

**PERMANENT EXCLUSION OF STUDENTS**

I. **GENERAL POLICY STATEMENT**

The Board, pursuant to ORC Section 3313.661, adopts the following policy regarding the permanent exclusion of students from school. A copy of this policy shall be posted in every school and copies will be made available to students upon request. All permanent exclusions, and related suspensions and expulsions from school, shall be done in accordance with this policy.

II. **SUSPENSION**

If a suspension is based on a violation listed in Section IV, A of this policy, and the student is sixteen years of age or older, the notice of intent to suspend must include notification that the Superintendent may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for the violation.

The failure of the Superintendent or Board to provide notification of the possibility of a permanent exclusion shall not affect the validity of a permanent exclusion.

III. **EXPULSION**

A. If an expulsion is based on a violation listed in Section IV, A of this policy, and the student is sixteen years of age or older:

The notice of intent to expel must include notification that the Superintendent may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for the violation.

The failure of the Superintendent or Board to provide notification of the possibility of a permanent exclusion shall not affect the validity of the expulsion or the permanent exclusion.

B. If a complaint is filed pursuant to ORC Section 2151.27 alleging that the student is a delinquent child based upon the commission of the violation or the student is prosecuted as an adult for the commission of the violation, and if the resultant Juvenile Court or Criminal Proceeding is pending at the time the expulsion terminates, the Superintendent may file a motion with the court requesting an order to extend the expulsion for the lesser of an additional 80 days or the number of days remaining in the school year.

IV. **PERMANENT EXCLUSION**

A. Proscribed Conduct

A student may be permanently excluded from attending any Ohio public school if the student is convicted of, or adjudicated a delinquent child for committing, when 16 years of age or older, one of the following criminal offenses:

1. Illegal conveyance or possession of deadly weapons or dangerous ordinance on school premises, in violation of O.R.C. Section 2923.122.
2. Carrying concealed weapons on school property or at a school activity in violation of ORC Section 2923.12.
3. Selling or offering to sell or possessing a controlled substance in violation of ORC Section 2925.03(A)(1), (4), (5), (6), (7), (9) or (10) on school property or at a school activity.
4. Committing one of the following on school property or at a school function if the victim at the time of the act was a school employee: aggravated murder in violation of ORC. Section 2903.01, murder in violation of ORC. Section 2903.02, voluntary manslaughter in violation of ORC. Section 2903.03, involuntary manslaughter in violation of ORC. Section 2903.04, felonious assault in violation of ORC Section 2903.11, aggravated assault in violation of ORC Section 2903.12, felonious sexual penetration in violation of ORC Section 2907.12, rape in violation of OR.C. Section 2907.02, or gross sexual imposition in violation of ORC Section 2907.05; and
5. Complicity in any of the above-described violations regardless of whether the act of complicity was committed on school property or at a school activity.

B. Principal's Duty to Report

If any Principal, acting within his official capacity, has knowledge of or observed a student committing a violation listed in Section IV, A of this policy, the Principal:

1. Shall report the violation to the Superintendent by the following day; and
2. May report the act or violation to a law enforcement officer of the jurisdiction in which the act occurred or, if the student is a juvenile, he may report it to a law enforcement officer in the jurisdiction in which the student resides.

C. Superintendent Recommendation of Permanent Exclusion

If the Superintendent decides that the student's continued attendance may endanger the health and safety of other students or employees because he has committed one of the offenses listed in Section IV, A, above, the Superintendent must give:

1. The pupil and his parents, guardian, or custodian written notice of the intent to recommend that the Board adopt a resolution requesting the Superintendent of Public Instruction to permanently exclude the student from public attendance;
2. The Board a written recommendation of permanent exclusion, including the determination that the student's continued attendance poses a threat to the health and safety of other students and employees and a copy of proof of the conviction of or adjudication as a delinquent child for a violation listed in Section IV, A of this policy.

D. Board Resolution to Permanently Exclude

The Board:

1. May adopt a resolution, based on the Superintendent's recommendation, requesting that the Superintendent of Public Instruction permanently exclude the student. The resolution must be adopted within 14 days of receipt of the Superintendent's recommendation.
2. Upon adoption of a resolution, shall immediately:
  - a. Forward the written resolution, proof of the student's conviction or adjudication, a copy of the student's entire school record, and all other relevant information to the Superintendent of Public Instruction; and
  - b. Send a copy of the resolution to the student and his parent, guardian, or custodian; and
  - c. Designate a representative to present the case for permanent exclusion, including evidence in support, to the Superintendent of Public Instruction (or designee). The representative may be an attorney.

E. Duty Not to Admit Student to School

No administrator of this District shall knowingly admit to any school a student who has been permanently excluded from public school attendance by the Superintendent of Public Instruction.

F. Superintendent Recommendation to Revoke Permanent Exclusion

The Superintendent may issue a recommendation to the Board that the permanent exclusion be revoked. The recommendation must be supported by a finding that the permanently excluded student will no longer endanger the health and safety of other students or school employees.

G. Probationary Admission

1. Student Request for Probationary Admission

A permanently excluded student may request that the Superintendent admit him on a probationary basis. A probationary admission may not exceed 90 school days.

2. Superintendent's Recommendation for Probationary Admission

If the Superintendent, the student and the student's parent, guardian, or custodian, or a designee all agree on a "Probationary Admission Plan," the Superintendent shall issue a recommendation to the Board that the student be admitted on a probationary basis. The recommendation should include a copy of the "Probationary Admission Plan" and the reasons for the recommendation. The Plan may include a treatment program, a behavioral modification program, or any other program reasonably designed to meet the educational needs of the student and the disciplinary requirements of the school.

3. Board's Adoption of Recommendation for Probationary Admission

The Board may adopt, by a majority vote, the Superintendent's recommendation for a probationary admission within 14 days after the Board receives the Superintendent's recommendation.

4. Revocation of Probationary Admission

- a. If a student fails to comply with the "Probationary Admission Plan", the Superintendent may remove the student immediately after a conference with him and issue a recommendation to the Board requesting that probationary admission be revoked.
- b. The Board may adopt the resolution by a majority vote. If the Board does not adopt the Superintendent's recommendation, the student shall continue to attend school under the "Probationary Admission Plan."

5. Extension of Probationary Admission Period

- a. A student or the student's parent, guardian, or custodian may request an extension at any time before the expiration of the 90 day probationary period. The request should be made to the Superintendent. The extension is not to exceed an additional 90 days.
- b. The Superintendent and Board may recommend and grant subsequent probationary admission periods, each period not to exceed 90 days.
- c. Any extension of a probationary admission shall be submitted subject to the adoption and approval of a "Probationary Admission Plan."

H. School Records

1. Duty to Maintain Student Records

Information regarding the permanent exclusion of a student shall be included in the student's official records and shall be included in any records sent to any school district that requests the student's records.

2. Duty to Expunge Student Records

When a permanently excluded student reaches 22 years of age or a permanent exclusion is revoked, the District shall remove and destroy all references to the exclusion from the student's file.

I. Certificate of High School Equivalence

The District may permit a person permanently excluded to seek a certificate of high school equivalence by attending any preparation course offered by the District, except those courses offered on District premises during normal school hours.

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