

## 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. Districts and community schools should review their policies and determine if they need to 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; or
  - 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; or
  - 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); and
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). Juvenile court should consider alternatives to adjudication and adjudication should be used as a last resort. A complaint cannot be filed until:

- a. the 61<sup>st</sup> day after failed implementation of an absence intervention plan; or
- b. 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.

## STUDENT DISCIPLINE CHANGES

1. Schools may permit students to make up missed work due to out-of-school suspensions per district policy; and
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; and
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 7 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 7 days of the triggering absence, the district will do the following:
  - a. Select members of the absence intervention team;
  - b. Make 3 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; and
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](mailto:school_improvement@education.ohio.gov) to assist with the Department's development of guidance and training materials.

# House Bill 410 Frequently Asked Questions

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## Commonly Used Definitions

### What is the definition of chronic absenteeism?

Chronic absenteeism, as defined by the Every Student Succeeds Act, is missing 10 percent or more of the school year for any reason. It includes excused and unexcused absences. Schools and districts do not have to wait until a child has missed 10 percent of the school year to offer supports to the student and his or her family.

### What is the definition of habitual truancy?

Ohio Revised Code Section 2151.011(B)(18) defines habitually truant students as “any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in one school year.”

Districts should keep in mind that truancy is different from chronic absenteeism. Truancy only counts absences without a legitimate excuse. Also, when a child is habitually truant, the district is required to follow several administrative procedures and legal solutions to ensure the student attends school regularly.

### What is the definition of excessive absences?

Ohio Revised Code Section 3321.191(C)(1) defines excessive absences as a child of compulsory school age who “is absent with or without a legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or more hours in one school year.” A district should proactively utilize its intervention strategies with students who meet the standard for being excessively absent so that the district can get the student the support he or she may need to get to school every day to prevent the student from becoming truant.

### What is the difference between chronic absenteeism, habitual truancy and excessive absences?

	<b>Consecutive hours</b>	<b>Hours per school month</b>	<b>Hours per school year</b>
<b>Habitual Truancy</b>	<b>30</b> <i>without legitimate excuse</i>	<b>42</b> <i>without legitimate excuse</i>	<b>72</b> <i>without legitimate excuse</i>
<b>Excessive Absences</b>	--	<b>38</b> <i>with or without legitimate excuse</i>	<b>65</b> <i>with or without legitimate excuse</i>
<b>Chronic Absenteeism</b>	--	--	<b>10%</b> <i>with or without legitimate excuse</i>

## **What is the difference between a district truancy plan and a student absence intervention plan?**

Every district must have an approach to addressing attendance and absenteeism. The district truancy plan should outline the district's interventions, supports and processes for ensuring every student gets to school every day. When a student is excessively absent, the district should notify the student's parent or guardian and follow its truancy plan to assist that student and his or her family in getting to school regularly.

A student absence intervention plan is a student-centered, personalized plan developed to address barriers to attendance when a student becomes habitually truant. The district or school absence team develops the student absence intervention plan collaboratively with the student and his or her family. In addition to resources, the plan contains an agreed-upon strategy for getting the student to school every day. The student plan will hold the student and his or her parents accountable for attending school regularly. Continued absences or failure to make progress toward implementation of the plan will result in the district filing a complaint with juvenile court.

## **What is the definition of positive school climate?**

Every district should develop a definition of positive school climate that reflects local community values and priorities. One definition of a positive school climate is:

*A positive school climate is the product of a school's attention to fostering safety; promoting a supportive academic, disciplinary and physical environment; and encouraging and maintaining respectful, trusting and caring relationships throughout the school community, no matter the setting.*

## **In what situations can an absence be excused?**

Every student should be in school every day. Even if an absence is excused, it still results in loss of important instruction time for the student. Nonetheless, there are certain instances when a student simply cannot be at school. Ohio Revised Code Section 3321.04 and Ohio Administrative Code 3301-69-02 set forth the situations in which an absence can be excused. Districts also are permitted to add to the list of excused absences as provided in state law.

## **What is the definition of a school month?**

A school month is any calendar month that students are required to attend school.

# **Tracking and Reporting Attendance**

## **EMIS already collects attendance and absence information in hours. Why is there a need to change anything if the Department already receives information in hours?**

HB 410 modified truancy and compulsory school attendance laws. Specifically, HB 410 defines truancy and excessive absences by changing the basis for the attendance calculation from days to hours. Thus, for districts to effectively implement HB 410, attendance reporting and tracking should be based on hours instead of days.

## **How do tardies and early dismissals impact data collection changes?**

Districts must track time missed due to a student being tardy or dismissed early, and they must count this time toward HB 410 requirements.



Times that a student is tardy may count differently depending on how a district chooses to track and report attendance. At a minimum, districts must track and report student attendance to the nearest hour, however, districts may track and report in greater detail.

For example, if a district's policy is to round to the nearest hour, the district would round down to the nearest hour for a student who comes in 15 minutes late and enter the student's time accordingly. In this scenario, the student would not accumulate any time toward truancy triggers. On the other hand, if a district tracks and reports attendance in greater detail, it may enter the exact time in which the student arrived or left school.

### **How should districts track and report attendance for high school students with alternative schedules?**

If a student's regular school day is reduced because of late arrival or early release, the district should track and report attendance/truancy for the time the student is scheduled to be in the building.

### **How should districts track attendance for students who participate in programs outside of the school during the school day?**

Districts must accurately track and report attendance for all students. If a student is enrolled in a program outside of his or her assigned school or district and that program reports attendance data through EMIS for state accountability, then that student's attendance must be tracked and reported for the student's required time by both places. Districts must regularly communicate and share information with these programs to ensure students are not excessively absent or habitually truant. If a student meets the trigger for excessive absences or habitual truancy across multiple locations, the district and program must work together to develop and implement an absence intervention plan.

For example, if a student attends half of his time at his home district and half of his time at a career-technical school, the home district and career technical school should communicate and share data regularly to ensure the student is not habitually truant or excessively absent.

On the other hand, if a student participates in College Credit Plus on a college campus, the district would not need to coordinate with the higher education institution to share data. The student's status would only be based on the time the student is required to attend the home school in the district.

### **Our policy is to report attendance by the day or half day. Is it necessary to make changes to this policy?**

It is not acceptable for districts to track and report attendance in half-day or full-day increments because it does not represent accurate attendance and absences of students. Districts must update local policies and processes to require attendance tracking and reporting to at least the nearest hour.

### **Do districts have to take attendance every hour under these changes?**

Schools with period-based scheduling should include in their policies to take attendance at the beginning of every period to ensure students are present in every class. If a student is absent from class without a legitimate excuse at any time during the school day, that time should be accounted for to the nearest full hour. For instance, if a student misses two hours of school in the morning, that student cannot be counted present for the whole day.

Similarly, students who are present in the building but not in their scheduled classes and do not have a legitimate excuse should not get credit for attendance for that class. If a student is missing class with a

legitimate and approved reason, such as being in the nurse's office, counselor's office or receiving remediation, the school should not count the student as absent.

## **How should elementary schools report and track attendance by the hour?**

Schools that do not have period-based schedules are not required to take attendance multiple times a day. However, these schools must track and report attendance at least to the nearest hour. For example, the time a student is signed in or out by a parent should be tracked and recorded to the nearest full hour and accurately reflected in the district's student information system.

## **How should time missed be tracked and reported in EMIS?**

Districts should develop local policies about tracking and reporting partial attendance and absences, which may be rounded up or down to the nearest hour. If districts choose to do so, time missed may be tracked in greater detail as outlined in local district policies. If districts choose to track and report time missed in greater detail, they do not have to round any reported absence time, either through the person entering the information or the student information system in which it is entered.

If districts choose to track and report absences to the nearest hour, they should round every absence instance per day. For example, if a student arrives at school 35 minutes late, that time would be rounded up to the nearest hour. If the same student leaves school 45 minutes early, that time would be rounded up to the nearest hour as well. The student would have two hours of absences for that day.

## **Are there other EMIS changes due to HB 410?**

Yes. Section 3321.191(E) of the Revised Code requires districts to report the information below, beginning with the 2017-2018 school year:

- i. When a district notifies a parent that a student has excessive absences;
- ii. When a child has been absent without legitimate excuse from the public school that 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 one school year;
- iii. When a child of compulsory school age who has been adjudicated an unruly child for being a habitual truant violates the court order regarding that adjudication;
- iv. When an absence intervention plan has been implemented for a child under Section 3321.191 of the Ohio Revised Code.

## **Why do excused absences count toward excessive absence triggers?**

HB 410 includes excused absences as part of the definition of excessively absent because when a student is missing a lot of school, the student is missing instruction time, and there may be a larger problem contributing to the absences. Furthermore, excessive absences may serve as an early warning indicator districts can use to address absences before a student becomes habitually truant. Likewise, a student still may need district support to get to school every day even though the student's absences are excused.

## **Do lunch and recess count toward excessive absence and truancy triggers?**

The only time that counts for excessive absence and truancy calculations is time in school that counts toward the minimum school year. For [more information, click here.](#)

## Do absences caused by suspensions count toward truancy or excessive absences triggers?

Though suspensions are considered unexcused absences, they should not count toward truancy triggers because suspensions represent a legitimate excuse to be out of school. Suspensions do count toward excessive absences because the definition of excessive absences does not distinguish between legitimate and not legitimate reasons for missing school.

## Do public preschools need to track and report attendance by the hour?

Though public preschools are not subject to HB 410 provisions, the Department encourages preschools to track and report attendance by the hour.

## Are students who cannot attend school due to chronic or terminal illness considered truant?

No. Districts should work with a student's family to update the student's individualized education program (IEP) or 504 plan to include a home instruction plan for a student who is chronically or terminally ill. If the student is actively participating in a home instruction plan per Ohio Revised Code 3323.12, he or she is not considered absent.

# Habitual Truancy and Excessively Absent

## What happens when a student becomes excessively absent from school?

- The district will notify the student's parents in writing within 7 days of the triggering absence;
- The student will follow the district's truancy plan outlined in its absence intervention policy; and
- The student and family may be referred to community resources.

## Do students with excessive absences need to have personalized absence intervention plans developed by their schools' or districts' absence intervention teams?

No. Students who have met the threshold for excessive absences but are not considered habitually truant do not need absence intervention plans developed by their schools' or districts' absence intervention teams. Districts should follow their truancy intervention plans outlined in their policies for dealing with excessively absent students.

## What happens when a student becomes habitually truant from school?

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

- Within **7** of the triggering absence, the district will:
  - Select members of the absence intervention team; and
  - Make 3 meaningful attempts to secure the participation of the student's parent or guardian on the absence intervention team.
- Within **10 days** of the triggering absence, the student will be assigned to the selected absence intervention team;
- Within **14 school days** after the assignment of the team, the district will develop the student's absence intervention plan;
- Within **7 days** after the plan is developed, the district shall make reasonable efforts to provide written notification to the student's parent or guardian; and

- The student has **60 days** to successfully implement the plan. If the student does not make progress on the plan, as determined by the absence intervention team, the attendance officer must file a complaint in juvenile court against the student on the **61st day** after the implementation of the absence intervention plan. If, any time during the implementation phase of the absence intervention plan, the student is absent without legitimate excuse **30 or more consecutive hours** or **42 or more hours** in one school month, the district must have its attendance officer file a complaint against the student. This requirement does not apply if the absence intervention team has determined the student has made substantial progress on the absence intervention plan.

## Absence Intervention Team

### What is the role of an absence intervention team?

Any district with a chronic absenteeism rate of 5 percent or greater must establish an absence intervention team. The absence intervention team develops a student-centered absence intervention plan for every child who is habitually truant by identifying specific barriers and solutions to attendance. The team should include participation of the student and the parent. This is a new requirement for districts to break down barriers to attendance without filing criminal complaints against students in juvenile court.

### Who is required to participate on the absence intervention team?

Membership of each absence intervention 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; and
- c. The child's parent (or parent's designee) or the child's guardian, custodian, guardian ad litem or temporary custodian.

The district may invite a school psychologist, counselor, social worker, representative of a public or nonprofit agency or representative from the court to participate on the team.

The district must make three good faith efforts to engage the student's parent or guardian. The parent may appoint a parent designee, such as a relative or other trusted adult, if the parent is unable to participate. If, after three good faith attempts, the district is unable to ensure participation of the parent, the team should develop the student's absence intervention plan without the parent.

### Are all districts required to have absence intervention teams?

No. Districts with a chronic absenteeism rate of 5 percent or greater on the most recent report card must establish absence intervention teams for students who are habitually truant beginning with the 2017-2018 school year. This applies to districts, community schools, and dropout prevention and recovery schools.

The law requires all joint vocational school districts to have absence intervention teams.

### Which report card year will be used to determine if a district must have an absence intervention team?

The Department will use district chronic absenteeism rates for the 2016-2017 school year to determine if a district must have an absence intervention team. The Department will notify districts, community

schools, joint vocational school districts, and dropout prevention and recovery schools before the 2017-2018 school year begins if they must form absence intervention teams.

**If a school within a district that is required to have an absence intervention team has a chronic absenteeism rate of less than 5 percent, is the school required to have an absence intervention team?**

Yes. The Department calculates the 5 percent threshold based on the district, not the school. Thus, if a district is required to have an absence intervention team, all schools in that district are subject to the requirement, regardless of an individual school's chronic absenteeism rate.

**What does a “good faith effort” mean when contacting parents to participate in the absence intervention team?**

Districts must make a significant effort to engage parents in the absence intervention team. Districts should define “good faith effort” in their local policies and community engagement plans.

**What if a district cannot engage the parent in the absence intervention team after three good faith attempts?**

The district must make three good faith efforts to engage the student's parent or guardian as outlined in the district's local policy. If the parent is unable to participate in the absence intervention team, the student's parent may appoint a parent designee, such as a relative or other trusted adult. If, after three good faith attempts, the district is unable to ensure participation of the parent or the parent's designee, the team should develop the student's absence intervention plan without the parent. Districts have 7 days after the plan's completion to send the plan to the student's parents.

Additionally, if the parents are not responsive to the requests, the district must determine whether there is cause to report the parents to the county children services agency for abuse or neglect.

**Does a parent or guardian have to participate in the absence intervention team in person?**

No, a parent does not have to participate in the absence intervention team in person. Absence intervention teams should consider alternatives for including a parent such as a conference call or video conferencing.

**Can schools have their own absence intervention teams?**

Yes. HB 410 permits schools to have their own absence intervention teams, but the district is responsible for developing a team if the school does not have one.

**Can the district contract or partner with other agencies for the absence intervention team?**

Yes. Districts may contract or partner with outside entities, such as educational service centers or county Family and Children First Councils, to assist with implementation of absence intervention teams.

Cross-sector collaboration on the absence intervention plan is encouraged. Districts may invite representatives from community agencies to participate. The district may invite a school psychologist,

counselor, social worker, representative of a public or non-profit agency, or representative from the court to participate on the team.

## **Are schools obligated to conduct attendance intervention meetings for students who are 18 years old?**

No. HB 410 requirements only apply to students of compulsory education age.

## **Can districts withdraw an 18-year-old student who is truant?**

No. Districts cannot withdraw an 18-year-old student for being truant unless the student makes the request.

# **Absence Intervention Plan**

## **Does an absence intervention plan carry over from one school year to the next school year?**

If a student becomes habitually truant within 21 school days prior to the last day of instruction of a school year, the school district or school may 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. If the school district or school selects this method, the district and student must implement the plan no later than seven days prior to the first day of instruction of the next school year. In the alternative, the school district or school may toll the time periods to accommodate for the summer months and reconvene the absence intervention process on the first day of instruction of the next school year.

If the 61<sup>st</sup> day after the implementation of the absence intervention plan falls on a day during the summer months, in the school district's discretion, the absence intervention team or the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional 30 days from the first day of instruction of the next school year.

## **What happens if a student moves to another district or an e-school while the absence intervention plan is being developed or implemented?**

If a student moves to another district during the development or implementation of an absence intervention plan, the previous district should include the student's attendance record and absence intervention plan with the student's records it sends to the enrolling district.

The enrolling district should work with the student and the student's family during the rest of the implementation period to complete the plan within the original 60-day implementation period. There may be instances when the plan needs to be amended to accommodate the student's circumstances at the new school. In such a case, the enrolling district should follow the prescribed timelines for the absence intervention team and implementation of the absence intervention plan. The student will have 60 days to successfully complete the amended plan.

If an absence intervention plan does not arrive with the student's records but the student's attendance record reflects that he or she should have an absence intervention plan, the enrolling district should contact the previous district to understand why it did not develop such a plan.

The enrolling district must begin the absence intervention team process per the timelines prescribed in HB 410 if the student was truant at his or her previous district but that district did not develop a plan.

Because the student's attendance record follows the student, his or her absence hours should continue with the enrolling district. For example, if a student was absent without legitimate excuse for 60 hours at his or her previous district, then was absent without legitimate excuse for 12 hours at the enrolling district, the enrolling district should consider the student truant.

The student's attendance record should follow the student to the enrolling school.

### **Are districts required to develop absence intervention plans for students who withdraw from the district but whose records are not requested by the receiving district?**

Yes. If a student withdraws from your district and you do not receive confirmation that the student has enrolled elsewhere, your district must refer the student to an absence intervention team, develop a plan, and then file a complaint with juvenile court after 61 days. Districts also are required to have their attendance officers file complaints against students who, at any time during the implementation phase of the absence intervention plan, are absent without legitimate excuse 30 or more consecutive hours or 42 or more hours in one school month. This requirement does not apply if the absence intervention team has determined that the student has made substantial progress on the absence intervention plan. After the district has filed truancy charges it may withdraw the student per EMIS guidelines.

Districts do not have to complete plans for students who withdraw to move to another country, even if the receiving school does not request records. Schools must have documentation that a parent or guardian withdrew the student to migrate to another country.

### **How should a district file a complaint with the courts if a student has failed to implement the absence intervention plan after 60 days if the 61<sup>st</sup> day falls on a day when school or the courts are not in session?**

If the 61<sup>st</sup> day falls on a day that school is not in session or the court is not open, such as the weekend or a holiday, the attendance officer should file the complaint on the next day that both the school and the court are open.

## **Changes to District Policies**

### **Are districts required to use the model policy?**

No. Districts may adopt the [model policy](#) in part or in whole, but they are not required to adopt it as long as they update local policies to meet all of the requirements outlined in HB 410 for the 2017-2018 school year.

### **What intervention strategies must be included in a district's updated policy?**

HB 410 requires all district policies to include these intervention strategies:

- A truancy intervention plan for any student who is excessively absent from school;
- Provide counseling for a student who is habitually truant;
- Request or require the student's parent, guardian or other person having care of a student who is habitually truant to attend parental involvement programs, including programs adopted under 3313.472 (Parent and foster parent involvement in schools) or 3313.63 (Parent education or training program);
- Request or require the student's parent, guardian or other person having care of a student who is habitually truant to attend truancy prevention mediation programs;
- Notification of the registrar of motor vehicles;
- Taking legal action.



## Do local policies have to address zero tolerance?

Yes. District must have zero tolerance policies for violent, disruptive or inappropriate behavior by their students per [Ohio Revised Code 3313.534](#). However, districts must remove “excessive absences” from their zero tolerance policies. Districts also are no longer allowed to suspend or expel students for being absent from school.

## Can students who are suspended make up missed work?

Yes. A district may include in their local policy a provision that allows students to make up missed work due to out-of-school suspensions.

## Can suspensions be carried over to the next school year?

No. The district cannot require the student to complete the suspension at the beginning of the next school year if the student’s suspension is longer than the remainder of the school year. However, the district may require the student to complete community service or an alternative engagement activity during the summer.

## Can districts suspend or expel students for truancy?

No, districts cannot suspend (out of school) or expel students for truancy. Districts should be proactive by working with families and community organizations to break down barriers that prevent students from attending school.

# Partnering with Community Agencies

## Can schools report to children services when abuse or neglect is suspected?

Yes. Teachers and other school staff are mandated reporters of child abuse or neglect per [Ohio Revised Code 2151.421](#). Districts should engage with their county children services agencies whenever abuse or neglect is suspected. Districts and schools should not wait until the 61st day after an absence intervention plan is developed to report suspected abuse or neglect.

Districts must make three good faith attempts to engage the student’s parents in the absence intervention team process. Districts must determine whether the parents should be reported to their county children services agencies if they are not responsive to these requests.

## When should districts file a complaint with their county juvenile courts?

Districts must have their attendance officers file complaints against a student in juvenile court on the 61st day after the implementation of an absence intervention plan, provided that all of the following apply:

- 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;
- The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies and any offered alternatives to adjudication described under division (C)(2)(b) of section 3321.191 of the Revised Code; and



- 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 intervention strategies or alternative to adjudication.

Districts also are required to have their attendance officers 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.

## Community Schools

### **Do HB 410 requirements apply to community schools, e-schools, and dropout prevention and recovery schools?**

Yes. Community schools, e-schools, and dropout prevention and recovery schools must follow all requirements outlined in HB 410.

Both truancy and excessive absences apply to all public schools, including e-schools. All public schools must implement interventions for students who have not participated in instructional activities and thus meet the triggers for habitual truancy and/or excessive absences. Students in a virtual environment are expected to participate in instructional activities on a consistent basis that conforms to the school calendar.

### **How does the new law coincide with the mandatory 105-hour withdrawal for community schools?**

As the trigger for truancy is a lower threshold than the 105 consecutive hours needed to withdraw a student, schools should follow the procedures outlined in HB 410 for a student who is excessively absent or truant. This process for a student who is truant includes parent notification and the development of an absence intervention plan by a school absence intervention team.

## College Credit Plus

### **How should districts track attendance for students who participate in College Credit Plus outside of the school during the school day?**

If a student participates in College Credit Plus outside of the school, such as on a college campus or an online college course, the district would not need to coordinate with the higher education institution to share data. The student's status would be based only on the time the student is required to attend the home school in the district.

If a student participates in College Credit Plus courses off-site, at the college or online only, and has no classes at the high school building, the district has no responsibility for tracking attendance because the student is not required to attend the home school in the district.

If a student participates in College Credit Plus courses both at the high school and at the college (off-site), the district is responsible only for tracking attendance for the time the student is required to be at the high school. The district should create an alternative calendar within EMIS for that student, similarly to the way it does for other students who are participating in off-site activities, such as externships.

## **What is the definition of full time equivalency for traditional districts?**

To be considered for full-time equivalency, the student participating in College Credit Plus must complete five Carnegie units/credits over of the school the year, either at the high school or through College Credit Plus. This must include at least one class in the spring, regardless of what the student took in the summer and fall.

This requirement does not apply to community schools.

## **What if a student is not regularly attending his or her online or on-campus college course?**

If the high school receives notification from the college that the student is not attending courses, the district must act on this information. The district must create a policy to address this possible scenario. The Department recommends that the school district work with the college and university partners to share data such as attendance.

## **Are students required to return to their high schools between college courses taken on college campuses?**

No. While districts can create local policy for this, the Department recommends that districts keep the best interest of the student in mind. This would include avoiding unnecessary travel between the school and college campus, taking advantage of college campus resources during that time and making choices of other, similar best uses of time.

## **Joint Vocational School Districts**

### **Do HB 410 requirements apply to joint vocational school districts?**

Yes. All requirements apply to joint vocational school districts. Also, all joint vocational school districts must have absence intervention teams to develop student-centered absence intervention plans for students who are habitually truant.

### **How should joint vocational school districts collaborate with the student's home district to ensure all requirements are met?**

Districts and joint vocational school districts should work to create collaborative policies and processes to ensure all HB 410 requirements are met. Unless the district and the joint vocational school district have policies and processes outlining different procedures, they should implement the following:

- If a student attends the joint vocational school district full time, the joint vocational school district is responsible for ensuring it meets all requirements for this student, including tracking and reporting attendance by the hour.
- If a student attends both a joint vocational school district and a home school, the entity in which the student spends the majority of his or her time is responsible for ensuring all HB 410 requirements are met for that student. Similarly, the entity where the student spends the majority of his or her time is responsible for reporting the four required EMIS reporting elements for that student:
  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 as 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.

- If a student splits time evenly between the home district and the joint vocational school district, the home district and the joint vocational school district should work together to determine which entity will fulfill the HB 410 requirements for the student, including EMIS reporting on the four elements above.

Both entities must track and report attendance for the student by the hour, or in greater detail per local policy. The joint vocational school district and the student's home school should collaborate to create a procedure to share attendance data for a student who spends time at both the joint vocational school district and the home school. Absences at both the home school and the joint vocational school district count toward excessive absences triggers and habitual truancy triggers; therefore, both schools must track and share attendance data.

Appendix A

## “FERPA” Parental and/or Eligible Student Consent Disclosure Form

Pursuant to the [Family Educational Rights and Privacy Act](#), 20 U.S.C. § 1232g and Ohio Revised Code [§ 3319.321](#), parental consent or consent from the student if he/she is age 18 or older (“eligible student”) is required before personally identifiable information contained within the student’s education records are disclosed, with limited exceptions as stated in [34 CFR 99.31](#).

Please fill in the required information below.

I, \_\_\_\_\_ *Parent or Eligible Student* \_\_\_\_\_, give my written consent that [NAME of SCHOOL DISTRICT RELEASING INFORMATION] can release the following records:

- (1) \_\_\_\_\_ ;
- (2) \_\_\_\_\_ ;
- (3) \_\_\_\_\_ .

Involving [Student Named in Records] to the person(s) and/or organization(s) listed:

- (1) \_\_\_\_\_ ;
- (2) \_\_\_\_\_ ;
- (3) \_\_\_\_\_ .

to assist the student’s absence intervention team and/or plan created in accordance with Ohio Revised Code § 3321.191.

By signing below, I consent to the disclosure of the records listed above to the specified person(s)/organization(s) for the purpose stated herein. This consent is valid for the [YEAR] school year only. Consent can be withdrawn at any time, provided it is given in writing to the school district. If signed by the parent/guardian, he/she represents that the student has not yet reached the age of 18 at the time the consent was given. If signed by the student, he/she represents that he/she is at least 18 years old when consent was given.

\_\_\_\_\_  
Signature of Parent, Guardian or Eligible Student

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print Name of Parent, Guardian or Eligible Student

**—Districts should consult with their legal counsel about the proper use of this form.—**

## Appendix B

# HB 410 Model Policy Framework

A positive school climate requires students to: follow school rules; accept guidance from school staff; respect themselves and others; and be active citizens. The Board of Education has zero tolerance of violent, disruptive or inappropriate behavior by its students. Student conduct shall be governed by the rules and provisions of the [Student Code of Conduct/Student Discipline Code]. This policy will be reviewed periodically.

It is the responsibility of students, teachers and administrators to maintain a school environment that:

- A. Encourages all students to be actively engaged in their learning;
- B. Has consequences that are fair and developmentally appropriate;
- C. Relies on preventive and supportive interventions to support positive behavior and academic outcomes; and
- D. Fairly enforces the [Student Code of Conduct/Student Discipline Code].

All students and families are provided a copy of the [Student Code of Conduct/Student Discipline Code], which contains the rules and regulations that each student is expected to adhere to while in school or participating in any school-related activity, regardless of its location. The district has developmentally and age-appropriate discipline strategies ranging from preventative approaches to supportive interventions to address student misbehavior, including excessive absences. Students who do not follow school rules on school property and/or at school-related events will be disciplined according to the terms set forth in the [District's/Board's] approved [Student Code of Conduct/Student Discipline Code]. The [Student Code of Conduct/Student Discipline Code] provides students and families with examples of the types of behaviors that would subject a student to disciplinary action ranging from suspension or expulsion to other less severe forms. Suspension and expulsion will only be used once other options have been exhausted, unless the student's behavior poses a threat to the safety of him/herself or others.

A student may be subject to school disciplinary action, including suspension or expulsion for harassment, vandalism, physical abuse or other harmful or disruptive behavior toward school personnel or school personnel's property during non-school hours.

If a student's suspension is longer than the school year, the student will not be required to complete the suspension at the beginning of the next school year. However, the student may be required to complete community service or an alternative strategy for engagement, per the superintendent, to be completed during the summer.

Students may be subject to discipline for violation of the [Student Code of Conduct/Student Discipline Code], even if that conduct occurs on property not owned or controlled by the [District/Board] but that is connected to activities or incidents that have occurred on property owned or controlled by the [District/Board], or conduct that, regardless of where it occurs, is directed at a [Board/District] official or employee or the property of such official or employee.

***—This template is a general, high-level model policy. Local school boards/districts should consult with their legal counsel about the proper use of this model policy prior to its adoption.—***

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 absences including, but not limited to:

- Notifying the parent or guardian of a student's absence;
- Developing and implementing an absence intervention plan on a case-by-case basis, which may include supportive services for students and families;
- Counseling;
- Parent education and parenting programs;
- Mediation;
- Intervention programs available through juvenile authorities; or
- Referral for truancy if applicable.

Ohio law requires that if a student is absent with or without legitimate excuse from school 38 or more hours in one school month, or 65 or more school hours in a school year, the following will occur. The school's attendance officer will notify the child's parent, guardian, or custodian of the child's absences after the date of the absence that triggered the notice requirement. If a student's absences surpass the threshold for a habitual truant, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to a district absence intervention team, which will develop an intervention plan for that student. Every effort will be made to include a parent, guardian or custodian as a member of the student's absence intervention team. Notice of the plan developed by the student's absence intervention team will be provided to the student's parent, guardian or custodian. At no time, however, will students be expelled or suspended out of school due to excessive absences or truancy.

Applicable Ohio Revised Code Sections contained within this policy:

[ORC 3313.20](#) (Rules - locker search policy - professional meetings)

[ORC 3313.534](#) (Policy of zero tolerance for violent, disruptive or inappropriate behavior)

[ORC 3313.66](#) (Suspension, expulsion or permanent exclusion-removal from curricular or extracurricular activities)

[ORC 3313.661](#) (Policy regarding suspension, expulsion, removal, and permanent exclusion)

[ORC 3313.662](#) (Adjudication order permanently excluding pupil from public schools)

[ORC 3321.191](#) (Adoption of policy regarding student absences; intervention strategies)

***—This template is a general, high-level model policy. Local school boards/districts should consult with their legal counsel about the proper use of this model policy prior to its adoption. —***