

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 289

Senator Kunze

A BILL

To amend sections 3313.66, 3313.661, and 5122.10 1
and to enact sections 3313.669 and 3313.6610 of 2
the Revised Code with respect to the expulsion 3
of a student from a school district, community 4
school, or STEM school for communicating a 5
threat of violence to occur on school grounds. 6

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

Section 1. That sections 3313.66, 3313.661, and 5122.10 be 7
amended and sections 3313.669 and 3313.6610 of the Revised Code 8
be enacted to read as follows: 9

Sec. 3313.66. (A) Except as provided under division (B) (2) 10
of this section, and subject to section 3313.668 of the Revised 11
Code, the superintendent of schools of a city, exempted village, 12
or local school district, or the principal of a public school 13
may suspend a pupil from school for not more than ten school 14
days. The board of education of a city, exempted village, or 15
local school district may adopt a policy granting assistant 16
principals and other administrators the authority to suspend a 17
pupil from school for a period of time as specified in the 18
policy of the board of education, not to exceed ten school days. 19

If at the time an out-of-school suspension is imposed there are 20
fewer than ten school days remaining in the school year in which 21
the incident that gives rise to the suspension takes place, the 22
superintendent shall not apply any remaining part of the period 23
of the suspension to the following school year. The 24
superintendent may instead require the pupil to participate in a 25
community service program or another alternative consequence for 26
a number of hours equal to the remaining part of the period of 27
the suspension. The pupil shall be required to begin the pupil's 28
community service or alternative consequence during the first 29
full week day of summer break. Each school district, in its 30
discretion, may develop an appropriate list of alternative 31
consequences. In the event that a pupil fails to complete 32
community service or the assigned alternative consequence, the 33
school district may determine the next course of action, which 34
shall not include requiring the pupil to serve the remaining 35
time of the out-of-school suspension at the beginning of the 36
following school year. 37

Except in the case of a pupil given an in-school 38
suspension, no pupil shall be suspended unless prior to the 39
suspension the superintendent or principal does both of the 40
following: 41

(1) Gives the pupil written notice of the intention to 42
suspend the pupil and the reasons for the intended suspension 43
and, if the proposed suspension is based on a violation listed 44
in division (A) of section 3313.662 of the Revised Code and if 45
the pupil is sixteen years of age or older, includes in the 46
notice a statement that the superintendent may seek to 47
permanently exclude the pupil if the pupil is convicted of or 48
adjudicated a delinquent child for that violation; 49

(2) Provides the pupil an opportunity to appear at an 50
informal hearing before the principal, assistant principal, 51
superintendent, or superintendent's designee and challenge the 52
reason for the intended suspension or otherwise to explain the 53
pupil's actions. 54

If a pupil is suspended pursuant to division (A) of this 55
section, the school district board may, in its discretion, 56
permit the pupil to complete any classroom assignments missed 57
because of the suspension. 58

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 59
(4), (5), or (6) of this section, and subject to section 60
3313.668 of the Revised Code, the superintendent of schools of a 61
city, exempted village, or local school district may expel a 62
pupil from school for a period not to exceed the greater of 63
eighty school days or the number of school days remaining in the 64
semester or term in which the incident that gives rise to the 65
expulsion takes place, unless the expulsion is extended pursuant 66
to division (F) of this section. If at the time an expulsion is 67
imposed there are fewer than eighty school days remaining in the 68
school year in which the incident that gives rise to the 69
expulsion takes place, the superintendent may apply any 70
remaining part or all of the period of the expulsion to the 71
following school year. 72

(2) (a) Unless a pupil is permanently excluded pursuant to 73
section 3313.662 of the Revised Code, the superintendent of 74
schools of a city, exempted village, or local school district 75
shall expel a pupil from school for a period of one year for 76
bringing a firearm to a school operated by the board of 77
education of the district or onto any other property owned or 78
controlled by the board, except that the superintendent may 79

reduce this requirement on a case-by-case basis in accordance 80
with the policy adopted by the board under section 3313.661 of 81
the Revised Code. 82

(b) The superintendent of schools of a city, exempted 83
village, or local school district may expel a pupil from school 84
for a period of one year for bringing a firearm to an 85
interscholastic competition, an extracurricular event, or any 86
other school program or activity that is not located in a school 87
or on property that is owned or controlled by the district. The 88
superintendent may reduce this disciplinary action on a case-by- 89
case basis in accordance with the policy adopted by the board 90
under section 3313.661 of the Revised Code. 91

(c) Any expulsion pursuant to division (B) (2) of this 92
section shall extend, as necessary, into the school year 93
following the school year in which the incident that gives rise 94
to the expulsion takes place. As used in this division, 95
"firearm" has the same meaning as provided pursuant to the "Gun- 96
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 97

(3) The board of education of a city, exempted village, or 98
local school district may adopt a resolution authorizing the 99
superintendent of schools to expel a pupil from school for a 100
period not to exceed one year for bringing a knife to a school 101
operated by the board, onto any other property owned or 102
controlled by the board, or to an interscholastic competition, 103
an extracurricular event, or any other program or activity 104
sponsored by the school district or in which the district is a 105
participant, or for possessing a firearm or knife at a school, 106
on any other property owned or controlled by the board, or at an 107
interscholastic competition, an extracurricular event, or any 108
other school program or activity, which firearm or knife was 109

initially brought onto school board property by another person. 110
The resolution may authorize the superintendent to extend such 111
an expulsion, as necessary, into the school year following the 112
school year in which the incident that gives rise to the 113
expulsion takes place. 114

(4) The board of education of a city, exempted village, or 115
local school district may adopt a resolution establishing a 116
policy under section 3313.661 of the Revised Code that 117
authorizes the superintendent of schools to expel a pupil from 118
school for a period not to exceed one year for committing an act 119
that is a criminal offense when committed by an adult and that 120
results in serious physical harm to persons as defined in 121
division (A) (5) of section 2901.01 of the Revised Code or 122
serious physical harm to property as defined in division (A) (6) 123
of section 2901.01 of the Revised Code while the pupil is at 124
school, on any other property owned or controlled by the board, 125
or at an interscholastic competition, an extracurricular event, 126
or any other school program or activity. Any expulsion under 127
this division shall extend, as necessary, into the school year 128
following the school year in which the incident that gives rise 129
to the expulsion takes place. 130

(5) The board of education of any city, exempted village, 131
or local school district may adopt a resolution establishing a 132
policy under section 3313.661 of the Revised Code that 133
authorizes the superintendent of schools to expel a pupil from 134
school for a period not to exceed one year for making a bomb 135
threat to a school building or to any premises at which a school 136
activity is occurring at the time of the threat. Any expulsion 137
under this division shall extend, as necessary, into the school 138
year following the school year in which the incident that gives 139
rise to the expulsion takes place. 140

(6) The board of education of any city, exempted village, 141
or local school district may adopt a resolution that authorizes 142
the superintendent of schools to expel a pupil from school for a 143
period not to exceed sixty school days for communicating a 144
threat to kill or do physical harm to persons or property, as 145
defined in division (A)(3) or (4) of section 2901.01 of the 146
Revised Code, if all of the following conditions are met: 147

(a) The threat is communicated verbally or in writing in 148
person or via telephone, cellular telephone, computer, pager, 149
personal communication device, or other electronic communication 150
device. 151

(b) The threat is made against persons or property at a 152
school operated by the district board, on a school bus, at any 153
other property owned or controlled by the district board, or at 154
an interscholastic competition, an extracurricular event, or any 155
other program or activity sponsored by the school district or in 156
which the district is a participant. 157

(c) The pupil who made the threat engaged in conduct that 158
constitutes a substantial step in a course intended to culminate 159
in the commission of the threatened act, as determined by the 160
superintendent in consultation with the law enforcement agency 161
of the appropriate municipal corporation, township, or county. 162

(d) The pupil is not determined to be a mentally ill 163
person subject to court order under sections 3313.6610 and 164
5122.10 of the Revised Code. 165

Division (B)(6) of this section applies regardless of 166
whether the person or property that is the object of the threat 167
actually receives the communication of the threat. 168

The board of education of any city, exempted village, or 169

local school district may require the pupil, as a condition of 170
reinstatement from an expulsion under division (B) (6) of this 171
section to undergo an assessment to determine whether the pupil 172
poses a danger to the pupil's self or to other pupils or school 173
employees. The superintendent may extend the expulsion of a 174
pupil, for not more than one calendar year, if the pupil fails 175
to undergo an assessment required by division (B) (6) of this 176
section. If at the end of the expulsion period or the extended 177
period the superintendent determines, after consulting with 178
mental health professionals and representatives from the school 179
district and the law enforcement agency of a municipal 180
corporation, township, or county, that the pupil has shown 181
sufficient rehabilitation, the superintendent may reinstate the 182
pupil. 183

The district shall develop a plan for the continued 184
education of the pupil expelled under division (B) (6) of this 185
section, which may include education by the district in an 186
alternative setting under division (I) of this section. 187

In making any determination under division (B) (6) of this 188
section, the superintendent shall comply with the procedures 189
prescribed by divisions (B) (7) and (D) of this section. 190

Nothing in division (B) (6) of this section shall affect a 191
district's obligation to provide a free and appropriate 192
education to children with disabilities under 20 U.S.C. 1400, et 193
seq. and Chapter 3323. of the Revised Code. 194

Nothing in division (B) (6) of this section shall be 195
construed to limit or prohibit bringing a juvenile or criminal 196
action against a pupil who is expelled under that division. 197

Any expulsion under division (B) (6) of this section shall 198

extend, as necessary, into the school year following the school 199
year in which the incident that gave rise to the expulsion took 200
place. 201

If a pupil is expelled under division (B) (6) of this 202
section for communicating a threat against a specific teacher or 203
another specific pupil, the superintendent may choose to provide 204
educational services to the expelled pupil in an alternative 205
setting instead of returning that pupil to the school in which 206
that pupil was enrolled at the time of the expulsion. 207

The superintendent, in consultation with the district's 208
legal counsel, may choose to redact from a pupil's school record 209
any documentation related to an expulsion under division (B) (6) 210
this section. 211

(7) No pupil shall be expelled under division (B) (1), (2), 212
(3), (4), ~~or~~ (5), or (6) of this section unless, prior to the 213
pupil's expulsion, the superintendent does both of the 214
following: 215

(a) Gives the pupil and the pupil's parent, guardian, or 216
custodian written notice of the intention to expel the pupil; 217

(b) Provides the pupil and the pupil's parent, guardian, 218
custodian, or representative an opportunity to appear in person 219
before the superintendent or the superintendent's designee to 220
challenge the reasons for the intended expulsion or otherwise to 221
explain the pupil's actions. 222

The notice required in this division shall include the 223
reasons for the intended expulsion, notification of the 224
opportunity of the pupil and the pupil's parent, guardian, 225
custodian, or representative to appear before the superintendent 226
or the superintendent's designee to challenge the reasons for 227

the intended expulsion or otherwise to explain the pupil's 228
action, and notification of the time and place to appear. The 229
time to appear shall not be earlier than three nor later than 230
five school days after the notice is given, unless the 231
superintendent grants an extension of time at the request of the 232
pupil or the pupil's parent, guardian, custodian, or 233
representative. If an extension is granted after giving the 234
original notice, the superintendent shall notify the pupil and 235
the pupil's parent, guardian, custodian, or representative of 236
the new time and place to appear. If the proposed expulsion is 237
based on a violation listed in division (A) of section 3313.662 238
of the Revised Code and if the pupil is sixteen years of age or 239
older, the notice shall include a statement that the 240
superintendent may seek to permanently exclude the pupil if the 241
pupil is convicted of or adjudicated a delinquent child for that 242
violation. 243

~~(7)~~(8) A superintendent of schools of a city, exempted 244
village, or local school district shall initiate expulsion 245
proceedings pursuant to this section with respect to any pupil 246
who has committed an act warranting expulsion under the 247
district's policy regarding expulsion even if the pupil has 248
withdrawn from school for any reason after the incident that 249
gives rise to the hearing but prior to the hearing or decision 250
to impose the expulsion. If, following the hearing, the pupil 251
would have been expelled for a period of time had the pupil 252
still been enrolled in the school, the expulsion shall be 253
imposed for the same length of time as on a pupil who has not 254
withdrawn from the school. 255

(C) If a pupil's presence poses a continuing danger to 256
persons or property or an ongoing threat of disrupting the 257
academic process taking place either within a classroom or 258

elsewhere on the school premises, the superintendent or a 259
principal or assistant principal may remove a pupil from 260
curricular activities or from the school premises, and a teacher 261
may remove a pupil from curricular activities under the 262
teacher's supervision, without the notice and hearing 263
requirements of division (A) or (B) of this section. As soon as 264
practicable after making such a removal, the teacher shall 265
submit in writing to the principal the reasons for such removal. 266

If a pupil is removed under this division from a 267
curricular activity or from the school premises, written notice 268
of the hearing and of the reason for the removal shall be given 269
to the pupil as soon as practicable prior to the hearing, which 270
shall be held within three school days from the time the initial 271
removal is ordered. The hearing shall be held in accordance with 272
division (A) of this section unless it is probable that the 273
pupil may be subject to expulsion, in which case a hearing in 274
accordance with division (B) of this section shall be held, 275
except that the hearing shall be held within three school days 276
of the initial removal. The individual who ordered, caused, or 277
requested the removal to be made shall be present at the 278
hearing. 279

If the superintendent or the principal reinstates a pupil 280
in a curricular activity under the teacher's supervision prior 281
to the hearing following a removal under this division, the 282
teacher, upon request, shall be given in writing the reasons for 283
such reinstatement. 284

(D) The superintendent or principal, within one school day 285
after the time of a pupil's expulsion or suspension, shall 286
notify in writing the parent, guardian, or custodian of the 287
pupil and the treasurer of the board of education of the 288

expulsion or suspension. The notice shall include the reasons 289
for the expulsion or suspension, notification of the right of 290
the pupil or the pupil's parent, guardian, or custodian to 291
appeal the expulsion or suspension to the board of education or 292
to its designee, to be represented in all appeal proceedings, to 293
be granted a hearing before the board or its designee in order 294
to be heard against the suspension or expulsion, and to request 295
that the hearing be held in executive session, notification that 296
the expulsion may be subject to extension pursuant to division 297
(F) of this section if the pupil is sixteen years of age or 298
older, and notification that the superintendent may seek the 299
pupil's permanent exclusion if the suspension or expulsion was 300
based on a violation listed in division (A) of section 3313.662 301
of the Revised Code that was committed when the child was 302
sixteen years of age or older and if the pupil is convicted of 303
or adjudicated a delinquent child for that violation. 304

In accordance with the policy adopted by the board of 305
education under section 3313.661 of the Revised Code, the notice 306
provided under this division shall specify the manner and date 307
by which the pupil or the pupil's parent, guardian, or custodian 308
shall notify the board of the pupil's, parent's, guardian's, or 309
custodian's intent to appeal the expulsion or suspension to the 310
board or its designee. 311

Any superintendent expelling a pupil under this section 312
for more than twenty school days or for any period of time if 313
the expulsion will extend into the following semester or school 314
year shall, in the notice required under this division, provide 315
the pupil and the pupil's parent, guardian, or custodian with 316
information about services or programs offered by public and 317
private agencies that work toward improving those aspects of the 318
pupil's attitudes and behavior that contributed to the incident 319

that gave rise to the pupil's expulsion. The information shall 320
include the names, addresses, and phone numbers of the 321
appropriate public and private agencies. 322

(E) A pupil or the pupil's parent, guardian, or custodian 323
may appeal the pupil's expulsion by a superintendent or 324
suspension by a superintendent, principal, assistant principal, 325
or other administrator to the board of education or to its 326
designee. If the pupil or the pupil's parent, guardian, or 327
custodian intends to appeal the expulsion or suspension to the 328
board or its designee, the pupil or the pupil's parent, 329
guardian, or custodian shall notify the board in the manner and 330
by the date specified in the notice provided under division (D) 331
of this section. The pupil or the pupil's parent, guardian, or 332
custodian may be represented in all appeal proceedings and shall 333
be granted a hearing before the board or its designee in order 334
to be heard against the suspension or expulsion. At the request 335
of the pupil or of the pupil's parent, guardian, custodian, or 336
attorney, the board or its designee may hold the hearing in 337
executive session but shall act upon the suspension or expulsion 338
only at a public meeting. The board, by a majority vote of its 339
full membership or by the action of its designee, may affirm the 340
order of suspension or expulsion, reinstate the pupil, or 341
otherwise reverse, vacate, or modify the order of suspension or 342
expulsion. 343

The board or its designee shall make a verbatim record of 344
hearings held under this division. The decisions of the board or 345
its designee may be appealed under Chapter 2506. of the Revised 346
Code. 347

This section shall not be construed to require notice and 348
hearing in accordance with division (A), (B), or (C) of this 349

section in the case of normal disciplinary procedures in which a 350
pupil is removed from a curricular activity for a period of less 351
than one school day and is not subject to suspension or 352
expulsion. 353

(F) (1) If a pupil is expelled pursuant to division (B) of 354
this section for committing any violation listed in division (A) 355
of section 3313.662 of the Revised Code and the pupil was 356
sixteen years of age or older at the time of committing the 357
violation, if a complaint, indictment, or information is filed 358
alleging that the pupil is a delinquent child based upon the 359
commission of the violation or the pupil is prosecuted as an 360
adult for the commission of the violation, and if the resultant 361
juvenile court or criminal proceeding is pending at the time 362
that the expulsion terminates, the superintendent of schools 363
that expelled the pupil may file a motion with the court in 364
which the proceeding is pending requesting an order extending 365
the expulsion for the lesser of an additional eighty days or the 366
number of school days remaining in the school year. Upon the 367
filing of the motion, the court immediately shall schedule a 368
hearing and give written notice of the time, date, and location 369
of the hearing to the superintendent and to the pupil and the 370
pupil's parent, guardian, or custodian. At the hearing, the 371
court shall determine whether there is reasonable cause to 372
believe that the pupil committed the alleged violation that is 373
the basis of the expulsion and, upon determining that reasonable 374
cause to believe the pupil committed the violation does exist, 375
shall grant the requested extension. 376

(2) If a pupil has been convicted of or adjudicated a 377
delinquent child for a violation listed in division (A) of 378
section 3313.662 of the Revised Code for an act that was 379
committed when the child was sixteen years of age or older, if 380

the pupil has been expelled pursuant to division (B) of this 381
section for that violation, and if the board of education of the 382
school district of the school from which the pupil was expelled 383
has adopted a resolution seeking the pupil's permanent 384
exclusion, the superintendent may file a motion with the court 385
that convicted the pupil or adjudicated the pupil a delinquent 386
child requesting an order to extend the expulsion until an 387
adjudication order or other determination regarding permanent 388
exclusion is issued by the superintendent of public instruction 389
pursuant to section 3301.121 and division (D) of section 390
3313.662 of the Revised Code. Upon the filing of the motion, the 391
court immediately shall schedule a hearing and give written 392
notice of the time, date, and location of the hearing to the 393
superintendent of the school district, the pupil, and the 394
pupil's parent, guardian, or custodian. At the hearing, the 395
court shall determine whether there is reasonable cause to 396
believe the pupil's continued attendance in the public school 397
system may endanger the health and safety of other pupils or 398
school employees and, upon making that determination, shall 399
grant the requested extension. 400

(G) The failure of the superintendent or the board of 401
education to provide the information regarding the possibility 402
of permanent exclusion in the notice required by divisions (A), 403
(B), and (D) of this section is not jurisdictional, and the 404
failure shall not affect the validity of any suspension or 405
expulsion procedure that is conducted in accordance with this 406
section or the validity of a permanent exclusion procedure that 407
is conducted in accordance with sections 3301.121 and 3313.662 408
of the Revised Code. 409

(H) With regard to suspensions and expulsions pursuant to 410
divisions (A) and (B) of this section by the board of education 411

of any city, exempted village, or local school district, this 412
section shall apply to any student, whether or not the student 413
is enrolled in the district, attending or otherwise 414
participating in any curricular program provided in a school 415
operated by the board or provided on any other property owned or 416
controlled by the board. 417

(I) Whenever a student is expelled under this section, the 418
expulsion shall result in removal of the student from the 419
student's regular school setting. However, during the period of 420
the expulsion, the board of education of the school district 421
that expelled the student or any board of education admitting 422
the student during that expulsion period may provide educational 423
services to the student in an alternative setting. 424

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 425
3313.64, and 3313.65 of the Revised Code, any school district, 426
after offering an opportunity for a hearing, may temporarily 427
deny admittance to any pupil if one of the following applies: 428

(a) The pupil has been suspended from the schools of 429
another district under division (A) of this section and the 430
period of suspension, as established under that division, has 431
not expired; 432

(b) The pupil has been expelled from the schools of 433
another district under division (B) of this section and the 434
period of the expulsion, as established under that division or 435
as extended under division (F) of this section, has not expired. 436

If a pupil is temporarily denied admission under this 437
division, the pupil shall be admitted to school in accordance 438
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 439
Revised Code no later than upon expiration of the suspension or 440

expulsion period, as applicable. 441

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 442
and 3313.65 of the Revised Code, any school district, after 443
offering an opportunity for a hearing, may temporarily deny 444
admittance to any pupil if the pupil has been expelled or 445
otherwise removed for disciplinary purposes from a public school 446
in another state and the period of expulsion or removal has not 447
expired. If a pupil is temporarily denied admission under this 448
division, the pupil shall be admitted to school in accordance 449
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 450
Revised Code no later than the earlier of the following: 451

(a) Upon expiration of the expulsion or removal period 452
imposed by the out-of-state school; 453

(b) Upon expiration of a period established by the 454
district, beginning with the date of expulsion or removal from 455
the out-of-state school, that is no greater than the period of 456
expulsion that the pupil would have received under the policy 457
adopted by the district under section 3313.661 of the Revised 458
Code had the offense that gave rise to the expulsion or removal 459
by the out-of-state school been committed while the pupil was 460
enrolled in the district. 461

(K) As used in this section: 462

(1) "Permanently exclude" and "permanent exclusion" have 463
the same meanings as in section 3313.662 of the Revised Code. 464

(2) "In-school suspension" means the pupil will serve all 465
of the suspension in a school setting. 466

Sec. 3313.661. (A) The board of education of each city, 467
exempted village, and local school district shall adopt a policy 468
regarding suspension, expulsion, removal, and permanent 469

exclusion that specifies the types of misconduct for which a 470
pupil may be suspended, expelled, or removed. The types of 471
misconduct may include misconduct by a pupil that occurs off of 472
property owned or controlled by the district but that is 473
connected to activities or incidents that have occurred on 474
property owned or controlled by that district and misconduct by 475
a pupil that, regardless of where it occurs, is directed at a 476
district official or employee, or the property of such official 477
or employee. The policy shall specify the reasons for which the 478
superintendent of the district may reduce the expulsion 479
requirement in division (B) (2) of section 3313.66 of the Revised 480
Code. If a board of education adopts a resolution pursuant to 481
division (B) (3) of section 3313.66 of the Revised Code, the 482
policy shall define the term "knife" or "firearm," as 483
applicable, for purposes of expulsion under that resolution and 484
shall specify any reasons for which the superintendent of the 485
district may reduce any required expulsion period on a case-by- 486
case basis. If a board of education adopts a resolution pursuant 487
to division (B) (4) ~~or~~, (5), or (6) of section 3313.66 of the 488
Revised Code, the policy shall specify any reasons for which the 489
superintendent of the district may reduce any ~~required~~ expulsion 490
period on a case-by-case basis. The policy also shall set forth 491
the acts listed in section 3313.662 of the Revised Code for 492
which a pupil may be permanently excluded. 493

The policy adopted under this division shall specify the 494
date and manner by which a pupil or a pupil's parent, guardian, 495
or custodian may notify the board of the pupil's, parent's, 496
guardian's, or custodian's intent to appeal an expulsion or 497
suspension to the board or its designee pursuant to division (E) 498
of section 3313.66 of the Revised Code. In the case of any 499
expulsion, the policy shall not specify a date that is less than 500

fourteen calendar days after the date of the notice provided to 501
the pupil or the pupil's parent, guardian, or custodian under 502
division (D) of that section. 503

A copy of the policy shall be posted in a central location 504
in the school and made available to pupils upon request. No 505
pupil shall be suspended, expelled, or removed except in 506
accordance with the policy adopted by the board of education of 507
the school district in which the pupil attends school, and no 508
pupil shall be permanently excluded except in accordance with 509
sections 3301.121 and 3313.662 of the Revised Code. 510

(B) A board of education may establish a program and adopt 511
guidelines under which a superintendent may require a pupil to 512
perform community service in conjunction with a suspension or 513
expulsion imposed under section 3313.66 of the Revised Code or 514
in place of a suspension or expulsion imposed under section 515
3313.66 of the Revised Code except for an expulsion imposed 516
pursuant to division (B)(2) of that section. If a board adopts 517
guidelines under this division, they shall permit, except with 518
regard to an expulsion pursuant to division (B)(2) of section 519
3313.66 of the Revised Code, a superintendent to impose a 520
community service requirement beyond the end of the school year 521
in lieu of applying an expulsion into the following school year. 522
Any guidelines adopted shall be included in the policy adopted 523
under this section. 524

(C) The written policy of each board of education that is 525
adopted pursuant to section 3313.20 of the Revised Code shall be 526
posted in a central location in each school that is subject to 527
the policy and shall be made available to pupils upon request. 528

(D) Any policy, program, or guideline adopted by a board 529
of education under this section with regard to suspensions or 530

expulsions pursuant to division (A) or (B) of section 3313.66 of 531
the Revised Code shall apply to any student, whether or not the 532
student is enrolled in the district, attending or otherwise 533
participating in any curricular program provided in a school 534
operated by the board or provided on any other property owned or 535
controlled by the board. 536

(E) As used in this section, "permanently exclude" and 537
"permanent exclusion" have the same meanings as in section 538
3313.662 of the Revised Code. 539

Sec. 3313.669. The board of education of any school 540
district or any law enforcement agency of a municipal 541
corporation, township, or county may file a civil action in the 542
appropriate court of common pleas for restitution from the 543
parent of a minor pupil who is expelled under division (B) (6) of 544
section 3313.66 of the Revised Code for the reasonable and 545
actual administrative and investigative costs incurred by the 546
district or agency in connection with the pupil's expulsion. 547

Sec. 3313.6610. (A) Any pupil who communicates a threat to 548
kill or do physical harm to persons or property may be subject 549
to a school safety risk assessment. Under a school safety risk 550
assessment, if a pupil is believed to be a mentally ill person 551
subject to court order that pupil may be taken into custody and 552
transported to a hospital or general hospital under section 553
5122.10 of the Revised Code. In such a case, the following 554
conditions apply: 555

(1) If the chief clinical officer of the hospital to which 556
a pupil is transported determines, after an examination of the 557
pupil, that the pupil is not a mentally ill person subject to 558
court order, the superintendent of the school district in which 559
the pupil is enrolled may expel the pupil under division (B) (6) 560

of section 3313.66 of the Revised Code. 561

(2) Subject to division (A) (3) of this section, if the 562
chief clinical officer of the hospital to which a pupil is 563
transported determines, after an examination of the pupil, that 564
the pupil is a mentally ill person subject to court order, the 565
superintendent of the school district in which the pupil is 566
enrolled may choose not to readmit that pupil to the school in 567
which the pupil is enrolled; however, that pupil shall not be 568
expelled. If the superintendent so chooses not to readmit the 569
pupil, the superintendent shall provide educational services to 570
the pupil in an alternative setting. 571

(3) Within thirty days of the pupil's removal from school, 572
a review panel shall determine if the pupil is able to return to 573
the school in which the pupil was enrolled. The review panel 574
shall include mental health professionals and representatives 575
from the school district and the law enforcement agency of a 576
municipal corporation, township, or county. 577

If the review panel determines that the pupil should not 578
return to school, the superintendent shall continue to provide 579
educational services to the pupil in an alternative setting. The 580
panel shall rereview the pupil's ability to return to school 581
once every thirty days until such time as the pupil is 582
readmitted to school. 583

In the case of any determination by the panel that a pupil 584
should not return to school, the pupil or the pupil's parent, 585
guardian, or custodian may appeal the panel's determination to 586
the district board of education by notifying the district 587
superintendent of the intent to appeal by telephone within 588
forty-eight hours after the panel's determination. Upon notice 589
of appeal by the pupil or the pupil's parent, guardian, or 590

custodian, the board shall hear the appeal at its next scheduled 591
regular meeting. The district board's consideration of an appeal 592
under this division shall be in an executive session of the 593
board. The decision of the board shall be final. 594

(B) Any documentation used by a review panel to make a 595
determination under this section is not a public record under 596
section 149.43 of the Revised Code. 597

(C) A member of a review panel created under this section, 598
the district superintendent, the district board of education, 599
and any member of the district board is not liable in damages in 600
a civil action for injury, death, or loss to person or property 601
allegedly arising from performing duties under this section, 602
unless the act or omission constitutes willful or wanton 603
misconduct. 604

Division (C) of this section does not eliminate, limit, or 605
reduce any other immunity or defense that a school district, 606
member of a school district board of education, or school 607
district employee or volunteer, including a coach or referee, 608
may be entitled to under Chapter 2744. or any other provision of 609
the Revised Code or under the common law of this state. 610

(D) The superintendent of the school district in which the 611
pupil is enrolled, in consultation with the district's legal 612
counsel, may choose to redact from the pupil's school record any 613
documentation related to an action taken under this section. 614

(E) Nothing in this section diminishes the rights of 615
eligible pupils or the obligations of school districts under the 616
"Individuals with Disabilities Education Act," 20 U.S.C. 1400 et 617
seq. 618

(F) As used in this section: 619

(1) "Chief clinical officer" and "mentally ill person subject to court order" have the same meanings as in section 5122.01 of the Revised Code. 620
621
622

(2) "Physical harm to persons" has the same meaning as in division (A) (3) of section 2901.01 of the Revised Code. 623
624

(3) "Physical harm to property" has the same meaning as in division (A) (4) of section 2901.01 of the Revised Code. 625
626

Sec. 5122.10. ~~(A) (1) Any psychiatrist, licensed clinical- 627
psychologist, licensed physician, health officer, parole- 628
officer, police officer, or sheriff of the following who has 629
reason to believe that a person is a mentally ill person subject 630
to court order and represents a substantial risk of physical 631
harm to self or others if allowed to remain at liberty pending 632
examination may take a the person into custody, or the chief of 633
the adult parole authority or a parole or probation officer with 634
the approval of the chief of the authority may take a parolee, 635
an offender under a community control sanction or a post release 636
control sanction, or an offender under transitional control into 637
custody and may immediately transport the parolee, offender on 638
community control or post release control, or offender under 639
transitional control person to a hospital or, notwithstanding 640
section 5119.33 of the Revised Code, to a general hospital not 641
licensed by the department of mental health and addiction 642
services where the parolee, offender on community control or 643
post release control, or offender under transitional control 644
person may be held for the period prescribed in this section, if 645
the psychiatrist, licensed clinical psychologist, licensed 646
physician, health officer, parole officer, police officer, or 647
sheriff has reason to believe that the person is a mentally ill 648
person subject to court order under division (B) of section 649~~

~~5122.01 of the Revised Code, and represents a substantial risk-~~ 650
~~of physical harm to self or others if allowed to remain at-~~ 651
~~liberty pending examination:~~ 652

(a) A psychiatrist; 653

(b) A licensed physician; 654

(c) A licensed clinical psychologist; 655

(d) A health officer; 656

(e) A school district superintendent; 657

(f) A school psychologist; 658

(g) A parole officer; 659

(h) A police officer; 660

(i) A sheriff. 661

(2) If the chief of the adult parole authority or a parole 662
or probation officer with the approval of the chief of the 663
authority has reason to believe that a parolee, an offender 664
under a community control sanction or post-release control 665
sanction, or an offender under transitional control is a 666
mentally ill person subject to court order and represents a 667
substantial risk of physical harm to self or others if allowed 668
to remain at liberty pending examination, the chief or officer 669
may take the parolee or offender into custody and may 670
immediately transport the parolee or offender to a hospital or, 671
notwithstanding section 5119.33 of the Revised Code, to a 672
general hospital not licensed by the department of mental health 673
and addiction services where the parolee or offender may be held 674
for the period prescribed in this section. 675

(B) A written statement shall be given to such the 676

hospital by the ~~transporting psychiatrist, licensed clinical-~~ 677
~~psychologist, licensed physician, health officer, parole-~~ 678
~~officer, police officer, chief of the adult parole authority,-~~ 679
~~parole or probation officer, or sheriff stating individual~~ 680
authorized under division (A) (1) or (2) of this section to 681
transport the person. The statement shall specify the 682
circumstances under which ~~such the~~ person was taken into custody 683
and the reasons for the ~~psychiatrist's, licensed clinical-~~ 684
~~psychologist's, licensed physician's, health officer's, parole-~~ 685
~~officer's, police officer's, chief of the adult parole-~~ 686
~~authority's, parole or probation officer's, or sheriff's~~ belief 687
that the person is a mentally ill person subject to court order 688
and represents a substantial risk of physical harm to self or 689
others if allowed to remain at liberty pending examination. This 690
statement shall be made available to the respondent or the 691
respondent's attorney upon request of either. 692

(C) Every reasonable and appropriate effort shall be made 693
to take persons into custody in the least conspicuous manner 694
possible. A person taking the respondent into custody pursuant 695
to this section shall explain to the respondent: the name and 696
professional designation and affiliation of the person taking 697
the respondent into custody; that the custody-taking is not a 698
criminal arrest; and that the person is being taken for 699
examination by mental health professionals at a specified mental 700
health facility identified by name. 701

(D) If a person taken into custody under this section is 702
transported to a general hospital, the general hospital may 703
admit the person, or provide care and treatment for the person, 704
or both, notwithstanding section 5119.33 of the Revised Code, 705
but by the end of twenty-four hours after arrival at the general 706
hospital, the person shall be transferred to a hospital as 707

defined in section 5122.01 of the Revised Code. 708

(E) A person transported or transferred to a hospital or 709
community mental health services provider under this section 710
shall be examined by the staff of the hospital or services 711
provider within twenty-four hours after arrival at the hospital 712
or services provider. If to conduct the examination requires 713
that the person remain overnight, the hospital or services 714
provider shall admit the person in an unclassified status until 715
making a disposition under this section. After the examination, 716
if the chief clinical officer of the hospital or services 717
provider believes that the person is not a mentally ill person 718
subject to court order, the chief clinical officer shall release 719
or discharge the person immediately unless a court has issued a 720
temporary order of detention applicable to the person under 721
section 5122.11 of the Revised Code. After the examination, if 722
the chief clinical officer believes that the person is a 723
mentally ill person subject to court order, the chief clinical 724
officer may detain the person for not more than three court days 725
following the day of the examination and during such period 726
admit the person as a voluntary patient under section 5122.02 of 727
the Revised Code or file an affidavit under section 5122.11 of 728
the Revised Code. If neither action is taken and a court has not 729
otherwise issued a temporary order of detention applicable to 730
the person under section 5122.11 of the Revised Code, the chief 731
clinical officer shall discharge the person at the end of the 732
three-day period unless the person has been sentenced to the 733
department of rehabilitation and correction and has not been 734
released from the person's sentence, in which case the person 735
shall be returned to that department. 736

Section 2. That existing sections 3313.66, 3313.661, and 737
5122.10 of the Revised Code are hereby repealed. 738