

LAWS REGARDING SCHOOL ATTENDANCE

Sections 332.01 through 3321.99 of the Ohio Revised Code (R.C.) deal with school attendance. The following provisions are pertinent to compulsory school attendance and the responsibility of parents under the compulsory school attendance laws:

R.C. 3321.01 addresses the 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.

R.C. 3321.02 To whom the compulsory school attendance laws apply: Every child who is a resident of the state of Ohio must comply with the law relating to compulsory education.

R.C. 3321.03 Compulsory school attendance requirements: Unless a child has received 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 then

The parent of the child of compulsory school age shall cause such child to attend school.

R.C. 3321.04 Additional compulsory school attendance requirements: 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.

R.C. 3321.19 Truancy officers' ability to warn parent of attendance policies: 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

R.C. 2151.011-**Habitual truant defined**-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 month or 12 school days in a school year.**

R.C. 2152.02-**Chronic truant defined**-a child of compulsory school age who has been absent without legitimate excuse **for 7 or more consecutive school days, 10 or more school days in a month, or fifteen or more days in a school year.**

R.C. 2151.022-**Unruly child for purposes of truancy**-any child who is a habitual truant from school and who previously has not been adjudicated an unruly child for being a habitual truant.

R.C. 2152.02-**Delinquent child for purposes of truancy**-any child who is habitual truant and who previously has been adjudicated an “unruly child” for being a habitual truant **OR** any child who is a “chronic truant” under the Revised Code.

SCHOOL POWERS FOR TRUANCY

The school superintendent, school board, or Educational Service Center Governing Board has the following powers with respect to truant children:

1. R.C. 3321.14 indicates that the board of education of every public school district must employ and attendance officer.
2. The attendance officer may be directed by the superintendent, school board of Educational Service Center Board to send notice to a parent, guardian, or other person having care of the child to attend to parental education class.
3. The attendance officer may be directed by the superintendent, school board of Educational Service Center Board to file complaints in the juvenile court of competent jurisdiction against the truant child **OR** a parent, guardian, or other person having care of the child.
4. 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.
5. Notify the Registrar of Motor Vehicles and the Juvenile Court Judge under section 3321.13 of the Revised Code to revoke the right to apply for a driving permit or license and the revocation of driving privileges.

PENALTIES FOR TRUANCY AGAINST STUDENTS

The Juvenile Court with competent jurisdiction may take action against the child, as set forth in the Revised Code, which may include, but is not limited to:

1. A period of juvenile probation with the Juvenile Court and appropriate terms thereunder;
2. Confinement of the child up to 90 days in a juvenile detention facility if the child is adjudicated a delinquent for truancy;
3. Order the child to receive drug and/or alcohol counseling; medical or psychological treatment and/or counseling; **OR**
4. Order the child to attend Alternative school.

PENALTIES FOR TRUANCY AGAINST PARENTS OR GUARDIANS

The Juvenile Court with competent jurisdiction may take action against the parent, guardian, or person having care of the child as set forth in the Revised Code which may include, but is not limited to:

1. Require the parent, guardian, or other person having care of the child to participate in community service program;
2. Require the parent, guardian, or other person having care of the child to post a bond in a sum **not exceeding \$500** with sureties to the approval of the court;

3. **Fine** the parent, guardian, or other person having care of the child **up to \$500** for failing to send a child to school;
4. **Fine** the parent, guardian, or other person having care of the child **up to \$250** and ordering that parent, guardian, or other person having care of the child to **serve up to 30 days in the county jail** for a **fourth degree misdemeanor** conviction of **parental education neglect** (see more information below); **OR**
5. **Fine** the parent, guardian, or other person having care of the child **up to \$1000** and ordering that parent, guardian, or other person having care of the child to **serve up to 180 days in the county jail** for a **first degree misdemeanor** of **contributing to the unruliness or delinquency of a minor**.