

Permanent Exclusion of Non-Disabled Students

In accordance with the law, the Board may seek to permanently exclude a student, sixteen (16) years of age or older, who has been convicted of or adjudicated delinquent for the reason of the following offenses:

1. carrying a concealed weapon or conveying or possessing a deadly weapon or dangerous ordnance on property owned or controlled by the Board or at an activity held under the auspices of this Board;
2. possessing, selling, or offering to sell controlled substances on property owned or controlled by the Board or at an activity under the auspices of this Board; and
3. complicity to commit any of the above offenses, regardless of where the complicity occurred.

In accordance with law, any student, sixteen (16) years of age or older, who has been convicted or adjudicated delinquent for committing the following offenses may be subject to permanent exclusion:

- A. rape, gross sexual imposition or felonious sexual penetration;
- B. murder, manslaughter, felonious or aggravated assault; and
- C. complicity to commit offenses described in paragraphs A and B, regardless of where the complicity occurs.

The above statement of policy on permanent exclusion is to be posted in a central location in each School facility as well as made available to students, upon request.

If the Superintendent has adequate evidence that a student, sixteen (16) years old or older at the time of the offense, has been convicted of or is an adjudicated delinquent resulting from any of the above offenses and determines that the Student's continued attendance in school may endanger the health and safety of other students or school employees, she/he shall submit a written recommendation to the Board that the student should be permanently excluded from the public School by the State Superintendent of Public Instruction (State Superintendent) after providing notice to the student's parent. The recommendation is to be accompanied by the evidence, other information required by statute, and the name and position of the person who should present the School's case to the State Superintendent.

The Board, after considering all available evidence, including the following, shall take action within fourteen (14) days after receipt of the Superintendent's recommendation.

1. The academic and extracurricular record of the student;
2. The disciplinary record of the student and any available records of the student's prior behavioral problems not contained in the disciplinary record;
3. The social history of the student;

4. The student's response to the imposition of prior discipline for behavioral problems;
5. Evidence regarding the seriousness of the offense and any aggravating factors;
6. Any mitigating circumstances surrounding the offense;
7. Evidence regarding the probable danger posed to the health and safety of other students or school employees by the continued presence of the pupil in a public school setting;
8. Evidence regarding the probable disruption to the School's graded course of study caused by the continued presence of the student; and
9. Evidence regarding the availability of alternative, less serious sanctions that would enable the student to remain in a public school setting without posing a significant danger to the health and safety of other students or employees and without posing a threat of the disruption to the School's graded course of study.

If the Board adopts the resolution, the Board shall submit it to the State Superintendent, together with the required documents and the name of the person designated by the Board as its representative to present the case to the State Superintendent. A copy of the resolution shall be sent to both the student and his/her parents. If the Board does not pass the resolution, it shall so notify the Superintendent, in writing, who, in turn, shall provide written notification of the Board's action to both the student and his/her parents.

If the State Superintendent rejects the Board's request, the School shall re-admit the student in accordance with statute and Board guidelines. If the State Superintendent acts on the Board's request, his/her actions shall be in accordance with the procedures described in Ohio Revised Code 3301.121.

Any 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 that requests the student's records. The school shall remove and destroy all references to the exclusion from the student's file when the permanently excluded student reaches the age of twenty-two (22) or when the permanent exclusion of the student is revoked.

R.C. 3313.662; R.C. 3301.121.