



Ohio Revised Code

Section 3321.191 Adoption of policy regarding student absences; intervention strategies.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) 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 educational service center shall adopt a new or amended policy to guide employees of the school district or service center in addressing and ameliorating student absences. In developing the policy, the appropriate board shall consult with the judge of the juvenile court of the county or counties in which the district or service center is located, with the parents, guardians, or other persons having care of the pupils attending school in the district, and with appropriate state and local agencies.

(B) The policy developed under division (A) of this section shall include as an intervention strategy all of the following actions, if applicable:

(1) Providing a truancy intervention plan for any student who is excessively absent from school, as described in the first paragraph of division (C) of this section;

(2) Providing counseling for an habitual truant;

(3) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under section 3313.472 or 3313.663 of the Revised Code;

(4) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;

(5) Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;

(6) Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.



(C)(1) In the event that a child of compulsory school age is absent with a nonmedical excuse or without 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 a school year, the attendance officer of that school shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven days after the date after the absence that triggered the notice requirement. At the time notice is given, the school also may take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to division (A) of this section.

(2)(a) If the absences of a student surpass the threshold for an habitual truant as set forth in section 2151.011 of the Revised Code, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to an absence intervention team. Within fourteen school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. 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 sixty-one days 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 under division (C)(2)(b) of section 3321.191 of the Revised Code. Within seven days after the development of the plan, the school district or school shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

(b) As part of the absence intervention plan described in division (C)(2) of this section, the school district or school, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in division (G) of section 2151.27 of the Revised Code. If the school district or school chooses to have students informally enrolled in an alternative to adjudication, the school district or school shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

(c) The superintendent of each school district, or the superintendent's designee, shall establish an absence intervention team for the district to be used by any schools of the district that do not establish their own absence intervention team as permitted under division (C)(2)(d) of this section.



Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's school district or school, another representative from the child's school district or school who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(d) The principal or chief administrator of each school may establish an absence intervention team or series of teams to be used in lieu of the district team established pursuant to division (C)(2)(c) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's school district or school, another representative from the child's school district or school who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(e) A superintendent, as described in division (C)(2)(c) of this section, or principal or chief administrator, as described in division (C)(2)(d) of this section, shall select the members of an absence intervention team within seven school days of the triggering event described in division (C)(2)(a) of this section. The superintendent, principal, or chief administrator, within the same period of seven school days, shall make at least three meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the representative of the school district shall inform the parent of the parent's right to appear by designee. If seven school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child



notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, 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 plan shall be implemented not 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 upon the first day of instruction of the next school year.

(3) For purposes of divisions (C)(2)(c) and (d) of this section, the state board of education shall develop a format for parental permission to ensure compliance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code.

(D) Each school district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

(E) Beginning with the 2017-2018 school year, each school district shall report to the department of education, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

(1) When a notice required by division (C)(1) of this section is submitted to a parent, guardian, or custodian;

(2) When a child of compulsory school age has been absent without legitimate excuse 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 a school year;

(3) When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;



(4) When an absence intervention plan has been implemented for a child under this section.

(F) Nothing in this section shall be construed to limit the duty or authority of a district board of education or governing body of an educational service center to develop other policies related to truancy or to limit the duty or authority of any employee of the school district or service center to respond to pupil truancy. However, a board shall be subject to the prohibition against suspending, expelling, or otherwise preventing a student from attending school for excessive absences as prescribed by section 3313.668 of the Revised Code.