

KEEPING STUDENTS IN SCHOOL: Ohio's School Discipline and Truancy Laws November 2015

It is critically important for all of Ohio's students to stay connected to educational opportunities and school. Too many of Ohio's students are not in school either because of out-of-school discipline policies or because they are truant. Ohio's policies must be changed to ensure all students have access to school and receive an education.

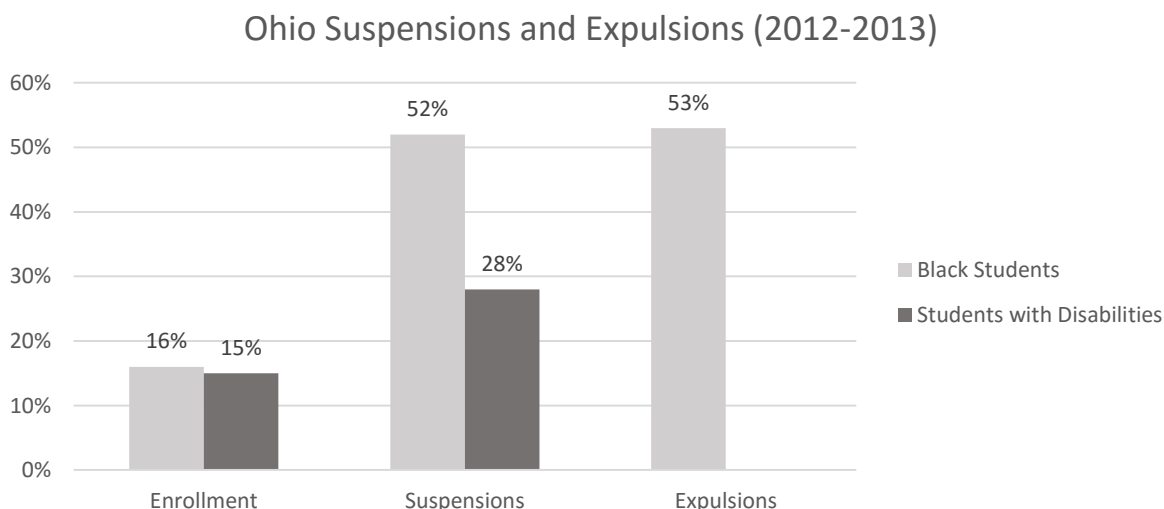
WHAT DOES RESEARCH SAY ABOUT MISSING SCHOOL?

As the National Crime Prevention Council recognizes, schools are one of the safest places students can be. Being in school and receiving an education serve as protective factors for youth. A positive school climate can not only help students to achieve academically, but also is associated with effective violence prevention and healthy student development.

Decreased school attendance can lead to: 1) diminished academic performance; 2) a higher likelihood of out-of-school suspension and expulsion; and 3) an increased likelihood of juvenile court involvement. In addition, missing school create a higher likelihood of dropping out, which can result in increased involvement in the adult criminal justice system, decreased lifetime earnings, less stable employment, and increased reliance on social programs at taxpayer expense.

WHY ARE OHIO'S STUDENTS MISSING SCHOOL?

There are many reasons why students miss school, but two of the most common reasons are truancy and out-of-school suspensions and expulsions. Both of these issues disproportionately impact certain populations of youth – particularly Black students and students with disabilities as shown below. Non-White youth also are more likely to be truant from school and low-income students are 60% more likely to be chronically absent.



ISSUE #1 - SCHOOL DISCIPLINE POLICIES:

Each year thousands of students are disciplined for behavior while they are in school. Discipline can take place in school (detentions, in-school-suspensions, or classroom-based consequences) or can result in the student being removed from school through out-of-school suspension or expulsion.

Current law: Ohio law currently states that each school district must have a zero tolerance school discipline policy for “violent, disruptive, or inappropriate behavior, including excessive truancy.”

Problem: Ohio's zero tolerance policies are being used for a wide range of behavior to inappropriately push students out of schools. Each year more than 200,000 students are suspended or expelled from Ohio's schools. The majority of these suspensions and expulsions are for non-violent behavior. Suspensions and expulsions can

negatively impact youth in many ways, including making them less likely to complete their education and more likely to get involved with the juvenile justice system.

ISSUE #2 - TRUANCY:

Truancy occurs when a student misses school for a certain number of days without an excuse. Truancy can happen for many reasons, such as caring for siblings, transportation issues, a lack of support or encouragement to go to school, or not feeling safe or feeling frustrated at school.

Current law: Ohio’s current law creates three categories of truancy:

Truancy Type	Triggering Absences w/o excuse	Offense level	Response
Habitual truancy	<ul style="list-style-type: none"> • 5+ consecutive days; • 7+ days in one month; or • 12+ days in a school year. 	Unruly	School can <i>either</i> intervene <i>or</i> refer the student to court.
Chronic truancy	<ul style="list-style-type: none"> • 7+ consecutive days; • 10+ days in one month; or • 15+ days in a school year. 	Delinquency	Student referred directly to court
“Double habitual” truancy	A habitual truant who previously has been adjudicated an unruly child for being a habitual truant	Delinquency	Student referred directly to court

Problem: Ohio law currently does not require schools to determine *why* a student is truant or take any steps to help the student attend school before the student is referred to juvenile court. Juvenile court involvement can lead to youth who are a low-risk of reoffending getting further involved in the juvenile court system and not being linked to more appropriate services that address the underlying cause or causes of the student’s truancy. In addition, in 2013, over 7,000 students were suspended or expelled for truancy.

HOW CAN OHIO POLICYMAKERS HELP KIDS STAY IN SCHOOL?

Ohio policymakers should make changes to make sure every Ohio student has a chance to stay in school and succeed by making the following changes:

- **School discipline:** Ohio’s school discipline policies should be changed to move away from a “one-size-fits-all” zero tolerance discipline approach and move toward a more tiered discipline policy that appropriately responds to individual students’ behavior. In addition, out-of-school suspensions and expulsions should be used rarely (only when the student is posing a threat to other individuals in the school) and schools should develop alternatives to out-of-school discipline, such as restorative practices. Finally, schools should strive to create a positive, safe climate for all students that can reduce the need for school discipline.
- **Truancy:** Ohio’s truancy laws should be changed to ensure that schools and courts work together to get students to attend school. First, Ohio should align its law with federal law and remove the requirement that some truancy offenses are automatically considered to be delinquency offenses. Second, when a student is absent from school, schools should:
 - 1) Give notice to the student’s parent, guardian, or custodian;
 - 2) Intervene to understand why the student is missing school and how to resolve any issues the student may be having;
 - 3) If the interventions do not work, refer the student to a multi-disciplinary team to connect the student with more in-depth services or programs to help address the reasons why the student is missing school.
 - 4) If the student still is not attending school, the team can refer the student to a juvenile court truancy diversion program.

Resources:

Center for American Process, *The High Cost of Truancy* (2015).
 Schubert Center for Child Studies, *Issue Brief: School Climate, Social and Emotional Learning and Student Success: A Look at Safety, Bullying, Positive Behavior Interventions and Supports* (September 2013).
 Skiba, R. J., & Rausch, M. K. (2006). *Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. Handbook of classroom management: Research, practice, and contemporary issues.*
 Cohen, J., McCabe, L., Michelli, N. M., & Pickeral, T. (2009). *School climate: Research, policy, practice, and teacher education.* The Teachers College Record, 111(1).