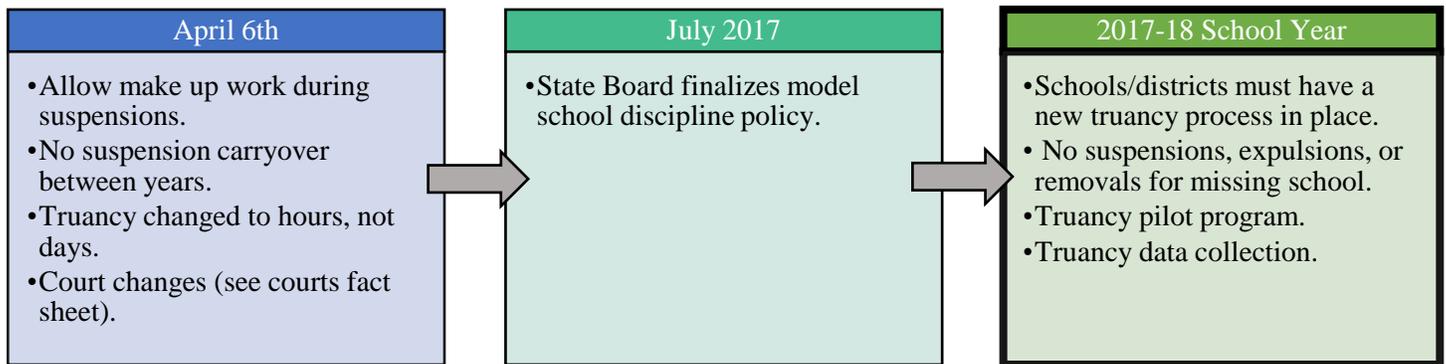


**HB 410 Fact Sheet:
Education Stakeholders – 2017-2018 School Year**

Beginning in the 2017-2018 school year, HB 410 will go fully into effect. HB 410 was passed by the General Assembly and signed by Governor Kasich in December 2016. This fact sheet supplements an earlier fact sheet issued in April regarding other sections of the bill; that fact sheet is available [here](#).

Background:

HB 410’s truancy provisions bring Ohio law in compliance with federal law and reduce the number of students referred for formal juvenile court processing for missing school. HB 410 is based on the premise that schools and other community entities – such as mental health and substance abuse, child welfare, and developmental disability agencies, providers, or local non-profits – can begin to intervene with students in a holistic, collaborative way that addresses students’ underlying reasons for absence, such as substance abuse, family needs or conflict, a lack of resources (i.e. no access to laundry), transportation, or other issues, that may not require court intervention.



2017-2018 School Year Changes:

#1: No suspension, expulsion, or removal for missing school.

After July 1, 2017, HB 410 states that students cannot be suspended, expelled or otherwise removed from school solely because they have been absent, even for unexcused absences. [ORC §§ 3313.668 and 3321.191(F)]

#2: New student absence policy.

Beginning with the 2017-2018 school year, the board of education or governing board must adopt a new or amended policy to address and ameliorate student absences and consult with the juvenile court, parents/guardians, and state and local agencies that stresses preventative strategies and alternatives to suspension or expulsion to aid in compliance with this section. [ORC § 3321.191 (A)]

#3: Creating an absence intervention team (AIT).

Districts with a chronic absenteeism rate of 5% or more on their prior year report card must establish AITs (see flow chart on second page). AITs can be created either by 1) a school’s principal or chief administrator, or 2) a district’s superintendent or designee for schools that do not create their own team.

AIT membership varies based on individualized youth’s needs, but must include 1) the child, 2) a school or district representative, 3) a second school or district representative who knows the child, and 4) the child’s parent, designee, guardian, custodian, GAL, or temporary custodian. The AIT also can 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. [ORC § 3321.191 (C)(2)(c) and (d)]

#4: New truancy intervention process [ORC §3321.191].

The chart on the next page outlines the process districts/schools must undertake before a youth can be formally referred to juvenile court for truancy and data to collect. For brevity, the term “guardian” is used to refer to the student’s “parent, guardian, custodian, guardian ad litem, or temporary custodian.” At any point, the school/district may consult or partner with public and nonprofit agencies to help students and families reduce absences. [(D)]

Student absent **with or without** excuse for 38+ hours in one school month or 65+ hours in school year.

7 DAYS: Attendance officer must notify guardian in writing and school can begin intervention strategies listed in their absence policy. [(C)(1)] – **DATA [(E)(1)]**

Student habitually truant [absent **without** excuse]: 30+ consecutive school hours, 42+ hours in one school month, and 72+ hours in a school year.- **DATA [(E)(2)]****

District has **less than 5%** chronic absenteeism rate on prior year report

District has **5% or more** chronic absenteeism rate on prior year report card.

District/school uses intervention policies outlined in absence policy to reengage student.

10 DAYS: Board of Ed or Governing Board assigns student to AIT.

7 SCHOOL DAYS: District superintendent/designee or school principal/chief administrator selects AIT members & makes 3 meaningful, good faith efforts to have student's guardian/designee participate. [If guardian does not participate, school must investigate whether mandatory reporting is triggered and develop the plan with the child.

14 SCHOOL DAYS: AIT develops intervention plan [(C)(2)(a)], including a juvenile court alternative adjudication if school/district has written policy with court. [(C)(2)(b)] – **DATA [(E)(4)]** The AIT can use the State Board FERPA form to share information. [(C)(3)]

Intervention plan implemented to reengage student.

An attendance officer cannot file truancy charges in juvenile court until [ORC § 3321.16(B)]:

- The student has been absent unexcused for **30+ consecutive hours, 42+ hours in a one month, or 72+ hours in a school year.**
- The school district or school made **meaningful attempts to re-engage** the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication.
- It is the **61st day** after the absence intervention plan and the student has 1) refused to participate or 2) the AIT determines the student **failed to make satisfactory progress.** [(B)(1)(c)]

If the 61st day falls in the summer, the absence intervention team or attendance officer can extend the plan's implementation and delay the court filing until 30 days after the first day of instruction in the next year.

- During the implementation phase of the absence intervention plan or other intervention, the student is **absent unexcused again** for 30+ consecutive hours, 42+ hours in a one month, or 72+ hours in a school year and the AIT determines the student **failed to make substantial progress** on the plan. [(B)(2)]

**If habitual truancy met 21 days before the last day of instruction in a year, district/school can either 1) assign one school official to work with the child and guardian to develop an absence intervention plan during the summer and implement the plan within 7 days of the next year, OR 2) reconvene the absence intervention process the first day of the next school year. [(C)(f)]

If student successfully returns to school at any point, the district/school does not have to move to the next step in the process.