

**As Reported by the House Primary and Secondary Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 206**

**Representatives Click, Robb Blasdel**

**Cosponsors: Representatives Claggett, Williams, Bird, Jones**

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**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 17  
school district may adopt a policy granting assistant principals 18

and other administrators the authority to suspend a pupil from 19  
school for a period of time as specified in the policy of the 20  
board of education, not to exceed ten school days. If at the 21  
time an out-of-school suspension is imposed there are fewer than 22  
ten school days remaining in the school year in which the 23  
incident that gives rise to the suspension takes place, the 24  
superintendent shall not apply any remaining part of the period 25  
of the suspension to the following school year. The 26  
superintendent may instead require the pupil to participate in a 27  
community service program or another alternative consequence for 28  
a number of hours equal to the remaining part of the period of 29  
the suspension. The pupil shall be required to begin the pupil's 30  
community service or alternative consequence during the first 31  
full week day of summer break. Each school district, in its 32  
discretion, may develop an appropriate list of alternative 33  
consequences. In the event that a pupil fails to complete 34  
community service or the assigned alternative consequence, the 35  
school district may determine the next course of action, which 36  
shall not include requiring the pupil to serve the remaining 37  
time of the out-of-school suspension at the beginning of the 38  
following school year. 39

No pupil shall be issued an out-of-school suspension 40  
unless prior to the suspension the superintendent or principal 41  
does both of the following: 42

(a) Gives the pupil written notice of the intention to 43  
suspend the pupil and the reasons for the intended suspension 44  
and, if the proposed suspension is based on a violation listed 45  
in division (A) of section 3313.662 of the Revised Code and if 46  
the pupil is sixteen years of age or older, includes in the 47  
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  
described in division (B)(2)(a) of this section; 589

(b) Bringing a firearm to an interscholastic competition, 590  
extracurricular event, or any other program or activity 591

sponsored by the school district or in which the district is a 592  
participant; 593

(c) Bringing a knife capable of causing serious bodily 594  
injury to a school operated by the board, any other property 595  
owned or controlled by the board, or to an interscholastic 596  
competition, extracurricular event, or any other program or 597  
activity sponsored by the school district or in which the 598  
district is a participant; 599

(d) Committing an act that is a criminal offense when 600  
committed by an adult and that results in serious physical harm 601  
to persons as defined in division (A) (5) of section 2901.01 of 602  
the Revised Code or serious physical harm to property as defined 603  
in division (A) (6) of section 2901.01 of the Revised Code while 604  
the pupil is at a school operated by the board, any other 605  
property owned or controlled by the board, or an interscholastic 606  
competition, extracurricular event, or any other program or 607  
activity sponsored by the school district or in which the 608  
district is a participant; 609

(e) Making a bomb threat to a school building or to any 610  
premises at which a school activity is occurring at the time of 611  
the threat; 612

(f) Making an articulated or verbalized threat, including 613  
a hit list, threatening manifesto, or social media post, that 614  
would lead a reasonable person to conclude that the pupil poses 615  
a serious threat. 616

(5) "Sufficient rehabilitation" means that a pupil has met 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 adopted pursuant to section 3313.20 of the Revised Code shall be posted in a central location in each school that is subject to the policy and shall be made available to pupils upon request.

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

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

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

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

**Sec. 3319.324.** (A) As used in this section, "school records" includes any academic records, student assessment data, or other information for which there is a legitimate educational interest.

(B) Except as provided for in division (C) of this



section, when any school district or chartered nonpublic school 711  
receives a request from another district or school to which a 712  
student has transferred for that student's school records, the 713  
district or school receiving the request shall respond, within 714  
five school days after receiving the request, by transmitting to 715  
the requesting district or school either the student's school 716  
records as authorized under section 3319.321 of the Revised Code 717  
or, if the district or school has no record of the student's 718  
attendance, a statement of that fact. 719

(C) A-Except as provided for in division (E) of this 720  
section, a district or school may withhold a student's school 721  
records if there is two thousand five hundred dollars or more of 722  
outstanding debt attributed to the student. The district or 723  
school shall transmit the student's school records in the manner 724  
specified under division (A) of this section once the debt is 725  
paid. 726

(D) The provisions of this section are in addition to, and 727  
do not affect the obligations of a school district or school to 728  
comply with, the requirements of division (D) of section 729  
3313.642 and section 3313.672 of the Revised Code. 730

(E) A district or school shall not withhold records 731  
related to a student's expulsion under division (B)(6) of 732  
section 3313.66 of the Revised Code due to outstanding debt 733  
attributed to the student. 734

**Section 2.** That existing sections 3313.66, 3313.661, and 735  
3319.324 of the Revised Code are hereby repealed. 736