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April 4, 2017

To the Boards of Education in Cuyahoga County,

On April 6, 2017, the provisions of H.B. 410 regarding truancy and the juvenile courts go into effect. One of those provisions amends O.R.C. § 3321.191(A), and requires that each Board of Education consult with numerous individuals and agencies in developing a new or amended policy to address student absences beginning with the 2017-2018 school year.

To that end, the Cuyahoga County Juvenile Court provides the attached information from the Ohio Legislative Service Commission, which analyzes the changes in H.B. 410. These materials are provided for informational purposes only, and should not be construed as providing legal advice. The Cuyahoga County Juvenile Court did not create these materials, and any questions regarding them should be directed to the Ohio Legislative Service Commission. Readers should conduct their own appropriate legal research, including reading the text of the bill itself, and must exercise their own independent judgment in using these materials. If legal advice or other expert assistance is required, the services of a competent professional should be obtained. This information is not intended to create, nor does receipt of it constitute, an attorney-client relationship.

Questions regarding the Cuyahoga County Juvenile Court's unruly and truancy programs may be directed to the Intake and Diversion Department at 216-698-6545.

Sincerely,

Administrative Judge Kristin W. Sweeney



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

Holly Cantrell Gilman

### **Am. Sub. H.B. 410** 131st General Assembly (As Passed by the General Assembly)

**Reps.** Rezabek and Hayes, Brenner, Blessing, Henne, Manning, Patmon, Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Boyd, Grossman, McClain, Ryan, Sheehy, Slaby, R. Smith, Sweeney, Young, Rosenberger

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

**Effective date:** April 6, 2017

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## ACT SUMMARY

### TRUANCY AND ATTENDANCE

#### "Habitual" and "chronic" truancy

- Eliminates the law's distinction between a "chronic truant" and an "habitual truant" and, instead, provides that a child who has been adjudicated an habitual truant and who violates the court order regarding that adjudication may be further adjudicated a "delinquent child."
- Bases the measure for "habitual truancy" on the number of hours, instead of the number of days, absent.

#### Prohibition on suspension or expulsion for truancy

- Prohibits a school district or school from suspending, expelling, or removing a student from school solely on the basis of a student's unexcused absences, and removes "excessive truancy" from the specifications for a school district's zero tolerance policy for violent, disruptive, or inappropriate behavior.

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\* This version updates the effective date.

## **District and school policies on addressing truancy**

- Modifies the components of the required policy on addressing and ameliorating student absences, and requires the establishment of an absence intervention team for each student who is absent for a period of time that exceeds the threshold for a habitual truant.
- Provides an exemption from the requirement to assign habitually truant students to an absence intervention team for a school district with a chronic absenteeism percentage that is less than 5%.
- Requires the attendance officer to notify a student's parent, guardian, or custodian in the event the student is absent *with or without* legitimate excuse for 38 or more hours in one school month or 65 hours in a school year.
- Requires a school district or school to (1) make at least three meaningful, good faith attempts to secure participation of the student's parent within a specified time period and (2) investigate whether failure to respond to those attempts triggers mandatory reporting to child protective services.
- Requires each school district and school to report to the Department of Education the occurrence of certain triggering events with respect to a student's absences, including whenever a child has received enough unexcused absences that the child is considered an habitual truant.
- With specified exceptions, requires a complaint to be filed in juvenile court against a student (and against any person who fails to cause the child's attendance at school) on the 61st day after the implementation of an absence intervention plan, provided that the school district made meaningful attempts to reengage the student and the student refused to participate or failed to make satisfactory progress.

## **Juvenile court complaints**

- Requires the juvenile court, upon the filing of a complaint that a child is unruly based on the child's habitual truancy, to consider an alternative to adjudication, and provides that the court must consider the complaint only as a matter of last resort.
- Requires the juvenile court to provide notice of any adjudication related to a child's truancy to the school district and school in which the child was enrolled when the complaint was filed.
- Requires the juvenile court, when submitting its annual report, to specify the number of children placed in alternatives to adjudication, the number who

successfully complete those programs, and the number who fail to complete those programs and were therefore adjudicated unruly.

### **State Board of Education model policy**

- Requires the State Board of Education to develop a model policy for violent, disruptive, or inappropriate behavior, including excessive absences, that stresses preventative strategies and alternatives to suspension or expulsion, for use by schools in complying with the modified requirements.

### **Consequences for failure to send a child to school**

- Specifies that an act that contributes to an adjudication of a child as a delinquent child because of the violation of a court order with respect to truancy is a first degree misdemeanor.
- Clarifies that the parent, guardian, or custodian of an adjudicated truant child must provide a surety bond in the sum of not more than \$500 as required by the court.

### **Affirmative defense**

- Permits the defendant of an habitual truancy complaint to assert as an affirmative defense the fact that the student did participate in or made satisfactory progress on the absence intervention plan or other alternatives to adjudication.

### **Multidisciplinary truancy teams; pilot program**

- Requires the Ohio Family and Children First Cabinet Council to establish a pilot program that creates a multidisciplinary truancy team approach in which school districts may participate in lieu of some of the requirements related to the absence intervention plan process.
- Requires the Joint Education Oversight Committee, working in consultation with the Council, to report in writing to the General Assembly a detailed analysis of the pilot program.

## **OUT-OF-SCHOOL SUSPENSIONS**

- Permits a school district board of education to allow a student to complete any classroom assignments missed because of a suspension.
- Prohibits a school district from applying any remaining part or all of a suspension to the following school year and instead permits the superintendent to require the



student to participate in community service or alternative consequence for the number of hours equal to time left on the suspension.

## **NATIONAL GUARD SCHOLARSHIPS**

- Eliminates repayment liability for Ohio National Guard scholarship recipients who enlist in, or are warranted, commissioned, or appointed to an active or active reserve component of the U.S. Armed Forces.
- Requires the state to return payments already made by scholarship recipients previously liable for repayments on or before September 30, 2016, who would no longer be liable under the act.
- Requires the Adjutant General to develop and provide a written explanation that informs all eligible scholarship recipients that they may become ineligible and liable for scholarship repayment under certain circumstances.

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## CONTENT AND OPERATION

### TRUANCY AND ATTENDANCE

#### "Habitual" and "chronic" truancy

The act changes the manner in which a child of compulsory school age who is absent from school without legitimate excuse may be prosecuted under the juvenile justice system. Under continuing law, a child is "of compulsory school age" if the child is between six and 18 years old or if the child is formally enrolled in kindergarten.<sup>1</sup>

First, the act eliminates the law's distinction between "habitual truants" and "chronic truants" and, accordingly, revises the way that a child may be adjudicated a delinquent child for habitual truancy. Under the act, a child who has been adjudicated a "habitual truant" and who violates a court order regarding that adjudication may further be adjudicated a delinquent child. The concept of "chronic truant" is eliminated.<sup>2</sup>

The act also revises the statutory definition of "habitual truant," using hours instead of days. Under the act, a child is an "habitual truant" when absent without legitimate excuse for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.<sup>3</sup> Formerly, an "habitual truant" was one who was absent for five or more consecutive school days, seven or more school days in one month, or 12 or more school days in a school year. Under former law, a "chronic truant" was a child who was absent without legitimate excuse for seven or more consecutive school days, ten or more school days in one school month, or 15 or more school days in a school year. Such a child could be adjudicated a delinquent child.

#### Related changes

The act also makes the following changes to other provisions as they relate to sanctions for truancy:

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<sup>1</sup> R.C. 3321.01, not in the act.

<sup>2</sup> R.C. 2152.02. Conforming changes in R.C. 2151.022, 2151.311, 2151.35, 2151.354, 2152.021, 2152.19, and 2152.26.

<sup>3</sup> R.C. 2151.011(A)(18).



- Requires a juvenile court, when adjudicating a child unruly for truancy, to warn the parent, guardian, or custodian that the child's violation of a court order regarding the child's designation as an unruly child for being an habitual truant may result in a criminal charge against the parent, guardian, or custodian;<sup>4</sup>
- Regarding an excused absence for the sole purpose of traveling out of state to participate in an enrichment activity, modifies the measure from a maximum of four days per school year to a maximum of 24 hours per school year that the student's school is open for instruction;<sup>5</sup>
- Regarding procedures when a student of compulsory school age withdraws from school for reasons other than change of address, requires school officials to notify the child and the child's parent, guardian, or custodian and the Registrar of Motor Vehicles when the child has been absent more than 60 consecutive hours (rather than ten consecutive days under former law) in a single month or 90 hours (rather than 15 total days under former law) in a school year.<sup>6</sup>

## **Prohibition on suspension or expulsion for truancy**

Effective July 1, 2017, the act expressly prohibits any public school from suspending, expelling, or removing a student from school solely on the basis of the student's unexcused absences.<sup>7</sup> Accordingly, the act also modifies the requirement that each school district have a policy of zero tolerance for violent, disruptive, or inappropriate behavior by removing the words "excessive truancy" from that provision.<sup>8</sup>

## **School policies on absences**

### **New or amended policy required**

The act requires each school district, educational service center, community school, and STEM school, beginning with the 2017-2018 school year, to adopt a new or amended policy to guide employees in addressing and ameliorating student absences.

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<sup>4</sup> R.C. 2151.354(C)(2)(c) and 3321.38(A).

<sup>5</sup> R.C. 3321.041.

<sup>6</sup> R.C. 3321.13 and. 4510.32.

<sup>7</sup> R.C. 3313.668. Conforming changes in R.C. 3313.66, 3314.03(A)(11)(d), 3321.191(F), 3326.11, and 3328.24.

<sup>8</sup> R.C. 3313.534.



That policy *must* include as an intervention strategy all of the statutorily prescribed actions "if applicable."<sup>9</sup> Under former law, the list of interventions was permissive.

While the substance of the statutorily prescribed interventions are largely retained, the act does require the policy to provide a truancy intervention plan for any student who is absent *with or without* legitimate excuse from the public school the child is supposed to attend for 38 or more hours in one school month, or 65 or more hours in a school year.<sup>10</sup> Prior law *permitted* a policy to provide a truancy intervention program for an *habitual truant*.

The act also removes a requirement that each school district incorporate into the policy as an intervention strategy the assignment of a habitual truant to an alternative school if an alternative school has been established.<sup>11</sup>

### **Notice of excessive absences**

The act requires that the attendance officer of a public school notify a child's parent, guardian, or custodian if the child is absent *with or without* legitimate excuse from the public school the child is supposed to attend for 38 or more hours in one school month, or 65 or more hours in a school year. That notice must be made, in writing, within seven days after the date of the absence that triggered the notice requirement.<sup>12</sup>

### **Absence intervention team**

Within ten days after the absences of a student surpass the threshold for an habitual truant, the act requires a school principal or chief administrator or the district superintendent to assign the student to an absence intervention team.<sup>13</sup> Within 14 school days after the assignment, the team must develop an intervention plan for that student in an effort to reduce or eliminate further absences. As part of the absence intervention plan, the district or school may, in its discretion, contact the appropriate juvenile court and ask to have the student informally enrolled in the court's alternative to adjudication (see "**Alternatives to adjudication**" below). If a district or school chooses to have

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<sup>9</sup> R.C. 3321.191(B)(1) to (6) and (C). The conditions triggering an intervention plan for a student are in R.C. 3321.191(C)(2)(a).

<sup>10</sup> R.C. 3321.191(B)(1) and (C)(1)(first paragraph).

<sup>11</sup> R.C. 3321.191(A).

<sup>12</sup> R.C. 3321.191(C)(1).

<sup>13</sup> R.C. 3321.19(D).





students informally enrolled in the alternative to adjudication, the district or school must develop a written policy regarding the use of, and selection process for, that program to ensure fairness.<sup>14</sup>

The act permits a school principal or chief administrator to establish an absence intervention team or series of teams, and requires a district superintendent, or the superintendent's designee, to establish an absence intervention team to be used by district schools that do not establish their own teams. Membership of each team may vary based on the needs of each individual student, but must include: (1) a representative from the child's school district or school, (2) another representative from the child's school district or school who knows the child, and (3) the child's parent (or parent's designee), or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, or social worker, or a representative of a public or nonprofit agency designed to assist students and families in reducing absences.<sup>15</sup>

Each intervention plan must vary based on the individual needs of the student. But each plan must state that the attendance officer must file a complaint in the juvenile court not later than 61 days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication. Furthermore, within seven days after the plan's development, the district or school must make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.<sup>16</sup>

The State Board of Education must develop a format for parental permission to ensure compliance with the federal Family Educational Rights and Privacy Act, related federal regulations, and state law on student privacy for use of each absence intervention team.<sup>17</sup>

The act also expressly permits school districts and schools to consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and

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<sup>14</sup> R.C. 3321.191(C)(2)(a) and (b).

<sup>15</sup> R.C. 3321.191(C)(2)(c) and (d).

<sup>16</sup> R.C. 3321.191(C)(2)(a).

<sup>17</sup> R.C. 3321.191(C)(3). See R.C. 3319.321 and 20 United States Code 1232g.



their families in reducing absences, even outside the operation of an absence intervention team.<sup>18</sup>

### Parental engagement

The act requires the district superintendent or school principal or chief administrator to select the members of an absence intervention team within seven school days of the triggering absence and requires at least three meaningful, good faith attempts to secure participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian within that time.<sup>19</sup> The district must inform the parent of the parent's right to appear by designee if the parent responds to the attempts to secure participation but is unable to participate for any reason.<sup>20</sup>

If the parent, guardian, or custodian fails to respond, the school district must: (1) investigate whether the failure to respond triggers mandatory reporting to the county public children's services agency, and (2) instruct the absence intervention team to develop a plan for the child without the child's parent, guardian, or custodian.<sup>21</sup>

### Summary of duties

The following table summarizes the responsibilities of a school district or school at each stage of the truancy intervention process:

Triggering instance	Steps to be taken
Student is absent (excused or unexcused) for 38 or more hours in one school month or 65 or more hours in one school year.	<ul style="list-style-type: none"> <li>• District or school's new policy must include developing a truancy intervention plan for any student who meets this absence trigger.</li> <li>• District or school must provide written notice to the parent, within seven days of the triggering absence.</li> <li>• District or school may utilize any other intervention strategies contained in the new policy.</li> </ul>
Student is absent (unexcused) for 30 or more consecutive hours, 42 or more hours in one school month, or 72 hours in one school year.	<ul style="list-style-type: none"> <li>• District or school must assign the student to an absence intervention team within seven days of the triggering absence.</li> </ul>

<sup>18</sup> R.C. 3321.191(D).

<sup>19</sup> R.C. 3321.191(C)(2)(e).

<sup>20</sup> R.C. 3321.191(C)(2)(e).

<sup>21</sup> R.C. 3321.191(C)(2)(e).



Triggering instance	Steps to be taken
	<ul style="list-style-type: none"> <li>• District or school must make three meaningful, good faith attempts to secure participation of the parent and investigate whether a failure to participate warrants a report to child protective services.</li> <li>• Within 14 days of assignment of a team, the team must develop an absence intervention plan.</li> <li>• Within seven days of the plan's development, the district or school must provide written notice of that plan to the parent.</li> <li>• District or school may contact the court about informal enrollment of the child in an alternative to adjudication.</li> </ul>
Student refuses to participate or fails to make satisfactory progress on absence intervention plan.	<ul style="list-style-type: none"> <li>• Attendance officer must file a complaint in the juvenile court not later than 61 days after plan implementation.</li> </ul>

## Reports to the Department of Education

Beginning with the 2017-2018 school year, the act requires each school district and school to report to the Department of Education, as soon as practicable, and in a format and manner determined by the Department, any of the following occurrences:

(1) When a student has been absent for 38 or more hours in one school month, or 65 or more hours in a school year and the school district sends notice of that fact to the student's parent, guardian, or custodian;

(2) When a child has been absent without legitimate excuse the requisite number of hours to classify that child as an habitual truant;

(3) When a child has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication; and

(4) When an absence intervention plan has been implemented for a child.<sup>22</sup>

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<sup>22</sup> R.C. 3321.191(E).

## **Exemption for school districts with low chronic absenteeism**

In the case of a school district with a chronic absenteeism percentage that is less than 5% as reported on the district's most recent state report card, the act exempts the school district (and the school buildings within that district) from the requirement to assign habitually truant students to an absence intervention team. Instead, those districts and buildings must implement appropriate intervention strategies contained in the new or amended policy the district adopts. If those intervention strategies fail, within 61 days after their implementation, the district or building must follow the same juvenile complaint process and timelines as all other districts and schools.<sup>23</sup> It is unclear whether a school district that qualifies under this provision is exempt from the reporting requirements described above.

## **Filing of complaint in juvenile court**

Under prior law, once a child's absences surpassed the threshold for an habitual truant, the district or school was required to either (1) take an appropriate action under its absence policy, or (2) file a complaint in the county juvenile court alleging that the child is unruly. The act, instead, specifies that the attendance officer must file a complaint in juvenile court against a student on the 61st day after the implementation of an absence intervention plan or other intervention strategies, provided that all of the following apply:

(1) The student was absent without legitimate excuse from the public school the child is supposed to attend for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year;

(2) The school district or school has made meaningful attempts to reengage the student through the absence intervention plan and any offered alternatives to adjudication; and

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

Also, upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, and where the child is considered an habitual truant, the act requires the district board to file a complaint jointly against the child and the parent, guardian, or other person.

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<sup>23</sup> R.C. 3321.19(E).

The act also requires the attendance officer to file a complaint against a student who, at any time during the implementation phase of the absence intervention plan, is absent without legitimate excuse 30 or more consecutive hours or 42 or more hours in one school month, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan.<sup>24</sup>

### **Extension and tolling of plan for summer months**

A school district or school may extend the implementation of the plan and delay the filing of a complaint for an additional 30 days from the first day of the instruction of the next school year if the 61st day after the implementation of the absence intervention plan falls on a day during the summer months.<sup>25</sup> Furthermore, if a student becomes habitually truant within 21 school days prior to the last day of instruction of a school year, the district or school may either (1) assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer, or (2) toll the time periods to accommodate the summer months and reconvene the absence intervention process on the first day of instruction of the next school year. If the district or school chooses to develop a plan during the summer, the plan must be implemented not later than seven days before the first day of instruction of the next school year.<sup>26</sup>

### **Alternatives to adjudication**

Under the act, when a complaint is filed alleging that a child is an unruly child for being an habitual truant, the court must consider an alternative to adjudication. The alternative may include actions that constitute a method to divert the child from the juvenile court system, using the Rules of Juvenile Procedure. It may include other means, provided the child has not already participated or failed to complete one of the available alternatives. The act provides that the court must consider the complaint only as a matter of last resort.<sup>27</sup>

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<sup>24</sup> R.C. 3321.16(B)(1) and 3321.19(D).

<sup>25</sup> R.C. 3321.16(B)(3).

<sup>26</sup> R.C. 3321.191(C)(2)(f).

<sup>27</sup> R.C. 2151.27(G). See also division (F) of that section.

## **Notice of adjudication**

Under the act, not later than ten days after a child is adjudicated an unruly or delinquent child, the court must provide notice of that fact to the child's resident school district and the school in which the child was enrolled when the complaint was filed.<sup>28</sup>

## **Annual report by juvenile court**

Under continuing law, the juvenile court must prepare an annual report covering the preceding calendar year showing the number and kinds of cases that have come before it, the disposition of the cases, and any other data that the juvenile judge directs. The act provides that the report also must specify the number of children placed in court-ordered diversion, the number who successfully completed diversion programs, and the number who failed to complete the programs and were adjudicated unruly. In addition to filing a copy of the report with the board of county commissioners, as under continuing law, the act requires one to be filed with the Supreme Court.<sup>29</sup>

## **State Board of Education model policy**

The act requires the State Board of Education, by July 5, 2017, to develop a model policy for violent, disruptive, or inappropriate behavior, including excessive absences, that stresses preventative strategies and alternatives to suspension or expulsion. The model policy must be provided to each school district, community school, and STEM school to aid in compliance with the requirements of the intervention program established by the act. Not later than October 3, 2017, the Department of Education must develop materials to assist school districts in providing teacher and staff training on the implementation of the strategies included in the model policy.<sup>30</sup>

## **Consequences for failure to send a child to school**

The act specifically prohibits any person, including a child's parent, guardian, or custodian, from acting in a way that contributes to an adjudication of the child as a delinquent child for violating a court order adjudicating the child an unruly child for being an habitual truant. Violation of that prohibition is a first degree misdemeanor.<sup>31</sup>

The act also clarifies that the parent, guardian, or custodian of an adjudicated truant child must provide a surety bond of not more than \$500 as required by the

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<sup>28</sup> R.C. 2151.354(C)(2)(d) and 2152.19(E)(2).

<sup>29</sup> R.C. 2151.18.

<sup>30</sup> Section 3.

<sup>31</sup> R.C. 2919.24.



juvenile court.<sup>32</sup> This appears to rectify a conflict between two divisions of the same section of law.

## **Prosecutorial burden of proof; affirmative defense**

The act clarifies that when prosecuting a truancy complaint, the prosecutor must prove beyond a reasonable doubt that a child (1) is of compulsory school age and (2) was absent without legitimate excuse for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.<sup>33</sup> The act permits the defendant of a habitual truancy complaint to assert as an affirmative defense the fact that the student did participate in or did make satisfactory progress on the absence intervention plan or other alternatives to adjudication.<sup>34</sup>

## **Multidisciplinary truancy team pilot program**

### **Application process; partnering entities**

For the 2017-2018 and 2018-2019 school years only, the act requires the Ohio Family and Children First Cabinet Council to establish a pilot program for multidisciplinary truancy teams. This voluntary pilot program is an alternative, and not in addition to, the requirements described in "**Absence intervention team**" above.

The pilot program must include at least two school districts from urban counties, one from a suburban or mid-sized county, and one from a rural county.<sup>35</sup>

In order to participate in the pilot program, a school district must submit an application to the Ohio Family and Children First Cabinet Council and partner with at least one of the following:

- (1) The county family and children first council;
- (2) The board of county commissioners;
- (3) The mayor of the municipal corporation with the largest population in which the school district is located;

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<sup>32</sup> R.C. 3321.38(D).

<sup>33</sup> R.C. 2151.27(H).

<sup>34</sup> R.C. 2151.27(H).

<sup>35</sup> Section 4.



(4) The executive director of a nonprofit agency that provides services to children and families; or

(5) The educational service center (ESC) with which the school district contracts for services.

The application must outline how the school district tracks and monitors attendance and late arrivals; with a specific emphasis on how often attendance is taken in any one school day.<sup>36</sup>

### **Exemptions for participants**

For the 2017-2018 and 2018-2019 school years only, any participating school district or ESC and any school located in a participating district is considered to have satisfied the requirements related to the creation and implementation of an absence intervention team, regardless of whether it has done so. Instead, participants must establish a multidisciplinary truancy team to provide interventions for truant students. The act clarifies that a participating district, ESC, or school retains the obligation to comply with all other provisions not specifically excluded by the pilot program.<sup>37</sup>

### **Multidisciplinary truancy teams; duties**

Each team must, on a case-by-case basis, consist of any of the following members determined necessary and appropriate, who must be selected by the district boards and governing boards that organize the team:

(1) Advocates for children and parents;

(2) Local representatives from the public school system, child welfare system, mental health and addiction services system, and youth services agencies;

(3) A nurse or other medical professional employed by the school district; and

(4) A representative from either the law enforcement agency or the juvenile court system that has jurisdiction over the children of the district.

When assessing a child referred to the team and developing a plan for that child, the team also must consist of the child, the child's parent or guardian or other person having care of the child, representatives from the child's school who know the child, and additional members who are needed to address the child's particularized needs.

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<sup>36</sup> Section 4(A).

<sup>37</sup> Section 4(H).





Under the pilot program, if a child continues to be absent from school after the multiple interventions, the district or school must refer the child to the multidisciplinary truancy team. The team must then:

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

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

(3) If at least 60 days have elapsed since the child was referred to the team and the child is still not attending school, the team may direct the attendance officer to file a juvenile court complaint based on habitual truancy.<sup>38</sup>

#### **Team record-keeping requirements**

The act requires each multidisciplinary truancy team to collect and submit, in the form and manner prescribed by the Ohio Family and Children First Cabinet Council, the following data on children who are not attending school:

- (1) Demographic information;
- (2) Reasons for truancy;
- (3) Interventions identified by the team;
- (4) The student's participation in interventions identified by the team;
- (5) The student's attendance at school during or after the interventions are applied;
- (6) The success rate of those interventions;
- (7) The number of parents or guardians who participated in the team process;
- (8) The number of parents or guardians who identified a designee to participate on their behalf;
- (9) The number of parents or guardians who refused all participation;
- (10) The number of complaints filed in juvenile court for habitual truancy; and

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<sup>38</sup> Section 4(C), (D), and (E).

(11) Any other information determined useful and agreed upon by the school district and the Council, in consultation with the Joint Education Oversight Committee.<sup>39</sup>

### **Council record-keeping requirements**

The act requires the Ohio Family and Children First Cabinet Council to collect data on the results of the pilot program, including the following:

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

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

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

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

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

(6) Any other data determined useful by the Council that was collected by the participating school district.<sup>40</sup>

### **Report to the General Assembly**

The Joint Education Oversight Committee, working in consultation with the Ohio Family and Children First Cabinet Council, by October 31, 2019, must submit to the chairpersons and ranking minority members of the House and Senate Education committees a detailed analysis of the success or failure of the pilot program for the 2017-2018 and 2018-2019 school years. The report must account for the differences in each participating school district's method of tracking and monitoring attendance and late arrivals, and draw conclusions from that data. The report also must include recommendations for whether to implement the program on a statewide basis in place of the act's absence intervention plan process.<sup>41</sup>

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<sup>39</sup> Section 4(B).

<sup>40</sup> Section 4(F).

<sup>41</sup> Section 4(G).



## **Team members as school officials for purposes of student privacy laws**

The act expressly states that each member of a multidisciplinary truancy team must be considered a school official with a legitimate educational interest in the amelioration of the student's truancy for purposes of state and federal student privacy laws.<sup>42</sup>

## **OUT-OF-SCHOOL SUSPENSIONS**

### **Make-up work after suspension**

The act permits a school district board of education to allow a student who is suspended to complete any classroom assignments missed because of that suspension.<sup>43</sup>

### **Tolling of suspensions**

The act provides that, if there are less than ten school days remaining in the school year when an out-of-school suspension is imposed, the district superintendent must not apply the remaining period of the suspension to the following school year. Instead, the superintendent may require the student to participate in a community service program or other alternative consequence for a number of hours equal to the remaining part of the period of the suspension. If the superintendent does so, the student must be required to begin the community service or alternative consequence during the first full week day of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. If a student fails to complete the community service or the assigned alternative consequence, the school district may determine the next course of action; however, that may not include requiring the student to serve the remaining time at the beginning of the following school year. The act retains a board of education's discretion to apply an "expulsion" into the following school year.<sup>44</sup>

Under former law, the superintendent could apply any remaining part or all of the period of any suspension to the following school year if there were less than ten days left in the school year.

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<sup>42</sup> Section 4(I).

<sup>43</sup> R.C. 3313.66.

<sup>44</sup> R.C. 3313.66(A) and 3313.661.



# NATIONAL GUARD SCHOLARSHIPS

## Elimination of repayment liability for enlisting

The act eliminates repayment liability for Ohio National Guard scholarship recipients who fail to complete their terms of enlistment, re-enlistment, or extension of current enlistment if it is due to enlisting in, or being warranted, commissioned, or appointed to an active or active reserve component of the U.S. Armed Forces.<sup>45</sup>

The act also creates a liability exemption for scholarship recipients who were liable for repayment on or before September 30, 2016, for failing to complete their enlistment terms with the Ohio National Guard due to that reason. By April 6, 2018 (one year after the act's effective date), the state must return payments already made by scholarship recipients previously liable for repayments on or before September 30, 2016, who would no longer be liable under the act.<sup>46</sup>

The Ohio National Guard Scholarship Program provides eligible Ohio National Guard members with tuition scholarships for colleges and universities in Ohio.

## Adjutant General to provide explanation

The act requires the Adjutant General to develop and provide a written explanation that informs all eligible scholarship recipients that they may become ineligible and liable for scholarship repayment under certain circumstances. The written explanation must be reviewed by the scholarship recipient before accepting the scholarship and before accepting an enlistment, warrant, commission, or appointment in the active component of the U.S. Armed Forces.

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## HISTORY

ACTION	DATE
Introduced	12-09-15
Reported, H. Education	04-20-16
Passed House (95-1)	05-04-16
Reported, S. Education	12-07-16
Passed Senate (31-0)	12-08-16
House concurred in Senate amendments (91-2)	12-08-16

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<sup>45</sup> R.C. 5919.34(G).

<sup>46</sup> R.C. 5919.34(C).

