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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Click and Robb Blasdel

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SUMMARY

- Permits a school district, community school, or STEM school to establish a policy that authorizes the district superintendent, or equivalent administrator, to expel a student for not more than 180 school days for actions that pose “imminent and severe endangerment to the health and safety” of other students or school employees.
- Requires the superintendent to develop conditions for a student expelled for imminent and severe endangerment to satisfy before that student may be reinstated, one of which must be an assessment by a psychiatrist, psychologist, or school psychologist to determine whether the student poses a danger.
- Requires a copy of the conditions for reinstatement to be provided in writing at the beginning of the expulsion period to the district or school board, the student, and the student’s parent, guardian, or custodian.
- Requires the superintendent to assess the student at the end of the expulsion period to determine whether the student has shown “sufficient rehabilitation” to be reinstated and permits the superintendent to extend the expulsion for another period not to exceed 90 school days, subject to further reassessment and extensions.
- Requires that cost of the assessment, if done by a psychiatrist, psychologist, or school psychologist employed or contracted by the district or school, be paid by the district or school.
- Requires that cost of the assessment, if done by a psychiatrist, psychologist, or school psychologist who is not employed or contracted by the district or school, be referred for payment to the student’s health insurance, the remainder split equally between the district or school and the student’s parent, guardian, or custodian.
- Expressly makes all determinations by a superintendent regarding an expulsion for imminent and severe endangerment subject to the same notification requirements and appeals process as other types of expulsions under current law.

- Requires the superintendent, within five days after an expulsion for imminent and severe endangerment, to develop a plan for the continued education of the student during the expulsion period.
- Requires the district or school to (1) specify reasons for which the expulsion period may be reduced, (2) establish guidelines regarding appropriate conditions for an expelled student to satisfy prior to reinstatement, and (3) develop a list of alternative educational options for those expelled in accordance with the bill.

DETAILED ANALYSIS

Expulsion of a student for imminent and severe endangerment

The bill permits the board of education of a school district, the governing authority of a community school, or the governing body of a STEM school to adopt a resolution establishing a policy that authorizes the district superintendent, or equivalent of a community or STEM school, to expel a student from school for not more than 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.¹ The bill specifically states that such an expulsion may be sought even if the student’s actions do not qualify for permanent exclusion from the Ohio public school system by the state Superintendent.

If the superintendent expels a student under the bill, the superintendent is required to develop conditions for the student to satisfy before that student may be reinstated. A copy of the conditions must be provided in writing at the beginning of the expulsion period to the district’s or school’s board, the student, and the student’s parent.² The district’s or school’s board is required to establish guidelines for appropriate conditions (see “**Duties of the board**” below).³

Additionally, the bill specifically requires that one of the conditions for reinstatement must be an assessment to determine whether the student poses a danger to the student’s self, other students, or school employees. The assessment must be completed by a psychiatrist, psychologist, or school psychologist, who is agreed upon by both the district and the student’s parent.

(For the purposes of this analysis, the term “parent” means the student’s parent, guardian, or custodian.)

¹ R.C. 3313.66(B)(6) and 3313.661. R.C. 3313.66 and 3313.661 are applicable to community schools by reference in R.C. 3314.03 and to STEM schools by reference in R.C. 3326.11, neither in the bill.

² R.C. 3313.66(B)(6).

³ R.C. 3313.661(E)(1).

Assessment of an expelled student

At the end of the expulsion period, the superintendent must assess the student to determine whether the student has shown “sufficient rehabilitation” to be reinstated.⁴ If the student has not, the superintendent may extend the expulsion for another period of not longer than 90 school days.⁵ When making a determination on reinstatement, the superintendent must take into consideration both (1) the assessment that was completed by the psychiatrist, psychologist, or school psychologist, and (2) whether the student met the conditions developed by the superintendent.⁶

Extended expulsion periods

If the superintendent determines that the student has not shown “sufficient rehabilitation” and extends the expulsion period, the superintendent must develop a new set of conditions for the student to satisfy before that student may be reinstated. These conditions may be the same conditions that the superintendent developed for the original expulsion period. The superintendent again must provide these conditions in writing to the district or school board, the student, and the student’s parent at the beginning of the extended expulsion period.

At the end of the extended expulsion period, the superintendent must reassess the student in the same manner as for the original expulsion period and determine whether the student has shown “sufficient rehabilitation” to be reinstated. As with the original expulsion period, if the student has not, the superintendent may extend the expulsion for another period not to exceed 90 school days. The bill expressly states that there is no limit on the number of times the superintendent may choose to extend an expulsion.⁷

Early assessment and reduction of an expulsion period

Prior to the end of the original expulsion period or of an extended expulsion period, the student or the student’s parent may request that the superintendent complete an early assessment of the student. If a request is made, the superintendent must complete an assessment and make a determination in the same manner as would apply at the end of the expulsion period. The student or the student’s parent may request an early assessment only once for the original expulsion period and only once for each extended expulsion period.⁸

Additionally, the bill permits the superintendent to reduce a student’s expulsion on a case-by-case basis prior to the end of the original expulsion period or of an extended expulsion

⁴ R.C. 3313.66(B)(6)(a).

⁵ R.C. 3313.66(B)(6)(a)(ii).

⁶ R.C. 3313.66(B)(6)(a).

⁷ R.C. 3313.66(B)(6)(b).

⁸ R.C. 3313.66(B)(6)(d).

period, if that student has met all of the conditions developed by the superintendent at the beginning of the expulsion period.⁹

In making either of the above determinations, the superintendent must comply with the district or school board's policy regarding the reduction of an expulsion period (see "**Duties of the board**" below).

Payment for assessment

The bill prescribes the following payment structure for the assessment completed by a psychiatrist, psychologist, or school psychologist, as a required condition for reinstatement, to determine whether the student poses a danger to that student's self, other students, or school employees:

1. If the psychiatrist, psychologist, or school psychologist is employed or contracted by the district, the district must pay in full for the cost of that assessment.
2. If the psychiatrist, psychologist, or school psychologist is not employed or contracted by the district, the cost of that assessment must be referred for payment to the student's health insurance. Following referral, any costs that are not covered by the student's health insurance must be split equally between the district and the student's parent.¹⁰

Additionally, because the bill requires the superintendent to assess a student during an early assessment or at the end of an extended expulsion period in the same manner as for the original expulsion period (see "**Extended expulsion periods**" and "**Early assessment and reduction of an expulsion period**" above), this payment structure presumably would apply to the required assessment completed by a psychiatrist, psychologist, or school psychologist for either of these circumstances.

Due process

A student subject to an expulsion authorized by the bill is entitled to the same due process procedures as a student subject to any other type of expulsion under current law. Therefore, when making any determination in regard to an expulsion for imminent and severe endangerment, the superintendent must comply with all of the notification requirements that currently apply to other types of expulsions.¹¹ Similarly, any determination made by the superintendent regarding such an expulsion is subject to the same appeals process as other types of expulsion under current law.¹² Any determination made by the superintendent regarding such an expulsion is subject to these requirements, including not only the decision to expel a student, but also the decision whether to reinstate the student or to extend the expulsion period.

⁹ R.C. 3313.66(B)(6)(c).

¹⁰ R.C. 3313.66(B)(6), second paragraph.

¹¹ R.C. 3313.66(B)(6)(a).

¹² R.C. 3313.66(B)(6)(f).

Plan for the continued education of an expelled student

The bill requires the superintendent to develop a plan for the continued education of a student who is expelled for imminent and severe endangerment. The plan may include educational options such as an alternative school operated by the district or school, instruction at home, enrollment in another public or nonpublic school, or any other form of instruction that complies with the compulsory school attendance law. In developing the plan, the superintendent must consult with the student and the student's parent. The plan must be developed within five days after the beginning of the original expulsion period or of any extended expulsion period.¹³

Duties of the board

If a district or school board adopts a resolution authorizing the superintendent to expel a student for imminent and severe endangerment, the board is required to do three things. First, the board must specify reasons for which the superintendent may reduce an expulsion period on a case-by-case basis (see **"Early assessment and reduction of an expulsion period"** above).¹⁴ Second, the board must establish guidelines regarding appropriate conditions that the superintendent may develop for a student to satisfy prior to that student's reinstatement (see **"Expulsion of a student for imminent and severe endangerment"** above).¹⁵ Finally, the board must develop a list of alternative educational options for students who are expelled under this new provision, presumably for use by the superintendent when developing a plan for the continued education of an expelled student (see **"Plan for the continued education of an expelled student"** above).¹⁶

Background

Current law provides some mechanisms for removing students from a public school for disciplinary reasons, including suspension, expulsion, reassignment, emergency removal, and permanent exclusion. Under current law, each school district, community school, and STEM school must adopt a code of conduct for the district or school and policies for the enforcement of that code. A student that is subject to suspension, expulsion, or permanent exclusion is entitled to specific due process procedures *prior* to imposition of the discipline, as well as an appeals process. However, in the case of emergency removal, which is temporary in nature, the student is entitled to due process following the imposition of the disciplinary action.

¹³ R.C. 3313.66(B)(6)(e).

¹⁴ R.C. 3313.661(A).

¹⁵ R.C. 3313.661(E)(1).

¹⁶ R.C. 3313.661(E)(2).

HISTORY

Action	Date
Introduced	06-06-23
