

ARE YOU OR SOMEONE YOU KNOW IN TROUBLE AT SCHOOL FOR MISSING SCHOOL (“TRUANCY”)?

A new law – HB 410 – made a new process for how schools and courts handle when a student misses school/is considered truant starting in the 2017-2018 school year. Before when a student was in trouble for missing school, the school could send that student directly to the juvenile court. Now schools have to take more steps before sending a youth to court for truancy/missing school.

Can I be suspended or expelled out-of-school just for missing school/being truant?: No. HB 410 says that you cannot get an out-of-school suspension or expulsion just for missing school, even for unexcused absences. But you can receive other consequences for missing school, like an in-school suspension or detention.

What is the point of HB 410?: The point of HB 410 is to help students who are missing school figure out why they are missing school and what they need to start coming back. Before HB 410, many schools would refer students who were not coming to school to the juvenile courts. HB 410 made a new process where schools and districts cannot refer a student to the juvenile court until they have worked with them and tried to get them back to school.

Students miss school for a lot of reasons. Below are some examples:

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| <input type="checkbox"/> You feel like you are being bullied by other students or a teacher. | <input type="checkbox"/> You have trouble waking up in the morning. |
| <input type="checkbox"/> You are struggling with your classes and feel like you need extra help. | <input type="checkbox"/> You have to stay home to help with your younger brothers and sisters. |
| <input type="checkbox"/> You don't get the importance of school. | <input type="checkbox"/> You can't see the front of the room. |
| <input type="checkbox"/> Someone close to you has passed away or you've been hurt and you're trying to deal with it. | <input type="checkbox"/> You feel hungry. |
| | <input type="checkbox"/> You have trouble reading what your teacher asks you to read. |

How does HB 410 work?:

STEP #1: WRITTEN NOTICE.

If you miss school for 38+ hours in a month or 65+ hours in a year (either excused or unexcused), the school:

1. Will send your parent/guardian a **written notice** letting them know that you are missing school and
2. Can also start to find out why you are missing school and **help you come back to school.**

STEP #2: ABSENCE INTERVENTION TEAM.

If you continue to miss school and are absent **without an excuse** for 30+ school hours in a row, 42+ hours in one school month, and 72+ hours in a school year, the school/district will start the absence intervention team process.

10 days after your last absence, your school will assign you to an absence intervention team. After you have been assigned to a team, in 14 days you will meet with the team to say why you are not coming to school, what you think would help for you to come back, and create a plan based on this information.

The absence intervention team has to include:

- You (the student).
- Your parent/guardian/custodian, GAL or temporary custodian OR someone your parent chooses to attend for them (their designee).
- Someone from the school or district (like an administrator or school attendance officer).
- A second person from the school or district who you know and have a relationship with.

The team also should include people from the community who can help you meet the plan. For example, if you are struggling with the death of a loved one, the team could include a grief counselor.

What if my parent/guardian doesn't come to the absence intervention team meeting?: The school has to reach out to your parent/guardian three times in meaningful ways (like sending a letter and trying to call). If your parent/guardian does not come to the meeting, the school can create the team with you as a student and has to investigate why your parent/guardian did not come, which could mean they get referred to children's services.

How long does the absence intervention plan last?: The absence intervention plan lasts until you start attending school or for 60 days.

When can the school refer me to the juvenile court?: The attendance officer cannot file truancy charges in juvenile court until:

- The school district/school has made **meaningful attempts to re-engage** you in school, it is the **61st day** after the absence intervention plan, and you have 1) **refused to participate** with the team or 2) the absence intervention team decides you have **failed to make satisfactory progress** in coming back to school.

If the 61st day is in the summer, the absence intervention team or attendance officer can extend the plan and delay the court filing until 30 days after the start of the next school year.

- You are **absent unexcused again** for 30+ consecutive hours, 42+ hours in a one month, or 72+ hours in a school year and the absence intervention team decides you have **failed to make substantial progress** on the plan.

What should I do when I get referred to court?: When you get to court, make sure that you ask for a lawyer. For more information on what to do in court, see our other [fact sheet](#).

*Have Questions? Need Help? Contact the
Juvenile Justice Coalition at 614-400-5548 or info@jjohio.org.*