



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Compulsory School Attendance and Truancy Intervention

State law requires all children between the ages of 6 and 18 who reside in Ohio to attend a public or private school that meets the minimum education standards prescribed by the State Board of Education. School districts, community schools, and STEM schools must take actions to enforce these laws. To that end, they must adopt policies to guide employees in addressing student absences.

This policy is the first of a series of sequential steps that school administrators must take if a student’s absences rise from average, to excessive, or to habitual. The goal of these steps is to intervene early, but if a student’s unexcused absences persist, it can result in filing an action in juvenile court. The juvenile court first will consider an alternative to adjudication, and if the student’s truancy persists, the court may adjudicate the student an unruly or delinquent child. The juvenile court also may enforce civil and criminal actions against the parent, guardian, or custodian of a truant child.

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Compulsory school age

Ohio law requires all children who actually reside in the state and are between the ages of 6 and 18 to attend a public or private school that meets the minimum education standards prescribed by the State Board of Education. In addition, any child under six years old who has

enrolled in kindergarten must attend school unless the child is formally withdrawn from school.¹ Except in cases where a child has been properly excused from attendance, the child's parent, guardian, or custodian must ensure that the child attends school.² School districts, community schools, and STEM schools must maintain attendance records and, as described below, must take actions to enforce the compulsory attendance laws. A child of compulsory school age who fails to attend school may be subject to school-imposed sanctions for nonattendance and may be adjudicated as a habitual truant.

Excused absences

Exceptions to compulsory school attendance include instruction at home, situations where age and schooling certificates have been issued for the legal employment of a minor,³ excusal for special education, or excusal for farm work or other work for that student's parents. In addition, on a day-by-day basis, a child may be excused for one or more of the following conditions, only some of which are medical (see "**Excessive absences**" below):

1. Illness of the child;
2. Illness in the family necessitating the presence of the child;
3. Quarantine of the home;
4. Death of a relative;
5. Medical or dental appointment;
6. Observance of religious holidays;
7. College visitation; or
8. Emergency or other good and sufficient cause.⁴

Levels of intervention for absenteeism

Chronic absenteeism under federal law

The federal Every Student Succeeds Act requires schools to track and monitor absences. Under that act, "chronic absenteeism" occurs when a student misses 10% or more of the school year for any reason. It includes excused and unexcused absences. Schools and districts must provide supports to these students and their families to prevent further absences.⁵

¹ R.C. 3321.01, 3321.02, and 3321.07.

² R.C. 3321.04 and 3321.20.

³ See R.C. Chapters 3331 and 4109.

⁴ R.C. 3321.04; Ohio Administrative Code (O.A.C.) 3301-69-02.

⁵ Every Student Succeeds Act, Public Law No. 114-95, December 10, 2015 (20 United States Code 6311(c) and 6613(b)).

Excessive absences under state law

State law provides for early intervention for student absences. Districts and schools must provide written notice to the parent, guardian, or custodian of a child who is absent from school without any excuse or even with a nonmedical excuse for a combined 38 or more hours in one school month or 65 or more hours in a school year. At that time, the district or school may take an “appropriate action” in accordance with its attendance policy to help the student prevent further absences. However, it is not required to create any kind of individualized attendance plan for the child.⁶

Habitual truancy under state law

State law provides for the greatest concern over students’ absences when they reach the level of habitual truancy. A “habitual truant” is a student of compulsory school age who is 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.⁷ For any student whose absences meet that condition, a school district or school must engage an absence intervention plan process. That process requires the student and the student’s parent to participate in activities to get the student to attend school and, in the event that the student’s unexcused absences persist, it can eventually lead to the filing of a complaint in the juvenile court.

The following table summarizes the triggers for chronic absenteeism, excessive absence, and habitual truancy.⁸

	Consecutive Hours	Hours Per School Month	Hours Per School Year
Chronic Absenteeism	--	--	10% of total hours either excused or unexcused
Excessive Absence	--	38 unexcused or nonmedical excused	65 unexcused or nonmedical excused
Habitual Truancy	30 unexcused	42 unexcused	72 unexcused

District and school responsibilities for student absences

Policy

Each school district, educational service center (ESC) on behalf of a district, community school, or STEM school is required to adopt a policy to guide employees in addressing student

⁶ R.C. 3321.191(C)(1). Originally, this provision included all excused and unexcused absences, but in 2019 it was amended to include only unexcused and nonmedical excused absences.

⁷ R.C. 2151.011(A)(18).

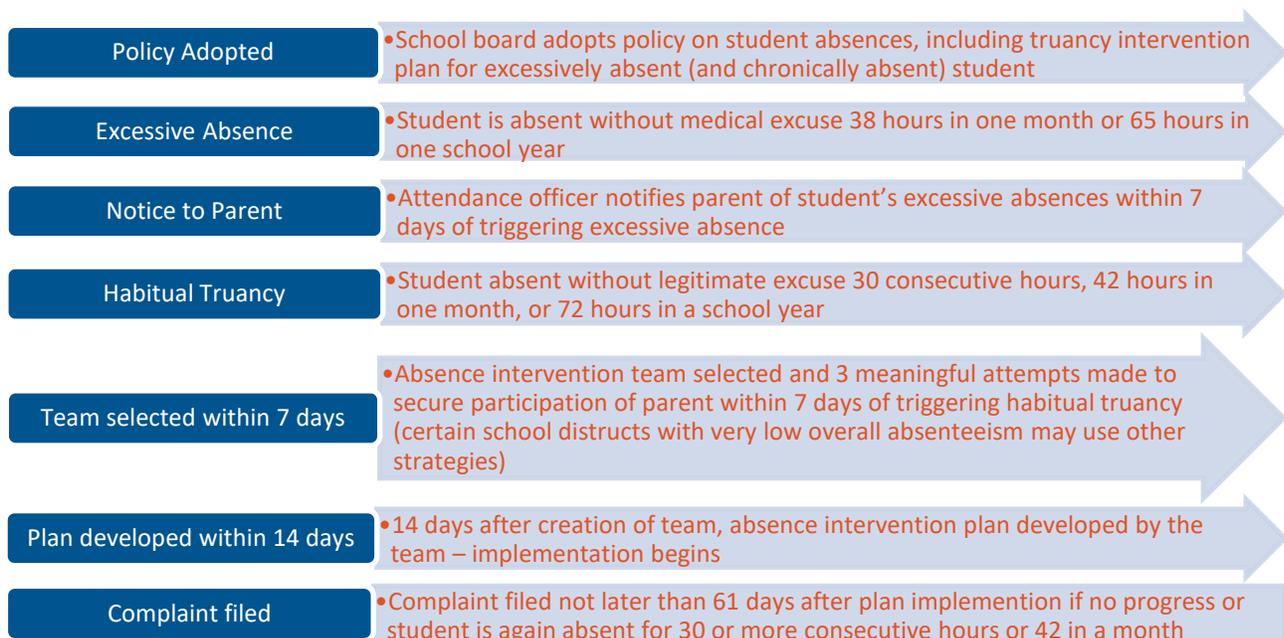
⁸ See also “Each Child, Our Future: Supporting Regular Attendance,” *Ohio’s Attendance Laws: Frequently Asked Questions*, Ohio Department of Education, available at <http://education.ohio.gov/getattachment/Topics/Student-Supports/Chronic-Absenteeism/House-Bill-410-FAQ-2-1.pdf.aspx?lang=en-US>.

absences. The policy must be developed in consultation with the juvenile court, parents, and appropriate state and local agencies. The policy may include as an intervention strategy any of the following actions:

- Providing a truancy intervention program for an excessively absent student;
- Providing counseling for a habitual truant;
- Requesting or requiring a parent, guardian, or custodian to attend parental involvement programs and truancy mediation programs;
- Notification of the Registrar of Motor Vehicles of the truancy of a motor vehicle license holder; and
- Taking legal action.⁹

Absence intervention

As a student's absences escalate, so do the steps a district, ESC, community school, or STEM school must take. The following summarizes a school's responsibilities at each stage of the absence intervention process.¹⁰



Absence intervention team

A student must be assigned to an absence intervention team when the student becomes a habitual truant. That team must then develop an intervention plan in an effort to reduce or eliminate further absences. Membership of each team may vary based on the needs of each student, but must include: (1) a representative from the school district or school, (2) another

⁹ R.C. 3321.191(A).

¹⁰ R.C. 3321.191. See also R.C. 2151.27 (filing of complaint in juvenile court).

representative from the district or school who knows the child, and (3) the child's parent, guardian, or 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.¹¹

Juvenile court actions against the child

If, after the school has made meaningful attempts to reengage the student, the student's absences persist, a complaint must be filed in the juvenile court not later than 61 days after the absence intervention team's plan was implemented. When a complaint is filed the court first must consider an alternative to adjudication. The court must consider the complaint only as a matter of last resort.¹² However, if these alternatives are not successful, the student may be adjudicated an "unruly child for being a habitual truant" and ordered by the court to attend school and comply with other sanctions. If the student violates that order, the court may adjudicate the child as a "delinquent child."¹³

Possible actions against parent, guardian, or custodian

The juvenile court has exclusive original jurisdiction over the parent, guardian, or custodian of a truant child regarding that truancy.¹⁴ Since it is the parent, guardian, or custodian's statutory responsibility to ensure that the child attends school, there are several separate civil and criminal statutes that can be enforced. First, a school district may adopt a policy requiring the parent or guardian of any student "who is truant or habitually absent from school" (as determined by the district) to attend a parental education or training program. Failure to attend that training program is a fourth degree misdemeanor known as "parental education neglect."¹⁵ Second, a parent, guardian, or custodian can be found guilty of contributing to the unruliness or delinquency of a child, which is a first degree misdemeanor.¹⁶ The court also might order the parent, guardian, or custodian to post a surety bond of up to \$500 conditioned on seeing that the child attends school.¹⁷

¹¹ R.C. 3321.191(C)(2)(a) and (d).

¹² R.C. 2151.27(F) and (G), 3321.16(B)(1), and 3321.19(D).

¹³ R.C. 2151.354(C) and 2152.19(A)(7) and (E).

¹⁴ R.C. 2151.23 and 3321.38.

¹⁵ R.C. 2919.222 and 3313.663.

¹⁶ R.C. 2919.24.

¹⁷ R.C. 3321.38.