



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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## Compulsory School Attendance and Truancy Intervention

State law requires all children between the ages of 6 and 18 who reside in Ohio to attend a public or private school that meets the minimum education standards prescribed by the Director of Education and Workforce. School districts, community schools, and STEM schools must take actions to enforce these laws. To that end, they must adopt policies to guide employees in addressing student absences.

This policy is the first of a series of sequential steps that school administrators must take if a student’s absences rise from average, to excessive, or to habitual. The goal of these steps is to intervene early, but if a student’s unexcused absences persist, it can result in filing an action in juvenile court. The juvenile court first will consider an alternative to adjudication, and if the student’s truancy persists, the court may adjudicate the student an unruly or delinquent child. The juvenile court also may enforce civil and criminal actions against the parent, guardian, or custodian of a truant child.

### Contents

Compulsory school age .....	2
Excused absences .....	2
Levels of intervention for absenteeism .....	3
Chronic absenteeism under federal law .....	3
Excessive absences under state law.....	3
Habitual truancy under state law.....	3
District and school responsibilities for student absences .....	4
Policy .....	4
Absence intervention .....	4
E-school attendance requirements.....	5
Juvenile court actions against the child.....	6
Possible actions against parent, guardian, or custodian .....	6

## Compulsory school age

Ohio law requires all children who actually reside in the state and are between the ages of 6 and 18 to attend a public or private school that meets the minimum education standards prescribed by the Director of Education and Workforce. In addition, any child under six years old who has enrolled in kindergarten must attend school unless the child is formally withdrawn from school.<sup>1</sup> Except in cases where a child has been properly excused from attendance, the child's parent, guardian, or custodian must ensure that the child attends school.<sup>2</sup> School districts, community schools, and STEM schools must maintain attendance records and, as described below, must take actions to enforce the compulsory attendance laws. A child of compulsory school age who fails to attend school may be subject to school-imposed sanctions for nonattendance and may be adjudicated as an habitual truant.

### Excused absences

Exceptions to compulsory school attendance include receiving home education,<sup>3</sup> situations where age and schooling certificates have been issued for the legal employment of a minor, excusal for special education, or excusal for farm work or other necessary work for that student's parents. In addition, on a day-by-day basis, a child may be excused for one or more of the following conditions, only some of which are medical (see "**Excessive absences**" below):

1. Illness of the child;
2. Illness in the family necessitating the presence of the child;
3. Quarantine in the home;
4. Death of a relative;
5. Medical, behavioral, or dental appointment;
6. Observance of religious holidays;
7. College visitation;
8. Pre-enlistment reporting to military enlistment processing station;
9. Deployment activities of a parent or guardian;
10. Placement in foster care;
11. Homelessness; or
12. Emergency or other good and sufficient cause.<sup>4</sup>

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<sup>1</sup> R.C. 3321.01, 3321.02, and 3321.07.

<sup>2</sup> R.C. 3321.04 and 3321.20.

<sup>3</sup> A home-educated child may still be subject to compulsory attendance if there is evidence the child is not being home-educated in the subject areas of English language arts, math, science, history, government, and social studies.

<sup>4</sup> R.C. 3321.03, 3321.04 and 3321.042; R.C. Chapters 3331 and 4109; Ohio Administrative Code (O.A.C.) 3301-69-02.

## Levels of intervention for absenteeism

### Chronic absenteeism under federal law

Federal law requires schools to collect data on “chronic absenteeism” and track and monitor absences.<sup>5</sup> Generally, a student is “chronically absent” when the student, with or without excuse, misses 10% or more of the school year, or about 18 days.<sup>6</sup> Schools and districts must provide supports to these students and their families to prevent further absences.

### Excessive absences under state law

State law provides for early intervention for student absences. Districts and schools must give written notice to the parent, guardian, or custodian of a child who is absent from school without any excuse or even with a nonmedical excuse for a combined 38 or more hours in one school month or 65 or more hours in a school year. At that time, the district or school may take an “appropriate action” in accordance with its attendance policy to help the student prevent further absences. However, it is not required to create any kind of individualized attendance plan for the child.<sup>7</sup>

### Habitual truancy under state law

State law provides for the greatest concern over students’ absences when they reach the level of habitual truancy. An “habitual truant” is a student of compulsory school age who is absent *without legitimate excuse* for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.<sup>8</sup> For any student whose absences meet that threshold, a school district or school must engage an absence intervention plan process. That process requires the student and the student’s parent to participate in activities to get the student to attend school and, if the student’s unexcused absences persist, it can eventually lead to the filing of a complaint in juvenile court.

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<sup>5</sup> 20 United States Code (U.S.C.) 6311(c) and 6613(b).

<sup>6</sup> See, e.g., [Letter from Secretary Cardona Regarding Student Attendance and Engagement](#), March 22, 2024, which is available on the U.S. Department of Education’s website: [ed.gov](https://ed.gov).

<sup>7</sup> R.C. 3321.191(C)(1). Originally, this provision included all excused and unexcused absences, but in 2019 it was amended to include only unexcused and nonmedical excused absences.

<sup>8</sup> R.C. 2151.011(B)(18).

The following table summarizes the triggers for chronic absenteeism, excessive absence, and habitual truancy.<sup>9</sup>

	Consecutive Hours	Hours Per School Month	Hours Per School Year
<b>Chronic Absenteeism</b>	--	--	<b>10%</b> of total hours either excused or unexcused
<b>Excessive Absence</b>	--	<b>38</b> unexcused or nonmedical excused	<b>65</b> unexcused or nonmedical excused
<b>Habitual Truancy</b>	<b>30</b> unexcused	<b>42</b> unexcused	<b>72</b> unexcused

## District and school responsibilities for student absences

### Policy

Each school district, educational service center (ESC) on behalf of a district, brick-and-mortar community school, or STEM school is required to adopt a policy to guide employees in addressing student absences. The policy must be developed in consultation with the juvenile court, parents, and appropriate state and local agencies. The policy may include as an intervention strategy any of the following actions:

- Providing a truancy intervention program for an excessively absent student;
- Providing counseling for an habitual truant;
- Requesting or requiring a parent, guardian, or custodian to attend parental involvement programs and truancy mediation programs;
- Notification of the Registrar of Motor Vehicles of the truancy of a motor vehicle license holder; and
- Taking legal action.<sup>10</sup>

### Absence intervention

As a student's absences escalate, so do the steps a district, ESC, community school, or STEM school must take. The following summarizes a school's responsibilities at each stage of the absence intervention process.<sup>11</sup>

<sup>9</sup> See also [Attendance Law FAQs](#), which is available on the Ohio Department of Education and Workforce's website: [education.ohio.gov](http://education.ohio.gov).

<sup>10</sup> R.C. 3321.191.

<sup>11</sup> R.C. 3321.191. See also R.C. 2151.27 (filing of complaint in juvenile court).

Policy Adopted	• School board adopts policy on student absences, including truancy intervention plan for excessively absent (and chronically absent) student
Excessive Absence	• Student is absent without medical excuse 38 hours in one month or 65 hours in one school year
Notice to Parent	• Attendance officer notifies parent of student's excessive absences within 7 days of triggering excessive absence
Habitual Truancy	• Student absent without legitimate excuse 30 consecutive hours, 42 hours in one month, or 72 hours in a school year
Team selected within 7 days	• Absence intervention team selected and 3 meaningful attempts made to secure participation of parent within 7 days of triggering habitual truancy (certain school districts with very low overall absenteeism may use other strategies)
Plan developed within 14 days	• 14 days after creation of team, absence intervention plan developed by the team – implementation begins
Complaint filed	• Complaint filed not later than 61 days after plan implementation if no progress or student is again absent for 30 or more consecutive hours or 42 in a month

### Absence intervention team

A student must be assigned to an absence intervention team when the student becomes an habitual truant. That team must then develop an intervention plan in an effort to reduce or eliminate further absences. Membership of each team may vary based on the needs of each student, but must include: (1) a representative from the school district or school, (2) another representative from the district or school who knows the child, and (3) the child's parent, guardian, or custodian. The team also may include a school psychologist, counselor, or social worker, or a representative of a public or nonprofit agency designed to assist students and families in reducing absences.<sup>12</sup>

### E-school attendance requirements

Ohio law exempts an internet- or computer-based community school (e-school) in which a majority of students are not enrolled in a dropout prevention or recovery program from the requirement to adopt an attendance policy and absence interventions described above. Instead, these e-schools must adopt a policy regarding failure to participate in instructional activities. That policy must specify that a student is in attendance when the student (1) participates in at least 90% of the hours of instructional activities offered by the school in that school year or (2) the student is on pace for on-time completion, as defined by the school's policy, of any course in which the student is enrolled.<sup>13</sup> The policy must also state that a student becomes subject to certain consequences, including disenrollment from the school, if:

<sup>12</sup> R.C. 3321.191(C)(2)(a) and (d).

<sup>13</sup> R.C. 3314.261(B)(1) and 3314.03(B)(11)(I).

1. After the student has at least 30 hours of unexcused absences in a semester and the student's parent, guardian, or custodian receives the required written report (see below), the student fails to comply with the policy within a reasonable time period specified by the school; and
2. Other intervention strategies contained in the policy have been undertaken and have not resulted in the student's attendance compliance with the policy.

If a student enrolled in an e-school in which a majority of the students are not enrolled in a dropout prevention or recovery program has at least 30 hours of unexcused absences in any semester, the school must submit a written report to the student's parent, guardian, or custodian.<sup>14</sup> Students who attend these schools, and their parents, guardians, or custodians remain subject to all applicable compulsory attendance laws.

### **Juvenile court actions against the child**

If the student's absences persist after the school has made meaningful attempts to reengage the student, the school must file a complaint in juvenile court not later than 61 days after the absence intervention team's plan was implemented. When a complaint is filed, the court first must consider an alternative to adjudication. The court must consider the complaint only as a matter of last resort.<sup>15</sup> However, if these alternatives are not successful, the court may adjudicate the student an "unruly child for being an habitual truant" and order the student to attend school and comply with other sanctions. If the student violates that order, the court may adjudicate the student a "delinquent child."<sup>16</sup>

### **Possible actions against parent, guardian, or custodian**

The juvenile court has exclusive original jurisdiction over the parent, guardian, or custodian of a truant child regarding that truancy.<sup>17</sup> Since it is the parent, guardian, or custodian's statutory responsibility to ensure that the child attends school, there are several separate civil and criminal statutes that can be enforced. First, a school district may adopt a policy requiring the parent or guardian of any student "who is truant or habitually absent from school" (as determined by the district) to attend a parental education or training program. Failure to attend that training program is a fourth degree misdemeanor known as "parental education neglect."<sup>18</sup> Second, a parent, guardian, or custodian can be found guilty of contributing to the unruliness or delinquency of a child, which is a first degree misdemeanor.<sup>19</sup> The court also might order the parent, guardian, or custodian to post a surety bond of up to \$500 conditioned on seeing that the child attends school.<sup>20</sup>

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<sup>14</sup> R.C. 3314.261.

<sup>15</sup> R.C. 2151.27(F) and (G), 3321.16(B)(1), and 3321.19(D).

<sup>16</sup> R.C. 2151.354(C) and 2152.19(A)(7) and (E).

<sup>17</sup> R.C. 2151.23 and 3321.38.

<sup>18</sup> R.C. 2919.222 and 3313.663.

<sup>19</sup> R.C. 2919.24.

<sup>20</sup> R.C. 3321.38.