

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 767

Representative Perales

A BILL

To amend section 3321.191 of the Revised Code to 1
specify that a child's absence due to a chronic 2
medical condition that is acknowledged by the 3
child's individualized education program or 504 4
plan is a medical excuse for purposes of absence 5
intervention requirements. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3321.191 of the Revised Code be 7
amended to read as follows: 8

Sec. 3321.191. (A) Effective beginning with the 2017-2018 9
school year, the board of education of each city, exempted 10
village, local, joint vocational, and cooperative education 11
school district and the governing board of each educational 12
service center shall adopt a new or amended policy to guide 13
employees of the school district or service center in addressing 14
and ameliorating student absences. In developing the policy, the 15
appropriate board shall consult with the judge of the juvenile 16
court of the county or counties in which the district or service 17
center is located, with the parents, guardians, or other persons 18
having care of the pupils attending school in the district, and 19

with appropriate state and local agencies. 20

(B) The policy developed under division (A) of this 21
section shall include as an intervention strategy all of the 22
following actions, if applicable: 23

(1) Providing a truancy intervention plan for any student 24
who is excessively absent from school, as described in the first 25
paragraph of division (C) of this section; 26

(2) Providing counseling for an habitual truant; 27

(3) Requesting or requiring a parent, guardian, or other 28
person having care of an habitual truant to attend parental 29
involvement programs, including programs adopted under section 30
3313.472 or 3313.663 of the Revised Code; 31

(4) Requesting or requiring a parent, guardian, or other 32
person having care of an habitual truant to attend truancy 33
prevention mediation programs; 34

(5) Notification of the registrar of motor vehicles under 35
section 3321.13 of the Revised Code; 36

(6) Taking legal action under section 2919.222, 3321.20, 37
or 3321.38 of the Revised Code. 38

(C) ~~(1) In (a)~~ Subject to division (C) (1) (b) of this 39
section, in the event that a child of compulsory school age is 40
absent with a nonmedical excuse or without legitimate excuse 41
from the public school the child is supposed to attend for 42
thirty-eight or more hours in one school month, or sixty-five or 43
more hours in a school year, the attendance officer of that 44
school shall notify the child's parent, guardian, or custodian 45
of the child's absences, in writing, within seven days after the 46
date after the absence that triggered the notice requirement. At 47

the time notice is given, the school also may take any 48
appropriate action as an intervention strategy contained in the 49
policy developed by the board pursuant to division (A) of this 50
section. 51

(b) A child's absence for a chronic medical condition that 52
is acknowledged in the child's individualized education program 53
or 504 plan shall be considered a medical excuse for purposes of 54
division (C) (1) (a) of this section. At no time shall a school 55
require a child's parent, guardian, or custodian to satisfy any 56
requirements other than those specified in the individualized 57
education program or 504 plan, if any, in order to grant the 58
medical excuse. 59

For purposes of division (C) (1) (b) of this section: 60

(i) "Individualized education program" has the same 61
meaning as in section 3323.01 of the Revised Code. 62

(ii) "504 plan" means a plan developed under section 504 63
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 64
794, as amended. 65

(2) (a) If the absences of a student surpass the threshold 66
for an habitual truant as set forth in section 2151.011 of the 67
Revised Code, the principal or chief administrator of the school 68
or the superintendent of the school district shall assign the 69
student to an absence intervention team. Within fourteen school 70
days after the assignment of a student to an absence 71
intervention team, the team shall develop an intervention plan 72
for that student in an effort to reduce or eliminate further 73
absences. Each intervention plan shall vary based on the 74
individual needs of the student, but the plan shall state that 75
the attendance officer shall file a complaint not later than 76

sixty-one days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication under division (C)(2)(b) of section 3321.191 of the Revised Code. Within seven days after the development of the plan, the school district or school shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

(b) As part of the absence intervention plan described in division (C)(2) of this section, the school district or school, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in division (G) of section 2151.27 of the Revised Code. If the school district or school chooses to have students informally enrolled in an alternative to adjudication, the school district or school shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

(c) The superintendent of each school district, or the superintendent's designee, shall establish an absence intervention team for the district to be used by any schools of the district that do not establish their own absence intervention team as permitted under division (C)(2)(d) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include 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 parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school

psychologist, counselor, social worker, or representative of a 108
public or nonprofit agency designed to assist students and their 109
families in reducing absences. 110

(d) The principal or chief administrator of each school 111
may establish an absence intervention team or series of teams to 112
be used in lieu of the district team established pursuant to 113
division (C)(2)(c) of this section. Membership of each absence 114
intervention team may vary based on the needs of each individual 115
student but shall include a representative from the child's 116
school district or school, another representative from the 117
child's school district or school who knows the child, and the 118
child's parent or parent's designee, or the child's guardian, 119
custodian, guardian ad litem, or temporary custodian. The team 120
also may include a school psychologist, counselor, social 121
worker, or representative of a public or nonprofit agency 122
designed to assist students and their families in reducing 123
absences. 124

(e) A superintendent, as described in division (C)(2)(c) 125
of this section, or principal or chief administrator, as 126
described in division (C)(2)(d) of this section, shall select 127
the members of an absence intervention team within seven school 128
days of the triggering event described in division (C)(2)(a) of 129
this section. The superintendent, principal, or chief 130
administrator, within the same period of seven school days, 131
shall make at least three meaningful, good faith attempts to 132
secure the participation of the student's parent, guardian, 133
custodian, guardian ad litem, or temporary custodian on that 134
team. If the student's parent responds to any of those attempts, 135
but is unable to participate for any reason, the representative 136
of the school district shall inform the parent of the parent's 137
right to appear by designee. If seven school days elapse and the 138

student's parent, guardian, custodian, guardian ad litem, or 139
temporary custodian fails to respond to the attempts to secure 140
participation, the school district or school shall do both of 141
the following: 142

(i) Investigate whether the failure to respond triggers 143
mandatory reporting to the public children services agency for 144
the county in which the child resides in the manner described in 145
section 2151.421 of the Revised Code; 146

(ii) Instruct the absence intervention team to develop an 147
intervention plan for the child notwithstanding the absence of 148
the child's parent, guardian, custodian, guardian ad litem, or 149
temporary custodian. 150

(f) In the event that a student becomes habitually truant 151
within twenty-one school days prior to the last day of 152
instruction of a school year, the school district or school may, 153
in its discretion, assign one school official to work with the 154
child's parent, guardian, custodian, guardian ad litem, or 155
temporary custodian to develop an absence intervention plan 156
during the summer. If the school district or school selects this 157
method, the plan shall be implemented not later than seven days 158
prior to the first day of instruction of the next school year. 159
In the alternative, the school district or school may toll the 160
time periods to accommodate for the summer months and reconvene 161
the absence intervention process upon the first day of 162
instruction of the next school year. 163

(3) For purposes of divisions (C) (2) (c) and (d) of this 164
section, the state board of education shall develop a format for 165
parental permission to ensure compliance with the "Family 166
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 167
U.S.C. 1232g, as amended, and any regulations promulgated under 168

that act, and section 3319.321 of the Revised Code.	169
(D) Each school district or school may consult or partner	170
with public and nonprofit agencies to provide assistance as	171
appropriate to students and their families in reducing absences.	172
(E) Beginning with the 2017-2018 school year, each school	173
district shall report to the department of education, as soon as	174
practicable, and in a format and manner determined by the	175
department, any of the following occurrences:	176
(1) When a notice required by division (C)(1) of this	177
section is submitted to a parent, guardian, or custodian;	178
(2) When a child of compulsory school age has been absent	179
without legitimate excuse from the public school the child is	180
supposed to attend for thirty or more consecutive hours, forty-	181
two or more hours in one school month, or seventy-two or more	182
hours in a school year;	183
(3) When a child of compulsory school age who has been	184
adjudicated an unruly child for being an habitual truant	185
violates the court order regarding that adjudication;	186
(4) When an absence intervention plan has been implemented	187
for a child under this section.	188
(F) Nothing in this section shall be construed to limit	189
the duty or authority of a district board of education or	190
governing body of an educational service center to develop other	191
policies related to truancy or to limit the duty or authority of	192
any employee of the school district or service center to respond	193
to pupil truancy. However, a board shall be subject to the	194
prohibition against suspending, expelling, or otherwise	195
preventing a student from attending school for excessive	196
absences as prescribed by section 3313.668 of the Revised Code.	197

Section 2. That existing section 3321.191 of the Revised Code is hereby repealed. 198
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