

Understanding Truancy

What is truancy?

All school-age children (between ages 6 and 18) are required to attend school. Any school-age child, or student, who is absent without a legitimate excuse is considered truant. A student is a “habitual truant student” if he or she is absent without a legitimate excuse for:

- 30 or more consecutive hours, or
- 42 or more hours in a school month, or
- 72 or more hours in a school year.

A habitual truant student is subject to educational consequences. Both the habitual truant student and his or her parent may be subject to legal consequences.

Who is responsible for truancy?

Both the student and the student’s parent may be responsible for truancy.

Absence Intervention Teams

Before 2017, Ohio law sent both the habitual truant student and that student’s parents to Juvenile Court for delinquency proceedings. Starting for the 2017-2018 school year, a habitual truant student and that student’s parents are assigned to an absence intervention team instead of Juvenile Court. Legal proceedings will now only start if the absence intervention team fails.

The absence intervention team must include:

1. A representative from the habitually truant student’s school district or school
2. Another representative from the habitually truant student’s school district or school who knows the student, and
3. The student’s parent or parent’s designee.

The team may also include a school psychologist, a counselor, a social worker, and/or a representative of a public or nonprofit agency designed to assist students and families in reducing school absences.

The absence intervention team will develop an intervention plan for the student based on the student’s individual needs. In addition to setting attendance benchmarks for the student, plans will often include counseling for the student and truancy prevention education for the student’s parents.



Truancy as Delinquency

Even under the new law, a student and the student’s parents can be sent to Juvenile Court for continued truancy. If a student refuses to participate in the truancy prevention plan or fails to make satisfactory process on it, schools are directed to file a complaint against the student with the Juvenile Court. The student would then be charged with truancy as a criminal misdemeanor. If the school feels the parent is at fault, the parent would be charged with failure to send, also a criminal misdemeanor.



How can a lawyer help?

If your child is having problems with truancy, you have a right to talk with a lawyer about the matter. If you and your child have been referred to an absence intervention team, you may ask that your lawyer be a part of the team.

If your child’s school does not refer you to an absence intervention team and simply refers you or your child to Juvenile Court, a lawyer may help in having the school follow the new law.

If you or your child is sent to Juvenile Court after trying an intervention, your child is entitled to a lawyer. If you cannot afford a lawyer, the court will appoint one.

The parent also has a right to an attorney. However, if the parent cannot afford an attorney, none will be appointed.

The information on this flyer is not legal advice.

If you are seeking representation or legal advice, please contact SEOLS.

An attorney-client relationship does not exist between you and SEOLS.

How to contact SEOLS:

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