



Joint Testimony on HB410

Chair Lehner, Vice Chair Hite, Ranking Member Sawyer, and Members of the Senate Education Committee, my name is Thomas Ash, and I am Director of Governmental Relations for the Buckeye Association of School Administrators (BASA). Joining me today to offer testimony and answer questions on Amended Substitute House Bill 410 are Barbara Shaner, Associate Executive Director of the Ohio Association of School Business Officials (OASBO) and Jennifer Hogue, representing the Ohio School Boards Association.

We are grateful that the bill's sponsors in the House and the chair of this committee have held several interested party meetings in an attempt to have stakeholder consensus for the proposed legislation.

While we believe that HB 410 correctly addresses the problem of unexcused student absences by focusing on the actual causes of such absences, we cannot offer our support for the bill as passed by the Ohio House, and we remain interested parties.

First of all, we support the necessary changes in lines 137 - 142 to the definition of truancy by altering current language defining truancy in terms of days to a similar calculation reflecting hours (since school instructional time is no longer expressed in days).

Second, we do support the prohibition on suspending, expelling, or removing a student from school solely for unexcused absences (lines 2638 – 2642). It is obviously counterintuitive to discipline students for absences by not permitting them to attend.

Third, we support the concept of involving parents in any plan to improve school attendance (lines 3373 – 3390), but we would note that the superintendent or designee has no authority to compel either parental participation or cooperation in a plan to improve attendance.

Fourth, we support the concept of intervention to address the root causes for a student's absence from school. We believe that the intent of the legislation is to escalate those interventions if the student and his or her family do not follow the plans to improve school attendance. Certainly, earlier individualized interventions emphasizing collaboration with parents and with community agencies could produce positive results.

Fifth, we also appreciate the requirement that the State Board of Education is to develop a model policy for violent, disruptive, or inappropriate behavior (the last of which would include excessive absences). This should permit a more uniform enforcement among all school districts and therefore attract a more common understanding among Ohio parents.

Finally, we also support moving the effective date to the 2017-2018 school year since we feel that this will allow more time for staff training and for development of templates or guidelines for the required intervention plans.

At this point, our principal concern is the resources available to many school districts and various agencies in the community (including the county juvenile courts). We would note that many smaller districts do not employ their own full-time attendance officers but often share them with other districts.

**Senate Education Committee
Amended Substitute House Bill 410
September 27, 2016**

However, lines 3303 – 3313 require that the attendance officer notify the parent whenever a child's absence exceeds 38 or more hours in one month or 65 or more hours in a school year. This notice, which includes both excused and unexcused absences, must be made in writing within seven days of the absence triggering the notice.

In its current version, HB 410 would require the formation of an absence intervention team within seven school days of a "triggering absence," and that team would be required within fourteen days of that triggering absence to develop a plan for that student to reduce unexcused absences. The members of that team are to be a school district representative, another school district representative with knowledge of the child, and the parent.

In many instances (especially in smaller school districts), one of these school district representatives will probably be the building principal, who already is charged with additional responsibilities including teacher performance appraisals.

Lines 3156 – 3173 require the attendance officer to file a complaint in the juvenile court on the 61st day after the implementation of an absence intervention plan if the habitual truant has refused to participate or failed to make progress in the intervention plan. This could be overly prescriptive

In addition, another concern is that the current version requires extensive reporting "as soon as practicable" to the Ohio Department of Education in a format and manner to be determined by the department. This reporting could eventually involve four separate reports for a single student: 1) surpassing a set number of both excused and unexcused absences; 2) exceeding the threshold of unexcused absences; 3) violating a court order regarding the student's unexcused absences when that student had been adjudicated as an unruly child for being an habitual truant; and 4) being issued an absence intervention plan (lines 3421 – 3436).

We believe that this extensive reporting places a very real burden on school districts, and we are not certain how this reporting to ODE will improve the attendance rate for students. It is our understanding that the goal of this reporting is to determine the success of the interventions between the time the student exceeds the initial threshold and the adjudication of that student as an unruly child. We are not certain of the purposes for the other two reporting requirements.

It would be our hope that the current Education Management Information System could reduce any separate reporting of this student absence information to the department.

Lines 3391 – 3394 requires a school district to "investigate" whether the failure of a parent to respond to a request to participate in an intervention plan should trigger mandatory reporting to the appropriate children services agency. We are not certain of the extent of such an investigation, but it will place school districts in the awkward position of making such a determination.

We would also note that the concern over resources is not limited to smaller districts. While larger districts generally have the services of full-time attendance officers, we would note that the sheer caseload is potentially daunting. For example, if 10% of an urban school's enrollment of 700 students eventually is under an absence intervention plans, this would require monitoring 70 separate plans.

While it is our understanding that all county juvenile courts have a diversion program, it is our experience that there are considerable differences in the resources available to implement and monitor such programs. We understand the importance of reducing the determination of children as unruly and of not overcrowding the dockets of our juvenile court system. We simply are concerned that resources will not be adequate to implement the worthy goals of this effort.

**Senate Education Committee
Amended Substitute House Bill 410
September 27, 2016**

Chair Lehner, thank you for this opportunity to offer this testimony, and we stand ready to respond to questions at the pleasure of the chair.