

As Introduced

131st General Assembly

Regular Session

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H. B. No. 410

Representatives Rezabek, Hayes

Cosponsor: Representative Brenner

A BILL

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

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

Section 1. That sections 2151.011, 2151.022, 2151.18, 9
2151.27, 2151.311, 2151.35, 2151.354, 2152.02, 2152.021, 10
2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 3314.03, 3321.041, 11
3321.13, 3321.16, 3321.19, 3321.191, 3321.38, 3326.11, 3328.24, 12
and 4510.32 be amended and section 3313.668 of the Revised Code 13
be enacted to read as follows: 14

Sec. 2151.011. (A) As used in the Revised Code: 15

(1) "Juvenile court" means whichever of the following is 16
applicable that has jurisdiction under this chapter and Chapter 17
2152. of the Revised Code: 18

(a) The division of the court of common pleas specified in 19
section 2101.022 or 2301.03 of the Revised Code as having 20
jurisdiction under this chapter and Chapter 2152. of the Revised 21
Code or as being the juvenile division or the juvenile division 22
combined with one or more other divisions; 23

(b) The juvenile court of Cuyahoga county or Hamilton 24
county that is separately and independently created by section 25
2151.08 or Chapter 2153. of the Revised Code and that has 26
jurisdiction under this chapter and Chapter 2152. of the Revised 27
Code; 28

(c) If division (A) (1) (a) or (b) of this section does not 29
apply, the probate division of the court of common pleas. 30

(2) "Juvenile judge" means a judge of a court having 31
jurisdiction under this chapter. 32

(3) "Private child placing agency" means any association, 33
as defined in section 5103.02 of the Revised Code, that is 34
certified under section 5103.03 of the Revised Code to accept 35
temporary, permanent, or legal custody of children and place the 36
children for either foster care or adoption. 37

(4) "Private noncustodial agency" means any person, 38
organization, association, or society certified by the 39
department of job and family services that does not accept 40
temporary or permanent legal custody of children, that is 41
privately operated in this state, and that does one or more of 42
the following: 43

(a) Receives and cares for children for two or more 44
consecutive weeks; 45

(b) Participates in the placement of children in certified 46
foster homes; 47

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	48 49
(B) As used in this chapter:	50
(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.	51 52 53 54 55 56
(2) "Adult" means an individual who is eighteen years of age or older.	57 58
(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.	59 60 61 62
(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.	63 64 65 66 67 68
(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.	69 70 71
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that	72 73 74 75 76

adjudication, a person who is so adjudicated an unruly child 77
shall be deemed a "child" until the person attains twenty-one 78
years of age. 79

(7) "Child day camp," "child care," "child day-care 80
center," "part-time child day-care center," "type A family day- 81
care home," "licensed type B family day-care home," "type B 82
family day-care home," "administrator of a child day-care 83
center," "administrator of a type A family day-care home," and 84
"in-home aide" have the same meanings as in section 5104.01 of 85
the Revised Code. 86

(8) "Child care provider" means an individual who is a 87
child-care staff member or administrator of a child day-care 88
center, a type A family day-care home, or a type B family day- 89
care home, or an in-home aide or an individual who is licensed, 90
is regulated, is approved, operates under the direction of, or 91
otherwise is certified by the department of job and family 92
services, department of developmental disabilities, or the early 93
childhood programs of the department of education. 94

(9) "Chronic truant" has the same meaning as in section 95
2152.02 of the Revised Code. 96

(10) "Commit" means to vest custody as ordered by the 97
court. 98

(11) "Counseling" includes both of the following: 99

(a) General counseling services performed by a public 100
children services agency or shelter for victims of domestic 101
violence to assist a child, a child's parents, and a child's 102
siblings in alleviating identified problems that may cause or 103
have caused the child to be an abused, neglected, or dependent 104
child. 105

(b) Psychiatric or psychological therapeutic counseling	106
services provided to correct or alleviate any mental or	107
emotional illness or disorder and performed by a licensed	108
psychiatrist, licensed psychologist, or a person licensed under	109
Chapter 4757. of the Revised Code to engage in social work or	110
professional counseling.	111
(12) "Custodian" means a person who has legal custody of a	112
child or a public children services agency or private child	113
placing agency that has permanent, temporary, or legal custody	114
of a child.	115
(13) "Delinquent child" has the same meaning as in section	116
2152.02 of the Revised Code.	117
(14) "Detention" means the temporary care of children	118
pending court adjudication or disposition, or execution of a	119
court order, in a public or private facility designed to	120
physically restrict the movement and activities of children.	121
(15) "Developmental disability" has the same meaning as in	122
section 5123.01 of the Revised Code.	123
(16) "Differential response approach" means an approach	124
that a public children services agency may use to respond to	125
accepted reports of child abuse or neglect with either an	126
alternative response or a traditional response.	127
(17) "Foster caregiver" has the same meaning as in section	128
5103.02 of the Revised Code.	129
(18) "Guardian" means a person, association, or	130
corporation that is granted authority by a probate court	131
pursuant to Chapter 2111. of the Revised Code to exercise	132
parental rights over a child to the extent provided in the	133
court's order and subject to the residual parental rights of the	134

child's parents. 135

(19) "Habitual truant" means any child of compulsory 136
school age who is absent without legitimate excuse for absence 137
from the public school the child is supposed to attend for ~~five-~~ 138
~~thirty~~ or more consecutive ~~school days~~ hours, ~~seven-forty-two~~ or 139
more ~~school days~~ hours in one school month, or ~~twelve-seventy-~~ 140
~~two~~ or more ~~school days~~ hours in a school year. 141

(20) "Juvenile traffic offender" has the same meaning as 142
in section 2152.02 of the Revised Code. 143

(21) "Legal custody" means a legal status that vests in 144
the custodian the right to have physical care and control of the 145
child and to determine where and with whom the child shall live, 146
and the right and duty to protect, train, and discipline the 147
child and to provide the child with food, shelter, education, 148
and medical care, all subject to any residual parental rights, 149
privileges, and responsibilities. An individual granted legal 150
custody shall exercise the rights and responsibilities 151
personally unless otherwise authorized by any section of the 152
Revised Code or by the court. 153

(22) A "legitimate excuse for absence from the public 154
school the child is supposed to attend" includes, but is not 155
limited to, any of the following: 156

(a) The fact that the child in question has enrolled in 157
and is attending another public or nonpublic school in this or 158
another state; 159

(b) The fact that the child in question is excused from 160
attendance at school for any of the reasons specified in section 161
3321.04 of the Revised Code; 162

(c) The fact that the child in question has received an 163

age and schooling certificate in accordance with section 3331.01	164
of the Revised Code.	165
(23) "Mental illness" and "mentally ill person subject to	166
court order" have the same meanings as in section 5122.01 of the	167
Revised Code.	168
(24) "Mental injury" means any behavioral, cognitive,	169
emotional, or mental disorder in a child caused by an act or	170
omission that is described in section 2919.22 of the Revised	171
Code and is committed by the parent or other person responsible	172
for the child's care.	173
(25) "Mentally retarded person" has the same meaning as in	174
section 5123.01 of the Revised Code.	175
(26) "Nonsecure care, supervision, or training" means	176
care, supervision, or training of a child in a facility that	177
does not confine or prevent movement of the child within the	178
facility or from the facility.	179
(27) "Of compulsory school age" has the same meaning as in	180
section 3321.01 of the Revised Code.	181
(28) "Organization" means any institution, public,	182
semipublic, or private, and any private association, society, or	183
agency located or operating in the state, incorporated or	184
unincorporated, having among its functions the furnishing of	185
protective services or care for children, or the placement of	186
children in certified foster homes or elsewhere.	187
(29) "Out-of-home care" means detention facilities,	188
shelter facilities, certified children's crisis care facilities,	189
certified foster homes, placement in a prospective adoptive home	190
prior to the issuance of a final decree of adoption,	191
organizations, certified organizations, child day-care centers,	192

type A family day-care homes, type B family day-care homes, 193
child care provided by in-home aides, group home providers, 194
group homes, institutions, state institutions, residential 195
facilities, residential care facilities, residential camps, day 196
camps, private, nonprofit therapeutic wilderness camps, public 197
schools, chartered nonpublic schools, educational service 198
centers, hospitals, and medical clinics that are responsible for 199
the care, physical custody, or control of children. 200

(30) "Out-of-home care child abuse" means any of the 201
following when committed by a person responsible for the care of 202
a child in out-of-home care: 203

(a) Engaging in sexual activity with a child in the 204
person's care; 205

(b) Denial to a child, as a means of punishment, of proper 206
or necessary subsistence, education, medical care, or other care 207
necessary for a child's health; 208

(c) Use of restraint procedures on a child that cause 209
injury or pain; 210

(d) Administration of prescription drugs or psychotropic 211
medication to the child without the written approval and ongoing 212
supervision of a licensed physician; 213

(e) Commission of any act, other than by accidental means, 214
that results in any injury to or death of the child in out-of- 215
home care or commission of any act by accidental means that 216
results in an injury to or death of a child in out-of-home care 217
and that is at variance with the history given of the injury or 218
death. 219

(31) "Out-of-home care child neglect" means any of the 220
following when committed by a person responsible for the care of 221

a child in out-of-home care:	222
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	223 224 225
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	226 227 228 229
(c) Failure to develop a process for all of the following:	230
(i) Administration of prescription drugs or psychotropic drugs for the child;	231 232
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	233 234
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	235 236 237
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	238 239 240
(e) Confinement of the child to a locked room without monitoring by staff;	241 242
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	243 244
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	245 246 247 248

(32) "Permanent custody" means a legal status that vests 249
in a public children services agency or a private child placing 250
agency, all parental rights, duties, and obligations, including 251
the right to consent to adoption, and divests the natural 252
parents or adoptive parents of all parental rights, privileges, 253
and obligations, including all residual rights and obligations. 254

(33) "Permanent surrender" means the act of the parents 255
or, if a child has only one parent, of the parent of a child, by 256
a voluntary agreement authorized by section 5103.15 of the 257
Revised Code, to transfer the permanent custody of the child to 258
a public children services agency or a private child placing 259
agency. 260

(34) "Person" means an individual, association, 261
corporation, or partnership and the state or any of its 262
political subdivisions, departments, or agencies. 263

(35) "Person responsible for a child's care in out-of-home 264
care" means any of the following: 265

(a) Any foster caregiver, in-home aide, or provider; 266

(b) Any administrator, employee, or agent of any of the 267
following: a public or private detention facility; shelter 268
facility; certified children's crisis care facility; 269
organization; certified organization; child day-care center; 270
type A family day-care home; licensed type B family day-care 271
home; group home; institution; state institution; residential 272
facility; residential care facility; residential camp; day camp; 273
school district; community school; chartered nonpublic school; 274
educational service center; hospital; or medical clinic; 275

(c) Any person who supervises or coaches children as part 276
of an extracurricular activity sponsored by a school district, 277

public school, or chartered nonpublic school;	278
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	279 280
(36) "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:	281 282 283 284 285
(a) A substantial impairment of vision, speech, or hearing;	286 287
(b) A congenital orthopedic impairment;	288
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	289 290 291
(37) "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.	292 293 294 295
(38) "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.	296 297 298 299
(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	300 301 302
(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.	303 304 305

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

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

(42) "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) "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) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(45) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(46) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

(47) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

(48) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(49) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(50) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

(51) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(52) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

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

(54) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or

disposition.	363
(55) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	364 365
(56) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.	366 367 368 369 370
(57) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.	371 372 373 374 375 376 377
(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.	378 379 380 381 382
Sec. 2151.022. As used in this chapter, "unruly child" includes any of the following:	383 384
(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;	385 386 387
(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;	388 389 390

(C) Any child who behaves in a manner as to injure or 391
endanger the child's own health or morals or the health or 392
morals of others; 393

(D) Any child who violates a law, other than division (C) 394
of section 2907.39, division (A) of section 2923.211, division 395
(C) (1) or (D) of section 2925.55, or section 2151.87 of the 396
Revised Code, that is applicable only to a child. 397

Sec. 2151.18. (A) The juvenile court shall maintain 398
records of all official cases brought before it, including, but 399
not limited to, an appearance docket, a journal, and records of 400
the type required by division (A) (2) of section 2151.35 of the 401
Revised Code. The parents, guardian, or other custodian of any 402
child affected, if living, or the nearest of kin of the child, 403
if the parents would be entitled to inspect the records but are 404
deceased, may inspect these records, either in person or by 405
counsel, during the hours in which the court is open. 406

(B) Not later than June of each year, the court shall 407
prepare an annual report covering the preceding calendar year 408
showing the number and kinds of cases that have come before it, 409
the disposition of the cases, and any other data pertaining to 410
the work of the court that the juvenile judge directs. The 411
report shall specify the number of children placed in diversion 412
programs under division (G) of section 2151.27 of the Revised 413
Code, the number who successfully completed diversion programs, 414
and the number who failed to complete diversion programs and 415
were adjudicated unruly. The court shall file copies of the 416
report with the board of county commissioners and the supreme 417
court. With the approval of the board, the court may print or 418
cause to be printed copies of the report for distribution to 419
persons and agencies interested in the court or community 420

program for dependent, neglected, abused, or delinquent children 421
and juvenile traffic offenders. The court shall include the 422
number of copies ordered printed and the estimated cost of each 423
printed copy on each copy of the report printed for 424
distribution. 425

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 426
section, any person having knowledge of a child who appears to 427
have violated section 2151.87 of the Revised Code or to be a 428
juvenile traffic offender or to be an unruly, abused, neglected, 429
or dependent child may file a sworn complaint with respect to 430
that child in the juvenile court of the county in which the 431
child has a residence or legal settlement or in which the 432
violation, unruliness, abuse, neglect, or dependency allegedly 433
occurred. If an alleged abused, neglected, or dependent child is 434
taken into custody pursuant to division (D) of section 2151.31 435
of the Revised Code or is taken into custody pursuant to 436
division (A) of section 2151.31 of the Revised Code without the 437
filing of a complaint and placed into shelter care pursuant to 438
division (C) of that section, a sworn complaint shall be filed 439
with respect to the child before the end of the next day after 440
the day on which the child was taken into custody. The sworn 441
complaint may be upon information and belief, and, in addition 442
to the allegation that the child committed the violation or is 443
an unruly, abused, neglected, or dependent child, the complaint 444
shall allege the particular facts upon which the allegation that 445
the child committed the violation or is an unruly, abused, 446
neglected, or dependent child is based. 447

(2) Any person having knowledge of a child who appears to 448
be an unruly child for being an habitual truant may file a sworn 449
complaint with respect to that child and the parent, guardian, 450
or other person having care of the child in the juvenile court 451

of the county in which the child has a residence or legal 452
settlement or in which the child is supposed to attend public 453
school. The sworn complaint may be upon information and belief 454
and shall contain the following allegations: 455

(a) That the child is an unruly child for being an 456
habitual truant and, in addition, the particular facts upon 457
which that allegation is based; 458

(b) That the parent, guardian, or other person having care 459
of the child has failed to cause the child's attendance at 460
school in violation of section 3321.38 of the Revised Code and, 461
in addition, the particular facts upon which that allegation is 462
based. 463

(B) If a child, before arriving at the age of eighteen 464
years, allegedly commits an act for which the child may be 465
adjudicated an unruly child and if the specific complaint 466
alleging the act is not filed or a hearing on that specific 467
complaint is not held until after the child arrives at the age 468
of eighteen years, the court has jurisdiction to hear and 469
dispose of the complaint as if the complaint were filed and the 470
hearing held before the child arrived at the age of eighteen 471
years. 472

(C) If the complainant in a case in which a child is 473
alleged to be an abused, neglected, or dependent child desires 474
permanent custody of the child or children, temporary custody of 475
the child or children, whether as the preferred or an 476
alternative disposition, or the placement of the child in a 477
planned permanent living arrangement, the complaint shall 478
contain a prayer specifically requesting permanent custody, 479
temporary custody, or the placement of the child in a planned 480
permanent living arrangement. 481

(D) Any person with standing under applicable law may file 482
a complaint for the determination of any other matter over which 483
the juvenile court is given jurisdiction by section 2151.23 of 484
the Revised Code. The complaint shall be filed in the county in 485
which the child who is the subject of the complaint is found or 486
was last known to be found. 487

(E) A public children services agency, acting pursuant to 488
a complaint or an action on a complaint filed under this 489
section, is not subject to the requirements of section 3127.23 490
of the Revised Code. 491

(F) Upon the filing of a complaint alleging that a child 492
is an unruly child, the court may hold the complaint in abeyance 493
pending the child's successful completion of actions that 494
constitute a method to divert the child from the juvenile court 495
system. The method may be adopted by a county pursuant to 496
divisions (D) and (E) of section 121.37 of the Revised Code or 497
it may be another method that the court considers satisfactory. 498
If the child completes the actions to the court's satisfaction, 499
the court may dismiss the complaint. If the child fails to 500
complete the actions to the court's satisfaction, the court may 501
consider the complaint. 502

(G) (1) Upon the filing of a complaint that a child is an 503
unruly child that is based solely on a child being an habitual 504
truant, and with the consent of the child's parent or guardian, 505
the court shall hold the complaint in abeyance pending the 506
child's completion of or failure to comply with a diversion 507
program. 508

(2) Within thirty days after the complaint is filed, the 509
court or a person, agency, or organization appointed by the 510
court, in consultation with the child, the child's parent or 511

guardian, and the child's school, shall develop a diversion 512
program. The program shall include specific goals and timelines. 513
If the child completes the program to the court's satisfaction, 514
the court shall dismiss the complaint. If the child fails to 515
make progress toward completion of the program to the court's 516
satisfaction, the court shall modify the program or consider the 517
complaint. 518

Sec. 2151.311. (A) A person taking a child into custody 519
shall, with all reasonable speed and in accordance with division 520
(C) of this section, either: 521

(1) Release the child to the child's parents, guardian, or 522
other custodian, unless the child's detention or shelter care 523
appears to be warranted or required as provided in section 524
2151.31 of the Revised Code; 525

(2) Bring the child to the court or deliver the child to a 526
place of detention or shelter care designated by the court and 527
promptly give notice thereof, together with a statement of the 528
reason for taking the child into custody, to a parent, guardian, 529
or other custodian and to the court. 530

(B) If a parent, guardian, or other custodian fails, when 531
requested by the court, to bring the child before the court as 532
provided by this section, the court may issue its warrant 533
directing that the child be taken into custody and brought 534
before the court. 535

(C) (1) Before taking any action required by division (A) 536
of this section, a person taking a child into custody may hold 537
the child for processing purposes in a county, multicounty, or 538
municipal jail or workhouse, or other place where an adult 539
convicted of crime, under arrest, or charged with crime is held 540

for either of the following periods of time:	541
(a) For a period not to exceed six hours, if all of the following apply:	542
(i) The child is alleged to be a delinquent child for the commission of an act that would be a felony if committed by an adult;	543
(ii) The child remains beyond the range of touch of all adult detainees;	544
(iii) The child is visually supervised by jail or workhouse personnel at all times during the detention;	545
(iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention.	546
(b) For a period not to exceed three hours, if all of the following apply:	547
(i) The child is alleged to be a delinquent child for the commission of an act that would be a misdemeanor if committed by an adult, is alleged to be a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being an habitual truant , or is alleged to be an unruly child or a juvenile traffic offender;	548
(ii) The child remains beyond the range of touch of all adult detainees;	549
(iii) The child is visually supervised by jail or workhouse personnel at all times during the detention;	550
(iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention.	551
(2) If a child has been transferred to an adult court for	552

prosecution for the alleged commission of a criminal offense, 568
subsequent to the transfer, the child may be held as described 569
in division (F) of section 2152.26 or division (B) of section 570
5120.16 of the Revised Code. 571

(D) If a person who is alleged to be or has been 572
adjudicated a delinquent child or who is in any other category 573
of persons identified in this section is confined under 574
authority of this section in a place specified in division (C) 575
of this section, the fact of the person's admission to and 576
confinement in that place is restricted as described in division 577
(G) of section 2152.26 of the Revised Code. 578

(E) As used in division (C) (1) of this section, 579
"processing purposes" means all of the following: 580

(1) Fingerprinting, photographing, or fingerprinting and 581
photographing the child in a secure area of the facility; 582

(2) Interrogating the child, contacting the child's parent 583
or guardian, arranging for placement of the child, or arranging 584
for transfer or transferring the child, while holding the child 585
in a nonsecure area of the facility. 586

Sec. 2151.35. (A) (1) Except as otherwise provided by 587
division (A) (3) of this section or in section 2152.13 of the 588
Revised Code, the juvenile court may conduct its hearings in an 589
informal manner and may adjourn its hearings from time to time. 590
The court may exclude the general public from its hearings in a 591
particular case if the court holds a separate hearing to 592
determine whether that exclusion is appropriate. If the court 593
decides that exclusion of the general public is appropriate, the 594
court still may admit to a particular hearing or all of the 595
hearings relating to a particular case those persons who have a 596

direct interest in the case and those who demonstrate that their 597
need for access outweighs the interest in keeping the hearing 598
closed. 599

Except cases involving children who are alleged to be 600
unruly or delinquent children for being habitual or chronic 601
truants and except as otherwise provided in section 2152.13 of 602
the Revised Code, all cases involving children shall be heard 603
separately and apart from the trial of cases against adults. The 604
court may excuse the attendance of the child at the hearing in 605
cases involving abused, neglected, or dependent children. The 606
court shall hear and determine all cases of children without a 607
jury, except cases involving serious youthful offenders under 608
section 2152.13 of the Revised Code. 609

If a complaint alleges a child to be a delinquent child, 610
unruly child, or juvenile traffic offender, the court shall 611
require the parent, guardian, or custodian of the child to 612
attend all proceedings of the court regarding the child. If a 613
parent, guardian, or custodian fails to so attend, the court may 614
find the parent, guardian, or custodian in contempt. 615

If the court finds from clear and convincing evidence that 616
the child violated section 2151.87 of the Revised Code, the 617
court shall proceed in accordance with divisions (F) and (G) of 618
that section. 619

If the court at the adjudicatory hearing finds from clear 620
and convincing evidence that the child is an abused, neglected, 621
or dependent child, the court shall proceed, in accordance with 622
division (B) of this section, to hold a dispositional hearing 623
and hear the evidence as to the proper disposition to be made 624
under section 2151.353 of the Revised Code. If the court at the 625
adjudicatory hearing finds beyond a reasonable doubt that the 626

child is a delinquent or unruly child or a juvenile traffic 627
offender, the court shall proceed immediately, or at a postponed 628
hearing, to hear the evidence as to the proper disposition to be 629
made under section 2151.354 or Chapter 2152. of the Revised 630
Code. If the court at the adjudicatory hearing finds beyond a 631
reasonable doubt that the child is an unruly child for being an 632
habitual truant, or that the child is an unruly child for being 633
an habitual truant and that the parent, guardian, or other 634
person having care of the child has failed to cause the child's 635
attendance at school in violation of section 3321.38 of the 636
Revised Code, the court shall proceed to hold a hearing to hear 637
the evidence as to the proper disposition to be made in regard 638
to the child under division (C) (1) of section 2151.354 of the 639
Revised Code and the proper action to take in regard to the 640
parent, guardian, or other person having care of the child under 641
division (C) (2) of section 2151.354 of the Revised Code. If the 642
court at the adjudicatory hearing finds beyond a reasonable 643
doubt that the child is a delinquent child for being a chronic 644
~~truant or for being an habitual truant who previously has been~~ 645
~~adjudicated an unruly child for being an habitual truant,~~ or 646
that the child is a delinquent child for ~~either of those reasons~~ 647
being a chronic truant and the parent, guardian, or other person 648
having care of the child has failed to cause the child's 649
attendance at school in violation of section 3321.38 of the 650
Revised Code, the court shall proceed to hold a hearing to hear 651
the evidence as to the proper disposition to be made in regard 652
to the child under division (A) (7) (a) of section 2152.19 of the 653
Revised Code and the proper action to take in regard to the 654
parent, guardian, or other person having care of the child under 655
division (A) (7) (b) of section 2152.19 of the Revised Code. 656

If the court does not find the child to have violated 657

section 2151.87 of the Revised Code or to be an abused, 658
neglected, dependent, delinquent, or unruly child or a juvenile 659
traffic offender, it shall order that the case be dismissed and 660
that the child be discharged from any detention or restriction 661
theretofore ordered. 662

(2) A record of all testimony and other oral proceedings 663
in juvenile court shall be made in all proceedings that are held 664
pursuant to section 2151.414 of the Revised Code or in which an 665
order of disposition may be made pursuant to division (A) (4) of 666
section 2151.353 of the Revised Code, and shall be made upon 667
request in any other proceedings. The record shall be made as 668
provided in section 2301.20 of the Revised Code. 669

(3) The authority of a juvenile court to exclude the 670
general public from its hearings that is provided by division 671
(A) (1) of this section does not limit or affect any right of a 672
victim of a crime or delinquent act, or of a victim's 673
representative, under Chapter 2930. of the Revised Code. 674

(B) (1) If the court at an adjudicatory hearing determines 675
that a child is an abused, neglected, or dependent child, the 676
court shall not issue a dispositional order until after the 677
court holds a separate dispositional hearing. The court may hold 678
the dispositional hearing for an adjudicated abused, neglected, 679
or dependent child immediately after the adjudicatory hearing if 680
all parties were served prior to the adjudicatory hearing with 681
all documents required for the dispositional hearing. The 682
dispositional hearing may not be held more than thirty days 683
after the adjudicatory hearing is held. The court, upon the 684
request of any party or the guardian ad litem of the child, may 685
continue a dispositional hearing for a reasonable time not to 686
exceed the time limits set forth in this division to enable a 687

party to obtain or consult counsel. The dispositional hearing 688
shall not be held more than ninety days after the date on which 689
the complaint in the case was filed. 690

If the dispositional hearing is not held within the period 691
of time required by this division, the court, on its own motion 692
or the motion of any party or the guardian ad litem of the 693
child, shall dismiss the complaint without prejudice. 694

(2) The dispositional hearing shall be conducted in 695
accordance with all of the following: 696

(a) The judge or referee who presided at the adjudicatory 697
hearing shall preside, if possible, at the dispositional 698
hearing; 699

(b) The court may admit any evidence that is material and 700
relevant, including, but not limited to, hearsay, opinion, and 701
documentary evidence; 702

(c) Medical examiners and each investigator who prepared a 703
social history shall not be cross-examined, except upon consent 704
of the parties, for good cause shown, or as the court in its 705
discretion may direct. Any party may offer evidence 706
supplementing, explaining, or disputing any information 707
contained in the social history or other reports that may be 708
used by the court in determining disposition. 709

(3) After the conclusion of the dispositional hearing, the 710
court shall enter an appropriate judgment within seven days and 711
shall schedule the date for the hearing to be held pursuant to 712
section 2151.415 of the Revised Code. The court may make any 713
order of disposition that is set forth in section 2151.353 of 714
the Revised Code. A copy of the judgment shall be given to each 715
party and to the child's guardian ad litem. If the judgment is 716

conditional, the order shall state the conditions of the 717
judgment. If the child is not returned to the child's own home, 718
the court shall determine which school district shall bear the 719
cost of the child's education and shall comply with section 720
2151.36 of the Revised Code. 721

(4) As part of its dispositional order, the court may 722
issue any order described in division (B) of section 2151.33 of 723
the Revised Code. 724

(C) The court shall give all parties to the action and the 725
child's guardian ad litem notice of the adjudicatory and 726
dispositional hearings in accordance with the Juvenile Rules. 727

(D) If the court issues an order pursuant to division (A) 728
(4) of section 2151.353 of the Revised Code committing a child 729
to the permanent custody of a public children services agency or 730
a private child placing agency, the parents of the child whose 731
parental rights were terminated cease to be parties to the 732
action upon the issuance of the order. This division is not 733
intended to eliminate or restrict any right of the parents to 734
appeal the permanent custody order issued pursuant to division 735
(A) (4) of section 2151.353 of the Revised Code. 736

(E) Each juvenile court shall schedule its hearings in 737
accordance with the time requirements of this chapter. 738

(F) In cases regarding abused, neglected, or dependent 739
children, the court may admit any statement of a child that the 740
court determines to be excluded by the hearsay rule if the 741
proponent of the statement informs the adverse party of the 742
proponent's intention to offer the statement and of the 743
particulars of the statement, including the name of the 744
declarant, sufficiently in advance of the hearing to provide the 745

party with a fair opportunity to prepare to challenge, respond 746
to, or defend against the statement, and the court determines 747
all of the following: 748

(1) The statement has circumstantial guarantees of 749
trustworthiness; 750

(2) The statement is offered as evidence of a material 751
fact; 752

(3) The statement is more probative on the point for which 753
it is offered than any other evidence that the proponent can 754
procure through reasonable efforts; 755

(4) The general purposes of the evidence rules and the 756
interests of justice will best be served by the admission of the 757
statement into evidence. 758

(G) If a child is alleged to be an abused child, the court 759
may order that the testimony of the child be taken by 760
deposition. On motion of the prosecuting attorney, guardian ad 761
litem, or any party, or in its own discretion, the court may 762
order that the deposition be videotaped. Any deposition taken 763
under this division shall be taken with a judge or referee 764
present. 765

If a deposition taken under this division is intended to 766
be offered as evidence at the hearing, it shall be filed with 767
the court. Part or all of the deposition is admissible in 768
evidence if counsel for all parties had an opportunity and 769
similar motive at the time of the taking of the deposition to 770
develop the testimony by direct, cross, or redirect examination 771
and the judge determines that there is reasonable cause to 772
believe that if the child were to testify in person at the 773
hearing, the child would experience emotional trauma as a result 774

of participating at the hearing. 775

Sec. 2151.354. (A) If the child is adjudicated an unruly 776
child, the court may: 777

(1) Make any of the dispositions authorized under section 778
2151.353 of the Revised Code; 779

(2) Place the child on community control under any 780
sanctions, services, and conditions that the court prescribes, 781
as described in division (A) (4) of section 2152.19 of the 782
Revised Code, provided that, if the court imposes a period of 783
community service upon the child, the period of community 784
service shall not exceed one hundred seventy-five hours; 785

(3) Suspend the driver's license, probationary driver's 786
license, or temporary instruction permit issued to the child for 787
a period of time prescribed by the court and suspend the 788
registration of all motor vehicles registered in the name of the 789
child for a period of time prescribed by the court. A child 790
whose license or permit is so suspended is ineligible for 791
issuance of a license or permit during the period of suspension. 792
At the end of the period of suspension, the child shall not be 793
reissued a license or permit until the child has paid any 794
applicable reinstatement fee and complied with all requirements 795
governing license reinstatement. 796

(4) Commit the child to the temporary or permanent custody 797
of the court; 798

(5) Make any further disposition the court finds proper 799
that is consistent with sections 2151.312 and 2151.56 to 2151.59 800
of the Revised Code; 801

(6) If, after making a disposition under division (A) (1), 802
(2), or (3) of this section, the court finds upon further 803

hearing that the child is not amenable to treatment or 804
rehabilitation under that disposition, make a disposition 805
otherwise authorized under divisions (A) (1), (4), (5), and (8) 806
of section 2152.19 of the Revised Code that is consistent with 807
sections 2151.312 and 2151.56 to 2151.59 of the Revised Code. 808

(B) If a child is adjudicated an unruly child for 809
committing any act that, if committed by an adult, would be a 810
drug abuse offense, as defined in section 2925.01 of the Revised 811
Code, or a violation of division (B) of section 2917.11 of the 812
Revised Code, in addition to imposing, in its discretion, any 813
other order of disposition authorized by this section, the court 814
shall do both of the following: 815

(1) Require the child to participate in a drug abuse or 816
alcohol abuse counseling program; 817

(2) Suspend the temporary instruction permit, probationary 818
driver's license, or driver's license issued to the child for a 819
period of time prescribed by the court. The court, in its 820
discretion, may terminate the suspension if the child attends 821
and satisfactorily completes a drug abuse or alcohol abuse 822
education, intervention, or treatment program specified by the 823
court. During the time the child is attending a program as 824
described in this division, the court shall retain the child's 825
temporary instruction permit, probationary driver's license, or 826
driver's license, and the court shall return the permit or 827
license if it terminates the suspension. 828

(C) (1) If a child is adjudicated an unruly child for being 829
an habitual truant, in addition to or in lieu of imposing any 830
other order of disposition authorized by this section, the court 831
may do any of the following: 832

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

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

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

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

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

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

(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 the child's violation of a court order regarding the child's designation 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 891
the department and admission to a comparable facility outside 892
this state by another state or the United States. 893

(C) (1) "Child" means a person who is under eighteen years 894
of age, except as otherwise provided in divisions (C) (2) to (8) 895
of this section. 896

(2) Subject to division (C) (3) of this section, any person 897
who violates a federal or state law or a municipal ordinance 898
prior to attaining eighteen years of age shall be deemed a 899
"child" irrespective of that person's age at the time the 900
complaint with respect to that violation is filed or the hearing 901
on the complaint is held. 902

(3) Any person who, while under eighteen years of age, 903
commits an act that would be a felony if committed by an adult 904
and who is not taken into custody or apprehended for that act 905
until after the person attains twenty-one years of age is not a 906
child in relation to that act. 907

(4) Except as otherwise provided in divisions (C) (5) and 908
(7) of this section, any person whose case is transferred for 909
criminal prosecution pursuant to section 2152.12 of the Revised 910
Code shall be deemed after the transfer not to be a child in the 911
transferred case. 912

(5) Any person whose case is transferred for criminal 913
prosecution pursuant to section 2152.12 of the Revised Code and 914
who subsequently is convicted of or pleads guilty to a felony in 915
that case, unless a serious youthful offender dispositional 916
sentence is imposed on the child for that offense under division 917
(B) (2) or (3) of section 2152.121 of the Revised Code and the 918
adult portion of that sentence is not invoked pursuant to 919

section 2152.14 of the Revised Code, and any person who is 920
adjudicated a delinquent child for the commission of an act, who 921
has a serious youthful offender dispositional sentence imposed 922
for the act pursuant to section 2152.13 of the Revised Code, and 923
whose adult portion of the dispositional sentence is invoked 924
pursuant to section 2152.14 of the Revised Code, shall be deemed 925
after the conviction, plea, or invocation not to be a child in 926
any case in which a complaint is filed against the person. 927

(6) The juvenile court has jurisdiction over a person who 928
is adjudicated a delinquent child or juvenile traffic offender 929
prior to attaining eighteen years of age until the person 930
attains twenty-one years of age, and, for purposes of that 931
jurisdiction related to that adjudication, except as otherwise 932
provided in this division, a person who is so adjudicated a 933
delinquent child or juvenile traffic offender shall be deemed a 934
"child" until the person attains twenty-one years of age. If a 935
person is so adjudicated a delinquent child or juvenile traffic 936
offender and the court makes a disposition of the person under 937
this chapter, at any time after the person attains twenty-one 938
years of age, the places at which the person may be held under 939
that disposition are not limited to places authorized under this 940
chapter solely for confinement of children, and the person may 941
be confined under that disposition, in accordance with division 942
(F) (2) of section 2152.26 of the Revised Code, in places other 943
than those authorized under this chapter solely for confinement 944
of children. 945

(7) The juvenile court has jurisdiction over any person 946
whose case is transferred for criminal prosecution solely for 947
the purpose of detaining the person as authorized in division 948
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 949
person is convicted of or pleads guilty to a felony in the adult 950

court. 951

(8) Any person who, while eighteen years of age, violates 952
division (A) (1) or (2) of section 2919.27 of the Revised Code by 953
violating a protection order issued or consent agreement 954
approved under section 2151.34 or 3113.31 of the Revised Code 955
shall be considered a child for the purposes of that violation 956
of section 2919.27 of the Revised Code. 957

(D) "Chronic truant" means any child of compulsory school 958
age who ~~is absent without legitimate excuse for absence from the~~ 959
~~public school the child is supposed to attend for seven or more~~ 960
~~consecutive school days, ten or more school days in one school~~ 961
~~month, or fifteen or more school days in a school year~~ has been 962
adjudicated an unruly child for being an habitual truant and who 963
violates the court order regarding that adjudication. 964

(E) "Community corrections facility," "public safety 965
beds," "release authority," and "supervised release" have the 966
same meanings as in section 5139.01 of the Revised Code. 967

(F) "Delinquent child" includes any of the following: 968

(1) Any child, except a juvenile traffic offender, who 969
violates any law of this state or the United States, or any 970
ordinance of a political subdivision of the state, that would be 971
an offense if committed by an adult; 972

(2) Any child who violates any lawful order of the court 973
made under this chapter or under Chapter 2151. of the Revised 974
Code other than an order issued under section 2151.87 of the 975
Revised Code; 976

(3) Any child who violates division (C) of section 977
2907.39, division (A) of section 2923.211, or division (C) (1) or 978
(D) of section 2925.55 of the Revised Code; 979

(4) Any child who is a habitual truant and who previously	980
has been adjudicated an unruly child for being a habitual	981
truant.	982
(5) Any child who is a chronic truant.	983
(G) "Discretionary serious youthful offender" means a	984
person who is eligible for a discretionary SYO and who is not	985
transferred to adult court under a mandatory or discretionary	986
transfer.	987
(H) "Discretionary SYO" means a case in which the juvenile	988
court, in the juvenile court's discretion, may impose a serious	989
youthful offender disposition under section 2152.13 of the	990
Revised Code.	991
(I) "Discretionary transfer" means that the juvenile court	992
has discretion to transfer a case for criminal prosecution under	993
division (B) of section 2152.12 of the Revised Code.	994
(J) "Drug abuse offense," "felony drug abuse offense," and	995
"minor drug possession offense" have the same meanings as in	996
section 2925.01 of the Revised Code.	997
(K) "Electronic monitoring" and "electronic monitoring	998
device" have the same meanings as in section 2929.01 of the	999
Revised Code.	1000
(L) "Economic loss" means any economic detriment suffered	1001
by a victim of a delinquent act or juvenile traffic offense as a	1002
direct and proximate result of the delinquent act or juvenile	1003
traffic offense and includes any loss of income due to lost time	1004
at work because of any injury caused to the victim and any	1005
property loss, medical cost, or funeral expense incurred as a	1006
result of the delinquent act or juvenile traffic offense.	1007
"Economic loss" does not include non-economic loss or any	1008

punitive or exemplary damages. 1009

(M) "Firearm" has the same meaning as in section 2923.11 1010
of the Revised Code. 1011

(N) "Juvenile traffic offender" means any child who 1012
violates any traffic law, traffic ordinance, or traffic 1013
regulation of this state, the United States, or any political 1014
subdivision of this state, other than a resolution, ordinance, 1015
or regulation of a political subdivision of this state the 1016
violation of which is required to be handled by a parking 1017
violations bureau or a joint parking violations bureau pursuant 1018
to Chapter 4521. of the Revised Code. 1019

(O) A "legitimate excuse for absence from the public 1020
school the child is supposed to attend" has the same meaning as 1021
in section 2151.011 of the Revised Code. 1022

(P) "Mandatory serious youthful offender" means a person 1023
who is eligible for a mandatory SYO and who is not transferred 1024
to adult court under a mandatory or discretionary transfer and 1025
also includes, for purposes of imposition of a mandatory serious 1026
youthful dispositional sentence under section 2152.13 of the 1027
Revised Code, a person upon whom a juvenile court is required to 1028
impose such a sentence under division (B) (3) of section 2152.121 1029
of the Revised Code. 1030

(Q) "Mandatory SYO" means a case in which the juvenile 1031
court is required to impose a mandatory serious youthful 1032
offender disposition under section 2152.13 of the Revised Code. 1033

(R) "Mandatory transfer" means that a case is required to 1034
be transferred for criminal prosecution under division (A) of 1035
section 2152.12 of the Revised Code. 1036

(S) "Mental illness" has the same meaning as in section 1037

5122.01 of the Revised Code.	1038
(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	1039 1040
(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	1041 1042
(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	1043 1044
(W) "Public record" has the same meaning as in section 149.43 of the Revised Code.	1045 1046
(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code.	1047 1048 1049 1050 1051 1052 1053 1054
(Y) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.	1055 1056 1057 1058 1059 1060 1061
(Z) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of	1062 1063 1064 1065 1066

the Revised Code. 1067

(AA) "Transfer" means the transfer for criminal 1068
prosecution of a case involving the alleged commission by a 1069
child of an act that would be an offense if committed by an 1070
adult from the juvenile court to the appropriate court that has 1071
jurisdiction of the offense. 1072

(BB) "Category one offense" means any of the following: 1073

(1) A violation of section 2903.01 or 2903.02 of the 1074
Revised Code; 1075

(2) A violation of section 2923.02 of the Revised Code 1076
involving an attempt to commit aggravated murder or murder. 1077

(CC) "Category two offense" means any of the following: 1078

(1) A violation of section 2903.03, 2905.01, 2907.02, 1079
2909.02, 2911.01, or 2911.11 of the Revised Code; 1080

(2) A violation of section 2903.04 of the Revised Code 1081
that is a felony of the first degree; 1082

(3) A violation of section 2907.12 of the Revised Code as 1083
it existed prior to September 3, 1996. 1084

(DD) "Non-economic loss" means nonpecuniary harm suffered 1085
by a victim of a delinquent act or juvenile traffic offense as a 1086
result of or related to the delinquent act or juvenile traffic 1087
offense, including, but not limited to, pain and suffering; loss 1088
of society, consortium, companionship, care, assistance, 1089
attention, protection, advice, guidance, counsel, instruction, 1090
training, or education; mental anguish; and any other intangible 1091
loss. 1092

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 1093

section, any person having knowledge of a child who appears to 1094
be a juvenile traffic offender or to be a delinquent child may 1095
file a sworn complaint with respect to that child in the 1096
juvenile court of the county in which the child has a residence 1097
or legal settlement or in which the traffic offense or 1098
delinquent act allegedly occurred. The sworn complaint may be 1099
upon information and belief, and, in addition to the allegation 1100
that the child is a delinquent child or a juvenile traffic 1101
offender, the complaint shall allege the particular facts upon 1102
which the allegation that the child is a delinquent child or a 1103
juvenile traffic offender is based. 1104

If a child appears to be a delinquent child who is 1105
eligible for a serious youthful offender dispositional sentence 1106
under section 2152.11 of the Revised Code and if the prosecuting 1107
attorney desires to seek a serious youthful offender 1108
dispositional sentence under section 2152.13 of the Revised Code 1109
in regard to the child, the prosecuting attorney of the county 1110
in which the alleged delinquency occurs may initiate a case in 1111
the juvenile court of the county by presenting the case to a 1112
grand jury for indictment, by charging the child in a bill of 1113
information as a serious youthful offender pursuant to section 1114
2152.13 of the Revised Code, by requesting a serious youthful 1115
offender dispositional sentence in the original complaint 1116
alleging that the child is a delinquent child, or by filing with 1117
the juvenile court a written notice of intent to seek a serious 1118
youthful offender dispositional sentence. This paragraph does 1119
not apply regarding the imposition of a serious youthful 1120
offender dispositional sentence pursuant to section 2152.121 of 1121
the Revised Code. 1122

(2) Any person having knowledge of a child who appears to 1123
be a delinquent child for being ~~an habitual or a~~ chronic truant 1124

may file a sworn complaint with respect to that child, or with 1125
respect to that child and the parent, guardian, or other person 1126
having care of the child, in the juvenile court of the county in 1127
which the child has a residence or legal settlement or in which 1128
the child is supposed to attend public school. The sworn 1129
complaint may be upon information and belief and shall allege 1130
that the child is a delinquent child for being a chronic truant 1131
~~or an habitual truant who previously has been adjudicated an~~ 1132
~~unruly child for being a habitual truant~~ and, in addition, the 1133
particular facts upon which that allegation is based. If the 1134
complaint contains allegations regarding the child's parent, 1135
guardian, or other person having care of the child, the 1136
complaint additionally shall allege that the parent, guardian, 1137
or other person having care of the child has failed to cause the 1138
child's attendance at school in violation of section 3321.38 of 1139
the Revised Code and, in addition, the particular facts upon 1140
which that allegation is based. 1141

(B) Any person with standing under applicable law may file 1142
a complaint for the determination of any other matter over which 1143
the juvenile court is given jurisdiction by section 2151.23 of 1144
the Revised Code. The complaint shall be filed in the county in 1145
which the child who is the subject of the complaint is found or 1146
was last known to be found. 1147

(C) Within ten days after the filing of a complaint or the 1148
issuance of an indictment, the court shall give written notice 1149
of the filing of the complaint or the issuance of an indictment 1150
and of the substance of the complaint or indictment to the 1151
superintendent of a city, local, exempted village, or joint 1152
vocational school district if the complaint or indictment 1153
alleges that a child committed an act that would be a criminal 1154
offense if committed by an adult, that the child was sixteen 1155

years of age or older at the time of the commission of the 1156
alleged act, and that the alleged act is any of the following: 1157

(1) A violation of section 2923.122 of the Revised Code 1158
that relates to property owned or controlled by, or to an 1159
activity held under the auspices of, the board of education of 1160
that school district; 1161

(2) A violation of section 2923.12 of the Revised Code, of 1162
a substantially similar municipal ordinance, or of section 1163
2925.03 of the Revised Code that was committed on property owned 1164
or controlled by, or at an activity held under the auspices of, 1165
the board of education of that school district; 1166

(3) A violation of section 2925.11 of the Revised Code 1167
that was committed on property owned or controlled by, or at an 1168
activity held under the auspices of, the board of education of 1169
that school district, other than a violation of that section 1170
that would be a minor drug possession offense if committed by an 1171
adult; 1172

(4) A violation of section 2903.01, 2903.02, 2903.03, 1173
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 1174
Code, or a violation of former section 2907.12 of the Revised 1175
Code, that was committed on property owned or controlled by, or 1176
at an activity held under the auspices of, the board of 1177
education of that school district, if the victim at the time of 1178
the commission of the alleged act was an employee of the board 1179
of education of that school district; 1180

(5) Complicity in any violation described in division (C) 1181
(1), (2), (3), or (4) of this section that was alleged to have 1182
been committed in the manner described in division (C) (1), (2), 1183
(3), or (4) of this section, regardless of whether the act of 1184

complicity was committed on property owned or controlled by, or 1185
at an activity held under the auspices of, the board of 1186
education of that school district. 1187

(D) A public children services agency, acting pursuant to 1188
a complaint or an action on a complaint filed under this 1189
section, is not subject to the requirements of section 3127.23 1190
of the Revised Code. 1191

(E) For purposes of the record to be maintained by the 1192
clerk under division (B) of section 2152.71 of the Revised Code, 1193
when a complaint is filed that alleges that a child is a 1194
delinquent child, the court shall determine if the victim of the 1195
alleged delinquent act was sixty-five years of age or older or 1196
permanently and totally disabled at the time of the alleged 1197
commission of the act. 1198

(F) (1) At any time after the filing of a complaint 1199
alleging that a child is a delinquent child and before 1200
adjudication, the court may hold a hearing to determine whether 1201
to hold the complaint in abeyance pending the child's successful 1202
completion of actions that constitute a method to divert the 1203
child from the juvenile court system if the child agrees to the 1204
hearing and either of the following applies: 1205

(a) The act charged would be a violation of section 1206
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1207
were an adult. 1208

(b) The court has reason to believe that the child is a 1209
victim of a violation of section 2905.32 of the Revised Code, 1210
regardless of whether any person has been convicted of a 1211
violation of that section or of any other section for 1212
victimizing the child, and the act charged is related to the 1213

child's victimization. 1214

(2) The prosecuting attorney has the right to participate 1215
in any hearing held under division (F) (1) of this section, to 1216
object to holding the complaint that is the subject of the 1217
hearing in abeyance, and to make recommendations related to 1218
diversion actions. No statement made by a child at a hearing 1219
held under division (F) (1) of this section is admissible in any 1220
subsequent proceeding against the child. 1221

(3) If either division (F) (1) (a) or (b) of this section 1222
applies, the court shall promptly appoint a guardian ad litem 1223
for the child. The court shall not appoint the child's attorney 1224
as guardian ad litem. If the court decides to hold the complaint 1225
in abeyance, the guardian ad litem shall make recommendations 1226
that are in the best interest of the child to the court. 1227

(4) If after a hearing the court decides to hold the 1228
complaint in abeyance, the court may make any orders regarding 1229
placement, services, supervision, diversion actions, and 1230
conditions of abeyance, including, but not limited to, 1231
engagement in trauma-based behavioral health services or 1232
education activities, that the court considers appropriate and 1233
in the best interest of the child. The court may hold the 1234
complaint in abeyance for up to ninety days while the child 1235
engages in diversion actions. If the child violates the 1236
conditions of abeyance or does not complete the diversion 1237
actions to the court's satisfaction within ninety days, the 1238
court may extend the period of abeyance for not more than two 1239
additional ninety-day periods. 1240

(5) If the court holds the complaint in abeyance and the 1241
child complies with the conditions of abeyance and completes the 1242
diversion actions to the court's satisfaction, the court shall 1243

dismiss the complaint and order that the records pertaining to 1244
the case be expunged immediately. If the child fails to complete 1245
the diversion actions to the court's satisfaction, the court 1246
shall proceed upon the complaint. 1247

Sec. 2152.19. (A) If a child is adjudicated a delinquent 1248
child, the court may make any of the following orders of 1249
disposition, in addition to any other disposition authorized or 1250
required by this chapter: 1251

(1) Any order that is authorized by section 2151.353 of 1252
the Revised Code for the care and protection of an abused, 1253
neglected, or dependent child; 1254

(2) Commit the child to the temporary custody of any 1255
school, camp, institution, or other facility operated for the 1256
care of delinquent children by the county, by a district 1257
organized under section 2152.41 or 2151.65 of the Revised Code, 1258
or by a private agency or organization, within or without the 1259
state, that is authorized and qualified to provide the care, 1260
treatment, or placement required, including, but not limited to, 1261
a school, camp, or facility operated under section 2151.65 of 1262
the Revised Code; 1263

(3) Place the child in a detention facility or district 1264
detention facility operated under section 2152.41 of the Revised 1265
Code, for up to ninety days; 1266

(4) Place the child on community control under any 1267
sanctions, services, and conditions that the court prescribes. 1268
As a condition of community control in every case and in 1269
addition to any other condition that it imposes upon the child, 1270
the court shall require the child to abide by the law during the 1271
period of community control. As referred to in this division, 1272

community control includes, but is not limited to, the following	1273
sanctions and conditions:	1274
(a) A period of basic probation supervision in which the	1275
child is required to maintain contact with a person appointed to	1276
supervise the child in accordance with sanctions imposed by the	1277
court;	1278
(b) A period of intensive probation supervision in which	1279
the child is required to maintain frequent contact with a person	1280
appointed by the court to supervise the child while the child is	1281
seeking or maintaining employment and participating in training,	1282
education, and treatment programs as the order of disposition;	1283
(c) A period of day reporting in which the child is	1284
required each day to report to and leave a center or another	1285
approved reporting location at specified times in order to	1286
participate in work, education or training, treatment, and other	1287
approved programs at the center or outside the center;	1288
(d) A period of community service of up to five hundred	1289
hours for an act that would be a felony or a misdemeanor of the	1290
first degree if committed by an adult, up to two hundred hours	1291
for an act that would be a misdemeanor of the second, third, or	1292
fourth degree if committed by an adult, or up to thirty hours	1293
for an act that would be a minor misdemeanor if committed by an	1294
adult;	1295
(e) A requirement that the child obtain a high school	1296
diploma, a certificate of high school equivalence, vocational	1297
training, or employment;	1298
(f) A period of drug and alcohol use monitoring;	1299
(g) A requirement of alcohol or drug assessment or	1300
counseling, or a period in an alcohol or drug treatment program	1301

with a level of security for the child as determined necessary 1302
by the court; 1303

(h) A period in which the court orders the child to 1304
observe a curfew that may involve daytime or evening hours; 1305

(i) A requirement that the child serve monitored time; 1306

(j) A period of house arrest without electronic monitoring 1307
or continuous alcohol monitoring; 1308

(k) A period of electronic monitoring or continuous 1309
alcohol monitoring without house arrest, or house arrest with 1310
electronic monitoring or continuous alcohol monitoring or both 1311
electronic monitoring and continuous alcohol monitoring, that 1312
does not exceed the maximum sentence of imprisonment that could 1313
be imposed upon an adult who commits the same act. 1314

A period of house arrest with electronic monitoring or 1315
continuous alcohol monitoring or both electronic monitoring and 1316
continuous alcohol monitoring, imposed under this division shall 1317
not extend beyond the child's twenty-first birthday. If a court 1318
imposes a period of house arrest with electronic monitoring or 1319
continuous alcohol monitoring or both electronic monitoring and 1320
continuous alcohol monitoring, upon a child under this division, 1321
it shall require the child: to remain in the child's home or 1322
other specified premises for the entire period of house arrest 1323
with electronic monitoring or continuous alcohol monitoring or 1324
both except when the court permits the child to leave those 1325
premises to go to school or to other specified premises. 1326

Regarding electronic monitoring, the court also shall require 1327
the child to be monitored by a central system that can determine 1328
the child's location at designated times; to report periodically 1329
to a person designated by the court; and to enter into a written 1330

contract with the court agreeing to comply with all requirements 1331
imposed by the court, agreeing to pay any fee imposed by the 1332
court for the costs of the house arrest with electronic 1333
monitoring, and agreeing to waive the right to receive credit 1334
for any time served on house arrest with electronic monitoring 1335
toward the period of any other dispositional order imposed upon 1336
the child if the child violates any of the requirements of the 1337
dispositional order of house arrest with electronic monitoring. 1338
The court also may impose other reasonable requirements upon the 1339
child. 1340

Unless ordered by the court, a child shall not receive 1341
credit for any time served on house arrest with electronic 1342
monitoring or continuous alcohol monitoring or both toward any 1343
other dispositional order imposed upon the child for the act for 1344
which was imposed the dispositional order of house arrest with 1345
electronic monitoring or continuous alcohol monitoring. As used 1346
in this division and division (A) (4) (1) of this section, 1347
"continuous alcohol monitoring" has the same meaning as in 1348
section 2929.01 of the Revised Code. 1349

(1) A suspension of the driver's license, probationary 1350
driver's license, or temporary instruction permit issued to the 1351
child for a period of time prescribed by the court, or a 1352
suspension of the registration of all motor vehicles registered 1353
in the name of the child for a period of time prescribed by the 1354
court. A child whose license or permit is so suspended is 1355
ineligible for issuance of a license or permit during the period 1356
of suspension. At the end of the period of suspension, the child 1357
shall not be reissued a license or permit until the child has 1358
paid any applicable reinstatement fee and complied with all 1359
requirements governing license reinstatement. 1360

- (5) Commit the child to the custody of the court; 1361
- (6) Require the child to not be absent without legitimate 1362
excuse from the public school the child is supposed to attend 1363
for ~~five-thirty~~ or more consecutive ~~days~~ hours, ~~seven-forty-two~~ 1364
or more ~~school days~~ hours in one school month, or ~~twelve-~~ 1365
seventy-two or more ~~school days~~ hours in a school year; 1366
- (7) (a) If a child is adjudicated a delinquent child for 1367
being a chronic truant ~~or a habitual truant who previously has~~ 1368
~~been adjudicated an unruly child for being a habitual truant~~, do 1369
either or both of the following: 1370
- (i) Require the child to participate in a truancy 1371
prevention mediation program; 1372
- (ii) Make any order of disposition as authorized by this 1373
section, except that the court shall not commit the child to a 1374
facility described in division (A) (2) or (3) of this section 1375
unless the court determines that the child violated a lawful 1376
court order made pursuant to division (C) (1) (e) of section 1377
2151.354 of the Revised Code or division (A) (6) of this section. 1378
- (b) If a child is adjudicated a delinquent child for being 1379
a chronic truant ~~or a habitual truant who previously has been~~ 1380
~~adjudicated an unruly child for being a habitual truant~~ and the 1381
court determines that the parent, guardian, or other person 1382
having care of the child has failed to cause the child's 1383
attendance at school in violation of section 3321.38 of the 1384
Revised Code, do either or both of the following: 1385
- (i) Require the parent, guardian, or other person having 1386
care of the child to participate in a truancy prevention 1387
mediation program; 1388
- (ii) Require the parent, guardian, or other person having 1389

care of the child to participate in any community service 1390
program, preferably a community service program that requires 1391
the involvement of the parent, guardian, or other person having 1392
care of the child in the school attended by the child. 1393

(8) Make any further disposition that the court finds 1394
proper, except that the child shall not be placed in a state 1395
correctional institution, a county, multicounty, or municipal 1396
jail or workhouse, or another place in which an adult convicted 1397
of a crime, under arrest, or charged with a crime is held. 1398

(B) If a child is adjudicated a delinquent child, in 1399
addition to any order of disposition made under division (A) of 1400
this section, the court, in the following situations and for the 1401
specified periods of time, shall suspend the child's temporary 1402
instruction permit, restricted license, probationary driver's 1403
license, or nonresident operating privilege, or suspend the 1404
child's ability to obtain such a permit: 1405

(1) If the child is adjudicated a delinquent child for 1406
violating section 2923.122 of the Revised Code, impose a class 1407
four suspension of the child's license, permit, or privilege 1408
from the range specified in division (A) (4) of section 4510.02 1409
of the Revised Code or deny the child the issuance of a license 1410
or permit in accordance with division (F) (1) of section 2923.122 1411
of the Revised Code. 1412

(2) If the child is adjudicated a delinquent child for 1413
committing an act that if committed by an adult would be a drug 1414
abuse offense or for violating division (B) of section 2917.11 1415
of the Revised Code, suspend the child's license, permit, or 1416
privilege for a period of time prescribed by the court. The 1417
court, in its discretion, may terminate the suspension if the 1418
child attends and satisfactorily completes a drug abuse or 1419

alcohol abuse education, intervention, or treatment program 1420
specified by the court. During the time the child is attending a 1421
program described in this division, the court shall retain the 1422
child's temporary instruction permit, probationary driver's 1423
license, or driver's license, and the court shall return the 1424
permit or license if it terminates the suspension as described 1425
in this division. 1426

(C) The court may establish a victim-offender mediation 1427
program in which victims and their offenders meet to discuss the 1428
offense and suggest possible restitution. If the court obtains 1429
the assent of the victim of the delinquent act committed by the 1430
child, the court may require the child to participate in the 1431
program. 1432

(D) (1) If a child is adjudicated a delinquent child for 1433
committing an act that would be a felony if committed by an 1434
adult and if the child caused, attempted to cause, threatened to 1435
cause, or created a risk of physical harm to the victim of the 1436
act, the court, prior to issuing an order of disposition under 1437
this section, shall order the preparation of a victim impact 1438
statement by the probation department of the county in which the 1439
victim of the act resides, by the court's own probation 1440
department, or by a victim assistance program that is operated 1441
by the state, a county, a municipal corporation, or another 1442
governmental entity. The court shall consider the victim impact 1443
statement in determining the order of disposition to issue for 1444
the child. 1445

(2) Each victim impact statement shall identify the victim 1446
of the act for which the child was adjudicated a delinquent 1447
child, itemize any economic loss suffered by the victim as a 1448
result of the act, identify any physical injury suffered by the 1449

victim as a result of the act and the seriousness and permanence 1450
of the injury, identify any change in the victim's personal 1451
welfare or familial relationships as a result of the act and any 1452
psychological impact experienced by the victim or the victim's 1453
family as a result of the act, and contain any other information 1454
related to the impact of the act upon the victim that the court 1455
requires. 1456

(3) A victim impact statement shall be kept confidential 1457
and is not a public record. However, the court may furnish 1458
copies of the statement to the department of youth services if 1459
the delinquent child is committed to the department or to both 1460
the adjudicated delinquent child or the adjudicated delinquent 1461
child's counsel and the prosecuting attorney. The copy of a 1462
victim impact statement furnished by the court to the department 1463
pursuant to this section shall be kept confidential and is not a 1464
public record. If an officer is preparing pursuant to section 1465
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 1466
presentence investigation report pertaining to a person, the 1467
court shall make available to the officer, for use in preparing 1468
the report, a copy of any victim impact statement regarding that 1469
person. The copies of a victim impact statement that are made 1470
available to the adjudicated delinquent child or the adjudicated 1471
delinquent child's counsel and the prosecuting attorney pursuant 1472
to this division shall be returned to the court by the person to 1473
whom they were made available immediately following the 1474
imposition of an order of disposition for the child under this 1475
chapter. 1476

The copy of a victim impact statement that is made 1477
available pursuant to this division to an officer preparing a 1478
criminal presentence investigation report shall be returned to 1479
the court by the officer immediately following its use in 1480

preparing the report. 1481

(4) The department of youth services shall work with local 1482
probation departments and victim assistance programs to develop 1483
a standard victim impact statement. 1484

(E) (1) If a child is adjudicated a delinquent child for 1485
being a chronic truant ~~or a habitual truant who previously has~~ 1486
~~been adjudicated an unruly child for being a habitual truant and~~ 1487
the court determines that the parent, guardian, or other person 1488
having care of the child has failed to cause the child's 1489
attendance at school in violation of section 3321.38 of the 1490
Revised Code, in addition to any order of disposition it makes 1491
under this section, the court shall warn the parent, guardian, 1492
or other person having care of the child that any subsequent 1493
adjudication of the child as an unruly or delinquent child for 1494
being a habitual or chronic truant may result in a criminal 1495
charge against the parent, guardian, or other person having care 1496
of the child for a violation of division (C) of section 2919.21 1497
or section 2919.24 of the Revised Code. 1498

(2) Not later than ten days after a child is adjudicated a 1499
delinquent child for being a chronic truant, the court shall 1500
provide notice of that fact to the school district in which the 1501
child is entitled to attend school and to the school in which 1502
the child was enrolled at the time of the filing of the 1503
complaint. 1504

(F) (1) During the period of a delinquent child's community 1505
control granted under this section, authorized probation 1506
officers who are engaged within the scope of their supervisory 1507
duties or responsibilities may search, with or without a 1508
warrant, the person of the delinquent child, the place of 1509
residence of the delinquent child, and a motor vehicle, another 1510

item of tangible or intangible personal property, or other real 1511
property in which the delinquent child has a right, title, or 1512
interest or for which the delinquent child has the express or 1513
implied permission of a person with a right, title, or interest 1514
to use, occupy, or possess if the probation officers have 1515
reasonable grounds to believe that the delinquent child is not 1516
abiding by the law or otherwise is not complying with the 1517
conditions of the delinquent child's community control. The 1518
court that places a delinquent child on community control under 1519
this section shall provide the delinquent child with a written 1520
notice that informs the delinquent child that authorized 1521
probation officers who are engaged within the scope of their 1522
supervisory duties or responsibilities may conduct those types 1523
of searches during the period of community control if they have 1524
reasonable grounds to believe that the delinquent child is not 1525
abiding by the law or otherwise is not complying with the 1526
conditions of the delinquent child's community control. The 1527
court also shall provide the written notice described in 1528
division (E)(2) of this section to each parent, guardian, or 1529
custodian of the delinquent child who is described in that 1530
division. 1531

(2) The court that places a child on community control 1532
under this section shall provide the child's parent, guardian, 1533
or other custodian with a written notice that informs them that 1534
authorized probation officers may conduct searches pursuant to 1535
division (E)(1) of this section. The notice shall specifically 1536
state that a permissible search might extend to a motor vehicle, 1537
another item of tangible or intangible personal property, or a 1538
place of residence or other real property in which a notified 1539
parent, guardian, or custodian has a right, title, or interest 1540
and that the parent, guardian, or custodian expressly or 1541

impliedly permits the child to use, occupy, or possess. 1542

(G) If a juvenile court commits a delinquent child to the 1543
custody of any person, organization, or entity pursuant to this 1544
section and if the delinquent act for which the child is so 1545
committed is a sexually oriented offense or is a child-victim 1546
oriented offense, the court in the order of disposition shall do 1547
one of the following: 1548

(1) Require that the child be provided treatment as 1549
described in division (A) (2) of section 5139.13 of the Revised 1550
Code; 1551

(2) Inform the person, organization, or entity that it is 1552
the preferred course of action in this state that the child be 1553
provided treatment as described in division (A) (2) of section 1554
5139.13 of the Revised Code and encourage the person, 1555
organization, or entity to provide that treatment. 1556

Sec. 2152.26. (A) Except as provided in divisions (B) and 1557
(F) of this section, a child alleged to be or adjudicated a 1558
delinquent child or a juvenile traffic offender may be held only 1559
in the following places: 1560

(1) A certified foster home or a home approved by the 1561
court; 1562

(2) A facility operated by a certified child welfare 1563
agency; 1564

(3) Any other suitable place designated by the court. 1565

(B) In addition to the places listed in division (A) of 1566
this section, a child alleged to be or adjudicated a delinquent 1567
child or a person described in division (C) (7) of section 1568
2152.02 of the Revised Code may be held in a detention facility 1569

for delinquent children that is under the direction or 1570
supervision of the court or other public authority or of a 1571
private agency and approved by the court, and a child 1572
adjudicated a delinquent child may be held in accordance with 1573
division (F) (2) of this section in a facility of a type 1574
specified in that division. This division does not apply to a 1575
child alleged to be or adjudicated a delinquent child for 1576
chronic truancy, unless the child violated a lawful court order 1577
made pursuant to division (A) (6) of section 2152.19 of the 1578
Revised Code. ~~This division also does not apply to a child~~ 1579
~~alleged to be or adjudicated a delinquent child for being an~~ 1580
~~habitual truant who previously has been adjudicated an unruly~~ 1581
~~child for being an habitual truant, unless the child violated a~~ 1582
~~lawful court order made pursuant to division (C) (1) (e) of~~ 1583
~~section 2151.354 of the Revised Code.~~ 1584

(C) (1) Except as provided under division (C) (1) of section 1585
2151.311 of the Revised Code or division (A) (5) of section 1586
2152.21 of the Revised Code, a child alleged to be or 1587
adjudicated a juvenile traffic offender may not be held in any 1588
of the following facilities: 1589

(a) A state correctional institution, county, multicounty, 1590
or municipal jail or workhouse, or other place in which an adult 1591
convicted of crime, under arrest, or charged with a crime is 1592
held. 1593

(b) A secure correctional facility. 1594

(2) Except as provided under this section, sections 1595
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 1596
2152.21 of the Revised Code, a child alleged to be or 1597
adjudicated a juvenile traffic offender may not be held for more 1598
than twenty-four hours in a detention facility. 1599

(D) Except as provided in division (F) of this section or 1600
in division (C) of section 2151.311, in division (C) (2) of 1601
section 5139.06 and section 5120.162, or in division (B) of 1602
section 5120.16 of the Revised Code, a child who is alleged to 1603
be or is adjudicated a delinquent child or a person described in 1604
division (C) (7) of section 2152.02 of the Revised Code may not 1605
be held in a state correctional institution, county, 1606
multicounty, or municipal jail or workhouse, or other place 1607
where an adult convicted of crime, under arrest, or charged with 1608
crime is held. 1609

(E) Unless the detention is pursuant to division (F) of 1610
this section or division (C) of section 2151.311, division (C) 1611
(2) of section 5139.06 and section 5120.162, or division (B) of 1612
section 5120.16 of the Revised Code, the official in charge of 1613
the institution, jail, workhouse, or other facility shall inform 1614
the court immediately when a person who is or appears to be 1615
under the age of eighteen years, or a person who is charged with 1616
a violation of an order of a juvenile court or a violation of 1617
probation or parole conditions imposed by a juvenile court and 1618
who is or appears to be between the ages of eighteen and twenty- 1619
one years, is received at the facility and shall deliver the 1620
person to the court upon request or transfer the person to a 1621
detention facility designated by the court. 1622

(F) (1) If a case is transferred to another court for 1623
criminal prosecution pursuant to section 2152.12 of the Revised 1624
Code and the alleged offender is a person described in division 1625
(C) (7) of section 2152.02 of the Revised Code, the person may 1626
not be transferred for detention pending the criminal 1627
prosecution in a jail or other facility except under the 1628
circumstances described in division (F) (4) of this section. Any 1629
child held in accordance with division (F) (3) of this section 1630

shall be confined in a manner that keeps the child beyond the 1631
sight and sound of all adult detainees. The child shall be 1632
supervised at all times during the detention. 1633

(2) If a person is adjudicated a delinquent child or 1634
juvenile traffic offender or is a person described in division 1635
(C) (7) of section 2152.02 of the Revised Code and the court 1636
makes a disposition of the person under this chapter, at any 1637
time after the person attains twenty-one years of age, the 1638
person may be held under that disposition or under the 1639
circumstances described in division (F) (4) of this section in 1640
places other than those specified in division (A) of this 1641
section, including, but not limited to, a county, multicounty, 1642
or municipal jail or workhouse, or other place where an adult 1643
convicted of crime, under arrest, or charged with crime is held. 1644

(3) (a) A person alleged to be a delinquent child may be 1645
held in places other than those specified in division (A) of 1646
this section, including, but not limited to, a county, 1647
multicounty, or municipal jail, if the delinquent act that the 1648
child allegedly committed would be a felony if committed by an 1649
adult, and if either of the following applies: 1650

(i) The person attains twenty-one years of age before the 1651
person is arrested or apprehended for that act. 1652

(ii) The person is arrested or apprehended for that act 1653
before the person attains twenty-one years of age, but the 1654
person attains twenty-one years of age before the court orders a 1655
disposition in the case. 1656

(b) If, pursuant to division (F) (3) (a) of this section, a 1657
person is held in a place other than a place specified in 1658
division (A) of this section, the person has the same rights to 1659

bail as an adult charged with the same offense who is confined 1660
in a jail pending trial. 1661

(4) (a) Any person whose case is transferred for criminal 1662
prosecution pursuant to section 2152.10 or 2152.12 of the 1663
Revised Code or any person who has attained the age of eighteen 1664
years but has not attained the age of twenty-one years and who 1665
is being held in a place specified in division (B) of this 1666
section may be held under that disposition or charge in places 1667
other than those specified in division (B) of this section, 1668
including a county, multicounty, or municipal jail or workhouse, 1669
or other place where an adult under arrest or charged with crime 1670
is held if the juvenile court, upon its own motion or upon 1671
motion by the prosecutor and after notice and hearing, 1672
establishes by a preponderance of the evidence and makes written 1673
findings of either of the following: 1674

(i) With respect to a person whose case is transferred for 1675
criminal prosecution pursuant to either specified section or who 1676
has attained the age of eighteen years but who has not attained 1677
the age of twenty-one years and is being so held, that the youth 1678
is a threat to the safety and security of the facility; 1679

(ii) With respect to a person who has attained the age of 1680
eighteen years but who has not attained the age of twenty-one 1681
years and is being so held, that the best interests of the youth 1682
require that the youth be held in a place other than a place 1683
specified in division (B) of this section, including a county, 1684
multicounty, or municipal jail or workhouse, or other place 1685
where an adult under arrest or charged with crime is held. 1686

(b) In determining for purposes of division (F) (4) (a) (i) 1687
of this section whether a youth is a threat to the safety and 1688
security of the facility, evidence that the youth is a threat to 1689

the safety and security of the facility may include, but is not 1690
limited to, whether the youth has done any of the following: 1691

(i) Injured or created an imminent danger to the life or 1692
health of another youth or staff member in the facility or 1693
program by violent behavior; 1694

(ii) Escaped from the facility or program in which the 1695
youth is being held on more than one occasion; 1696

(iii) Established a pattern of disruptive behavior as 1697
verified by a written record that the youth's behavior is not 1698
conducive to the established policies and procedures of the 1699
facility or program in which the youth is being held. 1700

(c) If a prosecutor submits a motion requesting that a 1701
person be held in a place other than those specified in division 1702
(B) of this section or if the court submits its own motion, the 1703
juvenile court shall hold a hearing within five days of the 1704
filing of the motion, and, in determining whether a place other 1705
than those specified in division (B) of this section is the 1706
appropriate place of confinement for the person, the court shall 1707
consider the following factors: 1708

(i) The age of the person; 1709

(ii) Whether the person would be deprived of contact with 1710
other people for a significant portion of the day or would not 1711
have access to recreational facilities or age-appropriate 1712
educational opportunities in order to provide physical 1713
separation from adults; 1714

(iii) The person's current emotional state, intelligence, 1715
and developmental maturity, including any emotional and 1716
psychological trauma, and the risk to the person in an adult 1717
facility, which may be evidenced by mental health or 1718

psychological assessments or screenings made available to the 1719
prosecuting attorney and the defense counsel; 1720

(iv) Whether detention in a juvenile facility would 1721
adequately serve the need for community protection pending the 1722
outcome of the criminal proceeding; 1723

(v) The relative ability of the available adult and 1724
juvenile detention facilities to meet the needs of the person, 1725
including the person's need for age-appropriate mental health 1726
and educational services delivered by individuals specifically 1727
trained to deal with youth; 1728

(vi) Whether the person presents an imminent risk of self- 1729
inflicted harm or an imminent risk of harm to others within a 1730
juvenile facility; 1731

(vii) Any other factors the juvenile court considers to be 1732
relevant. 1733

(d) If the juvenile court determines that a place other 1734
than those specified in division (B) of this section is the 1735
appropriate place for confinement of a person pursuant to 1736
division (F)(4)(a) of this section, the person may petition the 1737
juvenile court for a review hearing thirty days after the 1738
initial confinement decision, thirty days after any subsequent 1739
review hearing, or at any time after the initial confinement 1740
decision upon an emergency petition by the youth due to the 1741
youth facing an imminent danger from others or the youth's self. 1742
Upon receipt of the petition, the juvenile court has discretion 1743
over whether to conduct the review hearing and may set the 1744
matter for a review hearing if the youth has alleged facts or 1745
circumstances that, if true, would warrant reconsideration of 1746
the youth's placement in a place other than those specified in 1747

division (B) of this section based on the factors listed in 1748
division (F) (4) (c) of this section. 1749

(e) Upon the admission of a person described in division 1750
(F) (4) (a) of this section to a place other than those specified 1751
in division (B) of this section, the facility shall advise the 1752
person of the person's right to request a review hearing as 1753
described in division (F) (4) (d) of this section. 1754

(f) Any person transferred under division (F) (4) (a) of 1755
this section to a place other than those specified in division 1756
(B) of this section shall be confined in a manner that keeps 1757
those under eighteen years of age beyond sight and sound of all 1758
adult detainees. Those under eighteen years of age shall be 1759
supervised at all times during the detention. 1760

(G) (1) If a person who is alleged to be or has been 1761
adjudicated a delinquent child or who is in any other category 1762
of persons identified in this section or section 2151.311 of the 1763
Revised Code is confined under authority of any Revised Code 1764
section in a place other than a place specified in division (B) 1765
of this section, including a county, multicounty, or municipal 1766
jail or workhouse, or other place where an adult under arrest or 1767
charged with crime is held, subject to division (G) (2) of this 1768
section, all identifying information, other than the person's 1769
county of residence, age, gender, and race and the charges 1770
against the person, that relates to the person's admission to 1771
and confinement in that place is not a public record open for 1772
inspection or copying under section 149.43 of the Revised Code 1773
and is confidential and shall not be released to any person 1774
other than to a court, to a law enforcement agency for law 1775
enforcement purposes, or to a person specified by court order. 1776

(2) Division (G) (1) of this section does not apply with 1777

respect to a person whose case is transferred for criminal 1778
prosecution pursuant to section 2152.10 or 2152.12 of the 1779
Revised Code, who is convicted of or pleads guilty to an offense 1780
in that case, who is confined after that conviction or guilty 1781
plea in a place other than a place specified in division (B) of 1782
this section, and to whom one of the following applies: 1783

(a) The case was transferred other than pursuant to 1784
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 1785
Revised Code. 1786

(b) The case was transferred pursuant to division (A) (1) 1787
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 1788
and the person is sentenced for the offense pursuant to division 1789
(B) (4) of section 2152.121 of the Revised Code. 1790

(c) The case was transferred pursuant to division (A) (1) 1791
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 1792
the person is sentenced for the offense pursuant to division (B) 1793
(3) of section 2152.121 of the Revised Code by the court in 1794
which the person was convicted of or pleaded guilty to the 1795
offense, and the sentence imposed by that court is invoked 1796
pursuant to division (B) (3) (b) of section 2152.121 of the 1797
Revised Code. 1798

Sec. 2919.24. (A) As used in this section: 1799

(1) "Chronic truant" and "delinquent child" have the same 1800
meanings as in section 2152.02 of the Revised Code. 1801

(2) "Unruly child" has the same meaning as in section 1802
2151.022 of the Revised Code. 1803

(B) No person, including a parent, guardian, or other 1804
custodian of a child, shall do any of the following: 1805

(1) Aid, abet, induce, cause, encourage, or contribute to 1806
a child or a ward of the juvenile court becoming an unruly 1807
child, ~~as defined in section 2151.022 of the Revised Code,~~ or a 1808
delinquent child, ~~as defined in section 2152.02 of the Revised-~~ 1809
Code; 1810

(2) Act in a way tending to cause a child or a ward of the 1811
juvenile court to become an unruly child, ~~as defined in section-~~ 1812
~~2151.022 of the Revised Code,~~ or a delinquent child, ~~as defined-~~ 1813
~~in section 2152.02 of the Revised Code;~~ 1814

(3) Act in a way that tends to cause a child to be a 1815
chronic truant and that contributes to an adjudication of the 1816
child as a delinquent child because of chronic truancy. 1817

(4) If the person is the parent, guardian, or custodian of 1818
a child who has the duties under Chapters 2152. and 2950. of the 1819
Revised Code to register, register a new residence address, and 1820
periodically verify a residence address, and, if applicable, to 1821
send a notice of intent to reside, and if the child is not 1822
emancipated, as defined in section 2919.121 of the Revised Code, 1823
fail to ensure that the child complies with those duties under 1824
Chapters 2152. and 2950. of the Revised Code. 1825

~~(B)~~ (C) Whoever violates this section is guilty of 1826
contributing to the unruliness or delinquency of a child, a 1827
misdemeanor of the first degree. Each day of violation of this 1828
section is a separate offense. 1829

Sec. 3313.534. ~~No later than July 1, 1998, the~~ The board 1830
of education of each city, exempted village, and local school 1831
district shall adopt a policy of zero tolerance for violent, 1832
disruptive, or inappropriate behavior, ~~including excessive-~~ 1833
~~truancy,~~ and establish strategies to address such behavior that 1834

range from prevention to intervention. 1835

~~No later than July 1, 1999, each~~ Each of the big eight 1836
school districts, as defined in section 3314.02 of the Revised 1837
Code, shall establish under section 3313.533 of the Revised Code 1838
at least one alternative school to meet the educational needs of 1839
students with severe discipline problems, including, but not 1840
limited to, ~~excessive truancy,~~ excessive disruption in the 1841
classroom, and multiple suspensions or expulsions. Any other 1842
school district that attains after that date a significantly 1843
substandard graduation rate, as defined by the department of 1844
education, shall also establish such an alternative school under 1845
that section. 1846

Sec. 3313.66. (A) Except as provided under division (B) (2) 1847
of this section, and subject to section 3313.668 of the Revised 1848
Code, the superintendent of schools of a city, exempted village, 1849
or local school district, or the principal of a public school 1850
may suspend a pupil from school for not more than ten school 1851
days. The board of education of a city, exempted village, or 1852
local school district may adopt a policy granting assistant 1853
principals and other administrators the authority to suspend a 1854
pupil from school for a period of time as specified in the 1855
policy of the board of education, not to exceed ten school days. 1856
If at the time a suspension is imposed there are fewer than ten 1857
school days remaining in the school year in which the incident 1858
that gives rise to the suspension takes place, the 1859
superintendent may apply any remaining part or all of the period 1860
of the suspension to the following school year. Except in the 1861
case of a pupil given an in-school suspension, no pupil shall be 1862
suspended unless prior to the suspension such superintendent or 1863
principal does both of the following: 1864

(1) Gives the pupil written notice of the intention to 1865
suspend the pupil and the reasons for the intended suspension 1866
and, if the proposed suspension is based on a violation listed 1867
in division (A) of section 3313.662 of the Revised Code and if 1868
the pupil is sixteen years of age or older, includes in the 1869
notice a statement that the superintendent may seek to 1870
permanently exclude the pupil if the pupil is convicted of or 1871
adjudicated a delinquent child for that violation; 1872

(2) Provides the pupil an opportunity to appear at an 1873
informal hearing before the principal, assistant principal, 1874
superintendent, or superintendent's designee and challenge the 1875
reason for the intended suspension or otherwise to explain the 1876
pupil's actions. 1877

(B) (1) Except as provided under division (B) (2), (3), or 1878
(4) of this section, and subject to section 3313.668 of the 1879
Revised Code, the superintendent of schools of a city, exempted 1880
village, or local school district may expel a pupil from school 1881
for a period not to exceed the greater of eighty school days or 1882
the number of school days remaining in the semester or term in 1883
which the incident that gives rise to the expulsion takes place, 1884
unless the expulsion is extended pursuant to division (F) of 1885
this section. If at the time an expulsion is imposed there are 1886
fewer than eighty school days remaining in the school year in 1887
which the incident that gives rise to the expulsion takes place, 1888
the superintendent may apply any remaining part or all of the 1889
period of the expulsion to the following school year. 1890

(2) (a) Unless a pupil is permanently excluded pursuant to 1891
section 3313.662 of the Revised Code, the superintendent of 1892
schools of a city, exempted village, or local school district 1893
shall expel a pupil from school for a period of one year for 1894

bringing a firearm to a school operated by the board of 1895
education of the district or onto any other property owned or 1896
controlled by the board, except that the superintendent may 1897
reduce this requirement on a case-by-case basis in accordance 1898
with the policy adopted by the board under section 3313.661 of 1899
the Revised Code. 1900

(b) The superintendent of schools of a city, exempted 1901
village, or local school district may expel a pupil from school 1902
for a period of one year for bringing a firearm to an 1903
interscholastic competition, an extracurricular event, or any 1904
other school program or activity that is not located in a school 1905
or on property that is owned or controlled by the district. The 1906
superintendent may reduce this disciplinary action on a case-by- 1907
case basis in accordance with the policy adopted by the board 1908
under section 3313.661 of the Revised Code. 1909

(c) Any expulsion pursuant to division (B)(2) of this 1910
section shall extend, as necessary, into the school year 1911
following the school year in which the incident that gives rise 1912
to the expulsion takes place. As used in this division, 1913
"firearm" has the same meaning as provided pursuant to the "Gun- 1914
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 1915

(3) The board of education of a city, exempted village, or 1916
local school district may adopt a resolution authorizing the 1917
superintendent of schools to expel a pupil from school for a 1918
period not to exceed one year for bringing a knife to a school 1919
operated by the board, onto any other property owned or 1920
controlled by the board, or to an interscholastic competition, 1921
an extracurricular event, or any other program or activity 1922
sponsored by the school district or in which the district is a 1923
participant, or for possessing a firearm or knife at a school, 1924

on any other property owned or controlled by the board, or at an 1925
interscholastic competition, an extracurricular event, or any 1926
other school program or activity, which firearm or knife was 1927
initially brought onto school board property by another person. 1928
The resolution may authorize the superintendent to extend such 1929
an expulsion, as necessary, into the school year following the 1930
school year in which the incident that gives rise to the 1931
expulsion takes place. 1932

(4) The board of education of a city, exempted village, or 1933
local school district may adopt a resolution establishing a 1934
policy under section 3313.661 of the Revised Code that 1935
authorizes the superintendent of schools to expel a pupil from 1936
school for a period not to exceed one year for committing an act 1937
that is a criminal offense when committed by an adult and that 1938
results in serious physical harm to persons as defined in 1939
division (A) (5) of section 2901.01 of the Revised Code or 1940
serious physical harm to property as defined in division (A) (6) 1941
of section 2901.01 of the Revised Code while the pupil is at 1942
school, on any other property owned or controlled by the board, 1943
or at an interscholastic competition, an extracurricular event, 1944
or any other school program or activity. Any expulsion under 1945
this division shall extend, as necessary, into the school year 1946
following the school year in which the incident that gives rise 1947
to the expulsion takes place. 1948

(5) The board of education of any city, exempted village, 1949
or local school district may adopt a resolution establishing a 1950
policy under section 3313.661 of the Revised Code that 1951
authorizes the superintendent of schools to expel a pupil from 1952
school for a period not to exceed one year for making a bomb 1953
threat to a school building or to any premises at which a school 1954
activity is occurring at the time of the threat. Any expulsion 1955

under this division shall extend, as necessary, into the school 1956
year following the school year in which the incident that gives 1957
rise to the expulsion takes place. 1958

(6) No pupil shall be expelled under division (B) (1), (2), 1959
(3), (4), or (5) of this section unless, prior to the pupil's 1960
expulsion, the superintendent does both of the following: 1961

(a) Gives the pupil and the pupil's parent, guardian, or 1962
custodian written notice of the intention to expel the pupil; 1963

(b) Provides the pupil and the pupil's parent, guardian, 1964
custodian, or representative an opportunity to appear in person 1965
before the superintendent or the superintendent's designee to 1966
challenge the reasons for the intended expulsion or otherwise to 1967
explain the pupil's actions. 1968

The notice required in this division shall include the 1969
reasons for the intended expulsion, notification of the 1970
opportunity of the pupil and the pupil's parent, guardian, 1971
custodian, or representative to appear before the superintendent 1972
or the superintendent's designee to challenge the reasons for 1973
the intended expulsion or otherwise to explain the pupil's 1974
action, and notification of the time and place to appear. The 1975
time to appear shall not be earlier than three nor later than 1976
five school days after the notice is given, unless the 1977
superintendent grants an extension of time at the request of the 1978
pupil or the pupil's parent, guardian, custodian, or 1979
representative. If an extension is granted after giving the 1980
original notice, the superintendent shall notify the pupil and 1981
the pupil's parent, guardian, custodian, or representative of 1982
the new time and place to appear. If the proposed expulsion is 1983
based on a violation listed in division (A) of section 3313.662 1984
of the Revised Code and if the pupil is sixteen years of age or 1985

older, the notice shall include a statement that the 1986
superintendent may seek to permanently exclude the pupil if the 1987
pupil is convicted of or adjudicated a delinquent child for that 1988
violation. 1989

(7) A superintendent of schools of a city, exempted 1990
village, or local school district shall initiate expulsion 1991
proceedings pursuant to this section with respect to any pupil 1992
who has committed an act warranting expulsion under the 1993
district's policy regarding expulsion even if the pupil has 1994
withdrawn from school for any reason after the incident that 1995
gives rise to the hearing but prior to the hearing or decision 1996
to impose the expulsion. If, following the hearing, the pupil 1997
would have been expelled for a period of time had the pupil 1998
still been enrolled in the school, the expulsion shall be 1999
imposed for the same length of time as on a pupil who has not 2000
withdrawn from the school. 2001

(C) If a pupil's presence poses a continuing danger to 2002
persons or property or an ongoing threat of disrupting the 2003
academic process taking place either within a classroom or 2004
elsewhere on the school premises, the superintendent or a 2005
principal or assistant principal may remove a pupil from 2006
curricular activities or from the school premises, and a teacher 2007
may remove a pupil from curricular activities under the 2008
teacher's supervision, without the notice and hearing 2009
requirements of division (A) or (B) of this section. As soon as 2010
practicable after making such a removal, the teacher shall 2011
submit in writing to the principal the reasons for such removal. 2012

If a pupil is removed under this division from a 2013
curricular activity or from the school premises, written notice 2014
of the hearing and of the reason for the removal shall be given 2015

to the pupil as soon as practicable prior to the hearing, which 2016
shall be held within three school days from the time the initial 2017
removal is ordered. The hearing shall be held in accordance with 2018
division (A) of this section unless it is probable that the 2019
pupil may be subject to expulsion, in which case a hearing in 2020
accordance with division (B) of this section shall be held, 2021
except that the hearing shall be held within three school days 2022
of the initial removal. The individual who ordered, caused, or 2023
requested the removal to be made shall be present at the 2024
hearing. 2025

If the superintendent or the principal reinstates a pupil 2026
in a curricular activity under the teacher's supervision prior 2027
to the hearing following a removal under this division, the 2028
teacher, upon request, shall be given in writing the reasons for 2029
such reinstatement. 2030

(D) The superintendent or principal, within one school day 2031
after the time of a pupil's expulsion or suspension, shall 2032
notify in writing the parent, guardian, or custodian of the 2033
pupil and the treasurer of the board of education of the 2034
expulsion or suspension. The notice shall include the reasons 2035
for the expulsion or suspension, notification of the right of 2036
the pupil or the pupil's parent, guardian, or custodian to 2037
appeal the expulsion or suspension to the board of education or 2038
to its designee, to be represented in all appeal proceedings, to 2039
be granted a hearing before the board or its designee in order 2040
to be heard against the suspension or expulsion, and to request 2041
that the hearing be held in executive session, notification that 2042
the expulsion may be subject to extension pursuant to division 2043
(F) of this section if the pupil is sixteen years of age or 2044
older, and notification that the superintendent may seek the 2045
pupil's permanent exclusion if the suspension or expulsion was 2046

based on a violation listed in division (A) of section 3313.662 2047
of the Revised Code that was committed when the child was 2048
sixteen years of age or older and if the pupil is convicted of 2049
or adjudicated a delinquent child for that violation. 2050

In accordance with the policy adopted by the board of 2051
education under section 3313.661 of the Revised Code, the notice 2052
provided under this division shall specify the manner and date 2053
by which the pupil or the pupil's parent, guardian, or custodian 2054
shall notify the board of the pupil's, parent's, guardian's, or 2055
custodian's intent to appeal the expulsion or suspension to the 2056
board or its designee. 2057

Any superintendent expelling a pupil under this section 2058
for more than twenty school days or for any period of time if 2059
the expulsion will extend into the following semester or school 2060
year shall, in the notice required under this division, provide 2061
the pupil and the pupil's parent, guardian, or custodian with 2062
information about services or programs offered by public and 2063
private agencies that work toward improving those aspects of the 2064
pupil's attitudes and behavior that contributed to the incident 2065
that gave rise to the pupil's expulsion. The information shall 2066
include the names, addresses, and phone numbers of the 2067
appropriate public and private agencies. 2068

(E) A pupil or the pupil's parent, guardian, or custodian 2069
may appeal the pupil's expulsion by a superintendent or 2070
suspension by a superintendent, principal, assistant principal, 2071
or other administrator to the board of education or to its 2072
designee. If the pupil or the pupil's parent, guardian, or 2073
custodian intends to appeal the expulsion or suspension to the 2074
board or its designee, the pupil or the pupil's parent, 2075
guardian, or custodian shall notify the board in the manner and 2076

by the date specified in the notice provided under division (D) 2077
of this section. The pupil or the pupil's parent, guardian, or 2078
custodian may be represented in all appeal proceedings and shall 2079
be granted a hearing before the board or its designee in order 2080
to be heard against the suspension or expulsion. At the request 2081
of the pupil or of the pupil's parent, guardian, custodian, or 2082
attorney, the board or its designee may hold the hearing in 2083
executive session but shall act upon the suspension or expulsion 2084
only at a public meeting. The board, by a majority vote of its 2085
full membership or by the action of its designee, may affirm the 2086
order of suspension or expulsion, reinstate the pupil, or 2087
otherwise reverse, vacate, or modify the order of suspension or 2088
expulsion. 2089

The board or its designee shall make a verbatim record of 2090
hearings held under this division. The decisions of the board or 2091
its designee may be appealed under Chapter 2506. of the Revised 2092
Code. 2093

This section shall not be construed to require notice and 2094
hearing in accordance with division (A), (B), or (C) of this 2095
section in the case of normal disciplinary procedures in which a 2096
pupil is removed from a curricular activity for a period of less 2097
than one school day and is not subject to suspension or 2098
expulsion. 2099

(F) (1) If a pupil is expelled pursuant to division (B) of 2100
this section for committing any violation listed in division (A) 2101
of section 3313.662 of the Revised Code and the pupil was 2102
sixteen years of age or older at the time of committing the 2103
violation, if a complaint, indictment, or information is filed 2104
alleging that the pupil is a delinquent child based upon the 2105
commission of the violation or the pupil is prosecuted as an 2106

adult for the commission of the violation, and if the resultant 2107
juvenile court or criminal proceeding is pending at the time 2108
that the expulsion terminates, the superintendent of schools 2109
that expelled the pupil may file a motion with the court in 2110
which the proceeding is pending requesting an order extending 2111
the expulsion for the lesser of an additional eighty days or the 2112
number of school days remaining in the school year. Upon the 2113
filing of the motion, the court immediately shall schedule a 2114
hearing and give written notice of the time, date, and location 2115
of the hearing to the superintendent and to the pupil and the 2116
pupil's parent, guardian, or custodian. At the hearing, the 2117
court shall determine whether there is reasonable cause to 2118
believe that the pupil committed the alleged violation that is 2119
the basis of the expulsion and, upon determining that reasonable 2120
cause to believe the pupil committed the violation does exist, 2121
shall grant the requested extension. 2122

(2) If a pupil has been convicted of or adjudicated a 2123
delinquent child for a violation listed in division (A) of 2124
section 3313.662 of the Revised Code for an act that was 2125
committed when the child was sixteen years of age or older, if 2126
the pupil has been expelled pursuant to division (B) of this 2127
section for that violation, and if the board of education of the 2128
school district of the school from which the pupil was expelled 2129
has adopted a resolution seeking the pupil's permanent 2130
exclusion, the superintendent may file a motion with the court 2131
that convicted the pupil or adjudicated the pupil a delinquent 2132
child requesting an order to extend the expulsion until an 2133
adjudication order or other determination regarding permanent 2134
exclusion is issued by the superintendent of public instruction 2135
pursuant to section 3301.121 and division (D) of section 2136
3313.662 of the Revised Code. Upon the filing of the motion, the 2137

court immediately shall schedule a hearing and give written 2138
notice of the time, date, and location of the hearing to the 2139
superintendent of the school district, the pupil, and the 2140
pupil's parent, guardian, or custodian. At the hearing, the 2141
court shall determine whether there is reasonable cause to 2142
believe the pupil's continued attendance in the public school 2143
system may endanger the health and safety of other pupils or 2144
school employees and, upon making that determination, shall 2145
grant the requested extension. 2146

(G) The failure of the superintendent or the board of 2147
education to provide the information regarding the possibility 2148
of permanent exclusion in the notice required by divisions (A), 2149
(B), and (D) of this section is not jurisdictional, and the 2150
failure shall not affect the validity of any suspension or 2151
expulsion procedure that is conducted in accordance with this 2152
section or the validity of a permanent exclusion procedure that 2153
is conducted in accordance with sections 3301.121 and 3313.662 2154
of the Revised Code. 2155

(H) With regard to suspensions and expulsions pursuant to 2156
divisions (A) and (B) of this section by the board of education 2157
of any city, exempted village, or local school district, this 2158
section shall apply to any student, whether or not the student 2159
is enrolled in the district, attending or otherwise 2160
participating in any curricular program provided in a school 2161
operated by the board or provided on any other property owned or 2162
controlled by the board. 2163

(I) Whenever a student is expelled under this section, the 2164
expulsion shall result in removal of the student from the 2165
student's regular school setting. However, during the period of 2166
the expulsion, the board of education of the school district 2167

that expelled the student or any board of education admitting 2168
the student during that expulsion period may provide educational 2169
services to the student in an alternative setting. 2170

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 2171
3313.64, and 3313.65 of the Revised Code, any school district, 2172
after offering an opportunity for a hearing, may temporarily 2173
deny admittance to any pupil if one of the following applies: 2174

(a) The pupil has been suspended from the schools of 2175
another district under division (A) of this section and the 2176
period of suspension, as established under that division, has 2177
not expired; 2178

(b) The pupil has been expelled from the schools of 2179
another district under division (B) of this section and the 2180
period of the expulsion, as established under that division or 2181
as extended under division (F) of this section, has not expired. 2182

If a pupil is temporarily denied admission under this 2183
division, the pupil shall be admitted to school in accordance 2184
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 2185
Revised Code no later than upon expiration of the suspension or 2186
expulsion period, as applicable. 2187

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 2188
and 3313.65 of the Revised Code, any school district, after 2189
offering an opportunity for a hearing, may temporarily deny 2190
admittance to any pupil if the pupil has been expelled or 2191
otherwise removed for disciplinary purposes from a public school 2192
in another state and the period of expulsion or removal has not 2193
expired. If a pupil is temporarily denied admission under this 2194
division, the pupil shall be admitted to school in accordance 2195
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 2196

Revised Code no later than the earlier of the following:	2197
(a) Upon expiration of the expulsion or removal period	2198
imposed by the out-of-state school;	2199
(b) Upon expiration of a period established by the	2200
district, beginning with the date of expulsion or removal from	2201
the out-of-state school, that is no greater than the period of	2202
expulsion that the pupil would have received under the policy	2203
adopted by the district under section 3313.661 of the Revised	2204
Code had the offense that gave rise to the expulsion or removal	2205
by the out-of-state school been committed while the pupil was	2206
enrolled in the district.	2207
(K) As used in this section:	2208
(1) "Permanently exclude" and "permanent exclusion" have	2209
the same meanings as in section 3313.662 of the Revised Code.	2210
(2) "In-school suspension" means the pupil will serve all	2211
of the suspension in a school setting.	2212
<u>Sec. 3313.668. On and after July 1, 2016, no school</u>	2213
<u>district or school shall suspend or expel a student from school</u>	2214
<u>or otherwise prohibit a student from attending school solely on</u>	2215
<u>the basis of the student's absences from school without</u>	2216
<u>legitimate excuse.</u>	2217
Sec. 3314.03. A copy of every contract entered into under	2218
this section shall be filed with the superintendent of public	2219
instruction. The department of education shall make available on	2220
its web site a copy of every approved, executed contract filed	2221
with the superintendent under this section.	2222
(A) Each contract entered into between a sponsor and the	2223
governing authority of a community school shall specify the	2224

following:	2225
(1) That the school shall be established as either of the	2226
following:	2227
(a) A nonprofit corporation established under Chapter	2228
1702. of the Revised Code, if established prior to April 8,	2229
2003;	2230
(b) A public benefit corporation established under Chapter	2231
1702. of the Revised Code, if established after April 8, 2003.	2232
(2) The education program of the school, including the	2233
school's mission, the characteristics of the students the school	2234
is expected to attract, the ages and grades of students, and the	2235
focus of the curriculum;	2236
(3) The academic goals to be achieved and the method of	2237
measurement that will be used to determine progress toward those	2238
goals, which shall include the statewide achievement	2239
assessments;	2240
(4) Performance standards, including but not limited to	2241
all applicable report card measures set forth in section 3302.03	2242
or 3314.017 of the Revised Code, by which the success of the	2243
school will be evaluated by the sponsor;	2244
(5) The admission standards of section 3314.06 of the	2245
Revised Code and, if applicable, section 3314.061 of the Revised	2246
Code;	2247
(6) (a) Dismissal procedures;	2248
(b) A requirement that the governing authority adopt an	2249
attendance policy that includes a procedure for automatically	2250
withdrawing a student from the school if the student without a	2251
legitimate excuse fails to participate in one hundred five	2252

consecutive hours of the learning opportunities offered to the student.	2253 2254
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2255 2256
(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.	2257 2258 2259 2260 2261 2262
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	2263 2264
(a) A detailed description of each facility used for instructional purposes;	2265 2266
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	2267 2268
(c) The annual mortgage principal and interest payments that are paid by the school;	2269 2270
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	2271 2272 2273
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	2274 2275 2276 2277 2278 2279
(11) That the school will comply with the following	2280

requirements: 2281

(a) The school will provide learning opportunities to a 2282
minimum of twenty-five students for a minimum of nine hundred 2283
twenty hours per school year. 2284

(b) The governing authority will purchase liability 2285
insurance, or otherwise provide for the potential liability of 2286
the school. 2287

(c) The school will be nonsectarian in its programs, 2288
admission policies, employment practices, and all other 2289
operations, and will not be operated by a sectarian school or 2290
religious institution. 2291

(d) The school will comply with sections 9.90, 9.91, 2292
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2293
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 2294
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 2295
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 2296
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 2297
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 2298
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 2299
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 2300
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 2301
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 2302
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 2303
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 2304
of the Revised Code as if it were a school district and will 2305
comply with section 3301.0714 of the Revised Code in the manner 2306
specified in section 3314.17 of the Revised Code. 2307

(e) The school shall comply with Chapter 102. and section 2308
2921.42 of the Revised Code. 2309

(f) The school will comply with sections 3313.61, 2310
3313.611, and 3313.614 of the Revised Code, except that for 2311
students who enter ninth grade for the first time before July 1, 2312
2010, the requirement in sections 3313.61 and 3313.611 of the 2313
Revised Code that a person must successfully complete the 2314
curriculum in any high school prior to receiving a high school 2315
diploma may be met by completing the curriculum adopted by the 2316
governing authority of the community school rather than the 2317
curriculum specified in Title XXXVIII of the Revised Code or any 2318
rules of the state board of education. Beginning with students 2319
who enter ninth grade for the first time on or after July 1, 2320
2010, the requirement in sections 3313.61 and 3313.611 of the 2321
Revised Code that a person must successfully complete the 2322
curriculum of a high school prior to receiving a high school 2323
diploma shall be met by completing the requirements prescribed 2324
in division (C) of section 3313.603 of the Revised Code, unless 2325
the person qualifies under division (D) or (F) of that section. 2326
Each school shall comply with the plan for awarding high school 2327
credit based on demonstration of subject area competency, and 2328
beginning with the 2016-2017 school year, with the updated plan 2329
that permits students enrolled in seventh and eighth grade to 2330
meet curriculum requirements based on subject area competency 2331
adopted by the state board of education under divisions (J) (1) 2332
and (2) of section 3313.603 of the Revised Code. 2333

(g) The school governing authority will submit within four 2334
months after the end of each school year a report of its 2335
activities and progress in meeting the goals and standards of 2336
divisions (A) (3) and (4) of this section and its financial 2337
status to the sponsor and the parents of all students enrolled 2338
in the school. 2339

(h) The school, unless it is an internet- or computer- 2340

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

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

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

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the

Revised Code;	2370
(17) Whether the school is to be created by converting all	2371
or part of an existing public school or educational service	2372
center building or is to be a new start-up school, and if it is	2373
a converted public school or service center building,	2374
specification of any duties or responsibilities of an employer	2375
that the board of education or service center governing board	2376
that operated the school or building before conversion is	2377
delegating to the governing authority of the community school	2378
with respect to all or any specified group of employees provided	2379
the delegation is not prohibited by a collective bargaining	2380
agreement applicable to such employees;	2381
(18) Provisions establishing procedures for resolving	2382
disputes or differences of opinion between the sponsor and the	2383
governing authority of the community school;	2384
(19) A provision requiring the governing authority to	2385
adopt a policy regarding the admission of students who reside	2386
outside the district in which the school is located. That policy	2387
shall comply with the admissions procedures specified in	2388
sections 3314.06 and 3314.061 of the Revised Code and, at the	2389
sole discretion of the authority, shall do one of the following:	2390
(a) Prohibit the enrollment of students who reside outside	2391
the district in which the school is located;	2392
(b) Permit the enrollment of students who reside in	2393
districts adjacent to the district in which the school is	2394
located;	2395
(c) Permit the enrollment of students who reside in any	2396
other district in the state.	2397
(20) A provision recognizing the authority of the	2398

department of education to take over the sponsorship of the 2399
school in accordance with the provisions of division (C) of 2400
section 3314.015 of the Revised Code; 2401

(21) A provision recognizing the sponsor's authority to 2402
assume the operation of a school under the conditions specified 2403
in division (B) of section 3314.073 of the Revised Code; 2404

(22) A provision recognizing both of the following: 2405

(a) The authority of public health and safety officials to 2406
inspect the facilities of the school and to order the facilities 2407
closed if those officials find that the facilities are not in 2408
compliance with health and safety laws and regulations; 2409

(b) The authority of the department of education as the 2410
community school oversight body to suspend the operation of the 2411
school under section 3314.072 of the Revised Code if the 2412
department has evidence of conditions or violations of law at 2413
the school that pose an imminent danger to the health and safety 2414
of the school's students and employees and the sponsor refuses 2415
to take such action. 2416

(23) A description of the learning opportunities that will 2417
be offered to students including both classroom-based and non- 2418
classroom-based learning opportunities that is in compliance 2419
with criteria for student participation established by the 2420
department under division (H) (2) of section 3314.08 of the 2421
Revised Code; 2422

(24) The school will comply with sections 3302.04 and 2423
3302.041 of the Revised Code, except that any action required to 2424
be taken by a school district pursuant to those sections shall 2425
be taken by the sponsor of the school. However, the sponsor 2426
shall not be required to take any action described in division 2427

(F) of section 3302.04 of the Revised Code. 2428

(25) Beginning in the 2006-2007 school year, the school 2429
will open for operation not later than the thirtieth day of 2430
September each school year, unless the mission of the school as 2431
specified under division (A) (2) of this section is solely to 2432
serve dropouts. In its initial year of operation, if the school 2433
fails to open by the thirtieth day of September, or within one 2434
year after the adoption of the contract pursuant to division (D) 2435
of section 3314.02 of the Revised Code if the mission of the 2436
school is solely to serve dropouts, the contract shall be void. 2437

(26) Whether the school's governing authority is planning 2438
to seek designation for the school as a STEM school equivalent 2439
under section 3326.032 of the Revised Code; 2440

(27) That the school's attendance and participation 2441
policies will be available for public inspection; 2442

(28) That the school's attendance and participation 2443
records shall be made available to the department of education, 2444
auditor of state, and school's sponsor to the extent permitted 2445
under and in accordance with the "Family Educational Rights and 2446
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 2447
and any regulations promulgated under that act, and section 2448
3319.321 of the Revised Code; 2449

(29) If a school operates using the blended learning 2450
model, as defined in section 3301.079 of the Revised Code, all 2451
of the following information: 2452

(a) An indication of what blended learning model or models 2453
will be used; 2454

(b) A description of how student instructional needs will 2455
be determined and documented; 2456

(c) The method to be used for determining competency,	2457
granting credit, and promoting students to a higher grade level;	2458
(d) The school's attendance requirements, including how	2459
the school will document participation in learning	2460
opportunities;	2461
(e) A statement describing how student progress will be	2462
monitored;	2463
(f) A statement describing how private student data will	2464
be protected;	2465
(g) A description of the professional development	2466
activities that will be offered to teachers.	2467
(30) A provision requiring that all moneys the school's	2468
operator loans to the school, including facilities loans or cash	2469
flow assistance, must be accounted for, documented, and bear	2470
interest at a fair market rate;	2471
(31) A provision requiring that, if the governing	2472
authority contracts with an attorney, accountant, or entity	2473
specializing in audits, the attorney, accountant, or entity	2474
shall be independent from the operator with which the school has	2475
contracted.	2476
(B) The community school shall also submit to the sponsor	2477
a comprehensive plan for the school. The plan shall specify the	2478
following:	2479
(1) The process by which the governing authority of the	2480
school will be selected in the future;	2481
(2) The management and administration of the school;	2482
(3) If the community school is a currently existing public	2483

school or educational service center building, alternative 2484
arrangements for current public school students who choose not 2485
to attend the converted school and for teachers who choose not 2486
to teach in the school or building after conversion; 2487

(4) The instructional program and educational philosophy 2488
of the school; 2489

(5) Internal financial controls. 2490

When submitting the plan under this division, the school 2491
shall also submit copies of all policies and procedures 2492
regarding internal financial controls adopted by the governing 2493
authority of the school. 2494

(C) A contract entered into under section 3314.02 of the 2495
Revised Code between a sponsor and the governing authority of a 2496
community school may provide for the community school governing 2497
authority to make payments to the sponsor, which is hereby 2498
authorized to receive such payments as set forth in the contract 2499
between the governing authority and the sponsor. The total 2500
amount of such payments for monitoring, oversight, and technical 2501
assistance of the school shall not exceed three per cent of the 2502
total amount of payments for operating expenses that the school 2503
receives from the state. 2504

(D) The contract shall specify the duties of the sponsor 2505
which shall be in accordance with the written agreement entered 2506
into with the department of education under division (B) of 2507
section 3314.015 of the Revised Code and shall include the 2508
following: 2509

(1) Monitor the community school's compliance with all 2510
laws applicable to the school and with the terms of the 2511
contract; 2512

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	2513 2514 2515
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	2516 2517 2518 2519
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	2520 2521 2522
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	2523 2524 2525 2526 2527 2528 2529
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	2530 2531 2532
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division	2533 2534 2535 2536 2537 2538 2539 2540 2541

remains subject to the provisions of sections 3314.07, 3314.072, 2542
and 3314.073 of the Revised Code. 2543

(F) If a community school fails to open for operation 2544
within one year after the contract entered into under this 2545
section is adopted pursuant to division (D) of section 3314.02 2546
of the Revised Code or permanently closes prior to the 2547
expiration of the contract, the contract shall be void and the 2548
school shall not enter into a contract with any other sponsor. A 2549
school shall not be considered permanently closed because the 2550
operations of the school have been suspended pursuant to section 2551
3314.072 of the Revised Code. 2552

Sec. 3321.041. (A) As used in this section, 2553
"extracurricular activity" means a pupil activity program that a 2554
school or school district operates and is not included in the 2555
school district's graded course of study, including an 2556
interscholastic extracurricular activity that a school or school 2557
district sponsors or participates in and that has participants 2558
from more than one school or school district. 2559

(B) Beginning in the 2009-2010 school year, if a student 2560
enrolled in a school district is absent from school for the sole 2561
purpose of traveling out of the state to participate in an 2562
enrichment activity approved by the district board of education 2563
or in an extracurricular activity, the district shall count that 2564
absence as an excused absence, up to a maximum of ~~four days~~ 2565
twenty-four hours per school year that the student's school is 2566
open for instruction. The district shall require any such 2567
student to complete any classroom assignments that the student 2568
misses because of the absence. 2569

(C) If a student will be absent from school for ~~four~~ 2570
twenty-four or more consecutive ~~school days~~ hours that the 2571

student's school is open for instruction, for a purpose 2572
described in division (B) of this section, a classroom teacher 2573
employed by the school district shall accompany the student 2574
during the travel period to provide the student with 2575
instructional assistance. 2576

Sec. 3321.13. (A) Whenever any child of compulsory school 2577
age withdraws from school the teacher of that child shall 2578
ascertain the reason for withdrawal. The fact of the withdrawal 2579
and the reason for it shall be immediately transmitted by the 2580
teacher to the superintendent of the city, local, or exempted 2581
village school district. If the child who has withdrawn from 2582
school has done so because of change of residence, the next 2583
residence shall be ascertained and shall be included in the 2584
notice thus transmitted. The superintendent shall thereupon 2585
forward a card showing the essential facts regarding the child 2586
and stating the place of the child's new residence to the 2587
superintendent of schools of the district to which the child has 2588
moved. 2589

The superintendent of public instruction may prescribe the 2590
forms to be used in the operation of this division. 2591

(B) (1) Upon receipt of information that a child of 2592
compulsory school age has withdrawn from school for a reason 2593
other than because of change of residence and is not enrolled in 2594
and attending in accordance with school policy an approved 2595
program to obtain a diploma or its equivalent, the 2596
superintendent shall notify the registrar of motor vehicles and 2597
the juvenile judge of the county in which the district is 2598
located of the withdrawal and failure to enroll in and attend an 2599
approved program to obtain a diploma or its equivalent. A 2600
notification to the registrar required by this division shall be 2601

given in the manner the registrar by rule requires and a 2602
notification to the juvenile judge required by this division 2603
shall be given in writing. Each notification shall be given 2604
within two weeks after the withdrawal and failure to enroll in 2605
and attend an approved program or its equivalent. 2606

(2) The board of education of a school district may adopt 2607
a resolution providing that the provisions of division (B) (2) of 2608
this section apply within the district. The provisions of 2609
division (B) (2) of this section do not apply within any school 2610
district, and no superintendent of a school district shall send 2611
a notification of the type described in division (B) (2) of this 2612
section to the registrar of motor vehicles or the juvenile judge 2613
of the county in which the district is located, unless the board 2614
of education of the district has adopted such a resolution. If 2615
the board of education of a school district adopts a resolution 2616
providing that the provisions of division (B) (2) of this section 2617
apply within the district, and if the superintendent of schools 2618
of that district receives information that, during any semester 2619
or term, a child of compulsory school age has been absent 2620
without legitimate excuse from the school the child is supposed 2621
to attend for more than ~~ten sixty consecutive school days hours~~ 2622
in a single month or for at least ~~fifteen total school days~~ 2623
ninety hours in a school year, the superintendent shall notify 2624
the child and the child's parent, guardian, or custodian, in 2625
writing, that the information has been provided to the 2626
superintendent, that as a result of that information the child's 2627
temporary instruction permit or driver's license will be 2628
suspended or the opportunity to obtain such a permit or license 2629
will be denied, and that the child and the child's parent, 2630
guardian, or custodian may appear in person at a scheduled date, 2631
time, and place before the superintendent or a designee to 2632

challenge the information provided to the superintendent. 2633

The notification to the child and the child's parent, 2634
guardian, or custodian required by division (B)(2) of this 2635
section shall set forth the information received by the 2636
superintendent and shall inform the child and the child's 2637
parent, guardian, or custodian of the scheduled date, time, and 2638
place of the appearance that they may have before the 2639
superintendent or a designee. The date scheduled for the 2640
appearance shall be no earlier than three and no later than five 2641
days after the notification is given, provided that an extension 2642
may be granted upon request of the child or the child's parent, 2643
guardian, or custodian. If an extension is granted, the 2644
superintendent shall schedule a new date, time, and place for 2645
the appearance and shall inform the child and the child's 2646
parent, guardian, or custodian of the new date, time, and place. 2647

If the child and the child's parent, guardian, or 2648
custodian do not appear before the superintendent or a designee 2649
on the scheduled date and at the scheduled time and place, or if 2650
the child and the child's parent, guardian, or custodian appear 2651
before the superintendent or a designee on the scheduled date 2652
and at the scheduled time and place but the superintendent or a 2653
designee determines that the information the superintendent 2654
received indicating that, during the semester or term, the child 2655
had been absent without legitimate excuse from the school the 2656
child was supposed to attend for more than ~~ten~~ sixty consecutive 2657
~~school days~~ hours or for at least ~~fifteen~~ ninety total ~~school~~ 2658
~~days~~ hours, the superintendent shall notify the registrar of 2659
motor vehicles and the juvenile judge of the county in which the 2660
district is located that the child has been absent for that 2661
period of time and that the child does not have any legitimate 2662
excuse for the habitual absence. A notification to the registrar 2663

required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the receipt of the information of the habitual absence from school without legitimate excuse, or, if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee to challenge the information, within two weeks after the appearance.

For purposes of division (B) (2) of this section, a legitimate excuse for absence from school includes, but is not limited to, the fact that the child in question has enrolled in another school or school district in this or another state, the fact that the child in question was excused from attendance for 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 2725
district and of any child above eighteen years of age if 2726
enrolled in any school within the district, and may take such 2727
action as the superintendent of schools directs or as such 2728
attendance officer or assistant deems proper in the absence of 2729
specific direction. 2730

(B) (1) Subject to division (B) (2) of this section, the 2731
attendance officer shall file a complaint in the juvenile court 2732
against any student who is absent without legitimate excuse from 2733
the public school the child is supposed to attend for thirty or 2734
more consecutive hours, forty-two or more hours in one school 2735
month, or seventy-two or more hours in a school year. 2736

(2) If the school district has given the student an 2737
opportunity to participate in the diversion program permitted in 2738
division (C) (2) of section 3321.191 of the Revised Code, the 2739
attendance officer shall file a complaint in the juvenile court 2740
against the student described in division (B) (1) of this section 2741
only if the student has refused to participate in or failed to 2742
complete that program. 2743

Sec. 3321.19. (A) As used in this section and section 2744
3321.191 of the Revised Code: 2745

(1) "Habitual truant" has the same meaning as in section 2746
2151.011 of the Revised Code. 2747

(2) "Chronic truant" has the same meaning as in section 2748
2152.02 of the Revised Code. 2749

(B) When a board of education of any city, exempted 2750
village, local, joint vocational, or cooperative education 2751
school district or the governing board of any educational 2752
service center determines that a student in its district has 2753

been truant and the parent, guardian, or other person having 2754
care of the child has failed to cause the student's attendance 2755
at school, the board may require the parent, guardian, or other 2756
person having care of the child pursuant to division (B) of this 2757
section to attend an educational program established pursuant to 2758
rules adopted by the state board of education for the purpose of 2759
encouraging parental involvement in compelling the attendance of 2760
the child at school. 2761

No parent, guardian, or other person having care of a 2762
child shall fail without good cause to attend an educational 2763
program described in this division if the parent, guardian, or 2764
other person has been served notice pursuant to division (C) of 2765
this section. 2766

(C) On the request of the superintendent of schools, the 2767
superintendent of any educational service center, the board of 2768
education of any city, exempted village, local, joint 2769
vocational, or cooperative education school district, or the 2770
governing board of any educational service center or when it 2771
otherwise comes to the notice of the attendance officer or other 2772
appropriate officer of the school district, the attendance 2773
officer or other appropriate officer shall examine into any case 2774
of supposed truancy within the district and shall warn the 2775
child, if found truant, and the child's parent, guardian, or 2776
other person having care of the child, in writing, of the legal 2777
consequences of being an habitual or chronic truant. When any 2778
child of compulsory school age, in violation of law, is not 2779
attending school, the attendance or other appropriate officer 2780
shall notify the parent, guardian, or other person having care 2781
of that child of the fact, and require the parent, guardian, or 2782
other person to cause the child to attend school immediately. 2783
The parent, guardian, or other person having care of the child 2784

shall cause the child's attendance at school. Upon the failure 2785
of the parent, guardian, or other person having care of the 2786
child to do so, the attendance officer or other appropriate 2787
officer, if so directed by the superintendent, the district 2788
board, or the educational service center governing board, shall 2789
send notice requiring the attendance of that parent, guardian, 2790
or other person at a parental education program established 2791
pursuant to division (B) of this section and, subject to 2792
divisions (D) and (E) of this section, may file a complaint 2793
against the parent, guardian, or other person having care of the 2794
child in any court of competent jurisdiction. 2795

(D) Upon the failure of the parent, guardian, or other 2796
person having care of the child to cause the child's attendance 2797
at school, if the child is considered an habitual truant, the 2798
board of education of the school district or the governing board 2799
of the educational service center, within ten days, shall ~~do~~ 2800
~~either or both of the following:~~ 2801

~~(1) Take any appropriate action as an intervention~~ 2802
~~strategy contained in the policy developed by the board pursuant~~ 2803
~~to section 3321.191 of the Revised Code;~~ assign the student to 2804
an absence intervention team as described in division (C) of 2805
section 3321.191 of the Revised Code. The attendance officer 2806
shall 2807

~~(2) File~~ file a complaint in the juvenile court of the 2808
county in which the child has a residence or legal settlement or 2809
in which the child is supposed to attend school jointly against 2810
the child and the parent, guardian, or other person having care 2811
of the child, if that child refuses to take part in the 2812
intervention plan prescribed by division (C) of section 3321.191 2813
of the Revised Code, including the diversion program described 2814

in division (G) (2) of section 2151.27 of the Revised Code, if 2815
offered. A complaint filed in the juvenile court under this 2816
division shall allege that the child is an unruly child for 2817
being an habitual truant ~~or is a delinquent child for being an~~ 2818
~~habitual truant who previously has been adjudicated an unruly~~ 2819
~~child for being an habitual truant~~ and that the parent, 2820
guardian, or other person having care of the child has violated 2821
section 3321.38 of the Revised Code. 2822

Sec. 3321.191. (A) ~~No~~ Not later than ~~August 31, 2000~~ 2823
ninety days after the effective date of this amendment, the 2824
board of education of each city, exempted village, local, joint 2825
vocational, and cooperative education school district and the 2826
governing board of each educational service center shall adopt a 2827
new or amended policy to guide employees of the school district 2828
or service center in addressing and ameliorating ~~the attendance~~ 2829
~~practice of any pupil who is an habitual truant student~~ 2830
absences. In developing the policy, the appropriate board shall 2831
consult with the judge of the juvenile court of the county or 2832
counties in which the district or service center is located, 2833
with the parents, guardians, or other persons having care of the 2834
pupils attending school in the district, and with appropriate 2835
state and local agencies. ~~The board shall incorporate into the~~ 2836
~~policy as an intervention strategy the assignment of an habitual~~ 2837
~~truant to an alternative school pursuant to section 3313.533 of~~ 2838
~~the Revised Code if an alternative school has been established~~ 2839
~~by the board under that section.~~ 2840

(B) The policy developed under division (A) of this 2841
section ~~may~~ shall include as an intervention strategy ~~any~~ all of 2842
the following actions, if ~~appropriate~~ applicable: 2843

(1) Providing a truancy intervention ~~program plan for an~~ 2844

habitual truant any student who is excessively absent from 2845
school, as described in the first paragraph of division (C) of 2846
this section; 2847

(2) Providing counseling for an habitual truant; 2848

(3) Requesting or requiring a parent, guardian, or other 2849
person having care of an habitual truant to attend parental 2850
involvement programs, including programs adopted under section 2851
3313.472 or 3313.663 of the Revised Code; 2852

(4) Requesting or requiring a parent, guardian, or other 2853
person having care of an habitual truant to attend truancy 2854
prevention mediation programs; 2855

(5) Notification of the registrar of motor vehicles under 2856
section 3321.13 of the Revised Code; 2857

(6) Taking legal action under section 2919.222, 3321.20, 2858
or 3321.38 of the Revised Code. 2859

(C)(1) In the event that a child of compulsory school age 2860
is absent with or without legitimate excuse from the public 2861
school the child is supposed to attend for thirty-eight or more 2862
hours in one school month, or sixty-five or more hours in a 2863
school year, the attendance officer of that school shall notify 2864
the child's parent, guardian, or custodian of the child's 2865
absences, in writing, within seven days after the date after the 2866
absence that triggered the notice requirement. At the time 2867
notice is given, the school also may take any appropriate action 2868
as an intervention strategy contained in the policy developed by 2869
the board pursuant to division (A) of this section. 2870

(2)(a) If the absences of a student surpass the threshold 2871
for an habitual truant as set forth in section 2151.011 of the 2872
Revised Code, the principal or chief administrator of the school 2873

or the superintendent of the school district shall assign the 2874
student to an absence intervention team. Within thirty days 2875
after the assignment of a student to an absence intervention 2876
team, the team shall develop an intervention plan for that 2877
student in an effort to reduce or eliminate further absences. 2878

(b) As part of the absence intervention plan described in 2879
division (C) (2) of this section, the school district or school, 2880
in its discretion, may contact the appropriate juvenile court 2881
and ask to have a student informally enrolled in the diversion 2882
program described in division (G) (2) of section 2151.27 of the 2883
Revised Code. If the school district or school chooses to have 2884
students informally enrolled in the diversion program, the 2885
school district or school shall develop a written policy 2886
regarding the use of, and selection process for, that program to 2887
ensure fairness. 2888

(c) The superintendent of each school district, or the 2889
superintendent's designee, shall establish an absence 2890
intervention team for the district to be used by any schools of 2891
the district that do not establish their own absence 2892
intervention team as permitted under division (C) (2) (d) of this 2893
section. Membership of each absence intervention team may vary 2894
based on the needs of each individual student but shall include 2895
a school or district administrator, a teacher, and the child's 2896
parent or parent's designee, or the child's guardian, custodian, 2897
guardian ad litem, or temporary custodian. The team also may 2898
include a school psychologist, counselor, social worker, or 2899
representative of a public or nonprofit agency designed to 2900
assist students and their families in reducing absences. 2901

(d) The principal or chief administrator of each school 2902
may establish an absence intervention team or series of teams to 2903

be used in lieu of the district team established pursuant to 2904
division (C) (2) (c) of this section. Membership of each absence 2905
intervention team may vary based on the needs of each individual 2906
student but shall include a school or district administrator, a 2907
teacher, and the child's parent or parent's designee, or the 2908
child's guardian, custodian, guardian ad litem, or temporary 2909
custodian. The team also may include a school psychologist, 2910
counselor, social worker, or representative of a public or 2911
nonprofit agency designed to assist students and their families 2912
in reducing absences. 2913

(3) For purposes of divisions (C) (2) (c) and (d) of this 2914
section, the state board of education shall develop a format for 2915
parental permission to ensure compliance with the "Family 2916
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 2917
U.S.C. 1232g, as amended, and any regulations promulgated under 2918
that act, and section 3319.321 of the Revised Code. 2919

(D) Each school district or school may consult or partner 2920
with public and nonprofit agencies to provide assistance as 2921
appropriate to students and their families in reducing absences. 2922

(E) On and after the ninety-first day after the effective 2923
date of this amendment, each school district shall report to the 2924
department of education, as soon as practicable, and in a format 2925
and manner determined by the department, any of the following 2926
occurrences: 2927

(1) When a notice required by division (C) (1) of this 2928
section is submitted to a parent, guardian, or custodian; 2929

(2) When a child of compulsory school age has been absent 2930
without legitimate excuse from the public school the child is 2931
supposed to attend for thirty or more consecutive hours, forty- 2932

two or more hours in one school month, or seventy-two or more 2933
hours in a school year; 2934

(3) When a child of compulsory school age who has been 2935
adjudicated an unruly child for being an habitual truant 2936
violates the court order regarding that adjudication; 2937

(4) When an absence intervention plan has been implemented 2938
for a child under this section. 2939

(F) Nothing in this section shall be construed to limit 2940
the duty or authority of a district board of education or 2941
governing body of an educational service center to develop other 2942
policies related to truancy or to limit the duty or authority of 2943
any employee of the school district or service center to respond 2944
to pupil truancy. However, a board shall be subject to the 2945
prohibition against suspending, expelling, or otherwise 2946
preventing a student from attending school for excessive 2947
absences as prescribed by section 3313.668 of the Revised Code. 2948

Sec. 3321.38. (A) No parent, guardian, or other person 2949
having care of a child of compulsory school age shall violate 2950
any provision of section 3321.01, 3321.03, 3321.04, 3321.07, 2951
3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The 2952
juvenile court, which has exclusive original jurisdiction over 2953
any violation of this section pursuant to section 2151.23 of the 2954
Revised Code, may require a person convicted of violating this 2955
division to give bond in a sum of not more than five hundred 2956
dollars with sureties to the approval of the court, conditioned 2957
that the person will cause the child under the person's charge 2958
to attend upon instruction as provided by law, and remain as a 2959
pupil in the school or class during the term prescribed by law. 2960
If the juvenile court adjudicates the child as an unruly or 2961
delinquent child for being an habitual or chronic truant 2962

pursuant to section 2151.35 of the Revised Code, the court shall 2963
warn the parent, guardian, or other person having care of the 2964
child that any subsequent adjudication of that nature involving 2965
the child, or the child's violation of a court order regarding 2966
the child's designation as an unruly child for being an habitual 2967
truant, may result in a criminal charge against the parent, 2968
guardian, or other person having care of the child for a 2969
violation of division (C) of section 2919.21 or section 2919.24 2970
of the Revised Code. 2971

(B) This section does not relieve from prosecution and 2972
conviction any parent, guardian, or other person upon further 2973
violation of any provision in any of the sections specified in 2974
division (A) of this section, any provision of section 2919.222 2975
or 2919.24 of the Revised Code, or division (C) of section 2976
2919.21 of the Revised Code. A forfeiture of the bond shall not 2977
relieve that parent, guardian, or other person from prosecution 2978
and conviction upon further violation of any provision in any of 2979
those sections or that division. 2980

(C) Section 4109.13 of the Revised Code applies to this 2981
section. 2982

(D) No parent, guardian, or other person having care of a 2983
child of ~~compulsary~~compulsory school age shall fail to give 2984
bond as required by division (A) of this section in the sum of 2985
~~one~~five hundred dollars with sureties as required by the court. 2986

Sec. 3326.11. Each science, technology, engineering, and 2987
mathematics school established under this chapter and its 2988
governing body shall comply with sections 9.90, 9.91, 109.65, 2989
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 2990
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 2991
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 2992

3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 2993
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 2994
3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 2995
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 2996
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2997
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 2998
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 2999
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3000
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 3001
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 3002
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3003
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 3004
the Revised Code as if it were a school district. 3005

Sec. 3328.24. A college-preparatory boarding school 3006
established under this chapter and its board of trustees shall 3007
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3008
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.668, 3009
3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 3010
Chapter 3365. of the Revised Code as if the school were a school 3011
district and the school's board of trustees were a district 3012
board of education. 3013

Sec. 4510.32. (A) The registrar of motor vehicles shall 3014
record within ten days of receipt and keep at the main office of 3015
the bureau of motor vehicles all information provided to the 3016
registrar by the superintendent of a school district in 3017
accordance with division (B) of section 3321.13 of the Revised 3018
Code. 3019

(B) Whenever the registrar receives a notice under 3020
division (B) of section 3321.13 of the Revised Code, the 3021
registrar shall impose a class F suspension of the temporary 3022

instruction permit or driver's license of the person who is the 3023
subject of the notice for the period of time specified in 3024
division (B) (6) of section 4510.02 of the Revised Code, or, if 3025
the person has not been issued a temporary instruction permit or 3026
driver's license, the registrar shall deny to the person the 3027
issuance of a permit or license. The requirements of the second 3028
paragraph of section 119.06 of the Revised Code do not apply to 3029
a suspension of a person's temporary instruction permit or 3030
driver's license or a denial of a person's opportunity to obtain 3031
a temporary instruction permit or driver's license by the 3032
registrar under this division. 3033

(C) Upon suspending the temporary instruction permit or 3034
driver's license of any person or denying any person the 3035
opportunity to be issued such a license or permit as provided in 3036
division (B) of this section, the registrar immediately shall 3037
notify the person in writing of the suspension or denial and 3038
inform the person that the person may petition for a hearing as 3039
provided in division (E) of this section. 3040

(D) Any person whose permit or license is suspended under 3041
this section shall mail or deliver the person's permit or 3042
license to the registrar of motor vehicles within twenty days of 3043
notification of the suspension; however, the person's permit or 3044
license and the person's driving privileges shall be suspended 3045
immediately upon receipt of the notification. The registrar may 3046
retain the permit or license during the period of the suspension 3047
or the registrar may destroy it under section 4510.52 of the 3048
Revised Code. 3049

(E) Any person whose temporary instruction permit or 3050
driver's license has been suspended, or whose opportunity to 3051
obtain such a permit or license has been denied pursuant to this 3052

section, may file a petition in the juvenile court in whose 3053
jurisdiction the person resides alleging error in the action 3054
taken by the registrar under division (B) of this section or 3055
alleging one or more of the matters within the scope of the 3056
hearing, as described in this division, or both. The petitioner 3057
shall notify the registrar and the superintendent of the school 3058
district who gave the notice to the registrar and juvenile judge 3059
under division (B) of section 3321.13 of the Revised Code of the 3060
filing of the petition and send them copies of the petition. The 3061
scope of the hearing is limited to the issues of whether the 3062
notice given by the superintendent to the registrar was in error 3063
and whether the suspension or denial of driving privileges will 3064
result in substantial hardship to the petitioner. 3065

The registrar shall furnish the court a copy of the record 3066
created in accordance with division (A) of this section. The 3067
registrar and the superintendent shall furnish the court with 3068
any other relevant information required by the court. 3069

In hearing the matter and determining whether the 3070
petitioner has shown that the petitioner's temporary instruction 3071
permit or driver's license should not be suspended or that the 3072
petitioner's opportunity to obtain such a permit or license 3073
should not be denied, the court shall decide the issue upon the 3074
information furnished by the registrar and the superintendent 3075
and any such additional evidence that the registrar, the 3076
superintendent, or the petitioner submits. 3077

If the court finds from the evidence submitted that the 3078
petitioner has failed to show error in the action taken by the 3079
registrar under division (B) of this section and has failed to 3080
prove any of the matters within the scope of the hearing, then 3081
the court may assess the cost of the proceeding against the 3082

petitioner and shall uphold the suspension of the petitioner's 3083
permit or license or the denial of the petitioner's opportunity 3084
to obtain a permit or license. If the court finds that the 3085
petitioner has shown error in the action taken by the registrar 3086
under division (B) of this section or has proved one or more of 3087
the matters within the scope of the hearing, or both, the cost 3088
of the proceeding shall be paid out of the county treasury of 3089
the county in which the proceedings were held, and the 3090
suspension of the petitioner's permit or license or the denial 3091
of the person's opportunity to obtain a permit or license shall 3092
be terminated. 3093

(F) The registrar shall cancel the record created under 3094
this section of any person who is the subject of a notice given 3095
under division (B) of section 3321.13 of the Revised Code and 3096
shall terminate the suspension of the person's permit or license 3097
or the denial of the person's opportunity to obtain a permit or 3098
license, if any of the following applies: 3099

(1) The person is at least eighteen years of age. 3100

(2) The person provides evidence, as the registrar shall 3101
require by rule, of receipt of a high school diploma or a 3102
general educational development certificate of high school 3103
equivalence. 3104

(3) The superintendent of a school district informs the 3105
registrar that the notification of withdrawal, habitual absence 3106
without legitimate excuse, suspension, or expulsion concerning 3107
the person was in error. 3108

(4) The suspension or denial was imposed subsequent to a 3109
notification given under division (B) (3) or (4) of section 3110
3321.13 of the Revised Code, and the superintendent of a school 3111

district informs the registrar that the person in question has 3112
satisfied any terms or conditions established by the school as 3113
necessary to terminate the suspension or denial of driving 3114
privileges. 3115

(5) The suspension or denial was imposed subsequent to a 3116
notification given under division (B)(1) of section 3321.13 of 3117
the Revised Code, and the superintendent of a school district 3118
informs the registrar that the person in question is now 3119
attending school or enrolled in and attending an approved 3120
program to obtain a diploma or its equivalent to the 3121
satisfaction of the school superintendent. 3122

(6) The suspension or denial was imposed subsequent to a 3123
notification given under division (B)(2) of section 3321.13 of 3124
the Revised Code, the person has completed at least one semester 3125
or term of school after the one in which the notification was 3126
given, the person requests the superintendent of the school 3127
district to notify the registrar that the person no longer is 3128
habitually absent without legitimate excuse, the superintendent 3129
determines that the person has not been absent from school 3130
without legitimate excuse in the current semester or term, as 3131
determined under that division, for more than ~~ten-sixty~~ 3132
consecutive ~~school days~~ hours or for more than ~~fifteen-ninety~~ 3133
~~total school days~~ hours, and the superintendent informs the 3134
registrar of that fact. If a person described in division (F)(6) 3135
of this section requests the superintendent of the school 3136
district to notify the registrar that the person no longer is 3137
habitually absent without legitimate excuse and the 3138
superintendent makes the determination described in this 3139
division, the superintendent shall provide the information 3140
described in division (F)(6) of this section to the registrar 3141
within five days after receiving the request. 3142

(7) The suspension or denial was imposed subsequent to a 3143
notification given under division (B)(2) of section 3321.13 of 3144
the Revised Code, and the superintendent of a school district 3145
informs the registrar that the person in question has received 3146
an age and schooling certificate in accordance with section 3147
3331.01 of the Revised Code. 3148

(8) The person filed a petition in court under division 3149
(E) of this section and the court found that the person showed 3150
error in the action taken by the registrar under division (B) of 3151
this section or proved one or more of the matters within the 3152
scope of the hearing on the petition, as set forth in division 3153
(E) of this section, or both. 3154

At the end of the suspension period under this section and 3155
upon the request of the person whose temporary instruction 3156
permit or driver's license was suspended, the registrar shall 3157
return the driver's license or permit to the person or reissue 3158
the person's license or permit under section 4510.52 of the 3159
Revised Code, if the registrar destroyed the suspended license 3160
or permit under that section. 3161

Section 2. That existing sections 2151.011, 2151.022, 3162
2151.18, 2151.27, 2151.311, 2151.35, 2151.354, 2152.02, 3163
2152.021, 2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 3314.03, 3164
3321.041, 3321.13, 3321.16, 3321.19, 3321.191, 3321.38, 3326.11, 3165
3328.24, and 4510.32 of the Revised Code are hereby repealed. 3166

Section 3. Not later than ninety days after the effective 3167
date of this section, the State Board of Education shall develop 3168
a model policy for violent, disruptive, or inappropriate 3169
behavior, including excessive absences, that stresses 3170
preventative strategies and alternatives to suspension or 3171
expulsion. The model policy shall be provided to each school 3172

district, community school, science, technology, engineering and 3173
mathematics school, and college-preparatory boarding school to 3174
aid in compliance with section 3321.191 of the Revised Code. 3175

Not later than one hundred eighty days after the effective 3176
date of this section, the Department of Education shall develop 3177
materials to assist school districts in providing teacher and 3178
staff training on the implementation of the strategies included 3179
in the model policy. 3180

Section 4. The General Assembly, applying the principle 3181
stated in division (B) of section 1.52 of the Revised Code that 3182
amendments are to be harmonized if reasonably capable of 3183
simultaneous operation, finds that the following sections, 3184
presented in this act as composites of the sections as amended 3185
by the acts indicated, are the resulting versions of the 3186
sections in effect prior to the effective date of the sections 3187
as presented in this act: 3188

Section 2151.022 of the Revised Code as amended by both 3189
Am. Sub. H.B. 23 and Am. Sub. S.B. 53 of the 126th General 3190
Assembly. 3191

Section 3314.03 of the Revised Code as amended by both Am. 3192
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly. 3193