

**As Introduced**

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

**S. B. No. 289**

**Senator Kunze**

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

expulsion period, as applicable. 441

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

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

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

(K) As used in this section: 462

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

of section 3313.66 of the Revised Code. 561

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

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

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

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

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

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

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

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

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

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

(F) As used in this section: 619

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

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

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

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

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

(a) A psychiatrist; 653

(b) A licensed physician; 654

(c) A licensed clinical psychologist; 655

(d) A health officer; 656

(e) A school district superintendent; 657

(f) A school psychologist; 658

(g) A parole officer; 659

(h) A police officer; 660

(i) A sheriff. 661

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

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

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

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

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



defined in section 5122.01 of the Revised Code. 708

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

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