



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. S.B. 82

132nd General Assembly
(As Passed by the Senate)

Sens. Williams and Lehner, Thomas, Yuko, Skindell, Brown, Tavares, Sykes, Terhar, Uecker

BILL SUMMARY

- Requires each public school to attempt to contact within 120 minutes of the start of the school day the parent, guardian, or caretaker of a student who is absent from school without legitimate excuse.
 - Provides a qualified immunity from liability for money damages in a civil action for injury, death, or loss to person or property in complying with the bill's provisions.
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CONTENT AND OPERATION

Telephone call regarding unexcused absence

The bill prescribes a procedure for schools to notify parents on a daily basis when their children do not show up for school. Under the bill, within 120 minutes after the start of each school day, a school's attendance officer, officer's assistant, or other designee must make at least one attempt to contact the parent, guardian, or caretaker of any student who was absent without legitimate excuse at the beginning of that school day.¹

Entities subject to compliance

The bill's provisions specifically apply to all school districts, community schools, and STEM schools.² However, compliance is not required in any of the following scenarios:

¹ R.C. 3321.141(A)(1).

² R.C. 3314.03, 3321.141, and 3326.11.

- The parent, guardian, or caretaker of the student notifies the school administration of the student's excused or unexcused absence within the 120-minute period;³
- The student is homeschooled;
- The student receives online or Internet- or computer-based instruction; or
- The student was not expected to be in attendance at a particular school building because of participation in off-campus activities, including the College Credit Plus program.⁴

Method of compliance

The school must use one of the following methods:⁵

- (1) An actual or automated telephone call;
- (2) A notification sent through the school's automated student information system;
- (3) A text message sent to the parent's, guardian's, or other person's cellular phone, text-messaging device, personal digital assistant, or computer, or other wireless device used to text;
- (4) An email sent to the parent's, guardian's, or other person's address;
- (5) An actual visit to the student's residence;
- (6) Any other method adopted by resolution of the school district board of education.

Automated telephone call

If a school chooses to use an automated calling system, that system must include verification that each call is actually placed, and either (1) the call was answered by its intended recipient or (2) the system leaves a voicemail containing notice of the student's absence.⁶

³ R.C. 3321.141(B).

⁴ R.C. 3321.141(D).

⁵ R.C. 3321.141(A)(2). See also R.C. 4511.204(G), not in the bill.

⁶ R.C. 3321.141(A)(2)(b).

Immunity for good faith compliance

The bill provides a qualified immunity from a civil action for money damages for injury, death, or loss to person or property arising from an employee's action or inaction in good faith compliance with the bill's notification procedures. That immunity applies to all of the following:

- (1) A school district;
- (2) Any officer, director, employee, or member of a school district board of education;
- (3) A STEM school;
- (4) A STEM school employee;
- (5) A member of a STEM school governing body;
- (6) A community school;
- (7) A community school employee; and
- (8) A community school governing authority.⁷

Policy regarding notification of absence within a reasonable time

A separate provision of current law requires each school district board to adopt a written policy that requires notification of a student's parent, residential parent and legal custodian, guardian, or legal custodian or any other person responsible for the student within a reasonable time after the determination that the student is absent from school. Under that law, a student's parent, residential parent, guardian, or legal custodian or any other person responsible for the student must provide the school a current address and a telephone number at which that person can receive notice that the student is absent from school.

The bill makes this current "reasonable time" requirement subject to the bill's requirement to make contact within 120 minutes of the start of the school day for an unexcused absence.⁸

⁷ R.C. 3314.13, 3321.141(C), and 3326.90.

⁸ R.C. 3313.205 and 3321.141.



HISTORY

| ACTION | DATE |
|------------------------|----------|
| Introduced | 03-02-17 |
| Reported, S. Education | 03-01-18 |
| Passed Senate (33-0) | 04-11-18 |

