



# Ohio Legislative Service Commission

*Anthony Kremer*

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 410 of the 131st G.A.

**Date:** May 6, 2016

**Status:** As Passed by the House

**Sponsor:** Reps. Rezabek and Hayes

**Local Impact Statement Procedure Required:** Yes

**Contents:** Habitual truancy and compulsory school attendance

### State Fiscal Highlights

- The bill requires the Ohio Department of Education (ODE) to collect data reported by public schools on the occurrence of certain triggering events with respect to a student's absences beginning in FY 2018. The collection of this data will result in additional administrative duties for ODE, the effect of which is expected to be minimal.
- The bill requires the State Board of Education to develop a model policy for violent, disruptive, or inappropriate behavior, including excessive absence, and requires ODE to develop materials to assist school districts in implementing the model policy. This work may increase the administrative costs of ODE, which provides administrative support to the State Board.

### Local Fiscal Highlights

- The bill requires public districts and schools to set up an absence intervention team and intervention plan for a habitually truant student in an effort to reduce or eliminate further absences and to report additional data to ODE. The fiscal effect of these provisions will depend highly on the rates of truancy in each district or school. For urban districts, where the rates of truancy tend to be higher, there could be a significant cost to implement and then monitor intervention plans.
- The additional interventions by school districts may also reduce the number of complaints filed in juvenile courts that are successful, potentially reducing court caseloads and costs.

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## Detailed Fiscal Analysis

### Overview

The bill makes a number of changes to the law regarding habitual truancy and compulsory school attendance in an effort to keep children, who may otherwise be suspended or expelled, in school. To do so, the bill prohibits school suspensions or expulsions solely on the basis of unexcused absences and requires additional interventions by school districts before a criminal complaint is considered. The bill also includes additional data reporting requirements. The fiscal implications of these provisions on school districts, local courts, and the state are discussed in more detail below.

### School districts and community schools

#### Suspensions and expulsions for truancy prohibited

Effective July 1, 2016, the bill prohibits any public school from suspending, expelling, or removing a student from school solely on the basis of a student's unexcused absences. Further, public districts and schools may only file truancy cases in the juvenile court system after a child refuses to take part in or fails to complete additional interventions required by the bill. Beginning with the 2017-2018 school year, public districts and schools must also adopt new or amended policies to guide employees in addressing and ameliorating student absences in accordance with the bill's specifications.

#### Absence intervention teams

Under the bill, schools will be required to notify parents within seven days after a student surpasses certain excessive absence thresholds specified by the bill, which are near to those defining an habitual truant.<sup>1</sup> Within ten days after a student surpasses the threshold for an habitual truant, the bill requires the student to be assigned to an absence intervention team that must consist of 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 guardian. It may also include a school psychologist, counselor, social worker, or an outside agency or nonprofit entity that assists students and families in reducing absences. The bill requires the superintendent or principal or chief administrator to select the members of an absence intervention team within seven school days of the triggering absence. The school district must make

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<sup>1</sup> The threshold for a habitual truant under the bill is 30 or more consecutive hours, 42 or more hours in one school month, or 72 hours or more in a school year. The thresholds are essentially the same as under current law, except that the bill converts the thresholds from days to the equivalent number of hours. Note also that, under continuing law, school attendance officers already have the authority to investigate cases of nonattendance, take actions the district superintendent or school chief administrator deems proper, and initiate enforcement proceedings against persons violating compulsory attendance laws.

at least three meaningful good faith attempts to secure participation of the student's parent or guardian within that time period. In addition, the school district is required to inform the parent of the parent's right to appear by designee if the student's parent responds to the attempts to secure participation, but is unable to participate for any reason. In the event the parent or guardian fails to respond, the bill requires the school district to investigate whether the failure to respond triggers mandatory reporting to the public children services agency (PCSA) for the county in which the child resides and to instruct the absence intervention team to develop a plan for the child without the child's parent or guardian.

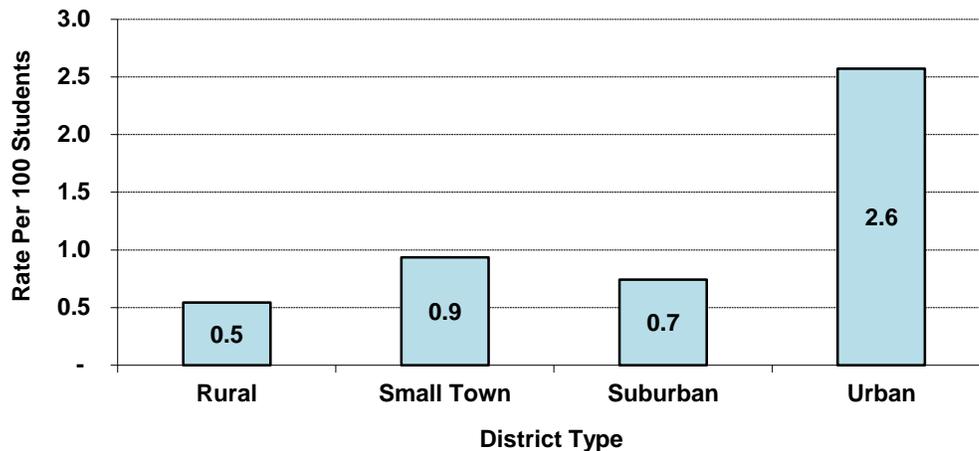
### **Absence intervention plans**

Within 14 school days of the assignment, the team must develop an intervention plan for the student, with the aim of reducing or eliminating further absences. Each plan must vary based on the individual needs of the student and clearly state that the attendance officer is required to file a complaint 60 days after the date the plan was developed if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication. Further, the bill requires the school district or school, within seven days after the development of the plan, to make reasonable efforts to provide the student's parent or guardian with written notice of the plan. The bill includes provisions accommodating implementation of the bill's requirements when certain events or timelines fall near to or during the summer months.

### **Fiscal effects**

Statewide, school districts reported to the Ohio Department of Education (ODE) nearly 19,100 occurrences where discipline was imposed for truancy in the 2014-2015 school year. In most cases, the truancy resulted in an in-school suspension. Very few cases (112) involved expulsion. The frequency of the problem varies across the state. For many districts and schools, the intervention team and other associated requirements may be only a slight additional administrative responsibility, as the rate of truant students is relatively low. However, for urban districts, where the rates of truancy tend to be higher, there could be a significant cost to implement and then monitor intervention plans. See the chart below, which illustrates, by district type, the average rate per 100 students of disciplinary occurrences due to truancy reported by school districts to ODE for the 2014-2015 school year. Ultimately, the cost will depend on how the intervention teams and plans are implemented.

**Average Rate Per 100 Students of Disciplinary Occurrences  
Due to Truancy by District Type, 2014-2015 School Year**



The bill also requires each school district and community school to report data to ODE at each step of the truancy process beginning in the 2017-2018 school year. The requirement will result in additional administrative responsibilities for school districts, the significance of which is dependent upon the truancy rates for any given school district or school.

### **Juvenile courts**

Under the bill, if a child refuses to take part in or fails to make satisfactory progress on the absence intervention plan, as determined by the intervention team, or any offered alternative to adjudication, the district or school must file a complaint in the county juvenile court alleging the child is unruly. However, in such circumstances, the bill generally requires a period of 60 days to pass after the date the absence intervention plan was developed before the attendance officer can file the complaint unless, at any time during the implementation of the absence intervention plan, the student is absent without legitimate excuse 30 or more consecutive hours or 42 hours or more in one school month. In that case, the attendance officer must file a complaint in juvenile court unless the intervention team determines the student has made substantial progress on the absence intervention plan despite the student meeting the above unexcused absence thresholds. This is in contrast to current law, which only requires a child's absences to surpass the threshold for an habitual truant before the school must take an appropriate action under its absence policy or file a complaint.

Further, the bill requires a juvenile court, when a complaint is filed that a child is unruly based solely on habitual truancy, to consider an alternative to adjudication, including actions that constitute a method to divert the child from the juvenile court system, using the Rules of Juvenile Procedure, or by any other means if such an alternative is available to the court. The bill also specifies that the court must only consider the complaint as a matter of last resort. Note that the bill also permits a school district to request a juvenile court to informally enroll a child in an alternative to adjudication as part of the student's absence intervention plan.

## **Fiscal effects**

Continuing law already permits juvenile courts to assign children alleged or adjudicated to be an unruly child (including any child who is habitually truant from school) to alternative diversion programs established by the court. Presumably, the courts operating such programs consider the available alternatives in the usual course of operations. In addition, the work of the school district intervention teams described above may result in a delay of some truancy cases as well as reduce the number of complaints that are successful. A reduction in the number of complaints in which adjudication is necessary may result in a cost savings for county juvenile courts.

The bill also requires the juvenile court to provide notice of any adjudication of an unruly child for being an habitual truant or adjudication of a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant to the school district and school in which the child was enrolled at the time of filing the complaint. Since most juvenile courts are already providing this notification, any additional cost to the courts will be minimal at most. The bill further requires the courts' existing annual reports to include various data on the court-ordered alternatives to adjudication, potentially increasing the administrative workload associated with tracking the cases and compiling the reports.

## **County and municipal courts**

The bill specifies that an act that contributes to an adjudication of a child as a delinquent child because of a violation of a court order adjudicating the child as an unruly child for being an habitual truant is a first degree misdemeanor. Current law already prohibits a person from acting in a way that tends to cause a child to become an unruly or delinquent child, also a first degree misdemeanor, and subjects parents or guardians that fail to send a child to school to a fine of up to \$500 and community service of up to 70 hours. According to the Ohio Judicial Conference, violations of the bill's provision are likely to be infrequent and the cost will be minimal at most. It is likely that the revenues collected from violators (fines, court costs, and fees) will offset to some degree the costs that counties and municipalities incur to process any cases.

## **Public children services agencies**

As noted above, if a student's parent or guardian fails to respond within seven days to the attempts by school officials to secure the participation of the parent or guardian on the student's absence intervention team, the bill requires a school district to investigate whether the failure of a parent or guardian to respond triggers mandatory reporting to the appropriate PCSA. Thus, it is possible that this requirement leads to an increase in county PCSA investigation and assessment caseloads.<sup>2</sup> For the many PCSAs outside urban areas, the investigation and assessment of additional cases may result in

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<sup>2</sup> Current Ohio Department of Job and Family Services guidance for educators on child abuse and neglect suggests that school officials should exhaust other means available to them, such as truant officers and court officials, before contacting a PCSA in cases of educational neglect.

only a slight additional cost, if any, as the rate of truant students is relatively low. However, for the PCSAs in urban counties, any additional costs to investigate and assess additional cases could be more significant.

### **State administrative costs**

The bill requires the State Board of Education to develop a model policy for violent, disruptive, or inappropriate behavior, including excessive absences, that stresses preventative strategies and alternatives to suspension or expulsion, for use by schools in complying with the modified requirements. It also requires ODE, within 180 days after the effective date of the bill, to develop materials to assist school districts in providing teacher and staff training on the implementation of the strategies included in the model policy. These requirements may increase the administrative costs of ODE, which provides administrative support to the State Board.

Beginning in the 2017-2018 school year, the bill requires that each public district and school report to ODE, in a format and manner determined by the Department, when a parent or guardian has been notified that their student has almost reached the truancy threshold; when a student actually reaches the truancy threshold; when a student has been judged to be unruly and violates the court's orders regarding that judgment; and when an absence intervention plan has been implemented. The collection of this data will result in additional administrative duties for ODE, the effect of which is expected to be minimal.