


**Creating a Multi-Disciplinary Approach to Truancy and Implementing HB 410**

Heather J. Fournier, Esq.  
 Honorable Robert Fragale  
 Teresa (Tammy) Martin-Kosier, Esq.  
 Brittany Miracle




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**House Bill 410:  
Multi-Discipline Approach**

- Brittany Miracle, Ohio Department of Education, Program Administrator
- Judge Robert Fragale, Marion County Juvenile Court
- Tammy Martin Kosier, Ashtabula County Mediation Coordinator
- Heather J. Fournier, Lucas County Juvenile Court Mediation Director




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**HB 410-School Perspective**

-Brittany Miracle

- Definition of Truancy and Excessive Absences
- Truancy Decriminalization
- Student Discipline Changes
- Excessive Absence District Responsibilities
- Habitually Truant District Responsibilities
- Ohio Department of Education Online Resources




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## HB 410-Court Perspective

-Judge Robert Fragale

- Legislative History
- Definition and Procedural Changes
- Truancy Docket Impact
- Court and School District Partnerships
- Marion Diversion Program



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**House Bill 410 Overview**

**Action Taken by Schools**

<b>1A.</b> If a student misses school without legitimate excuse for 30 consecutive hours, 42 hours in a month OR 72 hours in a year then student crosses the "Habitual Truant" threshold. <i>2112.021(D)(16)</i>	<b>2A.</b> When a Student passes the Habitual Truant threshold, School must assign Student to an Absence Intervention Team ("AIT"). <i>2112.021(D)(16)</i>	<b>3A.</b> Within 7 days of student crossing Habitual Truant threshold, school <b>must</b> select AIT members and make at least 3 meaningful, good faith attempts to secure AIT participation of parent, guardian, custodian, GLE, or temporary custodian. AIT members <b>shall</b> include: Parent, School representative who has contact with student, AND a District representative. <i>2112.021(D)(16)</i>	<b>3B.</b> Within 14 days of the AIT assignment, the team shall create an Absence Intervention Plan ("AIP") for the student to reduce or eliminate absence. An AIP shall vary based on student need and shall state: "the attendance officer shall file a complaint not later than 42 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." <i>2112.021(D)(16)</i>	
<b>1B.</b> If student misses 36 or more hours in one month, 60 or more hours in a school year, with <b>NO</b> OUTSCHOOL legitimate excuse, then student crosses the "Excessively Absent" threshold. <i>2112.021(D)(17)</i>	<b>2B.</b> Within 7 days of student passing Excessively Absent threshold, school must notify student's parent, guardian or custodian of absence in writing. <i>2112.021(D)(17)</i>	<b>4B.</b> During the AIP implementation phase, if a student is absent without legitimate excuse 30 or more consecutive hours or 42 or more hours in a school month, unless AIT says student has made substantial progress, school must file a complaint against that student. <i>2112.021(D)(16)</i>	<b>4C.</b> If PROGRESS MADE before the 21 <sup>st</sup> day after AIP implementation, then AIP can be closed or postponed. School notifies all AIT members of progress and/or closure.	
<b>1C.</b> If student passes Habitual Truant threshold 24 days before the day of school district day, then AIP for summer AIP or summer AIP for summer ends 7 days before school ends. <i>2112.021(D)(16)</i>	<b>4A.</b> If a school made meaningful attempts to re-engage a Habitual Truant student and the student refused to participate in AIP or failed to make progress on AIP, then, 21 days after AIP implementation, school must file a complaint with Juvenile Court. If 62 <sup>nd</sup> day falls in summer, may extend past end date filing 30 days from first day of next school year. <i>2112.252(B)(2 &amp; 3)</i>	<b>5.</b> No later than 10 days after child is adjudicated an unruly child, Juvenile Court must provide notice of any adjudication related to a child's truancy to the school district and school in which the student was enrolled when the complaint was filed. <i>2112.021(D)(16)</i>	<b>5A.</b> Any person having knowledge of child's adjudication as an unruly child for being a habitual truant may file a complaint alleging the child is delinquent for violating a court order regarding the prior adjudication. <i>2112.021(D)</i>	
<p><b>Action Taken by the Court</b></p>		<b>6.</b> Juvenile Court must consider an alternative to adjudication and consider the complaint only as a matter of last resort. <i>2112.252</i>	<p><b>ALTERNATIVE TO ADJUDICATION: MEDIATION.</b></p> <p><b>7.</b> If agreement reached, member compliance.</p> <p><b>8C.</b> If student no shows, fails to comply or does not reach agreement, schedule an adjudication hearing.</p>	<p><b>9.</b> Juvenile Court must indicate in its annual report the # of children placed in alternatives to adjudication, the # who successfully complete those programs, and the # who fail to complete those programs that are adjudicated unruly. <i>2112.252</i></p>



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## Mediation: An Adjudication Alternative

-Tammy Martin Kosier

- History of Ohio Truancy Mediation
- School Based Truancy Mediation
- Court Based Truancy Mediation
- Mediation Program Creation



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### Attendance Mediation Program Goals:

- Take a Proactive and Preventative approach to attendance.
- Create collaborative relationships to "Open the School House Doors".
- Encourage open, honest communication between parents and schools.
- Promote effective problem solving.
- Establish importance of regular, timely attendance.
- Address absence early and reverse early effect of absenteeism.
- Identify and address issues at school or home impacting attendance.
- Engage families in services to support engagement.
- Promote ownership of responsibility and delineate an action plan.
- Monitor compliance with action plans.




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### HB 410 Implementation

-Heather J. Fournier

- Attendance Intervention Plan Mediations (school mediations)
- Alternatives to Adjudication Mediations (court mediations)
- Key Players
- Flow Charts
- Forms




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### Contact Information

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**Contact  
Information**

**Hon. Robert Fragale**

Judge  
Marion County Family Court  
222 W. Center Street  
Marion, OH 43302  
740.223.4060

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**Contact  
Information**

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TMKosier@ashtabulacounty.us

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**Contact  
Information**

**Brittany Miracle**

Program Administrator  
Ohio Department of Education  
25 South Front Street  
Columbus, OH 43215  
614.644.6812  
Brittany.Miracle@education.ohio.gov

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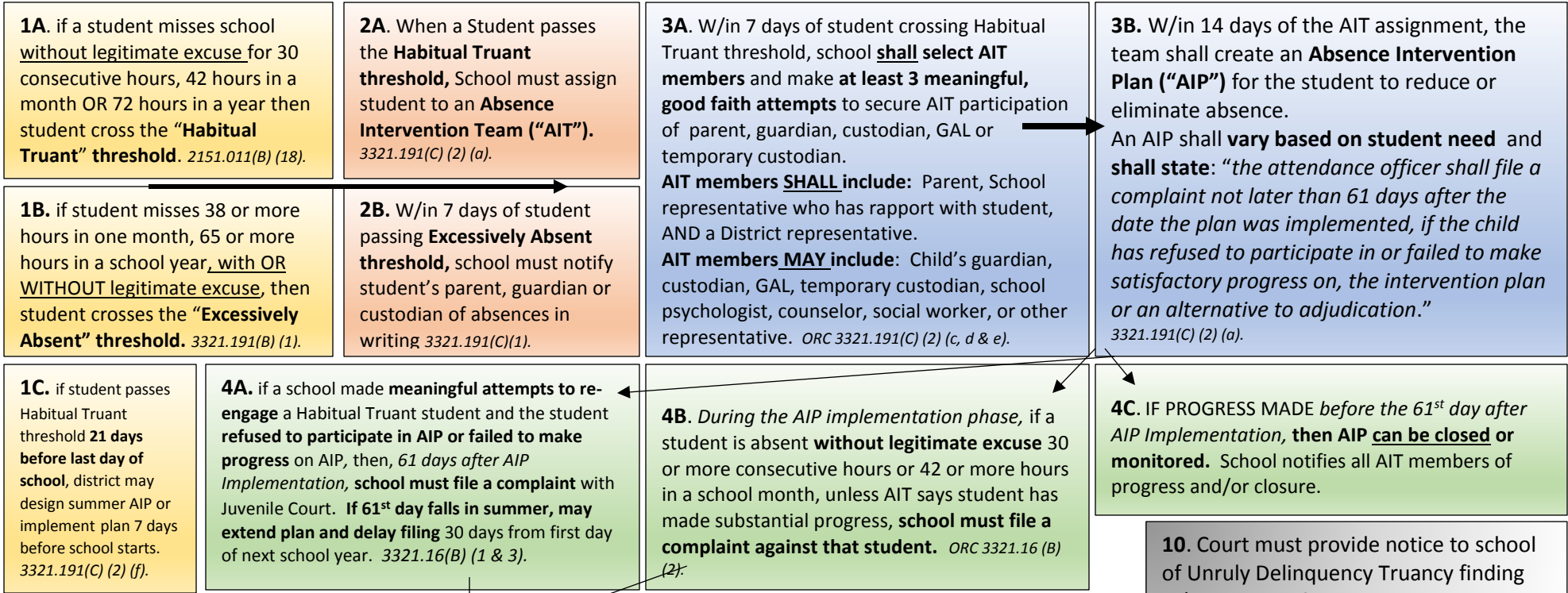
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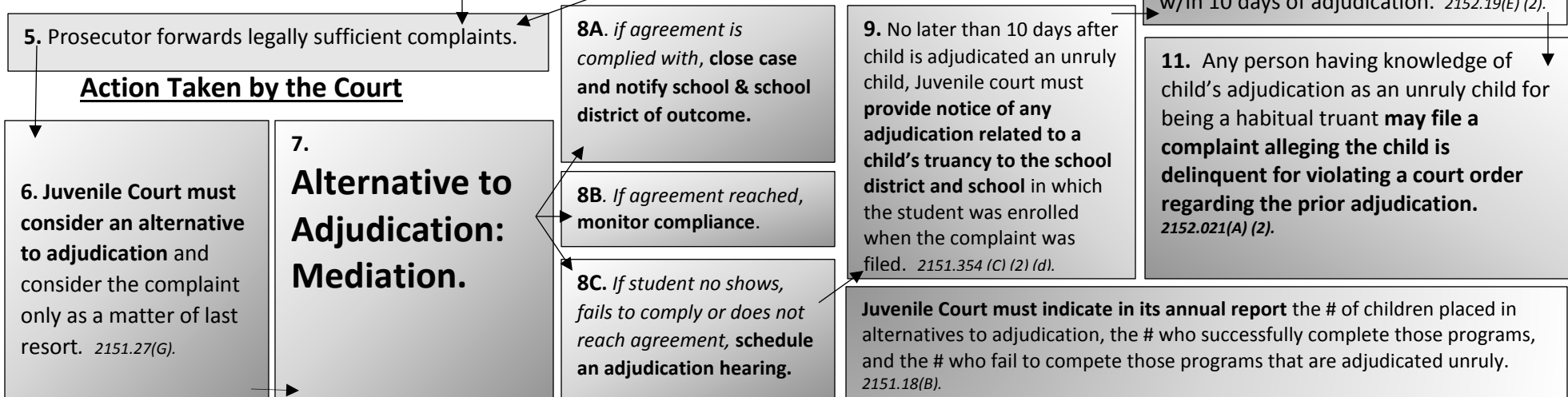
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# House Bill 410 Overview

## Action Taken by Schools



## Action Taken by the Court



**Court of Common Pleas  
Lucas County, Ohio  
JUVENILE DIVISION  
COMPLAINT**

**Citation: ORC 2151.022(B)**

**IN RE** (Juvenile's Name) \_\_\_\_\_  
 (DOB) \_\_\_\_\_  
 (Address) \_\_\_\_\_

Contrary to and in violation of ORC 2151.022(B), the undersigned, being duly sworn, says that he or she has knowledge that the above noted juvenile, with the above noted date of birth, residing at the above noted address, appears to be an unruly juvenile, in that on this \_\_\_ day of \_\_\_\_\_, 20\_\_ in the County of Lucas, State of Ohio, the above noted juvenile has been habitually truant from school and the school district or school made meaningful attempts to re-engage the student through an Absence Intervention Plan or other Intervention Strategies, in accordance with O.R.C. 3321.191, offered as an alternative to adjudication and that the above noted juvenile refused to participate in or failed to make satisfactory progress on the plan, as determined by the Absence Intervention Team, or any offered intervention strategies or alternatives to adjudication.

**TO WIT:** \_\_\_\_\_ was **TRUANT FROM:** \_\_\_\_\_  
Child name School name

Without legitimate excuse for absence from the public school the child is supposed to attend for:

<b>30 or more consecutive hours:</b> _____  <b>42 or more hours in 1 school month:</b> _____  <b>72 or more hours in 1 school year:</b> _____	<b>TOTAL HOURS ABSENT:</b> _____  <b>Absence Intervention Plan or Intervention Strategy implemented for the above named juvenile on:</b> ___/___/____
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School Name: \_\_\_\_\_  
 Pupil Personnel Name: \_\_\_\_\_  
 School address: \_\_\_\_\_  
 City, State Zip: \_\_\_\_\_  
 Phone number: \_\_\_\_\_

\_\_\_\_\_  
 Name, Title

**Parent(s)/Custodian:**  
**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City, State Zip:** \_\_\_\_\_

Sworn to and signed in my presence this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Deputy Clerk

Dear Superintendent:

In December 2016, the Ohio General Assembly passed House Bill 410 to encourage and support districts and community schools in preventing excessive absences and truancy. Several changes take effect with the 2017-2018 school year. Districts and community schools that have not already done so must amend or adopt policies that outline their interventions for students who miss too much school.

Beginning with the 2017-2018 school year, HB 410 requires any district or community school with a chronic absenteeism rate of 5 percent or greater to assign habitually truant students to a school or district absence intervention team. This requirement is new and applies to your district or community school for the 2017-2018 school year. It aims at breaking down barriers to attendance without filing criminal complaints against a student in juvenile court.

The purpose of the absence intervention team is to develop and implement a student-centered absence intervention plan for every child who is habitually truant. Intervention plans should identify specific barriers to attendance and facilitate appropriate solutions. The team involves the student and the parent, whenever feasible.

1. Schools are permitted to have their own absence intervention teams, but the district is responsible for developing a team if the school does not have one;
2. Membership of each team should vary based on the needs of each individual student, but each team **MUST** include:
  - a. A representative from the individual's school or district;
  - b. Another representative from the school or district who has a relationship with the child;
  - c. The child's parent (or parent's designee) or the child's guardian, custodian, guardian ad litem or temporary custodian.
3. The district or school may consult or partner with public and nonprofit agencies for assistance, as appropriate, to help students and their families to reduce absences.

When a student becomes habitually truant:

1. Within seven days of the triggering absence, the district must:
  - a. Select members of the absence intervention team;
  - b. Make and document three meaningful attempts to involve the student's parent or guardian on the absence intervention team.
2. Within 10 days of the triggering absence, the district must assign the student to the selected absence intervention team;
3. Within 14 days after the assignment of the team, the district must develop the student's absence intervention plan;
4. If the student fails to make progress on the plan within 61 days or continues to be excessively absent, the district must file a complaint in the juvenile court.

Please review all HB 410 requirements [here](#).

If you have any questions, email [school\\_improvement@education.ohio.gov](mailto:school_improvement@education.ohio.gov).

## ABSENCE INTERVENTION TEAM PLANNING CHECKLIST

This checklist was developed in partnership with Cuyahoga County Juvenile Court. This check list may be used by the school or district absence intervention team to ensure all components of the absence intervention team have been successfully met and should be tailored to meet local needs.

- Copy of year-to-date attendance records & grades

Habitual Truancy Triggers

Threshold Date

30 or more consecutive school hours

\_\_\_\_\_

42 or more hours in one school month

\_\_\_\_\_

72 or more hours in a school year

\_\_\_\_\_

- Copy of school notification letter(s) to parent/guardian or custodian regarding student's excessive absences
- Narrative detailing interventions utilized with the student as laid out in district policy when the student became excessively absent
- Narrative and any relevant materials detailing three good faith attempts to engage parents in the absence intervention team
- Absence Intervention Team Overview:

Meeting Date

\_\_\_\_\_

60 Days Review Date

\_\_\_\_\_

File Date with Juvenile Court (if applicable):

\_\_\_\_\_

### Team Participants:

- |   |  |
|---|--|
| <input type="checkbox"/> child  | <input type="checkbox"/> school administrator              |
| <input type="checkbox"/> mother   | <input type="checkbox"/> school psychologist               |
| <input type="checkbox"/> father   | <input type="checkbox"/> counselor                         |
| <input type="checkbox"/> guardian   | <input type="checkbox"/> school or district representative |
| <input type="checkbox"/> parent designee  |  |
| <input type="checkbox"/> other (i.e. local public or nonprofit agency)<br>please specify: _____ |  |

- Narrative detailing the plan developed by absence intervention team to engage the child in attending school, specific intervention efforts, and services provided to the family during initial 60 days interval
- Narrative detailing AIT overall impressions relating to the child's compliance with the plan
- Copy of reports from service providers, if applicable
- Copy of child's disciplinary record, if applicable
- Date the absence intervention plan was communicated, in writing, with the student's parents or guardians
- Other relevant information



# Student Absence Intervention Plan Template

This form was developed in partnership with Marietta City Schools. This form can be used by schools and districts during absence intervention team meetings to develop and implement student absence intervention plans and should be tailored to meet local needs.

## STUDENT INFORMATION

Student: \_\_\_\_\_ DOB: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Student SSID: \_\_\_\_\_

Individuals and role/relationship to the student present: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Parent/Guardian Present?

Yes

No

If no, was a parent designee present?

Yes

No

Parent(s)/Guardian(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Parent(s)/Guardian(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

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## STUDENT ENGAGEMENT INFORMATION

Grades (Current Year):

Favorite course/subject:

Least favorite course/subject:

Extracurricular activities:

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**ATTENDANCE HISTORY**  
(Total Days Absent including excused, unexcused, and out-of-school suspension)

<b>K</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>5th</b>	<b>6th</b>
<b>7th</b>	<b>8th</b>	<b>9th</b>	<b>10th</b>	<b>11th</b>	<b>12th</b>	<b>2nd yr Sr.</b>

Does parent/guardian call school on day of absence?

Does student provide an excuse for absence on day of return to school?

How does student get to school?

Additional Attendance History Notes:

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**BARRIERS STUDENT EXPERIENCES CONTRIBUTING TO TRUANCY**

- Academics      Basic Needs      Behavioral      Chronic Medical Condition      Family  
Housing      Mental Health      Social      Transportation      Other:

Please Describe:

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Identified Areas of Need:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

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RESOURCES PROVIDED TO THE STUDENT AND FAMILY

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Alarm Clock Provided       | <input type="checkbox"/> Tutoring              | <input type="checkbox"/> Counseling, Student | <input type="checkbox"/> Food Pantry/Meals         |
| <input type="checkbox"/> Extracurricular Activities | <input type="checkbox"/> Mentor                | <input type="checkbox"/> Counseling, Parent  | <input type="checkbox"/> Community Action          |
| <input type="checkbox"/> Parent Education Program   | <input type="checkbox"/> School Counselor      | <input type="checkbox"/> Counseling, Family  | <input type="checkbox"/> Employment                |
| <input type="checkbox"/> Other academic resources   | <input type="checkbox"/> IEP/504 review        |  | <input type="checkbox"/> Other Community Resources |
|   | <input type="checkbox"/> IEP/504 consideration |  |  |

Describe resource referrals below:

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STUDENT ABSENCE INTERVENTION PLAN

The STUDENT will: \_\_\_\_\_

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The PARENT/GUARDIAN will: \_\_\_\_\_

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The SCHOOL will: \_\_\_\_\_

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Successful Implementation Includes:

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## RECORD OF ABSENCE INTERVENTION TEAM MEETING

Habitual Truancy Triggers:

- 30 or more consecutive unexcused-hours;**
- 42 or more unexcused hours in a school month;**
- 72 or more unexcused hours in a school year**

I/we understand if the student fails to improve their attendance per this plan or has refused to participate in this plan, the attendance officer, obligated by Ohio law, shall file a complaint not later than sixty-one (61) days after the plan was implemented. The attendance officer may file a complaint prior to the 61st day if the student is absent without legitimate excuse 30 consecutive hours or 42 hour in one school month during the implementation period of the plan.

Absence Intervention Team Meeting Date: \_\_\_\_\_

Plan Start Date: \_\_\_\_\_ Plan End Date: \_\_\_\_\_ Plan Review Date: \_\_\_\_\_

Parent/Guardian Initials \_\_\_\_\_ Parent/Guardian Initials \_\_\_\_\_ Student Initials \_\_\_\_\_

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Student Signature \_\_\_\_\_ Date \_\_\_\_\_ Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

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School Official Signature \_\_\_\_\_ Date \_\_\_\_\_ Parent Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Should we have difficulty in implementing the plan or are not clear on our roles in the plan we can contact the following with questions or concerns:

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**Administrator** \_\_\_\_\_ **Phone** \_\_\_\_\_

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**Attendance Officer** \_\_\_\_\_ **Phone** \_\_\_\_\_

PARENT NOTIFICATION OF ABSENCE INTERVENTION TEAM AND PLAN

**First Attempt to Engage Parent/Guardian**

Date: \_\_\_\_\_ Successful? Yes No  
 Phone Call Email Home Visit Letter, Regular Mail Other

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**Second Attempt to Engage Parent/Guardian**

Date: \_\_\_\_\_ Successful? Yes No  
 Phone Call Email Home Visit Letter, Regular Mail Other

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**Third Attempt to Engage Parent/Guardian**

Date: \_\_\_\_\_ Successful? Yes No  
 Phone Call Email Home Visit Letter, Regular Mail Other

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Was the parents/guardians notified of the completion of the absence intervention plan?  Yes  No

Date of Notification: \_\_\_\_\_

How were they notified?  Phone Call  Email  Home Visit  Letter  Other

If they were not notified, why not?  
\_\_\_\_\_

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**DETERMINATION OF SUCCESSFUL IMPLEMENTATION**

Date of 60 day review: \_\_\_\_\_

Participants present: \_\_\_\_\_

The student successfully implemented the absence intervention plan

Yes No

The student failed to participate in the agreed upon plan

Yes No

The student failed to improve school attendance as agreed upon in the plan

Yes No

The truancy officer will file a complaint against the student and/or parents in the county juvenile court

Yes No If yes, date of filing: \_\_\_\_\_

Narrative from absence intervention team detailing the student's success or failure of improving attendance:  
\_\_\_\_\_

\_\_\_\_\_  
Attendance Officer

\_\_\_\_\_  
Date

# Excessive Absences and Truancy

## Fast Facts for Families

It is important for your child to attend school every day. When your student misses a significant amount of school, even if the absences are excused, the child misses critical instruction time and learning opportunities. This often has long-term, negative effects on a child, such as lower achievement and a greater chance of not graduating on time.

A new state law defines excessive absence and truancy:

**Excessive absence:** a student misses 38 or more hours of school in a single month, or 65 or more hours in one school year, with or without a legitimate excuse.

**Truancy:** a student is absent from school 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 same state law requires schools and districts to create their own local policies to tackle excessive absences and truancy. Each truancy and excessive absence policy must outline a district's interventions, supports and processes for making sure a student gets to school every day. Here are key points from the law to keep in mind:

- Fact 1      **When students miss school because they are chronically or terminally ill and the district excuses their absences, the missed school hours do not count toward truancy.**  
The law allows schools to not count these students absent if they actively are receiving home instruction. When a student is chronically or terminally ill, families and districts should work to update the student's individualized education program (IEP) to include home instruction.
- Fact 2      **Districts cannot file a complaint with the juvenile court against a student or the student's family for excessive absences.**  
State law outlines acceptable reasons for not attending school. Districts also may add to the list of excused absences.
- Fact 3      **Truancy includes only unexcused absences.**

# HB 410 Model Policy Framework

A positive school climate requires students to: follow school rules; accept guidance from school staff; respect themselves and others; and be active citizens. The Board of Education has zero tolerance of violent, disruptive or inappropriate behavior by its students. Student conduct shall be governed by the rules and provisions of the [Student Code of Conduct/Student Discipline Code]. This policy will be reviewed periodically.

It is the responsibility of students, teachers and administrators to maintain a school environment that:

- A. Encourages all students to be actively engaged in their learning;
- B. Has consequences that are fair and developmentally appropriate;
- C. Relies on preventive and supportive interventions to support positive behavior and academic outcomes; and
- D. Fairly enforces the [Student Code of Conduct/Student Discipline Code].

All students and families are provided a copy of the [Student Code of Conduct/Student Discipline Code], which contains the rules and regulations that each student is expected to adhere to while in school or participating in any school-related activity, regardless of its location. The district has developmentally and age-appropriate discipline strategies ranging from preventative approaches to supportive interventions to address student misbehavior, including excessive absences. Students who do not follow school rules on school property and/or at school-related events will be disciplined according to the terms set forth in the [District's/Board's] approved [Student Code of Conduct/Student Discipline Code]. The [Student Code of Conduct/Student Discipline Code] provides students and families with examples of the types of behaviors that would subject a student to disciplinary action ranging from suspension or expulsion to other less severe forms. Suspension and expulsion will only be used once other options have been exhausted, unless the student's behavior poses a threat to the safety of him/herself or others.

A student may be subject to school disciplinary action, including suspension or expulsion for harassment, vandalism, physical abuse or other harmful or disruptive behavior toward school personnel or school personnel's property during non-school hours.

If a student's suspension is longer than the school year, the student will not be required to complete the suspension at the beginning of the next school year. However, the student may be required to complete community service or an alternative strategy for engagement, per the superintendent, to be completed during the summer.

Students may be subject to discipline for violation of the [Student Code of Conduct/Student Discipline Code], even if that conduct occurs on property not owned or controlled by the [District/Board] but that is connected to activities or incidents that have occurred on property owned or controlled by the [District/Board], or conduct that, regardless of where it occurs, is directed at a [Board/District] official or employee or the property of such official or employee.

Regular school attendance is an important ingredient in students' academic success. Excessive absences interfere with students' progress in mastering knowledge and skills necessary to graduate from high school prepared for higher education and the workforce. To support academic success for all students, the district will partner with students and their families to identify and reduce barriers to regular school attendance. The district will utilize a continuum of strategies to reduce student absences including, but not limited to:

- Notifying the parent or guardian of a student's absence;
- Developing and implementing an absence intervention plan on a case-by-case basis, which may include supportive services for students and families;
- Counseling;
- Parent education and parenting programs;
- Mediation;
- Intervention programs available through juvenile authorities; or
- Referral for truancy if applicable.

Ohio law requires that if a student is absent with or without legitimate excuse from school 38 or more hours in one school month, or 65 or more school hours in a school year, the following will occur. The school's attendance officer will notify the child's parent, guardian, or custodian of the child's absences after the date of the absence that triggered the notice requirement. If a student's absences surpass the threshold for a habitual truant, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to a district absence intervention team, which will develop an intervention plan for that student. Every effort will be made to include a parent, guardian or custodian as a member of the student's absence intervention team. Notice of the plan developed by the student's absence intervention team will be provided to the student's parent, guardian or custodian. At no time, however, will students be expelled or suspended out of school due to excessive absences or truancy.

Applicable Ohio Revised Code Sections contained within this policy:

[ORC 3313.20](#) (Rules - locker search policy - professional meetings)

[ORC 3313.534](#) (Policy of zero tolerance for violent, disruptive or inappropriate behavior)

[ORC 3313.66](#) (Suspension, expulsion or permanent exclusion-removal from curricular or extracurricular activities)

[ORC 3313.661](#) (Policy regarding suspension, expulsion, removal, and permanent exclusion)

[ORC 3313.662](#) (Adjudication order permanently excluding pupil from public schools)

[ORC 3321.191](#) (Adoption of policy regarding student absences; intervention strategies)

***— This template is a general, high-level model policy. Local school boards/districts should consult with their legal counsel about the proper use of this model policy prior to its adoption. —***



# “FERPA” Parental and/or Eligible Student Consent Disclosure Form

Pursuant to the [Family Educational Rights and Privacy Act](#), 20 U.S.C. § 1232g and Ohio Revised Code [§ 3319.321](#), parental consent or consent from the student if he/she is age 18 or older (“eligible student”) is required before personally identifiable information contained within the student’s education records are disclosed, with limited exceptions as stated in [34 CFR 99.31](#).

Please fill in the required information below.

I,                     Parent or Eligible Student                    , give my written consent that [NAME of SCHOOL DISTRICT RELEASING INFORMATION] can release the following records:

- (1) \_\_\_\_\_ ;
- (2) \_\_\_\_\_ ;
- (3) \_\_\_\_\_ .

Involving [Student Named in Records] to the person(s) and/or organization(s) listed:

- (1) \_\_\_\_\_ ;
- (2) \_\_\_\_\_ ;
- (3) \_\_\_\_\_ .

for the purpose of assisting the student’s absence intervention team and/or plan that was created in accordance with Ohio Revised Code § 3321.191.

By signing below, I consent to the disclosure of the records listed above to the specified person(s)/organization(s) for the purpose stated herein. This consent is valid for the [YEAR] school year only. Consent can be withdrawn at any time, provided it is given in writing to the school district. If signed by the parent/guardian, he/she represents that the student has not yet reached the age of 18 at the time the consent was given. If signed by the student, he/she represents that he/she is at least 18 years old when consent was given.

\_\_\_\_\_  
Signature of Parent, Guardian or Eligible Student

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print Name of Parent, Guardian or Eligible Student

**—Districts should consult with their legal counsel about the proper use of this form.—**

**LUCAS COUNTY JUVENILE COURT ALTERNATIVE TO ADJUDICATION  
MEDIATION AGREEMENT**

**STUDENT NAME:** \_\_\_\_\_ **SCHOOL:** \_\_\_\_\_

**Mediation Participants (please print):**

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

\_\_\_\_\_  
Name and Relationship to Student

**Mediation Results were (check one please):**

- Student or Parent failed to appear.
- School Personnel failed to appear.
- Screened out. Not appropriate for mediation at this time.
- Mediation held. No Agreement reached.
- Mediation held and Agreement reached.

**Primary Reasons for Past Absence (check as many as apply):**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Illness of Student/Family member | <input type="checkbox"/> Lacking Basic Needs | <input type="checkbox"/> Mental Health/Substance Concerns |
| <input type="checkbox"/> Employment or Scheduling         | <input type="checkbox"/> Transportation      | <input type="checkbox"/> Unaware Student Absent or Tardy  |
| <input type="checkbox"/> Student Safety (bullying)        | <input type="checkbox"/> Family violence     | <input type="checkbox"/> Death of family/close friend     |
| <input type="checkbox"/> Childcare                        | <input type="checkbox"/> Housing Issue       | <input type="checkbox"/> Parent/Custodian Incarceration   |
| <input type="checkbox"/> Behavior                         | <input type="checkbox"/> Vacation            | <input type="checkbox"/> Other: _____                     |

**Absence Pattern (check one please):**

- \_\_\_ # of consecutive hours absent.
- \_\_\_ # of hours absent in a school month.
- \_\_\_ # of hours absent in a school year.

**Attendance Intervention Team Member Names:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date Attendance Intervention Plan signed:**

\_\_\_\_\_

**Attendance Intervention Plan attached:**

- Yes  No

**AGREEMENT OF THE PARTIES AS FOLLOWS:**

Specific Goals:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Student will:

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The Parent/Guardian will:

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The School will:

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The Court will (*may include referrals to be made*):

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**Follow-up Detail** (*please select one*):

**Review Meeting**

**Mediation**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Participants: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

You are responsible for reading this agreement to make sure that it accurately reflects the terms you negotiated during the mediation. If you have questions about anything written herein, please ask your mediator to clarify those statements for you before signing below.

**BY SIGNING BELOW, PARTIES AGREE THAT THIS AGREEMENT IS FAIR AND EQUITABLE. FURTHER, PARTIES ACKNOWLEDGE AND UNDERSTAND THAT THEY ARE BOUND BY THE TERMS OF THIS AGREEMENT UNLESS OTHERWISE MODIFIED BY COURT ORDER.**

**PARTICIPANT SIGNATURES:**

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**MEDIATOR SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## **Why use mediation to address truancy?**

*These are accounts of real Lucas County mediations that took place in Toledo Public Schools.*

### **Mediation brought a child off the street.**

*A Mom came into mediation for her 13 year old daughter. The mediator asked to have the child attend the mediation. Mom said that child had been running the streets and was not at school. Mom mentioned that she could call the child. Mom called the child and the child came off the streets to attend the mediation. During the process it was disclosed that Mom was an alcoholic and the child was not living in the home with Mom. The child discussed life on the street, life with mom and her goals for the future. Mom and child cried during the mediation, shared the pain they were experiencing and shared their hopes for the future. During the process, both mom and child escalated and wanted to leave however the mediator de-escalated them and they stayed. The school social worker suggested various supports for the family and the family agreed to engage in services. In the end, an agreement was reached and the child actually attended school that day. In mediation, the child said she wanted to attend school in the future because she wanted to be a police officer. School offered the child a free lunch and she ate like she had not eaten in days.*

### **Mediation gave a gang member a chance to think about his future.**

*A charismatic young man struggled with attendance. The young man's distraught mom sat next to him at mediation. Discussion opened and all learned that the young man had a girlfriend that encouraged him to be in a gang. The young man was unsure about whether he should remain in the gang. During the mediation, mom expressed fear for her son's life and future. The young man talked about engaging in unprotected sex and situations where he was seriously at physical risk. The mediator facilitated a discussion which examined the pros and cons of the young man's choices as well the impact of his choices on his future. The young man did not like his path and he pledged to attend school regularly, to think about using contraception and to think about leaving the gang. School offered to help the young man in any way that they possibly could. School explained how much they wanted the young man to be a part of their school and community. An agreement outlining the plan was signed and circulated to all attendees.*

### **Mediation tied it all together.**

*A young student did not want to go to school. Mother, teacher, counselor and principal took separate action to support attendance, but each person did not see (or understand) what the other was doing. Here is what happened:*

*Phone call before mediation: Before mediation, the teacher called mom and asked how she could help the student get to school every day and on time. Mom yelled at the teacher over the phone. The teacher asked mom what she was feeling. Mom started crying and said she felt that teacher was calling her a bad mother. Teacher clarified that she was not judging mom, just reaching out to help her daughter attend school. Mom opened up and talked. Teacher gave*

concrete suggestions about things that might help the student attend school regularly (set bed time, no television in room, etc.).

School action before mediation: The teacher asked the student to speak with the school counselor. The counseling session identified that the student craved attention. The teacher then made a point, daily, to compliment the student on her successes and to address challenges. The student's attendance drastically improved. The principal also got involved. The principal made a deal with the student that whenever she heard that the student was doing well, she would stop by the classroom and give the student a "thumbs up". The student started seeking out the principal to say hello and "check" on whether she was doing well. The student also talked with the principal about wanting to be a leader. The principal learned that there was a leadership presentation scheduled for older students. The principal pulled the child out of regular class, took her to the leadership presentation and sat with her through the presentation.

Mediation day: During the mediation, the mom talked about how the student had unexpectedly changed her attitude about school; mom wasn't sure why that change had occurred. The school shared information about what the counselor, teacher and principal had been doing to support the student. Mom explained that she had taken the television out of the student's room, had set a bed time and that she was doing everything the teacher had suggested. There was an "aha" moment when mom and the school realized how much work they were both doing to support the student. The mom expressed genuine gratitude for the school's help. The school administration praised mom for the parenting work she had done as well as encouraged her to take additional steps. The school left the mediation verbalizing that mom was taking positive steps to support the student's academics.

### **Mediation facilitated communication and promoted coordination.**

During one mediation a parent shared that her kindergarten child had a physical disability and was in pain. Mom was not sending her daughter to school on painful days because she wanted to give her extra care and comfort in her pain. Hearing this, the school coordinated a plan that included a nurse working with the child to make the child more comfortable during the school day. A social worker from the school said that she would ask for a para-professional to help the child during the day because just walking in the door or walking down the hall to the bathroom was a physical struggle for the child. The mom was relieved to know that the school was attuned to the child's needs and would help the child if she was in pain or was struggling.

In Mediation, Mom shared a funny story. Mom had been frustrated at home and raised her voice. The kindergartner told Mom to "take a deep breathe, count to 10 and calm down". Mom didn't know where her daughter learned that skill. At mediation, the teacher shared that due to physical disability, the student often got frustrated when she couldn't play the same way other students did. The teacher filled a snow globe with glitter and told her students that when they need to calm down, they should go to the glitter globe, turn it upside down, take a deep breathe, count to 10, watch the glitter and calm down. Mom was tickled to know that her kindergartner's teacher was teaching her daughter how to de-escalate peacefully. The teacher was happy to know that her student was using skills she taught at home.

*The mom's smile was huge when she left-she was so grateful to know that she could send her child to school and that the school would educate, care for and build-up her daughter.*

**Mediation spotlighted a student's challenges; launched success strategy and oversight.**

*A 13 year-old student often missed school due to headaches and tooth aches. The school had a dental clinic and the dentist observed that the student had 5 cavities needing filling. School called, left a voicemail and requested authorization to fill the cavities. Similarly, the school ophthalmologist examined the student and learned the student had poor eyesight. School called mom and left a voicemail asking her to fill out the authorization form for glasses. Mom did not return phone calls or sign forms. Moreover, the student was never in dress code. The school lending locker regularly gave the student clothes, but the student never wore the clothes back to school. The principal stopped Mom one morning and invited her to mediation.*

*Mom and student appeared at mediation. The student explained that up to twelve people lived in her 3 bedroom home at any given time. When clothes were lent to the student, the clothes were lost or worn by other people. Mom explained that the home inhabitants shared expenses and assets. One asset was the phone-twelve people shared one cellular phone. The school could not get in touch with Mom because she rarely had the phone. Because so many people went in and out of the home, the student had a hard time keeping track of clothing and documents such as authorizations.*

*During mediation, Mom signed authorizations for dental work and glasses. Mom brainstormed a plan to allow her daughter to safeguard her personal items in her home. The school recognized that the best way to contact Mom was face-to-face conversation at drop-off or pick-up. During mediation, Mom felt that the school supported her daughter's health, physical appearance and academic success. The school developed empathy for the student's predicament in mediation and monitored the child's future safety. All worked to develop a written, solid success strategy for the student.*

**Mediation demonstrated tardy child's strengths and spurred support for family.**

*An 11-year old girl was often late for school. Mediation was called to address the issue. When mom began explaining the situation, she expressed disbelief that her daughter wasn't getting to school every day on time. The student joined the mediation to explain herself. Mom began questioning the child about attendance. The Student talked about how she and her brother go to school every morning; she also talked about how hard it was to get there.*

*Mom had been sick in the past month. When Mom went to the hospital for 7 days, Mom left the student at home with a 5-year old and \$20. During mediation, the Student shared that while mom was in the hospital, she navigated the bus schedules and took her brother across town to visit mom. In the hospital room, student described her mom as "tearful and sad". The Student had patted Mother's back and calmed her down. Afterwards, the Student took the bus home, cared for her brother and made sure he ate while Mom was hospitalized. The 11-year old student had cared for her mom and her brother-but she struggled with on time attendance. At the end of the mediation, what was initially perceived as a negative (tardies) was perceived as a*

*positive (daily attendance despite absent parent). In mediation, Mom was surrounded with school staff who asked how they could support her in the future. School staff additionally explained that they would keep an eye on the young children's safety.*

**Mediation allowed a teacher to see the work dad was doing.**

*A third grader was often tardy. The teacher had called Dad numerous times to express concern and had not received a response. The teacher was fed-up with the "non-caring parent". On the morning of mediation, the teacher came into the room, eye brows raised, arms crossed, mumbling that "Dad would never show".*

*A few minutes late, Dad did attend mediation with askew hair and rumpled clothing. He slumped in his chair and slurped coffee. The teacher rolled her eyes. Mediation storytelling began and Dad explained that Mom had left him. Dad worked third shift and elderly paternal grandpa the student off to school each morning. Grandpa not run a tight ship and granddaughter often left late or dilly-dallied to school. Much to the teacher's surprise, Dad thanked school for letting him know about his daughter's tardies. Dad apologized and explained that he had missed the teacher's phone calls because he sleeps when the student is in school. At mediation, teacher and dad recognized that they were both working to improve the student's success. Dad agreed to search for a day shift so that he could get his daughter to school every day, on time. Teacher realized that Dad cared.*

**Mediation highlighted the importance of every-day, on-time attendance.**

*An all-A First Grader was missing school and tardy thus the principal scheduled a mediation. When mediation began, the homeroom teacher explained that she didn't ask for the mediation and asked why it had been scheduled. The principal explained that she had set the mediation because of the tardy and absence pattern. Mediation gave the parent, teacher and principal the opportunity to talk about the long-term impact of absence and tardies. The principal explained that academic concepts, like word formation and math, build on one another. The principal also expressed her concern for the student's future if concepts were missed. Knowing that the school cared about the student, and understanding why everyday on-time attendance was important, Mom brainstormed a plan to get her daughter to school, every day and on-time. Mom acknowledged, and was thankful for, the care and concern shown for her daughter.*

**Mediation put mom's concerns at ease that school would care for asthmatic daughter.**

*A first grader the teacher called "Sunshine" missed 13 days in one semester and thus struggled academically. Mom didn't send Sunshine to school when she had an "asthma cough". The teacher and school social worker explained in mediation that the school nurse could give Sunshine breathing treatments, cough drops and water if recommended by a doctor. They discussed acceptable absence reasons (fever, etc.) and how notes from mom could excuse absences. The teacher said she wouldn't require Sunshine to be active in gym when she had an asthma cough. Mom was comforted to know that Sunshine could go to school, despite her cough, and that the school would take steps to make Sunshine comfortable while at school.*