

Memo

To: All Educators

From: Van Ward, Chief Probation Officer

CC: Honorable Thomas F. O'Malley, Administrative Judge
Terease Neff, Court Administrator
Sarah Cigic, Deputy Court Administrator/Chief Legal Counsel
Sarah Pubentz, Deputy Chief of Intervention & Specialized Dockets
Angela Miller, Manager, Early Intervention & Diversion Center
Jaymee Maynard, Bailiff
Denise Pietrzak, Educational Service Center of Northeast Ohio, System Navigator

Date: December 28, 2020

Re: Cuyahoga County Juvenile Court Truancy Protocol and Required Release of Information.

This correspondence is in response to the many inquiries the Court has received from various school districts throughout the county regarding the Court's protocol for schools submitting truancy cases, the COVID-19 pandemic effects on schools achieving House Bill 410 compliance, and the requirement of the Release of Information signed by the parent/guardian to be included with the truancy case documents.

House Bill 410 requirements remain the same and include, but are not limited to, the following: notification letters to parents/guardians; school interventions; Absence Intervention Team (AIT) meeting summaries; and counted unexcused absences in hours as determined by internal district policy, regardless of in-person attendance, virtual, or hybrid models. The House Bill 410 Checklist is a tool offered by the Court to school districts to assist in ensuring necessary documents and information are included with truancy cases submitted to the Court. (See attached House Bill 410 Checklist)

The Court's Legal Department's research related to the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records and requires schools to obtain a Release of Information prior to disclosure of said records (with certain enumerated exceptions), has determined that a truancy matter submitted to the Court for voluntary diversion services without a signed Release of Information cannot be accepted.

However, a school that has complied with House Bill 410 mandates and documented all efforts may submit a truancy case to the Court for “official court action.” For official Court filings, a signed Release of Information is not required.

To complete the “official court action” truancy filing protocol, a designee from the school and school legal department will need to complete the following:

- 1) Juvenile Court Fact Sheet (see attached)
- 2) Truancy complaint (see attached template)
- 3) House Bill 410 Checklist (see attached)
- 4) Attach accompanying documents including copies of notification letters, AIT Meeting summary, attendance records, summary of students’ progress (or lack thereof), and parental response, as applicable.

The above listed documents should then be filed directly with the Juvenile Court Clerk’s Office.

Please note, schools with truancy concerns relating to a student in kindergarten through sixth grade are encouraged to explore other options outside of Juvenile Court involvement. Options include educational neglect charges against the parent/guardian and/or involvement with the Division of Children & Family Services.

Schools with questions or concerns regarding the Release of Information requirement and any claimed exception(s) may have their legal counsel contact the Court’s Legal Department at 216-698-2401. All other questions regarding truancy filings may be directed to Angela Miller, Early Intervention & Diversion Center Manager at (216) 443-3452.