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Sub. H. B. No. 206

Representatives Click, Robb Blasdel

**Cosponsors: Representatives Claggett, Williams, Bird, Jones, Brennan,
Carruthers, Daniels, Dell'Aquila, Dobos, Ghanbari, Hall, Holmes, Kick, LaRe, Lear,
Mathews, Merrin, Plummer, Schmidt**

A BILL

To amend sections 3313.66, 3313.661, and 3319.324 1
of the Revised Code with respect to the 2
expulsion of a student from a public school for 3
actions that endanger the health and safety of 4
other students or school employees. 5

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

Section 1. That sections 3313.66, 3313.661, and 3319.324 6
of the Revised Code be amended to read as follows: 7

Sec. 3313.66. As specified in section 3314.03 of the 8
Revised Code, each community school established under Chapter 9
3314. of the Revised Code shall comply with this section as if 10
it were a school district. 11

(A) (1) Except as provided under division (B) (2) of this 12
section, and subject to section 3313.668 of the Revised Code, 13
the superintendent of schools of a city, exempted village, or 14
local school district, or the principal of a public school may 15
suspend a pupil from school for not more than ten school days. 16

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 the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full week day of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

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

(a) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension 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, includes in the

notice a statement that the superintendent may seek to 48
permanently exclude the pupil if the pupil is convicted of or 49
adjudicated a delinquent child for that violation; 50

(b) Provides the pupil an opportunity to appear at an 51
informal hearing before the principal, assistant principal, 52
superintendent, or superintendent's designee and challenge the 53
reason for the intended suspension or otherwise to explain the 54
pupil's actions. 55

(2) If a pupil is issued an in-school suspension, the 56
superintendent or principal shall ensure the pupil is serving 57
the suspension in a supervised learning environment. 58

(3) Each school district board shall adopt a policy 59
establishing parameters for completing and grading assignments 60
missed because of a pupil's suspension. 61

(a) The policy shall provide the pupil an opportunity to 62
do both of the following: 63

(i) Complete any classroom assignments missed because of 64
the suspension; 65

(ii) Receive at least partial credit for a completed 66
assignment. 67

(b) The policy may permit grade reductions on account of 68
the pupil's suspension. 69

(c) The policy shall prohibit the receipt of a failing 70
grade on a completed assignment solely on account of the pupil's 71
suspension. 72

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 73
(4), (5), or (6) of this section, and subject to section 74
3313.668 of the Revised Code, the superintendent of schools of a 75

city, exempted village, or local school district may expel a 76
pupil from school for a period not to exceed the greater of 77
eighty school days or the number of school days remaining in the 78
semester or term in which the incident that gives rise to the 79
expulsion takes place, unless the expulsion is extended pursuant 80
to division (F) of this section. If at the time an expulsion is 81
imposed there are fewer than eighty school days remaining in the 82
school year in which the incident that gives rise to the 83
expulsion takes place, the superintendent may apply any 84
remaining part or all of the period of the expulsion to the 85
following school year. 86

(2) (a) Unless a pupil is permanently excluded pursuant to 87
section 3313.662 of the Revised Code, the superintendent of 88
schools of a city, exempted village, or local school district 89
shall expel a pupil from school for a period of one year for 90
bringing a firearm to a school operated by the board of 91
education of the district or onto any other property owned or 92
controlled by the board, except that the superintendent may 93
reduce this requirement on a case-by-case basis in accordance 94
with the policy adopted by the board under section 3313.661 of 95
the Revised Code. If a pupil expelled under this division is 96
enrolled in a district that has established a policy under 97
division (B) (6) of this section, then the pupil's reinstatement 98
may be subject to the district's policy. 99

(b) The superintendent of schools of a city, exempted 100
village, or local school district may expel a pupil from school 101
for a period of one year for bringing a firearm to an 102
interscholastic competition, an extracurricular event, or any 103
other school program or activity that is not located in a school 104
or on property that is owned or controlled by the district. The 105
superintendent may reduce this disciplinary action on a case-by- 106

case basis in accordance with the policy adopted by the board 107
under section 3313.661 of the Revised Code. 108

(c) Any expulsion pursuant to division (B)(2) of this 109
section shall extend, as necessary, into the school year 110
following the school year in which the incident that gives rise 111
to the expulsion takes place. As used in this division, 112
"firearm" has the same meaning as provided pursuant to the "Gun- 113
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 114

(3) The board of education of a city, exempted village, or 115
local school district may adopt a resolution authorizing the 116
superintendent of schools to expel a pupil from school for a 117
period not to exceed one year for bringing a knife capable of 118
causing serious bodily injury to a school operated by the board, 119
onto any other property owned or controlled by the board, or to 120
an interscholastic competition, an extracurricular event, or any 121
other program or activity sponsored by the school district or in 122
which the district is a participant, or for possessing a firearm 123
or knife capable of serious bodily injury, at a school, on any 124
other property owned or controlled by the board, or at an 125
interscholastic competition, an extracurricular event, or any 126
other school program or activity, which firearm or knife was 127
initially brought onto school board property by another person. 128
The resolution may authorize the superintendent to extend such 129
an expulsion, as necessary, into the school year following the 130
school year in which the incident that gives rise to the 131
expulsion takes place. 132

(4) The board of education of a city, exempted village, or 133
local school district may adopt a resolution establishing a 134
policy under section 3313.661 of the Revised Code that 135
authorizes the superintendent of schools to expel a pupil from 136

school for a period not to exceed one year for committing an act 137
that is a criminal offense when committed by an adult and that 138
results in serious physical harm to persons as defined in 139
division (A) (5) of section 2901.01 of the Revised Code or 140
serious physical harm to property as defined in division (A) (6) 141
of section 2901.01 of the Revised Code while the pupil is at 142
school, on any other property owned or controlled by the board, 143
or at an interscholastic competition, an extracurricular event, 144
or any other school program or activity. Any expulsion under 145
this division shall extend, as necessary, into the school year 146
following the school year in which the incident that gives rise 147
to the expulsion takes place. 148

(5) The board of education of any city, exempted village, 149
or local school district may adopt a resolution establishing a 150
policy under section 3313.661 of the Revised Code that 151
authorizes the superintendent of schools to expel a pupil from 152
school for a period not to exceed one year for making a bomb 153
threat to a school building or to any premises at which a school 154
activity is occurring at the time of the threat. Any expulsion 155
under this division shall extend, as necessary, into the school 156
year following the school year in which the incident that gives 157
rise to the expulsion takes place. 158

(6) The board of education of any city, exempted village, 159
or local school district may adopt a resolution establishing a 160
policy under section 3313.661 of the Revised Code that 161
authorizes the superintendent of schools to expel a pupil from 162
school for a period not to exceed one hundred eighty school days 163
for actions that the superintendent determines pose imminent and 164
severe endangerment to the health and safety of other pupils or 165
school employees, even though the pupil's actions may not 166
qualify for permanent exclusion under section 3313.662 of the 167

Revised Code. Upon the expulsion of a pupil pursuant to this 168
division, the superintendent shall develop conditions for that 169
pupil to satisfy prior to the pupil's reinstatement. The 170
superintendent shall provide a copy of these conditions in 171
writing to the district board, the pupil, and the pupil's 172
parent, guardian, or custodian at the beginning of the expulsion 173
period. 174

One of the conditions developed by the superintendent 175
shall be an assessment to determine whether the pupil poses a 176
danger to the pupil's self or to other pupils or school 177
employees. The assessment shall be completed by a psychiatrist 178
as defined in section 5122.01 of the Revised Code, licensed 179
psychologist, or licensed school psychologist employed or 180
contracted by the district. The psychiatrist, psychologist, or 181
school psychologist shall be agreed upon by both the district 182
superintendent and the pupil's parent, guardian, or custodian. 183
If the psychiatrist, psychologist, or school psychologist is not 184
employed or contracted by the district, the cost of the 185
assessment shall be referred for payment to the pupil's health 186
insurance. Any costs not covered by the pupil's health insurance 187
shall be paid by the district. The district shall pay in full 188
for an assessment completed by a psychiatrist, psychologist, or 189
school psychologist that is employed or contracted by the 190
district. The assessment shall include a determination from the 191
psychiatrist, psychologist, or school psychologist as to whether 192
the pupil poses a danger to the pupil's self or to other pupils 193
or school employees and may include recommendations for 194
contingent conditions on the pupil's reinstatement. 195

(a) At the end of the expulsion period, the superintendent 196
shall assess the pupil and determine whether the pupil has shown 197
sufficient rehabilitation to be reinstated. For an expulsion 198

period of one hundred eighty days or an extended expulsion 199
period of ninety days, the superintendent shall make this 200
determination in consultation with a multidisciplinary team 201
selected by the superintendent. The superintendent shall take 202
into consideration both the assessment by the psychiatrist, 203
psychologist, or school psychologist and whether or not the 204
pupil has met the conditions developed by the superintendent at 205
the beginning of the expulsion period. 206

In making any determination under division (B)(6) of this 207
section, the superintendent shall comply with the procedures 208
prescribed by divisions (B)(7) and (D) of this section. 209

(i) Upon the assessment of a pupil as required by division 210
(B)(6)(a) of this section, if the superintendent determines that 211
the pupil has shown sufficient rehabilitation, the 212
superintendent may reinstate that pupil. 213

(ii) Upon the assessment of a pupil as required by 214
division (B)(6)(a) of this section, if the superintendent 215
determines that the pupil has not shown sufficient 216
rehabilitation, the superintendent may extend the expulsion for 217
an additional period not to exceed ninety school days. 218

(b) If the superintendent extends the expulsion period 219
under division (B)(6)(a)(ii) of this section, the superintendent 220
shall develop conditions for that pupil to satisfy prior to that 221
pupil's reinstatement, which may be the same as those developed 222
for the original expulsion period. The superintendent shall 223
provide a copy of these conditions in writing to the district 224
board, the pupil, and the pupil's parent, guardian, or custodian 225
at the beginning of the extended expulsion period. At the end of 226
the extended expulsion period, the superintendent shall reassess 227
the pupil in the manner prescribed by division (B)(6)(a) of this 228

section and may reinstate the pupil or may extend the expulsion 229
for another term, not to exceed ninety school days, in the same 230
manner as provided in divisions (B) (6) (a) (i) and (ii) of this 231
section. There is no limit on the number of times the 232
superintendent may extend an expulsion under division (B) (6) (a) 233
(ii) of this section. 234

(c) Prior to the end of the original expulsion period or 235
of an extended expulsion period, if the pupil has met all of the 236
conditions developed by the superintendent at the beginning of 237
the expulsion period, the superintendent may reduce the 238
expulsion on a case-by-case basis. In making the determination, 239
the superintendent shall comply with the district's policy 240
regarding the reduction of an expulsion period, adopted pursuant 241
to section 3313.661 of the Revised Code. 242

(d) Prior to the end of the original expulsion period or 243
of an extended expulsion period, the pupil or the pupil's 244
parent, guardian, or custodian may request the superintendent to 245
complete an early assessment of the pupil. If requested, the 246
superintendent shall assess the pupil and make a determination 247
in the manner prescribed by division (B) (6) (a) of this section. 248
In making the determination, the superintendent shall comply 249
with the district's policy regarding the reduction of an 250
expulsion period, adopted pursuant to section 3313.661 of the 251
Revised Code. A pupil or pupil's parent, guardian, or custodian 252
may request one early assessment for the original expulsion 253
period and for each extended expulsion period under this 254
division. 255

(e) A superintendent may develop contingent conditions for 256
a pupil's reinstatement under divisions (B) (6) (a) (i), (B) (6) (c), 257
and (B) (6) (d) of this section. The conditions may include the 258

conditions developed for the original expulsion period and 259
recommendations made by a psychiatrist, psychologist, or school 260
psychologist in an assessment conducted under division (B) (6) of 261
this section. The superintendent shall establish a duration 262
under which a student must meet the contingent conditions that 263
may extend to a pupil's graduation date. The superintendent 264
shall provide a copy of these conditions in writing to the 265
district board, the pupil, and the pupil's parent, guardian, or 266
custodian when the superintendent makes a reinstatement 267
determination. If a pupil fails to meet the contingent 268
conditions set under this division, the superintendent may 269
revoke the pupil's reinstatement and establish an extended 270
expulsion period under the same process as in division (B) (6) (b) 271
of this section. 272

(f) Not later than fifteen school days after the beginning 273
of the original expulsion period or of any extended expulsion 274
period under division (B) (6) of this section for a pupil who 275
does not have an individualized education program developed 276
under Chapter 3323. of the Revised Code, or not later than ten 277
school days after the beginning of the original expulsion period 278
or of any extended expulsion period under division (B) (6) of 279
this section for a pupil who has an individualized education 280
program, the superintendent, in consultation with the pupil, the 281
pupil's parent, guardian, or custodian, and the pupil's IEP 282
team, as defined in section 3323.01 of the Revised Code, if the 283
pupil has one, shall develop a plan for the continued education 284
of the pupil, which may include education by the district in an 285
alternative setting under division (I) of this section, 286
including instruction at home, enrollment in another district or 287
other type of public or nonpublic school, or any other form of 288
instruction that complies with Chapter 3321. of the Revised 289

Code. 290

(g) The pupil or the pupil's parent, guardian, or 291
custodian may appeal any determination made by the 292
superintendent pursuant to division (B)(6) of this section in 293
the manner prescribed by division (E) of this section. 294

(h) A board shall provide the department of education and 295
workforce records of each expulsion made under division (B)(6) 296
of this section and any changes to a pupil's expulsion status. 297
Such records shall not include a student's name and shall be 298
provided to the department in accordance with sections 3301.0714 299
and 3319.321 of the Revised Code. A district or school to which 300
a pupil with an expulsion record under division (B)(6) of this 301
section transfers may request such records from the district in 302
which the pupil was enrolled prior to the transfer or from the 303
department. The district or department shall provide the 304
requested records to the requesting district or school as 305
authorized under section 3319.321 of the Revised Code. 306

(7) No pupil shall be expelled under division (B)(1), (2), 307
(3), (4), ~~or~~ (5), or (6) of this section unless, prior to the 308
pupil's expulsion, the superintendent does both of the 309
following: 310

(a) Gives the pupil and the pupil's parent, guardian, or 311
custodian written notice of the intention to expel the pupil; 312

(b) Provides the pupil and the pupil's parent, guardian, 313
custodian, or representative an opportunity to appear in person 314
before the superintendent or the superintendent's designee to 315
challenge the reasons for the intended expulsion or otherwise to 316
explain the pupil's actions. 317

The notice required in this division shall include the 318

reasons for the intended expulsion, notification of the 319
opportunity of the pupil and the pupil's parent, guardian, 320
custodian, or representative to appear before the superintendent 321
or the superintendent's designee to challenge the reasons for 322
the intended expulsion or otherwise to explain the pupil's 323
action, and notification of the time and place to appear. The 324
time to appear shall not be earlier than three nor later than 325
five school days after the notice is given, unless the 326
superintendent grants an extension of time at the request of the 327
pupil or the pupil's parent, guardian, custodian, or 328
representative. If an extension is granted after giving the 329
original notice, the superintendent shall notify the pupil and 330
the pupil's parent, guardian, custodian, or representative of 331
the new time and place to appear. If the proposed expulsion is 332
based on a violation listed in division (A) of section 3313.662 333
of the Revised Code and if the pupil is sixteen years of age or 334
older, the notice shall include a statement that the 335
superintendent may seek to permanently exclude the pupil if the 336
pupil is convicted of or adjudicated a delinquent child for that 337
violation. 338

~~(7)~~(8) A superintendent of schools of a city, exempted 339
village, or local school district shall initiate expulsion 340
proceedings pursuant to this section with respect to any pupil 341
who has committed an act warranting expulsion under the 342
district's policy regarding expulsion even if the pupil has 343
withdrawn from school for any reason after the incident that 344
gives rise to the hearing but prior to the hearing or decision 345
to impose the expulsion. If, following the hearing, the pupil 346
would have been expelled for a period of time had the pupil 347
still been enrolled in the school, the expulsion shall be 348
imposed for the same length of time as on a pupil who has not 349

withdrawn from the school. 350

(C) (1) Subject to division (C) (2) of this section, if a 351
pupil's presence poses a continuing danger to persons or 352
property or an ongoing threat of disrupting the academic process 353
taking place either within a classroom or elsewhere on the 354
school premises, the superintendent or a principal or assistant 355
principal may remove a pupil from curricular activities or from 356
the school premises, and a teacher may remove a pupil from 357
curricular activities under the teacher's supervision, without 358
the notice and hearing requirements of division (A) or (B) of 359
this section. As soon as practicable after making such a 360
removal, the teacher shall submit in writing to the principal 361
the reasons for such removal. 362

(2) A pupil in any of grades pre-kindergarten through 363
three may be removed pursuant to division (C) (1) of this section 364
only for the remainder of the school day and shall be permitted 365
to return to curricular and extracurricular activities on the 366
school day following the day in which the student was removed. 367

(a) A school district or school that returns a student in 368
any of grades pre-kindergarten through three to curricular and 369
extracurricular activities on the next school day shall not be 370
required to follow division (C) (3) of this section with regard 371
to that student. 372

(b) A school district shall not initiate a suspension or 373
expulsion proceeding against a student in any of grades pre- 374
kindergarten through three who was removed from a curricular or 375
extracurricular activity under division (C) of this section 376
unless the student has committed an act described in division 377
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 378

(3) If a pupil is removed under division (C) (1) or (2) of 379
this section from a curricular activity or from the school 380
premises, written notice of the hearing and of the reason for 381
the removal shall be given to the pupil as soon as practicable 382
prior to the hearing, which shall be held on the next school day 383
after the initial removal is ordered. The hearing shall be held 384
in accordance with division (A) of this section unless it is 385
probable that the pupil may be subject to expulsion, in which 386
case a hearing in accordance with division (B) of this section 387
shall be held, except that the hearing shall be held on the next 388
school day after the date of the initial removal. The individual 389
who ordered, caused, or requested the removal to be made shall 390
be present at the hearing. 391

(4) If the superintendent or the principal reinstates a 392
pupil in a curricular activity under the teacher's supervision 393
prior to the hearing following a removal under this division, 394
the teacher, upon request, shall be given in writing the reasons 395
for such reinstatement. 396

(D) The superintendent or principal, within one school day 397
after the time of a pupil's expulsion or suspension, shall 398
notify in writing the parent, guardian, or custodian of the 399
pupil of the expulsion or suspension. In the case of an 400
expulsion, the superintendent or principal, within one school 401
day after the time of a pupil's expulsion, also shall notify in 402
writing the treasurer of the board of education. Each notice 403
shall include the reasons for the expulsion or suspension, 404
notification of the right of the pupil or the pupil's parent, 405
guardian, or custodian to appeal the expulsion or suspension to 406
the board of education or to its designee, to be represented in 407
all appeal proceedings, to be granted a hearing before the board 408
or its designee in order to be heard against the suspension or 409

expulsion, and to request that the hearing be held in executive 410
session, notification that the expulsion may be subject to 411
extension pursuant to division (F) of this section if the pupil 412
is sixteen years of age or older, and notification that the 413
superintendent may seek the pupil's permanent exclusion if the 414
suspension or expulsion was based on a violation listed in 415
division (A) of section 3313.662 of the Revised Code that was 416
committed when the child was sixteen years of age or older and 417
if the pupil is convicted of or adjudicated a delinquent child 418
for that violation. 419

In accordance with the policy adopted by the board of 420
education under section 3313.661 of the Revised Code, the notice 421
provided under this division shall specify the manner and date 422
by which the pupil or the pupil's parent, guardian, or custodian 423
shall notify the board of the pupil's, parent's, guardian's, or 424
custodian's intent to appeal the expulsion or suspension to the 425
board or its designee. 426

Any superintendent expelling a pupil under this section 427
for more than twenty school days or for any period of time if 428
the expulsion will extend into the following semester or school 429
year shall, in the notice required under this division, provide 430
the pupil and the pupil's parent, guardian, or custodian with 431
information about services or programs offered by public and 432
private agencies that work toward improving those aspects of the 433
pupil's attitudes and behavior that contributed to the incident 434
that gave rise to the pupil's expulsion. The information shall 435
include the names, addresses, and phone numbers of the 436
appropriate public and private agencies. 437

(E) A pupil or the pupil's parent, guardian, or custodian 438
may appeal the pupil's expulsion by a superintendent or 439

suspension by a superintendent, principal, assistant principal, 440
or other administrator to the board of education or to its 441
designee. If the pupil or the pupil's parent, guardian, or 442
custodian intends to appeal the expulsion or suspension to the 443
board or its designee, the pupil or the pupil's parent, 444
guardian, or custodian shall notify the board in the manner and 445
by the date specified in the notice provided under division (D) 446
of this section. The pupil or the pupil's parent, guardian, or 447
custodian may be represented in all appeal proceedings and shall 448
be granted a hearing before the board or its designee in order 449
to be heard against the suspension or expulsion. At the request 450
of the pupil or of the pupil's parent, guardian, custodian, or 451
attorney, the board or its designee may hold the hearing in 452
executive session but shall act upon the suspension or expulsion 453
only at a public meeting. The board, by a majority vote of its 454
full membership or by the action of its designee, may affirm the 455
order of suspension or expulsion, reinstate the pupil, or 456
otherwise reverse, vacate, or modify the order of suspension or 457
expulsion. 458

The board or its designee shall make a verbatim record of 459
hearings held under this division. The decisions of the board or 460
its designee may be appealed under Chapter 2506. of the Revised 461
Code. 462

This section shall not be construed to require notice and 463
hearing in accordance with division (A), (B), or (C) of this 464
section in the case of normal disciplinary procedures in which a 465
pupil is removed from a curricular activity for a period of less 466
than one school day and is not subject to suspension or 467
expulsion. 468

(F) (1) If a pupil is expelled pursuant to division (B) of 469

this section for committing any violation listed in division (A) 470
of section 3313.662 of the Revised Code and the pupil was 471
sixteen years of age or older at the time of committing the 472
violation, if a complaint, indictment, or information is filed 473
alleging that the pupil is a delinquent child based upon the 474
commission of the violation or the pupil is prosecuted as an 475
adult for the commission of the violation, and if the resultant 476
juvenile court or criminal proceeding is pending at the time 477
that the expulsion terminates, the superintendent of schools 478
that expelled the pupil may file a motion with the court in 479
which the proceeding is pending requesting an order extending 480
the expulsion for the lesser of an additional eighty days or the 481
number of school days remaining in the school year. Upon the 482
filing of the motion, the court immediately shall schedule a 483
hearing and give written notice of the time, date, and location 484
of the hearing to the superintendent and to the pupil and the 485
pupil's parent, guardian, or custodian. At the hearing, the 486
court shall determine whether there is reasonable cause to 487
believe that the pupil committed the alleged violation that is 488
the basis of the expulsion and, upon determining that reasonable 489
cause to believe the pupil committed the violation does exist, 490
shall grant the requested extension. 491

(2) If a pupil has been convicted of or adjudicated a 492
delinquent child for a violation listed in division (A) of 493
section 3313.662 of the Revised Code for an act that was 494
committed when the child was sixteen years of age or older, if 495
the pupil has been expelled pursuant to division (B) of this 496
section for that violation, and if the board of education of the 497
school district of the school from which the pupil was expelled 498
has adopted a resolution seeking the pupil's permanent 499
exclusion, the superintendent may file a motion with the court 500

that convicted the pupil or adjudicated the pupil a delinquent 501
child requesting an order to extend the expulsion until an 502
adjudication order or other determination regarding permanent 503
exclusion is issued by the director of education and workforce 504
pursuant to section 3301.121 and division (D) of section 505
3313.662 of the Revised Code. Upon the filing of the motion, the 506
court immediately shall schedule a hearing and give written 507
notice of the time, date, and location of the hearing to the 508
superintendent of the school district, the pupil, and the 509
pupil's parent, guardian, or custodian. At the hearing, the 510
court shall determine whether there is reasonable cause to 511
believe the pupil's continued attendance in the public school 512
system may endanger the health and safety of other pupils or 513
school employees and, upon making that determination, shall 514
grant the requested extension. 515

(G) The failure of the superintendent or the board of 516
education to provide the information regarding the possibility 517
of permanent exclusion in the notice required by divisions (A), 518
(B), and (D) of this section is not jurisdictional, and the 519
failure shall not affect the validity of any suspension or 520
expulsion procedure that is conducted in accordance with this 521
section or the validity of a permanent exclusion procedure that 522
is conducted in accordance with sections 3301.121 and 3313.662 523
of the Revised Code. 524

(H) With regard to suspensions and expulsions pursuant to 525
divisions (A) and (B) of this section by the board of education 526
of any city, exempted village, or local school district, this 527
section shall apply to any student, whether or not the student 528
is enrolled in the district, attending or otherwise 529
participating in any curricular program provided in a school 530
operated by the board or provided on any other property owned or 531

controlled by the board. 532

(I) Whenever a student is expelled under this section, the 533
expulsion shall result in removal of the student from the 534
student's regular school setting. However, during the period of 535
the expulsion, the board of education of the school district 536
that expelled the student or any board of education admitting 537
the student during that expulsion period may provide educational 538
services to the student in an alternative setting. 539

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 540
3313.64, and 3313.65 of the Revised Code, any school district, 541
after offering an opportunity for a hearing, may temporarily 542
deny admittance to any pupil if one of the following applies: 543

(a) The pupil has been suspended from the schools of 544
another district under division (A) of this section and the 545
period of suspension, as established under that division, has 546
not expired; 547

(b) The pupil has been expelled from the schools of 548
another district under division (B) of this section and the 549
period of the expulsion, as established under that division or 550
as extended under division (F) of this section, has not expired. 551

If a pupil is temporarily denied admission under this 552
division, the pupil shall be admitted to school in accordance 553
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 554
Revised Code no later than upon expiration of the suspension or 555
expulsion period, as applicable. 556

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 557
and 3313.65 of the Revised Code, any school district, after 558
offering an opportunity for a hearing, may temporarily deny 559
admittance to any pupil if the pupil has been expelled or 560

otherwise removed for disciplinary purposes from a public school 561
in another state and the period of expulsion or removal has not 562
expired. If a pupil is temporarily denied admission under this 563
division, the pupil shall be admitted to school in accordance 564
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 565
Revised Code no later than the earlier of the following: 566

(a) Upon expiration of the expulsion or removal period 567
imposed by the out-of-state school; 568

(b) Upon expiration of a period established by the 569
district, beginning with the date of expulsion or removal from 570
the out-of-state school, that is no greater than the period of 571
expulsion that the pupil would have received under the policy 572
adopted by the district under section 3313.661 of the Revised 573
Code had the offense that gave rise to the expulsion or removal 574
by the out-of-state school been committed while the pupil was 575
enrolled in the district. 576

(K) As used in this section: 577

(1) "Permanently exclude" and "permanent exclusion" have 578
the same meanings as in section 3313.662 of the Revised Code. 579

(2) "In-school suspension" means the pupil will serve all 580
of the suspension in a supervised learning environment within a 581
school setting. 582

(3) "School day" has the same meaning as in section 583
3313.481 of the Revised Code. 584

(4) "Imminent and severe endangerment" means any of the 585
following actions taken by a pupil: 586

(a) Bringing a firearm to a school operated by the board 587
or any other property owned or controlled by the board, as 588

<u>described in division (B) (2) (a) of this section;</u>	589
<u>(b) Bringing a firearm to an interscholastic competition,</u>	590
<u>extracurricular event, or any other program or activity</u>	591
<u>sponsored by the school district or in which the district is a</u>	592
<u>participant;</u>	593
<u>(c) Bringing a knife capable of causing serious bodily</u>	594
<u>injury to a school operated by the board, any other property</u>	595
<u>owned or controlled by the board, or to an interscholastic</u>	596
<u>competition, extracurricular event, or any other program or</u>	597
<u>activity sponsored by the school district or in which the</u>	598
<u>district is a participant;</u>	599
<u>(d) Committing an act that is a criminal offense when</u>	600
<u>committed by an adult and that results in serious physical harm</u>	601
<u>to persons as defined in division (A) (5) of section 2901.01 of</u>	602
<u>the Revised Code or serious physical harm to property as defined</u>	603
<u>in division (A) (6) of section 2901.01 of the Revised Code while</u>	604
<u>the pupil is at a school operated by the board, any other</u>	605
<u>property owned or controlled by the board, or an interscholastic</u>	606
<u>competition, extracurricular event, or any other program or</u>	607
<u>activity sponsored by the school district or in which the</u>	608
<u>district is a participant;</u>	609
<u>(e) Making a bomb threat to a school building or to any</u>	610
<u>premises at which a school activity is occurring at the time of</u>	611
<u>the threat;</u>	612
<u>(f) Making an articulated or verbalized threat, including</u>	613
<u>a hit list, threatening manifesto, or social media post, that</u>	614
<u>would lead a reasonable person to conclude that the pupil poses</u>	615
<u>a serious threat.</u>	616
<u>(5) "Sufficient rehabilitation" means that a pupil has met</u>	617

all conditions for reinstatement set by the pupil's 618
superintendent under division (B) (6) of this section and has 619
been determined by the superintendent to no longer pose a danger 620
to the pupil's self or to other pupils or school employees. 621

Sec. 3313.661. (A) Subject to the limitations set forth in 622
section 3313.668 of the Revised Code, the board of education of 623
each city, exempted village, and local school district shall 624
adopt a policy regarding suspension, expulsion, removal, and 625
permanent exclusion that specifies the types of misconduct for 626
which a pupil may be suspended, expelled, or removed. The types 627
of misconduct may include misconduct by a pupil that occurs off 628
of property owned or controlled by the district but that is 629
connected to activities or incidents that have occurred on 630
property owned or controlled by that district and misconduct by 631
a pupil that, regardless of where it occurs, is directed at a 632
district official or employee, or the property of such official 633
or employee. The policy shall specify the reasons for which the 634
superintendent of the district may reduce the expulsion 635
requirement in division (B) (2) of section 3313.66 of the Revised 636
Code. If a board of education adopts a resolution pursuant to 637
division (B) (3) of section 3313.66 of the Revised Code, the 638
policy shall define the term "knife capable of causing serious 639
bodily injury" or "firearm," as applicable, for purposes of 640
expulsion under that resolution and shall specify any reasons 641
for which the superintendent of the district may reduce any 642
required expulsion period on a case-by-case basis. If a board of 643
education adopts a resolution pursuant to division (B) (4) ~~or~~, 644
(5), or (6) of section 3313.66 of the Revised Code, the policy 645
shall specify any reasons for which the superintendent of the 646
district may reduce any ~~required~~ expulsion period on a case-by- 647
case basis. The policy also shall set forth the acts listed in 648

section 3313.662 of the Revised Code for which a pupil may be 649
permanently excluded. 650

The policy adopted under this division shall specify the 651
date and manner by which a pupil or a pupil's parent, guardian, 652
or custodian may notify the board of the pupil's, parent's, 653
guardian's, or custodian's intent to appeal an expulsion or 654
suspension to the board or its designee pursuant to division (E) 655
of section 3313.66 of the Revised Code. In the case of any 656
expulsion, the policy shall not specify a date that is less than 657
fourteen days after the date of the notice provided to the pupil 658
or the pupil's parent, guardian, or custodian under division (D) 659
of that section. 660

A copy of the policy shall be posted in a central location 661
in the school and made available to pupils upon request. No 662
pupil shall be suspended, expelled, or removed except in 663
accordance with the policy adopted by the board of education of 664
the school district in which the pupil attends school, and no 665
pupil shall be permanently excluded except in accordance with 666
sections 3301.121 and 3313.662 of the Revised Code. 667

(B) A board of education may establish a program and adopt 668
guidelines under which a superintendent may require a pupil to 669
perform community service in conjunction with a suspension or 670
expulsion imposed under section 3313.66 of the Revised Code or 671
in place of a suspension or expulsion imposed under section 672
3313.66 of the Revised Code except for an expulsion imposed 673
pursuant to division (B) (2) of that section. If a board adopts 674
guidelines under this division, they shall permit, except with 675
regard to an expulsion pursuant to division (B) (2) of section 676
3313.66 of the Revised Code, a superintendent to impose a 677
community service requirement beyond the end of the school year 678

in lieu of applying an expulsion into the following school year. 679
Any guidelines adopted shall be included in the policy adopted 680
under this section. 681

(C) The written policy of each board of education that is 682
adopted pursuant to section 3313.20 of the Revised Code shall be 683
posted in a central location in each school that is subject to 684
the policy and shall be made available to pupils upon request. 685

(D) Except as described in division (B) of section 686
3313.668 of the Revised Code, any policy, program, or guideline 687
adopted by a board of education under this section with regard 688
to suspensions or expulsions pursuant to division (A) or (B) of 689
section 3313.66 of the Revised Code shall apply to any student, 690
whether or not the student is enrolled in the district, 691
attending or otherwise participating in any curricular program 692
provided in a school operated by the board or provided on any 693
other property owned or controlled by the board. 694

(E) If a board of education adopts a resolution pursuant 695
to division (B) (6) of section 3313.66 of the Revised Code, the 696
board shall establish guidelines for appropriate conditions that 697
the superintendent may develop pursuant to division (B) (6) of 698
section 3313.66 of the Revised Code. 699

(F) The district superintendent shall develop a list of 700
alternative educational options for pupils who are expelled 701
under division (B) (6) of section 3313.66 of the Revised Code. 702

(G) As used in this section, "permanently exclude" and 703
"permanent exclusion" have the same meanings as in section 704
3313.662 of the Revised Code. 705

Sec. 3319.324. (A) As used in this section, "school 706
records" includes any academic records, student assessment data, 707

or other information for which there is a legitimate educational interest. 708
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(B) Except as provided for in division (C) of this section, when any school district or chartered nonpublic school receives a request from another district or school to which a student has transferred for that student's school records, the district or school receiving the request shall respond, within five school days after receiving the request, by transmitting to the requesting district or school either the student's school records as authorized under section 3319.321 of the Revised Code or, if the district or school has no record of the student's attendance, a statement of that fact. 710
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(C) A-Except as provided for in division (E) of this section, a district or school may withhold a student's school records if there is two thousand five hundred dollars or more of outstanding debt attributed to the student. The district or school shall transmit the student's school records in the manner specified under division (A) of this section once the debt is paid. 720
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(D) The provisions of this section are in addition to, and do not affect the obligations of a school district or school to comply with, the requirements of division (D) of section 3313.642 and section 3313.672 of the Revised Code. 727
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(E) A district or school shall not withhold records related to a student's expulsion under division (B) (6) of section 3313.66 of the Revised Code due to outstanding debt attributed to the student. 731
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Section 2. That existing sections 3313.66, 3313.661, and 3319.324 of the Revised Code are hereby repealed. 735
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