Senate Education Committee

House Bill 410 Testimony

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November 29, 2016

Chairperson Lehner (Vice-Chair Hite), Ranking Member Sawyer, and members of the Ohio Senate Education Committee, my name is Michael Hanlon, and I am Superintendent of the Chardon Local School District located in Geauga County. My testimony today is intended to present the views of fifteen school district superintendents in Geauga and Lake Counties serving approximately 45,000 students. Thank you for this opportunity to offer interested party testimony concerning Amended Substitute House Bill 410, the habitual/chronic truancy and compulsory school attendance bill for Ohio.

As school district superintendents, we absolutely understand the need to promote strong school attendance for every student as a foundation for a high quality public education. While we believe that HB 410 correctly addresses the problem of unexcused student absences by focusing on the actual causes of such absences, we would offer the following observations about the bill

First of all, we support the necessary changes to the definition of truancy by altering current language defining truancy in terms of days to a similar calculation reflecting hours (since school instructional time is no longer expressed in days).

Second, we do support the prohibition on suspending, expelling, or removing a student from school solely for unexcused absences. It is obviously counterintuitive to discipline students for absences by not permitting them to attend. However, it is important that some

consequence be available to school district administrators to address non-attendance besides impact to the district's performance rating.

Third, we support the concept of involving parents in any plan to improve school attendance. In fact, all of the school districts represented in this testimony already have operational procedures for engaging parents in building positive patterns of school attendance. I would note, however, that the superintendent or designee has no authority to compel either parental participation or cooperation in a plan to improve attendance in the proposed legislation.

Fourth, we support the concept of intervention to address the root causes for a student's absence from school. We believe that the intent of the legislation is to escalate those interventions if the student and his or her family do not follow the plans to improve school attendance. Certainly, earlier individualized interventions emphasizing collaboration with parents and with community agencies could produce positive results.

Fifth, we also appreciate the requirement that the State Board of Education is to develop a model policy for violent, disruptive, or inappropriate behavior (the last of which would include excessive absences). This should permit a more uniform enforcement among all school districts and therefore attract a more common understanding among Ohio parents.

Finally, we also support moving the effective date to the 2017-2018 school year since we feel that this will allow more time for staff training and for development of templates or guidelines for the required intervention plans.

At this point, our principal concern is the resources available to many school districts and various agencies in the community (including the county juvenile courts). We would note that many smaller districts do not employ their own full-time attendance officers but often share them with other districts. However, the legislation requires that the attendance officer

notify the parent whenever a child's absence exceeds 38 or more hours in one month or 65 or more hours in a school year. This notice, which includes both excused and unexcused absences, must be made in writing within seven days of the absence triggering the notice. This will likely add operational costs to school districts to monitor and report on attendance.

In its current version, HB 410 would require the formation of an absence intervention team within seven school days of a "triggering absence," and that team would be required within fourteen days of that triggering absence to develop a plan for that student to reduce unexcused absences. The members of that team are to be a school district representative, another school district representative with knowledge of the child, and the parent.

In many instances (especially in smaller school districts), one of these school district representatives will probably be the building principal, who already is charged with monitoring attendance, as well as additional responsibilities including teacher performance appraisals. In addition, the needs of any particular child related to school attendance are often unique to that child and family. Districts employ various personnel to interact with students and families to intervene in attendance matters. This flexibility to work with the family should be retained rather than being specified in the law.

School districts already monitor and intervene in attendance cases. As a practical matter, schools do the following:

- They dedicate resources to monitor attendance on a daily basis and communicate with parents when students are absent from school whether excused or unexcused.
- They intervene with families to determine the causality of truancy and provide individualized supports to improve attendance.
- They coordinate with social service agencies in cases where where absence is not in compliance with the revised code.

School districts are implementing attendance improvement strategies and reducing the number of cases that are moved forward to the juvenile court. We are concerned that a

singular solution is not only an unnecessary step in improving student attendance, but may also run counter to efforts school districts undertake on a daily basis.

In addition, I served as a superintendent in an urban school district for many years. I understand that parents and families play a vital role in building strong school attendance. Chronic and habitual truancy cases are often exceedingly complex with students being placed in the role of caregiver for younger siblings, facing teen pregnancy, and migrant workers working to aid their families who are struggling in poverty. These social issues require creative solutions not contemplated in the current legislation and school districts are responding by developing alternative instructional programs, partnering with social service agencies and families to develop options for students to improve attendance.

The legislation requires the attendance officer to file a complaint in the juvenile court on the 61st day after the implementation of an absence intervention plan if the habitual truant has refused to participate or failed to make progress in the intervention plan. This could be overly prescriptive and not be in the best interest of the child or family. It may also be well beyond the time where intervention may prove helpful in improving attendance patterns.

In addition, another concern is that the current version requires extensive reporting "as soon as practicable" to the Ohio Department of Education in a format and manner to be determined by the department. This reporting could eventually involve four separate reports for a single student: 1) surpassing a set number of both excused and unexcused absences; 2) exceeding the threshold of unexcused absences; 3) violating a court order regarding the student's unexcused absences when that student had been adjudicated as an unruly child for being an habitual truant; and 4) being issued an absence intervention plan.

We believe that this extensive reporting places a very real burden on school districts, and we are not certain how this reporting to ODE will improve the attendance rate for students. It is our understanding that the goal of this reporting is to determine the success of the

interventions between the time the student exceeds the initial threshold and the adjudication of that student as an unruly child. We are not certain of the purposes for the other two reporting requirements.

It would be our hope that the current Education Management Information System could reduce any separate reporting of this student absence information to the department. In fact, the Ohio Department of Education already reports this information on the District Report Card under Chronic Absenteeism.

The legislation requires a school district to "investigate" whether the failure of a parent to respond to a request to participate in an intervention plan should trigger mandatory reporting to the appropriate children services agency. We are not certain of the extent of such an investigation, but it will be challenging for school districts to make this determination.

We also share a concern regarding the method used to calculate chronic and habitual truancy. The legislation appears to include legitimate school absences such as medical and protracted illnesses into the category of unexcused absences. School districts routinely provide education services during these periods of absence and evaluate the legitimacy of those absences before including them in the category of unexcused absence. We urge a careful examination of the qualifying absence reasons included in the legislation.

While it is our understanding that all county juvenile courts have a diversion program, it is our experience that there are considerable differences in the resources available to implement and monitor such programs. We understand the importance of reducing the determination of children as unruly and of not overcrowding the dockets of our juvenile court system. We simply are concerned that resources will not be adequate to implement the worthy goals of this effort.

Again we recognize the importance of building positive attendance patterns for students. We suggest that the Committee consider establishing a pilot program in high need districts to evaluate the efficacy of intervention strategies before applying legislation to all school districts. Districts identified in School Improvement may provide a starting point where these districts could be required to evaluate attendance as a component of their school improvement planning and then develop strategies locally, with funding support, to intervene in identified attendance issues. We believe this will target attendance improvement strategies where they are most needed.

Chair Lehner, thank you for this opportunity to offer this testimony, and I stand ready to respond to questions at the pleasure of the chair.