

As Reported by the House Education Committee

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Am. H. B. No. 334

Representatives Hayes, Hottinger

Cosponsors: Representatives Brenner, Becker, Butler, Amstutz

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A B I L L

To amend sections 3313.66 and 3313.661 of the Revised 1
Code with respect to the expulsion of a student 2
from a school district, community school, or STEM 3
school for actions that endanger the health and 4
safety of other students or school employees and 5
to declare an emergency. 6

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

Section 1. That sections 3313.66 and 3313.661 of the Revised 7
Code be amended to read as follows: 8

Sec. 3313.66. (A) Except as provided under division (B)(2) of 9
this section, the superintendent of schools of a city, exempted 10
village, or local school district, or the principal of a public 11
school may suspend a pupil from school for not more than ten 12
school days. The board of education of a city, exempted village, 13
or local school district may adopt a policy granting assistant 14
principals and other administrators the authority to suspend a 15
pupil from school for a period of time as specified in the policy 16
of the board of education, not to exceed ten school days. If at 17
the time a suspension is imposed there are fewer than ten school 18
days remaining in the school year in which the incident that gives 19

rise to the suspension takes place, the superintendent may apply 20
any remaining part or all of the period of the suspension to the 21
following school year. Except in the case of a pupil given an 22
in-school suspension, no pupil shall be suspended unless prior to 23
the suspension such superintendent or principal does both of the 24
following: 25

(1) Gives the pupil written notice of the intention to 26
suspend the pupil and the reasons for the intended suspension and, 27
if the proposed suspension is based on a violation listed in 28
division (A) of section 3313.662 of the Revised Code and if the 29
pupil is sixteen years of age or older, includes in the notice a 30
statement that the superintendent may seek to permanently exclude 31
the pupil if the pupil is convicted of or adjudicated a delinquent 32
child for that violation; 33

(2) Provides the pupil an opportunity to appear at an 34
informal hearing before the principal, assistant principal, 35
superintendent, or superintendent's designee and challenge the 36
reason for the intended suspension or otherwise to explain the 37
pupil's actions. 38

(B)(1) Except as provided under division (B)(2), (3), ~~or (4)~~ 39
(5), or (6) of this section, the superintendent of schools of a 40
city, exempted village, or local school district may expel a pupil 41
from school for a period not to exceed the greater of eighty 42
school days or the number of school days remaining in the semester 43
or term in which the incident that gives rise to the expulsion 44
takes place, unless the expulsion is extended pursuant to division 45
(F) of this section. If at the time an expulsion is imposed there 46
are fewer than eighty school days remaining in the school year in 47
which the incident that gives rise to the expulsion takes place, 48
the superintendent may apply any remaining part or all of the 49
period of the expulsion to the following school year. 50

(2)(a) Unless a pupil is permanently excluded pursuant to 51

section 3313.662 of the Revised Code, the superintendent of 52
schools of a city, exempted village, or local school district 53
shall expel a pupil from school for a period of one year for 54
bringing a firearm to a school operated by the board of education 55
of the district or onto any other property owned or controlled by 56
the board, except that the superintendent may reduce this 57
requirement on a case-by-case basis in accordance with the policy 58
adopted by the board under section 3313.661 of the Revised Code. 59

(b) The superintendent of schools of a city, exempted 60
village, or local school district may expel a pupil from school 61
for a period of one year for bringing a firearm to an 62
interscholastic competition, an extracurricular event, or any 63
other school program or activity that is not located in a school 64
or on property that is owned or controlled by the district. The 65
superintendent may reduce this disciplinary action on a 66
case-by-case basis in accordance with the policy adopted by the 67
board under section 3313.661 of the Revised Code. 68

(c) Any expulsion pursuant to division (B)(2) of this section 69
shall extend, as necessary, into the school year following the 70
school year in which the incident that gives rise to the expulsion 71
takes place. As used in this division, "firearm" has the same 72
meaning as provided pursuant to the "Gun-Free Schools Act," 115 73
Stat. 1762, 20 U.S.C. 7151. 74

(3) The board of education of a city, exempted village, or 75
local school district may adopt a resolution authorizing the 76
superintendent of schools to expel a pupil from school for a 77
period not to exceed one year for bringing a knife to a school 78
operated by the board, onto any other property owned or controlled 79
by the board, or to an interscholastic competition, an 80
extracurricular event, or any other program or activity sponsored 81
by the school district or in which the district is a participant, 82
or for possessing a firearm or knife at a school, on any other 83

property owned or controlled by the board, or at an 84
interscholastic competition, an extracurricular event, or any 85
other school program or activity, which firearm or knife was 86
initially brought onto school board property by another person. 87
The resolution may authorize the superintendent to extend such an 88
expulsion, as necessary, into the school year following the school 89
year in which the incident that gives rise to the expulsion takes 90
place. 91

(4) The board of education of a city, exempted village, or 92
local school district may adopt a resolution establishing a policy 93
under section 3313.661 of the Revised Code that authorizes the 94
superintendent of schools to expel a pupil from school for a 95
period not to exceed one year for committing an act that is a 96
criminal offense when committed by an adult and that results in 97
serious physical harm to persons as defined in division (A)(5) of 98
section 2901.01 of the Revised Code or serious physical harm to 99
property as defined in division (A)(6) of section 2901.01 of the 100
Revised Code while the pupil is at school, on any other property 101
owned or controlled by the board, or at an interscholastic 102
competition, an extracurricular event, or any other school program 103
or activity. Any expulsion under this division shall extend, as 104
necessary, into the school year following the school year in which 105
the incident that gives rise to the expulsion takes place. 106

(5) The board of education of any city, exempted village, or 107
local school district may adopt a resolution establishing a policy 108
under section 3313.661 of the Revised Code that authorizes the 109
superintendent of schools to expel a pupil from school for a 110
period not to exceed one year for making a bomb threat to a school 111
building or to any premises at which a school activity is 112
occurring at the time of the threat. Any expulsion under this 113
division shall extend, as necessary, into the school year 114
following the school year in which the incident that gives rise to 115

the expulsion takes place. 116

(6) The board of education of any city, exempted village, or 117
local school district may adopt a resolution establishing a policy 118
under section 3313.661 of the Revised Code that authorizes the 119
superintendent of schools to expel a pupil from school for a 120
period not to exceed one hundred eighty school days for actions 121
that the superintendent determines pose imminent and severe 122
endangerment to the health and safety of other pupils or school 123
employees, even though the pupil's actions may not qualify for 124
permanent exclusion under section 3313.662 of the Revised Code. 125
Upon the expulsion of a pupil pursuant to this division, the 126
superintendent shall develop conditions for that pupil to satisfy 127
prior to the pupil's reinstatement. The superintendent shall 128
provide a copy of these conditions in writing to the district 129
board, the pupil, and the pupil's parent, guardian, or custodian 130
at the beginning of the expulsion period. 131

One of the conditions developed by the superintendent shall 132
be an assessment to determine whether the pupil poses a danger to 133
the pupil's self or to other pupils or school employees. The 134
assessment shall be completed by a psychiatrist, psychologist, or 135
school psychologist employed or contracted by the district. The 136
psychiatrist, psychologist, or school psychologist shall be agreed 137
upon by both the district board and the pupil's parent, guardian, 138
or custodian. If the psychiatrist, psychologist, or school 139
psychologist is not employed or contracted by the district, the 140
cost of the assessment shall be referred for payment to the 141
pupil's health insurance. Any costs not covered by the pupil's 142
health insurance shall be split equally between the district and 143
the pupil's parent, guardian, or custodian. The district shall pay 144
in full for an assessment completed by a psychiatrist, 145
psychologist, or school psychologist that is employed or 146
contracted by the district. 147

(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.

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.

(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.

(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.

(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 the pupil in the manner prescribed by division (B)(6)(a) of this section and may reinstate the pupil or may extend the expulsion for another term, not to exceed ninety school days, in the same manner as provided in divisions (B)(6)(a)(i) and (ii) of this section. There

is no limit on the number of times the superintendent may extend 180
an expulsion under division (B)(6)(a)(ii) of this section. 181

(c) Prior to the end of the original expulsion period or of 182
an extended expulsion period, if the pupil has met all of the 183
conditions developed by the superintendent at the beginning of the 184
expulsion period, the superintendent may reduce the expulsion on a 185
case-by-case basis. In making the determination, the 186
superintendent shall comply with the district's policy regarding 187
the reduction of an expulsion period, adopted pursuant to section 188
3313.661 of the Revised Code. 189

(d) Prior to the end of the original expulsion period or of 190
an extended expulsion period, the pupil or the pupil's parent, 191
guardian, or custodian may request the superintendent to complete 192
an early assessment of the pupil. If requested, the superintendent 193
shall assess the pupil and make a determination in the manner 194
prescribed by division (B)(6)(a) of this section. In making the 195
determination, the superintendent shall comply with the district's 196
policy regarding the reduction of an expulsion period, adopted 197
pursuant to section 3313.661 of the Revised Code. A pupil or 198
pupil's parent, guardian, or custodian may request one early 199
assessment for the original expulsion period and for each extended 200
expulsion period under this division. 201

(e) Not later than five days after the beginning of the 202
original expulsion period or of any extended expulsion period 203
under division (B)(6) of this section, the superintendent, in 204
consultation with the pupil, and the pupil's parent, guardian, or 205
custodian, shall develop a plan for the continued education of the 206
pupil, which may include education by the district in an 207
alternative setting under division (I) of this section, including 208
instruction at home, enrollment in another district or other type 209
of public or nonpublic school, or any other form of instruction 210
that complies with Chapter 3321. of the Revised Code. 211

(f) The pupil or the pupil's parent, guardian, or custodian 212
may appeal any determination made by the superintendent pursuant 213
to division (B)(6) of this section in the manner prescribed by 214
division (E) of this section. 215

(7) No pupil shall be expelled under division (B)(1), (2), 216
(3), (4), ~~or~~ (5), or (6) of this section unless, prior to the 217
pupil's expulsion, the superintendent does both of the following: 218

(a) Gives the pupil and the pupil's parent, guardian, or 219
custodian written notice of the intention to expel the pupil; 220

(b) Provides the pupil and the pupil's parent, guardian, 221
custodian, or representative an opportunity to appear in person 222
before the superintendent or the superintendent's designee to 223
challenge the reasons for the intended expulsion or otherwise to 224
explain the pupil's actions. 225

The notice required in this division shall include the 226
reasons for the intended expulsion, notification of the 227
opportunity of the pupil and the pupil's parent, guardian, 228
custodian, or representative to appear before the superintendent 229
or the superintendent's designee to challenge the reasons for the 230
intended expulsion or otherwise to explain the pupil's action, and 231
notification of the time and place to appear. The time to appear 232
shall not be earlier than three nor later than five school days 233
after the notice is given, unless the superintendent grants an 234
extension of time at the request of the pupil or the pupil's 235
parent, guardian, custodian, or representative. If an extension is 236
granted after giving the original notice, the superintendent shall 237
notify the pupil and the pupil's parent, guardian, custodian, or 238
representative of the new time and place to appear. If the 239
proposed expulsion is based on a violation listed in division (A) 240
of section 3313.662 of the Revised Code and if the pupil is 241
sixteen years of age or older, the notice shall include a 242
statement that the superintendent may seek to permanently exclude 243

the pupil if the pupil is convicted of or adjudicated a delinquent 244
child for that violation. 245

~~(7)~~(8) A superintendent of schools of a city, exempted 246
village, or local school district shall initiate expulsion 247
proceedings pursuant to this section with respect to any pupil who 248
has committed an act warranting expulsion under the district's 249
policy regarding expulsion even if the pupil has withdrawn from 250
school for any reason after the incident that gives rise to the 251
hearing but prior to the hearing or decision to impose the 252
expulsion. If, following the hearing, the pupil would have been 253
expelled for a period of time had the pupil still been enrolled in 254
the school, the expulsion shall be imposed for the same length of 255
time as on a pupil who has not withdrawn from the school. 256

(C) If a pupil's presence poses a continuing danger to 257
persons or property or an ongoing threat of disrupting the 258
academic process taking place either within a classroom or 259
elsewhere on the school premises, the superintendent or a 260
principal or assistant principal may remove a pupil from 261
curricular activities or from the school premises, and a teacher 262
may remove a pupil from curricular activities under the teacher's 263
supervision, without the notice and hearing requirements of 264
division (A) or (B) of this section. As soon as practicable after 265
making such a removal, the teacher shall submit in writing to the 266
principal the reasons for such removal. 267

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

division (B) of this section shall be held, except that the 276
hearing shall be held within three school days of the initial 277
removal. The individual who ordered, caused, or requested the 278
removal to be made shall be present at the hearing. 279

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

(D) The superintendent or principal, within one school day 285
after the time of a pupil's expulsion or suspension, shall notify 286
in writing the parent, guardian, or custodian of the pupil and the 287
treasurer of the board of education of the expulsion or 288
suspension. The notice shall include the reasons for the expulsion 289
or suspension, notification of the right of the pupil or the 290
pupil's parent, guardian, or custodian to appeal the expulsion or 291
suspension to the board of education or to its designee, to be 292
represented in all appeal proceedings, to be granted a hearing 293
before the board or its designee in order to be heard against the 294
suspension or expulsion, and to request that the hearing be held 295
in executive session, notification that the expulsion may be 296
subject to extension pursuant to division (F) of this section if 297
the pupil is sixteen years of age or older, and notification that 298
the superintendent may seek the pupil's permanent exclusion if the 299
suspension or expulsion was based on a violation listed in 300
division (A) of section 3313.662 of the Revised Code that was 301
committed when the child was sixteen years of age or older and if 302
the pupil is convicted of or adjudicated a delinquent child for 303
that violation. 304

In accordance with the policy adopted by the board of 305
education under section 3313.661 of the Revised Code, the notice 306
provided under this division shall specify the manner and date by 307

which the pupil or the pupil's parent, guardian, or custodian 308
shall notify the board of the pupil's, parent's, guardian's, or 309
custodian's intent to appeal the expulsion or suspension to the 310
board or its designee. 311

Any superintendent expelling a pupil under this section for 312
more than twenty school days or for any period of time if the 313
expulsion will extend into the following semester or school year 314
shall, in the notice required under this division, provide the 315
pupil and the pupil's parent, guardian, or custodian with 316
information about services or programs offered by public and 317
private agencies that work toward improving those aspects of the 318
pupil's attitudes and behavior that contributed to the incident 319
that gave rise to the pupil's expulsion. The information shall 320
include the names, addresses, and phone numbers of the appropriate 321
public and private agencies. 322

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

of its designee, may affirm the order of suspension or expulsion, 340
reinstate the pupil, or otherwise reverse, vacate, or modify the 341
order of suspension or expulsion. 342

The board or its designee shall make a verbatim record of 343
hearings held under this division. The decisions of the board or 344
its designee may be appealed under Chapter 2506. of the Revised 345
Code. 346

This section shall not be construed to require notice and 347
hearing in accordance with division (A), (B), or (C) of this 348
section in the case of normal disciplinary procedures in which a 349
pupil is removed from a curricular activity for a period of less 350
than one school day and is not subject to suspension or expulsion. 351

(F)(1) If a pupil is expelled pursuant to division (B) of 352
this section for committing any violation listed in division (A) 353
of section 3313.662 of the Revised Code and the pupil was sixteen 354
years of age or older at the time of committing the violation, if 355
a complaint, indictment, or information is filed alleging that the 356
pupil is a delinquent child based upon the commission of the 357
violation or the pupil is prosecuted as an adult for the 358
commission of the violation, and if the resultant juvenile court 359
or criminal proceeding is pending at the time that the expulsion 360
terminates, the superintendent of schools that expelled the pupil 361
may file a motion with the court in which the proceeding is 362
pending requesting an order extending the expulsion for the lesser 363
of an additional eighty days or the number of school days 364
remaining in the school year. Upon the filing of the motion, the 365
court immediately shall schedule a hearing and give written notice 366
of the time, date, and location of the hearing to the 367
superintendent and to the pupil and the pupil's parent, guardian, 368
or custodian. At the hearing, the court shall determine whether 369
there is reasonable cause to believe that the pupil committed the 370
alleged violation that is the basis of the expulsion and, upon 371

determining that reasonable cause to believe the pupil committed 372
the violation does exist, shall grant the requested extension. 373

(2) If a pupil has been convicted of or adjudicated a 374
delinquent child for a violation listed in division (A) of section 375
3313.662 of the Revised Code for an act that was committed when 376
the child was sixteen years of age or older, if the pupil has been 377
expelled pursuant to division (B) of this section for that 378
violation, and if the board of education of the school district of 379
the school from which the pupil was expelled has adopted a 380
resolution seeking the pupil's permanent exclusion, the 381
superintendent may file a motion with the court that convicted the 382
pupil or adjudicated the pupil a delinquent child requesting an 383
order to extend the expulsion until an adjudication order or other 384
determination regarding permanent exclusion is issued by the 385
superintendent of public instruction pursuant to section 3301.121 386
and division (D) of section 3313.662 of the Revised Code. Upon the 387
filing of the motion, the court immediately shall schedule a 388
hearing and give written notice of the time, date, and location of 389
the hearing to the superintendent of the school district, the 390
pupil, and the pupil's parent, guardian, or custodian. At the 391
hearing, the court shall determine whether there is reasonable 392
cause to believe the pupil's continued attendance in the public 393
school system may endanger the health and safety of other pupils 394
or school employees and, upon making that determination, shall 395
grant the requested extension. 396

(G) The failure of the superintendent or the board of 397
education to provide the information regarding the possibility of 398
permanent exclusion in the notice required by divisions (A), (B), 399
and (D) of this section is not jurisdictional, and the failure 400
shall not affect the validity of any suspension or expulsion 401
procedure that is conducted in accordance with this section or the 402
validity of a permanent exclusion procedure that is conducted in 403

accordance with sections 3301.121 and 3313.662 of the Revised Code. 404
405

(H) With regard to suspensions and expulsions pursuant to 406
divisions (A) and (B) of this section by the board of education of 407
any city, exempted village, or local school district, this section 408
shall apply to any student, whether or not the student is enrolled 409
in the district, attending or otherwise participating in any 410
curricular program provided in a school operated by the board or 411
provided on any other property owned or controlled by the board. 412

(I) Whenever a student is expelled under this section, the 413
expulsion shall result in removal of the student from the 414
student's regular school setting. However, during the period of 415
the expulsion, the board of education of the school district that 416
expelled the student or any board of education admitting the 417
student during that expulsion period may provide educational 418
services to the student in an alternative setting. 419

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 420
and 3313.65 of the Revised Code, any school district, after 421
offering an opportunity for a hearing, may temporarily deny 422
admittance to any pupil if one of the following applies: 423

(a) The pupil has been suspended from the schools of another 424
district under division (A) of this section and the period of 425
suspension, as established under that division, has not expired; 426

(b) The pupil has been expelled from the schools of another 427
district under division (B) of this section and the period of the 428
expulsion, as established under that division or as extended under 429
division (F) of this section, has not expired. 430

If a pupil is temporarily denied admission under this 431
division, the pupil shall be admitted to school in accordance with 432
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 433
Code no later than upon expiration of the suspension or expulsion 434

period, as applicable. 435

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 436
3313.65 of the Revised Code, any school district, after offering 437
an opportunity for a hearing, may temporarily deny admittance to 438
any pupil if the pupil has been expelled or otherwise removed for 439
disciplinary purposes from a public school in another state and 440
the period of expulsion or removal has not expired. If a pupil is 441
temporarily denied admission under this division, the pupil shall 442
be admitted to school in accordance with sections 3109.51 to 443
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 444
earlier of the following: 445

(a) Upon expiration of the expulsion or removal period 446
imposed by the out-of-state school; 447

(b) Upon expiration of a period established by the district, 448
beginning with the date of expulsion or removal from the 449
out-of-state school, that is no greater than the period of 450
expulsion that the pupil would have received under the policy 451
adopted by the district under section 3313.661 of the Revised Code 452
had the offense that gave rise to the expulsion or removal by the 453
out-of-state school been committed while the pupil was enrolled in 454
the district. 455

(K) As used in this section: 456

(1) "Permanently exclude" and "permanent exclusion" have the 457
same meanings as in section 3313.662 of the Revised Code. 458

(2) "In-school suspension" means the pupil will serve all of 459
the suspension in a school setting. 460

(3) On and after July 1, 2014, the meaning of the term 461
"school day" shall be construed in the manner prescribed by 462
section 3313.481 of the Revised Code. 463

Sec. 3313.661. (A) The board of education of each city, 464

exempted village, and local school district shall adopt a policy 465
regarding suspension, expulsion, removal, and permanent exclusion 466
that specifies the types of misconduct for which a pupil may be 467
suspended, expelled, or removed. The types of misconduct may 468
include misconduct by a pupil that occurs off of property owned or 469
controlled by the district but that is connected to activities or 470
incidents that have occurred on property owned or controlled by 471
that district and misconduct by a pupil that, regardless of where 472
it occurs, is directed at a district official or employee, or the 473
property of such official or employee. The policy shall specify 474
the reasons for which the superintendent of the district may 475
reduce the expulsion requirement in division (B)(2) of section 476
3313.66 of the Revised Code. If a board of education adopts a 477
resolution pursuant to division (B)(3) of section 3313.66 of the 478
Revised Code, the policy shall define the term "knife" or 479
"firearm," as applicable, for purposes of expulsion under that 480
resolution and shall specify any reasons for which the 481
superintendent of the district may reduce any required expulsion 482
period on a case-by-case basis. If a board of education adopts a 483
resolution pursuant to division (B)(4) ~~or~~, (5), or (6) of section 484
3313.66 of the Revised Code, the policy shall specify any reasons 485
for which the superintendent of the district may reduce any 486
~~required~~ expulsion period on a case-by-case basis. The policy also 487
shall set forth the acts listed in section 3313.662 of the Revised 488
Code for which a pupil may be permanently excluded. 489

The policy adopted under this division shall specify the date 490
and manner by which a pupil or a pupil's parent, guardian, or 491
custodian may notify the board of the pupil's, parent's, 492
guardian's, or custodian's intent to appeal an expulsion or 493
suspension to the board or its designee pursuant to division (E) 494
of section 3313.66 of the Revised Code. In the case of any 495
expulsion, the policy shall not specify a date that is less than 496
fourteen days after the date of the notice provided to the pupil 497

or the pupil's parent, guardian, or custodian under division (D) 498
of that section. 499

A copy of the policy shall be posted in a central location in 500
the school and made available to pupils upon request. No pupil 501
shall be suspended, expelled, or removed except in accordance with 502
the policy adopted by the board of education of the school 503
district in which the pupil attends school, and no pupil shall be 504
permanently excluded except in accordance with sections 3301.121 505
and 3313.662 of the Revised Code. 506

(B) A board of education may establish a program and adopt 507
guidelines under which a superintendent may require a pupil to 508
perform community service in conjunction with a suspension or 509
expulsion imposed under section 3313.66 of the Revised Code or in 510
place of a suspension or expulsion imposed under section 3313.66 511
of the Revised Code except for an expulsion imposed pursuant to 512
division (B)(2) of that section. If a board adopts guidelines 513
under this division, they shall permit, except with regard to an 514
expulsion pursuant to division (B)(2) of section 3313.66 of the 515
Revised Code, a superintendent to impose a community service 516
requirement beyond the end of the school year in lieu of applying 517
the suspension or expulsion into the following school year. Any 518
guidelines adopted shall be included in the policy adopted under 519
this section. 520

(C) The written policy of each board of education that is 521
adopted pursuant to section 3313.20 of the Revised Code shall be 522
posted in a central location in each school that is subject to the 523
policy and shall be made available to pupils upon request. 524

(D) Any policy, program, or guideline adopted by a board of 525
education under this section with regard to suspensions or 526
expulsions pursuant to division (A) or (B) of section 3313.66 of 527
the Revised Code shall apply to any student, whether or not the 528
student 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

(E) If a board of education adopts a resolution pursuant to 533
division (B)(6) of section 3313.66 of the Revised Code, the board 534
shall do both of the following: 535

(1) Establish guidelines for appropriate conditions that the 536
superintendent may develop pursuant to division (B)(6) of section 537
3313.66 of the Revised Code; 538

(2) Develop a list of alternative educational options for 539
pupils who are expelled under division (B)(6) of section 3313.66 540
of the Revised Code. 541

(F) As used in this section, "permanently exclude" and 542
"permanent exclusion" have the same meanings as in section 543
3313.662 of the Revised Code. 544

Section 2. That existing sections 3313.66 and 3313.661 of the 545
Revised Code are hereby repealed. 546

Section 3. This act is hereby declared to be an emergency 547
measure necessary for the immediate preservation of the public 548
peace, health, and safety. The reason for such necessity is to 549
timely provide public school officials with the discretion to 550
expel a student for an extended period of time, if that student 551
poses imminent and severe endangerment to the health and safety of 552
other students or school employees. Therefore, this act shall go 553
into immediate effect. 554