

House Bill 410 Requirements

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 the district's interventions and plan 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 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 month without a legitimate excuse;
 - c. Absent 72 or more hours in one 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. Districts must remove 'excessive truancy,' from the 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. Districts must take several steps to engage the student and family before filing a complaint with juvenile court (including parental notification, an absence intervention team and an absence intervention plan detailed below):
 - a. A complaint cannot be filed until 61 days after failed implementation of an absence intervention plan or unless; or
 - b. If a child has been absent without legitimate excuse for 30 or more consecutive hours or 42 or more hours in a month during the implementation of an absence intervention plan.

4. 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 suspensions;
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 of truancy;
2. When a child has been absent without 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 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 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 student's parent or guardian's participation 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 has been deemed habitually truant by identifying specific barriers and solutions to attendance. The team is cross-sector and ideally includes 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 above 5 percent must establish an absence intervention team 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 doesn't 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 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.

The Ohio Department of Education will be releasing technical guidance to assist with implementation requirements required by House Bill 410. Please send your questions and comments to school_improvement@ohio.education.gov to assist with the Department's development of guidance and training materials.