



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

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, most community schools, and STEM schools must adopt a formal policy to address student absences in consultation with courts, parents, and local and state agencies. Each policy must include acknowledgement that all absences harm learning, preventative strategies, parental notification, tiered intervention, and access to absence intervention teams for at-risk students.

While the law emphasizes district - and school-level prevention and enforcement, if a student's unexcused absences persist, it can result in filing an action in juvenile court. After considering alternatives to adjudication, and if the student's truancy persists, the court may adjudicate the student an unruly or delinquent child and enforce civil and criminal actions against the parent, guardian, or custodian of a truant child.

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Compulsory school age

Ohio law requires all children who reside in the state and are between the ages of six and 18 to attend a public or private school that meets the minimum education standards prescribed by the Director of Education and Workforce. Children under the age of six who are enrolled in

kindergarten are also subject to compulsory attendance unless formally withdrawn.¹ Except in cases in which attendance has been properly excused, parents, guardians, or custodians are legally obligated to ensure regular school attendance.² School districts, community schools, and STEM schools must maintain attendance records and enforce these laws through policies and interventions. A child of compulsory school age who fails to attend school without excuse may be subject to school-based interventions and, if absences persist, may be adjudicated as an habitual truant.

District and school responsibilities

Policy

Each school district, brick-and-mortar community school, and STEM school must adopt a policy to address student absences and, in particular, students who are chronically absent. A student is chronically absent if the student misses at least 10% of the minimum number of hours that the student's school must be open under state law. While the law applies to school districts, brick-and-mortar community schools, and STEM schools, it only references the minimum school hours established for district and STEM schools (455 hours for part-time kindergarten, 910 hours for all-day kindergarten to grade six, and 1,001 hours for grades 7-12).³ The law does not reference the minimum number of hours for a community school (920 hours).⁴ In developing that policy, a district or school must consult the juvenile court, parents of students attending the district or school, and appropriate state and local agencies. Each policy must:

1. Acknowledge that student absences from school for any reason, whether excused or unexcused, take away from instructional time and have an adverse effect on student learning;
2. Identify strategies to prevent students from becoming chronically absent;
3. Include procedures for notifying a student's parent, guardian, or custodian, when the student has been absent from school for a number of hours determined by the board, which cannot exceed 5% of the minimum number of hours required in the school year;
4. Establish a tiered system that provides more intensive interventions and supports for students with greater numbers of absences and includes resources to help students and their families address the root causes of the absences;
5. Provide for one or more absence intervention teams to work with students at risk of becoming chronically absent and their families to improve the students' attendance at school;
6. Prohibit suspending, expelling, or otherwise preventing a student from attending school based on the student's absences;

¹ R.C. 3321.01, 3321.02, and 3321.07.

² R.C. 3321.04 and 3321.20.

³ R.C. 3313.48.

⁴ R.C. 3314.03(A)(11)(a).

7. Align with any other district or school improvement plan developed pursuant to state or federal law; and
8. Permit consultation or partnering with public and nonprofit agencies to provide assistance to students and families in reducing absences.⁵

E-school attendance requirements

Ohio law exempts an internet- or computer-based community school (e-school) that is not a dropout prevention and recovery community school from the requirement to adopt a policy on students' absences as described above. Instead, 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.⁶ The policy must also state that a student becomes subject to certain consequences, including disenrollment from the school, if:

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 that is not a dropout prevention and recovery community school 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.⁷ Students who attend these schools, and their parents, guardians, or custodians remain subject to all applicable compulsory attendance laws.

Juvenile court

Complaint

Generally, a district or school must file a complaint in the juvenile court against a student who meets the statutory definition of being a "habitual truant." That means the student was absent without legitimate excuse from the school the child is supposed to attend for one of the following:

1. 30 or more consecutive hours;
2. 42 or more hours in one school month; or
3. 72 or more school hours in a school year.

⁵ R.C. 3321.191, 3314.03(A)(11)(I), and 3326.11.

⁶ R.C. 3314.261(B)(1) and 3314.03(B)(11)(I).

⁷ R.C. 3314.261.

The complaint must allege the child is an “unruly child for being a habitual truant” and that the student’s parent, guardian, or other person having care of the student violated their duty to ensure the student attends school.

However, if the district or school determines that the student and the student’s family are making satisfactory progress improving the student’s school attendance, the law prohibits the district or school’s attendance officer from filing a complaint. But the attendance officer must file a complaint if a student and the student’s family cease to make progress.⁸

Actions against the child

When a complaint is filed, the court first must consider an alternative to adjudication. The court must consider the complaint as a matter of last resort only.⁹ However, if these alternatives are not successful, the court may adjudicate the student an “unruly child for being a 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.”¹⁰

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.¹¹ Since it is the parent, guardian, or custodian’s duty to ensure that the child attends school, there are several separate civil and criminal statutes that can be enforced, including the following:

- 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.”¹²
- 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.¹³
- 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.¹⁴

⁸ R.C. 3321.16.

⁹ R.C. 2151.27(F) and (G), 3321.16(B)(1), and 3321.19(D).

¹⁰ R.C. 2151.354(C) and 2152.19(A)(7) and (E).

¹¹ R.C. 2151.23 and 3321.38.

¹² R.C. 2919.222 and 3313.663.

¹³ R.C. 2919.24.

¹⁴ R.C. 3321.38.