

**OPINION NO. 69-071****Syllabus:**

1. The superintendent of schools of the vocational school district, the executive head of the vocational school district board of education, or the principal of the vocational school may properly suspend a student therefrom, but only said superintendent or executive head has the authority to expel a student from the vocational school.

2. A local school superintendent may expel a student from the local school on the same grounds as used by the vocational school superintendent in expelling said student from the vocational school.

3. Section 3313.66, Revised Code, must be interpreted strictly, with the result that the suspension or expulsion of a student may not extend beyond the current semester.

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**To: Paul E. Work, Erie County Pros. Atty., Sandusky, Ohio**  
**By: Paul W. Brown, Attorney General, June 25, 1969**

I have before me your request for my opinion regarding substantially the following questions:

1. Who has the authority to suspend or expel a student from a joint vocational school?
2. May the local superintendent expel the student from the local school on the same grounds as those used by the vocational superintendent?
3. Must Section 3313.66, Revised Code, be interpreted strictly with the effect that "No pupil shall be suspended or expelled from any school beyond the current semester?"

In regard to your first question, I direct your attention to Section 3313.66, Revised Code, which provides in pertinent part as follows:

"The superintendent of schools of a city or exempted village, the executive head of a local school district, or the principal of a public school may suspend a pupil from school

for not more than ten days. Such superintendent or executive head may expel a pupil from school.  
\* \* \*

This section clearly establishes who may suspend and who may expel a local school student. In the case of suspension, the following have been given the proper authority:

1. The superintendent of schools of a city or exempted village.
2. The executive head of a local school district.
3. The principal of a public school.

In the case of expulsion, the following have been given proper authority:

1. The superintendent of schools of a city or exempted village.
2. The executive head of a local school district.

Vocational school officials derive their authority not directly from Section 3313.66, supra, but indirectly from Section 3311.99, Revised Code, which grants them the same authority as is granted city school officials under Section 3313.66, supra:

"\* \* \* \* \*"

"A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district.

"\* \* \* \* \*"

"The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel."

The above quoted statutes, considered together, plainly provide that three officials may suspend (the superintendent, the executive head, or the principal) and that only two officials may expel (the superintendent or the executive head). Inasmuch as a grant of power to do a particular thing is involved, the maxim of expressio unius est exclusio alterius is pertinent. Thus, the statutes operate to exclude any official not specifically named therein; and, in the case of expulsion, excludes a principal.

Your second question asks whether a local school superintendent may expel a student from the local school on the same grounds as those used by the vocational superintendent. The

answer to this question may be determined by referring to Section 3311.21.4, Revised Code, which provides as follows:

"Pupils in a joint vocational school district continue to be enrolled in the school district of their school residence and should be considered as such in the calculation of approved classroom units under Section 3317.05 of the Revised Code."

This section is interpreted by the state board of education as allowing vocational school students to participate in sports, band and other activities at the local school. Although the vocational and local systems are distinguished at the administrative level, it is apparent that the General Assembly intended that vocational school students remain an important part of the local school system. This office has learned that the vocational student even received his diploma from the local school, rather than from the joint vocational school. It would seem therefore that suspension or expulsion from a joint vocational school would operate automatically as suspension or expulsion from the local school. This procedure obviously anticipates that such a situation could be treated more expeditiously than in the case where the student would immediately enroll in the local school, thus necessitating his removal by the local superintendent. This is not to say that the latter procedure would be improper. Quite the contrary, in response to your question, I find no reason why such a student may not be expelled, or excluded as the case may be, from a local school by a local superintendent on the same grounds as those used by a vocational school superintendent.

This leads us to the matter of how Section 3313.66, Revised Code, is to be interpreted. It was held in Brown v. Board of Education, 6 NP 411, 8 OD 378, that the statutory provisions of General Code Section 7685, the predecessor of the statute in question here, must be complied with strictly. Considering the fact that individuals of a certain age are required to receive an education, the dictum in that case is at least persuasive. Section 3313.66, Revised Code, provides:

"\* \* \* No pupil shall be suspended or expelled from any school beyond the current semester."

The mandate of this section is clear and it must be followed strictly. Thus, even where the proper authorities deem it appropriate to suspend or expel a student just one day before the end of the current term, he must be allowed nevertheless to return to school at the beginning of the subsequent semester.

However, it is likewise clear that Section 3313.66, supra, does not begin to operate until the suspension or expulsion order is issued.

It is, therefore, my opinion and you are hereby advised:

1. The superintendent of schools of the vocational school district, the executive head of the vocational school district board of education, or the principal of the vocational school may properly suspend a student therefrom, but only said super-

intendent or executive head has the authority to expel a student from the vocational school.

2. A local school superintendent may expel a student from the local school on the same grounds as used by the vocational school superintendent in expelling said student from the vocational school.

3. Section 3313.66, Revised Code, must be interpreted strictly, with the result that the suspension or expulsion of a student may not extend beyond the current semester.