

PERMANENT EXCLUSION

The Board may seek the permanent exclusion of a student 16 years of age or older who is either convicted in criminal court or adjudicated delinquent by a juvenile court of any of the following offenses that occur on school grounds or at a school function:

1. illegal conveyance or possession of a deadly weapon or dangerous ordinance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the same of a controlled substance, and/or
2. aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition of felonious sexual penetration, if the victim is a District employee;

In addition, complicity in any of the above acts may be the basis for permanent exclusion regardless of when or where the act of complicity was committed.

When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

Any building administrator witnessing, or having knowledge of, one of these acts must report the incident to the Superintendent within 24 hours, whether or not the student is over 16 years of age.

If the Superintendent receives notification that a student has been found guilty or is adjudicated delinquent for any of the listed offenses, a determination must be made whether the student's continued attendance endangers the health and safety of other students or employees or whether the student's attendance poses a danger of disruption to the graded course of study. If the Superintendent determines that either danger exists, he/she may recommend that the Board adopt a resolution requesting the State Superintendent of Public Instruction to permanently exclude the student from attendance in any Ohio school. Written notice of the Superintendent's recommendation for permanent exclusion is provided to the student and his/her parent(s).

The Board acts upon the Superintendent's recommendation within 14 days. Among the items the Board will consider is information on:

1. academic and extracurricular activity record of the student;
2. disciplinary record of the student;
3. social history of the student;
4. response to prior discipline and sanctions;
5. seriousness of the offense and any aggravating circumstances;
6. any mitigating circumstances;
7. evidence regarding the possible danger to other pupils and employees if the student remains in the District;
8. evidence regarding the probable disruption of the graded course of study; and
9. availability of less serious sanctions that would permit the student to stay in the District without conflict with either (7) or (8).

The Board may allow for the hearing of witnesses and the presentation of additional evidence.

If the Board adopts the resolution to exclude the student permanently, the Board:

1. forwards the written resolution, together with the adjudication or conviction and a copy of the student's entire school record, to the State Superintendent;
2. promptly designates a representative to present the District's case for permanent exclusion to the State Superintendent; and
3. forwards a copy of the resolution to the student and his parent, guardian or custodian.

If the State Superintendent rejects the resolution then the student shall be re-admitted to the District's schools.

No employee of this district shall knowingly admit or cause by inaction to be admitted, any student who has been permanently excluded.

Readmission

If the Superintendent determines that a permanently excluded student no longer represents a danger to the health and safety of other students or staff, he/she may recommend that student be readmitted.

On the recommendation of the Superintendent, the Board considers a resolution requesting the State Superintendent to revoke the permanent exclusion. If the Board adopts the resolution, it is forwarded to the State Superintendent, together with the reasons for the resolution and any relevant information.

Probationary Admission following Permanent Exclusion

Under state law, a student permanently excluded from school may request probationary admission for a period not to exceed 90 days in any public school district.

If a student requests consideration of probationary admission into this District, the Superintendent may enter into discussions with the student and his/her parent(s) to develop a probationary admission plan designed to meet the educational needs of the child and the disciplinary requirements of the District.

If a satisfactory plan is developed, then the Superintendent recommends that the Board allow the student to attend classes according to the terms of the plan. The Board acts on the recommendation within 14 days.

If a student violates the terms of the readmission plan, then the Superintendent may immediately remove the student, pending action by the Board. The Board's action must take place within five days from receipt of the Superintendent's recommendation to revoke the readmission.

A student in compliance with his probationary readmission plan may request either an extension of the plan for an additional 90 days or for the Superintendent to recommend that the permanent exclusion be revoked.

[Adoption date: October 21, 1992]

Revised: July 21, 1999
 August 19, 2020

LEGAL REFS.: Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
 ORC 3313.66, 3313.661, 3313.662

CROSS REFS.: ACAA, Sexual Harassment
 JFCJ, Weapons in the Schools
 JGD, Student Suspension
 JGE, Student Expulsion