

2018 Ohio Truancy Law Flowchart: School Process before Filing a Complaint  
Courtesy of Lorain County Domestic Relations Court-Juvenile Division

Juvenile has excessive absences of  $\geq 38$  hours in one calendar month or  $\geq 65$  hours in one school year with a nonmedical excuse or without legitimate excuse, within 7 calendar days of absence that triggered requirement:

- Attendance Officer shall notify the child's Parent(s)/Guardian(s)/Custodian(s) of child's absences, in writing.
- School may take any other appropriate action as an intervention strategy contained in board policy.

Compliance. No further action.

Continued unexcused absences.

If student reaches threshold for Habitual Truant (unexcused absences of  $\geq 30$  consecutive hours,  $\geq 42$  hours in one calendar month, or  $\geq 72$  hours in one school year), then Superintendent/Principal assigns student to Absence Intervention Team w/in 7 school days of the triggering unexcused absence.

Superintendent, Principal, or Chief Administrator must make  $\geq 3$  meaningful, good faith attempts to secure participation of Parent(s)/Guardian(s)/Custodian(s) w/in 7 school days of triggering absence (R.C. 3321.191(C)(2)(e)).

Parent(s)/Guardian(s)/Custodian(s) agrees to participate.

Parent(s)/Guardian(s)/Custodian(s) reports they cannot participate  $\rightarrow$  school informs them that they can send a designee.

Parent(s)/Guardian(s)/Custodian(s) fails to respond  $\rightarrow$  school investigates whether the failure to respond triggers mandatory reporting to LCCS & Absence Intervention Team to develop a plan without Parent(s)/Guardian(s)/Custodian(s).

The Absence Intervention Plan must be developed within 14 school days of team assignment. **Per the district's board policy and contract with the Juvenile Court, the team may request the juvenile be enrolled in the court's Alternative to Adjudication.** The Absence Intervention Plan must include language that the Attendance Officer must file a complaint in the juvenile court on the 61<sup>st</sup> calendar day 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.

Reasonable, written notice of the plan to Parent(s)/Guardian(s)/Custodian(s) within 7 calendar days of the plan.

**Satisfactory** progress with the intervention plan. No further action.

If during the implementation phase, unexcused absences of  $\geq 30$  consecutive hours or  $\geq 42$  hours in one calendar month, and if the team determines the child is not making **substantial** progress, then the Attendance Officer is required to file a Complaint. R.C. 3321.16(B)(1)(c)(2); 3321.19(D).

If the school made meaningful attempts to reengage the student through an Absence Intervention Plan and any offered alternatives to adjudication, and student refuses to participate or fails to make satisfactory progress on the plan as determined by the Absence Intervention Team, the School Attendance Officer shall file a sworn Complaint in the Juvenile Court on the 61<sup>st</sup> day of the intervention plan. (If 61<sup>st</sup> day of plan falls in summer, team may extend the implementation & delay filing the Complaint for an additional 30 days from 1<sup>st</sup> day of the next school year.)

Where the child is considered a Habitual Truant, the district is required to file an Unruly Complaint against the child as long as there is probable cause to do so. If Parent(s)/Guardian(s)/Custodian(s) fails to cause the child's attendance at school, a Complaint shall be filed against Parent(s)/Guardian(s)/Custodian(s) alleging Failure to Send Child to School as long as there is probable cause to do so. R.C. 3321.38.

**Lorain County Domestic Relations Court's Local Juvenile Rule 31 provides definitions regarding satisfactory and substantial progress, and other information pertaining to the truancy process.**

**Intervention Team Members** will vary based on needs of each individual student, but must include:

- A representative from the child's school district or school
- Another representative from child's school district or school who knows the child
- Child's parent/guardian/custodian or designee, GAL, or temporary custodian
  - May also include school psychologist, counselor, or social worker, or a representative from a public or nonprofit agency designed to assist students and families in reducing absences.
  - District may also consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences, even outside the operation of an absence intervention team.

**Legitimate Excuses:**

- ORC 2151.011(B)(22)
  - the child in question has enrolled in and is attending another public or nonpublic school in this or another state;
  - the child in question is excused from attendance at school by the superintendent for any of the reasons specified in section 3321.04 of the Revised Code;
    - child's bodily or mental condition does not permit attendance and provision is made for appropriate instruction of child;
    - home instruction ;
    - a child over 14 years old may be excused from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for the child's parents or legal guardians;
  - the child in question has received an age and schooling certificate in accordance with ORC 3331.01.
- Ohio Administrative Code 3301-69-02
  - Illness of child
  - Illness in family necessitating presence of child
  - Quarantine of home
  - Death of relative (limited to 3 days)
  - Medical or dental appointment
  - Observance of religious holiday
  - College visitation
  - Emergency or other circumstances in which the judgment of the superintendent of schools constitutes a good and sufficient cause for absence from school