permit or driver's license was suspended, the registrar shall 3673
return the driver's license or permit to the person or reissue 3674
the person's license or permit under section 4510.52 of the 3675
Revised Code, if the registrar destroyed the suspended license 3676
or permit under that section. 3677

Section 2. That existing sections 2151.011, 2151.022, 3678
2151.18, 2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2151.354, 3679
2152.02, 2152.021, 2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 3680
3314.03, 3321.041, 3321.13, 3321.16, 3321.19, 3321.191, 3321.22, 3681
3321.38, 3326.11, 3328.24, and 4510.32 of the Revised Code are 3682
hereby repealed. 3683

Section 3. Not later than ninety days after the effective 3684
date of this section, the State Board of Education shall develop 3685
a model policy for violent, disruptive, or inappropriate 3686
behavior, including excessive absences, that stresses 3687
preventative strategies and alternatives to suspension or 3688
expulsion. The model policy shall be provided to each school 3689
district, community school, science, technology, engineering and 3690
mathematics school, and college-preparatory boarding school to 3691
aid in compliance with section 3321.191 of the Revised Code. 3692

Not later than one hundred eighty days after the effective 3693
date of this section, the Department of Education shall develop 3694
materials to assist school districts in providing teacher and 3695
staff training on the implementation of the strategies included 3696
in the model policy. 3697

Section 4. The General Assembly, applying the principle 3698
stated in division (B) of section 1.52 of the Revised Code that 3699
amendments are to be harmonized if reasonably capable of 3700
simultaneous operation, finds that the following sections, 3701

presented in this act as composites of the sections as amended 3702
by the acts indicated, are the resulting versions of the 3703
sections in effect prior to the effective date of the sections 3704
as presented in this act: 3705

Section 2151.022 of the Revised Code as amended by both 3706
Am. Sub. H.B. 23 and Am. Sub. S.B. 53 of the 126th General 3707
Assembly. 3708

Section 3314.03 of the Revised Code as amended by both Am. 3709
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly. 3710