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Representatives Rezabek, Hayes

Cosponsors: Representatives Brenner, Blessing, Henne, Manning, Patmon, Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Boyd, Grossman, McClain, Ryan, Sheehy, Slaby, Smith, R., Sweeney, Young, Speaker Rosenberger

Senators Bacon, Beagle, Brown, Coley, Eklund, Hackett, Hite, Jones, LaRose, Patton, Sawyer, Schiavoni, Tavares, Thomas, Uecker, Williams

A BILL

To amend sections 2151.011, 2151.022, 2151.18, 1
2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2
2151.354, 2152.02, 2152.021, 2152.19, 2152.26, 3
2919.24, 3313.534, 3313.66, 3313.661, 3314.03, 4
3321.041, 3321.13, 3321.16, 3321.19, 3321.191, 5
3321.22, 3321.38, 3326.11, 3328.24, 4510.32, and 6
5919.34 and to enact section 3313.668 of the 7
Revised Code to modify truancy and compulsory 8
school attendance law and to specify that a 9
National Guard scholarship recipient who fails 10
to complete the recipient's term of enlistment 11
in the National Guard due to enlistment, 12
warrant, commission, or appointment in the 13
United States armed forces is not liable for 14
repayment of the scholarship. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.011, 2151.022, 2151.18, 16

2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2151.354, 2152.02, 17
2152.021, 2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 18
3313.661, 3314.03, 3321.041, 3321.13, 3321.16, 3321.19, 19
3321.191, 3321.22, 3321.38, 3326.11, 3328.24, 4510.32, and 20
5919.34 be amended and section 3313.668 of the Revised Code be 21
enacted to read as follows: 22

Sec. 2151.011. (A) As used in the Revised Code: 23

(1) "Juvenile court" means whichever of the following is 24
applicable that has jurisdiction under this chapter and Chapter 25
2152. of the Revised Code: 26

(a) The division of the court of common pleas specified in 27
section 2101.022 or 2301.03 of the Revised Code as having 28
jurisdiction under this chapter and Chapter 2152. of the Revised 29
Code or as being the juvenile division or the juvenile division 30
combined with one or more other divisions; 31

(b) The juvenile court of Cuyahoga county or Hamilton 32
county that is separately and independently created by section 33
2151.08 or Chapter 2153. of the Revised Code and that has 34
jurisdiction under this chapter and Chapter 2152. of the Revised 35
Code; 36

(c) If division (A) (1) (a) or (b) of this section does not 37
apply, the probate division of the court of common pleas. 38

(2) "Juvenile judge" means a judge of a court having 39
jurisdiction under this chapter. 40

(3) "Private child placing agency" means any association, 41
as defined in section 5103.02 of the Revised Code, that is 42
certified under section 5103.03 of the Revised Code to accept 43
temporary, permanent, or legal custody of children and place the 44
children for either foster care or adoption. 45

(4) "Private noncustodial agency" means any person, 46
organization, association, or society certified by the 47
department of job and family services that does not accept 48
temporary or permanent legal custody of children, that is 49
privately operated in this state, and that does one or more of 50
the following: 51

(a) Receives and cares for children for two or more 52
consecutive weeks; 53

(b) Participates in the placement of children in certified 54
foster homes; 55

(c) Provides adoption services in conjunction with a 56
public children services agency or private child placing agency. 57

(B) As used in this chapter: 58

(1) "Adequate parental care" means the provision by a 59
child's parent or parents, guardian, or custodian of adequate 60
food, clothing, and shelter to ensure the child's health and 61
physical safety and the provision by a child's parent or parents 62
of specialized services warranted by the child's physical or 63
mental needs. 64

(2) "Adult" means an individual who is eighteen years of 65
age or older. 66

(3) "Agreement for temporary custody" means a voluntary 67
agreement authorized by section 5103.15 of the Revised Code that 68
transfers the temporary custody of a child to a public children 69
services agency or a private child placing agency. 70

(4) "Alternative response" means the public children 71
services agency's response to a report of child abuse or neglect 72
that engages the family in a comprehensive evaluation of child 73

safety, risk of subsequent harm, and family strengths and needs 74
and that does not include a determination as to whether child 75
abuse or neglect occurred. 76

(5) "Certified foster home" means a foster home, as 77
defined in section 5103.02 of the Revised Code, certified under 78
section 5103.03 of the Revised Code. 79

(6) "Child" means a person who is under eighteen years of 80
age, except that the juvenile court has jurisdiction over any 81
person who is adjudicated an unruly child prior to attaining 82
eighteen years of age until the person attains twenty-one years 83
of age, and, for purposes of that jurisdiction related to that 84
adjudication, a person who is so adjudicated an unruly child 85
shall be deemed a "child" until the person attains twenty-one 86
years of age. 87

(7) "Child day camp," "child care," "child day-care 88
center," "part-time child day-care center," "type A family day- 89
care home," "licensed type B family day-care home," "type B 90
family day-care home," "administrator of a child day-care 91
center," "administrator of a type A family day-care home," and 92
"in-home aide" have the same meanings as in section 5104.01 of 93
the Revised Code. 94

(8) "Child care provider" means an individual who is a 95
child-care staff member or administrator of a child day-care 96
center, a type A family day-care home, or a type B family day- 97
care home, or an in-home aide or an individual who is licensed, 98
is regulated, is approved, operates under the direction of, or 99
otherwise is certified by the department of job and family 100
services, department of developmental disabilities, or the early 101
childhood programs of the department of education. 102

(9) " Chronic truant " has the same meaning as in section 2152.02 of the Revised Code.	103 104
(10) "Commit" means to vest custody as ordered by the court.	105 106
(11) <u>(10)</u> "Counseling" includes both of the following:	107
(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.	108 109 110 111 112 113
(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.	114 115 116 117 118 119
(12) <u>(11)</u> "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.	120 121 122 123
(13) <u>(12)</u> "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.	124 125
(14) <u>(13)</u> "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.	126 127 128 129
(15) <u>(14)</u> "Developmental disability" has the same meaning	130

as in section 5123.01 of the Revised Code. 131

~~(16)~~ (15) "Differential response approach" means an 132
approach that a public children services agency may use to 133
respond to accepted reports of child abuse or neglect with 134
either an alternative response or a traditional response. 135

~~(17)~~ (16) "Foster caregiver" has the same meaning as in 136
section 5103.02 of the Revised Code. 137

~~(18)~~ (17) "Guardian" means a person, association, or 138
corporation that is granted authority by a probate court 139
pursuant to Chapter 2111. of the Revised Code to exercise 140
parental rights over a child to the extent provided in the 141
court's order and subject to the residual parental rights of the 142
child's parents. 143

~~(19)~~ (18) "Habitual truant" means any child of compulsory 144
school age who is absent without legitimate excuse for absence 145
from the public school the child is supposed to attend for ~~five-~~ 146
~~thirty~~ or more consecutive ~~school days~~ hours, ~~seven-~~ forty-two or 147
more ~~school days~~ hours in one school month, or ~~twelve-~~ seventy- 148
two or more ~~school days~~ hours in a school year. 149

~~(20)~~ (19) "Intellectual disability" has the same meaning 150
as in section 5123.01 of the Revised Code. 151

~~(21)~~ (20) "Juvenile traffic offender" has the same meaning 152
as in section 2152.02 of the Revised Code. 153

~~(22)~~ (21) "Legal custody" means a legal status that vests 154
in the custodian the right to have physical care and control of 155
the child and to determine where and with whom the child shall 156
live, and the right and duty to protect, train, and discipline 157
the child and to provide the child with food, shelter, 158
education, and medical care, all subject to any residual 159

parental rights, privileges, and responsibilities. An individual 160
granted legal custody shall exercise the rights and 161
responsibilities personally unless otherwise authorized by any 162
section of the Revised Code or by the court. 163

~~(23)~~(22) A "legitimate excuse for absence from the public 164
school the child is supposed to attend" includes, but is not 165
limited to, any of the following: 166

(a) The fact that the child in question has enrolled in 167
and is attending another public or nonpublic school in this or 168
another state; 169

(b) The fact that the child in question is excused from 170
attendance at school for any of the reasons specified in section 171
3321.04 of the Revised Code; 172

(c) The fact that the child in question has received an 173
age and schooling certificate in accordance with section 3331.01 174
of the Revised Code. 175

~~(24)~~(23) "Mental illness" has the same meaning as in 176
section 5122.01 of the Revised Code. 177

~~(25)~~(24) "Mental injury" means any behavioral, cognitive, 178
emotional, or mental disorder in a child caused by an act or 179
omission that is described in section 2919.22 of the Revised 180
Code and is committed by the parent or other person responsible 181
for the child's care. 182

~~(26)~~(25) "Nonsecure care, supervision, or training" means 183
care, supervision, or training of a child in a facility that 184
does not confine or prevent movement of the child within the 185
facility or from the facility. 186

~~(27)~~(26) "Of compulsory school age" has the same meaning 187

as in section 3321.01 of the Revised Code. 188

~~(28)~~ (27) "Organization" means any institution, public, 189
semipublic, or private, and any private association, society, or 190
agency located or operating in the state, incorporated or 191
unincorporated, having among its functions the furnishing of 192
protective services or care for children, or the placement of 193
children in certified foster homes or elsewhere. 194

~~(29)~~ (28) "Out-of-home care" means detention facilities, 195
shelter facilities, certified children's crisis care facilities, 196
certified foster homes, placement in a prospective adoptive home 197
prior to the issuance of a final decree of adoption, 198
organizations, certified organizations, child day-care centers, 199
type A family day-care homes, type B family day-care homes, 200
child care provided by in-home aides, group home providers, 201
group homes, institutions, state institutions, residential 202
facilities, residential care facilities, residential camps, day 203
camps, private, nonprofit therapeutic wilderness camps, public 204
schools, chartered nonpublic schools, educational service 205
centers, hospitals, and medical clinics that are responsible for 206
the care, physical custody, or control of children. 207

~~(30)~~ (29) "Out-of-home care child abuse" means any of the 208
following when committed by a person responsible for the care of 209
a child in out-of-home care: 210

(a) Engaging in sexual activity with a child in the 211
person's care; 212

(b) Denial to a child, as a means of punishment, of proper 213
or necessary subsistence, education, medical care, or other care 214
necessary for a child's health; 215

(c) Use of restraint procedures on a child that cause 216

injury or pain;	217
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	218 219 220
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	221 222 223 224 225 226
(31) -(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	227 228 229
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	230 231 232
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	233 234 235 236
(c) Failure to develop a process for all of the following:	237
(i) Administration of prescription drugs or psychotropic drugs for the child;	238 239
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	240 241
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	242 243 244

(d) Failure to provide proper or necessary subsistence, 245
education, medical care, or other individualized care necessary 246
for the health or well-being of the child; 247

(e) Confinement of the child to a locked room without 248
monitoring by staff; 249

(f) Failure to provide ongoing security for all 250
prescription and nonprescription medication; 251

(g) Isolation of a child for a period of time when there 252
is substantial risk that the isolation, if continued, will 253
impair or retard the mental health or physical well-being of the 254
child. 255

~~(32)~~(31) "Permanent custody" means a legal status that 256
vests in a public children services agency or a private child 257
placing agency, all parental rights, duties, and obligations, 258
including the right to consent to adoption, and divests the 259
natural parents or adoptive parents of all parental rights, 260
privileges, and obligations, including all residual rights and 261
obligations. 262

~~(33)~~(32) "Permanent surrender" means the act of the 263
parents or, if a child has only one parent, of the parent of a 264
child, by a voluntary agreement authorized by section 5103.15 of 265
the Revised Code, to transfer the permanent custody of the child 266
to a public children services agency or a private child placing 267
agency. 268

~~(34)~~(33) "Person" means an individual, association, 269
corporation, or partnership and the state or any of its 270
political subdivisions, departments, or agencies. 271

~~(35)~~(34) "Person responsible for a child's care in out- 272
of-home care" means any of the following: 273

(a) Any foster caregiver, in-home aide, or provider;	274
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;	275 276 277 278 279 280 281 282 283
(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;	284 285 286
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	287 288
(36) -(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	289 290 291 292 293
(a) A substantial impairment of vision, speech, or hearing;	294 295
(b) A congenital orthopedic impairment;	296
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	297 298 299
(37) -(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing	300 301

agency with a person for the care and adoption by that person of 302
a child of whom the agency has permanent custody. 303

~~(38)~~(37) "Placement in foster care" means the arrangement 304
by a public children services agency or a private child placing 305
agency for the out-of-home care of a child of whom the agency 306
has temporary custody or permanent custody. 307

~~(39)~~(38) "Planned permanent living arrangement" means an 308
order of a juvenile court pursuant to which both of the 309
following apply: 310

(a) The court gives legal custody of a child to a public 311
children services agency or a private child placing agency 312
without the termination of parental rights. 313

(b) The order permits the agency to make an appropriate 314
placement of the child and to enter into a written agreement 315
with a foster care provider or with another person or agency 316
with whom the child is placed. 317

~~(40)~~(39) "Practice of social work" and "practice of 318
professional counseling" have the same meanings as in section 319
4757.01 of the Revised Code. 320

~~(41)~~(40) "Private, nonprofit therapeutic wilderness camp" 321
has the same meaning as in section 5103.02 of the Revised Code. 322

~~(42)~~(41) "Sanction, service, or condition" means a 323
sanction, service, or condition created by court order following 324
an adjudication that a child is an unruly child that is 325
described in division (A) (4) of section 2152.19 of the Revised 326
Code. 327

~~(43)~~(42) "Protective supervision" means an order of 328
disposition pursuant to which the court permits an abused, 329

neglected, dependent, or unruly child to remain in the custody 330
of the child's parents, guardian, or custodian and stay in the 331
child's home, subject to any conditions and limitations upon the 332
child, the child's parents, guardian, or custodian, or any other 333
person that the court prescribes, including supervision as 334
directed by the court for the protection of the child. 335

~~(44)~~(43) "Psychiatrist" has the same meaning as in 336
section 5122.01 of the Revised Code. 337

~~(45)~~(44) "Psychologist" has the same meaning as in 338
section 4732.01 of the Revised Code. 339

~~(46)~~(45) "Residential camp" means a program in which the 340
care, physical custody, or control of children is accepted 341
overnight for recreational or recreational and educational 342
purposes. 343

~~(47)~~(46) "Residential care facility" means an 344
institution, residence, or facility that is licensed by the 345
department of mental health and addiction services under section 346
5119.34 of the Revised Code and that provides care for a child. 347

~~(48)~~(47) "Residential facility" means a home or facility 348
that is licensed by the department of developmental disabilities 349
under section 5123.19 of the Revised Code and in which a child 350
with a developmental disability resides. 351

~~(49)~~(48) "Residual parental rights, privileges, and 352
responsibilities" means those rights, privileges, and 353
responsibilities remaining with the natural parent after the 354
transfer of legal custody of the child, including, but not 355
necessarily limited to, the privilege of reasonable visitation, 356
consent to adoption, the privilege to determine the child's 357
religious affiliation, and the responsibility for support. 358

~~(50)~~-(49) "School day" means the school day established by 359
the board of education of the applicable school district 360
pursuant to section 3313.481 of the Revised Code. 361

~~(51)~~-(50) "School year" has the same meaning as in section 362
3313.62 of the Revised Code. 363

~~(52)~~-(51) "Secure correctional facility" means a facility 364
under the direction of the department of youth services that is 365
designed to physically restrict the movement and activities of 366
children and used for the placement of children after 367
adjudication and disposition. 368

~~(53)~~-(52) "Sexual activity" has the same meaning as in 369
section 2907.01 of the Revised Code. 370

~~(54)~~-(53) "Shelter" means the temporary care of children 371
in physically unrestricted facilities pending court adjudication 372
or disposition. 373

~~(55)~~-(54) "Shelter for victims of domestic violence" has 374
the same meaning as in section 3113.33 of the Revised Code. 375

~~(56)~~-(55) "Temporary custody" means legal custody of a 376
child who is removed from the child's home, which custody may be 377
terminated at any time at the discretion of the court or, if the 378
legal custody is granted in an agreement for temporary custody, 379
by the person who executed the agreement. 380

~~(57)~~-(56) "Traditional response" means a public children 381
services agency's response to a report of child abuse or neglect 382
that encourages engagement of the family in a comprehensive 383
evaluation of the child's current and future safety needs and a 384
fact-finding process to determine whether child abuse or neglect 385
occurred and the circumstances surrounding the alleged harm or 386
risk of harm. 387

(C) For the purposes of this chapter, a child shall be 388
presumed abandoned when the parents of the child have failed to 389
visit or maintain contact with the child for more than ninety 390
days, regardless of whether the parents resume contact with the 391
child after that period of ninety days. 392

Sec. 2151.022. As used in this chapter, "unruly child" 393
includes any of the following: 394

(A) Any child who does not submit to the reasonable 395
control of the child's parents, teachers, guardian, or 396
custodian, by reason of being wayward or habitually disobedient; 397

(B) Any child who is an habitual truant from school ~~and~~ 398
~~who previously has not been adjudicated an unruly child for~~ 399
~~being an habitual truant;~~ 400

(C) Any child who behaves in a manner as to injure or 401
endanger the child's own health or morals or the health or 402
morals of others; 403

(D) Any child who violates a law, other than division (C) 404
of section 2907.39, division (A) of section 2923.211, division 405
(C) (1) or (D) of section 2925.55, or section 2151.87 of the 406
Revised Code, that is applicable only to a child. 407

Sec. 2151.18. (A) The juvenile court shall maintain 408
records of all official cases brought before it, including, but 409
not limited to, an appearance docket, a journal, and records of 410
the type required by division (A) (2) of section 2151.35 of the 411
Revised Code. The parents, guardian, or other custodian of any 412
child affected, if living, or the nearest of kin of the child, 413
if the parents would be entitled to inspect the records but are 414
deceased, may inspect these records, either in person or by 415
counsel, during the hours in which the court is open. 416

(B) Not later than June of each year, the court shall 417
prepare an annual report covering the preceding calendar year 418
showing the number and kinds of cases that have come before it, 419
the disposition of the cases, and any other data pertaining to 420
the work of the court that the juvenile judge directs. The 421
report shall specify the number of children placed in 422
alternatives to adjudication under division (G) of section 423
2151.27 of the Revised Code, the number who successfully 424
completed alternatives to adjudication, and the number who 425
failed to complete alternatives to adjudication and were 426
adjudicated unruly. The court shall file copies of the report 427
with the board of county commissioners and the supreme court. 428
With the approval of the board, the court may print or cause to 429
be printed copies of the report for distribution to persons and 430
agencies interested in the court or community program for 431
dependent, neglected, abused, or delinquent children and 432
juvenile traffic offenders. The court shall include the number 433
of copies ordered printed and the estimated cost of each printed 434
copy on each copy of the report printed for distribution. 435

Sec. 2151.23. (A) The juvenile court has exclusive 436
original jurisdiction under the Revised Code as follows: 437

(1) Concerning any child who on or about the date 438
specified in the complaint, indictment, or information is 439
alleged to have violated section 2151.87 of the Revised Code or 440
an order issued under that section or to be a juvenile traffic 441
offender or a delinquent, unruly, abused, neglected, or 442
dependent child and, based on and in relation to the allegation 443
pertaining to the child, concerning the parent, guardian, or 444
other person having care of a child who is alleged to be an 445
unruly ~~or delinquent~~ child for being an habitual ~~or chronic~~ 446
truant or who is alleged to be a delinquent child for violating 447

<u>a court order regarding the child's prior adjudication as an</u>	448
<u>unruly child for being an habitual truant;</u>	449
(2) Subject to divisions (G), (K), and (V) of section	450
2301.03 of the Revised Code, to determine the custody of any	451
child not a ward of another court of this state;	452
(3) To hear and determine any application for a writ of	453
habeas corpus involving the custody of a child;	454
(4) To exercise the powers and jurisdiction given the	455
probate division of the court of common pleas in Chapter 5122.	456
of the Revised Code, if the court has probable cause to believe	457
that a child otherwise within the jurisdiction of the court is a	458
mentally ill person subject to court order, as defined in	459
section 5122.01 of the Revised Code;	460
(5) To hear and determine all criminal cases charging	461
adults with the violation of any section of this chapter;	462
(6) To hear and determine all criminal cases in which an	463
adult is charged with a violation of division (C) of section	464
2919.21, division (B)(1) of section 2919.22, section 2919.222,	465
division (B) of section 2919.23, or section 2919.24 of the	466
Revised Code, provided the charge is not included in an	467
indictment that also charges the alleged adult offender with the	468
commission of a felony arising out of the same actions that are	469
the basis of the alleged violation of division (C) of section	470
2919.21, division (B)(1) of section 2919.22, section 2919.222,	471
division (B) of section 2919.23, or section 2919.24 of the	472
Revised Code;	473
(7) Under the interstate compact on juveniles in section	474
2151.56 of the Revised Code;	475
(8) Concerning any child who is to be taken into custody	476

pursuant to section 2151.31 of the Revised Code, upon being 477
notified of the intent to take the child into custody and the 478
reasons for taking the child into custody; 479

(9) To hear and determine requests for the extension of 480
temporary custody agreements, and requests for court approval of 481
permanent custody agreements, that are filed pursuant to section 482
5103.15 of the Revised Code; 483

(10) To hear and determine applications for consent to 484
marry pursuant to section 3101.04 of the Revised Code; 485

(11) Subject to divisions (G), (K), and (V) of section 486
2301.03 of the Revised Code, to hear and determine a request for 487
an order for the support of any child if the request is not 488
ancillary to an action for divorce, dissolution of marriage, 489
annulment, or legal separation, a criminal or civil action 490
involving an allegation of domestic violence, or an action for 491
support brought under Chapter 3115. of the Revised Code; 492

(12) Concerning an action commenced under section 121.38 493
of the Revised Code; 494

(13) To hear and determine violations of section 3321.38 495
of the Revised Code; 496

(14) To exercise jurisdiction and authority over the 497
parent, guardian, or other person having care of a child alleged 498
to be a delinquent child, unruly child, or juvenile traffic 499
offender, based on and in relation to the allegation pertaining 500
to the child; 501

(15) To conduct the hearings, and to make the 502
determinations, adjudications, and orders authorized or required 503
under sections 2152.82 to 2152.86 and Chapter 2950. of the 504
Revised Code regarding a child who has been adjudicated a 505

delinquent child and to refer the duties conferred upon the 506
juvenile court judge under sections 2152.82 to 2152.86 and 507
Chapter 2950. of the Revised Code to magistrates appointed by 508
the juvenile court judge in accordance with Juvenile Rule 40; 509

(16) To hear and determine a petition for a protection 510
order against a child under section 2151.34 or 3113.31 of the 511
Revised Code and to enforce a protection order issued or a 512
consent agreement approved under either section against a child 513
until a date certain but not later than the date the child 514
attains nineteen years of age. 515

(B) Except as provided in divisions (G) and (I) of section 516
2301.03 of the Revised Code, the juvenile court has original 517
jurisdiction under the Revised Code: 518

(1) To hear and determine all cases of misdemeanors 519
charging adults with any act or omission with respect to any 520
child, which act or omission is a violation of any state law or 521
any municipal ordinance; 522

(2) To determine the paternity of any child alleged to 523
have been born out of wedlock pursuant to sections 3111.01 to 524
3111.18 of the Revised Code; 525

(3) Under the uniform interstate family support act in 526
Chapter 3115. of the Revised Code; 527

(4) To hear and determine an application for an order for 528
the support of any child, if the child is not a ward of another 529
court of this state; 530

(5) To hear and determine an action commenced under 531
section 3111.28 of the Revised Code; 532

(6) To hear and determine a motion filed under section 533

3119.961 of the Revised Code;	534
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	535 536 537
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	538 539 540
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	541 542 543 544
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.	545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560
(D) The juvenile court, except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, has	561 562

jurisdiction to hear and determine all matters as to custody and 563
support of children duly certified by the court of common pleas 564
to the juvenile court after a divorce decree has been granted, 565
including jurisdiction to modify the judgment and decree of the 566
court of common pleas as the same relate to the custody and 567
support of children. 568

(E) The juvenile court, except as provided in divisions 569
(G) and (I) of section 2301.03 of the Revised Code, has 570
jurisdiction to hear and determine the case of any child 571
certified to the court by any court of competent jurisdiction if 572
the child comes within the jurisdiction of the juvenile court as 573
defined by this section. 574

(F) (1) The juvenile court shall exercise its jurisdiction 575
in child custody matters in accordance with sections 3109.04 and 576
3127.01 to 3127.53 of the Revised Code and, as applicable, 577
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 578
Revised Code. 579

(2) The juvenile court shall exercise its jurisdiction in 580
child support matters in accordance with section 3109.05 of the 581
Revised Code. 582

(G) Any juvenile court that makes or modifies an order for 583
child support shall comply with Chapters 3119., 3121., 3123., 584
and 3125. of the Revised Code. If any person required to pay 585
child support under an order made by a juvenile court on or 586
after April 15, 1985, or modified on or after December 1, 1986, 587
is found in contempt of court for failure to make support 588
payments under the order, the court that makes the finding, in 589
addition to any other penalty or remedy imposed, shall assess 590
all court costs arising out of the contempt proceeding against 591
the person and require the person to pay any reasonable 592

attorney's fees of any adverse party, as determined by the 593
court, that arose in relation to the act of contempt. 594

(H) If a child who is charged with an act that would be an 595
offense if committed by an adult was fourteen years of age or 596
older and under eighteen years of age at the time of the alleged 597
act and if the case is transferred for criminal prosecution 598
pursuant to section 2152.12 of the Revised Code, except as 599
provided in section 2152.121 of the Revised Code, the juvenile 600
court does not have jurisdiction to hear or determine the case 601
subsequent to the transfer. The court to which the case is 602
transferred for criminal prosecution pursuant to that section 603
has jurisdiction subsequent to the transfer to hear and 604
determine the case in the same manner as if the case originally 605
had been commenced in that court, subject to section 2152.121 of 606
the Revised Code, including, but not limited to, jurisdiction to 607
accept a plea of guilty or another plea authorized by Criminal 608
Rule 11 or another section of the Revised Code and jurisdiction 609
to accept a verdict and to enter a judgment of conviction 610
pursuant to the Rules of Criminal Procedure against the child 611
for the commission of the offense that was the basis of the 612
transfer of the case for criminal prosecution, whether the 613
conviction is for the same degree or a lesser degree of the 614
offense charged, for the commission of a lesser-included 615
offense, or for the commission of another offense that is 616
different from the offense charged. 617

(I) If a person under eighteen years of age allegedly 618
commits an act that would be a felony if committed by an adult 619
and if the person is not taken into custody or apprehended for 620
that act until after the person attains twenty-one years of age, 621
the juvenile court does not have jurisdiction to hear or 622
determine any portion of the case charging the person with 623

committing that act. In those circumstances, divisions (A) and 624
(B) of section 2152.12 of the Revised Code do not apply 625
regarding the act, and the case charging the person with 626
committing the act shall be a criminal prosecution commenced and 627
heard in the appropriate court having jurisdiction of the 628
offense as if the person had been eighteen years of age or older 629
when the person committed the act. All proceedings pertaining to 630
the act shall be within the jurisdiction of the court having 631
jurisdiction of the offense, and that court has all the 632
authority and duties in the case that it has in other criminal 633
cases in that court. 634

(J) In exercising its exclusive original jurisdiction 635
under division (A)(16) of this section with respect to any 636
proceedings brought under section 2151.34 or 3113.31 of the 637
Revised Code in which the respondent is a child, the juvenile 638
court retains all dispositional powers consistent with existing 639
rules of juvenile procedure and may also exercise its discretion 640
to adjudicate proceedings as provided in sections 2151.34 and 641
3113.31 of the Revised Code, including the issuance of 642
protection orders or the approval of consent agreements under 643
those sections. 644

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 645
section, any person having knowledge of a child who appears to 646
have violated section 2151.87 of the Revised Code or to be a 647
juvenile traffic offender or to be an unruly, abused, neglected, 648
or dependent child may file a sworn complaint with respect to 649
that child in the juvenile court of the county in which the 650
child has a residence or legal settlement or in which the 651
violation, unruliness, abuse, neglect, or dependency allegedly 652
occurred. If an alleged abused, neglected, or dependent child is 653
taken into custody pursuant to division (D) of section 2151.31 654

of the Revised Code or is taken into custody pursuant to 655
division (A) of section 2151.31 of the Revised Code without the 656
filing of a complaint and placed into shelter care pursuant to 657
division (C) of that section, a sworn complaint shall be filed 658
with respect to the child before the end of the next day after 659
the day on which the child was taken into custody. The sworn 660
complaint may be upon information and belief, and, in addition 661
to the allegation that the child committed the violation or is 662
an unruly, abused, neglected, or dependent child, the complaint 663
shall allege the particular facts upon which the allegation that 664
the child committed the violation or is an unruly, abused, 665
neglected, or dependent child is based. 666

(2) Any person having knowledge of a child who appears to 667
be an unruly child for being an habitual truant may file a sworn 668
complaint with respect to that child and the parent, guardian, 669
or other person having care of the child in the juvenile court 670
of the county in which the child has a residence or legal 671
settlement or in which the child is supposed to attend public 672
school. The sworn complaint may be upon information and belief 673
and shall contain the following allegations: 674

(a) That the child is an unruly child for being an 675
habitual truant and, in addition, the particular facts upon 676
which that allegation is based; 677

(b) That the parent, guardian, or other person having care 678
of the child has failed to cause the child's attendance at 679
school in violation of section 3321.38 of the Revised Code and, 680
in addition, the particular facts upon which that allegation is 681
based. 682

(B) If a child, before arriving at the age of eighteen 683
years, allegedly commits an act for which the child may be 684

adjudicated an unruly child and if the specific complaint 685
alleging the act is not filed or a hearing on that specific 686
complaint is not held until after the child arrives at the age 687
of eighteen years, the court has jurisdiction to hear and 688
dispose of the complaint as if the complaint were filed and the 689
hearing held before the child arrived at the age of eighteen 690
years. 691

(C) If the complainant in a case in which a child is 692
alleged to be an abused, neglected, or dependent child desires 693
permanent custody of the child or children, temporary custody of 694
the child or children, whether as the preferred or an 695
alternative disposition, or the placement of the child in a 696
planned permanent living arrangement, the complaint shall 697
contain a prayer specifically requesting permanent custody, 698
temporary custody, or the placement of the child in a planned 699
permanent living arrangement. 700

(D) Any person with standing under applicable law may file 701
a complaint for the determination of any other matter over which 702
the juvenile court is given jurisdiction by section 2151.23 of 703
the Revised Code. The complaint shall be filed in the county in 704
which the child who is the subject of the complaint is found or 705
was last known to be found. 706

(E) A public children services agency, acting pursuant to 707
a complaint or an action on a complaint filed under this 708
section, is not subject to the requirements of section 3127.23 709
of the Revised Code. 710

(F) Upon the filing of a complaint alleging that a child 711
is an unruly child, the court may hold the complaint in abeyance 712
pending the child's successful completion of actions that 713
constitute a method to divert the child from the juvenile court 714

system. The method may be adopted by a county pursuant to 715
divisions (D) and (E) of section 121.37 of the Revised Code or 716
it may be another method that the court considers satisfactory. 717
If the child completes the actions to the court's satisfaction, 718
the court may dismiss the complaint. If the child fails to 719
complete the actions to the court's satisfaction, the court may 720
consider the complaint. 721

(G) Upon the filing of a complaint that a child is an 722
unruly child that is based solely on a child being an habitual 723
truant, the court shall consider an alternative to adjudication, 724
including actions that constitute a method to divert the child 725
from the juvenile court system, using the Rules of Juvenile 726
Procedure, or by any other means if such an alternative is 727
available to the court and the child has not already 728
participated or failed to complete one of the available 729
alternatives. The court shall consider the complaint only as a 730
matter of last resort. 731

(H) If a complaint that a child is an unruly child based 732
on the child being an habitual truant proceeds to consideration 733
by the court, the prosecution shall bear the burden of proving 734
beyond a reasonable doubt the following: 735

(1) That the child is of compulsory school age, as defined 736
in section 3321.01 of the Revised Code; 737

(2) That the child was absent without legitimate excuse 738
for absence from the public school the child was supposed to 739
attend for thirty or more consecutive hours, forty-two or more 740
hours in one school month, or seventy-two or more hours in a 741
school year. 742

The child may assert as an affirmative defense the fact 743

that the child did participate in, or made satisfactory progress 744
on, the absence intervention plan or other alternatives to 745
adjudication as described in division (C) of section 3321.191 of 746
the Revised Code. 747

Sec. 2151.28. (A) No later than seventy-two hours after 748
the complaint is filed, the court shall fix a time for an 749
adjudicatory hearing. The court shall conduct the adjudicatory 750
hearing within one of the following periods of time: 751

(1) Subject to division (C) of section 2152.13 of the 752
Revised Code and division (A) (3) of this section, if the 753
complaint alleged that the child violated section 2151.87 of the 754
Revised Code or is a delinquent or unruly child or a juvenile 755
traffic offender, the adjudicatory hearing shall be held and may 756
be continued in accordance with the Juvenile Rules. 757

(2) If the complaint alleged that the child is an abused, 758
neglected, or dependent child, the adjudicatory hearing shall be 759
held no later than thirty days after the complaint is filed, 760
except that, for good cause shown, the court may continue the 761
adjudicatory hearing for either of the following periods of 762
time: 763

(a) For ten days beyond the thirty-day deadline to allow 764
any party to obtain counsel; 765

(b) For a reasonable period of time beyond the thirty-day 766
deadline to obtain service on all parties or any necessary 767
evaluation, except that the adjudicatory hearing shall not be 768
held later than sixty days after the date on which the complaint 769
was filed. 770

(3) If the child who is the subject of the complaint is in 771
detention and is charged with violating a section of the Revised 772

Code that may be violated by an adult, the hearing shall be held 773
not later than fifteen days after the filing of the complaint. 774
Upon a showing of good cause, the adjudicatory hearing may be 775
continued and detention extended. 776

(B) At an adjudicatory hearing held pursuant to division 777
(A) (2) of this section, the court, in addition to determining 778
whether the child is an abused, neglected, or dependent child, 779
shall determine whether the child should remain or be placed in 780
shelter care until the dispositional hearing. When the court 781
makes the shelter care determination, all of the following 782
apply: 783

(1) The court shall determine whether there are any 784
relatives of the child who are willing to be temporary 785
custodians of the child. If any relative is willing to be a 786
temporary custodian, the child otherwise would remain or be 787
placed in shelter care, and the appointment is appropriate, the 788
court shall appoint the relative as temporary custodian of the 789
child, unless the court appoints another relative as custodian. 790
If it determines that the appointment of a relative as custodian 791
would not be appropriate, it shall issue a written opinion 792
setting forth the reasons for its determination and give a copy 793
of the opinion to all parties and the guardian ad litem of the 794
child. 795

The court's consideration of a relative for appointment as 796
a temporary custodian does not make that relative a party to the 797
proceedings. 798

(2) The court shall comply with section 2151.419 of the 799
Revised Code. 800

(3) The court shall schedule the date for the 801

dispositional hearing to be held pursuant to section 2151.35 of 802
the Revised Code. The parents of the child have a right to be 803
represented by counsel; however, in no case shall the 804
dispositional hearing be held later than ninety days after the 805
date on which the complaint was filed. 806

(C) (1) The court shall direct the issuance of a summons 807
directed to the child except as provided by this section, the 808
parents, guardian, custodian, or other person with whom the 809
child may be, and any other persons that appear to the court to 810
be proper or necessary parties to the proceedings, requiring 811
them to appear before the court at the time fixed to answer the 812
allegations of the complaint. The summons shall contain the name 813
and telephone number of the court employee designated by the 814
court pursuant to section 2151.314 of the Revised Code to 815
arrange for the prompt appointment of counsel for indigent 816
persons. A child alleged to be an abused, neglected, or 817
dependent child shall not be summoned unless the court so 818
directs. A summons issued for a child who is under fourteen 819
years of age and who is alleged to be a delinquent child, unruly 820
child, or a juvenile traffic offender shall be served on the 821
parent, guardian, or custodian of the child in the child's 822
behalf. 823

If the person who has physical custody of the child, or 824
with whom the child resides, is other than the parent or 825
guardian, then the parents and guardian also shall be summoned. 826
A copy of the complaint shall accompany the summons. 827

(2) In lieu of appearing before the court at the time 828
fixed in the summons and prior to the date fixed for appearance 829
in the summons, a child who is alleged to have violated section 830
2151.87 of the Revised Code and that child's parent, guardian, 831

or custodian may sign a waiver of appearance before the clerk of 832
the juvenile court and pay a fine of one hundred dollars. If the 833
child and that child's parent, guardian, or custodian do not 834
waive the court appearance, the court shall proceed with the 835
adjudicatory hearing as provided in this section. 836

(D) If the complaint contains a prayer for permanent 837
custody, temporary custody, whether as the preferred or an 838
alternative disposition, or a planned permanent living 839
arrangement in a case involving an alleged abused, neglected, or 840
dependent child, the summons served on the parents shall contain 841
as is appropriate an explanation that the granting of permanent 842
custody permanently divests the parents of their parental rights 843
and privileges, an explanation that an adjudication that the 844
child is an abused, neglected, or dependent child may result in 845
an order of temporary custody that will cause the removal of the 846
child from their legal custody until the court terminates the 847
order of temporary custody or permanently divests the parents of 848
their parental rights, or an explanation that the issuance of an 849
order for a planned permanent living arrangement will cause the 850
removal of the child from the legal custody of the parents if 851
any of the conditions listed in divisions (A) (5) (a) to (c) of 852
section 2151.353 of the Revised Code are found to exist. 853

(E) (1) Except as otherwise provided in division (E) (2) of 854
this section, the court may endorse upon the summons an order 855
directing the parents, guardian, or other person with whom the 856
child may be to appear personally at the hearing and directing 857
the person having the physical custody or control of the child 858
to bring the child to the hearing. 859

(2) In cases in which the complaint alleges that a child 860
is an unruly ~~or delinquent~~ child for being an habitual ~~or~~ 861

~~chronic truant~~ or that a child is a delinquent child for 862
violating a court order regarding the child's prior adjudication 863
as an unruly child for being an habitual truant, and that the 864
parent, guardian, or other person having care of the child has 865
failed to cause the child's attendance at school, the court 866
shall endorse upon the summons an order directing the parent, 867
guardian, or other person having care of the child to appear 868
personally at the hearing and directing the person having the 869
physical custody or control of the child to bring the child to 870
the hearing. 871

(F) (1) The summons shall contain a statement advising that 872
any party is entitled to counsel in the proceedings and that the 873
court will appoint counsel or designate a county public defender 874
or joint county public defender to provide legal representation 875
if the party is indigent. 876

(2) In cases in which the complaint alleges a child to be 877
an abused, neglected, or dependent child and no hearing has been 878
conducted pursuant to division (A) of section 2151.314 of the 879
Revised Code with respect to the child or a parent, guardian, or 880
custodian of the child does not attend the hearing, the summons 881
also shall contain a statement advising that a case plan may be 882
prepared for the child, the general requirements usually 883
contained in case plans, and the possible consequences of 884
failure to comply with a journalized case plan. 885

(G) If it appears from an affidavit filed or from sworn 886
testimony before the court that the conduct, condition, or 887
surroundings of the child are endangering the child's health or 888
welfare or those of others, that the child may abscond or be 889
removed from the jurisdiction of the court, or that the child 890
will not be brought to the court, notwithstanding the service of 891

the summons, the court may endorse upon the summons an order 892
that a law enforcement officer serve the summons and take the 893
child into immediate custody and bring the child forthwith to 894
the court. 895

(H) A party, other than the child, may waive service of 896
summons by written stipulation. 897

(I) Before any temporary commitment is made permanent, the 898
court shall fix a time for hearing in accordance with section 899
2151.414 of the Revised Code and shall cause notice by summons 900
to be served upon the parent or guardian of the child and the 901
guardian ad litem of the child, or published, as provided in 902
section 2151.29 of the Revised Code. The summons shall contain 903
an explanation that the granting of permanent custody 904
permanently divests the parents of their parental rights and 905
privileges. 906

(J) Any person whose presence is considered necessary and 907
who is not summoned may be subpoenaed to appear and testify at 908
the hearing. Anyone summoned or subpoenaed to appear who fails 909
to do so may be punished, as in other cases in the court of 910
common pleas, for contempt of court. Persons subpoenaed shall be 911
paid the same witness fees as are allowed in the court of common 912
pleas. 913

(K) The failure of the court to hold an adjudicatory 914
hearing within any time period set forth in division (A) (2) of 915
this section does not affect the ability of the court to issue 916
any order under this chapter and does not provide any basis for 917
attacking the jurisdiction of the court or the validity of any 918
order of the court. 919

(L) If the court, at an adjudicatory hearing held pursuant 920

to division (A) of this section upon a complaint alleging that a 921
child is an abused, neglected, dependent, delinquent, or unruly 922
child or a juvenile traffic offender, determines that the child 923
is a dependent child, the court shall incorporate that 924
determination into written findings of fact and conclusions of 925
law and enter those findings of fact and conclusions of law in 926
the record of the case. The court shall include in those 927
findings of fact and conclusions of law specific findings as to 928
the existence of any danger to the child and any underlying 929
family problems that are the basis for the court's determination 930
that the child is a dependent child. 931

Sec. 2151.311. (A) A person taking a child into custody 932
shall, with all reasonable speed and in accordance with division 933
(C) of this section, either: 934

(1) Release the child to the child's parents, guardian, or 935
other custodian, unless the child's detention or shelter care 936
appears to be warranted or required as provided in section 937
2151.31 of the Revised Code; 938

(2) Bring the child to the court or deliver the child to a 939
place of detention or shelter care designated by the court and 940
promptly give notice thereof, together with a statement of the 941
reason for taking the child into custody, to a parent, guardian, 942
or other custodian and to the court. 943

(B) If a parent, guardian, or other custodian fails, when 944
requested by the court, to bring the child before the court as 945
provided by this section, the court may issue its warrant 946
directing that the child be taken into custody and brought 947
before the court. 948

(C) (1) Before taking any action required by division (A) 949

of this section, a person taking a child into custody may hold 950
the child for processing purposes in a county, multicounty, or 951
municipal jail or workhouse, or other place where an adult 952
convicted of crime, under arrest, or charged with crime is held 953
for either of the following periods of time: 954

(a) For a period not to exceed six hours, if all of the 955
following apply: 956

(i) The child is alleged to be a delinquent child for the 957
commission of an act that would be a felony if committed by an 958
adult; 959

(ii) The child remains beyond the range of touch of all 960
adult detainees; 961

(iii) The child is visually supervised by jail or 962
workhouse personnel at all times during the detention; 963

(iv) The child is not handcuffed or otherwise physically 964
secured to a stationary object during the detention. 965

(b) For a period not to exceed three hours, if all of the 966
following apply: 967

(i) The child is alleged to be a delinquent child for the 968
commission of an act that would be a misdemeanor if committed by 969
an adult, is alleged to be a delinquent child for ~~being a~~ 970
~~chronic truant or an habitual truant who previously has been~~ 971
~~adjudicated violating a court order regarding the child's~~ 972
adjudication as an unruly child for being an habitual truant, or 973
is alleged to be an unruly child or a juvenile traffic offender; 974

(ii) The child remains beyond the range of touch of all 975
adult detainees; 976

(iii) The child is visually supervised by jail or 977

workhouse personnel at all times during the detention; 978

(iv) The child is not handcuffed or otherwise physically 979
secured to a stationary object during the detention. 980

(2) If a child has been transferred to an adult court for 981
prosecution for the alleged commission of a criminal offense, 982
subsequent to the transfer, the child may be held as described 983
in division (F) of section 2152.26 or division (B) of section 984
5120.16 of the Revised Code. 985

(D) If a person who is alleged to be or has been 986
adjudicated a delinquent child or who is in any other category 987
of persons identified in this section is confined under 988
authority of this section in a place specified in division (C) 989
of this section, the fact of the person's admission to and 990
confinement in that place is restricted as described in division 991
(G) of section 2152.26 of the Revised Code. 992

(E) As used in division (C) (1) of this section, 993
"processing purposes" means all of the following: 994

(1) Fingerprinting, photographing, or fingerprinting and 995
photographing the child in a secure area of the facility; 996

(2) Interrogating the child, contacting the child's parent 997
or guardian, arranging for placement of the child, or arranging 998
for transfer or transferring the child, while holding the child 999
in a nonsecure area of the facility. 1000

Sec. 2151.35. (A) (1) Except as otherwise provided by 1001
division (A) (3) of this section or in section 2152.13 of the 1002
Revised Code, the juvenile court may conduct its hearings in an 1003
informal manner and may adjourn its hearings from time to time. 1004
The court may exclude the general public from its hearings in a 1005
particular case if the court holds a separate hearing to 1006

determine whether that exclusion is appropriate. If the court 1007
decides that exclusion of the general public is appropriate, the 1008
court still may admit to a particular hearing or all of the 1009
hearings relating to a particular case those persons who have a 1010
direct interest in the case and those who demonstrate that their 1011
need for access outweighs the interest in keeping the hearing 1012
closed. 1013

Except cases involving children who are alleged to be 1014
unruly ~~or delinquent~~ children for being habitual ~~or chronic~~ 1015
truants or alleged to be delinquent children for violating court 1016
orders regarding their prior adjudication as unruly children for 1017
being habitual truants, and except as otherwise provided in 1018
section 2152.13 of the Revised Code, all cases involving 1019
children shall be heard separately and apart from the trial of 1020
cases against adults. The court may excuse the attendance of the 1021
child at the hearing in cases involving abused, neglected, or 1022
dependent children. The court shall hear and determine all cases 1023
of children without a jury, except cases involving serious 1024
youthful offenders under section 2152.13 of the Revised Code. 1025

If a complaint alleges a child to be a delinquent child, 1026
unruly child, or juvenile traffic offender, the court shall 1027
require the parent, guardian, or custodian of the child to 1028
attend all proceedings of the court regarding the child. If a 1029
parent, guardian, or custodian fails to so attend, the court may 1030
find the parent, guardian, or custodian in contempt. 1031

If the court finds from clear and convincing evidence that 1032
the child violated section 2151.87 of the Revised Code, the 1033
court shall proceed in accordance with divisions (F) and (G) of 1034
that section. 1035

If the court at the adjudicatory hearing finds from clear 1036

and convincing evidence that the child is an abused, neglected, 1037
or dependent child, the court shall proceed, in accordance with 1038
division (B) of this section, to hold a dispositional hearing 1039
and hear the evidence as to the proper disposition to be made 1040
under section 2151.353 of the Revised Code. If the court at the 1041
adjudicatory hearing finds beyond a reasonable doubt that the 1042
child is a delinquent or unruly child or a juvenile traffic 1043
offender, the court shall proceed immediately, or at a postponed 1044
hearing, to hear the evidence as to the proper disposition to be 1045
made under section 2151.354 or Chapter 2152. of the Revised 1046
Code. If the court at the adjudicatory hearing finds beyond a 1047
reasonable doubt that the child is an unruly child for being an 1048
habitual truant, or that the child is an unruly child for being 1049
an habitual truant and that the parent, guardian, or other 1050
person having care of the child has failed to cause the child's 1051
attendance at school in violation of section 3321.38 of the 1052
Revised Code, the court shall proceed to hold a hearing to hear 1053
the evidence as to the proper disposition to be made in regard 1054
to the child under division (C) (1) of section 2151.354 of the 1055
Revised Code and the proper action to take in regard to the 1056
parent, guardian, or other person having care of the child under 1057
division (C) (2) of section 2151.354 of the Revised Code. If the 1058
court at the adjudicatory hearing finds beyond a reasonable 1059
doubt that the child is a delinquent child ~~for being a chronic~~ 1060
~~truant or for being an habitual truant who previously has been~~ 1061
~~adjudicated an unruly child for being an habitual truant, or~~ 1062
~~that the child is a delinquent child for either of those reasons~~ 1063
for violating a court order regarding the child's prior 1064
adjudication as an unruly child for being an habitual truant, 1065
and the parent, guardian, or other person having care of the 1066
child has failed to cause the child's attendance at school in 1067
violation of section 3321.38 of the Revised Code, the court 1068

shall proceed to hold a hearing to hear the evidence as to the 1069
proper disposition to be made in regard to the child under 1070
division (A) (7) (a) of section 2152.19 of the Revised Code and 1071
the proper action to take in regard to the parent, guardian, or 1072
other person having care of the child under division (A) (7) (b) 1073
of section 2152.19 of the Revised Code. 1074

If the court does not find the child to have violated 1075
section 2151.87 of the Revised Code or to be an abused, 1076
neglected, dependent, delinquent, or unruly child or a juvenile 1077
traffic offender, it shall order that the case be dismissed and 1078
that the child be discharged from any detention or restriction 1079
theretofore ordered. 1080

(2) A record of all testimony and other oral proceedings 1081
in juvenile court shall be made in all proceedings that are held 1082
pursuant to section 2151.414 of the Revised Code or in which an 1083
order of disposition may be made pursuant to division (A) (4) of 1084
section 2151.353 of the Revised Code, and shall be made upon 1085
request in any other proceedings. The record shall be made as 1086
provided in section 2301.20 of the Revised Code. 1087

(3) The authority of a juvenile court to exclude the 1088
general public from its hearings that is provided by division 1089
(A) (1) of this section does not limit or affect any right of a 1090
victim of a crime or delinquent act, or of a victim's 1091
representative, under Chapter 2930. of the Revised Code. 1092

(B) (1) If the court at an adjudicatory hearing determines 1093
that a child is an abused, neglected, or dependent child, the 1094
court shall not issue a dispositional order until after the 1095
court holds a separate dispositional hearing. The court may hold 1096
the dispositional hearing for an adjudicated abused, neglected, 1097
or dependent child immediately after the adjudicatory hearing if 1098

all parties were served prior to the adjudicatory hearing with 1099
all documents required for the dispositional hearing. The 1100
dispositional hearing may not be held more than thirty days 1101
after the adjudicatory hearing is held. The court, upon the 1102
request of any party or the guardian ad litem of the child, may 1103
continue a dispositional hearing for a reasonable time not to 1104
exceed the time limits set forth in this division to enable a 1105
party to obtain or consult counsel. The dispositional hearing 1106
shall not be held more than ninety days after the date on which 1107
the complaint in the case was filed. 1108

If the dispositional hearing is not held within the period 1109
of time required by this division, the court, on its own motion 1110
or the motion of any party or the guardian ad litem of the 1111
child, shall dismiss the complaint without prejudice. 1112

(2) The dispositional hearing shall be conducted in 1113
accordance with all of the following: 1114

(a) The judge or referee who presided at the adjudicatory 1115
hearing shall preside, if possible, at the dispositional 1116
hearing; 1117

(b) The court may admit any evidence that is material and 1118
relevant, including, but not limited to, hearsay, opinion, and 1119
documentary evidence; 1120

(c) Medical examiners and each investigator who prepared a 1121
social history shall not be cross-examined, except upon consent 1122
of the parties, for good cause shown, or as the court in its 1123
discretion may direct. Any party may offer evidence 1124
supplementing, explaining, or disputing any information 1125
contained in the social history or other reports that may be 1126
used by the court in determining disposition. 1127

(3) After the conclusion of the dispositional hearing, the court shall enter an appropriate judgment within seven days and shall schedule the date for the hearing to be held pursuant to section 2151.415 of the Revised Code. The court may make any order of disposition that is set forth in section 2151.353 of the Revised Code. A copy of the judgment shall be given to each party and to the child's guardian ad litem. If the judgment is conditional, the order shall state the conditions of the judgment. If the child is not returned to the child's own home, the court shall determine which school district shall bear the cost of the child's education and shall comply with section 2151.36 of the Revised Code.

(4) As part of its dispositional order, the court may issue any order described in division (B) of section 2151.33 of the Revised Code.

(C) The court shall give all parties to the action and the child's guardian ad litem notice of the adjudicatory and dispositional hearings in accordance with the Juvenile Rules.

(D) If the court issues an order pursuant to division (A) (4) of section 2151.353 of the Revised Code committing a child to the permanent custody of a public children services agency or a private child placing agency, the parents of the child whose parental rights were terminated cease to be parties to the action upon the issuance of the order. This division is not intended to eliminate or restrict any right of the parents to appeal the permanent custody order issued pursuant to division (A) (4) of section 2151.353 of the Revised Code.

(E) Each juvenile court shall schedule its hearings in accordance with the time requirements of this chapter.

(F) In cases regarding abused, neglected, or dependent children, the court may admit any statement of a child that the court determines to be excluded by the hearsay rule if the proponent of the statement informs the adverse party of the proponent's intention to offer the statement and of the particulars of the statement, including the name of the declarant, sufficiently in advance of the hearing to provide the party with a fair opportunity to prepare to challenge, respond to, or defend against the statement, and the court determines all of the following:

(1) The statement has circumstantial guarantees of trustworthiness;

(2) The statement is offered as evidence of a material fact;

(3) The statement is more probative on the point for which it is offered than any other evidence that the proponent can procure through reasonable efforts;

(4) The general purposes of the evidence rules and the interests of justice will best be served by the admission of the statement into evidence.

(G) If a child is alleged to be an abused child, the court may order that the testimony of the child be taken by deposition. On motion of the prosecuting attorney, guardian ad litem, or any party, or in its own discretion, the court may order that the deposition be videotaped. Any deposition taken under this division shall be taken with a judge or referee present.

If a deposition taken under this division is intended to be offered as evidence at the hearing, it shall be filed with

the court. Part or all of the deposition is admissible in 1186
evidence if counsel for all parties had an opportunity and 1187
similar motive at the time of the taking of the deposition to 1188
develop the testimony by direct, cross, or redirect examination 1189
and the judge determines that there is reasonable cause to 1190
believe that if the child were to testify in person at the 1191
hearing, the child would experience emotional trauma as a result 1192
of participating at the hearing. 1193

Sec. 2151.354. (A) If the child is adjudicated an unruly 1194
child, the court may: 1195

(1) Make any of the dispositions authorized under section 1196
2151.353 of the Revised Code; 1197

(2) Place the child on community control under any 1198
sanctions, services, and conditions that the court prescribes, 1199
as described in division (A) (4) of section 2152.19 of the 1200
Revised Code, provided that, if the court imposes a period of 1201
community service upon the child, the period of community 1202
service shall not exceed one hundred seventy-five hours; 1203

(3) Suspend the driver's license, probationary driver's 1204
license, or temporary instruction permit issued to the child for 1205
a period of time prescribed by the court and suspend the 1206
registration of all motor vehicles registered in the name of the 1207
child for a period of time prescribed by the court. A child 1208
whose license or permit is so suspended is ineligible for 1209
issuance of a license or permit during the period of suspension. 1210
At the end of the period of suspension, the child shall not be 1211
reissued a license or permit until the child has paid any 1212
applicable reinstatement fee and complied with all requirements 1213
governing license reinstatement. 1214

(4) Commit the child to the temporary or permanent custody 1215
of the court; 1216

(5) Make any further disposition the court finds proper 1217
that is consistent with sections 2151.312 and 2151.56 to 2151.59 1218
of the Revised Code; 1219

(6) If, after making a disposition under division (A) (1), 1220
(2), or (3) of this section, the court finds upon further 1221
hearing that the child is not amenable to treatment or 1222
rehabilitation under that disposition, make a disposition 1223
otherwise authorized under divisions (A) (1), (4), (5), and (8) 1224
of section 2152.19 of the Revised Code that is consistent with 1225
sections 2151.312 and 2151.56 to 2151.59 of the Revised Code. 1226

(B) If a child is adjudicated an unruly child for 1227
committing any act that, if committed by an adult, would be a 1228
drug abuse offense, as defined in section 2925.01 of the Revised 1229
Code, or a violation of division (B) of section 2917.11 of the 1230
Revised Code, in addition to imposing, in its discretion, any 1231
other order of disposition authorized by this section, the court 1232
shall do both of the following: 1233

(1) Require the child to participate in a drug abuse or 1234
alcohol abuse counseling program; 1235

(2) Suspend the temporary instruction permit, probationary 1236
driver's license, or driver's license issued to the child for a 1237
period of time prescribed by the court. The court, in its 1238
discretion, may terminate the suspension if the child attends 1239
and satisfactorily completes a drug abuse or alcohol abuse 1240
education, intervention, or treatment program specified by the 1241
court. During the time the child is attending a program as 1242
described in this division, the court shall retain the child's 1243

temporary instruction permit, probationary driver's license, or 1244
driver's license, and the court shall return the permit or 1245
license if it terminates the suspension. 1246

(C) (1) If a child is adjudicated an unruly child for being 1247
an habitual truant, in addition to or in lieu of imposing any 1248
other order of disposition authorized by this section, the court 1249
may do any of the following: 1250

(a) Order the board of education of the child's school 1251
district or the governing board of the educational service 1252
center in the child's school district to require the child to 1253
attend an alternative school if an alternative school has been 1254
established pursuant to section 3313.533 of the Revised Code in 1255
the school district in which the child is entitled to attend 1256
school; 1257

(b) Require the child to participate in any academic 1258
program or community service program; 1259

(c) Require the child to participate in a drug abuse or 1260
alcohol abuse counseling program; 1261

(d) Require that the child receive appropriate medical or 1262
psychological treatment or counseling; 1263

(e) Make any other order that the court finds proper to 1264
address the child's habitual truancy, including an order 1265
requiring the child to not be absent without legitimate excuse 1266
from the public school the child is supposed to attend for ~~five-~~ 1267
~~thirty~~ or more consecutive ~~days~~ hours, ~~seven-forty-two~~ or more 1268
~~school days~~ hours in one school month, or ~~twelve-seventy-two~~ or 1269
more ~~school days~~ hours in a school year and including an order 1270
requiring the child to participate in a truancy prevention 1271
mediation program. 1272

(2) If a child is adjudicated an unruly child for being an 1273
habitual truant and the court determines that the parent, 1274
guardian, or other person having care of the child has failed to 1275
cause the child's attendance at school in violation of section 1276
3321.38 of the Revised Code, in addition to any order of 1277
disposition authorized by this section, all of the following 1278
apply: 1279

(a) The court may require the parent, guardian, or other 1280
person having care of the child to participate in any community 1281
service program, preferably a community service program that 1282
requires the involvement of the parent, guardian, or other 1283
person having care of the child in the school attended by the 1284
child. 1285

(b) The court may require the parent, guardian, or other 1286
person having care of the child to participate in a truancy 1287
prevention mediation program. 1288

(c) The court shall warn the parent, guardian, or other 1289
person having care of the child that any subsequent adjudication 1290
of the child as an unruly or delinquent child for being an 1291
habitual or chronic truant, or for violating a court order 1292
regarding the child's prior adjudication as an unruly child for 1293
being an habitual truant, may result in a criminal charge 1294
against the parent, guardian, or other person having care of the 1295
child for a violation of division (C) of section 2919.21 or 1296
section 2919.24 of the Revised Code. 1297

(d) Not later than ten days after a child is adjudicated 1298
an unruly child for being an habitual truant, the court shall 1299
provide notice of that fact to the school district in which the 1300
child is entitled to attend school and to the school in which 1301
the child was enrolled at the time of the filing of the 1302

<u>complaint.</u>	1303
Sec. 2152.02. As used in this chapter:	1304
(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.	1305 1306 1307
(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.	1308 1309 1310 1311
(C) (1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C) (2) to (8) of this section.	1312 1313 1314
(2) Subject to division (C) (3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.	1315 1316 1317 1318 1319 1320
(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.	1321 1322 1323 1324 1325
(4) Except as otherwise provided in divisions (C) (5) and (7) of this section, any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.	1326 1327 1328 1329 1330

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, unless a serious youthful offender dispositional sentence is imposed on the child for that offense under division (B) (2) or (3) of section 2152.121 of the Revised Code and the adult portion of that sentence is not invoked pursuant to section 2152.14 of the Revised Code, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of the Revised Code, shall be deemed after the conviction, plea, or invocation not to be a child in any case in which a complaint is filed against the person.

(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F) (2) of section 2152.26 of the Revised Code, in places other

than those authorized under this chapter solely for confinement 1362
of children. 1363

(7) The juvenile court has jurisdiction over any person 1364
whose case is transferred for criminal prosecution solely for 1365
the purpose of detaining the person as authorized in division 1366
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 1367
person is convicted of or pleads guilty to a felony in the adult 1368
court. 1369

(8) Any person who, while eighteen years of age, violates 1370
division (A) (1) or (2) of section 2919.27 of the Revised Code by 1371
violating a protection order issued or consent agreement 1372
approved under section 2151.34 or 3113.31 of the Revised Code 1373
shall be considered a child for the purposes of that violation 1374
of section 2919.27 of the Revised Code. 1375

~~(D) "Chronic truant" means any child of compulsory school-~~ 1376
~~age who is absent without legitimate excuse for absence from the~~ 1377
~~public school the child is supposed to attend for seven or more~~ 1378
~~consecutive school days, ten or more school days in one school-~~ 1379
~~month, or fifteen or more school days in a school year.~~ 1380

~~(E)~~ "Community corrections facility," "public safety 1381
beds," "release authority," and "supervised release" have the 1382
same meanings as in section 5139.01 of the Revised Code. 1383

~~(F)~~ (E) "Delinquent child" includes any of the following: 1384

(1) Any child, except a juvenile traffic offender, who 1385
violates any law of this state or the United States, or any 1386
ordinance of a political subdivision of the state, that would be 1387
an offense if committed by an adult; 1388

(2) Any child who violates any lawful order of the court 1389
made under this chapter ~~or~~, including a child who violates a 1390

court order regarding the child's prior adjudication as an 1391
unruly child for being an habitual truant; 1392

(3) Any child who violates any lawful order of the court 1393
made under Chapter 2151. of the Revised Code other than an order 1394
issued under section 2151.87 of the Revised Code; 1395

~~(3)~~(4) Any child who violates division (C) of section 1396
2907.39, division (A) of section 2923.211, or division (C) (1) or 1397
(D) of section 2925.55 of the Revised Code; 1398

~~(4) Any child who is a habitual truant and who previously~~ 1399
~~has been adjudicated an unruly child for being a habitual~~ 1400
~~truant;~~ 1401

~~(5) Any child who is a chronic truant.~~ 1402

~~(G)~~(F) "Discretionary serious youthful offender" means a 1403
person who is eligible for a discretionary SYO and who is not 1404
transferred to adult court under a mandatory or discretionary 1405
transfer. 1406

~~(H)~~(G) "Discretionary SYO" means a case in which the 1407
juvenile court, in the juvenile court's discretion, may impose a 1408
serious youthful offender disposition under section 2152.13 of 1409
the Revised Code. 1410

~~(I)~~(H) "Discretionary transfer" means that the juvenile 1411
court has discretion to transfer a case for criminal prosecution 1412
under division (B) of section 2152.12 of the Revised Code. 1413

~~(J)~~(I) "Drug abuse offense," "felony drug abuse offense," 1414
and "minor drug possession offense" have the same meanings as in 1415
section 2925.01 of the Revised Code. 1416

~~(K)~~(J) "Electronic monitoring" and "electronic monitoring 1417
device" have the same meanings as in section 2929.01 of the 1418

Revised Code. 1419

~~(L)~~ (K) "Economic loss" means any economic detriment 1420
suffered by a victim of a delinquent act or juvenile traffic 1421
offense as a direct and proximate result of the delinquent act 1422
or juvenile traffic offense and includes any loss of income due 1423
to lost time at work because of any injury caused to the victim 1424
and any property loss, medical cost, or funeral expense incurred 1425
as a result of the delinquent act or juvenile traffic offense. 1426
"Economic loss" does not include non-economic loss or any 1427
punitive or exemplary damages. 1428

~~(M)~~ (L) "Firearm" has the same meaning as in section 1429
2923.11 of the Revised Code. 1430

~~(N)~~ (M) "Intellectual disability" has the same meaning as 1431
in section 5123.01 of the Revised Code. 1432

~~(O)~~ (N) "Juvenile traffic offender" means any child who 1433
violates any traffic law, traffic ordinance, or traffic 1434
regulation of this state, the United States, or any political 1435
subdivision of this state, other than a resolution, ordinance, 1436
or regulation of a political subdivision of this state the 1437
violation of which is required to be handled by a parking 1438
violations bureau or a joint parking violations bureau pursuant 1439
to Chapter 4521. of the Revised Code. 1440

~~(P)~~ (O) A "legitimate excuse for absence from the public 1441
school the child is supposed to attend" has the same meaning as 1442
in section 2151.011 of the Revised Code. 1443

~~(Q)~~ (P) "Mandatory serious youthful offender" means a 1444
person who is eligible for a mandatory SYO and who is not 1445
transferred to adult court under a mandatory or discretionary 1446
transfer and also includes, for purposes of imposition of a 1447

mandatory serious youthful dispositional sentence under section 1448
2152.13 of the Revised Code, a person upon whom a juvenile court 1449
is required to impose such a sentence under division (B) (3) of 1450
section 2152.121 of the Revised Code. 1451

~~(R)~~(Q) "Mandatory SYO" means a case in which the juvenile 1452
court is required to impose a mandatory serious youthful 1453
offender disposition under section 2152.13 of the Revised Code. 1454

~~(S)~~(R) "Mandatory transfer" means that a case is required 1455
to be transferred for criminal prosecution under division (A) of 1456
section 2152.12 of the Revised Code. 1457

~~(T)~~(S) "Mental illness" has the same meaning as in 1458
section 5122.01 of the Revised Code. 1459

~~(U)~~(T) "Monitored time" and "repeat violent offender" 1460
have the same meanings as in section 2929.01 of the Revised 1461
Code. 1462

~~(V)~~(U) "Of compulsory school age" has the same meaning as 1463
in section 3321.01 of the Revised Code. 1464

~~(W)~~(V) "Public record" has the same meaning as in section 1465
149.43 of the Revised Code. 1466

~~(X)~~(W) "Serious youthful offender" means a person who is 1467
eligible for a mandatory SYO or discretionary SYO but who is not 1468
transferred to adult court under a mandatory or discretionary 1469
transfer and also includes, for purposes of imposition of a 1470
mandatory serious youthful dispositional sentence under section 1471
2152.13 of the Revised Code, a person upon whom a juvenile court 1472
is required to impose such a sentence under division (B) (3) of 1473
section 2152.121 of the Revised Code. 1474

~~(Y)~~(X) "Sexually oriented offense," "juvenile offender 1475

registrant," "child-victim oriented offense," "tier I sex 1476
offender/child-victim offender," "tier II sex offender/child- 1477
victim offender," "tier III sex offender/child-victim offender," 1478
and "public registry-qualified juvenile offender registrant" 1479
have the same meanings as in section 2950.01 of the Revised 1480
Code. 1481

~~(Z)~~(Y) "Traditional juvenile" means a case that is not 1482
transferred to adult court under a mandatory or discretionary 1483
transfer, that is eligible for a disposition under sections 1484
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1485
that is not eligible for a disposition under section 2152.13 of 1486
the Revised Code. 1487

~~(AA)~~(Z) "Transfer" means the transfer for criminal 1488
prosecution of a case involving the alleged commission by a 1489
child of an act that would be an offense if committed by an 1490
adult from the juvenile court to the appropriate court that has 1491
jurisdiction of the offense. 1492

~~(BB)~~(AA) "Category one offense" means any of the 1493
following: 1494

(1) A violation of section 2903.01 or 2903.02 of the 1495
Revised Code; 1496

(2) A violation of section 2923.02 of the Revised Code 1497
involving an attempt to commit aggravated murder or murder. 1498

~~(CC)~~(BB) "Category two offense" means any of the 1499
following: 1500

(1) A violation of section 2903.03, 2905.01, 2907.02, 1501
2909.02, 2911.01, or 2911.11 of the Revised Code; 1502

(2) A violation of section 2903.04 of the Revised Code 1503

that is a felony of the first degree; 1504

(3) A violation of section 2907.12 of the Revised Code as 1505
it existed prior to September 3, 1996. 1506

~~(DD)~~ (CC) "Non-economic loss" means nonpecuniary harm 1507
suffered by a victim of a delinquent act or juvenile traffic 1508
offense as a result of or related to the delinquent act or 1509
juvenile traffic offense, including, but not limited to, pain 1510
and suffering; loss of society, consortium, companionship, care, 1511
assistance, attention, protection, advice, guidance, counsel, 1512
instruction, training, or education; mental anguish; and any 1513
other intangible loss. 1514

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 1515
section, any person having knowledge of a child who appears to 1516
be a juvenile traffic offender or to be a delinquent child may 1517
file a sworn complaint with respect to that child in the 1518
juvenile court of the county in which the child has a residence 1519
or legal settlement or in which the traffic offense or 1520
delinquent act allegedly occurred. The sworn complaint may be 1521
upon information and belief, and, in addition to the allegation 1522
that the child is a delinquent child or a juvenile traffic 1523
offender, the complaint shall allege the particular facts upon 1524
which the allegation that the child is a delinquent child or a 1525
juvenile traffic offender is based. 1526

If a child appears to be a delinquent child who is 1527
eligible for a serious youthful offender dispositional sentence 1528
under section 2152.11 of the Revised Code and if the prosecuting 1529
attorney desires to seek a serious youthful offender 1530
dispositional sentence under section 2152.13 of the Revised Code 1531
in regard to the child, the prosecuting attorney of the county 1532
in which the alleged delinquency occurs may initiate a case in 1533

the juvenile court of the county by presenting the case to a 1534
grand jury for indictment, by charging the child in a bill of 1535
information as a serious youthful offender pursuant to section 1536
2152.13 of the Revised Code, by requesting a serious youthful 1537
offender dispositional sentence in the original complaint 1538
alleging that the child is a delinquent child, or by filing with 1539
the juvenile court a written notice of intent to seek a serious 1540
youthful offender dispositional sentence. This paragraph does 1541
not apply regarding the imposition of a serious youthful 1542
offender dispositional sentence pursuant to section 2152.121 of 1543
the Revised Code. 1544

(2) Any person having knowledge of a child who appears to 1545
be a delinquent child for ~~being an habitual or chronic truant~~ 1546
violating a court order regarding the child's adjudication as an 1547
unruly child for being an habitual truant, may file a sworn 1548
complaint with respect to that child, or with respect to that 1549
child and the parent, guardian, or other person having care of 1550
the child, in the juvenile court of the county in which the 1551
child has a residence or legal settlement or in which the child 1552
is supposed to attend public school. The sworn complaint may be 1553
upon information and belief and shall allege that the child is a 1554
delinquent child for ~~being a chronic truant or an habitual~~ 1555
~~truant who previously has been adjudicated~~ violating a court 1556
order regarding the child's prior adjudication as an unruly 1557
child for being a habitual truant and, in addition, the 1558
particular facts upon which that allegation is based. If the 1559
complaint contains allegations regarding the child's parent, 1560
guardian, or other person having care of the child, the 1561
complaint additionally shall allege that the parent, guardian, 1562
or other person having care of the child has failed to cause the 1563
child's attendance at school in violation of section 3321.38 of 1564

the Revised Code and, in addition, the particular facts upon 1565
which that allegation is based. 1566

(B) Any person with standing under applicable law may file 1567
a complaint for the determination of any other matter over which 1568
the juvenile court is given jurisdiction by section 2151.23 of 1569
the Revised Code. The complaint shall be filed in the county in 1570
which the child who is the subject of the complaint is found or 1571
was last known to be found. 1572

(C) Within ten days after the filing of a complaint or the 1573
issuance of an indictment, the court shall give written notice 1574
of the filing of the complaint or the issuance of an indictment 1575
and of the substance of the complaint or indictment to the 1576
superintendent of a city, local, exempted village, or joint 1577
vocational school district if the complaint or indictment 1578
alleges that a child committed an act that would be a criminal 1579
offense if committed by an adult, that the child was sixteen 1580
years of age or older at the time of the commission of the 1581
alleged act, and that the alleged act is any of the following: 1582

(1) A violation of section 2923.122 of the Revised Code 1583
that relates to property owned or controlled by, or to an 1584
activity held under the auspices of, the board of education of 1585
that school district; 1586

(2) A violation of section 2923.12 of the Revised Code, of 1587
a substantially similar municipal ordinance, or of section 1588
2925.03 of the Revised Code that was committed on property owned 1589
or controlled by, or at an activity held under the auspices of, 1590
the board of education of that school district; 1591

(3) A violation of section 2925.11 of the Revised Code 1592
that was committed on property owned or controlled by, or at an 1593

activity held under the auspices of, the board of education of 1594
that school district, other than a violation of that section 1595
that would be a minor drug possession offense if committed by an 1596
adult; 1597

(4) A violation of section 2903.01, 2903.02, 2903.03, 1598
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 1599
Code, or a violation of former section 2907.12 of the Revised 1600
Code, that was committed on property owned or controlled by, or 1601
at an activity held under the auspices of, the board of 1602
education of that school district, if the victim at the time of 1603
the commission of the alleged act was an employee of the board 1604
of education of that school district; 1605

(5) Complicity in any violation described in division (C) 1606
(1), (2), (3), or (4) of this section that was alleged to have 1607
been committed in the manner described in division (C) (1), (2), 1608
(3), or (4) of this section, regardless of whether the act of 1609
complicity was committed on property owned or controlled by, or 1610
at an activity held under the auspices of, the board of 1611
education of that school district. 1612

(D) A public children services agency, acting pursuant to 1613
a complaint or an action on a complaint filed under this 1614
section, is not subject to the requirements of section 3127.23 1615
of the Revised Code. 1616

(E) For purposes of the record to be maintained by the 1617
clerk under division (B) of section 2152.71 of the Revised Code, 1618
when a complaint is filed that alleges that a child is a 1619
delinquent child, the court shall determine if the victim of the 1620
alleged delinquent act was sixty-five years of age or older or 1621
permanently and totally disabled at the time of the alleged 1622
commission of the act. 1623

(F) (1) At any time after the filing of a complaint 1624
alleging that a child is a delinquent child and before 1625
adjudication, the court may hold a hearing to determine whether 1626
to hold the complaint in abeyance pending the child's successful 1627
completion of actions that constitute a method to divert the 1628
child from the juvenile court system if the child agrees to the 1629
hearing and either of the following applies: 1630

(a) The act charged would be a violation of section 1631
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 1632
were an adult. 1633

(b) The court has reason to believe that the child is a 1634
victim of a violation of section 2905.32 of the Revised Code, 1635
regardless of whether any person has been convicted of a 1636
violation of that section or of any other section for 1637
victimizing the child, and the act charged is related to the 1638
child's victimization. 1639

(2) The prosecuting attorney has the right to participate 1640
in any hearing held under division (F) (1) of this section, to 1641
object to holding the complaint that is the subject of the 1642
hearing in abeyance, and to make recommendations related to 1643
diversion actions. No statement made by a child at a hearing 1644
held under division (F) (1) of this section is admissible in any 1645
subsequent proceeding against the child. 1646

(3) If either division (F) (1) (a) or (b) of this section 1647
applies, the court shall promptly appoint a guardian ad litem 1648
for the child. The court shall not appoint the child's attorney 1649
as guardian ad litem. If the court decides to hold the complaint 1650
in abeyance, the guardian ad litem shall make recommendations 1651
that are in the best interest of the child to the court. 1652

(4) If after a hearing the court decides to hold the complaint in abeyance, the court may make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, including, but not limited to, engagement in trauma-based behavioral health services or education activities, that the court considers appropriate and in the best interest of the child. The court may hold the complaint in abeyance for up to ninety days while the child engages in diversion actions. If the child violates the conditions of abeyance or does not complete the diversion actions to the court's satisfaction within ninety days, the court may extend the period of abeyance for not more than two additional ninety-day periods.

(5) If the court holds the complaint in abeyance and the child complies with the conditions of abeyance and completes the diversion actions to the court's satisfaction, the court shall dismiss the complaint and order that the records pertaining to the case be expunged immediately. If the child fails to complete the diversion actions to the court's satisfaction, the court shall proceed upon the complaint.

Sec. 2152.19. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition, in addition to any other disposition authorized or required by this chapter:

(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child;

(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district

organized under section 2152.41 or 2151.65 of the Revised Code, 1683
or by a private agency or organization, within or without the 1684
state, that is authorized and qualified to provide the care, 1685
treatment, or placement required, including, but not limited to, 1686
a school, camp, or facility operated under section 2151.65 of 1687
the Revised Code; 1688

(3) Place the child in a detention facility or district 1689
detention facility operated under section 2152.41 of the Revised 1690
Code, for up to ninety days; 1691

(4) Place the child on community control under any 1692
sanctions, services, and conditions that the court prescribes. 1693
As a condition of community control in every case and in 1694
addition to any other condition that it imposes upon the child, 1695
the court shall require the child to abide by the law during the 1696
period of community control. As referred to in this division, 1697
community control includes, but is not limited to, the following 1698
sanctions and conditions: 1699

(a) A period of basic probation supervision in which the 1700
child is required to maintain contact with a person appointed to 1701
supervise the child in accordance with sanctions imposed by the 1702
court; 1703

(b) A period of intensive probation supervision in which 1704
the child is required to maintain frequent contact with a person 1705
appointed by the court to supervise the child while the child is 1706
seeking or maintaining employment and participating in training, 1707
education, and treatment programs as the order of disposition; 1708

(c) A period of day reporting in which the child is 1709
required each day to report to and leave a center or another 1710
approved reporting location at specified times in order to 1711

participate in work, education or training, treatment, and other 1712
approved programs at the center or outside the center; 1713

(d) A period of community service of up to five hundred 1714
hours for an act that would be a felony or a misdemeanor of the 1715
first degree if committed by an adult, up to two hundred hours 1716
for an act that would be a misdemeanor of the second, third, or 1717
fourth degree if committed by an adult, or up to thirty hours 1718
for an act that would be a minor misdemeanor if committed by an 1719
adult; 1720

(e) A requirement that the child obtain a high school 1721
diploma, a certificate of high school equivalence, vocational 1722
training, or employment; 1723

(f) A period of drug and alcohol use monitoring; 1724

(g) A requirement of alcohol or drug assessment or 1725
counseling, or a period in an alcohol or drug treatment program 1726
with a level of security for the child as determined necessary 1727
by the court; 1728

(h) A period in which the court orders the child to 1729
observe a curfew that may involve daytime or evening hours; 1730

(i) A requirement that the child serve monitored time; 1731

(j) A period of house arrest without electronic monitoring 1732
or continuous alcohol monitoring; 1733

(k) A period of electronic monitoring or continuous 1734
alcohol monitoring without house arrest, or house arrest with 1735
electronic monitoring or continuous alcohol monitoring or both 1736
electronic monitoring and continuous alcohol monitoring, that 1737
does not exceed the maximum sentence of imprisonment that could 1738
be imposed upon an adult who commits the same act. 1739

A period of house arrest with electronic monitoring or 1740
continuous alcohol monitoring or both electronic monitoring and 1741
continuous alcohol monitoring, imposed under this division shall 1742
not extend beyond the child's twenty-first birthday. If a court 1743
imposes a period of house arrest with electronic monitoring or 1744
continuous alcohol monitoring or both electronic monitoring and 1745
continuous alcohol monitoring, upon a child under this division, 1746
it shall require the child: to remain in the child's home or 1747
other specified premises for the entire period of house arrest 1748
with electronic monitoring or continuous alcohol monitoring or 1749
both except when the court permits the child to leave those 1750
premises to go to school or to other specified premises. 1751
Regarding electronic monitoring, the court also shall require 1752
the child to be monitored by a central system that can determine 1753
the child's location at designated times; to report periodically 1754
to a person designated by the court; and to enter into a written 1755
contract with the court agreeing to comply with all requirements 1756
imposed by the court, agreeing to pay any fee imposed by the 1757
court for the costs of the house arrest with electronic 1758
monitoring, and agreeing to waive the right to receive credit 1759
for any time served on house arrest with electronic monitoring 1760
toward the period of any other dispositional order imposed upon 1761
the child if the child violates any of the requirements of the 1762
dispositional order of house arrest with electronic monitoring. 1763
The court also may impose other reasonable requirements upon the 1764
child. 1765

Unless ordered by the court, a child shall not receive 1766
credit for any time served on house arrest with electronic 1767
monitoring or continuous alcohol monitoring or both toward any 1768
other dispositional order imposed upon the child for the act for 1769
which was imposed the dispositional order of house arrest with 1770

electronic monitoring or continuous alcohol monitoring. As used 1771
in this division and division (A) (4) (1) of this section, 1772
"continuous alcohol monitoring" has the same meaning as in 1773
section 2929.01 of the Revised Code. 1774

(1) A suspension of the driver's license, probationary 1775
driver's license, or temporary instruction permit issued to the 1776
child for a period of time prescribed by the court, or a 1777
suspension of the registration of all motor vehicles registered 1778
in the name of the child for a period of time prescribed by the 1779
court. A child whose license or permit is so suspended is 1780
ineligible for issuance of a license or permit during the period 1781
of suspension. At the end of the period of suspension, the child 1782
shall not be reissued a license or permit until the child has 1783
paid any applicable reinstatement fee and complied with all 1784
requirements governing license reinstatement. 1785

(5) Commit the child to the custody of the court; 1786

(6) Require the child to not be absent without legitimate 1787
excuse from the public school the child is supposed to attend 1788
for ~~five-thirty~~ or more consecutive ~~days~~ hours, ~~seven-forty-two~~ 1789
or more ~~school days~~ hours in one school month, or ~~twelve~~ 1790
seventy-two or more ~~school days~~ hours in a school year; 1791

(7) (a) If a child is adjudicated a delinquent child for 1792
~~being a chronic truant or a habitual truant who previously has~~ 1793
~~been adjudicated violating a court order regarding the child's~~ 1794
prior adjudication as an unruly child for being a habitual 1795
truant, do either or both of the following: 1796

(i) Require the child to participate in a truancy 1797
prevention mediation program; 1798

(ii) Make any order of disposition as authorized by this 1799

section, except that the court shall not commit the child to a 1800
facility described in division (A) (2) or (3) of this section 1801
unless the court determines that the child violated a lawful 1802
court order made pursuant to division (C) (1) (e) of section 1803
2151.354 of the Revised Code or division (A) (6) of this section. 1804

(b) If a child is adjudicated a delinquent child for ~~being~~ 1805
~~a chronic truant or a habitual truant who previously has been~~ 1806
~~adjudicated violating a court order regarding the child's prior~~ 1807
adjudication as an unruly child for being a habitual truant and 1808
the court determines that the parent, guardian, or other person 1809
having care of the child has failed to cause the child's 1810
attendance at school in violation of section 3321.38 of the 1811
Revised Code, do either or both of the following: 1812

(i) Require the parent, guardian, or other person having 1813
care of the child to participate in a truancy prevention 1814
mediation program; 1815

(ii) Require the parent, guardian, or other person having 1816
care of the child to participate in any community service 1817
program, preferably a community service program that requires 1818
the involvement of the parent, guardian, or other person having 1819
care of the child in the school attended by the child. 1820

(8) Make any further disposition that the court finds 1821
proper, except that the child shall not be placed in a state 1822
correctional institution, a county, multicounty, or municipal 1823
jail or workhouse, or another place in which an adult convicted 1824
of a crime, under arrest, or charged with a crime is held. 1825

(B) If a child is adjudicated a delinquent child, in 1826
addition to any order of disposition made under division (A) of 1827
this section, the court, in the following situations and for the 1828

specified periods of time, shall suspend the child's temporary 1829
instruction permit, restricted license, probationary driver's 1830
license, or nonresident operating privilege, or suspend the 1831
child's ability to obtain such a permit: 1832

(1) If the child is adjudicated a delinquent child for 1833
violating section 2923.122 of the Revised Code, impose a class 1834
four suspension of the child's license, permit, or privilege 1835
from the range specified in division (A) (4) of section 4510.02 1836
of the Revised Code or deny the child the issuance of a license 1837
or permit in accordance with division (F) (1) of section 2923.122 1838
of the Revised Code. 1839

(2) If the child is adjudicated a delinquent child for 1840
committing an act that if committed by an adult would be a drug 1841
abuse offense or for violating division (B) of section 2917.11 1842
of the Revised Code, suspend the child's license, permit, or 1843
privilege for a period of time prescribed by the court. The 1844
court, in its discretion, may terminate the suspension if the 1845
child attends and satisfactorily completes a drug abuse or 1846
alcohol abuse education, intervention, or treatment program 1847
specified by the court. During the time the child is attending a 1848
program described in this division, the court shall retain the 1849
child's temporary instruction permit, probationary driver's 1850
license, or driver's license, and the court shall return the 1851
permit or license if it terminates the suspension as described 1852
in this division. 1853

(C) The court may establish a victim-offender mediation 1854
program in which victims and their offenders meet to discuss the 1855
offense and suggest possible restitution. If the court obtains 1856
the assent of the victim of the delinquent act committed by the 1857
child, the court may require the child to participate in the 1858

program. 1859

(D) (1) If a child is adjudicated a delinquent child for 1860
committing an act that would be a felony if committed by an 1861
adult and if the child caused, attempted to cause, threatened to 1862
cause, or created a risk of physical harm to the victim of the 1863
act, the court, prior to issuing an order of disposition under 1864
this section, shall order the preparation of a victim impact 1865
statement by the probation department of the county in which the 1866
victim of the act resides, by the court's own probation 1867
department, or by a victim assistance program that is operated 1868
by the state, a county, a municipal corporation, or another 1869
governmental entity. The court shall consider the victim impact 1870
statement in determining the order of disposition to issue for 1871
the child. 1872

(2) Each victim impact statement shall identify the victim 1873
of the act for which the child was adjudicated a delinquent 1874
child, itemize any economic loss suffered by the victim as a 1875
result of the act, identify any physical injury suffered by the 1876
victim as a result of the act and the seriousness and permanence 1877
of the injury, identify any change in the victim's personal 1878
welfare or familial relationships as a result of the act and any 1879
psychological impact experienced by the victim or the victim's 1880
family as a result of the act, and contain any other information 1881
related to the impact of the act upon the victim that the court 1882
requires. 1883

(3) A victim impact statement shall be kept confidential 1884
and is not a public record. However, the court may furnish 1885
copies of the statement to the department of youth services if 1886
the delinquent child is committed to the department or to both 1887
the adjudicated delinquent child or the adjudicated delinquent 1888

child's counsel and the prosecuting attorney. The copy of a 1889
victim impact statement furnished by the court to the department 1890
pursuant to this section shall be kept confidential and is not a 1891
public record. If an officer is preparing pursuant to section 1892
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 1893
presentence investigation report pertaining to a person, the 1894
court shall make available to the officer, for use in preparing 1895
the report, a copy of any victim impact statement regarding that 1896
person. The copies of a victim impact statement that are made 1897
available to the adjudicated delinquent child or the adjudicated 1898
delinquent child's counsel and the prosecuting attorney pursuant 1899
to this division shall be returned to the court by the person to 1900
whom they were made available immediately following the 1901
imposition of an order of disposition for the child under this 1902
chapter. 1903

The copy of a victim impact statement that is made 1904
available pursuant to this division to an officer preparing a 1905
criminal presentence investigation report shall be returned to 1906
the court by the officer immediately following its use in 1907
preparing the report. 1908

(4) The department of youth services shall work with local 1909
probation departments and victim assistance programs to develop 1910
a standard victim impact statement. 1911

(E) (1) If a child is adjudicated a delinquent child for 1912
~~being a chronic truant or a habitual truant who previously has~~ 1913
~~been adjudicated violating a court order regarding the child's~~ 1914
prior adjudication as an unruly child for being a habitual 1915
truant and the court determines that the parent, guardian, or 1916
other person having care of the child has failed to cause the 1917
child's attendance at school in violation of section 3321.38 of 1918

the Revised Code, in addition to any order of disposition it 1919
makes under this section, the court shall warn the parent, 1920
guardian, or other person having care of the child that any 1921
subsequent adjudication ~~of the child as an unruly or delinquent-~~ 1922
~~child for being a habitual or chronic truant~~ with regard to 1923
truancy may result in a criminal charge against the parent, 1924
guardian, or other person having care of the child for a 1925
violation of division (C) of section 2919.21 or section 2919.24 1926
of the Revised Code. 1927

(2) Not later than ten days after a child is adjudicated a 1928
delinquent child for violating a court order regarding the 1929
child's prior adjudication as an unruly child for being an 1930
habitual truant, the court shall provide notice of that fact to 1931
the school district in which the child is entitled to attend 1932
school and to the school in which the child was enrolled at the 1933
time of the filing of the complaint. 1934

(F) (1) During the period of a delinquent child's community 1935
control granted under this section, authorized probation 1936
officers who are engaged within the scope of their supervisory 1937
duties or responsibilities may search, with or without a 1938
warrant, the person of the delinquent child, the place of 1939
residence of the delinquent child, and a motor vehicle, another 1940
item of tangible or intangible personal property, or other real 1941
property in which the delinquent child has a right, title, or 1942
interest or for which the delinquent child has the express or 1943
implied permission of a person with a right, title, or interest 1944
to use, occupy, or possess if the probation officers have 1945
reasonable grounds to believe that the delinquent child is not 1946
abiding by the law or otherwise is not complying with the 1947
conditions of the delinquent child's community control. The 1948
court that places a delinquent child on community control under 1949

this section shall provide the delinquent child with a written 1950
notice that informs the delinquent child that authorized 1951
probation officers who are engaged within the scope of their 1952
supervisory duties or responsibilities may conduct those types 1953
of searches during the period of community control if they have 1954
reasonable grounds to believe that the delinquent child is not 1955
abiding by the law or otherwise is not complying with the 1956
conditions of the delinquent child's community control. The 1957
court also shall provide the written notice described in 1958
division (E)(2) of this section to each parent, guardian, or 1959
custodian of the delinquent child who is described in that 1960
division. 1961

(2) The court that places a child on community control 1962
under this section shall provide the child's parent, guardian, 1963
or other custodian with a written notice that informs them that 1964
authorized probation officers may conduct searches pursuant to 1965
division (E)(1) of this section. The notice shall specifically 1966
state that a permissible search might extend to a motor vehicle, 1967
another item of tangible or intangible personal property, or a 1968
place of residence or other real property in which a notified 1969
parent, guardian, or custodian has a right, title, or interest 1970
and that the parent, guardian, or custodian expressly or 1971
impliedly permits the child to use, occupy, or possess. 1972

(G) If a juvenile court commits a delinquent child to the 1973
custody of any person, organization, or entity pursuant to this 1974
section and if the delinquent act for which the child is so 1975
committed is a sexually oriented offense or is a child-victim 1976
oriented offense, the court in the order of disposition shall do 1977
one of the following: 1978

(1) Require that the child be provided treatment as 1979

described in division (A) (2) of section 5139.13 of the Revised Code; 1980
1981

(2) Inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (A) (2) of section 5139.13 of the Revised Code and encourage the person, organization, or entity to provide that treatment. 1982
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Sec. 2152.26. (A) Except as provided in divisions (B) and (F) of this section, a child alleged to be or adjudicated a delinquent child or a juvenile traffic offender may be held only in the following places: 1987
1988
1989
1990

(1) A certified foster home or a home approved by the court; 1991
1992

(2) A facility operated by a certified child welfare agency; 1993
1994

(3) Any other suitable place designated by the court. 1995

(B) In addition to the places listed in division (A) of this section, a child alleged to be or adjudicated a delinquent child or a person described in division (C) (7) of section 2152.02 of the Revised Code may be held in a detention facility for delinquent children that is under the direction or supervision of the court or other public authority or of a private agency and approved by the court, and a child adjudicated a delinquent child may be held in accordance with division (F) (2) of this section in a facility of a type specified in that division. ~~This division does not apply to a child alleged to be or adjudicated a delinquent child for chronic truancy, unless the child violated a lawful court order made pursuant to division (A) (6) of section 2152.19 of the~~ 1996
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~~Revised Code. This division also does not apply to a child
alleged to be or adjudicated a delinquent child for being an
habitual truant who previously has been adjudicated an unruly
child for being an habitual truant, unless the child violated a
lawful court order made pursuant to division (C) (1) (e) of
section 2151.354 of the Revised Code.~~

(C) (1) Except as provided under division (C) (1) of section
2151.311 of the Revised Code or division (A) (5) of section
2152.21 of the Revised Code, a child alleged to be or
adjudicated a juvenile traffic offender may not be held in any
of the following facilities:

(a) A state correctional institution, county, multicounty,
or municipal jail or workhouse, or other place in which an adult
convicted of crime, under arrest, or charged with a crime is
held.

(b) A secure correctional facility.

(2) Except as provided under this section, sections
2151.56 to 2151.59, and divisions (A) (5) and (6) of section
2152.21 of the Revised Code, a child alleged to be or
adjudicated a juvenile traffic offender may not be held for more
than twenty-four hours in a detention facility.

(D) Except as provided in division (F) of this section or
in division (C) of section 2151.311, in division (C) (2) of
section 5139.06 and section 5120.162, or in division (B) of
section 5120.16 of the Revised Code, a child who is alleged to
be or is adjudicated a delinquent child or a person described in
division (C) (7) of section 2152.02 of the Revised Code may not
be held in a state correctional institution, county,
multicounty, or municipal jail or workhouse, or other place

where an adult convicted of crime, under arrest, or charged with
crime is held. 2038
2039

(E) Unless the detention is pursuant to division (F) of 2040
this section or division (C) of section 2151.311, division (C) 2041
(2) of section 5139.06 and section 5120.162, or division (B) of 2042
section 5120.16 of the Revised Code, the official in charge of 2043
the institution, jail, workhouse, or other facility shall inform 2044
the court immediately when a person who is or appears to be 2045
under the age of eighteen years, or a person who is charged with 2046
a violation of an order of a juvenile court or a violation of 2047
probation or parole conditions imposed by a juvenile court and 2048
who is or appears to be between the ages of eighteen and twenty- 2049
one years, is received at the facility and shall deliver the 2050
person to the court upon request or transfer the person to a 2051
detention facility designated by the court. 2052

(F) (1) If a case is transferred to another court for 2053
criminal prosecution pursuant to section 2152.12 of the Revised 2054
Code and the alleged offender is a person described in division 2055
(C) (7) of section 2152.02 of the Revised Code, the person may 2056
not be transferred for detention pending the criminal 2057
prosecution in a jail or other facility except under the 2058
circumstances described in division (F) (4) of this section. Any 2059
child held in accordance with division (F) (3) of this section 2060
shall be confined in a manner that keeps the child beyond the 2061
sight and sound of all adult detainees. The child shall be 2062
supervised at all times during the detention. 2063

(2) If a person is adjudicated a delinquent child or 2064
juvenile traffic offender or is a person described in division 2065
(C) (7) of section 2152.02 of the Revised Code and the court 2066
makes a disposition of the person under this chapter, at any 2067

time after the person attains twenty-one years of age, the 2068
person may be held under that disposition or under the 2069
circumstances described in division (F) (4) of this section in 2070
places other than those specified in division (A) of this 2071
section, including, but not limited to, a county, multicounty, 2072
or municipal jail or workhouse, or other place where an adult 2073
convicted of crime, under arrest, or charged with crime is held. 2074

(3) (a) A person alleged to be a delinquent child may be 2075
held in places other than those specified in division (A) of 2076
this section, including, but not limited to, a county, 2077
multicounty, or municipal jail, if the delinquent act that the 2078
child allegedly committed would be a felony if committed by an 2079
adult, and if either of the following applies: 2080

(i) The person attains twenty-one years of age before the 2081
person is arrested or apprehended for that act. 2082

(ii) The person is arrested or apprehended for that act 2083
before the person attains twenty-one years of age, but the 2084
person attains twenty-one years of age before the court orders a 2085
disposition in the case. 2086

(b) If, pursuant to division (F) (3) (a) of this section, a 2087
person is held in a place other than a place specified in 2088
division (A) of this section, the person has the same rights to 2089
bail as an adult charged with the same offense who is confined 2090
in a jail pending trial. 2091

(4) (a) Any person whose case is transferred for criminal 2092
prosecution pursuant to section 2152.10 or 2152.12 of the 2093
Revised Code or any person who has attained the age of eighteen 2094
years but has not attained the age of twenty-one years and who 2095
is being held in a place specified in division (B) of this 2096

section may be held under that disposition or charge in places 2097
other than those specified in division (B) of this section, 2098
including a county, multicounty, or municipal jail or workhouse, 2099
or other place where an adult under arrest or charged with crime 2100
is held if the juvenile court, upon its own motion or upon 2101
motion by the prosecutor and after notice and hearing, 2102
establishes by a preponderance of the evidence and makes written 2103
findings of either of the following: 2104

(i) With respect to a person whose case is transferred for 2105
criminal prosecution pursuant to either specified section or who 2106
has attained the age of eighteen years but who has not attained 2107
the age of twenty-one years and is being so held, that the youth 2108
is a threat to the safety and security of the facility; 2109

(ii) With respect to a person who has attained the age of 2110
eighteen years but who has not attained the age of twenty-one 2111
years and is being so held, that the best interests of the youth 2112
require that the youth be held in a place other than a place 2113
specified in division (B) of this section, including a county, 2114
multicounty, or municipal jail or workhouse, or other place 2115
where an adult under arrest or charged with crime is held. 2116

(b) In determining for purposes of division (F) (4) (a) (i) 2117
of this section whether a youth is a threat to the safety and 2118
security of the facility, evidence that the youth is a threat to 2119
the safety and security of the facility may include, but is not 2120
limited to, whether the youth has done any of the following: 2121

(i) Injured or created an imminent danger to the life or 2122
health of another youth or staff member in the facility or 2123
program by violent behavior; 2124

(ii) Escaped from the facility or program in which the 2125

youth is being held on more than one occasion; 2126

(iii) Established a pattern of disruptive behavior as 2127
verified by a written record that the youth's behavior is not 2128
conducive to the established policies and procedures of the 2129
facility or program in which the youth is being held. 2130

(c) If a prosecutor submits a motion requesting that a 2131
person be held in a place other than those specified in division 2132
(B) of this section or if the court submits its own motion, the 2133
juvenile court shall hold a hearing within five days of the 2134
filing of the motion, and, in determining whether a place other 2135
than those specified in division (B) of this section is the 2136
appropriate place of confinement for the person, the court shall 2137
consider the following factors: 2138

(i) The age of the person; 2139

(ii) Whether the person would be deprived of contact with 2140
other people for a significant portion of the day or would not 2141
have access to recreational facilities or age-appropriate 2142
educational opportunities in order to provide physical 2143
separation from adults; 2144

(iii) The person's current emotional state, intelligence, 2145
and developmental maturity, including any emotional and 2146
psychological trauma, and the risk to the person in an adult 2147
facility, which may be evidenced by mental health or 2148
psychological assessments or screenings made available to the 2149
prosecuting attorney and the defense counsel; 2150

(iv) Whether detention in a juvenile facility would 2151
adequately serve the need for community protection pending the 2152
outcome of the criminal proceeding; 2153

(v) The relative ability of the available adult and 2154

juvenile detention facilities to meet the needs of the person, 2155
including the person's need for age-appropriate mental health 2156
and educational services delivered by individuals specifically 2157
trained to deal with youth; 2158

(vi) Whether the person presents an imminent risk of self- 2159
inflicted harm or an imminent risk of harm to others within a 2160
juvenile facility; 2161

(vii) Any other factors the juvenile court considers to be 2162
relevant. 2163

(d) If the juvenile court determines that a place other 2164
than those specified in division (B) of this section is the 2165
appropriate place for confinement of a person pursuant to 2166
division (F) (4) (a) of this section, the person may petition the 2167
juvenile court for a review hearing thirty days after the 2168
initial confinement decision, thirty days after any subsequent 2169
review hearing, or at any time after the initial confinement 2170
decision upon an emergency petition by the youth due to the 2171
youth facing an imminent danger from others or the youth's self. 2172
Upon receipt of the petition, the juvenile court has discretion 2173
over whether to conduct the review hearing and may set the 2174
matter for a review hearing if the youth has alleged facts or 2175
circumstances that, if true, would warrant reconsideration of 2176
the youth's placement in a place other than those specified in 2177
division (B) of this section based on the factors listed in 2178
division (F) (4) (c) of this section. 2179

(e) Upon the admission of a person described in division 2180
(F) (4) (a) of this section to a place other than those specified 2181
in division (B) of this section, the facility shall advise the 2182
person of the person's right to request a review hearing as 2183
described in division (F) (4) (d) of this section. 2184

(f) Any person transferred under division (F) (4) (a) of 2185
this section to a place other than those specified in division 2186
(B) of this section shall be confined in a manner that keeps 2187
those under eighteen years of age beyond sight and sound of all 2188
adult detainees. Those under eighteen years of age shall be 2189
supervised at all times during the detention. 2190

(G) (1) If a person who is alleged to be or has been 2191
adjudicated a delinquent child or who is in any other category 2192
of persons identified in this section or section 2151.311 of the 2193
Revised Code is confined under authority of any Revised Code 2194
section in a place other than a place specified in division (B) 2195
of this section, including a county, multicounty, or municipal 2196
jail or workhouse, or other place where an adult under arrest or 2197
charged with crime is held, subject to division (G) (2) of this 2198
section, all identifying information, other than the person's 2199
county of residence, age, gender, and race and the charges 2200
against the person, that relates to the person's admission to 2201
and confinement in that place is not a public record open for 2202
inspection or copying under section 149.43 of the Revised Code 2203
and is confidential and shall not be released to any person 2204
other than to a court, to a law enforcement agency for law 2205
enforcement purposes, or to a person specified by court order. 2206

(2) Division (G) (1) of this section does not apply with 2207
respect to a person whose case is transferred for criminal 2208
prosecution pursuant to section 2152.10 or 2152.12 of the 2209
Revised Code, who is convicted of or pleads guilty to an offense 2210
in that case, who is confined after that conviction or guilty 2211
plea in a place other than a place specified in division (B) of 2212
this section, and to whom one of the following applies: 2213

(a) The case was transferred other than pursuant to 2214

division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code. 2215
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(b) The case was transferred pursuant to division (A) (1) 2217
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 2218
and the person is sentenced for the offense pursuant to division 2219
(B) (4) of section 2152.121 of the Revised Code. 2220

(c) The case was transferred pursuant to division (A) (1) 2221
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 2222
the person is sentenced for the offense pursuant to division (B) 2223
(3) of section 2152.121 of the Revised Code by the court in 2224
which the person was convicted of or pleaded guilty to the 2225
offense, and the sentence imposed by that court is invoked 2226
pursuant to division (B) (3) (b) of section 2152.121 of the 2227
Revised Code. 2228

Sec. 2919.24. (A) As used in this section: 2229

(1) "Delinquent child" has the same meaning as in section 2230
2152.02 of the Revised Code. 2231

(2) "Unruly child" has the same meaning as in section 2232
2151.022 of the Revised Code. 2233

(B) No person, including a parent, guardian, or other 2234
custodian of a child, shall do any of the following: 2235

(1) Aid, abet, induce, cause, encourage, or contribute to 2236
a child or a ward of the juvenile court becoming an unruly 2237
child, ~~as defined in section 2151.022 of the Revised Code,~~ or a 2238
delinquent child, ~~as defined in section 2152.02 of the Revised~~ 2239
~~Code;~~ 2240

(2) Act in a way tending to cause a child or a ward of the 2241
juvenile court to become an unruly child, ~~as defined in section~~ 2242

~~2151.022 of the Revised Code, or a delinquent child, as defined in section 2152.02 of the Revised Code;~~ 2243
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(3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant; 2245
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(4) If the person is the parent, guardian, or custodian of a child who has the duties under Chapters 2152. and 2950. of the Revised Code to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in section 2919.121 of the Revised Code, fail to ensure that the child complies with those duties under Chapters 2152. and 2950. of the Revised Code. 2249
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~~(B)~~ (C) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. 2257
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Sec. 3313.534. ~~No later than July 1, 1998, the~~ The board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior, ~~including excessive truancy,~~ and establish strategies to address such behavior that range from prevention to intervention. 2261
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~~No later than July 1, 1999, each~~ Each of the big eight school districts, as defined in section 3314.02 of the Revised Code, shall establish under section 3313.533 of the Revised Code at least one alternative school to meet the educational needs of students with severe discipline problems, including, but not 2267
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limited to, ~~excessive truancy,~~ excessive disruption in the 2272
classroom, and multiple suspensions or expulsions. Any other 2273
school district that attains after that date a significantly 2274
substandard graduation rate, as defined by the department of 2275
education, shall also establish such an alternative school under 2276
that section. 2277

Sec. 3313.66. (A) Except as provided under division (B) (2) 2278
of this section, and subject to section 3313.668 of the Revised 2279
Code, the superintendent of schools of a city, exempted village, 2280
or local school district, or the principal of a public school 2281
may suspend a pupil from school for not more than ten school 2282
days. The board of education of a city, exempted village, or 2283
local school district may adopt a policy granting assistant 2284
principals and other administrators the authority to suspend a 2285
pupil from school for a period of time as specified in the 2286
policy of the board of education, not to exceed ten school days. 2287
If at the time ~~a~~ an out-of-school suspension is imposed there 2288
are fewer than ten school days remaining in the school year in 2289
which the incident that gives rise to the suspension takes 2290
place, the superintendent ~~may~~ shall not apply any remaining part 2291
~~or all~~ of the period of the suspension to the following school 2292
year. ~~Except~~ The superintendent may instead require the pupil to 2293
participate in a community service program or another 2294
alternative consequence for a number of hours equal to the 2295
remaining part of the period of the suspension. The pupil shall 2296
be required to begin the pupil's community service or 2297
alternative consequence during the first full week day of summer 2298
break. Each school district, in its discretion, may develop an 2299
appropriate list of alternative consequences. In the event that 2300
a pupil fails to complete community service or the assigned 2301
alternative consequence, the school district may determine the 2302

next course of action, which shall not include requiring the 2303
pupil to serve the remaining time of the out-of-school 2304
suspension at the beginning of the following school year. 2305

Except in the case of a pupil given an in-school 2306
suspension, no pupil shall be suspended unless prior to the 2307
suspension ~~such the~~ superintendent or principal does both of the 2308
following: 2309

(1) Gives the pupil written notice of the intention to 2310
suspend the pupil and the reasons for the intended suspension 2311
and, if the proposed suspension is based on a violation listed 2312
in division (A) of section 3313.662 of the Revised Code and if 2313
the pupil is sixteen years of age or older, includes in the 2314
notice a statement that the superintendent may seek to 2315
permanently exclude the pupil if the pupil is convicted of or 2316
adjudicated a delinquent child for that violation; 2317

(2) Provides the pupil an opportunity to appear at an 2318
informal hearing before the principal, assistant principal, 2319
superintendent, or superintendent's designee and challenge the 2320
reason for the intended suspension or otherwise to explain the 2321
pupil's actions. 2322

If a pupil is suspended pursuant to division (A) of this 2323
section, the school district board may, in its discretion, 2324
permit the pupil to complete any classroom assignments missed 2325
because of the suspension. 2326

(B) (1) Except as provided under division (B) (2), (3), or 2327
(4) of this section, and subject to section 3313.668 of the 2328
Revised Code, the superintendent of schools of a city, exempted 2329
village, or local school district may expel a pupil from school 2330
for a period not to exceed the greater of eighty school days or 2331

the number of school days remaining in the semester or term in 2332
which the incident that gives rise to the expulsion takes place, 2333
unless the expulsion is extended pursuant to division (F) of 2334
this section. If at the time an expulsion is imposed there are 2335
fewer than eighty school days remaining in the school year in 2336
which the incident that gives rise to the expulsion takes place, 2337
the superintendent may apply any remaining part or all of the 2338
period of the expulsion to the following school year. 2339

(2) (a) Unless a pupil is permanently excluded pursuant to 2340
section 3313.662 of the Revised Code, the superintendent of 2341
schools of a city, exempted village, or local school district 2342
shall expel a pupil from school for a period of one year for 2343
bringing a firearm to a school operated by the board of 2344
education of the district or onto any other property owned or 2345
controlled by the board, except that the superintendent may 2346
reduce this requirement on a case-by-case basis in accordance 2347
with the policy adopted by the board under section 3313.661 of 2348
the Revised Code. 2349

(b) The superintendent of schools of a city, exempted 2350
village, or local school district may expel a pupil from school 2351
for a period of one year for bringing a firearm to an 2352
interscholastic competition, an extracurricular event, or any 2353
other school program or activity that is not located in a school 2354
or on property that is owned or controlled by the district. The 2355
superintendent may reduce this disciplinary action on a case-by- 2356
case basis in accordance with the policy adopted by the board 2357
under section 3313.661 of the Revised Code. 2358

(c) Any expulsion pursuant to division (B) (2) of this 2359
section shall extend, as necessary, into the school year 2360
following the school year in which the incident that gives rise 2361

to the expulsion takes place. As used in this division, 2362
"firearm" has the same meaning as provided pursuant to the "Gun- 2363
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 2364

(3) The board of education of a city, exempted village, or 2365
local school district may adopt a resolution authorizing the 2366
superintendent of schools to expel a pupil from school for a 2367
period not to exceed one year for bringing a knife to a school 2368
operated by the board, onto any other property owned or 2369
controlled by the board, or to an interscholastic competition, 2370
an extracurricular event, or any other program or activity 2371
sponsored by the school district or in which the district is a 2372
participant, or for possessing a firearm or knife at a school, 2373
on any other property owned or controlled by the board, or at an 2374
interscholastic competition, an extracurricular event, or any 2375
other school program or activity, which firearm or knife was 2376
initially brought onto school board property by another person. 2377
The resolution may authorize the superintendent to extend such 2378
an expulsion, as necessary, into the school year following the 2379
school year in which the incident that gives rise to the 2380
expulsion takes place. 2381

(4) The board of education of a city, exempted village, or 2382
local school district may adopt a resolution establishing a 2383
policy under section 3313.661 of the Revised Code that 2384
authorizes the superintendent of schools to expel a pupil from 2385
school for a period not to exceed one year for committing an act 2386
that is a criminal offense when committed by an adult and that 2387
results in serious physical harm to persons as defined in 2388
division (A) (5) of section 2901.01 of the Revised Code or 2389
serious physical harm to property as defined in division (A) (6) 2390
of section 2901.01 of the Revised Code while the pupil is at 2391
school, on any other property owned or controlled by the board, 2392

or at an interscholastic competition, an extracurricular event, 2393
or any other school program or activity. Any expulsion under 2394
this division shall extend, as necessary, into the school year 2395
following the school year in which the incident that gives rise 2396
to the expulsion takes place. 2397

(5) The board of education of any city, exempted village, 2398
or local school district may adopt a resolution establishing a 2399
policy under section 3313.661 of the Revised Code that 2400
authorizes the superintendent of schools to expel a pupil from 2401
school for a period not to exceed one year for making a bomb 2402
threat to a school building or to any premises at which a school 2403
activity is occurring at the time of the threat. Any expulsion 2404
under this division shall extend, as necessary, into the school 2405
year following the school year in which the incident that gives 2406
rise to the expulsion takes place. 2407

(6) No pupil shall be expelled under division (B) (1), (2), 2408
(3), (4), or (5) of this section unless, prior to the pupil's 2409
expulsion, the superintendent does both of the following: 2410

(a) Gives the pupil and the pupil's parent, guardian, or 2411
custodian written notice of the intention to expel the pupil; 2412

(b) Provides the pupil and the pupil's parent, guardian, 2413
custodian, or representative an opportunity to appear in person 2414
before the superintendent or the superintendent's designee to 2415
challenge the reasons for the intended expulsion or otherwise to 2416
explain the pupil's actions. 2417

The notice required in this division shall include the 2418
reasons for the intended expulsion, notification of the 2419
opportunity of the pupil and the pupil's parent, guardian, 2420
custodian, or representative to appear before the superintendent 2421

or the superintendent's designee to challenge the reasons for 2422
the intended expulsion or otherwise to explain the pupil's 2423
action, and notification of the time and place to appear. The 2424
time to appear shall not be earlier than three nor later than 2425
five school days after the notice is given, unless the 2426
superintendent grants an extension of time at the request of the 2427
pupil or the pupil's parent, guardian, custodian, or 2428
representative. If an extension is granted after giving the 2429
original notice, the superintendent shall notify the pupil and 2430
the pupil's parent, guardian, custodian, or representative of 2431
the new time and place to appear. If the proposed expulsion is 2432
based on a violation listed in division (A) of section 3313.662 2433
of the Revised Code and if the pupil is sixteen years of age or 2434
older, the notice shall include a statement that the 2435
superintendent may seek to permanently exclude the pupil if the 2436
pupil is convicted of or adjudicated a delinquent child for that 2437
violation. 2438

(7) A superintendent of schools of a city, exempted 2439
village, or local school district shall initiate expulsion 2440
proceedings pursuant to this section with respect to any pupil 2441
who has committed an act warranting expulsion under the 2442
district's policy regarding expulsion even if the pupil has 2443
withdrawn from school for any reason after the incident that 2444
gives rise to the hearing but prior to the hearing or decision 2445
to impose the expulsion. If, following the hearing, the pupil 2446
would have been expelled for a period of time had the pupil 2447
still been enrolled in the school, the expulsion shall be 2448
imposed for the same length of time as on a pupil who has not 2449
withdrawn from the school. 2450

(C) If a pupil's presence poses a continuing danger to 2451
persons or property or an ongoing threat of disrupting the 2452

academic process taking place either within a classroom or 2453
elsewhere on the school premises, the superintendent or a 2454
principal or assistant principal may remove a pupil from 2455
curricular activities or from the school premises, and a teacher 2456
may remove a pupil from curricular activities under the 2457
teacher's supervision, without the notice and hearing 2458
requirements of division (A) or (B) of this section. As soon as 2459
practicable after making such a removal, the teacher shall 2460
submit in writing to the principal the reasons for such removal. 2461

If a pupil is removed under this division from a 2462
curricular activity or from the school premises, written notice 2463
of the hearing and of the reason for the removal shall be given 2464
to the pupil as soon as practicable prior to the hearing, which 2465
shall be held within three school days from the time the initial 2466
removal is ordered. The hearing shall be held in accordance with 2467
division (A) of this section unless it is probable that the 2468
pupil may be subject to expulsion, in which case a hearing in 2469
accordance with division (B) of this section shall be held, 2470
except that the hearing shall be held within three school days 2471
of the initial removal. The individual who ordered, caused, or 2472
requested the removal to be made shall be present at the 2473
hearing. 2474

If the superintendent or the principal reinstates a pupil 2475
in a curricular activity under the teacher's supervision prior 2476
to the hearing following a removal under this division, the 2477
teacher, upon request, shall be given in writing the reasons for 2478
such reinstatement. 2479

(D) The superintendent or principal, within one school day 2480
after the time of a pupil's expulsion or suspension, shall 2481
notify in writing the parent, guardian, or custodian of the 2482

pupil and the treasurer of the board of education of the 2483
expulsion or suspension. The notice shall include the reasons 2484
for the expulsion or suspension, notification of the right of 2485
the pupil or the pupil's parent, guardian, or custodian to 2486
appeal the expulsion or suspension to the board of education or 2487
to its designee, to be represented in all appeal proceedings, to 2488
be granted a hearing before the board or its designee in order 2489
to be heard against the suspension or expulsion, and to request 2490
that the hearing be held in executive session, notification that 2491
the expulsion may be subject to extension pursuant to division 2492
(F) of this section if the pupil is sixteen years of age or 2493
older, and notification that the superintendent may seek the 2494
pupil's permanent exclusion if the suspension or expulsion was 2495
based on a violation listed in division (A) of section 3313.662 2496
of the Revised Code that was committed when the child was 2497
sixteen years of age or older and if the pupil is convicted of 2498
or adjudicated a delinquent child for that violation. 2499

In accordance with the policy adopted by the board of 2500
education under section 3313.661 of the Revised Code, the notice 2501
provided under this division shall specify the manner and date 2502
by which the pupil or the pupil's parent, guardian, or custodian 2503
shall notify the board of the pupil's, parent's, guardian's, or 2504
custodian's intent to appeal the expulsion or suspension to the 2505
board or its designee. 2506

Any superintendent expelling a pupil under this section 2507
for more than twenty school days or for any period of time if 2508
the expulsion will extend into the following semester or school 2509
year shall, in the notice required under this division, provide 2510
the pupil and the pupil's parent, guardian, or custodian with 2511
information about services or programs offered by public and 2512
private agencies that work toward improving those aspects of the 2513

pupil's attitudes and behavior that contributed to the incident 2514
that gave rise to the pupil's expulsion. The information shall 2515
include the names, addresses, and phone numbers of the 2516
appropriate public and private agencies. 2517

(E) A pupil or the pupil's parent, guardian, or custodian 2518
may appeal the pupil's expulsion by a superintendent or 2519
suspension by a superintendent, principal, assistant principal, 2520
or other administrator to the board of education or to its 2521
designee. If the pupil or the pupil's parent, guardian, or 2522
custodian intends to appeal the expulsion or suspension to the 2523
board or its designee, the pupil or the pupil's parent, 2524
guardian, or custodian shall notify the board in the manner and 2525
by the date specified in the notice provided under division (D) 2526
of this section. The pupil or the pupil's parent, guardian, or 2527
custodian may be represented in all appeal proceedings and shall 2528
be granted a hearing before the board or its designee in order 2529
to be heard against the suspension or expulsion. At the request 2530
of the pupil or of the pupil's parent, guardian, custodian, or 2531
attorney, the board or its designee may hold the hearing in 2532
executive session but shall act upon the suspension or expulsion 2533
only at a public meeting. The board, by a majority vote of its 2534
full membership or by the action of its designee, may affirm the 2535
order of suspension or expulsion, reinstate the pupil, or 2536
otherwise reverse, vacate, or modify the order of suspension or 2537
expulsion. 2538

The board or its designee shall make a verbatim record of 2539
hearings held under this division. The decisions of the board or 2540
its designee may be appealed under Chapter 2506. of the Revised 2541
Code. 2542

This section shall not be construed to require notice and 2543

hearing in accordance with division (A), (B), or (C) of this 2544
section in the case of normal disciplinary procedures in which a 2545
pupil is removed from a curricular activity for a period of less 2546
than one school day and is not subject to suspension or 2547
expulsion. 2548

(F) (1) If a pupil is expelled pursuant to division (B) of 2549
this section for committing any violation listed in division (A) 2550
of section 3313.662 of the Revised Code and the pupil was 2551
sixteen years of age or older at the time of committing the 2552
violation, if a complaint, indictment, or information is filed 2553
alleging that the pupil is a delinquent child based upon the 2554
commission of the violation or the pupil is prosecuted as an 2555
adult for the commission of the violation, and if the resultant 2556
juvenile court or criminal proceeding is pending at the time 2557
that the expulsion terminates, the superintendent of schools 2558
that expelled the pupil may file a motion with the court in 2559
which the proceeding is pending requesting an order extending 2560
the expulsion for the lesser of an additional eighty days or the 2561
number of school days remaining in the school year. Upon the 2562
filing of the motion, the court immediately shall schedule a 2563
hearing and give written notice of the time, date, and location 2564
of the hearing to the superintendent and to the pupil and the 2565
pupil's parent, guardian, or custodian. At the hearing, the 2566
court shall determine whether there is reasonable cause to 2567
believe that the pupil committed the alleged violation that is 2568
the basis of the expulsion and, upon determining that reasonable 2569
cause to believe the pupil committed the violation does exist, 2570
shall grant the requested extension. 2571

(2) If a pupil has been convicted of or adjudicated a 2572
delinquent child for a violation listed in division (A) of 2573
section 3313.662 of the Revised Code for an act that was 2574

committed when the child was sixteen years of age or older, if 2575
the pupil has been expelled pursuant to division (B) of this 2576
section for that violation, and if the board of education of the 2577
school district of the school from which the pupil was expelled 2578
has adopted a resolution seeking the pupil's permanent 2579
exclusion, the superintendent may file a motion with the court 2580
that convicted the pupil or adjudicated the pupil a delinquent 2581
child requesting an order to extend the expulsion until an 2582
adjudication order or other determination regarding permanent 2583
exclusion is issued by the superintendent of public instruction 2584
pursuant to section 3301.121 and division (D) of section 2585
3313.662 of the Revised Code. Upon the filing of the motion, the 2586
court immediately shall schedule a hearing and give written 2587
notice of the time, date, and location of the hearing to the 2588
superintendent of the school district, the pupil, and the 2589
pupil's parent, guardian, or custodian. At the hearing, the 2590
court shall determine whether there is reasonable cause to 2591
believe the pupil's continued attendance in the public school 2592
system may endanger the health and safety of other pupils or 2593
school employees and, upon making that determination, shall 2594
grant the requested extension. 2595

(G) The failure of the superintendent or the board of 2596
education to provide the information regarding the possibility 2597
of permanent exclusion in the notice required by divisions (A), 2598
(B), and (D) of this section is not jurisdictional, and the 2599
failure shall not affect the validity of any suspension or 2600
expulsion procedure that is conducted in accordance with this 2601
section or the validity of a permanent exclusion procedure that 2602
is conducted in accordance with sections 3301.121 and 3313.662 2603
of the Revised Code. 2604

(H) With regard to suspensions and expulsions pursuant to 2605

divisions (A) and (B) of this section by the board of education 2606
of any city, exempted village, or local school district, this 2607
section shall apply to any student, whether or not the student 2608
is enrolled in the district, attending or otherwise 2609
participating in any curricular program provided in a school 2610
operated by the board or provided on any other property owned or 2611
controlled by the board. 2612

(I) Whenever a student is expelled under this section, the 2613
expulsion shall result in removal of the student from the 2614
student's regular school setting. However, during the period of 2615
the expulsion, the board of education of the school district 2616
that expelled the student or any board of education admitting 2617
the student during that expulsion period may provide educational 2618
services to the student in an alternative setting. 2619

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 2620
3313.64, and 3313.65 of the Revised Code, any school district, 2621
after offering an opportunity for a hearing, may temporarily 2622
deny admittance to any pupil if one of the following applies: 2623

(a) The pupil has been suspended from the schools of 2624
another district under division (A) of this section and the 2625
period of suspension, as established under that division, has 2626
not expired; 2627

(b) The pupil has been expelled from the schools of 2628
another district under division (B) of this section and the 2629
period of the expulsion, as established under that division or 2630
as extended under division (F) of this section, has not expired. 2631

If a pupil is temporarily denied admission under this 2632
division, the pupil shall be admitted to school in accordance 2633
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 2634

Revised Code no later than upon expiration of the suspension or 2635
expulsion period, as applicable. 2636

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 2637
and 3313.65 of the Revised Code, any school district, after 2638
offering an opportunity for a hearing, may temporarily deny 2639
admittance to any pupil if the pupil has been expelled or 2640
otherwise removed for disciplinary purposes from a public school 2641
in another state and the period of expulsion or removal has not 2642
expired. If a pupil is temporarily denied admission under this 2643
division, the pupil shall be admitted to school in accordance 2644
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 2645
Revised Code no later than the earlier of the following: 2646

(a) Upon expiration of the expulsion or removal period 2647
imposed by the out-of-state school; 2648

(b) Upon expiration of a period established by the 2649
district, beginning with the date of expulsion or removal from 2650
the out-of-state school, that is no greater than the period of 2651
expulsion that the pupil would have received under the policy 2652
adopted by the district under section 3313.661 of the Revised 2653
Code had the offense that gave rise to the expulsion or removal 2654
by the out-of-state school been committed while the pupil was 2655
enrolled in the district. 2656

(K) As used in this section: 2657

(1) "Permanently exclude" and "permanent exclusion" have 2658
the same meanings as in section 3313.662 of the Revised Code. 2659

(2) "In-school suspension" means the pupil will serve all 2660
of the suspension in a school setting. 2661

Sec. 3313.661. (A) The board of education of each city, 2662
exempted village, and local school district shall adopt a policy 2663

regarding suspension, expulsion, removal, and permanent 2664
exclusion that specifies the types of misconduct for which a 2665
pupil may be suspended, expelled, or removed. The types of 2666
misconduct may include misconduct by a pupil that occurs off of 2667
property owned or controlled by the district but that is 2668
connected to activities or incidents that have occurred on 2669
property owned or controlled by that district and misconduct by 2670
a pupil that, regardless of where it occurs, is directed at a 2671
district official or employee, or the property of such official 2672
or employee. The policy shall specify the reasons for which the 2673
superintendent of the district may reduce the expulsion 2674
requirement in division (B) (2) of section 3313.66 of the Revised 2675
Code. If a board of education adopts a resolution pursuant to 2676
division (B) (3) of section 3313.66 of the Revised Code, the 2677
policy shall define the term "knife" or "firearm," as 2678
applicable, for purposes of expulsion under that resolution and 2679
shall specify any reasons for which the superintendent of the 2680
district may reduce any required expulsion period on a case-by- 2681
case basis. If a board of education adopts a resolution pursuant 2682
to division (B) (4) or (5) of section 3313.66 of the Revised 2683
Code, the policy shall specify any reasons for which the 2684
superintendent of the district may reduce any required expulsion 2685
period on a case-by-case basis. The policy also shall set forth 2686
the acts listed in section 3313.662 of the Revised Code for 2687
which a pupil may be permanently excluded. 2688

The policy adopted under this division shall specify the 2689
date and manner by which a pupil or a pupil's parent, guardian, 2690
or custodian may notify the board of the pupil's, parent's, 2691
guardian's, or custodian's intent to appeal an expulsion or 2692
suspension to the board or its designee pursuant to division (E) 2693
of section 3313.66 of the Revised Code. In the case of any 2694

expulsion, the policy shall not specify a date that is less than 2695
fourteen days after the date of the notice provided to the pupil 2696
or the pupil's parent, guardian, or custodian under division (D) 2697
of that section. 2698

A copy of the policy shall be posted in a central location 2699
in the school and made available to pupils upon request. No 2700
pupil shall be suspended, expelled, or removed except in 2701
accordance with the policy adopted by the board of education of 2702
the school district in which the pupil attends school, and no 2703
pupil shall be permanently excluded except in accordance with 2704
sections 3301.121 and 3313.662 of the Revised Code. 2705

(B) A board of education may establish a program and adopt 2706
guidelines under which a superintendent may require a pupil to 2707
perform community service in conjunction with a suspension or 2708
expulsion imposed under section 3313.66 of the Revised Code or 2709
in place of a suspension or expulsion imposed under section 2710
3313.66 of the Revised Code except for an expulsion imposed 2711
pursuant to division (B)(2) of that section. If a board adopts 2712
guidelines under this division, they shall permit, except with 2713
regard to an expulsion pursuant to division (B)(2) of section 2714
3313.66 of the Revised Code, a superintendent to impose a 2715
community service requirement beyond the end of the school year 2716
in lieu of applying ~~the suspension or an~~ an expulsion into the 2717
following school year. Any guidelines adopted shall be included 2718
in the policy adopted under this section. 2719

(C) The written policy of each board of education that is 2720
adopted pursuant to section 3313.20 of the Revised Code shall be 2721
posted in a central location in each school that is subject to 2722
the policy and shall be made available to pupils upon request. 2723

(D) Any policy, program, or guideline adopted by a board 2724

of education under this section with regard to suspensions or 2725
expulsions pursuant to division (A) or (B) of section 3313.66 of 2726
the Revised Code shall apply to any student, whether or not the 2727
student is enrolled in the district, attending or otherwise 2728
participating in any curricular program provided in a school 2729
operated by the board or provided on any other property owned or 2730
controlled by the board. 2731

(E) As used in this section, "permanently exclude" and 2732
"permanent exclusion" have the same meanings as in section 2733
3313.662 of the Revised Code. 2734

Sec. 3313.668. On and after July 1, 2017, no school 2735
district or school shall suspend, expel, or remove a student 2736
from school under section 3313.66 of the Revised Code solely on 2737
the basis of the student's absences from school without 2738
legitimate excuse. 2739

Sec. 3314.03. A copy of every contract entered into under 2740
this section shall be filed with the superintendent of public 2741
instruction. The department of education shall make available on 2742
its web site a copy of every approved, executed contract filed 2743
with the superintendent under this section. 2744

(A) Each contract entered into between a sponsor and the 2745
governing authority of a community school shall specify the 2746
following: 2747

(1) That the school shall be established as either of the 2748
following: 2749

(a) A nonprofit corporation established under Chapter 2750
1702. of the Revised Code, if established prior to April 8, 2751
2003; 2752

(b) A public benefit corporation established under Chapter 2753

1702. of the Revised Code, if established after April 8, 2003.	2754
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	2755 2756 2757 2758
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	2759 2760 2761 2762
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	2763 2764 2765 2766
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2767 2768 2769
(6) (a) Dismissal procedures;	2770
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	2771 2772 2773 2774 2775 2776
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2777 2778
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial	2779 2780 2781

records of school districts, pursuant to rules of the auditor of 2782
state. Audits shall be conducted in accordance with section 2783
117.10 of the Revised Code. 2784

(9) An addendum to the contract outlining the facilities 2785
to be used that contains at least the following information: 2786

(a) A detailed description of each facility used for 2787
instructional purposes; 2788

(b) The annual costs associated with leasing each facility 2789
that are paid by or on behalf of the school; 2790

(c) The annual mortgage principal and interest payments 2791
that are paid by the school; 2792

(d) The name of the lender or landlord, identified as 2793
such, and the lender's or landlord's relationship to the 2794
operator, if any. 2795

(10) Qualifications of teachers, including a requirement 2796
that the school's classroom teachers be licensed in accordance 2797
with sections 3319.22 to 3319.31 of the Revised Code, except 2798
that a community school may engage noncertificated persons to 2799
teach up to twelve hours per week pursuant to section 3319.301 2800
of the Revised Code. 2801

(11) That the school will comply with the following 2802
requirements: 2803

(a) The school will provide learning opportunities to a 2804
minimum of twenty-five students for a minimum of nine hundred 2805
twenty hours per school year. 2806

(b) The governing authority will purchase liability 2807
insurance, or otherwise provide for the potential liability of 2808
the school. 2809

(c) The school will be nonsectarian in its programs, 2810
admission policies, employment practices, and all other 2811
operations, and will not be operated by a sectarian school or 2812
religious institution. 2813

(d) The school will comply with sections 9.90, 9.91, 2814
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2815
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 2816
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 2817
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 2818
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 2819
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 2820
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 2821
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 2822
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 2823
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 2824
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 2825
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 2826
of the Revised Code as if it were a school district and will 2827
comply with section 3301.0714 of the Revised Code in the manner 2828
specified in section 3314.17 of the Revised Code. 2829

(e) The school shall comply with Chapter 102. and section 2830
2921.42 of the Revised Code. 2831

(f) The school will comply with sections 3313.61, 2832
3313.611, and 3313.614 of the Revised Code, except that for 2833
students who enter ninth grade for the first time before July 1, 2834
2010, the requirement in sections 3313.61 and 3313.611 of the 2835
Revised Code that a person must successfully complete the 2836
curriculum in any high school prior to receiving a high school 2837
diploma may be met by completing the curriculum adopted by the 2838
governing authority of the community school rather than the 2839

curriculum specified in Title XXXVIII of the Revised Code or any 2840
rules of the state board of education. Beginning with students 2841
who enter ninth grade for the first time on or after July 1, 2842
2010, the requirement in sections 3313.61 and 3313.611 of the 2843
Revised Code that a person must successfully complete the 2844
curriculum of a high school prior to receiving a high school 2845
diploma shall be met by completing the requirements prescribed 2846
in division (C) of section 3313.603 of the Revised Code, unless 2847
the person qualifies under division (D) or (F) of that section. 2848
Each school shall comply with the plan for awarding high school 2849
credit based on demonstration of subject area competency, and 2850
beginning with the 2016-2017 school year, with the updated plan 2851
that permits students enrolled in seventh and eighth grade to 2852
meet curriculum requirements based on subject area competency 2853
adopted by the state board of education under divisions (J) (1) 2854
and (2) of section 3313.603 of the Revised Code. 2855

(g) The school governing authority will submit within four 2856
months after the end of each school year a report of its 2857
activities and progress in meeting the goals and standards of 2858
divisions (A) (3) and (4) of this section and its financial 2859
status to the sponsor and the parents of all students enrolled 2860
in the school. 2861

(h) The school, unless it is an internet- or computer- 2862
based community school, will comply with section 3313.801 of the 2863
Revised Code as if it were a school district. 2864

(i) If the school is the recipient of moneys from a grant 2865
awarded under the federal race to the top program, Division (A), 2866
Title XIV, Sections 14005 and 14006 of the "American Recovery 2867
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2868
the school will pay teachers based upon performance in 2869

accordance with section 3317.141 and will comply with section 2870
3319.111 of the Revised Code as if it were a school district. 2871

(j) If the school operates a preschool program that is 2872
licensed by the department of education under sections 3301.52 2873
to 3301.59 of the Revised Code, the school shall comply with 2874
sections 3301.50 to 3301.59 of the Revised Code and the minimum 2875
standards for preschool programs prescribed in rules adopted by 2876
the state board under section 3301.53 of the Revised Code. 2877

(k) The school will comply with sections 3313.6021 and 2878
3313.6023 of the Revised Code as if it were a school district 2879
unless it is either of the following: 2880

(i) An internet- or computer-based community school; 2881

(ii) A community school in which a majority of the 2882
enrolled students are children with disabilities as described in 2883
division (A) (4) (b) of section 3314.35 of the Revised Code. 2884

(12) Arrangements for providing health and other benefits 2885
to employees; 2886

(13) The length of the contract, which shall begin at the 2887
beginning of an academic year. No contract shall exceed five 2888
years unless such contract has been renewed pursuant to division 2889
(E) of this section. 2890

(14) The governing authority of the school, which shall be 2891
responsible for carrying out the provisions of the contract; 2892

(15) A financial plan detailing an estimated school budget 2893
for each year of the period of the contract and specifying the 2894
total estimated per pupil expenditure amount for each such year. 2895

(16) Requirements and procedures regarding the disposition 2896
of employees of the school in the event the contract is 2897

terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the 2927
department of education to take over the sponsorship of the 2928
school in accordance with the provisions of division (C) of 2929
section 3314.015 of the Revised Code; 2930

(21) A provision recognizing the sponsor's authority to 2931
assume the operation of a school under the conditions specified 2932
in division (B) of section 3314.073 of the Revised Code; 2933

(22) A provision recognizing both of the following: 2934

(a) The authority of public health and safety officials to 2935
inspect the facilities of the school and to order the facilities 2936
closed if those officials find that the facilities are not in 2937
compliance with health and safety laws and regulations; 2938

(b) The authority of the department of education as the 2939
community school oversight body to suspend the operation of the 2940
school under section 3314.072 of the Revised Code if the 2941
department has evidence of conditions or violations of law at 2942
the school that pose an imminent danger to the health and safety 2943
of the school's students and employees and the sponsor refuses 2944
to take such action. 2945

(23) A description of the learning opportunities that will 2946
be offered to students including both classroom-based and non- 2947
classroom-based learning opportunities that is in compliance 2948
with criteria for student participation established by the 2949
department under division (H) (2) of section 3314.08 of the 2950
Revised Code; 2951

(24) The school will comply with sections 3302.04 and 2952
3302.041 of the Revised Code, except that any action required to 2953
be taken by a school district pursuant to those sections shall 2954
be taken by the sponsor of the school. However, the sponsor 2955

shall not be required to take any action described in division 2956
(F) of section 3302.04 of the Revised Code. 2957

(25) Beginning in the 2006-2007 school year, the school 2958
will open for operation not later than the thirtieth day of 2959
September each school year, unless the mission of the school as 2960
specified under division (A) (2) of this section is solely to 2961
serve dropouts. In its initial year of operation, if the school 2962
fails to open by the thirtieth day of September, or within one 2963
year after the adoption of the contract pursuant to division (D) 2964
of section 3314.02 of the Revised Code if the mission of the 2965
school is solely to serve dropouts, the contract shall be void. 2966

(26) Whether the school's governing authority is planning 2967
to seek designation for the school as a STEM school equivalent 2968
under section 3326.032 of the Revised Code; 2969

(27) That the school's attendance and participation 2970
policies will be available for public inspection; 2971

(28) That the school's attendance and participation 2972
records shall be made available to the department of education, 2973
auditor of state, and school's sponsor to the extent permitted 2974
under and in accordance with the "Family Educational Rights and 2975
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 2976
and any regulations promulgated under that act, and section 2977
3319.321 of the Revised Code; 2978

(29) If a school operates using the blended learning 2979
model, as defined in section 3301.079 of the Revised Code, all 2980
of the following information: 2981

(a) An indication of what blended learning model or models 2982
will be used; 2983

(b) A description of how student instructional needs will 2984

be determined and documented;	2985
(c) The method to be used for determining competency,	2986
granting credit, and promoting students to a higher grade level;	2987
(d) The school's attendance requirements, including how	2988
the school will document participation in learning	2989
opportunities;	2990
(e) A statement describing how student progress will be	2991
monitored;	2992
(f) A statement describing how private student data will	2993
be protected;	2994
(g) A description of the professional development	2995
activities that will be offered to teachers.	2996
(30) A provision requiring that all moneys the school's	2997
operator loans to the school, including facilities loans or cash	2998
flow assistance, must be accounted for, documented, and bear	2999
interest at a fair market rate;	3000
(31) A provision requiring that, if the governing	3001
authority contracts with an attorney, accountant, or entity	3002
specializing in audits, the attorney, accountant, or entity	3003
shall be independent from the operator with which the school has	3004
contracted.	3005
(B) The community school shall also submit to the sponsor	3006
a comprehensive plan for the school. The plan shall specify the	3007
following:	3008
(1) The process by which the governing authority of the	3009
school will be selected in the future;	3010
(2) The management and administration of the school;	3011

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the

contract; 3041

(2) Monitor and evaluate the academic and fiscal 3042
performance and the organization and operation of the community 3043
school on at least an annual basis; 3044

(3) Report on an annual basis the results of the 3045
evaluation conducted under division (D) (2) of this section to 3046
the department of education and to the parents of students 3047
enrolled in the community school; 3048

(4) Provide technical assistance to the community school 3049
in complying with laws applicable to the school and terms of the 3050
contract; 3051

(5) Take steps to intervene in the school's operation to 3052
correct problems in the school's overall performance, declare 3053
the school to be on probationary status pursuant to section 3054
3314.073 of the Revised Code, suspend the operation of the 3055
school pursuant to section 3314.072 of the Revised Code, or 3056
terminate the contract of the school pursuant to section 3314.07 3057
of the Revised Code as determined necessary by the sponsor; 3058

(6) Have in place a plan of action to be undertaken in the 3059
event the community school experiences financial difficulties or 3060
closes prior to the end of a school year. 3061

(E) Upon the expiration of a contract entered into under 3062
this section, the sponsor of a community school may, with the 3063
approval of the governing authority of the school, renew that 3064
contract for a period of time determined by the sponsor, but not 3065
ending earlier than the end of any school year, if the sponsor 3066
finds that the school's compliance with applicable laws and 3067
terms of the contract and the school's progress in meeting the 3068
academic goals prescribed in the contract have been 3069

satisfactory. Any contract that is renewed under this division 3070
remains subject to the provisions of sections 3314.07, 3314.072, 3071
and 3314.073 of the Revised Code. 3072

(F) If a community school fails to open for operation 3073
within one year after the contract entered into under this 3074
section is adopted pursuant to division (D) of section 3314.02 3075
of the Revised Code or permanently closes prior to the 3076
expiration of the contract, the contract shall be void and the 3077
school shall not enter into a contract with any other sponsor. A 3078
school shall not be considered permanently closed because the 3079
operations of the school have been suspended pursuant to section 3080
3314.072 of the Revised Code. 3081

Sec. 3321.041. (A) As used in this section, 3082
"extracurricular activity" means a pupil activity program that a 3083
school or school district operates and is not included in the 3084
school district's graded course of study, including an 3085
interscholastic extracurricular activity that a school or school 3086
district sponsors or participates in and that has participants 3087
from more than one school or school district. 3088

(B) ~~Beginning in the 2009-2010 school year, if~~ If a 3089
student enrolled in a school district is absent from school for 3090
the sole purpose of traveling out of the state to participate in 3091
an enrichment activity approved by the district board of 3092
education or in an extracurricular activity, the district shall 3093
count that absence as an excused absence, up to a maximum of 3094
~~four days twenty-four hours~~ per school year that the student's 3095
school is open for instruction. The district shall require any 3096
such student to complete any classroom assignments that the 3097
student misses because of the absence. 3098

(C) If a student will be absent from school for ~~four~~ 3099

twenty-four or more consecutive ~~school days~~ hours that the 3100
student's school is open for instruction, for a purpose 3101
described in division (B) of this section, a classroom teacher 3102
employed by the school district shall accompany the student 3103
during the travel period to provide the student with 3104
instructional assistance. 3105

Sec. 3321.13. (A) Whenever any child of compulsory school 3106
age withdraws from school the teacher of that child shall 3107
ascertain the reason for withdrawal. The fact of the withdrawal 3108
and the reason for it shall be immediately transmitted by the 3109
teacher to the superintendent of the city, local, or exempted 3110
village school district. If the child who has withdrawn from 3111
school has done so because of change of residence, the next 3112
residence shall be ascertained and shall be included in the 3113
notice thus transmitted. The superintendent shall thereupon 3114
forward a card showing the essential facts regarding the child 3115
and stating the place of the child's new residence to the 3116
superintendent of schools of the district to which the child has 3117
moved. 3118

The superintendent of public instruction may prescribe the 3119
forms to be used in the operation of this division. 3120

(B) (1) Upon receipt of information that a child of 3121
compulsory school age has withdrawn from school for a reason 3122
other than because of change of residence and is not enrolled in 3123
and attending in accordance with school policy an approved 3124
program to obtain a diploma or its equivalent, the 3125
superintendent shall notify the registrar of motor vehicles and 3126
the juvenile judge of the county in which the district is 3127
located of the withdrawal and failure to enroll in and attend an 3128
approved program to obtain a diploma or its equivalent. A 3129

notification to the registrar required by this division shall be 3130
given in the manner the registrar by rule requires and a 3131
notification to the juvenile judge required by this division 3132
shall be given in writing. Each notification shall be given 3133
within two weeks after the withdrawal and failure to enroll in 3134
and attend an approved program or its equivalent. 3135

(2) The board of education of a school district may adopt 3136
a resolution providing that the provisions of division (B) (2) of 3137
this section apply within the district. The provisions of 3138
division (B) (2) of this section do not apply within any school 3139
district, and no superintendent of a school district shall send 3140
a notification of the type described in division (B) (2) of this 3141
section to the registrar of motor vehicles or the juvenile judge 3142
of the county in which the district is located, unless the board 3143
of education of the district has adopted such a resolution. If 3144
the board of education of a school district adopts a resolution 3145
providing that the provisions of division (B) (2) of this section 3146
apply within the district, and if the superintendent of schools 3147
of that district receives information that, during any semester 3148
or term, a child of compulsory school age has been absent 3149
without legitimate excuse from the school the child is supposed 3150
to attend for more than ~~ten-sixty consecutive school days-hours~~ 3151
in a single month or for at least ~~fifteen total school days-~~ 3152
ninety hours in a school year, the superintendent shall notify 3153
the child and the child's parent, guardian, or custodian, in 3154
writing, that the information has been provided to the 3155
superintendent, that as a result of that information the child's 3156
temporary instruction permit or driver's license will be 3157
suspended or the opportunity to obtain such a permit or license 3158
will be denied, and that the child and the child's parent, 3159
guardian, or custodian may appear in person at a scheduled date, 3160

time, and place before the superintendent or a designee to 3161
challenge the information provided to the superintendent. 3162

The notification to the child and the child's parent, 3163
guardian, or custodian required by division (B)(2) of this 3164
section shall set forth the information received by the 3165
superintendent and shall inform the child and the child's 3166
parent, guardian, or custodian of the scheduled date, time, and 3167
place of the appearance that they may have before the 3168
superintendent or a designee. The date scheduled for the 3169
appearance shall be no earlier than three and no later than five 3170
days after the notification is given, provided that an extension 3171
may be granted upon request of the child or the child's parent, 3172
guardian, or custodian. If an extension is granted, the 3173
superintendent shall schedule a new date, time, and place for 3174
the appearance and shall inform the child and the child's 3175
parent, guardian, or custodian of the new date, time, and place. 3176

If the child and the child's parent, guardian, or 3177
custodian do not appear before the superintendent or a designee 3178
on the scheduled date and at the scheduled time and place, or if 3179
the child and the child's parent, guardian, or custodian appear 3180
before the superintendent or a designee on the scheduled date 3181
and at the scheduled time and place but the superintendent or a 3182
designee determines that the information the superintendent 3183
received indicating that, during the semester or term, the child 3184
had been absent without legitimate excuse from the school the 3185
child was supposed to attend for more than ~~ten-sixty~~ consecutive 3186
~~school days hours~~ or for at least ~~fifteen-ninety~~ total ~~school-~~ 3187
~~days hours~~, the superintendent shall notify the registrar of 3188
motor vehicles and the juvenile judge of the county in which the 3189
district is located that the child has been absent for that 3190
period of time and that the child does not have any legitimate 3191

excuse for the habitual absence. A notification to the registrar 3192
required by this division shall be given in the manner the 3193
registrar by rule requires and a notification to the juvenile 3194
judge required by this division shall be given in writing. Each 3195
notification shall be given within two weeks after the receipt 3196
of the information of the habitual absence from school without 3197
legitimate excuse, or, if the child and the child's parent, 3198
guardian, or custodian appear before the superintendent or a 3199
designee to challenge the information, within two weeks after 3200
the appearance. 3201

For purposes of division (B) (2) of this section, a 3202
legitimate excuse for absence from school includes, but is not 3203
limited to, the fact that the child in question has enrolled in 3204
another school or school district in this or another state, the 3205
fact that the child in question was excused from attendance for 3206
any of the reasons specified in section 3321.04 of the Revised 3207
Code, or the fact that the child in question has received an age 3208
and schooling certificate in accordance with section 3331.01 of 3209
the Revised Code. 3210

(3) Whenever a pupil is suspended or expelled from school 3211
pursuant to section 3313.66 of the Revised Code and the reason 3212
for the suspension or expulsion is the use or possession of 3213
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3214
superintendent of schools of that district may notify the 3215
registrar and the juvenile judge of the county in which the 3216
district is located of such suspension or expulsion. Any such 3217
notification of suspension or expulsion shall be given to the 3218
registrar, in the manner the registrar by rule requires and 3219
shall be given to the juvenile judge in writing. The 3220
notifications shall be given within two weeks after the 3221
suspension or expulsion. 3222

(4) Whenever a pupil is suspended, expelled, removed, or 3223
permanently excluded from a school for misconduct included in a 3224
policy that the board of education of a city, exempted village, 3225
or local school district has adopted under division (A) of 3226
section 3313.661 of the Revised Code, and the misconduct 3227
involves a firearm or a knife or other weapon as defined in that 3228
policy, the superintendent of schools of that district shall 3229
notify the registrar and the juvenile judge of the county in 3230
which the district is located of the suspension, expulsion, 3231
removal, or permanent exclusion. The notification shall be given 3232
to the registrar in the manner the registrar, by rule, requires 3233
and shall be given to the juvenile judge in writing. The 3234
notifications shall be given within two weeks after the 3235
suspension, expulsion, removal, or permanent exclusion. 3236

(C) A notification of withdrawal, habitual absence without 3237
legitimate excuse, suspension, or expulsion given to the 3238
registrar or a juvenile judge under division (B) (1), (2), (3), 3239
or (4) of this section shall contain the name, address, date of 3240
birth, school, and school district of the child. If the 3241
superintendent finds, after giving a notification of withdrawal, 3242
habitual absence without legitimate excuse, suspension, or 3243
expulsion to the registrar and the juvenile judge under division 3244
(B) (1), (2), (3), or (4) of this section, that the notification 3245
was given in error, the superintendent immediately shall notify 3246
the registrar and the juvenile judge of that fact. 3247

Sec. 3321.16. (A) An attendance officer or assistant 3248
provided for by section 3321.14 or 3321.15 of the Revised Code 3249
may investigate any case of nonattendance at school or part-time 3250
school of a child under eighteen years of age or supposed to be 3251
under eighteen years of age resident in the district for which 3252
such attendance officer or assistant is employed, or of any such 3253

child found in the district or enrolled in any school within the 3254
district and of any child above eighteen years of age if 3255
enrolled in any school within the district, and may take such 3256
action as the superintendent of schools directs or as such 3257
attendance officer or assistant deems proper in the absence of 3258
specific direction. 3259

(B) (1) Subject to divisions (B) (2) and (3) of this 3260
section, the attendance officer shall file a complaint in the 3261
juvenile court against a student on the sixty-first day after 3262
the implementation of an absence intervention plan or other 3263
intervention strategies, provided that all of the following 3264
apply: 3265

(a) The student was absent without legitimate excuse from 3266
the public school the child is supposed to attend for thirty or 3267
more consecutive hours, forty-two or more hours in one school 3268
month, or seventy-two or more hours in a school year. 3269

(b) The school district or school has made meaningful 3270
attempts to re-engage the student through the absence 3271
intervention plan, other intervention strategies, and any 3272
offered alternatives to adjudication described under division 3273
(C) (2) (b) of section 3321.191 of the Revised Code. 3274

(c) The student has refused to participate in or failed to 3275
make satisfactory progress on the plan, as determined by the 3276
absence intervention team, or any offered intervention 3277
strategies or alternative to adjudication. 3278

(2) If the student, at any time during the implementation 3279
phase of the absence intervention plan or other intervention 3280
strategies, is absent without legitimate excuse for thirty or 3281
more consecutive hours or forty-two or more hours in one school 3282

month, the attendance officer shall file a complaint in juvenile 3283
court against that student, unless the absence intervention team 3284
has determined that the student has made substantial progress on 3285
the absence intervention plan. 3286

(3) In the event that the sixty-first day after the 3287
implementation of the absence intervention plan or other 3288
intervention strategies falls on a day during the summer months, 3289
in the school district's discretion, the absence intervention 3290
team or the attendance officer may extend the implementation of 3291
the plan and delay the filing of the complaint for an additional 3292
thirty days from the first day of instruction of the next school 3293
year. 3294

Sec. 3321.19. (A) As used in this section and section 3295
3321.191 of the Revised Code+ 3296

~~(1) "Habitual",~~ "habitual truant" has the same meaning as 3297
in section 2151.011 of the Revised Code. 3298

~~(2) "Chronic truant" has the same meaning as in section-~~ 3299
~~2152.02 of the Revised Code.~~ 3300

(B) When a board of education of any city, exempted 3301
village, local, joint vocational, or cooperative education 3302
school district or the governing board of any educational 3303
service center determines that a student in its district has 3304
been truant and the parent, guardian, or other person having 3305
care of the child has failed to cause the student's attendance 3306
at school, the board may require the parent, guardian, or other 3307
person having care of the child pursuant to division (B) of this 3308
section to attend an educational program established pursuant to 3309
rules adopted by the state board of education for the purpose of 3310
encouraging parental involvement in compelling the attendance of 3311

the child at school. 3312

No parent, guardian, or other person having care of a 3313
child shall fail without good cause to attend an educational 3314
program described in this division if the parent, guardian, or 3315
other person has been served notice pursuant to division (C) of 3316
this section. 3317

(C) On the request of the superintendent of schools, the 3318
superintendent of any educational service center, the board of 3319
education of any city, exempted village, local, joint 3320
vocational, or cooperative education school district, or the 3321
governing board of any educational service center or when it 3322
otherwise comes to the notice of the attendance officer or other 3323
appropriate officer of the school district, the attendance 3324
officer or other appropriate officer shall examine into any case 3325
of supposed truancy within the district and shall warn the 3326
child, if found truant, and the child's parent, guardian, or 3327
other person having care of the child, in writing, of the legal 3328
consequences of being ~~an habitual or chronic~~ truant. When any 3329
child of compulsory school age, in violation of law, is not 3330
attending school, the attendance or other appropriate officer 3331
shall notify the parent, guardian, or other person having care 3332
of that child of the fact, and require the parent, guardian, or 3333
other person to cause the child to attend school immediately. 3334
The parent, guardian, or other person having care of the child 3335
shall cause the child's attendance at school. Upon the failure 3336
of the parent, guardian, or other person having care of the 3337
child to do so, the attendance officer or other appropriate 3338
officer, if so directed by the superintendent, the district 3339
board, or the educational service center governing board, shall 3340
send notice requiring the attendance of that parent, guardian, 3341
or other person at a parental education program established 3342

pursuant to division (B) of this section and, subject to 3343
divisions (D) and (E) of this section, may file a complaint 3344
against the parent, guardian, or other person having care of the 3345
child in any court of competent jurisdiction. 3346

(D) ~~(1)~~ Upon the failure of the parent, guardian, or other 3347
person having care of the child to cause the child's attendance 3348
at school, if the child is considered an habitual truant, the 3349
board of education of the school district or the governing board 3350
of the educational service center, within ten days, subject to 3351
division (E) of this section, shall ~~do either or both of the~~ 3352
~~following:~~ 3353

~~(1) Take any appropriate action as an intervention~~ 3354
~~strategy contained in the policy developed by the board pursuant~~ 3355
~~to section 3321.191 of the Revised Code;~~ 3356

~~(2) File~~ assign the student to an absence intervention 3357
team as described in division (C) of section 3321.191 of the 3358
Revised Code. 3359

(2) The attendance officer shall file a complaint in the 3360
juvenile court of the county in which the child has a residence 3361
or legal settlement or in which the child is supposed to attend 3362
school jointly against the child and the parent, guardian, or 3363
other person having care of the child, in accordance with the 3364
timelines and conditions set forth in division (B) of section 3365
3321.16 of the Revised Code. A complaint filed in the juvenile 3366
court under this division shall allege that the child is an 3367
unruly child for being an habitual truant ~~or is a delinquent~~ 3368
~~child for being an habitual truant who previously has been~~ 3369
~~adjudicated an unruly child for being an habitual truant and~~ 3370
that the parent, guardian, or other person having care of the 3371
child has violated section 3321.38 of the Revised Code. 3372

(E) A school district with a chronic absenteeism 3373
percentage that is less than five per cent, as displayed on the 3374
district's most recent report card issued under section 3302.03 3375
of the Revised Code, and the school buildings within that 3376
district, shall be exempt from the requirement to assign 3377
habitually truant students to an absence intervention team for 3378
the following school year and shall instead take any appropriate 3379
action as an intervention strategy contained in the policy 3380
developed by the district board pursuant to divisions (A) and 3381
(B) of section 3321.191 of the Revised Code. In the event that 3382
those intervention strategies fail, within sixty-one days after 3383
their implementation, the attendance officer shall file a 3384
complaint, provided that the conditions described in division 3385
(B) of section 3321.16 of the Revised Code are satisfied. 3386

Sec. 3321.191. (A) ~~No later than August 31, 2000~~ Effective 3387
beginning with the 2017-2018 school year, the board of education 3388
of each city, exempted village, local, joint vocational, and 3389
cooperative education school district and the governing board of 3390
each educational service center shall adopt a new or amended 3391
policy to guide employees of the school district or service 3392
center in addressing and ameliorating ~~the attendance practice of~~ 3393
~~any pupil who is an habitual truant~~ student absences. In 3394
developing the policy, the appropriate board shall consult with 3395
the judge of the juvenile court of the county or counties in 3396
which the district or service center is located, with the 3397
parents, guardians, or other persons having care of the pupils 3398
attending school in the district, and with appropriate state and 3399
local agencies. ~~The board shall incorporate into the policy as~~ 3400
~~an intervention strategy the assignment of an habitual truant to~~ 3401
~~an alternative school pursuant to section 3313.533 of the~~ 3402
~~Revised Code if an alternative school has been established by~~ 3403

~~the board under that section.~~ 3404

(B) The policy developed under division (A) of this 3405
section ~~may~~ shall include as an intervention strategy ~~any~~ all of 3406
the following actions, if ~~appropriate~~ applicable: 3407

(1) Providing a truancy intervention ~~program plan for an~~ 3408
~~habitual truant any student who is excessively absent from~~ 3409
school, as described in the first paragraph of division (C) of 3410
this section; 3411

(2) Providing counseling for an habitual truant; 3412

(3) Requesting or requiring a parent, guardian, or other 3413
person having care of an habitual truant to attend parental 3414
involvement programs, including programs adopted under section 3415
3313.472 or 3313.663 of the Revised Code; 3416

(4) Requesting or requiring a parent, guardian, or other 3417
person having care of an habitual truant to attend truancy 3418
prevention mediation programs; 3419

(5) Notification of the registrar of motor vehicles under 3420
section 3321.13 of the Revised Code; 3421

(6) Taking legal action under section 2919.222, 3321.20, 3422
or 3321.38 of the Revised Code. 3423

(C) (1) In the event that a child of compulsory school age 3424
is absent with or without legitimate excuse from the public 3425
school the child is supposed to attend for thirty-eight or more 3426
hours in one school month, or sixty-five or more hours in a 3427
school year, the attendance officer of that school shall notify 3428
the child's parent, guardian, or custodian of the child's 3429
absences, in writing, within seven days after the date after the 3430
absence that triggered the notice requirement. At the time 3431

notice is given, the school also may take any appropriate action 3432
as an intervention strategy contained in the policy developed by 3433
the board pursuant to division (A) of this section. 3434

(2) (a) If the absences of a student surpass the threshold 3435
for an habitual truant as set forth in section 2151.011 of the 3436
Revised Code, the principal or chief administrator of the school 3437
or the superintendent of the school district shall assign the 3438
student to an absence intervention team. Within fourteen school 3439
days after the assignment of a student to an absence 3440
intervention team, the team shall develop an intervention plan 3441
for that student in an effort to reduce or eliminate further 3442
absences. Each intervention plan shall vary based on the 3443
individual needs of the student, but the plan shall state that 3444
the attendance officer shall file a complaint not later than 3445
sixty-one days after the date the plan was implemented, if the 3446
child has refused to participate in, or failed to make 3447
satisfactory progress on, the intervention plan or an 3448
alternative to adjudication under division (C) (2) (b) of section 3449
3321.191 of the Revised Code. Within seven days after the 3450
development of the plan, the school district or school shall 3451
make reasonable efforts to provide the student's parent, 3452
guardian, custodian, guardian ad litem, or temporary custodian 3453
with written notice of the plan. 3454

(b) As part of the absence intervention plan described in 3455
division (C) (2) of this section, the school district or school, 3456
in its discretion, may contact the appropriate juvenile court 3457
and ask to have a student informally enrolled in any alternative 3458
to adjudication described in division (G) of section 2151.27 of 3459
the Revised Code. If the school district or school chooses to 3460
have students informally enrolled in an alternative to 3461
adjudication, the school district or school shall develop a 3462

written policy regarding the use of, and selection process for, 3463
offering alternatives to adjudication to ensure fairness. 3464

(c) The superintendent of each school district, or the 3465
superintendent's designee, shall establish an absence 3466
intervention team for the district to be used by any schools of 3467
the district that do not establish their own absence 3468
intervention team as permitted under division (C)(2)(d) of this 3469
section. Membership of each absence intervention team may vary 3470
based on the needs of each individual student but shall include 3471
a representative from the child's school district or school, 3472
another representative from the child's school district or 3473
school who knows the child, and the child's parent or parent's 3474
designee, or the child's guardian, custodian, guardian ad litem, 3475
or temporary custodian. The team also may include a school 3476
psychologist, counselor, social worker, or representative of a 3477
public or nonprofit agency designed to assist students and their 3478
families in reducing absences. 3479

(d) The principal or chief administrator of each school 3480
may establish an absence intervention team or series of teams to 3481
be used in lieu of the district team established pursuant to 3482
division (C)(2)(c) of this section. Membership of each absence 3483
intervention team may vary based on the needs of each individual 3484
student but shall include a representative from the child's 3485
school district or school, another representative from the 3486
child's school district or school who knows the child, and the 3487
child's parent or parent's designee, or the child's guardian, 3488
custodian, guardian ad litem, or temporary custodian. The team 3489
also may include a school psychologist, counselor, social 3490
worker, or representative of a public or nonprofit agency 3491
designed to assist students and their families in reducing 3492
absences. 3493

(e) A superintendent, as described in division (C) (2) (c) 3494
of this section, or principal or chief administrator, as 3495
described in division (C) (2) (d) of this section, shall select 3496
the members of an absence intervention team within seven school 3497
days of the triggering event described in division (C) (2) (a) of 3498
this section. The superintendent, principal, or chief 3499
administrator, within the same period of seven school days, 3500
shall make at least three meaningful, good faith attempts to 3501
secure the participation of the student's parent, guardian, 3502
custodian, guardian ad litem, or temporary custodian on that 3503
team. If the student's parent responds to any of those attempts, 3504
but is unable to participate for any reason, the representative 3505
of the school district shall inform the parent of the parent's 3506
right to appear by designee. If seven school days elapse and the 3507
student's parent, guardian, custodian, guardian ad litem, or 3508
temporary custodian fails to respond to the attempts to secure 3509
participation, the school district or school shall do both of 3510
the following: 3511

(i) Investigate whether the failure to respond triggers 3512
mandatory reporting to the public children services agency for 3513
the county in which the child resides in the manner described in 3514
section 2151.421 of the Revised Code; 3515

(ii) Instruct the absence intervention team to develop an 3516
intervention plan for the child notwithstanding the absence of 3517
the child's parent, guardian, custodian, guardian ad litem, or 3518
temporary custodian. 3519

(f) In the event that a student becomes habitually truant 3520
within twenty-one school days prior to the last day of 3521
instruction of a school year, the school district or school may, 3522
in its discretion, assign one school official to work with the 3523

child's parent, guardian, custodian, guardian ad litem, or 3524
temporary custodian to develop an absence intervention plan 3525
during the summer. If the school district or school selects this 3526
method, the plan shall be implemented not later than seven days 3527
prior to the first day of instruction of the next school year. 3528
In the alternative, the school district or school may toll the 3529
time periods to accommodate for the summer months and reconvene 3530
the absence intervention process upon the first day of 3531
instruction of the next school year. 3532

(3) For purposes of divisions (C) (2) (c) and (d) of this 3533
section, the state board of education shall develop a format for 3534
parental permission to ensure compliance with the "Family 3535
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3536
U.S.C. 1232g, as amended, and any regulations promulgated under 3537
that act, and section 3319.321 of the Revised Code. 3538

(D) Each school district or school may consult or partner 3539
with public and nonprofit agencies to provide assistance as 3540
appropriate to students and their families in reducing absences. 3541

(E) Beginning with the 2017-2018 school year, each school 3542
district shall report to the department of education, as soon as 3543
practicable, and in a format and manner determined by the 3544
department, any of the following occurrences: 3545

(1) When a notice required by division (C) (1) of this 3546
section is submitted to a parent, guardian, or custodian; 3547

(2) When a child of compulsory school age has been absent 3548
without legitimate excuse from the public school the child is 3549
supposed to attend for thirty or more consecutive hours, forty- 3550
two or more hours in one school month, or seventy-two or more 3551
hours in a school year; 3552

(3) When a child of compulsory school age who has been 3553
adjudicated an unruly child for being an habitual truant 3554
violates the court order regarding that adjudication; 3555

(4) When an absence intervention plan has been implemented 3556
for a child under this section. 3557

(F) Nothing in this section shall be construed to limit 3558
the duty or authority of a district board of education or 3559
governing body of an educational service center to develop other 3560
policies related to truancy or to limit the duty or authority of 3561
any employee of the school district or service center to respond 3562
to pupil truancy. However, a board shall be subject to the 3563
prohibition against suspending, expelling, or otherwise 3564
preventing a student from attending school for excessive 3565
absences as prescribed by section 3313.668 of the Revised Code. 3566

Sec. 3321.22. (A) Except as provided in division (B) of 3567
this section, if a complaint is filed against the parent, 3568
guardian, or other person in charge of a child for a failure to 3569
cause the child to attend school or a part-time school or class 3570
and if the parent, guardian, or other person proves an inability 3571
to do so, then the parent, guardian, or other person in charge 3572
of a child shall be discharged. Upon the discharge, the 3573
attendance officer shall file a complaint before the judge of 3574
the juvenile court of the county alleging that the child is a 3575
delinquent child, unruly child, or dependent child within the 3576
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 3577
Code. The judge shall hear the complaint and if the judge 3578
determines that the child is a delinquent, unruly, or dependent 3579
child within one of those sections the judge shall deal with the 3580
child according to section 2151.35 or 2151.36 of the Revised 3581
Code. 3582

(B) Division (A) of this section does not apply regarding 3583
a complaint filed under division (D) or (E) of section 3321.19 3584
of the Revised Code or otherwise filed and alleging that a child 3585
is an habitual truant ~~or chronic truant~~. 3586

Sec. 3321.38. (A) No parent, guardian, or other person 3587
having care of a child of compulsory school age shall violate 3588
any provision of section 3321.01, 3321.03, 3321.04, 3321.07, 3589
3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The 3590
juvenile court, which has exclusive original jurisdiction over 3591
any violation of this section pursuant to section 2151.23 of the 3592
Revised Code, may require a person convicted of violating this 3593
division to give bond in a sum of not more than five hundred 3594
dollars with sureties to the approval of the court, conditioned 3595
that the person will cause the child under the person's charge 3596
to attend upon instruction as provided by law, and remain as a 3597
pupil in the school or class during the term prescribed by law. 3598
If the juvenile court adjudicates the child as an unruly or 3599
delinquent child for being an habitual ~~or chronic~~ truant 3600
pursuant to section 2151.35 of the Revised Code, the court shall 3601
warn the parent, guardian, or other person having care of the 3602
child that any subsequent adjudication of that nature involving 3603
the child may result in a criminal charge against the parent, 3604
guardian, or other person having care of the child for a 3605
violation of division (C) of section 2919.21 or section 2919.24 3606
of the Revised Code. 3607

(B) This section does not relieve from prosecution and 3608
conviction any parent, guardian, or other person upon further 3609
violation of any provision in any of the sections specified in 3610
division (A) of this section, any provision of section 2919.222 3611
or 2919.24 of the Revised Code, or division (C) of section 3612
2919.21 of the Revised Code. A forfeiture of the bond shall not 3613

relieve that parent, guardian, or other person from prosecution 3614
and conviction upon further violation of any provision in any of 3615
those sections or that division. 3616

(C) Section 4109.13 of the Revised Code applies to this 3617
section. 3618

(D) No parent, guardian, or other person having care of a 3619
child of ~~compulsary~~compulsory school age shall fail to give 3620
bond as required by division (A) of this section in the sum of 3621
~~one~~not more than five hundred dollars with sureties as required 3622
by the court. 3623

Sec. 3326.11. Each science, technology, engineering, and 3624
mathematics school established under this chapter and its 3625
governing body shall comply with sections 9.90, 9.91, 109.65, 3626
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3627
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 3628
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3629
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3630
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 3631
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3632
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3633
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3634
3313.716, 3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3635
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3636
3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3637
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 3638
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 3639
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3640
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 3641
the Revised Code as if it were a school district. 3642

Sec. 3328.24. A college-preparatory boarding school 3643

established under this chapter and its board of trustees shall 3644
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3645
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6021, 3313.6411, 3646
3313.668, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3647
3319.46 and Chapter 3365. of the Revised Code as if the school 3648
were a school district and the school's board of trustees were a 3649
district board of education. 3650

Sec. 4510.32. (A) The registrar of motor vehicles shall 3651
record within ten days of receipt and keep at the main office of 3652
the bureau of motor vehicles all information provided to the 3653
registrar by the superintendent of a school district in 3654
accordance with division (B) of section 3321.13 of the Revised 3655
Code. 3656

(B) Whenever the registrar receives a notice under 3657
division (B) of section 3321.13 of the Revised Code, the 3658
registrar shall impose a class F suspension of the temporary 3659
instruction permit or driver's license of the person who is the 3660
subject of the notice for the period of time specified in 3661
division (B)(6) of section 4510.02 of the Revised Code, or, if 3662
the person has not been issued a temporary instruction permit or 3663
driver's license, the registrar shall deny to the person the 3664
issuance of a permit or license. The requirements of the second 3665
paragraph of section 119.06 of the Revised Code do not apply to 3666
a suspension of a person's temporary instruction permit or 3667
driver's license or a denial of a person's opportunity to obtain 3668
a temporary instruction permit or driver's license by the 3669
registrar under this division. 3670

(C) Upon suspending the temporary instruction permit or 3671
driver's license of any person or denying any person the 3672
opportunity to be issued such a license or permit as provided in 3673

division (B) of this section, the registrar immediately shall 3674
notify the person in writing of the suspension or denial and 3675
inform the person that the person may petition for a hearing as 3676
provided in division (E) of this section. 3677

(D) Any person whose permit or license is suspended under 3678
this section shall mail or deliver the person's permit or 3679
license to the registrar of motor vehicles within twenty days of 3680
notification of the suspension; however, the person's permit or 3681
license and the person's driving privileges shall be suspended 3682
immediately upon receipt of the notification. The registrar may 3683
retain the permit or license during the period of the suspension 3684
or the registrar may destroy it under section 4510.52 of the 3685
Revised Code. 3686

(E) Any person whose temporary instruction permit or 3687
driver's license has been suspended, or whose opportunity to 3688
obtain such a permit or license has been denied pursuant to this 3689
section, may file a petition in the juvenile court in whose 3690
jurisdiction the person resides alleging error in the action 3691
taken by the registrar under division (B) of this section or 3692
alleging one or more of the matters within the scope of the 3693
hearing, as described in this division, or both. The petitioner 3694
shall notify the registrar and the superintendent of the school 3695
district who gave the notice to the registrar and juvenile judge 3696
under division (B) of section 3321.13 of the Revised Code of the 3697
filing of the petition and send them copies of the petition. The 3698
scope of the hearing is limited to the issues of whether the 3699
notice given by the superintendent to the registrar was in error 3700
and whether the suspension or denial of driving privileges will 3701
result in substantial hardship to the petitioner. 3702

The registrar shall furnish the court a copy of the record 3703

created in accordance with division (A) of this section. The 3704
registrar and the superintendent shall furnish the court with 3705
any other relevant information required by the court. 3706

In hearing the matter and determining whether the 3707
petitioner has shown that the petitioner's temporary instruction 3708
permit or driver's license should not be suspended or that the 3709
petitioner's opportunity to obtain such a permit or license 3710
should not be denied, the court shall decide the issue upon the 3711
information furnished by the registrar and the superintendent 3712
and any such additional evidence that the registrar, the 3713
superintendent, or the petitioner submits. 3714

If the court finds from the evidence submitted that the 3715
petitioner has failed to show error in the action taken by the 3716
registrar under division (B) of this section and has failed to 3717
prove any of the matters within the scope of the hearing, then 3718
the court may assess the cost of the proceeding against the 3719
petitioner and shall uphold the suspension of the petitioner's 3720
permit or license or the denial of the petitioner's opportunity 3721
to obtain a permit or license. If the court finds that the 3722
petitioner has shown error in the action taken by the registrar 3723
under division (B) of this section or has proved one or more of 3724
the matters within the scope of the hearing, or both, the cost 3725
of the proceeding shall be paid out of the county treasury of 3726
the county in which the proceedings were held, and the 3727
suspension of the petitioner's permit or license or the denial 3728
of the person's opportunity to obtain a permit or license shall 3729
be terminated. 3730

(F) The registrar shall cancel the record created under 3731
this section of any person who is the subject of a notice given 3732
under division (B) of section 3321.13 of the Revised Code and 3733

shall terminate the suspension of the person's permit or license 3734
or the denial of the person's opportunity to obtain a permit or 3735
license, if any of the following applies: 3736

(1) The person is at least eighteen years of age. 3737

(2) The person provides evidence, as the registrar shall 3738
require by rule, of receipt of a high school diploma or a 3739
certificate of high school equivalence. 3740

(3) The superintendent of a school district informs the 3741
registrar that the notification of withdrawal, habitual absence 3742
without legitimate excuse, suspension, or expulsion concerning 3743
the person was in error. 3744

(4) The suspension or denial was imposed subsequent to a 3745
notification given under division (B)(3) or (4) of section 3746
3321.13 of the Revised Code, and the superintendent of a school 3747
district informs the registrar that the person in question has 3748
satisfied any terms or conditions established by the school as 3749
necessary to terminate the suspension or denial of driving 3750
privileges. 3751

(5) The suspension or denial was imposed subsequent to a 3752
notification given under division (B)(1) of section 3321.13 of 3753
the Revised Code, and the superintendent of a school district 3754
informs the registrar that the person in question is now 3755
attending school or enrolled in and attending an approved 3756
program to obtain a diploma or its equivalent to the 3757
satisfaction of the school superintendent. 3758

(6) The suspension or denial was imposed subsequent to a 3759
notification given under division (B)(2) of section 3321.13 of 3760
the Revised Code, the person has completed at least one semester 3761
or term of school after the one in which the notification was 3762

given, the person requests the superintendent of the school 3763
district to notify the registrar that the person no longer is 3764
habitually absent without legitimate excuse, the superintendent 3765
determines that the person has not been absent from school 3766
without legitimate excuse in the current semester or term, as 3767
determined under that division, for more than ~~ten-sixty~~ 3768
consecutive school days hours or for more than ~~fifteen-ninety~~ 3769
total school days hours, and the superintendent informs the 3770
registrar of that fact. If a person described in division (F) (6) 3771
of this section requests the superintendent of the school 3772
district to notify the registrar that the person no longer is 3773
habitually absent without legitimate excuse and the 3774
superintendent makes the determination described in this 3775
division, the superintendent shall provide the information 3776
described in division (F) (6) of this section to the registrar 3777
within five days after receiving the request. 3778

(7) The suspension or denial was imposed subsequent to a 3779
notification given under division (B) (2) of section 3321.13 of 3780
the Revised Code, and the superintendent of a school district 3781
informs the registrar that the person in question has received 3782
an age and schooling certificate in accordance with section 3783
3331.01 of the Revised Code. 3784

(8) The person filed a petition in court under division 3785
(E) of this section and the court found that the person showed 3786
error in the action taken by the registrar under division (B) of 3787
this section or proved one or more of the matters within the 3788
scope of the hearing on the petition, as set forth in division 3789
(E) of this section, or both. 3790

At the end of the suspension period under this section and 3791
upon the request of the person whose temporary instruction 3792

permit or driver's license was suspended, the registrar shall 3793
return the driver's license or permit to the person or reissue 3794
the person's license or permit under section 4510.52 of the 3795
Revised Code, if the registrar destroyed the suspended license 3796
or permit under that section. 3797

Sec. 5919.34. (A) As used in this section: 3798

(1) "Academic term" means any one of the following: 3799

(a) Fall term, which consists of fall semester or fall 3800
quarter, as appropriate; 3801

(b) Winter term, which consists of winter semester, winter 3802
quarter, or spring semester, as appropriate; 3803

(c) Spring term, which consists of spring quarter; 3804

(d) Summer term, which consists of summer semester or 3805
summer quarter, as appropriate. 3806

(2) "Eligible applicant" means any individual to whom all 3807
of the following apply: 3808

(a) The individual does not possess a baccalaureate 3809
degree. 3810

(b) The individual has enlisted, re-enlisted, or extended 3811
current enlistment in the Ohio national guard or is an 3812
individual to which division (F) of this section applies. 3813

(c) The individual is actively enrolled as a full-time or 3814
part-time student for at least three credit hours of course work 3815
in a semester or quarter in a two-year or four-year degree- 3816
granting program at a state institution of higher education or a 3817
private institution of higher education, or in a diploma- 3818
granting program at a state or private institution of higher 3819

education that is a school of nursing. 3820

(d) The individual has not accumulated ninety-six 3821
eligibility units under division (E) of this section. 3822

(3) "State institution of higher education" means any 3823
state university or college as defined in division (A)(1) of 3824
section 3345.12 of the Revised Code, community college 3825
established under Chapter 3354. of the Revised Code, state 3826
community college established under Chapter 3358. of the Revised 3827
Code, university branch established under Chapter 3355. of the 3828
Revised Code, or technical college established under Chapter 3829
3357. of the Revised Code. 3830

(4) "Private institution of higher education" means an 3831
Ohio institution of higher education that is nonprofit and has 3832
received a certificate of authorization pursuant to Chapter 3833
1713. of the Revised Code, that is a private institution exempt 3834
from regulation under Chapter 3332. of the Revised Code as 3835
prescribed in section 3333.046 of the Revised Code, or that 3836
holds a certificate of registration and program authorization 3837
issued by the state board of career colleges and schools 3838
pursuant to section 3332.05 of the Revised Code. 3839

(5) "Tuition" means the charges imposed to attend an 3840
institution of higher education and includes general and 3841
instructional fees. "Tuition" does not include laboratory fees, 3842
room and board, or other similar fees and charges. 3843

(B) There is hereby created a scholarship program to be 3844
known as the Ohio national guard scholarship program. 3845

(C) (1) The adjutant general shall approve scholarships for 3846
all eligible applicants. The adjutant general shall process all 3847
applications for scholarships for each academic term in the 3848

order in which they are received. The scholarships shall be made 3849
without regard to financial need. At no time shall one person be 3850
placed in priority over another because of sex, race, or 3851
religion. 3852

(2) The adjutant general shall develop and provide a 3853
written explanation that informs all eligible scholarship 3854
recipients that the recipient may become ineligible and liable 3855
for repayment for an amount of scholarship payments received in 3856
accordance with division (G) of this section. The written 3857
explanation shall be reviewed by the scholarship recipient 3858
before acceptance of the scholarship and before acceptance of an 3859
enlistment, warrant, commission, or appointment for a term not 3860
less than the recipient's remaining term in the national guard 3861
or in the active duty component of the United States armed 3862
forces. 3863

(D) (1) Except as provided in divisions (I) and (J) of this 3864
section, for each academic term that an eligible applicant is 3865
approved for a scholarship under this section and either remains 3866
a current member in good standing of the Ohio national guard or 3867
is eligible for a scholarship under division (F) (1) of this 3868
section, the institution of higher education in which the 3869
applicant is enrolled shall, if the applicant's enlistment 3870
obligation extends beyond the end of that academic term or if 3871
division (F) (1) of this section applies, be paid on the 3872
applicant's behalf the applicable one of the following amounts: 3873

(a) If the institution is a state institution of higher 3874
education, an amount equal to one hundred per cent of the 3875
institution's tuition charges; 3876

(b) If the institution is a nonprofit private institution 3877
or a private institution exempt from regulation under Chapter 3878

3332. of the Revised Code as prescribed in section 3333.046 of 3879
the Revised Code, an amount equal to one hundred per cent of the 3880
average tuition charges of all state universities; 3881

(c) If the institution is an institution that holds a 3882
certificate of registration from the state board of career 3883
colleges and schools, the lesser of the following: 3884

(i) An amount equal to one hundred per cent of the 3885
institution's tuition; 3886

(ii) An amount equal to one hundred per cent of the 3887
average tuition charges of all state universities, as that term 3888
is defined in section 3345.011 of the Revised Code. 3889

(2) An eligible applicant's scholarship shall not be 3890
reduced by the amount of that applicant's benefits under "the 3891
Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 3892
2553 (1984). 3893

(E) A scholarship recipient under this section shall be 3894
entitled to receive scholarships under this section for the 3895
number of quarters or semesters it takes the recipient to 3896
accumulate ninety-six eligibility units as determined under 3897
divisions (E) (1) to (3) of this section. 3898

(1) To determine the maximum number of semesters or 3899
quarters for which a recipient is entitled to a scholarship 3900
under this section, the adjutant general shall convert a 3901
recipient's credit hours of enrollment for each academic term 3902
into eligibility units in accordance with the following table: 3903

	The		3904
Number of	following	The following	3905
credit hours	number of	number of	3906
of enrollment	eligibility	eligibility	3907

in an academic	units if a	units if a	3908
term equals	semester	or quarter	3909
			3910
12 or more hours	12 units	8 units	3911
9 but less than 12	9 units	6 units	3912
6 but less than 9	6 units	4 units	3913
3 but less than 6	3 units	2 units	3914

(2) A scholarship recipient under this section may 3915
continue to apply for scholarships under this section until the 3916
recipient has accumulated ninety-six eligibility units. 3917

(3) If a scholarship recipient withdraws from courses 3918
prior to the end of an academic term so that the recipient's 3919
enrollment for that academic term is less than three credit 3920
hours, no scholarship shall be paid on behalf of that person for 3921
that academic term. Except as provided in division (F) (3) of 3922
this section, if a scholarship has already been paid on behalf 3923
of the person for that academic term, the adjutant general shall 3924
add to that person's accumulated eligibility units the number of 3925
eligibility units for which the scholarship was paid. 3926

(F) This division applies to any eligible applicant called 3927
into active duty on or after September 11, 2001. As used in this 3928
division, "active duty" means active duty pursuant to an 3929
executive order of the president of the United States, an act of 3930
the congress of the United States, or section 5919.29 or 5923.21 3931
of the Revised Code. 3932

(1) For a period of up to five years from when an 3933
individual's enlistment obligation in the Ohio national guard 3934
ends, an individual to whom this division applies is eligible 3935
for scholarships under this section for those academic terms 3936
that were missed or could have been missed as a result of the 3937

individual's call into active duty. Scholarships shall not be 3938
paid for the academic term in which an eligible applicant's 3939
enlistment obligation ends unless an applicant is eligible under 3940
this division for a scholarship for such academic term due to 3941
previous active duty. 3942

(2) When an individual to whom this division applies 3943
withdraws or otherwise fails to complete courses, for which 3944
scholarships have been awarded under this section, because the 3945
individual was called into active duty, the institution of 3946
higher education shall grant the individual a leave of absence 3947
from the individual's education program and shall not impose any 3948
academic penalty for such withdrawal or failure to complete 3949
courses. Division (F)(2) of this section applies regardless of 3950
whether or not the scholarship amount was paid to the 3951
institution of higher education. 3952

(3) If an individual to whom this division applies 3953
withdraws or otherwise fails to complete courses because the 3954
individual was called into active duty, and if scholarships for 3955
those courses have already been paid, either: 3956

(a) The adjutant general shall not add to that person's 3957
accumulated eligibility units calculated under division (E) of 3958
this section the number of eligibility units for the academic 3959
courses or term for which the scholarship was paid and the 3960
institution of higher education shall repay the scholarship 3961
amount to the state. 3962

(b) The adjutant general shall add to that individual's 3963
accumulated eligibility units calculated under division (E) of 3964
this section the number of eligibility units for the academic 3965
courses or term for which the scholarship was paid if the 3966
institution of higher education agrees to permit the individual 3967

to complete the remainder of the academic courses in which the 3968
individual was enrolled at the time the individual was called 3969
into active duty. 3970

(4) No individual who is discharged from the Ohio national 3971
guard under other than honorable conditions shall be eligible 3972
for scholarships under this division. 3973

(G) A scholarship recipient under this section who fails 3974
to complete the term of enlistment, re-enlistment, or extension 3975
of current enlistment the recipient was serving at the time a 3976
scholarship was paid on behalf of the recipient under this 3977
section is liable to the state for repayment of a percentage of 3978
all Ohio national guard scholarships paid on behalf of the 3979
recipient under this section, plus interest at the rate of ten 3980
per cent per annum calculated from the dates the scholarships 3981
were paid. This percentage shall equal the percentage of the 3982
current term of enlistment, re-enlistment, or extension of 3983
enlistment a recipient has not completed as of the date the 3984
recipient is discharged from the Ohio national guard. 3985

The attorney general may commence a civil action on behalf 3986
of the chancellor of the Ohio board of regents to recover the 3987
amount of the scholarships and the interest provided for in this 3988
division and the expenses incurred in prosecuting the action, 3989
including court costs and reasonable attorney's fees. A 3990
scholarship recipient is not liable under this division if the 3991
recipient's failure to complete the term of enlistment being 3992
served at the time a scholarship was paid on behalf of the 3993
recipient under this section is due to the recipient's death or 3994
discharge from the national guard due to disability or the 3995
recipient's enlistment, warrant, commission, or appointment for 3996
a term not less than the recipient's remaining term in the 3997

national guard or in the active duty component of the United 3998
States armed forces. 3999

(H) On or before the first day of each academic term, the 4000
adjutant general shall provide an eligibility roster to the 4001
chancellor and to each institution of higher education at which 4002
one or more scholarship recipients have applied for enrollment. 4003
The institution shall use the roster to certify the actual full- 4004
time or part-time enrollment of each scholarship recipient 4005
listed as enrolled at the institution and return the roster to 4006
the adjutant general and the chancellor. Except as provided in 4007
division (J) of this section, the chancellor shall provide for 4008
payment of the appropriate number and amount of scholarships to 4009
each institution of higher education pursuant to division (D) of 4010
this section. If an institution of higher education fails to 4011
certify the actual enrollment of a scholarship recipient listed 4012
as enrolled at the institution within thirty days of the end of 4013
an academic term, the institution shall not be eligible to 4014
receive payment from the Ohio national guard scholarship program 4015
or from the individual enrollee. The adjutant general shall 4016
report on a semiannual basis to the director of budget and 4017
management, the speaker of the house of representatives, the 4018
president of the senate, and the chancellor the number of Ohio 4019
national guard scholarship recipients, the size of the 4020
scholarship-eligible population, and a projection of the cost of 4021
the program for the remainder of the biennium. 4022

(I) The chancellor and the adjutant general may adopt 4023
rules pursuant to Chapter 119. of the Revised Code governing the 4024
administration and fiscal management of the Ohio national guard 4025
scholarship program and the procedure by which the chancellor 4026
and the department of the adjutant general may modify the amount 4027
of scholarships a member receives based on the amount of other 4028

state financial aid a member receives. 4029

(J) The adjutant general, the chancellor, and the 4030
director, or their designees, shall jointly estimate the costs 4031
of the Ohio national guard scholarship program for each upcoming 4032
fiscal biennium, and shall report that estimate prior to the 4033
beginning of the fiscal biennium to the chairpersons of the 4034
finance committees in the general assembly. During each fiscal 4035
year of the biennium, the adjutant general, the chancellor, and 4036
the director, or their designees, shall meet regularly to 4037
monitor the actual costs of the Ohio national guard scholarship 4038
program and update cost projections for the remainder of the 4039
biennium as necessary. If the amounts appropriated for the Ohio 4040
national guard scholarship program and any funds in the Ohio 4041
national guard scholarship reserve fund and the Ohio national 4042
guard scholarship donation fund are not adequate to provide 4043
scholarships in the amounts specified in division (D) (1) of this 4044
section for all eligible applicants, the chancellor shall do all 4045
of the following: 4046

(1) Notify each private institution of higher education, 4047
where a scholarship recipient is enrolled, that, by accepting 4048
the Ohio national guard scholarship program as payment for all 4049
or part of the institution's tuition, the institution agrees 4050
that if the chancellor reduces the amount of each scholarship, 4051
the institution shall provide each scholarship recipient a grant 4052
or tuition waiver in an amount equal to the amount the 4053
recipient's scholarship was reduced by the chancellor. 4054

(2) Reduce the amount of each scholarship under division 4055
(D) (1) (a) of this section proportionally based on the amount of 4056
remaining available funds. Each state institution of higher 4057
education shall provide each scholarship recipient under 4058

division (D)(1)(a) of this section a grant or tuition waiver in 4059
an amount equal to the amount the recipient's scholarship was 4060
reduced by the chancellor. 4061

(K) Notwithstanding division (A) of section 127.14 of the 4062
Revised Code, the controlling board shall not transfer all or 4063
part of any appropriation for the Ohio national guard 4064
scholarship program. 4065

(L) The chancellor and the adjutant general may apply for, 4066
and may receive and accept grants, and may receive and accept 4067
gifts, bequests, and contributions, from public and private 4068
sources, including agencies and instrumentalities of the United 4069
States and this state, and shall deposit the grants, gifts, 4070
bequests, or contributions into the national guard scholarship 4071
donation fund. 4072

Section 2. That existing sections 2151.011, 2151.022, 4073
2151.18, 2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2151.354, 4074
2152.02, 2152.021, 2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 4075
3313.661, 3314.03, 3321.041, 3321.13, 3321.16, 3321.19, 4076
3321.191, 3321.22, 3321.38, 3326.11, 3328.24, 4510.32, and 4077
5919.34 of the Revised Code are hereby repealed. 4078

Section 3. Not later than ninety days after the effective 4079
date of this section, the State Board of Education shall develop 4080
a model policy for violent, disruptive, or inappropriate 4081
behavior, including excessive absences, that stresses 4082
preventative strategies and alternatives to suspension or 4083
expulsion. The model policy shall be provided to each school 4084
district, community school, science, technology, engineering and 4085
mathematics school, and college-preparatory boarding school to 4086
aid in compliance with section 3321.191 of the Revised Code. 4087

Not later than one hundred eighty days after the effective 4088
date of this section, the Department of Education shall develop 4089
materials to assist school districts in providing teacher and 4090
staff training on the implementation of the strategies included 4091
in the model policy. 4092

Section 4. (A) (1) For the 2017-2018 and 2018-2019 school 4093
years only, the Ohio Family and Children First Cabinet Council 4094
shall establish a pilot program for multidisciplinary truancy 4095
teams. The pilot program shall include geographically diverse 4096
school districts, including at least two school districts from 4097
urban counties, at least one school district from a suburban or 4098
mid-sized county, and at least one school district from a rural 4099
county. A school district that intends to participate shall 4100
submit an application to the Ohio Family and Children First 4101
Cabinet Council, in the format prescribed by the Council, 4102
presenting an agreed partnership between that school district 4103
and at least one of the following entities: 4104

(a) The county family and children first council for the 4105
county in which the district is located; 4106

(b) The board of county commissioners of the county in 4107
which the district is located; 4108

(c) The mayor of the municipal corporation with the 4109
largest population in which the school district is situated; 4110

(d) The executive director of a nonprofit agency that 4111
provides services to children and families; 4112

(e) The educational service center with which the school 4113
district has a contract for services. 4114

(2) The application shall contain signatures from 4115
representatives of the school district and each entity who 4116

partners with the school district. The application also shall 4117
outline how the school district tracks and monitors attendance 4118
and late arrivals, with a specific emphasis on how often 4119
attendance is taken in any one school day. 4120

(B) The Ohio Family and Children First Cabinet Council 4121
shall act as the screening body and approve teams to participate 4122
in the pilot program. Each participating team shall do all of 4123
the following: 4124

(1) Assess each child who would otherwise be referred to 4125
an absence intervention team under division (D) of section 4126
3321.19 of the Revised Code, as amended by this act, to identify 4127
the underlying causes of truancy; 4128

(2) Develop a plan to address barriers to school 4129
attendance that exist for each child referred to the team; 4130

(3) Collect and submit, in the form and manner prescribed 4131
by the Ohio Family and Children First Cabinet Council, the 4132
following data on children who are not attending school: 4133

(a) Demographic information; 4134

(b) Reasons for truancy; 4135

(c) Interventions identified by the team; 4136

(d) The student's participation in interventions 4137
identified by the team; 4138

(e) The student's attendance at school during or after the 4139
interventions are applied; 4140

(f) The success rate of those interventions; 4141

(g) The number of parents or guardians who participated in 4142
the team process; 4143

(h) The number of parents or guardians who identified a designee to participate on their behalf in the same manner and conditioned upon the same requirements set forth in division (C) (2) (e) of section 3321.191 of the Revised Code;	4144 4145 4146 4147
(i) The number of parents or guardians who refused all participation;	4148 4149
(j) The number of complaints filed in juvenile court under division (D) of section 3321.19 of the Revised Code;	4150 4151
(k) Any other information determined useful and agreed upon by the school district and the Ohio Family and Children First Cabinet Council, in consultation with the Joint Education Oversight Committee.	4152 4153 4154 4155
(C) Each multidisciplinary truancy team shall, on a case-by-case basis, consist of any of the following members the participating team determines necessary and appropriate, who shall be selected by the district boards and governing boards that organize the team:	4156 4157 4158 4159 4160
(1) Advocates for children and parents;	4161
(2) Local representatives from the public school system;	4162
(3) Local representatives from the child welfare system;	4163
(4) Local representatives from the mental health and addiction services system;	4164 4165
(5) Local representatives from the youth services agencies;	4166 4167
(6) A nurse or other medical professional employed by the school district;	4168 4169
(7) A representative from either a law enforcement agency	4170

or the juvenile court system which has jurisdiction over the 4171
children within that district. 4172

When assessing a child referred to the team and developing 4173
a plan for that child, the team also shall consist of the child, 4174
the child's parent or guardian or another person having care of 4175
the child, representatives from the child's school who know the 4176
child, and additional members who are needed to address the 4177
particularized needs of the child. 4178

(D) Under the pilot program, the board of education of the 4179
school district or the governing board of the educational 4180
service center shall, upon the failure of the parent, guardian, 4181
or other person having care of the child to cause the child's 4182
attendance at school, take any appropriate action as an 4183
intervention strategy contained in the policy developed by the 4184
board pursuant to section 3321.191 of the Revised Code. 4185

(E) If the child continues to be absent from school after 4186
the school district engages in multiple interventions as 4187
described in division (D) of this section, the school shall 4188
refer the child to the intervention team established by this 4189
section. The intervention team shall engage in all of the 4190
following: 4191

(1) Assess each child referred to the team to identify 4192
underlying causes of the child's truancy; 4193

(2) Develop a plan to address barriers to school 4194
attendance that exist for each child referred to the team; 4195

(3) If at least sixty days have elapsed since a child was 4196
referred to the team and the child is still not attending 4197
school, the team may direct the attendance officer to file a 4198
juvenile court complaint under division (D) (2) of section 4199

3321.19 of the Revised Code. 4200

(F) The Ohio Family and Children First Cabinet Council 4201
shall collect data on the results of the pilot program, 4202
including the following: 4203

(1) The number of children referred to the juvenile court 4204
before the pilot program was initiated; 4205

(2) The number of children referred to the 4206
multidisciplinary truancy intervention teams; 4207

(3) The reasons for truancy, including common issues 4208
identified; 4209

(4) The interventions utilized and the success of those 4210
interventions; 4211

(5) The number of children who are referred to the team, 4212
the number who successfully reengage with the school, and the 4213
number referred to the juvenile court by the team; 4214

(6) Any other data determined useful by the Ohio Family 4215
and Children First Cabinet Council that was collected pursuant 4216
to division (B) (3) of this section. 4217

(G) Not later than October 31, 2019, the Joint Education 4218
Oversight Committee, working in consultation with the Ohio 4219
Family and Children First Cabinet Council, shall report in 4220
writing to the chairpersons and ranking minority members of the 4221
standing committees of the House of Representatives and the 4222
Senate having jurisdiction over education legislation a detailed 4223
analysis of the success or failure of the pilot program for the 4224
2017-2018 and 2018-2019 school years. The report shall account 4225
for the differences in each participating school district's 4226
method of tracking and monitoring attendance and late arrivals, 4227

and draw conclusions from that data. The report also shall 4228
include recommendations for whether to implement the pilot 4229
program on a statewide basis in place of the absence 4230
intervention plan process required by divisions (B) and (C) of 4231
section 3321.191 of the Revised Code, as amended by this act. 4232

(H) For the 2017-2018 and 2018-2019 school years only, 4233
notwithstanding anything to the contrary in the Revised Code, 4234
any school district or educational service center and any school 4235
located in a school district that participates in the pilot 4236
program shall be considered to have satisfied the requirements 4237
prescribed in division (D)(1) of section 3321.19, those 4238
prescribed in divisions (B)(1) and (C)(2)(a), (c), and (d) of 4239
section 3321.191, and the absence intervention plan 4240
implementation requirement prescribed in division (B) of section 4241
3321.16 of the Revised Code regardless of whether it has done 4242
so, but the district, service center, or school shall retain the 4243
obligation to comply with the other divisions of those sections. 4244

(I) Each member of a multidisciplinary truancy team shall 4245
be considered a school official with a legitimate educational 4246
interest in the amelioration of the student's truancy for 4247
purposes of compliance with and treatment under section 3319.321 4248
of the Revised Code and the "Family Educational Rights and 4249
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 4250
and related provisions of the Code of Federal Regulations. 4251

As used in this section: 4252

(1) The "Ohio Family and Children First Cabinet Council" 4253
and "county family and children first council" means the 4254
respective councils established under section 121.37 of the 4255
Revised Code. 4256

(2) The "Joint Education Oversight Committee" means the 4257
Joint Education Oversight Committee of the House of 4258
Representatives and Senate established under section 103.45 of 4259
the Revised Code 4260

Section 5. The amendment made by this act to division (G) 4261
of section 5919.34 of the Revised Code applies to a scholarship 4262
recipient who became liable on or before September 30, 2016, for 4263
failure to complete the scholarship recipient's enlistment term 4264
in the Ohio National Guard due to enlistment, warrant, 4265
commission, or appointment in the active duty component of the 4266
United States Armed Forces. Not later than one year after the 4267
effective date of this act, the state shall return to a 4268
scholarship recipient, who is no longer liable under this 4269
section, any scholarship amount recovered from a scholarship 4270
recipient who became liable under division (G) of section 4271
5919.34 of the Revised Code, on or before September 30, 2016. 4272

Section 6. Section 2151.022 of the Revised Code is 4273
presented in this act as a composite of the section as amended 4274
by both Am. Sub. H.B. 23 and Am. Sub. S.B. 53 of the 126th 4275
General Assembly. The General Assembly, applying the principle 4276
stated in division (B) of section 1.52 of the Revised Code that 4277
amendments are to be harmonized if reasonably capable of 4278
simultaneous operation, finds that the composite is the 4279
resulting version of the section in effect prior to the 4280
effective date of the section as presented in this act. 4281