



## CMHA/TOUCHSTONE TRUANCY POLICY

CMHA LEGAL DEPARTMENT

Date Board Approved:

### TRUANCY POLICY

#### A. Introduction

**The vision and purpose of the policy:** The Cincinnati Metropolitan Housing Authority (CMHA) is an Ohio quasi-governmental agency responsible for administering public housing in Hamilton County. Part of the agency's responsibilities are to ensure a safe and positive environment for all residents of CMHA-administered developments, including all developments administered by CMHA's subsidiary, Touchstone Property Services, Inc. ("TPS").

In furtherance of CMHA's mission to provide a safe and positive environment for all tenants, CMHA is enacting this policy for preventing truancy and chronic absenteeism ("Truancy Policy"). This policy shall apply to all properties within the CMHA and TPS portfolio, and shall be included as an addendum to every residential lease. The purpose of this policy will be to encourage residents to ensure that any minor children residing with them are meeting Cincinnati Public School ("CPS") attendance requirements and to prevent minor children from loitering in CMHA common areas during school hours.

#### B. Cincinnati Public School Truancy Regulations

The CPS regulations on truancy and excessive absenteeism state as follows:

**Students are considered "Excessively Absent" when:**

- a. Absent 38 or more absent hours in one school month with or without a legitimate excuse; or**
- b. Absent 65 or more absent hours in one school year with or without a legitimate excuse**

**Students are considered "Habitually Truant" when:**

- a. Absent 30 or more consecutive absent hours without a legitimate excuse; or**
- b. Absent 42 or more absent hours in one school month without a legitimate excuse; or**
- c. Absent 72 or more absent hours in one school year without a legitimate excuse.**

Students found to be in violation of this policy will receive a warning notice from CPS. Continued absenteeism will result in students being placed on an attendance plan. Finally, if absenteeism continues, CPS will be required to refer excessively absent students to the Hamilton County Juvenile Court for truancy proceedings.

Referral to the Hamilton County Juvenile Court may result in criminal charges being brought against the parent or guardian of the child for contributing to the delinquency of a minor (O.R.C. § 2919.24) or nonsupport of dependent (O.R.C. § 2919.21).

### **C. CMHA Enforcement of CPS Truancy Policy**

CMHA is committed to ensuring all local, state, and federal laws are obeyed by CMHA & Touchstone residents, and to maintaining a working relationship with CPS. As such, CMHA is committed to enforcing the CPS Truancy Policy by requiring all tenants to ensure that minor children residing with them are complying with CPS attendance requirements.

Section V, Part 33 of the CMHA/Touchstone Residential Lease reads as follows:

#### **Section V. Tenant Responsibilities**

33. [Tenants] may not permit household members, who are minors of school age, to loiter upon CMHA property during school hours; and to assure that Tenants and members of tenant's household comply with applicable State law, as may be amended regarding truancy and to fully comply with the CMHA's Truancy Policy. Tenant and members of Tenant's household agree to provide any and all information and/or documentation needed by CMHA to comply with CMHA's Truancy Policy, including but not limited to applicable information waiver forms required by the Cincinnati Public School Board and other school districts within the county.

Tenant failure to ensure that minor children residing with them are in compliance with the applicable attendance requirements is a violation of the lease and may result in termination of the lease.

Tenants in violation of this lease provision will be required to furnish CMHA with all relevant documentation required to prove that any minor children residing with tenant are in compliance with CPS regulations or are actively participating in an

attendance plan. CMHA will monitor child participation in CPS attendance intervention plans to ensure the child is making progress.

As long as the child is actively participating in an attendance plan, CMHA will not file eviction proceedings against the responsible tenant. However, CMHA will keep the lease violation open to ensure the child's continued participation in CPS attendance intervention processes, and reserves the right to terminate the tenant's lease should the child cease complying with the intervention plan.

Tenants are reminded that the lease agreement prohibits engaging in criminal activity on the premises. Any tenant charged with a criminal offense related to a minor child's violation of the truancy policy will be issued a lease violation.

#### **D. Loitering Policy**

It is expected that CMHA/Touchstone tenants ensure that any minor children residing with them are attending school. To that end, Section V, Part 33 of the CMHA/Touchstone Residential Lease also prohibits tenants from permitting minor children residing with them to loiter upon CMHA property during school hours. Under this section, tenants must ensure that any minor children residing with them do not loiter on CMHA/Touchstone property.

For purposes of this provision, "loitering" shall mean "to remain in CMHA/Touchstone common areas, including outdoor spaces, for a prolonged amount of time and without any apparent purpose". School hours shall be defined as the time between 7:15 a.m. to 2:15 p.m. on weekdays, excluding public holidays and any other days on which CPS students are excused from attendance.

Tenants who fail to ensure that minor children residing with them do not engage in loitering during school hours will be held in violation of the residential lease.