

Book	Policy Manual
Section	Issue 1 of 2025 March PDQ (Revised - REQUIRING DISTRICT CUSTOMIZATION)
Title	Student Expulsion
Code	JGE
Status	
Adopted	September 17, 2012
Last Revised	May 19, 2025
Prior Revised Dates	10/9/2020

Student Expulsion

At times, the behavior of a student can be considered so serious as to justify total removal from the educational program for a prolonged period of time. Actions meriting expulsion are outlined in the student code of conduct. A student cannot be expelled from school solely because of unexcused absences. When an employee has actual knowledge that the behavior is sexual harassment, the Title IX Coordinator must be contacted. 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.

Only the Superintendent may expel a student. Expulsion is the removal of a student for more than 10 school days, but not more than one year, unless otherwise permitted by law. An expulsion can extend beyond the end of the school year if there are fewer school days than expulsion days remaining. The Superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

The Superintendent may require a student to perform community service in conjunction with or in place of an expulsion. The Board may adopt guidelines to permit the Superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the expulsion into the following school year.

Whenever possible, principals will consult with a mental health professional under contract with the District or school prior to expelling a student in grades pre-K through three. If needed, the principal or mental health professional will assist the student's parent in locating additional mental health services.

Expulsions for students in grades pre-K through three may only be issued for serious offenses in accordance with State law.

The Superintendent shall give the student and parent(s) written notice of the intended expulsion, including reasons for the intended expulsion. The student and parent(s) or representative have the opportunity to appear on request before the Superintendent/designee to challenge the action or to otherwise explain the student's actions. This notice shall state the time and place to appear, which must not be fewer than three days nor more than five days after the notice is given.

Within one school day of the expulsion, the Superintendent shall notify the parent(s) of the student and the Treasurer.

The notice shall include the reasons for the expulsion, the right of the student or parent(s) to appeal to the Board or its designee, the right to be represented at the appeal and the right to request that the hearing be held in executive session.

The Superintendent will initiate expulsion proceedings against a student who has committed an act that warrants expulsion even if the student withdraws from school before the Superintendent has held the hearings or made the decision to expel the student.

Permanent Exclusion

If the offense is one for which the District may seek permanent exclusion, the notice shall contain that information.

Appeal to the Board

A student or a student's parent(s) may appeal the expulsion by the Superintendent to the Board or its designee. The expulsion appeal must be within 14 calendar days after the notice of intent to expel was provided to the student, parent, guardian or custodian. The appeal request shall be in writing to the Treasurer and at the request of the student or of the student's parent(s) or attorney, the meeting may be held in executive session. The student may be represented in all such appeal proceedings and is granted a hearing before the Board or its designee. All witnesses are sworn and a verbatim record is kept of the hearing. The decision of the Board shall be acted upon at a public meeting. The student may be excluded from school during the appeal process.

Appeal to the Court

Under State law, the decision of the Board may be further appealed to the Court of Common Pleas.

Any student who is expelled from school for more than 20 days or into the following semester or school year is referred to an agency that works towards improving the student's attitudes and behavior. The Superintendent provides the student and his/her parent(s) with the names, addresses and telephone numbers of the public and private agencies providing such services.

Expulsions for Imminent and Severe Endangerment

The Board authorizes the Superintendent to expel a student for an initial period of up to 180 school days for actions that the Superintendent determines pose imminent and severe endangerment to the health and safety of other students or school employees, even though the student's actions may not qualify for permanent exclusion. When issuing expulsions under these provisions, the Superintendent complies with all other applicable requirements of this expulsion policy and State law including, but not limited to, notices and hearings.

"Imminent and severe endangerment" means any of the following actions taken by a student:

1. bringing a firearm to a school operated by the Board or any other property owned or controlled by the Board;
2. bringing a firearm to an interscholastic competition, extracurricular event, or any other program or activity sponsored by the District or in which the District is a participant;
3. bringing a knife capable of causing serious bodily injury to a school operated by the Board, any other property owned or controlled by the Board, or to an interscholastic competition, extracurricular event, or any other program or activity sponsored by the District or in which the District is a participant;
4. committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons or property while the student is at a school operated by the Board, any other property owned or controlled by the Board, or an interscholastic competition, extracurricular event, or any other program or activity sponsored by the school District or in which the District is a participant;
5. making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat or
6. making an articulated or verbalized threat, including a hit list, threatening manifesto, or social media post, that would lead a reasonable person to conclude that the pupil poses a serious threat.

The Superintendent develops conditions for the expelled student to satisfy prior to the student's reinstatement and provides a written copy of these conditions to the Board, the student and the student's parent, guardian or custodian at the beginning of the expulsion period. The conditions must include an assessment to determine whether the student poses a danger to the student's self or to other students or school employees. The assessment must be completed by a psychiatrist, licensed psychologist, or licensed school psychologist employed

or contracted by the District and agreed upon by the student's parent and the Superintendent. Any applicable costs for the assessment are managed in accordance with law. The assessment must include a determination from the psychiatrist, psychologist, or school psychologist as to whether the student poses a danger to the student's self or to other students or school employees and may include recommendations for contingent conditions on the student's reinstatement. The conditions for reinstatement should be established in a manner so that satisfying the conditions demonstrates behavioral improvement compared to this initial assessment.

At the end of the expulsion period, the Superintendent assesses the student to determine whether the student has shown sufficient rehabilitation to be reinstated, meaning that the student has met all conditions for reinstatement set by the Superintendent and no longer pose a danger to the student's self or to other students or school employees. In making this determination, the Superintendent considers the required assessment made by the psychiatrist, psychologist, or school psychologist and whether the student has met the conditions developed by the Superintendent at the beginning of the expulsion period. For an expulsion period of 180 school days or an extended expulsion period of 90 school days, the Superintendent makes this determination in consultation with a multidisciplinary team selected by the Superintendent.

If the Superintendent determines the student has shown sufficient rehabilitation, the Superintendent may reinstate the student.

If the Superintendent determines the student has not shown sufficient rehabilitation, the Superintendent may extend the expulsion of an additional period of up to 90 school days. If the Superintendent extends the expulsion, they must develop conditions for the student to satisfy prior to their reinstatement that may be the same as those developed for the original expulsion period. A written copy of these conditions is provided to the Board, the student and the student's parent, guardian or custodian at the beginning of the extended expulsion period. At the end of the extended expulsion period, the Superintendent reassesses the student in the same manner as was conducted at the end of the original expulsion period and may reinstate the student or extend the expulsion for an additional period of up to 90 school days. There is no limit on the number of times an expulsion can be extended in accordance with these procedures.

Reduction of Expulsion

Prior to the end of the original expulsion or of an extended expulsion, the Superintendent may reduce the expulsion on a case-by-case basis if they determine the student has met all the conditions developed by the Superintendent at the beginning of the expulsion period, in compliance with District policy regarding the reduction of an expulsion period. Matters which might lead to a reduction of the expulsion period include the student's mental and/or physical characteristics or conditions, the age of the student and its relevance to the punishment, the prior disciplinary history of the student and/or the intent of the perpetrator.

Early Assessment

Prior to the end of the original expulsion or of an extended expulsion, the student or student's parent, guardian or custodian may request the Superintendent complete an early assessment of the student. If requested, the Superintendent must assess the student in the manner that would otherwise be conducted at the end of the expulsion period to determine whether the student has shown sufficient rehabilitation. A request for early assessment can be made once during the original expulsion period and once during every extended period.

Contingent Reinstatement

The Superintendent may develop contingent conditions for a student's reinstatement in the following circumstances:

1. when the assessment is made at the end of the original expulsion period and the Superintendent determines the student has shown sufficient rehabilitation to be reinstated;
2. when the Superintendent has determined during the expulsion period to reduce the expulsion or
3. when the parent has requested an early assessment and the Superintendent has determined that the student has shown sufficient rehabilitation to be reinstated.

The conditions may include the conditions developed for the original expulsion period and recommendations made by the psychiatrist, psychologist or school psychologist in their required assessment. The Superintendent establishes a duration under which the student must meet the contingent conditions that may extend to the student's graduation date. A written copy of these conditions is provided to the Board, the student and the student's parent, guardian or custodian when the Superintendent makes the reinstatement decision. The

conditions for reinstatement should be established in a manner so that satisfying the conditions demonstrates behavioral improvement compared to this initial assessment. If a student fails to meet the contingent conditions, the Superintendent may revoke the student's reinstatement and establish an extended expulsion period in the same manner as an extended expulsion would otherwise be issued.

Continued Educational Plan

The Superintendent develops a list of alternative educational options for students expelled under these provisions.

A plan for the continued education of a student expelled under these provisions who does not have an Individualized Education Plan (IEP) is developed within 15 school days after the beginning of the original expulsion or of any extended expulsion and within 10 school days of the original expulsion or of any extended expulsion for a student with an IEP. The plan is developed by the Superintendent in consultation with the student and their parent, guardian or custodian and also includes the student's IEP team for a student with an IEP. The plan may include: education by the District in an alternative setting such as that which may be provided to a student who is otherwise expelled, including instruction at home; enrollment in another district or other type of public or nonpublic school; or any other form of instruction that complies with RC 3321.

Appeal

The student or the student's parent, guardian or custodian may appeal any expulsion determination made by the Superintendent under these provisions in the same manner as other expulsions are appealed as outlined in this policy.

Reporting

The Board directs the Superintendent to provide the Ohio Department of Education and Workforce with records of each expulsion made under these provisions and any changes to the student's expulsion status. The records must not include a student's name and must include the following:

1. the name of the student's school;
2. the reason for the student's expulsion;
3. the duration of the expulsion and any extension of the expulsion;
4. the total number of students expelled by the District in the school year as of the date of the report and
5. the student's age, gender, race and other demographic information.

Legal References

Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
 ORC Chapter 2506
 ORC 3313.66
 ORC 3313.661
 ORC 3313.662
 ORC 3313.668

Cross References

ACAA, Sexual Harassment
 ECAB, Vandalism
 IGCI, Community Service
 JEGA, Permanent Exclusion
 JFC, Student Conduct (Zero Tolerance)
 JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
 JFCJ, Weapons in the Schools
 JG, Student Discipline
 JGD, Student Suspension
 JGDA, Emergency Removal of Student

NOTE: House Bill (HB) 206 (2024) authorizes a board to adopt a policy authorizing the superintendent to expel a student for actions that pose "imminent and severe endangerment" to the health and safety of other students or school employees even though the actions may not qualify for permanent exclusion under RC 3313.662. Boards wanting to allow for this should include the language included in this policy and comply with all statutory requirements for such expulsions.

HB 410 (2016) prohibits districts from disciplining a student based solely on the basis of the student being absent from school without legitimate excuse.

HB 318 (2018) restricts out-of-school suspensions and expulsions for students in grades pre-K through three unless the behavior rises to a certain level specified in State law. It is recognized that these forms of discipline are commonly used as a behavior management tool and therefore the General Assembly established a gradual phase in.

For each of the school years 2018-2019, 2019-2020, 2020-2021 and 2021-2022 each school district must report to Ohio Department of Education and Workforce (ODEW) the number of out-of-school suspensions and expulsions issued to a student in grades pre-K through three categorized by the following offenses:

- Type 1 - A serious offense for which suspension or expulsion is required or authorized by law
- Type 2 - An offense not classified as a Type 1 serious offense, but for which the school determined suspension or expulsion was necessary to protect the immediate health and safety of the student, the student's classmates, or the staff and teacher
- Type 3 - Any other offense not described above

Using the numbers reported for the 2018-2019 school year as a baseline each district must reduce the number of Type 3 suspensions and expulsions according to the following schedule to be in compliance with the revised law:

- 2017-2018 and 2018-2019 – 0% reduction in Type 3 suspensions and expulsions
- 2019-2020 – 25% reduction in Type 3 suspensions and expulsions
- 2020-2021 – 50% reduction in Type 3 suspensions and expulsions
- 2021-2022 – 100% reduction in Type 3 suspensions and expulsions

For the 2021-2022 school year and going forward all suspensions and expulsions for students in any of grades pre-K through three can only be for Type 1 or Type 2 offenses. Type 3 offenses must be at zero.

HB 477 addresses the potential liability related to the procurement of mental health services for students. Under amended Ohio Revised Code 3313.668 a school district, school board member, or district employee is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's decision not to procure mental health services for a suspended or expelled student. There is an exception to this liability protection where the decision is made with malicious purpose, in bad faith, or in wanton or reckless manner. This new language does not eliminate, limit or reduce any other immunity or defense to which the District, Board member, or employee may be entitled to under the law.

On May 6, 2020, the U.S. Department of Education issued the long-awaited final Title IX regulations, which go into effect August 14, 2020. The Title IX regulations specifically define sexual harassment and establish detailed procedures for how school districts must respond to allegations of sexual harassment. Districts must follow the Title IX complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures when the behavior is sexual harassment. This requirement will likely impact a district's current procedures for handling student discipline. Districts should ensure that all sexual harassment complaints are handled in accordance with the Title IX regulations that are outlined in ACA, Sexual Harassment and ACA-R, Sexual Harassment Grievance Process.

THIS IS A REQUIRED POLICY

Legal

[Education Amendments of 1972, Title IX; 20 USC 1681 et seq.](#)

[ORC Chapter 2506](#)

[ORC 3313.66](#)

[ORC 3313.661](#)

[ORC 3313.662](#)

[ORC 3313.668](#)