

## TRUANCY DEFINED [R.C. 2151.011(B)(18)]

- “Habitual truant” means any child of compulsory school age who is absent without legitimate excuse for:
  - 30 or more consecutive school hours; or
  - 42 or more hours in one school month; or
  - 72 or more hours in a school year.

## SCHOOL DISTRICT REQUIREMENTS [R.C. 3313.668; R.C. 3321.16]

- No school district or school may suspend, expel, or remove a student from school solely on the basis of the student’s absences from school. [R.C. 3313.668]
- The school’s attendance officer must file a complaint in the juvenile court against a student on the 61st day after the implementation of an absence-intervention plan if: [R.C. 3321.16(B)(1)]
  - The student was 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;
  - The school district or school has made meaningful attempts to re-engage the student through an absence-intervention plan or other intervention strategies; or
  - The student has refused to participate in or failed to make satisfactory progress on the plan.
- The attendance officer must file a complaint in juvenile court against a student if the student is absent without legitimate excuse for 30 or more consecutive hours or 42 or more hours in one school month at any time during the implementation phase of the absence-intervention plan or other intervention strategies. [R.C. 3321.16(B)(2)]
  - **Exception:** The absence intervention team determined that the student has made substantial progress on the absence-intervention plan.

### NOTE

Within 10 days after a child is adjudicated an unruly child for being a habitual truant, the court must provide notice to the child’s current school district and to the school in which the child was enrolled at the time the complaint was filed. [R.C. 2151.354(C)(2)(d)]

## FILING OF COMPLAINT [R.C. 2151.27(G)]

- A formal filing must be used only as a last resort to address truancy.
- Upon the filing of a complaint the court shall consider an alternative to adjudication, including diversion.

**For more information, see the *Diversion Bench Card* and the *Developing an Effective School Attendance Program* toolkit.**

- The court shall consider any other alternative to adjudication that is available to the court, as long as the child has not already participated in or failed to complete the alternative.

## BURDEN OF PROOF [R.C. 2151.27(H)]

- Prosecution
  - Must prove beyond a reasonable doubt that:
    - The child is of compulsory school age; and
    - The child was absent without legitimate excuse from the public school the child was supposed to attend for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.
- Defense
  - The child may assert an affirmative defense that the child did participate in, or made satisfactory progress on, the absence-intervention plan or other alternatives to adjudication.

## DISPOSITIONS [R.C. 2151.354(C)]; [R.C. 2152.19]

- If a child is adjudicated an unruly child for being a habitual truant, in addition to or in lieu of imposing any other order of disposition authorized by R.C. 2151.354, the court may require the child to do any of the following:
  - Attend an alternative school (if an alternative school has been established in the child's school district);
  - Participate in any academic program or community service program;
  - Participate in a drug-abuse or alcohol-abuse counseling program;
  - Receive appropriate medical or psychological treatment or counseling;
  - Make any other order that the court finds proper to address the child's habitual truancy, including an order requiring the child to participate in a truancy-prevention mediation program.

## PROCEEDINGS AGAINST PARENTS AND CAREGIVERS [R.C. 2151.354(C)(2)]

- If a child is adjudicated unruly for habitual truancy and the court determines that the parent, guardian, or caregiver has failed to cause the child's attendance at school, all of the following apply:
  - The court may require the parent, guardian, or caregiver participate in any community service program;

- The court may require the parent, guardian, or caregiver participate in a truancy-prevention mediation program;
- The court shall warn the parent, guardian, or caregiver that any subsequent adjudication of the child as an unruly or delinquent child for being a habitual truant or for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant, may result in a criminal charge against the parent, guardian, or caregiver; and
- The court may order any other disposition authorized by R.C. 2151.354.

## TRUANCY DATA COLLECTION [R.C. 2151.18(B)]

- The court's annual report, as required by R.C. 2151.18, shall include the number of children who:
  - Were placed in alternatives to adjudication for truancy (under R.C. 2151.27(G)); and either
    - Successfully completed the alternative to adjudication; or
    - Failed to complete the alternative and were adjudicated unruly.
- While not required by R.C. 2151.18, courts are strongly encouraged to report the:
  - Total number of habitual truant complaints filed during the year; and
  - Number of truants handled informally, including those who were diverted prior to the filing of a habitual-truancy complaint.

**For more information, see the *Developing an Effective School Attendance Program* toolkit.**