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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 409  
133<sup>rd</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsor:** Rep. Koehler

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### SUMMARY

- Requires the attendance policy of each internet- or computer-based community school (e-school) that is *not* a dropout recovery school to specify that a student is considered in attendance when the student meets specified instructional participation or course-completion rates.
- Requires an e-school that is *not* a dropout recovery school to submit a written report to the parent, guardian, or custodian of each student who has at least 30 hours of unexcused absences in any semester.
- Requires an e-school that is *not* a dropout recovery school to adopt a policy regarding failure to participate in specified instructional activities, which includes student disenrollment for chronic absenteeism.
- Prohibits a student disenrolled from an e-school for absenteeism from enrolling in another e-school for one school year from the date of disenrollment unless the student enrolls in an e-school in which a majority of the students are enrolled in a dropout prevention and recovery program.

### DETAILED ANALYSIS

#### Attendance policy

The bill requires the attendance policy of each internet- or computer-based community school (e-school) in which a majority of the students are *not* enrolled in a dropout prevention or recovery program to specify that a student is considered in attendance when the student satisfies either of the following conditions:

1. The student participates in at least 90% of the hours of instructional activities offered by the school in that school year; or

2. The student is on pace for on-time completion, as defined by the school's attendance policy, of any course in which the student is enrolled.<sup>1</sup>

It also specifies that if a student is not considered in attendance under either of the provisions above, that student must be considered absent for those hours of instructional activities offered by the school for the school year in which the student was absent.<sup>2</sup>

For purposes of the policy, instructional activities are the following classroom-based or nonclassroom-based instructional activities that a student is expected to complete, participate in, or attend during any given school day:

1. Online logins to curriculum or programs;
2. Offline activities;
3. Completed assignments within a particular program, curriculum, or class;
4. Testing;
5. Face-to-face communications or meetings with school staff or service providers;
6. Telephone or video conferences with school staff or service providers; and
7. Other documented communication with school staff or service providers related to school curriculum or programs.<sup>3</sup>

The bill specifies that its attendance policy provisions does not affect the procedure for automatically withdrawing a student from school for failing to participate in 72 consecutive hours of learning opportunities, which community schools already must include in their attendance policies under current law.<sup>4</sup>

## **Parent notification of unexcused absences**

If a student enrolled in an e-school in which a majority of the students are *not* enrolled in a dropout prevention or recovery program has at least 30 hours of unexcused absences in any semester, the bill requires the school to submit a written report to the student's parent, guardian, or custodian.<sup>5</sup>

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<sup>1</sup> R.C. 3314.261(B)(1).

<sup>2</sup> R.C. 3314.261(B)(2).

<sup>3</sup> R.C. 3314.261(A).

<sup>4</sup> R.C. 3314.261(F) and 3314.03(A)(6)(b).

<sup>5</sup> R.C. 3314.261(B)(3).

## Failure to participate in instructional activities

### Policy

The bill requires each e-school in which a majority of the students are *not* enrolled in a dropout prevention or recovery program to adopt a policy regarding failure to participate in the instructional activities specified above. This policy must be adopted in lieu of the policy regarding addressing and ameliorating student absences which all public schools must adopt under current law (see “**Background**” below).<sup>6</sup>

The policy must state that a student becomes subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

1. After the student has at least 30 hours of unexcused absences in a semester and the student’s parent, guardian, or custodian receives a written report as required under the bill (see above), the student fails to comply with the policy within a reasonable time period specified by the school; and
2. Other intervention strategies contained in the policy fail to cause the student’s attendance to comply with the policy.<sup>7</sup>

### Disenrollment

If a student of an e-school in which a majority of the students are *not* enrolled in a dropout prevention or recovery program is disenrolled pursuant to the school’s policy regarding failure to participate in instructional activities, the school must provide the student’s parent, guardian, or custodian with a list of alternative educational options available to the student. Additionally, the e-school must provide written notice to the student’s resident district within 48 hours of the student’s disenrollment.<sup>8</sup>

A student disenrolled in this manner is prohibited from enrolling in that school or another e-school for one school year from the date of the student’s disenrollment, unless the student enrolls in an e-school in which a majority of the students are enrolled in a dropout prevention and recovery program.<sup>9</sup>

### Background

Current law requires public schools to have policies to guide employees in addressing and ameliorating student absences. Under that law, a student is considered excessively absent when the student’s combined nonmedical excused absences and unexcused absences exceed 38 hours in one school month or 65 hours in a school year. At that time, the school (1) must notify the student’s parent, guardian, or custodian, in writing, within seven days of the most

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<sup>6</sup> R.C. 3314.03(A)(11)(d) and (l) and 3314.261(C).

<sup>7</sup> R.C. 3314.261(C)(1) and (2).

<sup>8</sup> R.C. 3314.261(E).

<sup>9</sup> R.C. 3314.261(D).

recent triggering absence, (2) must provide the student with an intervention plan, and (3) may use any other appropriate intervention strategies to ameliorate the student's attendance issues. However, only a student's unexcused absences count toward truancy. If a student's *unexcused* absences surpass the threshold for an "habitual truant" (30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year),<sup>10</sup> a school must assign the student to an absence intervention team which must create an intervention plan for the student. Other actions may be taken, if the student's attendance does not improve, including filing a complaint in the appropriate juvenile court and, ultimately, adjudication of the student by the court for unruliness or delinquency.<sup>11</sup>

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## HISTORY

Action	Date
Introduced	11-13-19
Reported, H. Primary & Secondary Education	05-19-20
Passed House (90-0)	11-19-20

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<sup>10</sup> R.C. 2151.011(A)(18), not in the bill.

<sup>11</sup> R.C. 3321.19 and 3321.191, neither in the bill.