

House Bill 410: What you need to know

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In December 2016, Ohio lawmakers passed House Bill 410 in an effort to decrease the number of students who wind up in the criminal justice system for school-related absences. The bill, which takes effect on April 6, 2017, makes several changes to the law governing student truancy and discipline. Below is a summary of some the more significant changes⁽¹⁾ for school administrators.

Truancy interventions

Definitions:

H.B. 410 changes the truancy definition to be based on instructional hours, rather than days of instruction. Under the new definitions, the designation of “chronic truancy” has been eliminated, and the designation of “habitual truant” is defined as any child of compulsory school age who has been absent without legitimate excuse for:

- 30 or more consecutive hours
- 42 or more hours in a school month, or
- 72 or more hours in a year

Notice:

Schools must provide written notice to parents within seven days of a child’s excused absence of 38 or more hours in a month or 65 or more hours in a school year.

Absence intervention procedures:

- Absence intervention team: Once a student has been designated a “habitual truant,” the school shall assign the student to an absence intervention team. Within seven school days of this designation, the superintendent, principal or chief administrator shall select the members of the team, which shall include a representative of the child’s school, another representative from the school who knows the child, and the child’s parent, custodian, guardian ad litem or temporary custodian. The team may also include a school psychologist, counselor, social worker or representatives of local public agencies designed to assist students and their families in reducing absences. Districts that have a truancy rate of less than 5 percent do not have to form a team but must intervene with the student for 60 days regarding attendance.
- Parent participation: Within seven school days of the student’s designation as a “habitual truant,” the superintendent, principal or chief administrator shall make at least three meaningful, good faith attempts to secure the participation of the student’s parent, custodian, guardian ad litem or temporary custodian in an absence intervention team meeting. If seven school days elapse and the parent/custodian/guardian fails to respond to the attempts to secure parental participation in the team meeting, the school shall investigate whether the failure to respond triggers mandatory reporting to the public children services agency and shall instruct the absence intervention team to proceed with developing a plan for the child.
- Absence intervention plan: Within 14 school days after the student’s assignment, the team shall develop an intervention plan for that student to reduce or eliminate further absence.

Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than 61 days after the date the plan was implemented if the child has refused to participate or failed to make progress on the intervention plan.

- Parent notice: Within seven days after the development of the plan, the school must make a reasonable effort to provide the student's parent, guardian, custodian, guardian ad litem or temporary custodian with written notice of the plan.
- End of the year absences: If a student becomes habitually truant within the 21 school days prior to the end of the school year, the district may, in its discretion, assign a school official to work with the student's parent and develop an absence intervention plan during the summer. This plan shall be implemented not later than seven days prior to the first day of instruction in the next school year. Alternatively, the school may toll the time period over the summer months and reconvene the absence intervention process upon the first day of instruction the following school year.
- Juvenile court referral: The attendance officer shall file a complaint in the juvenile court on the 61st day after implementation of the absence intervention plan or other intervention strategies if all of the following apply:
 - The student was absent without legitimate excuse from the public school 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 has made meaningful attempts to re-engage the student through the absence intervention plan or other intervention strategies and any offered alternatives to adjudication
 - The student has refused to participate in or failed to make satisfactory progress on the plan

Policy changes

Model school discipline policy to be developed:

The Ohio State Board of Education is to develop a model school discipline policy for the 2017-2018 school year that emphasizes prevention and alternatives to out-of-school suspension or expulsion.

Changes to zero-tolerance policies:

Excessive truancy was removed from the statute that requires boards of education to adopt zero-tolerance policies for violent, disruptive, or inappropriate behavior. Truancy was also removed from the statute that requires the "Big 8" school districts to establish alternative schools to meet the needs of students with severe discipline problems.

Changes to truancy policies:

Effective beginning with the 2017-2018 school year, the board of education of each city, exempted village, local, joint vocational, and cooperative education school district and the governing board of each ESC shall adopt a new or amended policy to guide employees in addressing and ameliorating student absences.

Discipline changes

Prohibits disciplinary removal for student absences:

After July 1, 2017, schools may not suspend, expel or remove a student from school solely on the basis that the student was absent from school without legitimate excuse.

Make-up work permitted:

If a student is suspended, the local board of education may, in its discretion, permit the student to complete any classroom assignments missed because of the suspension.

Carry-over suspensions eliminated:

If a student is suspended at the end of the school year, the disciplinary removal may no longer carry over into the next school year. Instead, the superintendent may require the student to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the suspension. The student shall be required to begin the community service or alternative consequence during the first full week of summer break. In the event that the student fails to complete the community service or assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining out-of-school suspension at the beginning of the next school year.

¹¹Since this article presents a summary of only some of legislative changes created by H.B. 410, readers are encouraged to view the entire bill.