

As Introduced

135th General Assembly

Regular Session

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H. B. No. 206

Representatives Click, Robb Blasdel

Cosponsors: Representatives Claggett, Williams



A BILL

To amend sections 3313.66 and 3313.661 of the
Revised Code with respect to the expulsion of a
student from a public school for actions that
endanger the health and safety of other students
or school employees.

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

Section 1. That sections 3313.66 and 3313.661 of the
Revised Code be amended to read as follows:

Sec. 3313.66. (A) (1) Except as provided under division (B)
(2) of this section, and subject to section 3313.668 of the
Revised Code, the superintendent of schools of a city, exempted
village, or local school district, or the principal of a public
school may suspend a pupil from school for not more than ten
school days. The board of education of a city, exempted village,
or local school district may adopt a policy granting assistant
principals and other administrators the authority to suspend a
pupil from school for a period of time as specified in the
policy of the board of education, not to exceed ten school days.
If at the time an out-of-school suspension is imposed there are

fewer than ten school days remaining in the school year in which 19
the incident that gives rise to the suspension takes place, the 20
superintendent shall not apply any remaining part of the period 21
of the suspension to the following school year. The 22
superintendent may instead require the pupil to participate in a 23
community service program or another alternative consequence for 24
a number of hours equal to the remaining part of the period of 25
the suspension. The pupil shall be required to begin the pupil's 26
community service or alternative consequence during the first 27
full week day of summer break. Each school district, in its 28
discretion, may develop an appropriate list of alternative 29
consequences. In the event that a pupil fails to complete 30
community service or the assigned alternative consequence, the 31
school district may determine the next course of action, which 32
shall not include requiring the pupil to serve the remaining 33
time of the out-of-school suspension at the beginning of the 34
following school year. 35

No pupil shall be issued an out-of-school suspension 36
unless prior to the suspension the superintendent or principal 37
does both of the following: 38

(a) Gives the pupil written notice of the intention to 39
suspend the pupil and the reasons for the intended suspension 40
and, if the proposed suspension is based on a violation listed 41
in division (A) of section 3313.662 of the Revised Code and if 42
the pupil is sixteen years of age or older, includes in the 43
notice a statement that the superintendent may seek to 44
permanently exclude the pupil if the pupil is convicted of or 45
adjudicated a delinquent child for that violation; 46

(b) Provides the pupil an opportunity to appear at an 47
informal hearing before the principal, assistant principal, 48

superintendent, or superintendent's designee and challenge the 49
reason for the intended suspension or otherwise to explain the 50
pupil's actions. 51

(2) If a pupil is issued an in-school suspension, the 52
superintendent or principal shall ensure the pupil is serving 53
the suspension in a supervised learning environment. 54

(3) Each school district board shall adopt a policy 55
establishing parameters for completing and grading assignments 56
missed because of a pupil's suspension. 57

(a) The policy shall provide the pupil an opportunity to 58
do both of the following: 59

(i) Complete any classroom assignments missed because of 60
the suspension; 61

(ii) Receive at least partial credit for a completed 62
assignment. 63

(b) The policy may permit grade reductions on account of 64
the pupil's suspension. 65

(c) The policy shall prohibit the receipt of a failing 66
grade on a completed assignment solely on account of the pupil's 67
suspension. 68

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 69
(4), (5), or (6) of this section, and subject to section 70
3313.668 of the Revised Code, the superintendent of schools of a 71
city, exempted village, or local school district may expel a 72
pupil from school for a period not to exceed the greater of 73
eighty school days or the number of school days remaining in the 74
semester or term in which the incident that gives rise to the 75
expulsion takes place, unless the expulsion is extended pursuant 76

to division (F) of this section. If at the time an expulsion is 77
imposed there are fewer than eighty school days remaining in the 78
school year in which the incident that gives rise to the 79
expulsion takes place, the superintendent may apply any 80
remaining part or all of the period of the expulsion to the 81
following school year. 82

(2) (a) Unless a pupil is permanently excluded pursuant to 83
section 3313.662 of the Revised Code, the superintendent of 84
schools of a city, exempted village, or local school district 85
shall expel a pupil from school for a period of one year for 86
bringing a firearm to a school operated by the board of 87
education of the district or onto any other property owned or 88
controlled by the board, except that the superintendent may 89
reduce this requirement on a case-by-case basis in accordance 90
with the policy adopted by the board under section 3313.661 of 91
the Revised Code. 92

(b) The superintendent of schools of a city, exempted 93
village, or local school district may expel a pupil from school 94
for a period of one year for bringing a firearm to an 95
interscholastic competition, an extracurricular event, or any 96
other school program or activity that is not located in a school 97
or on property that is owned or controlled by the district. The 98
superintendent may reduce this disciplinary action on a case-by- 99
case basis in accordance with the policy adopted by the board 100
under section 3313.661 of the Revised Code. 101

(c) Any expulsion pursuant to division (B) (2) of this 102
section shall extend, as necessary, into the school year 103
following the school year in which the incident that gives rise 104
to the expulsion takes place. As used in this division, 105
"firearm" has the same meaning as provided pursuant to the "Gun- 106

Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 107

(3) The board of education of a city, exempted village, or 108
local school district may adopt a resolution authorizing the 109
superintendent of schools to expel a pupil from school for a 110
period not to exceed one year for bringing a knife capable of 111
causing serious bodily injury to a school operated by the board, 112
onto any other property owned or controlled by the board, or to 113
an interscholastic competition, an extracurricular event, or any 114
other program or activity sponsored by the school district or in 115
which the district is a participant, or for possessing a firearm 116
or knife capable of serious bodily injury, at a school, on any 117
other property owned or controlled by the board, or at an 118
interscholastic competition, an extracurricular event, or any 119
other school program or activity, which firearm or knife was 120
initially brought onto school board property by another person. 121
The resolution may authorize the superintendent to extend such 122
an expulsion, as necessary, into the school year following the 123
school year in which the incident that gives rise to the 124
expulsion takes place. 125

(4) The board of education of a city, exempted village, or 126
local school district may adopt a resolution establishing a 127
policy under section 3313.661 of the Revised Code that 128
authorizes the superintendent of schools to expel a pupil from 129
school for a period not to exceed one year for committing an act 130
that is a criminal offense when committed by an adult and that 131
results in serious physical harm to persons as defined in 132
division (A) (5) of section 2901.01 of the Revised Code or 133
serious physical harm to property as defined in division (A) (6) 134
of section 2901.01 of the Revised Code while the pupil is at 135
school, on any other property owned or controlled by the board, 136
or at an interscholastic competition, an extracurricular event, 137

or any other school program or activity. Any expulsion under 138
this division shall extend, as necessary, into the school year 139
following the school year in which the incident that gives rise 140
to the expulsion takes place. 141

(5) The board of education of any city, exempted village, 142
or local school district may adopt a resolution establishing a 143
policy under section 3313.661 of the Revised Code that 144
authorizes the superintendent of schools to expel a pupil from 145
school for a period not to exceed one year for making a bomb 146
threat to a school building or to any premises at which a school 147
activity is occurring at the time of the threat. Any expulsion 148
under this division shall extend, as necessary, into the school 149
year following the school year in which the incident that gives 150
rise to the expulsion takes place. 151

(6) The board of education of any city, exempted village, 152
or local school district may adopt a resolution establishing a 153
policy under section 3313.661 of the Revised Code that 154
authorizes the superintendent of schools to expel a pupil from 155
school for a period not to exceed one hundred eighty school days 156
for actions that the superintendent determines pose imminent and 157
severe endangerment to the health and safety of other pupils or 158
school employees, even though the pupil's actions may not 159
qualify for permanent exclusion under section 3313.662 of the 160
Revised Code. Upon the expulsion of a pupil pursuant to this 161
division, the superintendent shall develop conditions for that 162
pupil to satisfy prior to the pupil's reinstatement. The 163
superintendent shall provide a copy of these conditions in 164
writing to the district board, the pupil, and the pupil's 165
parent, guardian, or custodian at the beginning of the expulsion 166
period. 167

One of the conditions developed by the superintendent 168
shall be an assessment to determine whether the pupil poses a 169
danger to the pupil's self or to other pupils or school 170
employees. The assessment shall be completed by a psychiatrist, 171
psychologist, or school psychologist employed or contracted by 172
the district. The psychiatrist, psychologist, or school 173
psychologist shall be agreed upon by both the district board and 174
the pupil's parent, guardian, or custodian. If the psychiatrist, 175
psychologist, or school psychologist is not employed or 176
contracted by the district, the cost of the assessment shall be 177
referred for payment to the pupil's health insurance. Any costs 178
not covered by the pupil's health insurance shall be split 179
equally between the district and the pupil's parent, guardian, 180
or custodian. The district shall pay in full for an assessment 181
completed by a psychiatrist, psychologist, or school 182
psychologist that is employed or contracted by the district. 183

(a) At the end of the expulsion period, the superintendent 184
shall assess the pupil and determine whether the pupil has shown 185
sufficient rehabilitation to be reinstated. The superintendent 186
shall take into consideration both the assessment by the 187
psychiatrist, psychologist, or school psychologist and whether 188
or not the pupil has met the conditions developed by the 189
superintendent at the beginning of the expulsion period. 190

In making any determination under division (B)(6) of this 191
section, the superintendent shall comply with the procedures 192
prescribed by divisions (B)(7) and (D) of this section. 193

(i) Upon the assessment of a pupil as required by division 194
(B)(6)(a) of this section, if the superintendent determines that 195
the pupil has shown sufficient rehabilitation, the 196
superintendent may reinstate that pupil. 197

(ii) Upon the assessment of a pupil as required by 198
division (B) (6) (a) of this section, if the superintendent 199
determines that the pupil has not shown sufficient 200
rehabilitation, the superintendent may extend the expulsion for 201
an additional period not to exceed ninety school days. 202

(b) If the superintendent extends the expulsion period 203
under division (B) (6) (a) (ii) of this section, the superintendent 204
shall develop conditions for that pupil to satisfy prior to that 205
pupil's reinstatement, which may be the same as those developed 206
for the original expulsion period. The superintendent shall 207
provide a copy of these conditions in writing to the district 208
board, the pupil, and the pupil's parent, guardian, or custodian 209
at the beginning of the extended expulsion period. At the end of 210
the extended expulsion period, the superintendent shall reassess 211
the pupil in the manner prescribed by division (B) (6) (a) of this 212
section and may reinstate the pupil or may extend the expulsion 213
for another term, not to exceed ninety school days, in the same 214
manner as provided in divisions (B) (6) (a) (i) and (ii) of this 215
section. There is no limit on the number of times the 216
superintendent may extend an expulsion under division (B) (6) (a) 217
(ii) of this section. 218

(c) Prior to the end of the original expulsion period or 219
of an extended expulsion period, if the pupil has met all of the 220
conditions developed by the superintendent at the beginning of 221
the expulsion period, the superintendent may reduce the 222
expulsion on a case-by-case basis. In making the determination, 223
the superintendent shall comply with the district's policy 224
regarding the reduction of an expulsion period, adopted pursuant 225
to section 3313.661 of the Revised Code. 226

(d) Prior to the end of the original expulsion period or 227

of an extended expulsion period, the pupil or the pupil's 228
parent, guardian, or custodian may request the superintendent to 229
complete an early assessment of the pupil. If requested, the 230
superintendent shall assess the pupil and make a determination 231
in the manner prescribed by division (B) (6) (a) of this section. 232
In making the determination, the superintendent shall comply 233
with the district's policy regarding the reduction of an 234
expulsion period, adopted pursuant to section 3313.661 of the 235
Revised Code. A pupil or pupil's parent, guardian, or custodian 236
may request one early assessment for the original expulsion 237
period and for each extended expulsion period under this 238
division. 239

(e) Not later than five days after the beginning of the 240
original expulsion period or of any extended expulsion period 241
under division (B) (6) of this section, the superintendent, in 242
consultation with the pupil, and the pupil's parent, guardian, 243
or custodian, shall develop a plan for the continued education 244
of the pupil, which may include education by the district in an 245
alternative setting under division (I) of this section, 246
including instruction at home, enrollment in another district or 247
other type of public or nonpublic school, or any other form of 248
instruction that complies with Chapter 3321. of the Revised 249
Code. 250

(f) The pupil or the pupil's parent, guardian, or 251
custodian may appeal any determination made by the 252
superintendent pursuant to division (B) (6) of this section in 253
the manner prescribed by division (E) of this section. 254

(7) No pupil shall be expelled under division (B) (1), (2), 255
(3), (4), ~~or~~ (5), or (6) of this section unless, prior to the 256
pupil's expulsion, the superintendent does both of the 257

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|---|---|
| following: | 258 |
| (a) Gives the pupil and the pupil's parent, guardian, or custodian written notice of the intention to expel the pupil; | 259 260 |
| (b) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's actions. | 261 262 263 264 265 |
| The notice required in this division shall include the reasons for the intended expulsion, notification of the opportunity of the pupil and the pupil's parent, guardian, custodian, or representative to appear before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to explain the pupil's action, and notification of the time and place to appear. The time to appear shall not be earlier than three nor later than five school days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or the pupil's parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, the notice shall include a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation. | 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 |
| (7) (8) A superintendent of schools of a city, exempted | 287 |

village, or local school district shall initiate expulsion 288
proceedings pursuant to this section with respect to any pupil 289
who has committed an act warranting expulsion under the 290
district's policy regarding expulsion even if the pupil has 291
withdrawn from school for any reason after the incident that 292
gives rise to the hearing but prior to the hearing or decision 293
to impose the expulsion. If, following the hearing, the pupil 294
would have been expelled for a period of time had the pupil 295
still been enrolled in the school, the expulsion shall be 296
imposed for the same length of time as on a pupil who has not 297
withdrawn from the school. 298

(C) (1) Subject to division (C) (2) of this section, if a 299
pupil's presence poses a continuing danger to persons or 300
property or an ongoing threat of disrupting the academic process 301
taking place either within a classroom or elsewhere on the 302
school premises, the superintendent or a principal or assistant 303
principal may remove a pupil from curricular activities or from 304
the school premises, and a teacher may remove a pupil from 305
curricular activities under the teacher's supervision, without 306
the notice and hearing requirements of division (A) or (B) of 307
this section. As soon as practicable after making such a 308
removal, the teacher shall submit in writing to the principal 309
the reasons for such removal. 310

(2) A pupil in any of grades pre-kindergarten through 311
three may be removed pursuant to division (C) (1) of this section 312
only for the remainder of the school day and shall be permitted 313
to return to curricular and extracurricular activities on the 314
school day following the day in which the student was removed. 315

(a) A school district or school that returns a student in 316
any of grades pre-kindergarten through three to curricular and 317

extracurricular activities on the next school day shall not be 318
required to follow division (C) (3) of this section with regard 319
to that student. 320

(b) A school district shall not initiate a suspension or 321
expulsion proceeding against a student in any of grades pre- 322
kindergarten through three who was removed from a curricular or 323
extracurricular activity under division (C) of this section 324
unless the student has committed an act described in division 325
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 326

(3) If a pupil is removed under division (C) (1) or (2) of 327
this section from a curricular activity or from the school 328
premises, written notice of the hearing and of the reason for 329
the removal shall be given to the pupil as soon as practicable 330
prior to the hearing, which shall be held on the next school day 331
after the initial removal is ordered. The hearing shall be held 332
in accordance with division (A) of this section unless it is 333
probable that the pupil may be subject to expulsion, in which 334
case a hearing in accordance with division (B) of this section 335
shall be held, except that the hearing shall be held on the next 336
school day after the date of the initial removal. The individual 337
who ordered, caused, or requested the removal to be made shall 338
be present at the hearing. 339

(4) If the superintendent or the principal reinstates a 340
pupil in a curricular activity under the teacher's supervision 341
prior to the hearing following a removal under this division, 342
the teacher, upon request, shall be given in writing the reasons 343
for such reinstatement. 344

(D) The superintendent or principal, within one school day 345
after the time of a pupil's expulsion or suspension, shall 346
notify in writing the parent, guardian, or custodian of the 347

pupil of the expulsion or suspension. In the case of an 348
expulsion, the superintendent or principal, within one school 349
day after the time of a pupil's expulsion, also shall notify in 350
writing the treasurer of the board of education. Each notice 351
shall include the reasons for the expulsion or suspension, 352
notification of the right of the pupil or the pupil's parent, 353
guardian, or custodian to appeal the expulsion or suspension to 354
the board of education or to its designee, to be represented in 355
all appeal proceedings, to be granted a hearing before the board 356
or its designee in order to be heard against the suspension or 357
expulsion, and to request that the hearing be held in executive 358
session, notification that the expulsion may be subject to 359
extension pursuant to division (F) of this section if the pupil 360
is sixteen years of age or older, and notification that the 361
superintendent may seek the pupil's permanent exclusion if the 362
suspension or expulsion was based on a violation listed in 363
division (A) of section 3313.662 of the Revised Code that was 364
committed when the child was sixteen years of age or older and 365
if the pupil is convicted of or adjudicated a delinquent child 366
for that violation. 367

In accordance with the policy adopted by the board of 368
education under section 3313.661 of the Revised Code, the notice 369
provided under this division shall specify the manner and date 370
by which the pupil or the pupil's parent, guardian, or custodian 371
shall notify the board of the pupil's, parent's, guardian's, or 372
custodian's intent to appeal the expulsion or suspension to the 373
board or its designee. 374

Any superintendent expelling a pupil under this section 375
for more than twenty school days or for any period of time if 376
the expulsion will extend into the following semester or school 377
year shall, in the notice required under this division, provide 378

the pupil and the pupil's parent, guardian, or custodian with 379
information about services or programs offered by public and 380
private agencies that work toward improving those aspects of the 381
pupil's attitudes and behavior that contributed to the incident 382
that gave rise to the pupil's expulsion. The information shall 383
include the names, addresses, and phone numbers of the 384
appropriate public and private agencies. 385

(E) A pupil or the pupil's parent, guardian, or custodian 386
may appeal the pupil's expulsion by a superintendent or 387
suspension by a superintendent, principal, assistant principal, 388
or other administrator to the board of education or to its 389
designee. If the pupil or the pupil's parent, guardian, or 390
custodian intends to appeal the expulsion or suspension to the 391
board or its designee, the pupil or the pupil's parent, 392
guardian, or custodian shall notify the board in the manner and 393
by the date specified in the notice provided under division (D) 394
of this section. The pupil or the pupil's parent, guardian, or 395
custodian may be represented in all appeal proceedings and shall 396
be granted a hearing before the board or its designee in order 397
to be heard against the suspension or expulsion. At the request 398
of the pupil or of the pupil's parent, guardian, custodian, or 399
attorney, the board or its designee may hold the hearing in 400
executive session but shall act upon the suspension or expulsion 401
only at a public meeting. The board, by a majority vote of its 402
full membership or by the action of its designee, may affirm the 403
order of suspension or expulsion, reinstate the pupil, or 404
otherwise reverse, vacate, or modify the order of suspension or 405
expulsion. 406

The board or its designee shall make a verbatim record of 407
hearings held under this division. The decisions of the board or 408
its designee may be appealed under Chapter 2506. of the Revised 409

Code. 410

This section shall not be construed to require notice and 411
hearing in accordance with division (A), (B), or (C) of this 412
section in the case of normal disciplinary procedures in which a 413
pupil is removed from a curricular activity for a period of less 414
than one school day and is not subject to suspension or 415
expulsion. 416

(F) (1) If a pupil is expelled pursuant to division (B) of 417
this section for committing any violation listed in division (A) 418
of section 3313.662 of the Revised Code and the pupil was 419
sixteen years of age or older at the time of committing the 420
violation, if a complaint, indictment, or information is filed 421
alleging that the pupil is a delinquent child based upon the 422
commission of the violation or the pupil is prosecuted as an 423
adult for the commission of the violation, and if the resultant 424
juvenile court or criminal proceeding is pending at the time 425
that the expulsion terminates, the superintendent of schools 426
that expelled the pupil may file a motion with the court in 427
which the proceeding is pending requesting an order extending 428
the expulsion for the lesser of an additional eighty days or the 429
number of school days remaining in the school year. Upon the 430
filing of the motion, the court immediately shall schedule a 431
hearing and give written notice of the time, date, and location 432
of the hearing to the superintendent and to the pupil and the 433
pupil's parent, guardian, or custodian. At the hearing, the 434
court shall determine whether there is reasonable cause to 435
believe that the pupil committed the alleged violation that is 436
the basis of the expulsion and, upon determining that reasonable 437
cause to believe the pupil committed the violation does exist, 438
shall grant the requested extension. 439

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

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

is conducted in accordance with sections 3301.121 and 3313.662 471
of the Revised Code. 472

(H) With regard to suspensions and expulsions pursuant to 473
divisions (A) and (B) of this section by the board of education 474
of any city, exempted village, or local school district, this 475
section shall apply to any student, whether or not the student 476
is enrolled in the district, attending or otherwise 477
participating in any curricular program provided in a school 478
operated by the board or provided on any other property owned or 479
controlled by the board. 480

(I) Whenever a student is expelled under this section, the 481
expulsion shall result in removal of the student from the 482
student's regular school setting. However, during the period of 483
the expulsion, the board of education of the school district 484
that expelled the student or any board of education admitting 485
the student during that expulsion period may provide educational 486
services to the student in an alternative setting. 487

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 488
3313.64, and 3313.65 of the Revised Code, any school district, 489
after offering an opportunity for a hearing, may temporarily 490
deny admittance to any pupil if one of the following applies: 491

(a) The pupil has been suspended from the schools of 492
another district under division (A) of this section and the 493
period of suspension, as established under that division, has 494
not expired; 495

(b) The pupil has been expelled from the schools of 496
another district under division (B) of this section and the 497
period of the expulsion, as established under that division or 498
as extended under division (F) of this section, has not expired. 499

If a pupil is temporarily denied admission under this 500
division, the pupil shall be admitted to school in accordance 501
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 502
Revised Code no later than upon expiration of the suspension or 503
expulsion period, as applicable. 504

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 505
and 3313.65 of the Revised Code, any school district, after 506
offering an opportunity for a hearing, may temporarily deny 507
admittance to any pupil if the pupil has been expelled or 508
otherwise removed for disciplinary purposes from a public school 509
in another state and the period of expulsion or removal has not 510
expired. If a pupil is temporarily denied admission under this 511
division, the pupil shall be admitted to school in accordance 512
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 513
Revised Code no later than the earlier of the following: 514

(a) Upon expiration of the expulsion or removal period 515
imposed by the out-of-state school; 516

(b) Upon expiration of a period established by the 517
district, beginning with the date of expulsion or removal from 518
the out-of-state school, that is no greater than the period of 519
expulsion that the pupil would have received under the policy 520
adopted by the district under section 3313.661 of the Revised 521
Code had the offense that gave rise to the expulsion or removal 522
by the out-of-state school been committed while the pupil was 523
enrolled in the district. 524

(K) As used in this section: 525

(1) "Permanently exclude" and "permanent exclusion" have 526
the same meanings as in section 3313.662 of the Revised Code. 527

(2) "In-school suspension" means the pupil will serve all 528

of the suspension in a supervised learning environment within a 529
school setting. 530

(3) "School day" has the same meaning as in section 531
3313.481 of the Revised Code. 532

Sec. 3313.661. (A) Subject to the limitations set forth in 533
section 3313.668 of the Revised Code, the board of education of 534
each city, exempted village, and local school district shall 535
adopt a policy regarding suspension, expulsion, removal, and 536
permanent exclusion that specifies the types of misconduct for 537
which a pupil may be suspended, expelled, or removed. The types 538
of misconduct may include misconduct by a pupil that occurs off 539
of property owned or controlled by the district but that is 540
connected to activities or incidents that have occurred on 541
property owned or controlled by that district and misconduct by 542
a pupil that, regardless of where it occurs, is directed at a 543
district official or employee, or the property of such official 544
or employee. The policy shall specify the reasons for which the 545
superintendent of the district may reduce the expulsion 546
requirement in division (B) (2) of section 3313.66 of the Revised 547
Code. If a board of education adopts a resolution pursuant to 548
division (B) (3) of section 3313.66 of the Revised Code, the 549
policy shall define the term "knife capable of causing serious 550
bodily injury" or "firearm," as applicable, for purposes of 551
expulsion under that resolution and shall specify any reasons 552
for which the superintendent of the district may reduce any 553
required expulsion period on a case-by-case basis. If a board of 554
education adopts a resolution pursuant to division (B) (4) ~~or~~ 5 555
(5), or (6) of section 3313.66 of the Revised Code, the policy 556
shall specify any reasons for which the superintendent of the 557
district may reduce any ~~required~~ expulsion period on a case-by- 558
case basis. The policy also shall set forth the acts listed in 559

section 3313.662 of the Revised Code for which a pupil may be 560
permanently excluded. 561

The policy adopted under this division shall specify the 562
date and manner by which a pupil or a pupil's parent, guardian, 563
or custodian may notify the board of the pupil's, parent's, 564
guardian's, or custodian's intent to appeal an expulsion or 565
suspension to the board or its designee pursuant to division (E) 566
of section 3313.66 of the Revised Code. In the case of any 567
expulsion, the policy shall not specify a date that is less than 568
fourteen days after the date of the notice provided to the pupil 569
or the pupil's parent, guardian, or custodian under division (D) 570
of that section. 571

A copy of the policy shall be posted in a central location 572
in the school and made available to pupils upon request. No 573
pupil shall be suspended, expelled, or removed except in 574
accordance with the policy adopted by the board of education of 575
the school district in which the pupil attends school, and no 576
pupil shall be permanently excluded except in accordance with 577
sections 3301.121 and 3313.662 of the Revised Code. 578

(B) A board of education may establish a program and adopt 579
guidelines under which a superintendent may require a pupil to 580
perform community service in conjunction with a suspension or 581
expulsion imposed under section 3313.66 of the Revised Code or 582
in place of a suspension or expulsion imposed under section 583
3313.66 of the Revised Code except for an expulsion imposed 584
pursuant to division (B) (2) of that section. If a board adopts 585
guidelines under this division, they shall permit, except with 586
regard to an expulsion pursuant to division (B) (2) of section 587
3313.66 of the Revised Code, a superintendent to impose a 588
community service requirement beyond the end of the school year 589

in lieu of applying an expulsion into the following school year. 590
Any guidelines adopted shall be included in the policy adopted 591
under this section. 592

(C) The written policy of each board of education that is 593
adopted pursuant to section 3313.20 of the Revised Code shall be 594
posted in a central location in each school that is subject to 595
the policy and shall be made available to pupils upon request. 596

(D) Except as described in division (B) of section 597
3313.668 of the Revised Code, any policy, program, or guideline 598
adopted by a board of education under this section with regard 599
to suspensions or expulsions pursuant to division (A) or (B) of 600
section 3313.66 of the Revised Code shall apply to any student, 601
whether or not the student is enrolled in the district, 602
attending or otherwise participating in any curricular program 603
provided in a school operated by the board or provided on any 604
other property owned or controlled by the board. 605

(E) If a board of education adopts a resolution pursuant 606
to division (B) (6) of section 3313.66 of the Revised Code, the 607
board shall do both of the following: 608

(1) Establish guidelines for appropriate conditions that 609
the superintendent may develop pursuant to division (B) (6) of 610
section 3313.66 of the Revised Code; 611

(2) Develop a list of alternative educational options for 612
pupils who are expelled under division (B) (6) of section 3313.66 613
of the Revised Code. 614

(F) As used in this section, "permanently exclude" and 615
"permanent exclusion" have the same meanings as in section 616
3313.662 of the Revised Code. 617

Section 2. That existing sections 3313.66 and 3313.661 of 618

the Revised Code are hereby repealed.

619