



Compulsory School Attendance & Diversion Program

Ross County, Ohio

A Model School Attendance Project



Updated 8/18/2016

Modified 4/24/2017

THE PROBLEM

Irregular attendance in schools of Ross County, Ohio

THE PHILOSOPHY

All children have the right to a free public education.
Parents have an obligation to insure that their children attend school every day.

THE GOALS

Ensure that children have the opportunity to obtain the knowledge
And skills necessary to take their place in society as informed and
productive citizens by attending school regularly. To provide a uniform
and systematic program to deal with school attendance problems.

DEFINITIONS

1. **Habitual Truant** – any child of compulsory school age who is absent without a legitimate excuse for five or more consecutive school days, seven or more school days in a school month or twelve or more school days in a school year.
2. **Chronic Truant**- any child of compulsory school age who is absent without legitimate excuse for seven or more consecutive school days, ten or more school days in a school month or fifteen or more school days in a school year.
3. **School Day**- the school day as established by the State Board of Education.
4. **School Month**- consists of four school weeks and a school week consists of five school days.
5. **School Year**- beginning the first day of July of each calendar year and ending the 30th day of June of the succeeding calendar year.
6. **Unruly Child**- Any child that does not subject the child's self to the reasonable control of the child's parents, teachers, guardian or custodian, by being wayward or habitually truant.
7. **Delinquent Child**- Any child who violates any law of Ohio or the United States, or any ordinance or regulation of a political subdivision of the state, that would be a crime if committed by an adult. (Senate Bill 181 has expanded the definition to include (O.R.C. 2151.02) 1: Any child who is a "habitual truant" and who previously has been adjudicated an unruly child for being a habitual truant and any child who is a "chronic truant."

PROGRAM PROCEDURES

TRUANCY FORM CHECK SHEET

**This list reflects the forms which must be Completed by the
School District Personnel responsible for Attendance.**

FRIENDLY LETTER

1-3 unexcused days

- ___ 1. Talk to Student.
- ___ 2. Send the friendly "Be A Winner" letter to the parent or guardian and put a copy student's file.
- ___ 3. Send the "Laws Regarding School Attendance" to the parent or guardian and put a copy in student's file.
- ___ 4. Make arrangements to assist student with preventing attendance problems.

*** ITEMS #2 and #3 MUST be on file in order for a hearing to occur with the
Attendance Officer during the next step of this process.**

NOTICE OF HABITUAL TRUANT

5 consecutive days or more

7 school days in a school month

*School Month = 4 five-day school weeks or 20 consecutive school days

12 or more days in a school year

- ___ 1. Fax Notice of Habitual Truant form and Attendance Record (printout) to the Attendance Officer.* Put a copy in the student's file.

NOTICE OF CHRONIC TRUANT

7 consecutive days or more

10 school days in a school month

*School Month = 4 five-day school weeks or 20 consecutive school days

15 or more days in a school year

- ___ 1. Fax a copy of the Notice of Chronic Truant form, attendance record, and friendly letter to Attendance Officer.* Put a copy in student's file.

***K-6 Attendance and all Tardiness: Don Darby Fax # 740-774-3712**

7-12 Attendance and all Chronic: Keith Stevenson Fax # 740-702-3123

Items Handled by the ATTENDANCE OFFICER

Attendance Officer

1. will schedule a diversion hearing.
2. faxes notice of hearing to principal to confirm date and time of hearing.
3. faxes Notice of Habitual Truant form, notice of hearing, and notice to all charged by the complaint to the Sheriff.

* Please put a copy of all correspondence in the student's file.

Items Handled by the Sheriff

Sheriff

1. serves the notice of habitual truant form, notice of hearing form, and notice to all charged by complaint to the custodial parent or guardian and student.
2. faxes signed notice of hearing to Attendance Officer.

Items Handled by the Court

1. Court mails disposition of the case to the principal.

_____ **SCHOOL**

RE: Failure of child to attend school

Date _____

As Principal of _____ School it has been brought

to my attention that your child _____ is failing to attend school regularly as required by law. Your child has accumulated at least ____ days of unexcused absence this year. The attendance of all children of compulsory school age is required **every day** that school is in session in accordance with the Ohio Revised Code in section 3321.10. If you fail to make your child attend School, I will direct you to attend an informal hearing with the Ross County Conference Officer. If there are further absences after the informal hearing I am required by law to file a complaint against you with the County Prosecutor in accordance with O.R.C. 3321.38.

Attached to this warning and made a part hereof are the chief laws requiring school attendance and penalties for their violation,

If you have questions, about these absences or the attached Attendance Laws please call me at _____ during school hours. We do wish to assist you in correcting this problem.

Very respectfully yours,

LAWS REGARDING SCHOOL ATTENDANCE

Sections 3321.01 to 3321.99 of the Ohio Revised Code (O.R.C.) deal with school attendance. The following is a brief description of those laws:

3321.01 Compulsory school age: Any child of 6 to 18 years is of compulsory school age. A child under 6 who has been enrolled in kindergarten is considered of compulsory school age.

3321.02 Who is amenable to compulsory education laws: Every child actually resident in the state shall be amenable to the laws relating to compulsory education.

3321.03 Compulsory school attendance: Unless the child receives a diploma granted by the board of education indicating he has successfully completed the high school curriculum or receives an age and schooling certificate provided in 3321.01, or is excused from school under standards adopted by the state board of education pursuant to section 3321.04 or if in need of special education, he is excused from such program pursuant to section 3321.04; **The parent of the child of compulsory school age shall cause such child to attend school.**

3321.04 Compulsory school attendance: Every parent of any child of compulsory school age who is not employed under an age and schooling certificate must send such child to school or a special education program that conforms to the minimum standards prescribed by the school board.

3321.19(C) Warning to the parent: The attendance officer or other appropriate officer shall examine into any case of supposed truancy within the district and shall warn the child, if found truant, and the child's parent, guardian, or person having care of the child, in writing, of the legal consequences of being an habitual or chronic truant...

Definitions

Habitual Truant is defined as a child of compulsory school age who has been absent without legitimate excuse **for 5 or more consecutive school days, seven school days in a school month or 12 school days in a school year.**

Chronic Truant is defined as a child of compulsory school age who has been absent without legitimate excuse **for seven or more consecutive school days, ten or more school days in a school month or 15 school days in a school year.**

Unruly Child is defined as any child that does not subject the child's self to the reasonable control of the child's parents, teachers, guardians or custodian, by being wayward or habitually truant.

Delinquent Child is defined as any who violates any law of Ohio or the United States or any ordinance or regulation of a political subdivision of the state that would be a crime if committed by an adult. (Senate Bill 181 has expanded that definition to include (O.R.C.2151.02) 1: Any child who is a "habitual truant" and who previously has been adjudicated an unruly child for being a habitual truant and any child who is a "chronic truant."

PENALTIES

The Ohio Revised Code, as amended by SB 181, provides for the following penalties for the habitual or chronic truant and the child's parent, guardian or other person having care of such child:

School:

The School Superintendent, District Board, or the Educational Service Center Governing Board may direct the attendance officer or other appropriate officer to send notice requiring the parent, guardian or other person having care of the child to attend a parental education class and may file a complaint against the parent, guardian or other person having care of the child in any competent jurisdiction.

- 1) Take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to section 3321.191 of the Revised Code.
- 2) File a complaint with the Juvenile Court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend jointly against the child and the parent.
- 3) **Notify the Registrar of Motor Vehicles and the Juvenile Court Judge under section 3321.13 of the Ohio Revised Code to revoke the right to apply for a driving permit or license and the revocation of said driving privileges.**

Juvenile Court:

The Juvenile Court may take any action against the child or the parent, guardian or other person having care of said child as stipulated by the Ohio Revised code to include but not limited to:

- 1) Place the child on probation
- 2) Suspend or revoke the driver's license, probationary drivers license, or temporary instruction permit issued to the child and suspend or revoke the registration of all motor vehicles registered in the child's name.
- 3) Commit the child to the temporary or permanent custody of the court
- 4) Order the child into or to receive drug or alcohol abuse counseling; medical or psychological treatment or counseling
- 5) Require the parent, guardian or other person having care of the child to participate in any community service program
- 6) Require the parent to give a bond in a sum of not more the **\$500.00** with sureties to the approval of the court
- 7) Fine the parent, guardian or other person having care of said child not more than **\$500.00** and order them to perform not more than **70 hours of community service work.**
- 8) If found in violation of section 2919.21(C) Nonsupport or contributing to nonsupport of dependents, the parent that is found guilty of this misdemeanor of the first degree may receive a **Maximum fine of \$1,000.00 and 6 months in jail.**
- 9) If found in violation of section 2919.222 Parental education neglect. The parent that is found guilty of this misdemeanor of the fourth degree may receive a **Maximum fine of \$250.00 and 30 days in jail.**
- 10) If found in violation of section 2919.24 Contributing to the unruliness or delinquency of a child. The parent that is found guilty of this misdemeanor of the

first degree may receive a **Maximum fine of \$1,000.00 and 6 months in jail.**

- 11) Order the child to attend the Alternative School.
- 12) Order the parent, guardian, or other person having care of said child to attend a parental education class.
- 13) Assignment of child to Roweton's. School must pay the cost.

NOTICE OF HABITUAL TRUANT*

DATE _____

IN THE MATTER OF _____

This will advise you that the above named child as of _____
has been declared a habitual truant as defined by the Ohio Revised Code 2151.02.

Therefore, you are to notify said child and the parents of said child that they will
appear before the Diversion Hearing Officer at _____am/pm on
_____. You will further advise said child and the parents that any
additional unexcused absences may result in the filing of a complaint in the Ross
County Juvenile Court.

The following are facts of said child:

Name of Child's School _____ in
_____ School District.

Child's Student I.D.# _____ Grade Level _____

Child's Address: _____

Child's Date of Birth _____ Sex: ___ Male ___ Female

Father's Name _____ DOB _____

Father's Address _____

Father's Home Phone Number _____ Work _____

Mother's Name: _____ DOB _____

Mother's Address: _____

Mother's Home Phone Number _____ Work _____

Days Due _____ Days Absent _____ Unexcused _____

Signature of School Principal

FAX : K-6 Attendance and ALL Tardiness: Juvenile Court c/o Mediation 740-774-3712
Grades 7-12 Attendance Officer 740-702-3123

IN THE JUVENILE COURT, ROSS COUNTY, OHIO

IN THE MATTER OF

NOTICE OF CONFERENCE HEARING

ALLEGED HABITUAL TRUANT

TO:

You are hereby notified to personally appear before the Conference Officer at the _____ in Chillicothe, Ohio on the _____ day of _____, 20 at _____ o'clock m. for an informal hearing to answer to the allegations of the complaint attached hereto, and to abide the decision of said Conference Officer.

You are also advised that you are entitled to have your hearing before the Judge of said court if you desire and if you so desire notify the Conference Officer.

Witness my signature and seal of said Juvenile Court of Ross County, Ohio this _____ day of _____, 20 .

J. Jeffrey Benson
Judge and Ex-Officio Clerk of
the Juvenile Court of Ross
County, Ohio

By _____
Conference Officer

This is to certify that the above notice was served on _____
(Parent/child)

By Personal Service on _____
(Date)

Deputy Sheriff

Referral to Conference Officer.

NOTICE TO ALL CHARGED BY COMPLAINT

If you are charged with a complaint, the court wants you to know that you have certain rights.

You are entitled to be informed of:

1. The nature of the complaint that has been filed against you.
2. The identity of the complainant.
3. Your right to be represented by counsel.
4. Your right to a continuance of the case in order to obtain counsel.
5. Your right to have the matter heard by the court if you desire.

You likewise have the right to:

Read the complaint filed against you and have the complaint explained to you if you do not understand it.

YOU WILL BE REQUESTED TO ADMIT OR DENY THE ALLEGATION OF THE COMPLAINT.

A FAILURE OR REFUSAL TO ADMIT TO THE ALLEGATIONS SHALL BE DEEMED A DENIAL.

If you admit to the allegations of the complaint, the Conference Officer shall proceed to a dispositional hearing of the matter unless a request is made to continue the hearing for a reasonable time to enable the party to obtain or consult counsel.

If you deny the allegations of the complaint, the matter will be referred to the Juvenile Division of the Common Pleas Court and the court shall set it for trial.

The court also wishes to inform you that all proceedings will be conducted with proper dignity and decorum in a polite and courteous manner.

You are expected to and should dress properly for the occasion and should conduct yourself with propriety throughout the entire proceeding.

Those who fail to do so or who fail to keep their appointments will be subject to having their matter referred to the Juvenile Division of the Common Pleas Court

J. Jeffrey Benson, Judge
Juvenile Division
Common Pleas Court

**Juvenile Division
Common Pleas Court
Ross County, Ohio
J. Jeffrey Benson, Judge**

To: Principal

_____ School District

In re: _____

This will advise you that the above named student and his/her parents appeared

for a conference hearing on the ____ day of _____, 20___. The

Student's case has been continued for the remainder of the school year upon the

following conditions:

- 1) said child shall attend school regularly when in session and will not be absent or tardy unless with a valid medical excuse signed by a licensed physician or in accordance with your school's attendance policy.
- 2) said child's parents will ensure prompt and regular attendance.
- 3) said child will subject himself/herself to the reasonable control of his/her school teachers and administrators.
- 4) said child shall subject himself/herself to the reasonable control of his/her parents.
- 5) Parent and/or child to attend the Parent Education Program.

Conference Officer

cc: Parent
Conference Officer

NOTICE OF CHRONIC TRUANT

Date _____

IN THE MATTER OF: _____

This will advise you that the above named child has not satisfactorily re-entered the school system due to additional unexcused absences following a Diversion Officer hearing held on _____.

Total absences since the diversion hearing have been _____ as of _____.

Days Due _____ Days Absent _____ Unexcused Days _____

Signature of School Principal

FAX to: Attendance Officer (740) 702-3123

Required Paperwork

1. "Notice of Chronic Truant"
2. "Notice of Habitual Truant"
3. Conditions of Conference Hearing (NCR Form)
4. School Attendance Record
5. Friendly Letter

FAILURE TO COMPLY WITH COURT ORDER

From: _____

To: Ross County Prosecutor

Re: Failure to comply with Court order

Encl: Court Order dated _____

Current attendance record of _____

1. On _____ 201____, _____ appeared in the Ross County Court of Common Pleas, Juvenile Division. At said hearing _
_____ was ordered to ensure that his/her child, one _____
_____ would successfully re-enter the school system. That said child would have no further absences or tardiness unless accompanied by an excuse from a licensed physician.
2. The Juvenile Judge suspended a portion of the fines, fees, and community service pursuant to this order.
3. _____ has failed to comply with the court order as said child has accumulated _____ unexcused absences since the court order was issued.
4. The _____ Local School District so informs the Court via the Prosecutor's Office of the violation of the court order and requests that the suspension of fines, fees, and community service be vacated.

Principal

Instructions: Mail this letter to the Ross County Prosecutor's Office with enclosures noted above.

