

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 276**

**Senator Hottinger**

**Cosponsors: Senators Uecker, Gardner, LaRose**

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**A BILL**

To amend sections 3313.66 and 3313.661 of the  
Revised Code with respect to the expulsion of a  
student from a school district, community  
school, or STEM 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) 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 19  
fewer than ten school days remaining in the school year in which 20  
the incident that gives rise to the suspension takes place, the 21  
superintendent shall not apply any remaining part of the period 22  
of the suspension to the following school year. The 23  
superintendent may instead require the pupil to participate in a 24  
community service program or another alternative consequence for 25  
a number of hours equal to the remaining part of the period of 26  
the suspension. The pupil shall be required to begin the pupil's 27  
community service or alternative consequence during the first 28  
full week day of summer break. Each school district, in its 29  
discretion, may develop an appropriate list of alternative 30  
consequences. In the event that a pupil fails to complete 31  
community service or the assigned alternative consequence, the 32  
school district may determine the next course of action, which 33  
shall not include requiring the pupil to serve the remaining 34  
time of the out-of-school suspension at the beginning of the 35  
following school year. 36

Except in the case of a pupil given an in-school 37  
suspension, no pupil shall be suspended unless prior to the 38  
suspension the superintendent or principal does both of the 39  
following: 40

(1) Gives the pupil written notice of the intention to 41  
suspend the pupil and the reasons for the intended suspension 42  
and, if the proposed suspension is based on a violation listed 43  
in division (A) of section 3313.662 of the Revised Code and if 44  
the pupil is sixteen years of age or older, includes in the 45  
notice a statement that the superintendent may seek to 46  
permanently exclude the pupil if the pupil is convicted of or 47  
adjudicated a delinquent child for that violation; 48

(2) Provides the pupil an opportunity to appear at an 49  
informal hearing before the principal, assistant principal, 50  
superintendent, or superintendent's designee and challenge the 51  
reason for the intended suspension or otherwise to explain the 52  
pupil's actions. 53

If a pupil is suspended pursuant to division (A) of this 54  
section, the school district board may, in its discretion, 55  
permit the pupil to complete any classroom assignments missed 56  
because of the suspension. 57

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 58  
(4), (5), or (6) of this section, and subject to section 59  
3313.668 of the Revised Code, the superintendent of schools of a 60  
city, exempted village, or local school district may expel a 61  
pupil from school for a period not to exceed the greater of 62  
eighty school days or the number of school days remaining in the 63  
semester or term in which the incident that gives rise to the 64  
expulsion takes place, unless the expulsion is extended pursuant 65  
to division (F) of this section. If at the time an expulsion is 66  
imposed there are fewer than eighty school days remaining in the 67  
school year in which the incident that gives rise to the 68  
expulsion takes place, the superintendent may apply any 69  
remaining part or all of the period of the expulsion to the 70  
following school year. 71

(2) (a) Unless a pupil is permanently excluded pursuant to 72  
section 3313.662 of the Revised Code, the superintendent of 73  
schools of a city, exempted village, or local school district 74  
shall expel a pupil from school for a period of one year for 75  
bringing a firearm to a school operated by the board of 76  
education of the district or onto any other property owned or 77  
controlled by the board, except that the superintendent may 78

reduce this requirement on a case-by-case basis in accordance 79  
with the policy adopted by the board under section 3313.661 of 80  
the Revised Code. 81

(b) The superintendent of schools of a city, exempted 82  
village, or local school district may expel a pupil from school 83  
for a period of one year for bringing a firearm to an 84  
interscholastic competition, an extracurricular event, or any 85  
other school program or activity that is not located in a school 86  
or on property that is owned or controlled by the district. The 87  
superintendent may reduce this disciplinary action on a case-by- 88  
case basis in accordance with the policy adopted by the board 89  
under section 3313.661 of the Revised Code. 90

(c) Any expulsion pursuant to division (B) (2) of this 91  
section shall extend, as necessary, into the school year 92  
following the school year in which the incident that gives rise 93  
to the expulsion takes place. As used in this division, 94  
"firearm" has the same meaning as provided pursuant to the "Gun- 95  
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 96

(3) The board of education of a city, exempted village, or 97  
local school district may adopt a resolution authorizing the 98  
superintendent of schools to expel a pupil from school for a 99  
period not to exceed one year for bringing a knife to a school 100  
operated by the board, onto any other property owned or 101  
controlled by the board, or to an interscholastic competition, 102  
an extracurricular event, or any other program or activity 103  
sponsored by the school district or in which the district is a 104  
participant, or for possessing a firearm or knife at a school, 105  
on any other property owned or controlled by the board, or at an 106  
interscholastic competition, an extracurricular event, or any 107  
other school program or activity, which firearm or knife was 108

initially brought onto school board property by another person. 109  
The resolution may authorize the superintendent to extend such 110  
an expulsion, as necessary, into the school year following the 111  
school year in which the incident that gives rise to the 112  
expulsion takes place. 113

(4) The board of education of a city, exempted village, or 114  
local school district may adopt a resolution establishing a 115  
policy under section 3313.661 of the Revised Code that 116  
authorizes the superintendent of schools to expel a pupil from 117  
school for a period not to exceed one year for committing an act 118  
that is a criminal offense when committed by an adult and that 119  
results in serious physical harm to persons as defined in 120  
division (A) (5) of section 2901.01 of the Revised Code or 121  
serious physical harm to property as defined in division (A) (6) 122  
of section 2901.01 of the Revised Code while the pupil is at 123  
school, on any other property owned or controlled by the board, 124  
or at an interscholastic competition, an extracurricular event, 125  
or any other school program or activity. Any expulsion under 126  
this division shall extend, as necessary, into the school year 127  
following the school year in which the incident that gives rise 128  
to the expulsion takes place. 129

(5) The board of education of any city, exempted village, 130  
or local school district may adopt a resolution establishing a 131  
policy under section 3313.661 of the Revised Code that 132  
authorizes the superintendent of schools to expel a pupil from 133  
school for a period not to exceed one year for making a bomb 134  
threat to a school building or to any premises at which a school 135  
activity is occurring at the time of the threat. Any expulsion 136  
under this division shall extend, as necessary, into the school 137  
year following the school year in which the incident that gives 138  
rise to the expulsion takes place. 139

(6) The board of education of any city, exempted village, 140  
or local school district may adopt a resolution establishing a 141  
policy under section 3313.661 of the Revised Code that 142  
authorizes the superintendent of schools to expel a pupil from 143  
school for a period not to exceed one hundred eighty school days 144  
for actions that the superintendent determines pose imminent and 145  
severe endangerment to the health and safety of other pupils or 146  
school employees, even though the pupil's actions may not 147  
qualify for permanent exclusion under section 3313.662 of the 148  
Revised Code. Upon the expulsion of a pupil pursuant to this 149  
division, the superintendent shall develop conditions for that 150  
pupil to satisfy prior to the pupil's reinstatement. The 151  
superintendent shall provide a copy of these conditions in 152  
writing to the district board, the pupil, and the pupil's 153  
parent, guardian, or custodian at the beginning of the expulsion 154  
period. 155

One of the conditions developed by the superintendent 156  
shall be an assessment to determine whether the pupil poses a 157  
danger to the pupil's self or to other pupils or school 158  
employees. The assessment shall be completed by a psychiatrist, 159  
psychologist, or school psychologist. The psychiatrist, 160  
psychologist, or school psychologist shall be agreed upon by 161  
both the district board and the pupil's parent, guardian, or 162  
custodian. If the psychiatrist, psychologist, or school 163  
psychologist is not employed or contracted by the district, the 164  
cost of the assessment shall be referred for payment to the 165  
pupil's health insurance. Any costs not covered by the pupil's 166  
health insurance shall be split equally between the district and 167  
the pupil's parent, guardian, or custodian. The district shall 168  
pay in full for an assessment completed by a psychiatrist, 169  
psychologist, or school psychologist that is employed or 170

contracted by the district. 171

(a) At the end of the expulsion period, the superintendent shall assess the pupil and determine whether the pupil has shown sufficient rehabilitation to be reinstated. The superintendent shall take into consideration both the assessment by the psychiatrist, psychologist, or school psychologist and whether or not the pupil has met the conditions developed by the superintendent at the beginning of the expulsion period. 172  
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In making any determination under division (B) (6) of this section, the superintendent shall comply with the procedures prescribed by divisions (B) (7) and (D) of this section. 179  
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(i) Upon the assessment of a pupil as required by division (B) (6) (a) of this section, if the superintendent determines that the pupil has shown sufficient rehabilitation, the superintendent may reinstate that pupil. 182  
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(ii) Upon the assessment of a pupil as required by division (B) (6) (a) of this section, if the superintendent determines that the pupil has not shown sufficient rehabilitation, the superintendent may extend the expulsion for an additional period not to exceed ninety school days. 186  
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(b) If the superintendent extends the expulsion period under division (B) (6) (a) (ii) of this section, the superintendent shall develop conditions for that pupil to satisfy prior to that pupil's reinstatement, which may be the same as those developed for the original expulsion period. The superintendent shall provide a copy of these conditions in writing to the district board, the pupil, and the pupil's parent, guardian, or custodian at the beginning of the extended expulsion period. At the end of the extended expulsion period, the superintendent shall reassess 191  
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the pupil in the manner prescribed by division (B) (6) (a) of this 200  
section and may reinstate the pupil or may extend the expulsion 201  
for another term, not to exceed ninety school days, in the same 202  
manner as provided in divisions (B) (6) (a) (i) and (ii) of this 203  
section. There is no limit on the number of times the 204  
superintendent may extend an expulsion under division (B) (6) (a) 205  
(ii) of this section. 206

(c) Prior to the end of the original expulsion period or 207  
of an extended expulsion period, if the pupil has met all of the 208  
conditions developed by the superintendent at the beginning of 209  
the expulsion period, the superintendent may reduce the 210  
expulsion on a case-by-case basis. In making the determination, 211  
the superintendent shall comply with the district's policy 212  
regarding the reduction of an expulsion period, adopted pursuant 213  
to section 3313.661 of the Revised Code. 214

(d) Prior to the end of the original expulsion period or 215  
of an extended expulsion period, the pupil or the pupil's 216  
parent, guardian, or custodian may request the superintendent to 217  
complete an early assessment of the pupil. If requested, the 218  
superintendent shall assess the pupil and make a determination 219  
in the manner prescribed by division (B) (6) (a) of this section. 220  
In making the determination, the superintendent shall comply 221  
with the district's policy regarding the reduction of an 222  
expulsion period, adopted pursuant to section 3313.661 of the 223  
Revised Code. A pupil or pupil's parent, guardian, or custodian 224  
may request one early assessment for the original expulsion 225  
period and for each extended expulsion period under this 226  
division. 227

(e) Not later than five days after the beginning of the 228  
original expulsion period or of any extended expulsion period 229



under division (B) (6) of this section, the superintendent, in 230  
consultation with the pupil, and the pupil's parent, guardian, 231  
or custodian, shall develop a plan for the continued education 232  
of the pupil, which may include education by the district in an 233  
alternative setting under division (I) of this section, 234  
including instruction at home, enrollment in another district or 235  
other type of public or nonpublic school, or any other form of 236  
instruction that complies with Chapter 3321. of the Revised 237  
Code. 238

(f) The pupil or the pupil's parent, guardian, or 239  
custodian may appeal any determination made by the 240  
superintendent pursuant to division (B) (6) of this section in 241  
the manner prescribed by division (E) of this section. 242

(7) No pupil shall be expelled under division (B) (1), (2), 243  
(3), (4), ~~or~~ (5), or (6) of this section unless, prior to the 244  
pupil's expulsion, the superintendent does both of the 245  
following: 246

(a) Gives the pupil and the pupil's parent, guardian, or 247  
custodian written notice of the intention to expel the pupil; 248

(b) Provides the pupil and the pupil's parent, guardian, 249  
custodian, or representative an opportunity to appear in person 250  
before the superintendent or the superintendent's designee to 251  
challenge the reasons for the intended expulsion or otherwise to 252  
explain the pupil's actions. 253

The notice required in this division shall include the 254  
reasons for the intended expulsion, notification of the 255  
opportunity of the pupil and the pupil's parent, guardian, 256  
custodian, or representative to appear before the superintendent 257  
or the superintendent's designee to challenge the reasons for 258

the intended expulsion or otherwise to explain the pupil's 259  
action, and notification of the time and place to appear. The 260  
time to appear shall not be earlier than three nor later than 261  
five school days after the notice is given, unless the 262  
superintendent grants an extension of time at the request of the 263  
pupil or the pupil's parent, guardian, custodian, or 264  
representative. If an extension is granted after giving the 265  
original notice, the superintendent shall notify the pupil and 266  
the pupil's parent, guardian, custodian, or representative of 267  
the new time and place to appear. If the proposed expulsion is 268  
based on a violation listed in division (A) of section 3313.662 269  
of the Revised Code and if the pupil is sixteen years of age or 270  
older, the notice shall include a statement that the 271  
superintendent may seek to permanently exclude the pupil if the 272  
pupil is convicted of or adjudicated a delinquent child for that 273  
violation. 274

~~(7)~~(8) A superintendent of schools of a city, exempted 275  
village, or local school district shall initiate expulsion 276  
proceedings pursuant to this section with respect to any pupil 277  
who has committed an act warranting expulsion under the 278  
district's policy regarding expulsion even if the pupil has 279  
withdrawn from school for any reason after the incident that 280  
gives rise to the hearing but prior to the hearing or decision 281  
to impose the expulsion. If, following the hearing, the pupil 282  
would have been expelled for a period of time had the pupil 283  
still been enrolled in the school, the expulsion shall be 284  
imposed for the same length of time as on a pupil who has not 285  
withdrawn from the school. 286

(C) If a pupil's presence poses a continuing danger to 287  
persons or property or an ongoing threat of disrupting the 288  
academic process taking place either within a classroom or 289

elsewhere on the school premises, the superintendent or a 290  
principal or assistant principal may remove a pupil from 291  
curricular activities or from the school premises, and a teacher 292  
may remove a pupil from curricular activities under the 293  
teacher's supervision, without the notice and hearing 294  
requirements of division (A) or (B) of this section. As soon as 295  
practicable after making such a removal, the teacher shall 296  
submit in writing to the principal the reasons for such removal. 297

If a pupil is removed under this division from a 298  
curricular activity or from the school premises, written notice 299  
of the hearing and of the reason for the removal shall be given 300  
to the pupil as soon as practicable prior to the hearing, which 301  
shall be held within three school days from the time the initial 302  
removal is ordered. The hearing shall be held in accordance with 303  
division (A) of this section unless it is probable that the 304  
pupil may be subject to expulsion, in which case a hearing in 305  
accordance with division (B) of this section shall be held, 306  
except that the hearing shall be held within three school days 307  
of the initial removal. The individual who ordered, caused, or 308  
requested the removal to be made shall be present at the 309  
hearing. 310

If the superintendent or the principal reinstates a pupil 311  
in a curricular activity under the teacher's supervision prior 312  
to the hearing following a removal under this division, the 313  
teacher, upon request, shall be given in writing the reasons for 314  
such reinstatement. 315

(D) The superintendent or principal, within one school day 316  
after the time of a pupil's expulsion or suspension, shall 317  
notify in writing the parent, guardian, or custodian of the 318  
pupil and the treasurer of the board of education of the 319

expulsion or suspension. The notice shall include the reasons 320  
for the expulsion or suspension, notification of the right of 321  
the pupil or the pupil's parent, guardian, or custodian to 322  
appeal the expulsion or suspension to the board of education or 323  
to its designee, to be represented in all appeal proceedings, to 324  
be granted a hearing before the board or its designee in order 325  
to be heard against the suspension or expulsion, and to request 326  
that the hearing be held in executive session, notification that 327  
the expulsion may be subject to extension pursuant to division 328  
(F) of this section if the pupil is sixteen years of age or 329  
older, and notification that the superintendent may seek the 330  
pupil's permanent exclusion if the suspension or expulsion was 331  
based on a violation listed in division (A) of section 3313.662 332  
of the Revised Code that was committed when the child was 333  
sixteen years of age or older and if the pupil is convicted of 334  
or adjudicated a delinquent child for that violation. 335

In accordance with the policy adopted by the board of 336  
education under section 3313.661 of the Revised Code, the notice 337  
provided under this division shall specify the manner and date 338  
by which the pupil or the pupil's parent, guardian, or custodian 339  
shall notify the board of the pupil's, parent's, guardian's, or 340  
custodian's intent to appeal the expulsion or suspension to the 341  
board or its designee. 342

Any superintendent expelling a pupil under this section 343  
for more than twenty school days or for any period of time if 344  
the expulsion will extend into the following semester or school 345  
year shall, in the notice required under this division, provide 346  
the pupil and the pupil's parent, guardian, or custodian with 347  
information about services or programs offered by public and 348  
private agencies that work toward improving those aspects of the 349  
pupil's attitudes and behavior that contributed to the incident 350

that gave rise to the pupil's expulsion. The information shall 351  
include the names, addresses, and phone numbers of the 352  
appropriate public and private agencies. 353

(E) A pupil or the pupil's parent, guardian, or custodian 354  
may appeal the pupil's expulsion by a superintendent or 355  
suspension by a superintendent, principal, assistant principal, 356  
or other administrator to the board of education or to its 357  
designee. If the pupil or the pupil's parent, guardian, or 358  
custodian intends to appeal the expulsion or suspension to the 359  
board or its designee, the pupil or the pupil's parent, 360  
guardian, or custodian shall notify the board in the manner and 361  
by the date specified in the notice provided under division (D) 362  
of this section. The pupil or the pupil's parent, guardian, or 363  
custodian may be represented in all appeal proceedings and shall 364  
be granted a hearing before the board or its designee in order 365  
to be heard against the suspension or expulsion. At the request 366  
of the pupil or of the pupil's parent, guardian, custodian, or 367  
attorney, the board or its designee may hold the hearing in 368  
executive session but shall act upon the suspension or expulsion 369  
only at a public meeting. The board, by a majority vote of its 370  
full membership or by the action of its designee, may affirm the 371  
order of suspension or expulsion, reinstate the pupil, or 372  
otherwise reverse, vacate, or modify the order of suspension or 373  
expulsion. 374

The board or its designee shall make a verbatim record of 375  
hearings held under this division. The decisions of the board or 376  
its designee may be appealed under Chapter 2506. of the Revised 377  
Code. 378

This section shall not be construed to require notice and 379  
hearing in accordance with division (A), (B), or (C) of this 380

section in the case of normal disciplinary procedures in which a 381  
pupil is removed from a curricular activity for a period of less 382  
than one school day and is not subject to suspension or 383  
expulsion. 384

(F) (1) If a pupil is expelled pursuant to division (B) of 385  
this section for committing any violation listed in division (A) 386  
of section 3313.662 of the Revised Code and the pupil was 387  
sixteen years of age or older at the time of committing the 388  
violation, if a complaint, indictment, or information is filed 389  
alleging that the pupil is a delinquent child based upon the 390  
commission of the violation or the pupil is prosecuted as an 391  
adult for the commission of the violation, and if the resultant 392  
juvenile court or criminal proceeding is pending at the time 393  
that the expulsion terminates, the superintendent of schools 394  
that expelled the pupil may file a motion with the court in 395  
which the proceeding is pending requesting an order extending 396  
the expulsion for the lesser of an additional eighty days or the 397  
number of school days remaining in the school year. Upon the 398  
filing of the motion, the court immediately shall schedule a 399  
hearing and give written notice of the time, date, and location 400  
of the hearing to the superintendent and to the pupil and the 401  
pupil's parent, guardian, or custodian. At the hearing, the 402  
court shall determine whether there is reasonable cause to 403  
believe that the pupil committed the alleged violation that is 404  
the basis of the expulsion and, upon determining that reasonable 405  
cause to believe the pupil committed the violation does exist, 406  
shall grant the requested extension. 407

(2) If a pupil has been convicted of or adjudicated a 408  
delinquent child for a violation listed in division (A) of 409  
section 3313.662 of the Revised Code for an act that was 410  
committed when the child was sixteen years of age or older, if 411

the pupil has been expelled pursuant to division (B) of this 412  
section for that violation, and if the board of education of the 413  
school district of the school from which the pupil was expelled 414  
has adopted a resolution seeking the pupil's permanent 415  
exclusion, the superintendent may file a motion with the court 416  
that convicted the pupil or adjudicated the pupil a delinquent 417  
child requesting an order to extend the expulsion until an 418  
adjudication order or other determination regarding permanent 419  
exclusion is issued by the superintendent of public instruction 420  
pursuant to section 3301.121 and division (D) of section 421  
3313.662 of the Revised Code. Upon the filing of the motion, the 422  
court immediately shall schedule a hearing and give written 423  
notice of the time, date, and location of the hearing to the 424  
superintendent of the school district, the pupil, and the 425  
pupil's parent, guardian, or custodian. At the hearing, the 426  
court shall determine whether there is reasonable cause to 427  
believe the pupil's continued attendance in the public school 428  
system may endanger the health and safety of other pupils or 429  
school employees and, upon making that determination, shall 430  
grant the requested extension. 431

(G) The failure of the superintendent or the board of 432  
education to provide the information regarding the possibility 433  
of permanent exclusion in the notice required by divisions (A), 434  
(B), and (D) of this section is not jurisdictional, and the 435  
failure shall not affect the validity of any suspension or 436  
expulsion procedure that is conducted in accordance with this 437  
section or the validity of a permanent exclusion procedure that 438  
is conducted in accordance with sections 3301.121 and 3313.662 439  
of the Revised Code. 440

(H) With regard to suspensions and expulsions pursuant to 441  
divisions (A) and (B) of this section by the board of education 442

of any city, exempted village, or local school district, this 443  
section shall apply to any student, whether or not the student 444  
is enrolled in the district, attending or otherwise 445  
participating in any curricular program provided in a school 446  
operated by the board or provided on any other property owned or 447  
controlled by the board. 448

(I) Whenever a student is expelled under this section, the 449  
expulsion shall result in removal of the student from the 450  
student's regular school setting. However, during the period of 451  
the expulsion, the board of education of the school district 452  
that expelled the student or any board of education admitting 453  
the student during that expulsion period may provide educational 454  
services to the student in an alternative setting. 455

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 456  
3313.64, and 3313.65 of the Revised Code, any school district, 457  
after offering an opportunity for a hearing, may temporarily 458  
deny admittance to any pupil if one of the following applies: 459

(a) The pupil has been suspended from the schools of 460  
another district under division (A) of this section and the 461  
period of suspension, as established under that division, has 462  
not expired; 463

(b) The pupil has been expelled from the schools of 464  
another district under division (B) of this section and the 465  
period of the expulsion, as established under that division or 466  
as extended under division (F) of this section, has not expired. 467

If a pupil is temporarily denied admission under this 468  
division, the pupil shall be admitted to school in accordance 469  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 470  
Revised Code no later than upon expiration of the suspension or 471



expulsion period, as applicable. 472

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 473  
and 3313.65 of the Revised Code, any school district, after 474  
offering an opportunity for a hearing, may temporarily deny 475  
admittance to any pupil if the pupil has been expelled or 476  
otherwise removed for disciplinary purposes from a public school 477  
in another state and the period of expulsion or removal has not 478  
expired. If a pupil is temporarily denied admission under this 479  
division, the pupil shall be admitted to school in accordance 480  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 481  
Revised Code no later than the earlier of the following: 482

(a) Upon expiration of the expulsion or removal period 483  
imposed by the out-of-state school; 484

(b) Upon expiration of a period established by the 485  
district, beginning with the date of expulsion or removal from 486  
the out-of-state school, that is no greater than the period of 487  
expulsion that the pupil would have received under the policy 488  
adopted by the district under section 3313.661 of the Revised 489  
Code had the offense that gave rise to the expulsion or removal 490  
by the out-of-state school been committed while the pupil was 491  
enrolled in the district. 492

(K) As used in this section: 493

(1) "Permanently exclude" and "permanent exclusion" have 494  
the same meanings as in section 3313.662 of the Revised Code. 495

(2) "In-school suspension" means the pupil will serve all 496  
of the suspension in a school setting. 497

(3) The meaning of the term "school day" shall be 498  
construed in the manner prescribed by section 3313.481 of the 499  
Revised Code. 500

**Sec. 3313.661.** (A) The board of education of each city, 501  
exempted village, and local school district shall adopt a policy 502  
regarding suspension, expulsion, removal, and permanent 503  
exclusion that specifies the types of misconduct for which a 504  
pupil may be suspended, expelled, or removed. The types of 505  
misconduct may include misconduct by a pupil that occurs off of 506  
property owned or controlled by the district but that is 507  
connected to activities or incidents that have occurred on 508  
property owned or controlled by that district and misconduct by 509  
a pupil that, regardless of where it occurs, is directed at a 510  
district official or employee, or the property of such official 511  
or employee. The policy shall specify the reasons for which the 512  
superintendent of the district may reduce the expulsion 513  
requirement in division (B) (2) of section 3313.66 of the Revised 514  
Code. If a board of education adopts a resolution pursuant to 515  
division (B) (3) of section 3313.66 of the Revised Code, the 516  
policy shall define the term "knife" or "firearm," as 517  
applicable, for purposes of expulsion under that resolution and 518  
shall specify any reasons for which the superintendent of the 519  
district may reduce any required expulsion period on a case-by- 520  
case basis. If a board of education adopts a resolution pursuant 521  
to division (B) (4) ~~or~~, (5), or (6) of section 3313.66 of the 522  
Revised Code, the policy shall specify any reasons for which the 523  
superintendent of the district may reduce any ~~required~~ expulsion 524  
period on a case-by-case basis. The policy also shall set forth 525  
the acts listed in section 3313.662 of the Revised Code for 526  
which a pupil may be permanently excluded. 527

The policy adopted under this division shall specify the 528  
date and manner by which a pupil or a pupil's parent, guardian, 529  
or custodian may notify the board of the pupil's, parent's, 530  
guardian's, or custodian's intent to appeal an expulsion or 531

suspension to the board or its designee pursuant to division (E) 532  
of section 3313.66 of the Revised Code. In the case of any 533  
expulsion, the policy shall not specify a date that is less than 534  
fourteen days after the date of the notice provided to the pupil 535  
or the pupil's parent, guardian, or custodian under division (D) 536  
of that section. 537

A copy of the policy shall be posted in a central location 538  
in the school and made available to pupils upon request. No 539  
pupil shall be suspended, expelled, or removed except in 540  
accordance with the policy adopted by the board of education of 541  
the school district in which the pupil attends school, and no 542  
pupil shall be permanently excluded except in accordance with 543  
sections 3301.121 and 3313.662 of the Revised Code. 544

(B) A board of education may establish a program and adopt 545  
guidelines under which a superintendent may require a pupil to 546  
perform community service in conjunction with a suspension or 547  
expulsion imposed under section 3313.66 of the Revised Code or 548  
in place of a suspension or expulsion imposed under section 549  
3313.66 of the Revised Code except for an expulsion imposed 550  
pursuant to division (B)(2) of that section. If a board adopts 551  
guidelines under this division, they shall permit, except with 552  
regard to an expulsion pursuant to division (B)(2) of section 553  
3313.66 of the Revised Code, a superintendent to impose a 554  
community service requirement beyond the end of the school year 555  
in lieu of applying an expulsion into the following school year. 556  
Any guidelines adopted shall be included in the policy adopted 557  
under this section. 558

(C) The written policy of each board of education that is 559  
adopted pursuant to section 3313.20 of the Revised Code shall be 560  
posted in a central location in each school that is subject to 561

the policy and shall be made available to pupils upon request. 562

(D) Any policy, program, or guideline adopted by a board 563  
of education under this section with regard to suspensions or 564  
expulsions pursuant to division (A) or (B) of section 3313.66 of 565  
the Revised Code shall apply to any student, whether or not the 566  
student is enrolled in the district, attending or otherwise 567  
participating in any curricular program provided in a school 568  
operated by the board or provided on any other property owned or 569  
controlled by the board. 570

(E) If a board of education adopts a resolution pursuant 571  
to division (B)(6) of section 3313.66 of the Revised Code, the 572  
board shall do both of the following: 573

(1) Establish guidelines for appropriate conditions that 574  
the superintendent may develop pursuant to division (B)(6) of 575  
section 3313.66 of the Revised Code; 576

(2) Develop a list of alternative educational options of 577  
pupils who are expelled under division (B)(6) of section 3313.66 578  
of the Revised Code. 579

(F) As used in this section, "permanently exclude" and 580  
"permanent exclusion" have the same meanings as in section 581  
3313.662 of the Revised Code. 582

**Section 2.** That existing sections 3313.66 and 3313.661 of 583  
the Revised Code are hereby repealed. 584