

EXCESSIVE ABSENCES AND TRUANCY

It is important that students attend school every day. When students miss significant amounts of school, even if the absences are excused, they miss critical instruction time and learning opportunities. This often has long-term, negative effects on students, such as lower achievement and a greater chance of not graduating on time.

As a response to this, there is a new state law (House Bill 410, passed in December 2016 and effective April 6, 2017) that addresses excessive absences and truancy. A summary of this law is on the next 3 pages.

Excessive absence applies to students who miss 38 or more hours of school in a single month, or 65 or more hours in one school year, with or without a legitimate excuse.

Truancy used to be based on days, but it is now it is based on hours. It applies to students who are absent from school for 30 or more consecutive hours without a legitimate excuse; 42 or more hours in a school month without a legitimate excuse; or 72 or more hours in a school year without a legitimate excuse.

Schools will send letters to the parents of students who reach or exceed the number of hours stipulated in the law.

Excessive Absenteeism House Bill 410 Requirements

Districts and community schools must have local policies that outline their interventions and plans for students who miss too much school. They may amend current policies or create a policy to satisfy HB 410.

It is important for every student in Ohio to attend school every day. Missing too much school has long-term, negative effects on students, such as lower achievement and graduation rates. There are many reasons students miss school, but districts often can directly impact their students' attendance. By using data to identify and support students who may need extra support and services, districts can target supports to get students to school every day.

In December 2016, the Ohio General Assembly passed [House Bill 410](#) to encourage and support a preventative approach to excessive absences and truancy. Beginning with the 2017-2018 school year, several changes take effect. Schools cannot suspend or expel students for missing too much school. Districts will amend or adopt policies that outline their interventions and plans for students who miss too much school.

Regular school attendance is an important ingredient in students' academic success. Excessive absences interfere with students' progress in mastering knowledge and skills necessary to graduate from high school prepared for higher education and the workforce. To support academic success for all students, the district will partner with students and their families to identify and reduce barriers to regular school attendance. The district will utilize a continuum of strategies to reduce student absence including, but not limited to:

- Notification of student absence to the parent or guardian;
- Development and implementation of an absence intervention plan, which may include supportive services for students and families;
- Counseling;
- Parent education and parenting programs;
- Mediation;
- Intervention programs available through juvenile authorities; and
- Referral for truancy, if applicable.

Updated district policies and procedures should reflect the following changes.

DEFINITION OF TRUANCY AND EXCESSIVE ABSENCES

1. 'Chronic truant' is removed from the law;
2. Definition of 'habitual truant' changed from days to hours. The new definition is:
 - a. Absent 30 or more consecutive hours without a legitimate excuse;
 - b. Absent 42 or more hours in one school month without a legitimate excuse;
 - c. Absent 72 or more hours in one school year without a legitimate excuse.
3. Includes 'excessive absences':
 - a. Absent 38 or more hours in one school month with or without a legitimate excuse;
 - b. Absent 65 or more hours in one school year with or without a legitimate excuse.

TRUANCY IS DECRIMINALIZED WITH SEVERAL CHANGES

1. A district must remove 'excessive truancy,' from its zero tolerance policy for violent, disruptive or inappropriate behavior;
2. Students cannot be expelled or suspended (out of school) for being truant (beginning July 1, 2017);
3. A district must take several steps to engage the student and his or her family before filing a complaint

with juvenile court (including parental notification, an absence intervention team and an absence intervention plan detailed below) A complaint cannot be filed until the 61st day after failed implementation of an absence intervention plan; or

- a. Unless a child has been absent without a legitimate excuse for 30 or more consecutive hours or 42 or more hours in a school month during the implementation of an absence intervention plan. Juvenile court should consider alternatives to adjudication and adjudication should be used as a last resort.

STUDENT DISCIPLINE CHANGES

1. Schools may permit students to make up missed work due to out-of-school suspensions per district policy;
2. Schools cannot apply any remaining part or all of a suspension to the following school year, but the superintendent may require a student to participate in community service or an alternative consequence for the number of hours equal to the time left on the suspension.

EMIS REPORTING CHANGES

1. When a district notifies a parent that a student has excessive absences;
2. When a child has been absent without a legitimate excuse for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in one school year;
3. When a child, who has been adjudicated an unruly child for being a habitual truant, violates the court order regarding that adjudication;
4. When an absence intervention plan has been implemented for a child.

DISTRICT RESPONSIBILITIES WHEN A CHILD HAS EXCESSIVE ABSENCES

When a student is excessively absent from school, the following will occur:

1. The district will notify the student's parents in writing within seven days of the triggering absence;
2. The student will follow the district's plan for absence intervention; and
3. The student and family may be referred to community resources.

DISTRICT RESPONSIBILITIES WHEN A CHILD IS HABITUALLY TRUANT

When a student is habitually truant, the following will occur:

1. Within seven days of the triggering absence, the district will do the following:
 - a. Select members of the absence intervention team;
 - b. Make three meaningful attempts to secure the participation of the student's parent or guardian on the absence intervention team.
2. Within 10 days of the triggering absence, the student will be assigned to the selected absence intervention team;
3. Within 14 days after the assignment of the team, the district will develop the student's absence intervention plan;
4. If the student does not make progress on the plan within 61 days or continues to be excessively absent, the district will file a complaint in the juvenile court.

Districts must establish an absence intervention team to be deployed when a student is deemed habitually truant

The purpose of the absence intervention team is to establish a student-centered absence intervention plan for every child who is habitually truant by identifying specific barriers and solutions to attendance. The team is cross-sector and ideally includes the participation of the student and the parent. This requirement is new and is aimed at breaking down barriers to attendance without filing criminal complaints against the student in juvenile court.

1. Districts with a chronic absenteeism rate of 5 percent or greater must establish absence intervention teams for students who are habitually truant beginning with the 2017-2018 school year;

2. Schools are permitted to have their own absence intervention teams, but the district is responsible for developing a team if the school does not have one;
3. Membership of each team should vary based on the needs of each individual student, but each team **MUST** include:
 - a. A representative from the individual's school or district;
 - b. Another representative from the school or district who has a relationship with the child;
 - c. The child's parent (or parent's designee) or the child's guardian, custodian, guardian ad litem or temporary custodian.
4. The district or school may consult or partner with public and nonprofit agencies to provide assistance, as appropriate, to students and their families to reduce absences.

Please send your questions and comments to school_improvement@education.ohio.gov to assist with the Department's development of guidance and training materials.