

Legislative Summary: HB 410
(As Passed By Both Chambers)
December 2016

It is critically important for all of Ohio's students to stay connected to educational opportunities and school. Two major reasons why students miss school are for school discipline and truancy issues. Research shows that decreased school attendance is associated with a wide variety of short- and long-term negative consequences for youth and their communities. In addition, truancy and school discipline policies disproportionately impact certain students, including students of color, students with disabilities, and students who live in low-income families. For more information, see [*Keeping Students in School: Ohio's School Discipline and Truancy Laws*](#).

In 2016, both the Ohio House and Senate passed HB 410, which adopts nationally accepted best practices to support students and families and keep students engaged in school and on a path to success. Below is a summary of the provisions of HB 410.

School Discipline:

- Requires the development of a model school discipline policy: The Ohio State Board of Education is required 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. The Department of Education would provide districts with materials and trainings around the policy.
- Allows students to make up work: Students who are suspended or expelled can make up and get credit for work missed during an out-of-school disciplinary action.
- Eliminates carry-over out-of-school discipline: Give students a fresh start at the beginning of the school year by not allowing suspensions or expulsions given at the end of the prior school year to carry over into the next school year. Instead, students can be given an alternative punishment, such as a project over the summer or an in-school discipline option (such as in-school-suspension or detention) in the new school year.

Truancy:

- Creates a new process for youth who are missing school: Under current law, Ohio schools are required to have a list of interventions they can use for students who are absent. However, schools are not required to use these interventions and instead can refer youth directly to the juvenile court without any intervention. HB 410 creates a new process as follows:
 - The school must **notify** the student's parent, guardian, or custodian that the student is missing school.
 - After this notification, the school can start utilizing **interventions** with the student as laid out in school policy.
 - If the student continues to miss school, the school must refer the student to an **absence intervention team** to create a specific intervention plan for that student and work with the student for 60 days. This team must include an administrator, an individual in the school who knows the child personally, the student, and the student's parent or guardian and can also include a school psychologist, counselor, social worker, and representatives of local public or nonprofit agencies that can provide services to the student. *Note: Districts that have a truancy rate of less than 5% do not have form a team, but must intervene with the student for 60 days.*
 - If the student does not comply with the plan or continues to miss school, they can be referred to the juvenile court to participate in a **diversion program**. If the program is not successful, then the student can be formally processed under truancy charges. However, formal filing in juvenile court must be a last resort.
- Eliminates truancy as an automatic delinquency offense: Current Ohio law allows some students who miss a certain amount of school to automatically be charged with a higher level delinquency offense instead of a

status offense, which violates federal law. HB 410 removes the automatic delinquency truancy offenses and brings Ohio into compliance with federal law.

- Prohibits students from being suspended or expelled for missing school: In the 2013-2014 school year alone, there were over 6,000 occurrences of students being suspended or expelled for missing school. HB 410 would prohibit the use of out-of-school punishments for students who miss school.
- Creates a pilot project to lead innovation on truancy: Allows school districts to voluntarily participate in a pilot project to innovate on how to reconnect students to schools. The pilot project's goal is to connect students to community resources that can address any out-of-school barriers the student may have to attendance, such as mental health issues or assistance for the student's family. Participating districts will partner with local government and non-profit entities to create a larger absence intervention team that includes community entity members, including mental health, addiction, and medical professionals and youth services agencies. Each district in the pilot program will collect data and best practices will be reported to the legislature at the end of the 2018-2019 school year.
- Establishes data collection on truant youth: Data is currently not available on the number of youth in Ohio's juvenile courts who are truant. HB 410 establishes this data collection at both the juvenile court and the school to determine the number of truant youth and to track the effectiveness of truancy programs.
- Aligns truancy definitions with instructional hours: HB 410 changes the truancy definition to be based on instructional hours instead of days of instruction to align with current Ohio Department of Education policy.

*For questions, please contact Erin Davies,
Juvenile Justice Coalition (edavies@jjohio.org or 614-400-5548).*