

# JOINT STATE GOVERNMENT COMMISSION

General Assembly of the Commonwealth of Pennsylvania

## TRUANCY AND SCHOOL DROPOUT PREVENTION: REPORT OF THE TRUANCY ADVISORY COMMITTEE

OCTOBER 2015



*Serving the General Assembly of the  
Commonwealth of Pennsylvania Since 1937*

**REPORT**

*Truancy and School Dropout Prevention:  
Report of the Truancy Advisory Committee*

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The Joint State Government Commission was created in 1937 as the primary and central non-partisan, bicameral research and policy development agency for the General Assembly of Pennsylvania.<sup>1</sup>

A fourteen-member Executive Committee comprised of the leadership of both the House of Representatives and the Senate oversees the Commission. The seven Executive Committee members from the House of Representatives are the Speaker, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. The seven Executive Committee members from the Senate are the President Pro Tempore, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. By statute, the Executive Committee selects a chairman of the Commission from among the members of the General Assembly. Historically, the Executive Committee has also selected a Vice-Chair or Treasurer, or both, for the Commission.

The studies conducted by the Commission are authorized by statute or by a simple or joint resolution. In general, the Commission has the power to conduct investigations, study issues, and gather information as directed by the General Assembly. The Commission provides in-depth research on a variety of topics, crafts recommendations to improve public policy and statutory law, and works closely with legislators and their staff.

A Commission study may involve the appointment of a legislative task force, composed of a specified number of legislators from the House of Representatives or the Senate, or both, as set forth in the enabling statute or resolution. In addition to following the progress of a particular study, the principal role of a task force is to determine whether to authorize the publication of any report resulting from the study and the introduction of any proposed legislation contained in the report. However, task force authorization does not necessarily reflect endorsement of all the findings and recommendations contained in a report.

Some studies involve an appointed advisory committee of professionals or interested parties from across the Commonwealth with expertise in a particular topic; others are managed exclusively by Commission staff with the informal involvement of representatives of those entities that can provide insight and information regarding the particular topic. When a study involves an advisory committee, the Commission seeks consensus among the members.<sup>2</sup> Although an advisory committee member may represent a particular department, agency, association, or group, such representation does not necessarily reflect the endorsement of the department, agency, association, or group of all the findings and recommendations contained in a study report.

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<sup>1</sup> Act of July 1, 1937 (P.L.2460, No.459) (46 P.S. § 65), amended by the act of June 26, 1939 (P.L.1084, No.380); the act of March 8, 1943 (P.L.13, No.4); the act of May 15, 1956 (1955 P.L.1605, No.535); the act of December 8, 1959 (P.L.1740, No.646); and the act of November 20, 1969 (P.L.301, No.128).

<sup>2</sup> Consensus does not necessarily reflect unanimity among the advisory committee members on each individual policy or legislative recommendation. However, it does, at a minimum, reflect the views of a substantial majority of the advisory committee, gained after lengthy review and discussion.

Over the years, nearly one thousand individuals from across the Commonwealth have served as members of the Commission's numerous advisory committees or have assisted the Commission with its studies. Members of advisory committees bring a wide range of knowledge and experience to deliberations involving a particular study. Individuals from countless backgrounds have contributed to the work of the Commission, such as attorneys, judges, professors and other educators, state and local officials, physicians and other health care professionals, business and community leaders, service providers, administrators and other professionals, law enforcement personnel, and concerned citizens. In addition, members of advisory committees donate their time to serve the public good; they are not compensated for their service as members. Consequently, the Commonwealth of Pennsylvania receives the financial benefit of such volunteerism, along with the expertise in developing statutory language and public policy recommendations to improve the law in Pennsylvania.

The Commission periodically reports its findings and recommendations, along with any proposed legislation, to the General Assembly. Certain studies have specific timelines for the publication of a report, as in the case of a discrete or timely topic; other studies, given their complex or considerable nature, are ongoing and involve the publication of periodic reports. Completion of a study, or a particular aspect of an ongoing study, generally results in the publication of a report setting forth background material, policy recommendations, and proposed legislation. However, the release of a report by the Commission does not necessarily reflect the endorsement by the members of the Executive Committee, or the Chair or Vice-Chair of the Commission, of all the findings, recommendations, or conclusions contained in the report. A report containing proposed legislation may also contain official comments, which may be used in determining the intent of the General Assembly.<sup>3</sup>

Since its inception, the Commission has published more than 350 reports on a sweeping range of topics, including administrative law and procedure; agriculture; athletics and sports; banks and banking; commerce and trade; the commercial code; crimes and offenses; decedents, estates, and fiduciaries; detectives and private police; domestic relations; education; elections; eminent domain; environmental resources; escheats; fish; forests, waters, and state parks; game; health and safety; historical sites and museums; insolvency and assignments; insurance; the judiciary and judicial procedure; labor; law and justice; the legislature; liquor; mechanics' liens; mental health; military affairs; mines and mining; municipalities; prisons and parole; procurement; state-licensed professions and occupations; public utilities; public welfare; real and personal property; state government; taxation and fiscal affairs; transportation; vehicles; and workers' compensation.

Following the completion of a report, subsequent action on the part of the Commission may be required, and, as necessary, the Commission will draft legislation and statutory amendments, update research, track legislation through the legislative process, attend hearings, and answer questions from legislators, legislative staff, interest groups, and constituents.

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<sup>3</sup> 1 Pa.C.S. § 1939 (“The comments or report of the commission . . . which drafted a statute may be consulted in the construction or application of the original provisions of the statute if such comments or report were published or otherwise generally available prior to the consideration of the statute by the General Assembly”).



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The Joint State Government Commission is pleased to announce the release of the Advisory Committee report on ***Truancy and School Dropout Prevention***, written in response to House Resolution 1032, Pr's No. 4283.

The resolution directed the Commission to appoint an Advisory Committee to conduct a comprehensive study of the issues of truancy and school dropout prevention in the Commonwealth. The Advisory Committee included representatives of the Department of Education, educational organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies, and other appropriate organizations involved in school attendance issues. In addition to their own experiences and knowledge, members gathered information from other sources, such as clinical and academic researchers. The report's recommendations are divided into two categories: statutory reforms and public policy suggestions.

The Commission thanks the Advisory Committee members for their hard work and dedication. The full report is also available on our website, <http://jsg.legis.state.pa.us>.

Respectfully submitted,

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## EXECUTIVE SUMMARY

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Pursuant to House Resolution 1032, Printer's No. 4283, introduced by Representative Kerry A. Benninghoff and adopted October 15, 2014, the Joint State Government Commission assembled an Advisory Committee that was directed to complete a study on truancy and school dropout prevention that included the following:

- A thorough and comprehensive study of current truancy law and policies
- Barriers and best practices regarding education success and stability
- Court competencies
- Data collection
- Measurement of educational outcomes for children in foster care
- Statutes, best practices, and legislative initiatives in other states
- Studies or initiatives promoted by national educational advocacy organizations relating to truancy
- The manner in which charter and cyber charter schools enforce Pennsylvania's truancy laws and impediments to enforcement

The Advisory Committee was composed of experts, including representatives from those groups most likely to make useful and insightful contributions, such as representatives of the Department of Education, educational organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies, and other appropriate organizations involved in school attendance issues.

The Advisory Committee convened in person on March 6, 2015 and May 1, 2015. Telephone conference meetings were held on July 29 and September 2. Additionally, much review and discussion took place via electronic mail.

The recommendations address several areas in particular: creating more uniformity in the definitions and procedures schools must use to implement compulsory school attendance, improving flexibility in the disposition of truant children by both schools and courts, taking into consideration their individual needs and the appropriateness of particular sanctions, and improving data collection to help identify at-risk students and provide schools, courts, and children and youth agencies with early intervention and prevention opportunities to promote educational success.

### ***Statutory Recommendations***

- Change the beginning compulsory attendance age from 8 years of age to 6 years of age to bring Pennsylvania in line with the rest of the country and provide younger students with the advantage of beginning their formal education at the same time as the rest of their peers.
- Provide a standardized definition of “truant” and “habitually truant” that is applicable to all Pennsylvania schools.
- Standardize truancy policies for charter and cyber charter schools and allow them to develop those policies independent of the local school district and to report trancies directly to the Department of Education.
- Clarify truancy procedures, from notice requirements to determining when a case should be referred to the local children and youth agency or the magisterial district judge.
- Require schools to offer families a student attendance improvement conference before beginning legal proceedings against the student or the parent.
- Organize and clarify the compulsory attendance enforcement procedures to ensure that all potential penalties are optional, allowing magisterial district judges’ discretion in enforcing compliance.

### ***Public Policy Recommendations***

- The Pennsylvania Department of Education should serve as a resource for guidance and training to deal with truancy issues.
- Good data collection systems should be in place to help identify areas of need and ensure that appropriate resources and support are available.
- Consistent with State and federal privacy laws, data should be shared among and between schools, children and youth agencies, courts, probation, and other relevant entities to help identify children at risk and coordinate services to them.
- The Department of Education, in conjunction with the Department of Human Services, should develop detailed data regarding educational outcomes for children in foster care.
- The Department of Education and schools, as well as the Department of Human Services, should ensure that training is available to school personnel and children and youth caseworkers in truancy prevention and attendance improvement.
- School-based services, especially evidence-based programs, should be available to assist children with compliance issues. This includes allowing truancy hearings to occur in schools, at the discretion of the magisterial district judge and the school superintendent.

## INTRODUCTION

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Education then, beyond all other devices of human origin,  
is the great equalizer of the conditions of men,  
the balance-wheel of the social machinery. - Horace Mann

### *History of Truancy Laws*

The American education system is grounded in a belief that a public education provides for the good of society in economic, religious, and democratic ways. 19<sup>th</sup>-century education reformers like Horace Mann saw free universal public education as a means to assimilate immigrants of varying political and social backgrounds and religions into the prevailing American civic culture. Mandatory education has also served as an economic benefit, ensuring that a well-educated workforce is available to drive capitalism forward. These positive benefits are moot, however, if parents and children do not take advantage of the educational opportunities presented. Hence, compulsory attendance laws and their enforcement counterpart, truancy laws, were enacted.

The beginnings of compulsory education provided by the government in the United States can be traced back to the Massachusetts Act of June 14, 1642, which declared that all children should be able to read and understand the principles of religion and the laws of the commonwealth. The importance of this act is extraordinary as it was the first time in history an organized state enacted a compulsory education law. Under this act, children would be educated by their parents or masters. Though compulsory education provided by the government would not become the norm for at least another 200 years, the first common schools were established by the Massachusetts legislature just five years after the passage of the Act. At the time, the idea of educating children to learn was not new; however, universal education for all children, including the poor, with penalties imposed for noncompliance, was new. The Massachusetts Act of 1642 laid the basic foundation for education in America and is credited with the compulsory laws that exist today.

At the time of its passage, there were two basic reasons behind the implementation of the Act: economics and education. From an economic standpoint, uneducated children translated to unemployable adults. In order for the New World to succeed, the colony needed to be self-sufficient and have skilled laborers available to build its infrastructure and commercial endeavors. Therefore, children were taught a skill that would be profitable for the commonwealth, because those who did not have skills would otherwise lead lives in unemployment and poverty. The colony was also wary of idle hands, which it felt would lead to crime and harm the economy.

The Act also aimed to educate children for the purpose of instilling religion and sustaining democracy. At the time, education was primarily focused on ensuring that children were able to read and understand the principles of religion. Further, to meet the goals of the commonwealth, children needed to be educated on the role of good citizenship. Legally, children needed to have knowledge of the capital laws, to ensure that those who did not follow the law chose to do so knowingly and voluntarily.

Those who did not ensure their child's education were often faced with penalties. Parents or masters who neglected to educate their children, especially concerning their ability to read and understand the principles of religion and the capital laws of the country, could have their children taken from them and placed with a more suitable teacher. More often, fines were imposed upon parents or masters for failure to educate their children on these principles. Though this requirement fell onto the parents, and not on formal schooling by the colony, the fines imposed helped to shape the tax system the U.S. has in place today to pay for public education.<sup>4</sup>

Benjamin Franklin and Thomas Jefferson further pioneered the effort to educate the masses. Benjamin Franklin declared that the measure of successful education is what one does with his or her skills and knowledge. Franklin firmly believed that education needed to translate into actionable skills to benefit the country, while Jefferson espoused the belief that education is needed to ensure civic engagement. Thomas Jefferson understood that in order to preserve freedom and happiness, and protect the newly formed government, the population needed to be educated. However, though Jefferson wanted all to have initial education, he would reserve more formal education for the very best students. Though this attitude has changed over time, these early advocates continued to lay the foundation for the current educational structure, and these ideas continue to shape education laws in the U.S.

Horace Mann, who served as the Secretary of the Massachusetts Board of Education in 1837, was one of the most prominent figures in shaping the American education system. Mann's driving determination was to create a system of effective, secular, universal education in the United States. He believed that offering public education to the masses, including the poor, was critical to propel the country forward, primarily to ensure that citizens were fit to vote. It was the country's duty to provide this education to every child. During this time, Mann asserted that there were at least 3,000 public schools in the Commonwealth of Massachusetts. Public education was well on its way to becoming the norm.

Pennsylvania enacted its first compulsory attendance law in 1895.<sup>5</sup> The statute required children from ages 8 to 13 to attend school at least 16 weeks per year. Failure by a person in parental relation to the child to abide by the law could result in a misdemeanor conviction and fine of \$2 for the first offense and \$5 for each subsequent offense. In his approval message, Governor Daniel B. Hastings noted:

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<sup>4</sup> Jernegan, Marcus W. "Compulsory Education in the American Colonies: I. New England." *The School Review*, 1918., 731, JSTOR Journals, EBSCOhost (accessed August 4, 2015).

<sup>5</sup> Act of May 16, 1895, P.L. 72, No. 53, §§ 1 and 2.

By giving my approval to this measure, there will appear upon our statute books for the first time in the history of the Commonwealth a compulsory educational law. The General Assembly in the sessions of 1891 and 1893 passed a compulsory educational act somewhat similar to the present measure, each of which met with Executive disapproval. There appears to be throughout the Commonwealth a general desire for such a law. I have not received a single protest from any citizen against this bill so far as I recall. The unanimity with which it was passed by the Legislature as well as the large number of requests made upon me to sign it, clearly indicate the general desire on the part of the people for a compulsory educational law. Under these conditions, I am convinced that I should not obtrude any individual judgment which I may have on this question of public policy. This measure provides for compulsory education in perhaps the least objectionable form to those who oppose it on principle, and offends as little against the person rights of the citizen as possible. I, therefore, approve the bill, but, if by experience the expectations of the people are not realized, future legislation doubtless will meet their demands.

In 1911, the General Assembly enacted a public school system law that brought together many of the public school laws then in existence. Compulsory school age was extended to ages 8 to 16. Fines against parents remained the same, and incarceration for up to five days for failure to pay the fine was authorized.<sup>6</sup>

The 20<sup>th</sup> century saw rapid developments in education. By 1918, all states had compulsory education statutes requiring the state to provide education. By 1920, this resulted in the average student remaining in school nearly two years longer than in the beginning of the century. Further, America's victory in World War II marked the U.S. as an international economic superpower; compulsory education was seen as a way to maintain this status.<sup>7</sup>

The Public School Code of 1949 gathered together dozens of additional public education statutes enacted between 1895 and 1949 including the 1911 public school system law. The 1949 law extended the compulsory education age one more time, this time from ages 8 to 17. Fines and penalties against persons in parental relation remained the same.<sup>8</sup> Amendments to the Public School Code of 1949 were enacted in 1995, increasing the fine to \$300 and adding community service as a penalty for persons in parental relation. Consequences to the truant child were also added in these amendments, including the possibility of referral for a dependency adjudication and suspension of driving privileges. Truant children over the age of 13 could also be found to commit a summary offense and be subject to a fine of \$300.<sup>9</sup>

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<sup>6</sup> Act of May 18, 1911, P.L. 309, No. 191, §§ 1414 and 1423.

<sup>7</sup> Chicosky, Chelsea Lauren. "Restructuring the modern Education System in the United States: a Look at the Value of Compulsory Education Laws." Brigham Young University Education & Law Journal no. 1 (January 2015): 1-75. Education Research Complete, EBSCOhost (accessed August 14, 2015).

<sup>8</sup> The Public School Code of 1949, Act of March 10, 1949, P.L. 30, No. 14, §§ 1326, 1327 and 1333.

<sup>9</sup> Act of November 17, 1995, 1<sup>st</sup> Spec. Sess., P.L. 1110, No. 29.

In recent years, concerns have been raised about the fairness of penalizing parents for the failure of their children to attend school, particularly those provisions calling for the incarceration of parents.

### *Truancy Advisory Committee*

In light of serious concerns raised about the enforcement of truancy laws in this Commonwealth, Representative Kerry A. Benninghoff introduced House Resolution 1032, Printer's No. 4283, which was adopted October 15, 2014. HR1032 directed the Joint State Government Commission to assemble an Advisory Committee to assist it in completing a study on truancy and school dropout prevention that included the following:

- A thorough and comprehensive study of current truancy law and policies
- Barriers and best practices, regarding education success and stability
- Court competencies
- Data collection
- Measurement of educational outcomes for children in foster care
- Statutes, best practices, and legislative initiatives in other states
- Studies or initiatives promoted by national educational advocacy organizations relating to truancy
- The manner in which charter and cyber charter schools enforce Pennsylvania's truancy laws and impediments to enforcement

The Advisory Committee was composed of experts, including representatives from those groups most likely to make useful and insightful contributions, such as representatives of the Department of Education, educational organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies, and other appropriate organizations involved in school attendance issues.

The Advisory Committee convened in person on March 6, 2015 and May 1, 2015. Telephone conference meetings were held on July 29 and September 2. Additionally, much review and discussion took place via electronic mail.



### *Educational Success and Truancy Prevention Workgroup*

The Pennsylvania Supreme Court, through its Administrative Office of Pennsylvania Courts, created the Office of Children and Families in the Court (OCFC) to help to create more positive outcomes for children in foster care. Through the OCFC, the Supreme Court implemented its' Children's Roundtable Initiative in 2007, to coordinate and address all issues statewide that affect children in dependency proceedings. The Educational Success and Truancy Prevention Workgroup ("Workgroup"), commissioned by the Pennsylvania State Roundtable, was formally launched in December 2009. Initially, the charge of the Workgroup was to gather information about critical systemic issues in Pennsylvania regarding truancy and to offer an approach for counties to address truancy issues. In 2011, the Pennsylvania State Roundtable expanded the mission of the group to include educational stability and success for children in foster care.

The Workgroup is chaired by the Honorable John Kuhn, Court of Common Pleas, Adams County, Judge Mary Ann Ullman, Court of Common Pleas, Berks County and Cynthia Stoltz, Esq., Children's Court Administrator, Allegheny County. Workgroup members include a variety of respected experts representing multiple disciplines including courts, child welfare and education. Since 2010, the workgroup has released an annual report containing truancy statistics as well as discussion of pertinent truancy prevention and education issues.

The Commission was fortunate in that several members of the Workgroup agreed to serve on the Truancy Advisory Committee. We are grateful for the experience and knowledge accumulated and shared by the Workgroup during this study.



## RECOMMENDATIONS

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The recommendations of the Truancy Advisory Committee address several areas in particular: creating more uniformity in the definitions and procedures schools must use to implement compulsory school attendance, improving flexibility in the disposition of truant children by both schools and courts, taking into consideration their individual needs and the appropriateness of particular sanctions, and improving data collection to help identify at-risk students and to provide schools, courts, and children and youth agencies with early intervention and prevention opportunities to promote educational success.

### *Statutory Recommendations*

The Advisory Committee recommended several changes to the Public School Code of 1949, including the following:

- Amends the definition of “compulsory school age” in section 1326 to change the minimum age at which Pennsylvania children are required to begin their formal education from age 8 to age 6.
- Adds definitions of “truant” and “habitually truant” to section 1326 to provide a uniform definition of truancy statewide. “Truant” is defined as three unexcused absences in a school year; “habitually truant” is defined as six or more unexcused absences in a school year.
- Adds a definition of “person in parental relation” to section 1326 to clarify which persons having responsibility for a child are required to ensure compulsory attendance.
- Adds a definition of “school,” “school day,” and “school year” to section 1326. The addition of the term “school year” is intended to clarify that the truancy provisions of the Public School Code apply to all educational entities.
- Adds new section 1327.2 and amends section 1332 to allow charter and cyber charter schools to develop attendance policies under the guidance of, and report truancy issues directly to, the Department of Education. This change relieves both the charter schools (which includes cyber schools) and the home school district of the charter school student of the burden of addressing multiple students attending multiple charter schools from multiple school districts. These changes would also make the charter schools responsible for filing citations for truancy directly with the magisterial district judge, rather than through the student’s school district of residence.

- Rewrites section 1333 and adds sections 1333.1 and 1333.2 to organize and clarify the procedures to be followed when a student is first truant, and then additional steps if the student becomes habitually truant.
- Requires in section 1333(b) that schools offer a school attendance improvement conference to the student and the person in parental relation to the child if the child continues to be truant following notification of the child's third unexcused absence. If a school attendance improvement conference is scheduled, further legal action is suspended until after the date of the conference has passed. A definition of "school attendance improvement conference" is added to section 1326.
- Adds section 1333.3 to organize and clarify the penalties for violating the compulsory attendance law. While the potential penalties are unchanged from current law, this provision makes it clear that fines, incarceration, community service, attendance at a course or program designed to improve school attendance, and loss of driving privileges are all options for a magisterial district judge to use in an attempt to enforce compliance with the compulsory attendance law.

### ***Public Policy Recommendations***

The Department of Education should serve as a resource for guidelines and resources to provide schools with basic criteria to address school attendance issues, which can then be adapted to local needs. The Department of Education should provide guidance and financial support to school districts to develop protocols for student attendance improvement conferences and staff training to conduct these meetings.

Good data collection systems should be in place to help identify areas of need and ensure that appropriate resources and support are available to schools and families. Consistent with state and federal law, data should be freely shared between schools, children and youth agencies, courts, probation offices, and other relevant entities. This data sharing can help identify children who may be at risk and can aid in coordinating programs and services between all stakeholders in an efficient and effective way.

Data about educational outcomes of children experiencing both truancy and foster care should be collected, including the following elements: English language learner, prompt enrollment and attendance, school stability, school placement, academic status/progress, standardized test scores, special education, school discipline, graduation rates, and post- graduation experiences.

Children and youth agencies and school district employees should be trained in how to manage truancy and school attendance problems. Training should address both early intervention and prevention as well as appropriate responses and interventions.

School-based services, using the Student Assistance Program as a model for referrals, should be available to students who experience attendance compliance problems. Evidence-based programs are strongly recommended.

Whenever possible, and in the school superintendent's and magisterial district judge's discretion, truancy hearings should be held in an age-level appropriate district school building.

### *Unresolved Issues*

Several issues were raised during the course of the study that either did not receive full consideration or that were considered but the Advisory Committee was unable to reach consensus on the issue. Several of these topics are detailed below.

#### *Enforcement Provisions Affecting Younger Teens*

Section 1333.1(b) addresses enforcement measures that can be taken against students between the ages of 13 and 15. One of the options available is to file a citation with the magisterial district court. (§1333.1(b)(2)). The Workgroup had concluded that children in this age range should be addressed in the juvenile court dependency system and not the magisterial justice system, for several reasons. A fine against such a child is virtually unenforceable, as few are able to find a job to pay it off. Some children will attend school or complete another appropriate activity in exchange for a waiver of the fine. Some of the more recalcitrant truants may refuse to do so. If the fine is unpaid, the penalty cannot be enforced. Another option is to postpone the student's ability to obtain a driver's license at age 16, which is not a present threat to a 13-year-old. While several members of the Advisory Committee agreed with this assessment, many others did not. They were of the opinion that all possible consequences should be available. After much debate on this issue, the Advisory Committee was unable to reach consensus, and therefore the status quo on this topic has been maintained in the proposed legislation.

#### *Automobile Insurance Consequences*

Under section 1333.3(g)(5), automobile insurers are prohibited from increasing premiums on the basis of a driver's license suspension under this act. The question was raised as to how this provisions does/should affect "good student" discounts offered by insurance companies. There was not an opportunity for lengthy discussion on this issue, and not all Advisory Committee members offered an opinion, but the five or six members who spoke to the issue were all of the opinion that criteria for determining who may receive a "good student" discount rightfully belong in the discretion of the insurance company.

#### *Disposition of Fines*

Under section 1333.3(a)(1), fines collected by the magisterial district judge are to be forwarded to the school district. Under the proposed amendments to section 1327.2,

charter schools would be directly filing citations for truancy on behalf of their students. It has been suggested that given this change, it would naturally follow that fines should be returned to the school district or charter school in which the child is registered. This could easily be amended into section 1333.3(a)(1), but the Advisory Committee did not have the opportunity to discuss this thoroughly and therefore cannot make a recommendation at this time.

### *Filing of Citations*

An issue that makes data collection from court filings more difficult and clouds the detail of the reporting is the way in which citations are filed. This varies wildly from school district to school district. One citation may be filed for one truancy by one student; one citation may be filed for multiple truanies by one student; or one citation may be filed for multiple truanies by multiple students. Additionally, the timing of the filings is very erratic. Some school districts will file truancy citations within a matter of days or weeks. Other districts may accumulate them for months before filing, making prompt intervention nearly impossible. The suggestion was made that both the number and timing of citation filings should be standardized. Unfortunately, the Advisory Committee did not have the opportunity to discuss this thoroughly and therefore cannot make a recommendation at this time.

### *Changing Schools*

The question was raised as to how truancy should be handled for students who move between school districts or charter schools mid-year. Unfortunately, the Advisory Committee did not have the opportunity to address this issue further.

# CURRENT TRUANCY LAW AND POLICIES

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## *The Public School Code of 1949*

Pennsylvania's Public School Code of 1949 (PSC)<sup>10</sup> is the principal statute governing all things relating to school – public or private, brick and mortar or cyber, elementary or collegiate level. Any entity providing for the educational needs of the residents of Pennsylvania is generally subject to the PSC. Regulations implementing the statute are found in Title 22 of the Pennsylvania Code. There are several significant sections that relate to school attendance and truancy.

### *Important Definitions*

“Compulsory school age” means the period of a child’s life from the time the child’s parents elect to have the child enter school, which shall be not later than at the age of eight years, until the age of 17 years.<sup>11</sup> In this context, “dependent child” means a child who . . . while subject to compulsory school attendance is habitually and without justification truant from school.<sup>12</sup>

While “truancy” is an undefined term, “habitually truant” means absence for more than three school days or their equivalent following the first notice of truancy given under section 1354 of the PSC. A person may be habitually truant after such notice.<sup>13</sup>

The mandatory school term is 180 days of instruction, or 900 hours at the elementary level and 990 hours at the secondary level,<sup>14</sup> with specific provisions made for education alternatives beyond the traditional brick and mortar public school. Other types of schools include:

- Parochial school – 180 days of instruction, or 900 hours at the elementary level and 990 hours at the secondary level.<sup>15</sup>
- Home education program - 180 days of instruction, or 900 hours at the elementary level and 990 hours at the secondary level.<sup>16</sup>

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<sup>10</sup> Act of March 10, 1949, P.L. 30, No. 14. PDE’s regulations interpreting and implementing the Public School Code of 1949 can be found in the Title 22 (Education) of the Pennsylvania Code. [www.PaCode.com](http://www.PaCode.com).

<sup>11</sup> PSC § 1326. 24 P.S. § 13-1326. Regulations further define this as “until the age of 17 years or graduation from high school, whichever comes first.” 22 Pa.Code § 11.13.

<sup>12</sup> 42 Pa.C.S. § 6301. 55 Pa.Code § 3490.223.

<sup>13</sup> PSC § 1333(b)(5), 24 P.S. § 13-1333(b)(5).

<sup>14</sup> PSC § 1501, 24 P.S. § 15-1501. 22 Pa.Code §§ 11.1 and 11.3.

<sup>15</sup> PSC § 1327(b), 24 P.S. § 13-1327(b).

<sup>16</sup> PSC § 1327.1(c), 24 P.S. § 13-1327(c).

- Charter schools – subject to provisions relating to the parental duty to send a child to school, exceptions to compulsory attendance requirements and reporting of absences of three or more days to the school district.<sup>17</sup>
- Cyber charter schools – subject to provisions relating to exceptions to compulsory attendance requirements and reporting of absences of three or more days to the school district.<sup>18</sup> Attendance at a cyber charter school shall satisfy requirements for compulsory attendance.

### *Compulsory School Attendance Requirements*

Every parent, guardian or other person having control or charge of any child of compulsory school age is required to send such child to a day school. Such child shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session.<sup>19</sup>

Students may be exempt from compulsory school attendance under the following conditions:<sup>20</sup>

- 16 years of age and regularly engaged in any useful and lawful employment or service during the time the public schools are in session and holds an employment certificate.
- 15 years of age and engaged in farm work or domestic service in a private home on a permit issued by the school board.
- 14 years of age and engaged in farm work or domestic service in a private home on a permit and who has satisfactorily completed the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the permit has first been recommended by the district superintendent of the school district or the principal of the private school where the child is enrolled and the reason has been approved by the Secretary of Education.
- Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, has been reported to the school board and excused.
- Resides two miles or more by the nearest public highways from any public school in session and no proper free transportation is furnished to the child to and from school.

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<sup>17</sup> PSC § 1732-A, 17-1732-A.

<sup>18</sup> PSC § 1749-A, 24 P.S. § 17-1724-A; PSC § 1745-A(c), 24 P.S. § 17-1745-A(c).

<sup>19</sup> PSC § 1327(a), 24 P.S. § 13-1327(a).

<sup>20</sup> PSC § 1330, 24 P.S. § 13-1330. 22 Pa.Code §§ 11.28, 11.31 and 11.34.



Every principal or teacher in a school other than a public school, and every private teacher, shall report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the school district, any child who has been absent three days, or their equivalent, during the term of compulsory attendance, without lawful excuse.<sup>21</sup>

Students who are at any time in the school term absent from school for 10 consecutive school days shall be removed from the active membership roll unless the district has been provided with evidence that the absence may be legally excused or compulsory attendance prosecution has been or is being pursued.<sup>22</sup> Temporary excusals for up to three months are permissible due to mental, physical or other urgent reasons.

#### *Penalties for Violation of Compulsory Attendance Requirements*

In general, any person who knowingly aids, abets, entices or encourages a minor younger than 18 to commit truancy commits a summary offense. A second conviction within one year is a third degree misdemeanor. The child does not have to be adjudicated delinquent for this provision to apply.<sup>23</sup>

#### Penalties against the Parent or Person in Parental Relation

Penalties can include fines, incarceration or community service. A person can receive a fine not to exceed \$300 and court costs or be sentenced to complete a parenting education program. Failure to pay the fine or complete the program can result in a sentence not exceeding five days in the county jail. In lieu of or in addition to other sentences, the magisterial district judge (MDJ) may order community service in the school district in which the offending child resides for a period not to exceed 6 months.

Three days' written notice of the violation must be given before commencement of proceedings. A hearing is held before a MDJ at which time if a parent shows that he or she took every reasonable step to insure the attendance of the child at school, he or she will not be convicted. The MDJ may also suspend the fine if the child is no longer habitually truant from school without justification.<sup>24</sup>

Penalties under these provisions do not apply to parents whose children are in a home education program. However, home education program students are subject to the compulsory attendance requirements of the act.<sup>25</sup>

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<sup>21</sup> PSC § 1332, 24 P.S. § 13-1332.

<sup>22</sup> 22 Pa.Code § 11.24; 22 Pa.Code § 11.25.

<sup>23</sup> 18 Pa.C.S. § 6301(a)(2) and (b).

<sup>24</sup> PSC § 1333(a), 24 P.S. § 13-1333(a).

<sup>25</sup> PSC §§ 1327, 1327.1(m) and 1333(d), 24 P.S. §§ 13-1327, 1327.1(m) and 13-1333(d).

### Penalties against the Truant Child

If a parent is not convicted because of efforts to ensure the child's attendance, a child 13 years of age or older may be convicted of a summary offense and sentenced to pay a fine not to exceed \$300 for each offense or assigned to an adjudication alternative program.<sup>26</sup> Failure of a 13-year-old to pay the fine or comply with adjudication alternative program can result in the MDJ alleging that the child is a dependent child under the Juvenile Act. In lieu of prosecution for a summary offense, a 13-year-old child may be referred by the school district for services or possible disposition as a dependent child under the Juvenile Act. The MDJ may suspend the fine or program if the child is no longer habitually truant from school without justification.

A child under the age of 13 is not subject to criminal prosecution and shall be referred for services and possible disposition as a dependent child under the Juvenile Act.<sup>27</sup>

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of the PSC, on account of incorrigibility, truancy, insubordination or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or state, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate or dependent children.<sup>28</sup>

Driving privileges may also be affected by truant behavior. The child's driver's license may be suspended for 90 days on the first conviction. A six month suspension of a driver's license can result from a second or subsequent conviction. If the child does not have a driver's license, he or she is ineligible to apply for one during the time periods specified above.<sup>29</sup>

### Penalties against the School District

Failure to comply with reporting requirements (willfully or by neglect) results in a \$25 fine and costs. Failure to pay the fine could result in commitment to the county jail not to exceed 30 days.<sup>30</sup>

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<sup>26</sup> 42 Pa.C.S. § 1520.

<sup>27</sup> PSC § 1333(b)(1)-(4), 24 P.S. § 13-1333(b)(1)-(4).

<sup>28</sup> PSC § 1338, 24 P.S. § 13-1338.

<sup>29</sup> PSC § 1338.1, 24 P.S. § 13-1338.1.

<sup>30</sup> PSC §§ 1354 and 1355, 24 P.S. §§ 13-1354 and 13-1355.

### *Enforcement of Compulsory School Attendance*

Attendance officers (or home and school visitors) enforce attendance rules. The employment of these officers/visitors is mandatory for school districts of the first, second and third class, and optional for school districts of the fourth class. School districts may join together in the appointment of an attendance officer.

Attendance officers and home and school visitors have full police power without warrant to arrest or apprehend any child who fails to attend school in compliance with the law, or who is incorrigible, insubordinate or disorderly during attendance at school or on his way to or from school.<sup>31</sup>

A truant child may be arrested or apprehended by an attendance officer or a state, municipal, port authority, transit authority, housing authority or school police officer. Parents are to be promptly notified and the child placed in the school in which the child is, or should be, enrolled.<sup>32</sup>

An attendance officer has full power and authority to enter during business hours any place where children are employed to ascertain whether the child should be attending school and has the right to demand and inspect the employment certificate of the child.<sup>33</sup>

Traut officers are empowered to enforce a 1909 statute regulating the employment of minors in bituminous coal mines and anthracite collieries or breakers.<sup>34</sup>

### *Programs for Truant Students*

An amendment to the PSC in 1995 directed the Department of Education to formulate recommendations to the General Assembly concerning the establishment and funding of effective community-based antitruancy pilot programs.<sup>35</sup> A grant program was created in 1997 for the Department of Education to establish education mentoring and school dropout prevention programs.<sup>36</sup> For many years PDE has offered small grants to community groups to provide mentoring services to school-age youth, as well as small grants to districts to create innovative dropout prevention models. School districts can also designate use of the state competitive Safe Schools grant for anti-truancy efforts and dropout prevention.<sup>37</sup>

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<sup>31</sup> PSC § 1341, 24 P.S. § 13-1341.

<sup>32</sup> PSC § 1343, 24 P.S. § 13-1343.

<sup>33</sup> PSC § 1344, 24 P.S. § 13-1344.

<sup>34</sup> Section 7 of the act of May 1, 1909 (P.L.375, No.210).

<sup>35</sup> PSC § 1338.2, 24 P.S. § 13-1338.2.

<sup>36</sup> PSC §§ 2597.1 to 2597.6, 24 P.S. §§ 25-2597.1 to 25-2597.6.

<sup>37</sup> Pennsylvania Department of Education, *School Attendance Improvement and Truancy Reduction Toolkit*, February 2015, at 9.

[http://www.education.pa.gov/Documents/K-12/Safe%20Schools/School%20Attendance%20Improvement%20Truancy%20Reduction\\_Rev\\_February%202015.pdf](http://www.education.pa.gov/Documents/K-12/Safe%20Schools/School%20Attendance%20Improvement%20Truancy%20Reduction_Rev_February%202015.pdf).

A student who “exhibits to a marked degree any or all of the following conditions: . . . (vii) habitual truancy,” may be placed in a disruptive student program or a private alternative education institution.<sup>38</sup>

### ***Basic Education Circular***

Basic Education Circulars (BECs) provide the Department of Education's guidance on the implementation of law, regulation, and policy. BEC 24 P.S. 13-1327, “Compulsory Attendance and School Attendance Improvement Conference and Plan” is the department’s guidance document on truancy issues. The current version is not available on the department’s website listing of BECs, but was included in the toolkit described below and released in February 2015.

### ***School Attendance Improvement and Truancy Reduction Toolkit***

In February 2015, the Pennsylvania Department of Education, in collaboration with the Department of Human Services and the Juvenile Court Judges’ Commission issued its’ 151 page School Attendance Improvement and Truancy Reduction Toolkit. The toolkit is designed to be a comprehensive resource guide to assist persons working with students and parents to increase student achievement and school success. It contains school-attendance related statutes and policies, information regarding programs and services available to address truancy problems and various other resources.<sup>39</sup>

### ***Legislation Introduced during the 2015-2016 Session***

Legislation has been introduced during the 2015-2016 session of the Pennsylvania General Assembly that addresses several aspects of school attendance laws.

#### ***Compulsory School Age***

House Bill 1037 mandates that all school districts provide kindergartens and lowers the compulsory starting school age to 5 years of age.<sup>40</sup> Senate Bill 829 also lowers the compulsory starting school age to 5 years of age.<sup>41</sup> Conversely, House Bill 1156 seeks to confirm that that compulsory starting school age remains 8 years of age.<sup>42</sup>

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<sup>38</sup> PSC §§ 1901-C and 1902-E, 24 P.S. §§ 19-1901-C and 1902-E.

<sup>39</sup> The toolkit can be found on the Department of Education’s website at: [http://www.education.pa.gov/Documents/K-12/Safe%20Schools/School%20Attendance%20Improvement%20Truancy%20Reduction\\_Rev\\_February%202015.pdf](http://www.education.pa.gov/Documents/K-12/Safe%20Schools/School%20Attendance%20Improvement%20Truancy%20Reduction_Rev_February%202015.pdf).

<sup>40</sup> Printer’s No. 1313. Introduced and referred to House Committee on Education April 20, 2015.

<sup>41</sup> Printer’s No. 925. Introduced and referred to Senate Education Committee May 14, 2015.

<sup>42</sup> Printer’s No. 1469. Introduced and referred to House Committee on Education May 6, 2015.

### *Information Sharing*

Senate Bill 36 permits schools to share information with district attorneys for use in community-based anti-truancy programs.<sup>43</sup>

### *Penalties*

Senate Bill 36 provides that the person in parental relation to a child under the age of 14 who is chronically truant who fails to participate in a community-based anti-truancy program can be charged with endangering the welfare of a child.<sup>44</sup>

### *Charter and Cyber Charter Schools*

House Bill 1231 establishes separate procedures for charter and cyber charter schools to address truancy and attendance issues.<sup>45</sup> Senate Bill 831 is designed to make all charter and cyber charter schools comply with the same attendance and truancy policies as are provided for school districts.<sup>46</sup>

### *Program Requirements*

Senate Bill 359 prohibits referral of a student for disposition as a dependent child until the school district has exercised due diligence in attempting to compel attendance, which includes preparation and use of a truancy elimination plan.<sup>47</sup>

Senate Bill 966 seeks to provide educational stability for children who are in foster care or homeless by allowing them the option to continue attending the same school despite any interruption in their living conditions.<sup>48</sup>

House Bill 849 establishes the Parental Involvement Leave Act, which would require employers to grant absence from work for the purpose of attending qualified school-related or services-related activities for the employee's child that cannot be scheduled during non-working hours.<sup>49</sup>

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<sup>43</sup> Printer's No. 19. Introduced and referred to Senate Education Committee January 14, 2015.

<sup>44</sup> Supra note 41.

<sup>45</sup> Printer's No. 1616. Referred to House Committee on Education May 18, 2015.

<sup>46</sup> Printer's No. 927. Referred to Senate Education Committee May 14, 2015.

<sup>47</sup> Printer's No. 273. Referred to Senate Education Committee January 30, 2015.

<sup>48</sup> Printer's No. 1197. Referred to Senate Education Committee August 7, 2015.

<sup>49</sup> Printer's No. 1028. Referred to House Committee on Labor and Industry March 26, 2015.



# **BARRIERS AND BEST PRACTICES REGARDING EDUCATION SUCCESS AND STABILITY**

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## *Advisory Committee Findings*

The Truancy Advisory Committee discussed barriers to education success and stability and best practices that have been suggested to address those barriers at their March 6 and May 1, 2015 meetings. Additionally, the Senate Education Committee held a public hearing on truancy on June 9, 2015, where barriers and best practices were also discussed. This chapter summarizes some of those discussions. Many of these issues are addressed in Advisory Committee's proposed statutory amendments to the Public School Code of 1949 and are found later in this report and in the Recommendations section.

### *Communication*

Schools within a school district do not always communicate with each other on truancy issues occurring in families with multiple truant children. Lines of communication between schools and school districts are not always clear. Teachers are not always involved in attendance issues.

### *Standard Definitions*

Truancy is not a defined term in the Public School Code of 1949. Definitions vary from school district to school district. There is no consistency regarding how much of the school day must be missed before a student is considered to have an unexcused absence. Some schools count the number of unexcused absences in the current school year to determine habitual truancy; others count them over the entire school career of the child.

### *Procedures for Handling Truancy*

Procedures vary from school district to school district, and among charter and cyber charter schools with regard to when notice is provided, when parent conferences occur, and many other steps in truancy proceedings. Different criteria are used to determine when referrals are made to the court or to the local children and youth agency. A degree of statewide uniformity would treat all students and their families more fairly.

### *Data Collection*

While truancy data are available through the Department of Education, there is no one manner of reporting, which may be due to several factors, including inconsistent interpretation of the definition of truancy, the lack of a consistent method of collecting

data, and no consistency in reporting data. Further, many persons in the education field believe these data are underreported and may not be reflective of real truancy numbers. There are very little data available regarding educational outcomes for students who have experienced truancy. Data about educational outcomes for children in foster care are particularly sparse.

AOPC collects the number of truancy citations filed against each child or parent, but these are not broken down between them, which can lead to double counting. Further, the citations themselves may include one day of truancy or multiple days, and there is no consistency in the number of days that can be included in one citation. AOPC also tracks the dollar amount of fines collected from magisterial district judges (not including Philadelphia) and distributed to the school districts. Samples of these data are included in Appendix A.

### *Local Control*

Each school district establishes its own truancy practice. This allows for variance between schools of different sizes and locales (rural v. urban) and is generally preferred by the Advisory Committee. However, charter and cyber charter schools draw students from all over the state and may have several school districts represented in their student body. This creates confusion and inconsistency in the treatment of truancy among students at the charter or cyber charter school. Each institution should have a truancy point-of-contact person identified to coordinate information. Flexibility in prevention methods that allows for recognition of local needs is important. Good collaboration among schools, children and youth agencies and other community resources is also important. Local children and youth agencies should strengthen links to local service providers in order to make referrals for truancy and intervention services.

### *Penalties*

The penalties in current the law are mandatory and do not leave room for assessment of potential impact on the student and the family. Incarceration of a parent should be a last resort. Suspension of driving privileges has a much greater impact on a student living in a rural area than one living in an urban community. Magisterial district judges should have flexibility in tailoring the enforcement actions to the student and parent in question.

### *Prevention*

While a number of communities utilize school or community based programs to address excessive absenteeism, Pennsylvania current truancy laws primarily address responding to truancy through punitive measures. Greater emphasis needs to be placed on early identification, intervention and prevention. School should be a safe place where learning is purposeful and useful. A safe school culture and climate is important and can do much to help prevent truancy. Student attendance can be made meaningful and



attractive to students if they are engaged by career readiness education and interdisciplinary instruction that focuses on skills development.

There is full agreement among all stakeholders that evidence based practices, those practices that have been tested and proven effective, are the types of programs that should be emphasized and implemented.

### *Evidence Based Practices*<sup>50</sup>

In 2008, the Washington State Institute for Public Policy (WSIPP) was directed by the Washington State legislature to study various aspects of truancy. The report focused on evidence-based practices for truancy reduction and dropout prevention among middle and high school students. Programs implemented by schools, courts, and law enforcement agencies were considered. Though they found that there were few rigorous studies evaluating the effects of targeted truancy and dropout programs on at-risk students that met their criteria, 22 programs were analyzed as part of the study.

Based on this national review of literature, WSIPP found that programs targeting older students had a relatively small impact on attendance, dropping out, and achievement. This finding is important for public policy because it substantiates the idea that intervention should begin at an early age, before truancy becomes a larger problem.

Furthermore, the analysis found three intervention classes that were shown to have statistically significant positive effects. Alternative education programs were the only program type that had positive effects on all four outcomes being analyzed: dropout rates, presence at school, achievement, and graduation. School-based mentoring programs were shown to improve presence at school and dropout rates. The analysis found that mentoring programs did not have a statistically significant effect on achievement or graduation rates. Finally, behavioral programs were shown to be effective at improving presence at school. Behavioral programs were shown not to have an effect on achievement. There were not enough program studies to impartially determine the effect behavioral programs had on dropout and graduation rates.

Other program types that were analyzed in the study, including youth development, academic remediation, and alternative schools, did not have statistically significant positive effects. Alternative schools had a small, but statistically significant negative effect on dropout. There were not enough court-based intervention evaluations to determine their efficacy.

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<sup>50</sup> “What Works? Targeted Truancy and Dropout Programs in Middle and High School,” Washington State Institute for Public Policy. June 2009. Accessed August 26, 2015.  
[http://www.wsipp.wa.gov/ReportFile/1045/Wsipp\\_What-Works-Targeted-Truancy-and-Dropout-Programs-in-Middle-and-High-School\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1045/Wsipp_What-Works-Targeted-Truancy-and-Dropout-Programs-in-Middle-and-High-School_Full-Report.pdf)

### *Current Programs Available in Pennsylvania*

Under Pennsylvania law, each county children and youth agency is responsible for administering a program of general protective services to help children and youth to “overcome problems that result in dependency” and provide services and care ordered by the court for children who have been “adjudicated dependent.”<sup>51</sup> Among other things, a child may be a dependent child if “while subject to compulsory school attendance is habitually and without justification truant from school...”<sup>52</sup> Accordingly, all counties have an obligation to provide truancy services in some form or another. County children and youth agencies administer the local program, provide information, referrals, consultations and education. They may be direct service providers or they may contract with various private agencies within the county to provide services. Below are several programs and initiatives that are offered in some of Pennsylvania’s counties. The list is not all-inclusive, nor is it exhaustive, but provides a sample of the kind of efforts being made in the Commonwealth.

A large number of counties utilize the Family Group Decision Making model as a multidisciplinary means of including families in setting goals for themselves and their children. Family Group Conferences may be held that include the family, the county children and youth agency and the juvenile probation office as well as service providers, community members, law enforcement, school districts, residential facilities, and the faith-based community. This model allows for collaboration and coordination of services to children, including truancy prevention and response.<sup>53</sup> The Family Group Decision Making model is the preferred practice of the Pennsylvania courts.<sup>54</sup>

Armstrong County offers the WhyTry? curriculum in five school district middle schools under an Alternative to Truancy Special Grant Program. The curriculum stresses resiliency education and uses a multisensory approach.<sup>55</sup>

The Berks County Truancy Reduction Initiative was launched in 2012. One product of the initiative is the Truancy Reduction Program. The program works with families to identify barriers to school attendance, determine the student’s and family’s needs, and work with local resources. Services can be arranged at non-traditional hours and in those locations or settings that are most effective for all parties.<sup>56</sup>

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<sup>51</sup> 23 Pa.C.S. § 6373(a)(3) and (7).

<sup>52</sup> 42 Pa.C.S. § 6302, “dependent child” definition, paragraph (5).

<sup>53</sup> Pennsylvania Department of Education, *School Attendance Improvement and Truancy Reduction Toolkit*, February 2015, at 115-116, [http://www.education.pa.gov/Documents/K-12/Safe%20Schools/School%20Attendance%20Improvement%20Truancy%20Reduction\\_Rev\\_February%202015.pdf](http://www.education.pa.gov/Documents/K-12/Safe%20Schools/School%20Attendance%20Improvement%20Truancy%20Reduction_Rev_February%202015.pdf).

<sup>54</sup> Pennsylvania Children’s Roundtable Initiative. *Pennsylvania Dependency Benchbook*. Harrisburg, PA: Office of Children and Families in the Courts, 2010, at 40.

<sup>55</sup> Pennsylvania Department of Human Services, Office of Children, Youth and Families, Armstrong County Needs Based Plan and Budget, 2016-2017, at 64.

<sup>56</sup> See [http://www.co.berks.pa.us/dept/cys/documents/truancy\\_reduction\\_protocol.pdf](http://www.co.berks.pa.us/dept/cys/documents/truancy_reduction_protocol.pdf) and <http://www.sam-inc.org/Services/truancy-remediation.html>.

The Altoona School District in Blair County is coordinating a county panel discussion with different businesses and law enforcement on October 30, 2015 to address truancy in the district's schools, where truancy is highest in kindergarten and the younger grades, then recurs in high school.<sup>57</sup>

In 2012, the Clarion County Court of Common Pleas adopted a new Truancy Protocol for use by county courts, juvenile probation, and children and youth services, establishing procedures to be followed in truancy cases.<sup>58</sup> Several school districts, including Allegheny-Clarion Valley School District, Clarion-Limestone Area School District, Keystone School District, and Redbank Valley School District have adopted the protocol.

Cumberland County is using Pre-Dependency Conciliation in truancy cases to arrange a meeting with families in imminent risk of the children and youth agency filing a petition to bring the child into the dependency system.<sup>59</sup>

In Dauphin County, the Check and Connect truancy prevention program was introduced in the Millersburg and Upper Dauphin School Districts during the 2012-2013 school year. It was implemented in the Middletown and Steelton-Highspire school districts in 2014-2015, with plans to extend the program to Central Dauphin and Lower Dauphin school districts in the future.<sup>60</sup>

Erie County public schools are participating in a pilot program with the Pennsylvania Board of Probation and Parole that identifies truant students who have a parent under supervision with the State Board in an attempt to avoid entry by the student into the criminal justice system.<sup>61</sup> The Perseus House Charter School of Excellence also participates in this pilot program.

Also in Erie County, as well as Harrisburg School District in Dauphin County, Lancaster, and Albert Gallatin Area School District in Fayette County, the Opening Doors Initiative's Early Warning System flags at-risk middle schoolers based on attendance, behavioral and academic performance data already entered into electronic gradebooks by their teachers.<sup>62</sup>

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<sup>57</sup> Doerzbacher, Ashley. "District working on truancy issues," *WTAJ TV*, September 3, 2015. <http://www.wearecentralpa.com/news/local-news/district-working-on-truancy-issues>.

<sup>58</sup> Clarion County Court of Common Pleas, Clarion, Pennsylvania, <http://www.co.clarion.pa.us/images/stories/pdf/CLARION%20COUNTY%20TRUANCY%20PROTOCOL.pdf>

<sup>59</sup> Pennsylvania Department of Human Services, Office of Children, Youth and Families, Cumberland County Needs Based Plan and Budget, 2015-2016, at 44.

<sup>60</sup> Zimmerman, Phyllis. "Dauphin County plans truancy intervention for Middletown Area, Steelton-Highspire Districts," *PennLive*, May 14, 2014. [www.pennlive.com](http://www.pennlive.com).

<sup>61</sup> Erwin, Erica. "New program aims to keep Erie kids in school," *Erie Times-News*, June 14, 2014. <http://goerie.com/new-program-aims-to-keep-erie-kids-in-school>.

<sup>62</sup> Previti, Emily. "Harrisburg one of four Pa. school districts in dropout prevention pilot," *PennLive*, September 26, 2013. [http://www.pennlive.com/midstate/index.ssf/2013/09/harrisburg\\_one\\_of\\_four\\_pa\\_scho.html](http://www.pennlive.com/midstate/index.ssf/2013/09/harrisburg_one_of_four_pa_scho.html).

Lackawanna County utilizes the S.T.A.R.S. program (Stop Truancy and Really Succeed). It is a community based cross-systems collaborative that allows schools to put a protocol in place to deal with chronic truancy using procedures and consequences beyond school truancy policies.<sup>63</sup>

McKean County's truancy consequence process is part of the McKean County Collaborative Improvement Protocol, which was approved in May 2014. Schools, families, law enforcement, judiciary, housing, social services, and children and youth services all participate in dealing with truancy cases.<sup>64</sup>

Norristown, in Montgomery County, has established the Norristown Truancy Abatement Initiative which takes a five-prong approach of prevention, timely intervention, enforcement, follow up and changing community norms to combat truancy.

Currently, charter schools in Philadelphia work with the District Attorney's office to contact parents of students with excessive unexcused absences (more than 10) to explain the criminal consequences of continued truancy and attend meetings to discuss solutions at the district attorney's office. While Philadelphia District Attorney Seth Williams would like to expand this initiative to Philadelphia public schools, the school district has been reluctant to participate due to federal privacy concerns.<sup>65</sup>

In 2012, a truancy pilot project partnered by Westmoreland County Court of Common Pleas, Juvenile Court section, Westmoreland County Children's Bureau and Adelphoi USA was initiated in Westmoreland County school districts. The 2-5 year pilot project involves the development of an advisory board to lead the process, education of participants, model development utilizing models successfully executed in Pennsylvania, and an implementation phase. If this project identifies barriers or any need for additional resources, Adelphoi USA has offered to assist in raising foundation money to support this important endeavor.<sup>66</sup> Seven Westmoreland County school districts participated in the Truancy Pilot Project during school year 2013-2014. The focus is on intervening early, positively affecting school attendance, and reducing truancy. Parents, schools, courts, the medical community and Children's Bureau are working together to formulate model Truancy Elimination Plans (TEPs) that schools can utilize. Pilot school districts Greater Latrobe, Greensburg Salem, Hempfield, Jeannette, Kiski, Ligonier Valley and Mt. Pleasant convened TEP teams at the start of the 2013-2014 school year.<sup>67</sup>

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<sup>63</sup> North Pocono School District Board of Education, Truancy Policy.

[http://www.npsd.org/index.php?option=com\\_content&task=view&id=217&Itemid=116](http://www.npsd.org/index.php?option=com_content&task=view&id=217&Itemid=116)

<sup>64</sup> De Lancey, Fran. "Truancy Roundtable making strides in McKean County," *The Bradford Era*, October 3, 2015. [http://www.bradfordera.com/news/article\\_63510c08-696e-11e5-901a-47d35b3ce564.html](http://www.bradfordera.com/news/article_63510c08-696e-11e5-901a-47d35b3ce564.html).

<sup>65</sup> Leach, Solomon. "D.A. Seth Williams offers a tougher approach to truancy," *Philadelphia Daily News*, June 12, 2015. [http://articles.philly.com/2015-06-12/news/63354271\\_1\\_truancy-court-san-francisco-d-a-family-court](http://articles.philly.com/2015-06-12/news/63354271_1_truancy-court-san-francisco-d-a-family-court).

<sup>66</sup> Pennsylvania Department of Human Services, Office of Children, Youth and Families, Westmoreland County Needs Based Plan and Budget, 2013-2014, at 3-4.

<sup>67</sup> <http://www.co.westmoreland.pa.us/index.aspx?nid=1927>

The York County Truancy Prevention Initiative uses multiple programs to combat truancy, including a Truancy Task Force that meets every other month to monitor truancy services, a Youth Court Alliance in York City School District that strives to re-engage truant youth with their schools and divert them from magisterial district court through a peer court process. As in Dauphin County, the Check and Connect program uses a mentoring process to address truancy, and is currently available in York City, Northeastern and South Western school districts.<sup>68</sup>

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<sup>68</sup> United Way of York County, York County Truancy Prevention Initiative, <http://www.unitedway-york.org/york-county-truancy-prevention-initiative>.



## COURT COMPETENCIES

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The concept of court competencies relates to the ability of judges and judicial officers to address education issues. Several practical tools can provide information to judges to assist them in understanding and implementing school attendance improvement and determining appropriate disposition of cases involving truant children.

The Educational Success and Truancy Prevention Workgroup (“Workgroup”) of the Pennsylvania Supreme Court’s State Roundtable has worked with the Administrative Office of Pennsylvania Courts (AOPC) and the Court’s Benchbook Committee to provide information to judges regarding enforcement of school attendance requirements. Based on the research and recommendations of the Workgroup, the Benchbook Committee incorporated many key concepts regarding foster children into its 2014 revised Benchbook. Additionally, a revised dependency court observation form was developed to collect data relating to permanency issues.<sup>69</sup>

Magisterial district judges must complete the equivalent of at least 32 hours per year of continuing education.<sup>70</sup> The Honorable Joanne Price Corbett verified that educational success and truancy prevention were part of the annual continuing education offered by the Minor Judiciary Education Board in 2015.

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<sup>69</sup> Pennsylvania Children’s Roundtable Initiative. *2015 State Roundtable Report, Educational Success and Truancy Prevention Workgroup*. Harrisburg, PA: Office of Children and Families in the Courts, 2015, at 9-10.

<sup>70</sup> Rule 602, Rules of Judicial Administration, Magisterial District Judges, 201 Pa.Code 602.





## DATA COLLECTION

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Truancy data collection in Pennsylvania is fragmented and incomplete. While the number of students enrolled in Pennsylvania's schools, as well as the number of students who are truant, are available, little is known from a demographic perspective beyond those raw numbers. The data currently collected by the Department of Education reveal grade level, gender, and ethnicity, as well as the geographic distribution of truant students; other key demographic information is not available. Information on those students believed to be at most risk of dropping out of school is of particular interest to those working to promote educational success through improved school attendance and truancy prevention. In particular, children involved in dependency proceedings and in foster care are most likely to experience educational disruption and drop out of school. Information about these children is not well integrated among relevant organizations.

The Truancy Advisory Committee strongly recommends that the juvenile court system, the children and youth system, and the Department of Education share data that help identify children who may be at risk and which will consequently aid in coordinating programs and services between all stakeholders in an efficient and effective way.

### *Current Sources of Data*

#### *The Pennsylvania Department of Education*

The Pennsylvania Department of Education and the Office of Children and Families in the Courts are the two principal collectors of truancy data. The No Child Left Behind Act<sup>71</sup> requires school to collect and report data on truancy rates. The Department of Education collects data from schools and school districts through its Pennsylvania Information Management System (PIMS) to calculate truancy rates. Data on grade level, ethnicity, and gender are collected from the annual Safe Schools Reports.<sup>72</sup> Some student specific attendance data can also be gathered from PIMS through the Student Calendar Fact Template that is used to calculate average daily attendance.<sup>73</sup> The Department of Education statistics are available online at the AOPC website for the Office of Children and Families in the Courts.<sup>74</sup>

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<sup>71</sup> No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C. § 6301 et seq.

<sup>72</sup> 2014/2015 PIMS Manual Ver. 1.0, Rev. 1, Volume 1, at 160. Release date September 23, 2014. [http://www.portal.state.pa.us/portal/server.pt/community/pims-pennsylvania\\_information\\_management\\_system/8959](http://www.portal.state.pa.us/portal/server.pt/community/pims-pennsylvania_information_management_system/8959).

<sup>73</sup> Ibid, at 42.

<sup>74</sup> Office of Children and Families in the Court, <http://www.ocfcpacourts.us/childrens-roundtable-initiative/state-roundtable-workgroups/educational-success-and-truancy-prevention/truancy-statistics>.

### *Administrative Office of Pennsylvania Courts*

The Administrative Office of Pennsylvania Courts also collects some data. Under Section 109 of the Public School Code of 1949, all fines that are imposed and collected under any of the provisions of the act must be paid to the treasurer of the appropriate school district. Truancy fines fall under this provision, and the AOPC tracks amounts collected from cases with truancy violations and disbursed to school districts.<sup>75</sup>

### *Pennsylvania Commission on Crime and Delinquency*

Since 1989, the Commonwealth has conducted a survey of school students in the 6th, 8th, 10th and 12th grades to learn about their behavior, attitudes, and knowledge concerning alcohol, tobacco, other drugs, and violence. The “Pennsylvania Youth Survey,” or PAYS, is sponsored and conducted every two years by the Pennsylvania Commission on Crime and Delinquency. The survey assesses risk factors that are related to these undesirable behaviors and the protective factors that help guard against them. This information allows community leaders to direct prevention resources to areas where they are likely to have the greatest impact. In addition to risk factors directly related to substance abuse and gun violence, other risk factors surveyed include poor family management, family conflict, academic failure, low commitment to school, and rebelliousness. Positive factors surveyed include family attachment, opportunities and rewards for prosocial involvement, belief in the moral order, and religiosity. This information is available in statewide form and also county by county and could be useful in determining the best allocation of county truancy funds. Information on school-related violence, bullying, and internet safety, all which may factor into attendance issues, is also available in the most recent PAYS report.<sup>76</sup>

### *Data Tables*

For the past nine years, statewide habitual truancy has held at an average rate of 7 to 8 percent, as presented in Table 1. While truancy rates are relatively stable, the overall statewide average masks the variances in truancy by age, gender, and ethnicity.

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<sup>75</sup> Tables listing number of cases filed and payments to counties for years 2010 through 2014 are included in the chapter entitled “Data Collection.”

<sup>76</sup> *Pennsylvania Youth Survey State Report 2013*, sponsored by Pennsylvania Commission on Crime and Delinquency, Pennsylvania Department of Drug and Alcohol Programs and Pennsylvania Department of Education. Conducted by Bach Harrison, LLC, The Pennsylvania State University. [http://www.pccd.pa.gov/Juvenile-Justice/Pages/Pennsylvania-Youth-Survey-\(PAYS\)-2013.aspx#.Vh60JU0fqqo](http://www.pccd.pa.gov/Juvenile-Justice/Pages/Pennsylvania-Youth-Survey-(PAYS)-2013.aspx#.Vh60JU0fqqo).

**Table 1**  
**PA State Total Habitually Truant SY 2006-2014**

<b>Year</b>	<b>Total Enrollment</b>	<b>Total Habitually Truant</b>	<b>Percent Habitually Truant</b>
2013-14	1,797,711	142,261	7.9%
2012-13	1,757,678	132,214	7.5
2011-12	1,765,327	121,886	6.9
2010-11	1,833,337	146,476	8.0
2009-10	1,832,017	124,129	6.8
2008-09	1,787,351	142,146	8.0
2007-08	1,843,194	136,969	7.4
2006-07	1,821,383	139,492	7.7
2005-06	1,830,684	138,337	7.6

Source: Data provided by Pennsylvania Department of Education

*Grade level/age*

Tables 2 and 3 indicate that truancy varies across grade levels (and by implication, age). Table 2 looks at total enrollment in Pennsylvania schools from grades K through 12 and assesses what percentage of the entire grade level statewide experienced habitual truancy in school year 2013-2014. The data reveal that almost 10 percent of all kindergarteners are truant. This level of truancy is not reached again until the junior high years, with 9<sup>th</sup> graders holding the highest truancy rate at 14.6 percent. The causes of truancy in a 5-year-old child are not likely to be the same as those presented in a 13-year-old, which supports the argument that attendance enforcement and truancy sanctions of necessity must be variable.

**Table 2**  
**SY2013-2014 Total School Enrollment vs. Total Habitually Truant by Grade**

<b>Grade</b>	<b>Enrollment</b>	<b>Habitually Truant</b>	<b>Percent Habitually Truant</b>
K	126,698	12,410	9.8%
1	133,149	12,251	9.2
2	130,991	11,005	8.4
3	129,686	9,996	7.7
4	132,054	10,044	7.6
5	131,794	9,975	7.6
6	131,204	11,318	8.6
7	135,848	13,103	9.6
8	137,224	13,866	10.1
9	144,090	21,073	14.6
10	139,216	17,735	12.7
11	132,765	11,895	9.0
12	134,687	12,560	9.3

Data provided from Pennsylvania Safe Schools Statewide Report; enrollment is as of October 1, 2013.

**Table 3**  
**SY2013-2014 Statewide Total Habitually Truant by Grade Level**

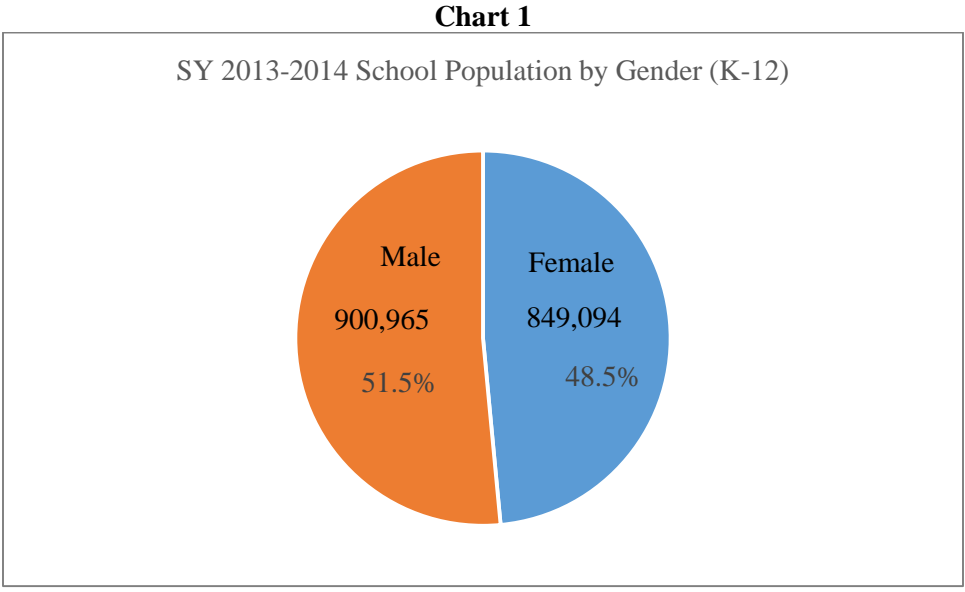
<b>Grade Level</b>	<b>Habitually Truant</b>	<b>Percent Habitually Truant</b>
Grade K	12,410	7.42%
Grades 1-5	53,271	31.85
Grades 6-8	38,287	22.89
Grades 9-11	50,703	30.32
Grades 12	12,560	7.51
Totals	167,231	100.00

Data provided by Pennsylvania Department of Education and prepared by Joint State Government Commission staff.

Table 3 shows the total number of students habitually truant in the school year 2013-2014 and details what percentage of all truants can be found across grade levels. Almost 40 percent (39.27 percent) of the children who were habitually truant in school year 2013-2014 were in grades K through 5. Generally, that is children who are age 5 to 10 years of age. It is not unreasonable to believe that truancy at that young age has as much to do with parental inattention to school attendance requirements than any desire on the part of the child to “skip school.” This truancy rate among elementary school children is marginally higher than high school students’ rate of 37.83 percent. These numbers indicate the importance of early intervention in truancy prevention.

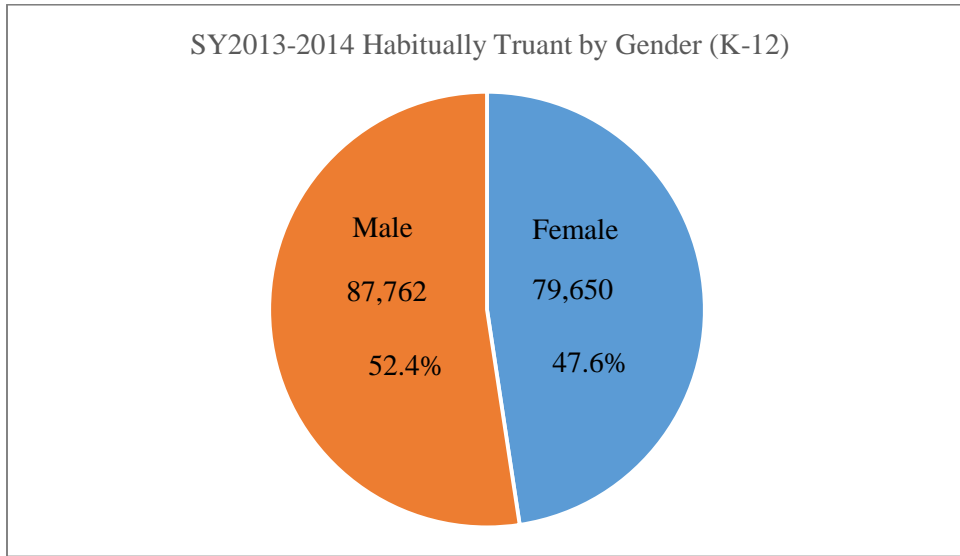
*Gender*

There does not appear to be a variation from a gender perspective as shown in Charts 1 and 2. While 51.5 percent of the school population is male, 52.4 percent are habitually truant. The female population is 48.5 percent and 47.6 percent habitually truant.



Data provided by the Pennsylvania Department of Education

**Chart 2**



Data provided by the Pennsylvania Department of Education

*Race/Ethnicity*

Truancy occurs more often among ethnic and racial minorities. While 69 percent of all students are identified as white or Caucasian, they constitute only 35 percent of students who are habitually truant. Conversely, 15 percent of Pennsylvania’s students are identified as African-American or black, yet they comprise 41 percent of all habitually truant students. All non-white students combined equal 31 percent of the total student enrollment in Pennsylvania, yet they represent 65 percent of all habitually truant students. The sources of this disparity are likely to be poverty and racism, the same factors that frequently contribute to poor performances of minorities in other areas of societal well-being.

**Table 4**  
**SY2013-2014 Total Enrollment vs. Habitually Truant by Ethnicity**

<b>Ethnicity</b>	<b>Percent Total Enrollment</b>	<b>Percent Habitually Truant</b>
Caucasian/White	69%	35%
African-American/Black	15	41
Hispanic	10	18
Asian	3	2
Multi-racial	3	4

Source: Data derived from Office of Children and Families in the Court Truancy Statistics

## Geography

The geographical distribution of truancy varies greatly. While Philadelphia has the highest truancy rate per county at 40.53 percent, the next two highest counties are Juniata at 15.04 percent and Fayette at 14.10 percent, identifying truancy as both an urban and rural problem. The second largest urban area, Allegheny County, ranks ninth overall. While Juniata and Fayette are very rural counties with high truancy rates, several other otherwise similar counties have rates of less than one percent, including Armstrong, Clarion, Forest, Jefferson, Potter, Sullivan, Union, and Wayne. Delaware and Clinton Counties have the same truancy rate, 7.62 percent although Delaware County has 16 times the number of students that Clinton County has. Similarly, Lackawanna and Perry Counties both have a truancy rate of 1.52 percent, although Lackawanna County has 4.5 times the enrollment of Perry County. It is unclear what factors create this geographic disparity. Table 5 ranks the counties by truancy rate.

**Table 5**  
**SY 2013-2014 Total Habitually Truant Rate by County**

Rank	County	Total Enrolled	Total Truant	Truancy Rate	Rank	County	Total Enrolled	Total Truant	Truancy Rate
1	Philadelphia	137,674	555,799	40.53%	34	Northampton	41,982	371	4.19%
2	Juniata	2,965	446	15.04	35	Lancaster	67,252	2,514	3.74
3	Fayette	17,019	2,399	14.10	36	Adams	13,655	498	3.65
4	Pike	8,169	1,012	12.39	37	Montgomery	105,105	3,740	3.56
5	Dauphin	34,145	4,032	11.81	38	Carbon	8,646	287	3.32
6	Lawrence	12,286	1,392	11.33	39	Lycoming	16,079	512	3.18
7	Monroe	27,003	2,836	10.50	40	Cameron	630	20	3.17
8	Bradford	9,528	998	10.47	41	Northumberland	12,007	371	3.09
9	Allegheny	142,783	14,228	9.96	42	Bucks	85,561	2,544	2.97
10	Erie	37,877	3,615	9.54	43	Fulton	2,166	64	2.95
11	Mifflin	5,273	480	9.10	44	Somerset	9,520	277	2.91
12	Berks	67,914	6,093	8.97	45	Snyder	4,889	124	2.54
13	Wyoming	3,665	323	8.81	46	Cambria	17,504	440	2.51
14	Beaver	22,136	1,868	8.44	47	Montour	2,261	52	2.30
15	Washington	27,934	2,224	7.96	48	Indiana	9,833	219	2.23
16	Lehigh	48,622	3,711	7.63	49	Schuylkill	18,370	395	2.15
17(tie)	Delaware	68,979	5,254	7.62	50	Warren	4,574	97	2.12
17(tie)	Clinton	4,223	322	7.62	51	Chester	70,008	1,281	1.83
18	Greene	5,188	392	7.56	52	Columbia	9,209	162	1.76
19	Blair	17,594	1,258	7.15	53(tie)	Lackawanna	27,693	422	1.52
20	Susquehanna	6,405	434	6.78	53(tie)	Perry	6,104	93	1.52
21	Lebanon	19,026	1,287	6.76	54	McKean	6,273	95	1.51
22	Venango	8,239	549	6.66	55	Cumberland	29,339	424	1.45
23	Bedford	6,982	450	6.45	56	Centre	12,725	136	1.07
24	Luzerne	40,841	2,555	6.26	57	Armstrong	9,347	84	0.90
25	Clearfield	12,201	761	6.24	58	Huntingdon	5,514	46	0.83
26	Butler	25,253	1,527	6.05	59	Clarion	5,803	44	0.76
27	Elk	3,642	186	5.11	60	Jefferson	4,797	36	0.75
28	York	64,633	3,298	5.10	61	Potter	2,441	14	0.57
29	Tioga	5,429	269	4.95	62	Wayne	4,866	25	0.51
30	Crawford	9,146	451	4.93	63	Union	3,978	16	0.40
31	Westmoreland	48,079	2,323	4.83	64	Sullivan	604	2	0.33
32	Mercer	15,779	704	4.46	65	Forest	515	0	0.00
33	Franklin	19,410	823	4.24					

Source: Data derived from Office of Children and Families in the Court Truancy Statistics

The AOPC collects data on the number of cases filed for truancy violations as well as the amount of fines collected for truancy that are returned to the school district by the courts, as required by current law. Tables 6 and 7, below display this information for the years 2010 to 2014, by county. These tables do not include Sullivan and Philadelphia Counties. In the case of Sullivan County, no data were available and it is possible that truancy cases do not progress to the point that a citation to the magisterial district judge’s office is called for in that county. Philadelphia County is not included because the county does not use magisterial district judges for these matters. While these data give a broad picture of the magnitude of truancy county-by-county, it is not accurate enough to provide in-depth analysis. Table 6 counts “cases,” but does not differentiate types of cases. Citations may be issued for one student for one truant day, one student for multiple truant days, or multiple students for multiple truant days. Additionally, the data are not identified as filed against parents versus filed against students. The same underlying lack of specificity affects the utility of Table 7 as well.

**Table 6**  
**Statewide Count of Cases Filed for Truancy Violations**  
**SY 2010-2014, By County**

County	2010	2011	2012	2013	2014	Total	Change 2010-2014
Adams	435	369	451	639	584	2,478	149
Allegheny	7,291	7,342	6,484	6,115	6,360	33,592	-931
Armstrong	321	358	276	289	203	1,447	-118
Beaver	662	557	570	638	707	3,134	45
Bedford	121	136	157	139	127	680	6
Berks	12,595	11,451	11,599	9,435	8,928	54,008	-3,667
Blair	560	490	545	649	775	3,019	215
Bradford	349	249	302	78	133	1,011	-116
Bucks	1,191	1,315	1,216	1,301	1,382	6,405	191
Butler	1,006	930	1,062	869	900	4,767	-106
Cambria	247	256	229	199	200	1,131	-47
Cameron	18	11	52	130	111	322	93
Carbon	910	677	652	519	649	3,407	-261
Centre	369	326	327	304	302	1,628	-67
Chester	3,767	4,277	3,074	3,493	2,737	17,348	-1,030
Clarion	133	119	149	117	145	663	12
Clearfield	392	423	344	330	328	1,817	-64
Clinton	122	149	156	119	110	656	-12
Columbia	302	357	509	542	445	2,155	143
Crawford	178	223	192	231	257	1,081	79
Cumberland	1,403	1,114	876	909	1,062	5,364	-341
Dauphin	1,419	1,462	1,400	1,598	1,930	7,809	511
Delaware	1,506	2,569	2,121	2,132	2,060	10,388	554
Elk	199	206	129	139	129	802	-70
Erie	2,579	2,908	2,664	2,924	3,545	14,620	966

Table 6 continued

County	2010	2011	2012	2013	2014	Total	Change 2010-2014
Fayette	1,475	1,476	1,466	1,538	1,432	7,387	-43
Forest	1	1	0	3	10	15	9
Franklin	854	793	787	844	1,837	5,115	983
Fulton	103	68	46	59	79	355	-24
Greene	512	363	240	293	397	1,805	-115
Huntingdon	60	39	11	51	43	204	-17
Indiana	105	156	165	163	156	745	51
Jefferson	262	182	170	131	180	925	-82
Juniata	115	81	52	54	94	396	-21
Lackawanna	881	352	305	354	303	2,195	-578
Lancaster	2,484	2,339	1,853	1,853	2,071	10,600	-413
Lawrence	262	207	190	158	122	939	-140
Lebanon	1,661	1,695	1,174	1,960	1,767	8,797	106
Lehigh	3,334	3,600	4,171	4,405	3,589	18,099	255
Luzerne	1,175	1,046	1,056	1,015	1,209	5,501	34
Lycoming	323	356	437	409	429	1,954	106
McKean	239	235	248	319	279	1,320	40
Mercer	514	716	595	641	706	3,172	192
Mifflin	152	182	278	319	398	1,329	246
Monroe	470	545	278	326	361	1,980	-109
Montgomery	1,121	1,146	2,024	1,733	1,699	7,723	578
Montour	31	60	35	29	15	170	-16
Northampton	849	820	851	1,122	1,294	4,936	445
Northumberland	706	737	802	783	804	3,832	98
Perry	220	331	304	231	229	1,315	9
Pike	73	119	116	69	148	525	75
Potter	23	13	11	12	19	78	-4
Schuylkill	1,002	556	488	621	523	3,190	-479
Snyder	84	90	94	73	94	435	10
Somerset	167	374	140	303	300	1,284	133
Susquehanna	103	116	174	146	149	688	46
Tioga	37	27	44	55	52	215	15
Union	67	68	121	75	40	371	-27
Venango	331	191	325	650	586	2,083	255
Warren	269	306	321	265	264	1,425	-5
Washington	897	920	1,195	1,176	1,173	5,361	276
Wayne	21	29	41	45	47	183	26
Westmoreland	823	799	715	850	1,023	4,210	200
Wyoming	62	84	68	81	142	437	80
York	7,037	8,589	7,652	7,277	6,310	36,865	-727
<b>Grand Total</b>	<b>66,880</b>	<b>68,081</b>	<b>64,119</b>	<b>64,329</b>	<b>64,482</b>	<b>521,731</b>	<b>-2,398</b>

Source: Data supplied by the Administrative Offices of the Pennsylvania Courts and compiled by Joint State Government Commission staff.



**Table 7**  
**Statewide Amount of Monies Disbursed to School Districts from Cases with Truancy Violations**  
**2010-2014, by County**

<b>County</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total</b>
Adams	\$25,026	\$22,262	\$26,696	\$32,405	\$35,222	\$141,610
Allegheny	92,861	92,444	75,758	91,321	82,356	434,739
Armstrong	4,463	4,951	4,912	5,408	4,443	24,177
Beaver	21,300	22,167	14,096	20,837	26,959	105,359
Bedford	1,590	5,109	5,143	6,024	4,015	21,881
Berks	122,253	107,642	106,860	107,251	100,730	544,735
Blair	8,300	6,302	7,060	8,153	10,595	40,410
Bradford	17,534	15,006	13,654	12,886	9,609	68,689
Bucks	36,021	43,326	30,101	39,890	37,171	186,508
Butler	14,724	19,568	26,968	14,252	15,382	90,894
Cambria	3,764	3,341	5,504	4,415	4,993	22,017
Cameron	1,247	725	264	1,489	2,301	6,025
Carbon	10,247	8,259	12,832	14,012	12,114	57,463
Centre	11,207	12,808	7,133	6,719	9,330	47,197
Chester	23,034	22,994	22,068	30,874	25,650	124,619
Clarion	5,533	4,382	6,819	7,158	6,342	30,235
Clearfield	2,908	2,841	3,135	5,340	5,341	19,564
Clinton	2,863	1,798	1,789	3,306	2,428	12,184
Columbia	7,571	9,303	12,691	15,177	19,202	63,944
Crawford	8,969	7,745	8,541	6,393	8,931	40,579
Cumberland	42,992	37,498	29,500	22,853	26,901	159,745
Dauphin	37,459	45,033	40,145	35,644	46,402	204,682
Delaware	41,555	39,204	43,244	44,499	54,054	222,557
Elk	1,867	6,053	6,715	5,377	7,104	27,116
Erie	60,936	52,754	61,230	65,312	59,798	300,030
Fayette	54,852	39,145	52,080	41,582	45,199	232,858
Forest	0	300	157	131	12	600
Franklin	18,235	17,242	15,738	12,938	14,760	78,913
Fulton	3,410	1,320	624	804	332	6,490
Greene	13,763	14,639	11,465	10,186	10,086	60,139
Huntingdon	2,147	1,111	510	1,021	2,043	6,830
Indiana	7,328	7,459	11,658	8,693	9,902	45,040
Jefferson	3,700	8,104	10,461	9,191	6,630	38,086
Juniata	2,484	2,003	2,754	1,261	1,488	9,989
Lackawanna	1,156	274	146	0	13	1,589
Lancaster	93,244	106,559	84,548	56,328	61,438	402,116
Lawrence	9,274	8,049	10,521	4,863	6,679	39,387
Lebanon	139,125	104,339	108,397	100,875	103,429	556,165
Lehigh	103,107	74,371	61,985	67,527	74,450	381,440
Luzerne	39,448	35,164	35,412	32,660	23,427	166,110

Table 7 continued

County	2010	2011	2012	2013	2014	Total
Lycoming	\$15,387	\$11,798	\$17,109	\$17,935	\$12,105	\$74,333
McKean	2,982	5,330	5,945	5,033	8,014	27,304
Mercer	16,361	11,422	11,476	11,839	13,758	64,857
Mifflin	4,544	3,274	6,147	6,899	10,905	31,769
Monroe	15,856	14,883	12,103	9,128	12,371	64,341
Montgomery	29,434	20,368	14,871	10,486	13,794	88,954
Montour	513	789	405	721	1,238	3,667
Northampton	27,016	21,084	18,595	21,227	16,288	104,210
Northumberland	11,012	12,765	18,707	23,517	25,034	91,035
Perry	10,965	11,272	8,260	15,768	11,888	58,154
Pike	3,643	3,406	5,418	3,350	5,551	21,368
Potter	1,306	686	436	553	686	3,668
Schuylkill	34,622	19,378	16,313	16,987	15,134	102,433
Snyder	1,880	1,887	2,443	4,192	4,897	15,299
Somerset	1,410	1,890	3,708	4,119	2,937	14,063
Susquehanna	404	479	831	1,672	934	4,320
Tioga	1,296	786	1,862	1,981	1,976	7,900
Union	953	668	542	626	818	3,607
Venango	5,992	3,397	3,015	5,076	8,232	25,712
Warren	10,334	10,204	7,283	8,588	7,404	43,813
Washington	26,005	21,081	24,017	23,407	22,928	117,438
Wayne	444	698	1,492	2,074	1,812	6,519
Westmoreland	18,377	16,145	14,712	14,286	14,752	78,271
Wyoming	5,941	4,226	2,990	3,517	8,167	24,841
York	273,101	298,441	292,558	315,624	274,142	1,453,866
<b>Grand Total</b>	<b>1,617,267</b>	<b>1,509,950</b>	<b>1,470,553</b>	<b>1,483,661</b>	<b>1,473,025</b>	<b>7,554,456</b>

Source: Data supplied by the Administrative Offices of the Pennsylvania Courts and compiled by Joint State Government Commission staff.

### *Federal Initiative*

On October 7, 2015, the Obama Administration announced a new national initiative to combat chronic absenteeism. A joint effort of the U.S. Departments of Education, Health and Human Services, Housing and Urban Development, and Justice, the initiative encourages states to make efforts to reduce truancy by 10 percent each year. A “Dear Colleague Letter to States, School Districts and Community” was also sent and outlined four action steps. Of most significance to this study and in direct support of the Advisory Committee’s Policy Recommendation #1 is Action Step 1:

**Generate and act on absenteeism data.** Prioritize the development of early warning prevention and intervention systems that identify students who are, or are at risk of becoming, chronically absent before they miss enough school that it is nearly impossible for them to catch up. Data from such systems should be shared—in a manner consistent with applicable State law and the Family Educational Rights and Privacy Act (FERPA)—between school districts and other key public and private organizations to ensure coordinated systems of support for students who are chronically absent.



## MEASUREMENT OF EDUCATIONAL OUTCOMES FOR CHILDREN IN FOSTER CARE

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### *Pennsylvania Efforts*

House Resolution 1032 (2014) directs the Truancy Advisory Committee to look at the measurement of educational outcomes for children in foster care. The Department of Education does not require the identification of foster care students in its data collection. Therefore, neither the Department of Education nor any other state agency is able to provide statewide education outcome data specific to children in foster care.

The Office of Data Analysis, Research and Evaluation of the Allegheny County Department of Human Services does collect these data for a small subset of its schools through a data sharing agreement. In December of 2009, the Allegheny County Department of Human Services (DHS) and the Pittsburgh Public Schools (PPS) signed a Memorandum of Understanding (MOU) to share data. The data shared include: Personal Identifiers, School Directory Data, Demographic Data, Performance Data including grade point averages, the Pennsylvania System of State Assessment scores (PSSA), and attendance data including days of suspension, excused and unexcused absences, and tardy arrivals.<sup>77</sup>

The report “Disparities in Achievement: Human Services Involvement of Children in Pittsburgh Public Schools” analyzed the results of that data sharing and contains a section focusing on child welfare placement. It is important to keep in mind that child welfare, or CYF placement, refers to all out-of-home care or living arrangements.<sup>78</sup> These children are adjudicated dependent and either live with kinship caregivers (such as family or friends or someone that they know), foster parents, or in a group home. Rather than focusing on only those children living with foster parents, this data analysis includes any child who is adjudicated dependent in out-of-home care.

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<sup>77</sup> Emily Kulick and Erin Dalton, *Disparities in Achievement: Human Services Involvement of Children in Pittsburgh Public Schools* (Allegheny County DHS, 2011), 11.

<sup>78</sup> Allegheny County Department of Human Services, Office of Children, Youth and Families.

**Table 8**  
**Percent of Students with Attendance 90 Percent or Greater**<sup>79</sup>

	All Grades	K-5	6-8	9-12
All Pittsburgh Public Schools	87%	95%	90%	73%
Prior CYF Placement Involvement	73	90	81	50
CYF Placement Involvement Within Last Year	65	87	74	38

The data in the table above show that for all of the Pittsburgh public schools, the percent of students whose attendance is 90 percent or greater ranges from a low of 73 percent for 9<sup>th</sup> through 12<sup>th</sup> graders to a high of 95 percent of students in kindergarten through 5<sup>th</sup> grade. When students who have had any CYP placement involvement are considered, the ranges of students with attendance rates of 90 percent or greater decreases to 50 percent in the 9<sup>th</sup> through 12<sup>th</sup> grade but decreases only slightly to 90 percent in kindergarten through 5<sup>th</sup> grade. When only those students who have had CYF placement involvement in the previous year are considered, the percent of students with attendance rates of 90 percent or greater drops even further for 9<sup>th</sup> through 12<sup>th</sup> graders (38 percent) and drops slightly for kindergarteners through 5<sup>th</sup> graders (87 percent).

The data show a significant achievement gap in each of the remaining educational outcomes, GPA and PSSA. The rate of CYF out-of-home-placement students earning a GPA of 2.5 or above was roughly half of the Pittsburgh school district’s overall rate. The PSSA reading proficiency rate overall for the district was 57 percent, and the rate for students with a prior CYF placement during the last year was 42 percent.<sup>80</sup>

The U.S. Department of Education released new guidance in 2014 to help states make it easier for children and youth agencies to access educational records of foster care students. The Uninterrupted Scholars Act,<sup>81</sup> an amendment to The Family Educational Rights and Privacy Act (FERPA), modified FERPA’s confidentiality provisions to allow greater access to school records to all agencies to provide educational stability and early intervention for at-risk students.<sup>82</sup>

The Educational Success and Truancy Prevention Workgroup of the Pennsylvania Children’s Roundtable has been collaborating with AOPC and the Departments of Education and Human Services to implement some of this guidance in Pennsylvania. The Workgroup and the Supreme Court’s Benchbook Committee has developed a revised dependency court observation form to collect data relating to permanency issues.<sup>83</sup>

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<sup>79</sup> Supra note 77, at 39.

<sup>80</sup> Ibid, at 38-39.

<sup>81</sup> Enacted in 2013. 20 U.S.C. 1232g(b).

<sup>82</sup> U.S. Department of Education, Press Office, “U.S. Department of Education Releases Guidance to Improve Educational Outcomes of Children and Youth in Foster Care,” <http://www.ed.gov/news/press-releases>. Multiple initiatives to assist students in foster care can be found on the department’s dedicated webpage, [www2.ed.gov/about/inits/ed/foster-care/index.html](http://www2.ed.gov/about/inits/ed/foster-care/index.html).

<sup>83</sup> Pennsylvania Children’s Roundtable Initiative. *Pennsylvania Dependency Benchbook*. Harrisburg, PA: Office of Children and Families in the Courts, 2010.

### *Data Collection Initiatives in Other States*

The following is a compilation of a few state laws that require and or support data collection and information sharing between education and child welfare agencies. These laws were enacted to improve educational outcomes for children in the dependency system. Maryland, Delaware, and other states are collecting education data and sharing information in the absence of a legislative mandate.<sup>84</sup>

#### *State Level Data Collection and Data Sharing*

##### California

State law requires California Department of Social Services to share disaggregated information on children and youth in care that is sufficient for the California Department of Education to identify those students in foster care and to share disaggregated data helpful to county offices of education and other local educational agencies responsible for ensuring that pupils in foster care receive appropriate educational support and services. The California Department of Education must inform local educational agencies of which of their students are in foster care and provide information helpful to meeting the educational needs of those students. See below.

(a) The department and the State Department of Social Services shall develop and enter into a memorandum of understanding that shall, at a minimum, require the State Department of Social Services, at least once per week, to share with the department both of the following:

(1) Disaggregated information on children and youth in foster care sufficient for the department to identify pupils in foster care.

(2) Disaggregated data on children and youth in foster care that is helpful to county offices of education and other local educational agencies responsible for ensuring that pupils in foster care received appropriate educational supports and services.

(b) To the extent allowable under federal law, the department shall regularly identify pupils in foster care and designate those pupils in the California Longitudinal Pupil Achievement Data System or any future data system used by the department to collect disaggregated pupil outcome data.

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(d) To the extent allowable under federal law, the department, at least once per week, shall do all of the following:

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<sup>84</sup> Information for this section was provided by the Education Law Center to the Educational Success and Truancy Prevention Workgroup.

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(2) Inform county offices of education of any pupils enrolled in schools in the county who are in foster care.

(3) Provide schools districts, county office of education, and charter schools disaggregated data helpful to ensuring pupils in foster care receive appropriate educational supports and services.<sup>85</sup>

### Florida

The Department of Children and Family Services was directed to establish a protocol for sharing information with school districts, consistent with FERPA.<sup>86</sup>

### Texas

The agency shall, in the manner established by commissioner rule, collect data through the Public Education Information Management System (PEIMS) as to the foster care status of students.<sup>87</sup>

### *Local Data Sharing and State Level Reporting Required*

### Washington

Washington state law requires the Department of Social and Health Services' Children's Administration and school districts to develop protocols which support educational stability for children and youth in foster care (RCW 74.13.550, 74.13.560). All negotiated protocols must address: service planning, transportation, information sharing, cross training, school-based foster parent recruitment.<sup>88</sup>

The superintendent of public instruction shall provide an annual quantitative report to the legislature which summarizes progress in educational outcomes made in each school district.<sup>89</sup>

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<sup>85</sup> Calif. Educ. Code § 49085, effective June 30, 2013.

<sup>86</sup> Fla. Stat. § 39.0016, effective July 1, 2009.

<sup>87</sup> Senate Bill 833, 83<sup>rd</sup> Leg., Reg. Sess. (Tex. 2013), amended Section 7.029 of the Texas Education Code, effective June 14, 2013.

<sup>88</sup> Wash. Rev. Code §§ 74.13.550 and 74.13.560, effective July 27, 2003.

<sup>89</sup> Wash. Rev. Code § 28A.150.510, effective June 12, 2008.



## *Cross Systems Data Sharing Among Courts, Education and Child Welfare*

### Nevada

The law requires judges of the juvenile court, masters of the juvenile court, directors of juvenile services, superintendents of school districts, the Superintendent of Public Instruction, the directors of agencies which provide child welfare services, qualified professionals, physicians, guardians ad litem and persons who provide substance abuse treatment to share certain information concerning a child who is within the purview of the juvenile court unless sharing such information would violate certain federal laws governing the privacy of health and educational information.<sup>90</sup>

### *Child Welfare Mandated to Collect Education Data*

### Connecticut

For each child or youth who is in the state custody, Department of Children and Families shall include a description of the child's educational status and academic progress in his or her case plan. Such description shall include information regarding the child's current levels of educational performance, including absenteeism and grade level performance, and what supports or services will or are being provided to improve academic performance. For children and youth who are committed to Department of Children and Families' custody, the educational status information shall be included in reports to the Juvenile Court and shall be reviewed by the court when decisions are made regarding the child's well-being in care.<sup>91</sup>

### *Inter-Agency Collaborations*

### Colorado

A 2009 Colorado law created an Office of Dropout Prevention and Student Re-engagement within the Department of Education that promotes collaboration between education providers and the child welfare system. This collaboration includes collecting and reviewing student data and developing and recommending methods for reducing student drop-out rates and increasing student engagement.<sup>92</sup>

A 2010 Colorado law requires the Department of Human Services and Department of Education to enter into an MOU concerning enrollment and placement of students from residential schools and facilitate the creation of plans to support students to make the transition to public school systems.<sup>93</sup>

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<sup>90</sup> Nev. Rev. Stat. § 62H.025, effective July 1, 2013.

<sup>91</sup> Conn. Gen. Stat. §§ 17a-64 and 17a-65, effective July 1, 2013.

<sup>92</sup> Colo. Rev. Stat. § 22-14-101 et seq.

<sup>93</sup> Colo. Rev. Stat. §§ 22-2-139 and 22-32-109.1.

## Maine

This 2010 law requires specific state agencies, including the Department of Health and Human Services and Department of Education to develop a jointly agreed-upon, statewide district system designed to coordinate and implement service delivery initiatives to increase high school graduation rates, reduce referrals to the juvenile justice system, increase employment for youth, etc. The law also requires all agencies to work and coordinate to ensure flexible funding and timely response and provision of services for youth served by state agencies, and to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system.<sup>94</sup>

### *Local Information Sharing For Dually Adjudicated Youth*

## Iowa

An Iowa statute requires the board of directors of each public school and nonpublic school to adopt a policy and rules providing that the school district or school may share information contained in a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system. These agencies include, but are not limited to, juvenile court services, the Department of Human Services, and local law enforcement authorities. The disclosure of information shall be directly related to the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are being released.<sup>95</sup>

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<sup>94</sup> 2010 Maine Laws, HB 1204, Chap. 204. This bill was enacted as an emergency measure, effective immediately and expected to be implemented by June 1, 2010. No code citation is available.

<sup>95</sup> Iowa Code § 280.25.

## **STATUTES, BEST PRACTICES, AND LEGISLATIVE INITIATIVES IN OTHER STATES**

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Joint State Government Commission staff prepared a survey of the 50 states' compulsory school attendance laws, which is set forth in detail in Appendix A of this report. Areas reviewed include the mandatory ages at which students are required to attend school, exemptions from such attendance, and when truancy occurs. Additionally, staff reviewed types of enforcement methods used. The findings are presented below.

### *Compulsory Attendance Age*

Pennsylvania's mandatory minimum age at which parents must enroll their children in school is eight years of age. This is an anachronistic remnant of Pennsylvania's history as an agrarian society, in the days before Governor Gifford Pinchot began "taking the farmer out of the mud" by paving 20,000 miles of Pennsylvania's roads.<sup>96</sup> Since 1895, Pennsylvania's law requiring students to attend school from age eight has remained unchanged. Pennsylvania (with the exception of Philadelphia, which sets the age at six) is only one of two states that allows students to forego formal education until the age of eight; the remaining 48 states require students to begin school between ages five and seven (the most common age is six years old, represented in 23 states).

It is well documented that early education is a key to success in life. Although the most important age of entry into formal education has not been established, researchers tend to agree that children should begin school as early as possible. While many states are now pushing for universal pre-kindergarten and other early childhood programs, such as Head Start, Pennsylvania is falling further behind the rest of the nation with its out-of-date compulsory education requirement. Though results of pre-kindergarten have varied, quality early education has demonstrated significant benefits to children's academic success.

Children who start first grade after attending kindergarten are more likely to advance their mathematics learning, for example, whereas children who are just beginning their education in first grade are still acquiring basic skills, putting them at risk of falling behind. These effects have been shown to last into the third grade. If Pennsylvania's children are foregoing kindergarten or delaying enrollment into first grade due to an outdated set of laws, they will face unnecessary challenges that set them behind their peers.

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<sup>96</sup> "The Life of Gifford Pinchot (1865-1946)," Pennsylvania Department of Conservation and Natural Resources, History of PA State Parks, <http://www.dcnr.state.pa.us/stateparks/thingstoknow/history/lifeofgiffordpinchot/index.htm>.

Furthermore, though few studies examine the importance of early education beyond the outcomes of first to third grade, emerging evidence suggests that early education not only ensures academic success in the short term, but higher levels of success into adulthood. Once available, the results of this research will be important to help children reap the greatest benefits from their education.<sup>97</sup>

### *Exemptions from Compulsory Attendance*

Pennsylvania, like a great many other states, allows the local school district to determine what is an acceptable excuse for being absent from school. These excuses can range from illness, to educational trips, to religious holidays, to spending time with a parent about to be deployed by the military, to serving as a page in the State legislature. These “excused absences,” however, are short in duration (limited to five to ten days per year generally) and the student is expected to make-up missed assignments.

Three particular exemptions are found in Pennsylvania and some other states that permanently exempt the student from school. These are mental or physical incapacity, employment, and transportation. Over 30 states have an exemption for mental or physical incapacity, but these are granted sparingly and cannot be used to prevent a child with disabilities from receiving a free, appropriate public education.

Another 18 states exempt students from attending school if they are working. Some of these laws only permit children of a certain age or older. Others make it dependent upon the financial need of the student’s family for his or her support. Six states allow students to not attend school if their home is some distance away from the school (usually about two miles) and no transportation is available.

### *Truancy Defined*

Truancy and habitual truancy are defined differently in almost every state. Definitions range from three to ten days, for the most part, and five days is the most common number of unexcused absences that will trigger some sort of attendance intervention on the part of the school. Pennsylvania’s 3-day and 6-day triggers are in line with most of the country.

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<sup>97</sup> Nancy C. Jordan, et al., “Early Math Matters; Kindergarten Number Competence and Later Math Outcomes,” *Developmental psychology*. 2009;45(3):850-867. doi:10.1037/a0014939.

### *Enforcement Methods*

Imposing a monetary fine on the parent of a truant child is by far the most popular form of enforcement, with 47 states imposing fines ranging from \$5 per day, to potentially in excess of \$2,000. Eleven states call for a fine of up to \$1,000. Pennsylvania's fine of \$300 is matched in Minnesota and Missouri, while 20 other states' maximum fine is lower than Pennsylvania's. The remaining states tend to top out at \$500 in fines.

Pennsylvania's five days' incarceration for non-compliant parents is actually quite modest in comparison to the other 34 states that impose jail time. Only Montana has a shorter maximum period of imprisonment (three days). The maximum penalty in Mississippi is one year. Eleven states may impose a maximum sentence of 30 days, while another five uses 60 days. In Alabama, a violating parent can be sentenced to up to 90 days hard labor for the county.

The other popular penalty for parents is community service, which is available in 15 states. Other potential sentences include attending school with the truant child and attending parenting education classes.

Fines and imprisonment are rarely used against truant students. Pennsylvania's \$300 fine is the highest for a student in the five states that allow such a penalty. Colorado and Washington will sentence a recalcitrant student to five or seven days, respectively, in a juvenile detention facility after repeated offenses.

The most significant penalty and the one most widely used against students is delaying, suspending or revoking driving privileges. Pennsylvania and 18 other states impose this sanction. Community service is also imposed in at least 10 states. Other dispositions can include counseling and attendance at truancy prevention programs.

Texas significantly amended its truancy enforcement law in June 2015 by decriminalizing truancy. Truancy was changed from a Class C misdemeanor (a \$500 fine) to a civil matter to be handled by truancy court, in the hope that the underlying causes of truancy could be addressed by the school before referral.<sup>98</sup>

Wisconsin 2015 Assembly Bill 172 would amend the methods of notifying parents of truancy by adding first class mail and electronic communication to the permissible methods listed in the statute.

In Michigan during the 2015 session, two bills reforming state truancy law have been introduced. Senate Bill 406 provides for additional opportunities for school intervention with a truant child. Senate Bill 408 gives the juvenile courts exclusive jurisdiction over truancy cases.

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<sup>98</sup> The Associated Press, "Texas Law Decriminalizes School Truancy," *The New York Times*. June 20, 2015. [http://www.nytimes.com/2015/06/21/us/texas-law-decriminalizes-school-truancy.html?\\_r=0](http://www.nytimes.com/2015/06/21/us/texas-law-decriminalizes-school-truancy.html?_r=0)



## **STUDIES OR INITIATIVES PROMOTED BY NATIONAL EDUCATIONAL ADVOCACY ORGANIZATIONS**

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Several national educational advocacy organizations have studied truancy and student dropout behavior and have proposed national and state initiatives for prevention. A few of the most comprehensive ones have been summarized in this chapter.

### *Attendance Works*<sup>99</sup>

Attendance Works, which was established in January 2010, is a national and state initiative that promotes awareness of the important role that school attendance plays in achieving academic success. To achieve its goal of achieving student success, Attendance Works aims to reduce chronic absenteeism by ensuring that every district in the country tracks chronic absence data, beginning in kindergarten or earlier, and partners with families and community agencies to intervene when attendance is a problem for children or particular schools.

In order to achieve this goal, Attendance Works focuses on three main objectives: building public and political awareness to address chronic absences, fostering state campaigns that promote tracking attendance and reporting chronic absences, and encouraging local practice by providing technical assistance and tools to help communities, schools, and school districts monitor and work together to address chronic absence.

The Attendance Works initiative promotes policies and effective implementation of programs that can ensure schools and communities collect, monitor, and share attendance data. In addition, programs can motivate key stakeholders to work together to promote a culture of regular school attendance and intervene when chronic absence becomes a problem. Attendance Works also advocates for the following provisions to target early intervention: tracking and monitoring levels of absence by individual students in pre-K; developing plans to allocate preschool and early care resources on the basis of high levels of early-grade chronic absence; implementing early childhood programs to promote good attendance by increasing parent awareness of the importance of attendance; helping families overcome barriers to attendance and develop the routines for regular on-time attendance; and creating incentives for preschools to address poor attendance and tardiness.

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<sup>99</sup> “Attendance Works: Advancing Student Success by Reducing Chronic Absence” Accessed August 19, 2015. [www.attendanceworks.org](http://www.attendanceworks.org)

To target school children and their families once mandatory education begins, Attendance Works encourages policy makers to implement the following provisions: adopt a standard definition of chronic absence based on missing 10 percent or more of school days; track absences in longitudinal student data systems; calculate and report on chronic absence by district, school, grade and sub-group; establish school and district attendance teams to review chronic absence as well as other key attendance data including average daily attendance, truancy, and good attendance; address improved attendance in school improvement plans; and use the prevalence of chronic absence to identify schools in need of relevant community resources such as pre-K education, afterschool programs, health care and insurance, food and nutrition, affordable housing, free tax preparation, and Earned Income Tax Credit outreach.

Attendance Works has also identified key strategies for reducing chronic absences and the elements that must exist to effect systematic change. These strategies include: recognizing good and improved attendance; engaging students and parents; monitoring attendance data and practice; providing personalized early outreach; and developing a programmatic response to barriers. To evoke this change, districts are reminded to convey positive messaging, ensure that the collected data is actionable and can be expanded to adopt best practices, and to take shared accountability for chronic absences.

Attendance Works has influenced numerous programs across the country. The organization offers both free tools on its website and a wide range of additional fee-based services. Both free options and fee-based-services may include: data analysis, professional development, public messaging, peer learning, case studies, and surveys and focus groups.

### *Student Advocacy*<sup>100</sup>

Since 1982, Student Advocacy, a private nonprofit organization, has been working to get students on track to graduate by advocating improved educational opportunities, protecting educational rights, and fostering effective communication between families and schools. Its approach to improving the student's education is to first understand the specific needs of the individual student and then advocate for the maximum educational benefits allowed by law. Through this work they are often able to identify school policies or practices that are barriers to all students' success.

Student Advocacy is based on a belief system that encompasses eleven ideas. The crux of this belief system is that with the help of the family and the school, children can achieve academic success, despite all obstacles and past failures. It recognize that there are many barriers to success, but support can change even dire situations.

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<sup>100</sup> "Student Advocacy: Getting Kids on Track to School Success," Accessed August 21, 2015. [www.studentadvocacy.net](http://www.studentadvocacy.net)



Though Student Advocacy does not focus specifically on truancy, 88 percent of those completing its program attended school more regularly. In addition, the large majority of students had a better attitude towards schools, improved academically, and had better behavior at school, among other significant improvements that aid in the student's academic success.

### *National Dropout Prevention Center/Network<sup>101</sup>*

The National Dropout Prevention Center/Network (NDPC/N) strives to increase graduation rates through research and evidence-based solutions. Since 1986, NDPC/N has worked to improve opportunities for all young people to fully develop the academic, social, work, and healthy life skills needed to graduate from high school and succeed after graduation. It also works to promote awareness of successful programs and policies related to dropout prevention to further improve policy on both the local and national level.

Through extensive research and collaboration with stakeholders, the NDPC/N has identified four categories encompassing 15 effective strategies that have the largest impact on the dropout rate, including students with disabilities. Though the following strategies are to be considered independently, they often work best to produce the most significant outcomes when used in conjunction with one another.

#### *School and Community*

First, from the school and community perspective, there are three matters that should be considered: systematic renewal, school-community collaboration, and safe-learning environments. Systematic renewal involves a continuing process of evaluating goals and objectives related to school policies, practices, and organizational structures as they impact a diverse group of learners. This process allows for innovations that may have been overlooked that will improve the educational process. School-community collaboration is an important piece to be considered because it helps to create a caring supportive environment where students can thrive and achieve. Providing a safe learning environment is essential for students to learn and helps to enhance positive social attitudes and effective interpersonal skills. Developing a comprehensive violence prevention plan, including conflict resolution, which deals with potential violence as well as crisis management, should be considered.

#### *Early Intervention*

Early intervention is also an essential strategy to consider while working to keep students in school. These intervention steps should include: family engagement, which has a direct, positive effect on children's achievement and is the most accurate predictor of a student's success in school; early childhood education, which has been shown to enhance brain development and reduce the risk of dropout; and early literacy development, which

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<sup>101</sup> "National Dropout Prevention Center/Network," Clemson University, Accessed August 21, 2015. <http://dropoutprevention.org>

includes helping low-achieving students improve their reading and writing skills to establish the necessary foundation for effective learning in all other subjects.

### *Basic Core Strategies*

Basic core strategies include: mentoring/tutoring, service-learning, alternative schooling, and after-school opportunities. Mentoring provides the student with a one-on-one caring, supportive relationship that they may not have had otherwise. Similarly, tutoring provides a one-to-one relationship, though it often addresses specific needs such as reading, writing, or math competencies. Both have been proven to be effective with many different youth groups, especially for youth in at-risk situations. Service-learning is another powerful tool that connects students to the school and the real world. This method combines meaningful community service experiences with academic learning, personal growth, and civic responsibility.

Alternative schooling is another option that may be considered when developing a dropout prevention strategy. There are many options when it comes to alternative schooling, and since all students respond differently to education, providing students with these options can lead to higher graduation rates. These programs often pay special attention to the student's individual social needs and academic requirements, leading to future success. After-school opportunities have also been successful since they afford an outlet away from the traditional schooling they receive during the day and provides constructive activities to fill the afternoon "gap time".

### *Making the Most of Instruction*

The NDPC/N has identified the following strategies to ensure students are getting the most out of their education as possible: professional development, active learning, educational technology, individualized instruction, and career and technology education (CTE). Professional development for teachers ensures that they have the necessary tools to help students succeed in the classroom. Feeling that they have an avenue where they can develop skills, techniques, and learn about innovative strategies will help them be highly effective teachers and has been shown to be an important predictor of student success.

Active learning is another key strategy that allows students to find new and creative ways to solve problems, achieve success, and become lifelong learners. This approach allows educators to show students that there are different ways to learn, and can include a variety of techniques including multiple intelligences theory and project-based learning. Educational technology also allows students to engage beyond that of a traditional school setting as it can be adapted to various student learning styles. Likewise, individualized instruction recognizes the individual student and his specific needs by creating a specific plan for the student. Finally, CTE is essentially a school-to-work program which recognizes that youth need specific skills to prepare them for the larger demands of today's workplace. This type of preparation education can enhance students' motivation and provide them with usable skills that lead to employment and careers.

## *National Center for School Engagement*<sup>102</sup>

The National Center for School Engagement (NCSE), collaborates with school districts, law enforcement agencies, courts, and state and federal agencies to support youth and their families to be engaged at school. The focus revolves around truancy, dropout, and bullying prevention. The approach to school success, which is defined as high school completion and positive educational outcomes, involves promoting attendance, attachment, and achievement.

NCSE's methods focus on designing and implementing evidence-based strategies to reduce absences that establish meaningful connections with youth and their families through caring, support, and mutually-defined expectations. This includes developing positive school climates, family and community engagement, and student-focused programs and activities that ensure that students have the tools and resources to complete courses and graduate from high school.

Its approach to combat truancy, specifically, falls into one of three categories: school or district programs, court programs, and community programs. At the school/district level, getting parents or guardians involved in school activities before truant behavior ever becomes a problem and immediately notifying parents of problems when they arise have been shown to be effective measures. In addition, schools and districts should consider having social service or mental health representatives available to discuss the importance of school attendance and to work out an attendance plan.

Furthermore, NCSE advocates that courts reorganize to form special truancy court dockets within the juvenile or family court to help combat truancy. Consolidation of truancy cases results in speedier court dates, more consistent sentencing, and makes court personnel more attuned to the needs of truant youth and their families. At the community level, programs that bring together schools, law enforcement, social service providers, mental and physical health care providers, and others help stabilize families and reengage youth in school.

### *Every Student, Every Day: A National Initiative to Address and Eliminate Chronic Absenteeism*

On October 7, 2015, the Obama Administration announced a new national initiative to combat chronic absenteeism. A joint effort of the U.S. Departments of Education, Health and Human Services, Housing and Urban Development, and Justice, the initiative encourages states to make efforts to reduce truancy by 10 percent each year, and provides a community toolkit that includes information, suggested action steps, and lists of existing tools and resources available. A virtual summit, hosted by the U.S. Department of

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<sup>102</sup> "National Center for School Engagement: Promoting attendance, attachment, and achievement." Accessed August 25, 2015. <http://schoolengagement.org/>

Education, Attendance Works, Everybody Graduates Center, and the United Way Worldwide was scheduled as an online event for November 12, 2015.<sup>103</sup>

A “Dear Colleague Letter to States, School Districts and Community” outlined four action steps:

- Generate and act on absenteeism data.
- Create and deploy positive messages and measures.
- Focus communities on addressing chronic absenteeism.
- Ensure responsibility across sectors.<sup>104</sup>

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<sup>103</sup> U.S. Department of Education, About Ed/Initiatives, “Every Student, Every Day: A National Initiative to Address and Eliminate Chronic Absenteeism,” <http://www2.ed.gov/about/inits/ed/chronicabsenteeism/index.html>.

<sup>104</sup> U.S. Department of Education, About Ed/Initiatives, Key Policy Letters Signed by the Education Secretary or Deputy Secretary, <http://www2.ed.gov/policy/elsec/guid/secletter/151007.html>.

## **CHARTER AND CYBER CHARTER SCHOOL ENFORCEMENT OF TRUANCY LAWS**

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Under current Pennsylvania law, school district boards of directors establish policies locally for a number of issues, including attendance. The boards of trustees of charter and cyber charter schools are responsible for deciding matters relating to the operation of the school. Accordingly, charter and cyber charter schools have their own attendance policies. However, both charter and cyber charter schools, like all other schools, are required to report unexcused absences to the superintendent or other designated individual at the school district where the parents of the child in question reside.<sup>105</sup> This creates the biggest impediment to enforcing truancy laws for charter and cyber charter schools. Both cyber charter and brick-and-mortar charter schools draw students from multiple school districts. Each school district is responsible for filing attendance citations for students residing in their district, regardless of the type of school attended. Some school districts are more responsive than others to charter school requests to file citations, leading to inconsistent treatment of truant students in charter schools based on the way their home school district enforces compulsory attendance.

Other impediments arise in attempting to adequately monitor attendance by cyber charter students. Since physical presence in a specific physical locale is not an aspect of cyber schools, the time devoted to school is hard to monitor.

### *Cyber Charter School Attendance Policies*

Pennsylvania's fourteen cyber schools have their own attendance policies that deal with unexcused absences and truancy. Though these policies vary from school to school, the core of most school policies remain constant throughout.

Attendance for cyber schools is submitted by logging into an online based system. Though this is common among all schools, attendance submission requirements vary among cyber schools. Typically, students must be logged in to their school's system for a set number of hours in order to receive credit for the school day. Some cyber schools, however, simply require the student to be logged into the system for no specified time range, while others require that students show progress on the required coursework. Other schools require students to participate in live sessions to be considered present.

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<sup>105</sup> Basic Education Circular 24 P.S. § 17-1701-A, Charter Schools, issued October 1, 2004. [http://www.portal.state.pa.us/portal/server.pt/community/purdon's\\_statutes/7503/charter\\_schools/507318](http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/charter_schools/507318).

The definition of an absence among Pennsylvania's cyber schools generally remains the same, though some have a broader list of excused absences than others. For example, maternity leave and educational trips are addressed within some schools policies specifically, while others do not address these events. Other events, such as student illness or death of a family member, are identified as excused absences for all cyber schools. Absences are counted each day the student is not present; however, one school identifies a missed day of school as missing a day's worth of hours in one week.

All of Pennsylvania's cyber schools will accept absences laid out in their specific policy provided that the schools receive a parental excuse. Schools vary on the amount of time within which the excuse must be submitted, ranging from the day of return to within three days of the absence. Furthermore, each school has its own set of rules for when a doctor note is required for an absence to be excused. Some cyber school policies note that students missing three consecutive school days must provide the school with a note from a physician for the absence to be deemed legal, while others specify that beyond ten to fifteen cumulative absences a physician excuse is required. Some school policies, however, do not explicitly mention a physician excuse requirement.

Each cyber school deals with truancy differently, including both the timeline on when to take action and what action will be taken. All schools officially take action after three unexcused absences, though some schools begin to take action immediately. Initial options range from notifying the student or parents/guardians after the first or second unexcused absence to waiting until the third unexcused absence to notify the home district and/or the parents/guardians of the student. Notices may be sent by email initially but are typically followed by a letter mailed to the home. Attempts to reach the parents/guardians by phone is also common.

Further unexcused absences typically require a meeting with the student's parents/guardians and may include the development of a Truancy Elimination Plan, though not all school policies mention a Truancy Elimination Plan option. The timeline for this is specific to the school; some choose to implement a plan after four unexcused absences, while others wait until the student has reached six or more unexcused absences.

Truancy Elimination Plans are created by the individual schools, therefore each plan is unique to the school. Some schools have these plans laid out step by step, while others address each situation on a case-by-case basis. Typical plans address the appropriateness of the student's educational environment, possible elements of the school environment that inhibit student success, the student's current academic level and needs, social, emotional, physical, mental, and behavioral health issues, issues concerning family and home environment, and other issues that may be affecting the student's success.

Additionally, some schools offer remediation programs which allow the student to remain enrolled in the schools while they are being monitored for progress. This option may include requiring students who have low school engagement to participate in re-engagement sessions or other activities set forth by the school. Students who are required to do this but continually lack engagement in school may receive a home visit.

If truancy persists after all resource options have been exhausted, most schools will remove the student from the school's roster and the student may be referred back to their home district. Other schools may choose to pursue a truancy fine or court action against the student, parent, or both. These actions are used as a last resort and typically occur after ten consecutive unexcused absences.

*21st Century Cyber Charter School<sup>106</sup>*

Attendance submission: Students must submit their attendance each Monday, no later than 11:59 p.m., using Moodle, an education website. In case of a school holiday or absence on a Monday, hours must be submitted no later than 11:59 p.m. the following day. Student attendance is measured by the hours a student spends engaged in the instructional program in which they are enrolled. The hours of instruction and activities required are designated by grade level.

Absences: A valid excuse must be provided to the school upon date of return from absence. Any absence that is not deemed legal or excused will be documented as such.

Truancy notice details:

- Upon the first unexcused absence, the student will receive a written warning via traditional mail and email.
- Level 1: Upon the second unexcused absence within an academic year, students and parents/guardians will be notified by traditional mail and email.
- Level 2: Upon the third unexcused absence within an academic year, parents/guardians will be notified by traditional mail and email. Students at level two or higher may have email and other restrictions imposed.
- Level 3: Upon the fourth unexcused absence within an academic year, parents/guardians will be required to have a conference with the Truancy Team, which consists of the Principal, Guidance Counselor, Learning Coach, and Special Education Coordinator (if necessary). The truancy officer of the student's local school district will be notified.
- Level 4: Upon the fifth unexcused absence in an academic year, parents/guardians will be required to come to the school for a conference with the Truancy Team, and the truancy officer of the student's local school district will be notified again. Parents/Guardians failing to respond to a Truancy or Administrative Review Team Conference Request within 10 days are assumed to be withdrawing their child from 21CCCS.

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<sup>106</sup> <http://21cccs.org/wp-content/uploads/2015/02/1415Handbook.pdf>.

- Level 5: Upon the sixth unexcused absence, credit for classes may be reduced or eliminated for the semester. Parents/guardians will be required to come to the school for a conference with the Truancy Team and the truancy officer of the student's local school district will again be notified.
- Level 6: Upon reaching the seventh unexcused absence, parents/guardians will be required to come to the school for a conference with the Truancy Team and the truancy officer of the student's local school district will again be notified. Expulsion proceedings will be initiated. Special education students will be considered truant and a referral will be made to their local school district.

No more than one level of truancy will be issued per week.

Parent conference requirement: After the fourth unexcused absence within an academic year the parents/guardians will have a conference with the Truancy Team.

Consequences of truancy: Issuance of truancy notices, restriction of email and/or computer use, synchronous program participation. Students are not granted the opportunity to submit work missed during unexcused absences. Students illegally absent (not submitting work) for 10 or more consecutive school days may be removed from the school's roster per state law (22 Pa. Code 11.24).

*Achievement House Cyber Charter School<sup>107</sup>*

Attendance submission: Students are required to log on (to the Learning Management System) every school day, Monday through Friday with exceptions for scheduled days off according to the school calendar. Students must simply log in at any time during the school day, for no set amount of time, for attendance to be counted.

Absences: Legal excused absences are set forth in Chapter 11 of Title 22 of the Pennsylvania Code (including, without limitation, 22 Pa. Code §§ 11.21-11.28) Such legal excused absences constitute valid excuses for absence of a student from AHCCS, provided satisfactory evidence or documentation is submitted to AHCCS's attendance office within 3 days of such absence through fax, email or mail. Any student missing more than three consecutive school days due to illness or injury requires a note from a physician. (22 Pa. Code § 11.25)

Any student that accumulates the equivalent of 15 school days of absence will require a signed physician excuse faxed, mailed or emailed to the AHCCS office directly from the doctor's office for any further absence to be excused. Financial responsibility in fulfilling the medical excuse requirement remains with the parent. A school and family meeting will also be held to discuss the child's continued enrollment at AHCCS. Any student that accumulates the equivalent of 30 excused days of absence may be subject to a hearing with the AHCCS administrator at one of the AHCCS offices to determine if the

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<sup>107</sup> [http://www.achievementcharter.com/wp-content/uploads/2013/01/Parent-Student-Handbook\\_1415\\_v2.pdf](http://www.achievementcharter.com/wp-content/uploads/2013/01/Parent-Student-Handbook_1415_v2.pdf).



student should continue in the program. The student's parent/guardian must present a valid excuse within 3 days of the student's return from an absence.

Unlawful absence: Truancy, including the following absences due to: lack of transportation; trips not approved in advance; shopping; birthday or other celebration; hunting, fishing, attending ball games or sporting events; gainful employment; sleeping in; and/or any other reason not listed in the Excused Absences section.

Truancy notice details: A student is considered truant after three or more cumulative unlawful absences. After 15 unexcused absences, the parent/guardian of the truant student will be required to attend a joint school/family meeting. For 10 or more consecutive unexcused absences, the student will be placed on the active Student Support Plan to address the truancy as outlined below or will be removed from the active membership rolls.

Achievement House has developed the Student Support Plan to support the whole child including truancy elimination and is a means to work strategically to reduce the incidence of truancy. Teachers, mentors and the school attendance office are the first line of defense for compulsory attendance, as they are the first to recognize students with possible attendance issues. Therefore, teachers and mentors should implement a plan of action including, but not limited to:

- Sharing and reviewing school policy on attendance and student responsibilities with students and families;
- Contacting the student's parent/guardian upon their absence;
- Meeting individually with students to discuss reason(s) for absence;
- Following up with the grade-level principal;
- Making referrals to guidance counselors; and
- Collaborating with Student Assistance Planning team as appropriate.

The Achievement House Attendance Office will notify the parent/guardian regarding the need for a joint conference upon the fourth unlawful student absence.

Parent conference requirement: When a child demonstrates truant behavior, a school/family conference will be set up to discuss the cause of the child's truancy and develop a mutually agreed upon Student Support Plan to resolve truant behavior.

Consequences of truancy: The policy suggests that there are legal ramifications to truancy but only addresses that it will ensure the student and parent are aware of such consequences.

*Achieving Community Transformation Academy*<sup>108</sup>

Attendance submission: Learning Coaches are expected to record attendance in Connexus, an education website, daily. Once a Learning Coach has entered and saved hours of attendance in Connexus, he or she is not able to edit the student's attendance. Teachers also verify attendance records on a regular basis and may change an attendance status if there is insufficient evidence to verify attendance, and/or if they are unable to determine if a student was participating in learning. In reviewing attendance documentation, teachers must determine that each student has met or exceeded the required amount of instructional time stipulated by each state's regulations.

Absences: Absences that are not approved by the school will be considered unexcused. Students may be referred to the Court of Common Pleas/Family Court of Philadelphia and/or withdrawn from school for truancy if they have excessive unexcused absences. If a student misses more than three (3) consecutive school days, the Learning Coach or Caretaker must send a written note or WebMail message to the student's teacher(s) documenting the health issue. The school may also require a doctor's note for absences of more than three consecutive days.

Truancy notice details: Students who fail to meet legal attendance requirements, including reported attendance, required contact with teachers, submission of assessments, and documentation of lesson completion may be considered truant, and the school may institute truancy proceedings, or otherwise report the student to the appropriate authorities, as is consistent with the law of the Commonwealth of Pennsylvania. If a teacher has concerns about the validity of a student's attendance records, he or she will contact the school's designated attendance coordinator for further assistance.

Parent conference requirement: When students are in "Approaching Alarm" or "Alarm" status, teachers will notify the families of their concerns, help the family understand why the student is in that status, and make every effort to work with the student and family to ensure the student returns to "On Track" status as soon as possible. There is no mention of a conference requirement

Consequences of truancy: The school may institute truancy proceedings, or otherwise report the student to the appropriate authorities

*Agora Cyber Charter School*<sup>109</sup>

Attendance submission: Each student begins their school year as a "Synchronous Learner" where participation in live sessions and within coursework each school day is required to be considered present. However, the Asynchronous path is an option, based on what is best for the individual learner, where students will just need to log-in to courses each school day to be counted present.

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<sup>108</sup> <http://actacademy.wpengine.com/wp-content/uploads/2014/07/ACTUpdated-Handbook2014-2015a.pdf>.

<sup>109</sup> [http://www.agoraeagles.org/uploads/2/2/4/6/22462382/student\\_handbook\\_sy\\_14-15\\_.pdf](http://www.agoraeagles.org/uploads/2/2/4/6/22462382/student_handbook_sy_14-15_.pdf).  
<http://www.agoraeagles.org/attendance.html>.

Absence definition: A parent/guardian must submit a written explanation or medical excuse to the Attendance Office and the Homeroom Teacher through e-mail within 3 days. A maximum of ten days absent verified by parental notification are allowed per year. After this an excuse from a physician or ticket of technical difficulties is required.

Truancy notice details: A student will be considered truant after three unexcused absences. All cases will be reported to the student's home school district. Once notified, the local district maintains 100 percent discretion to pursue truancy fines or court action.

Consequences of truancy: A student with 10 consecutive unexcused absences may be withdrawn from school rolls.

Remediation program: A review of engagement level will be conducted every 30 days. Students who are identified as low engaged will be required to attend a virtual re-engagement session. Low engaged students must also participate in all other actions and activities as determined by the family coach and the engagement team. Students who fail to attend the reengagement sessions with the family coach after two attempts will be required to participate in a home visit by the family coach within 48 hours of the invitation of the family coach. Students who fail to follow the reengagement plans and opportunities offered by the family coach and the engagement team and are still low engaged after a second 30-day period may be placed on a Formal Engagement Plan and/or invited to an Engagement Hearing by the Engagement Administrator. At this meeting the team will determine the appropriate response to the student's low engagement. Responses include, but are not limited to, the use of additional resources, structured engagement plans for the student to follow, and, when deemed necessary by the team, withdrawal from the school and a return to the home district.

*ASPIRA Bilingual Cyber Charter School (ABCCS)<sup>110</sup>*

Attendance submission: Each student must log in each school day as listed on calendar and remain current with all assignments.

Unexcused absence definition: One unexcused absence is incurred if a student does not log in to school and the parent does not submit a valid excuse within 48 hours. If no excuse is provided or it is deemed illegal then it will be documented as such.

Truancy notice details:

- Level 1: Upon the first unexcused absence the student and parent/guardian will receive a phone call, or email to notify them of the first unexcused absence from ABCCS. The legal penalties established by law for violation of compulsory attendance requirements will be discussed in the phone call.

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<sup>110</sup> Copies of the policy and forms for ASPIRA are on file at the offices of the Joint State Government Commission.

- Level 2: Upon the second unexcused absence the student and parent/guardian will receive a second notice of unexcused absence from ABCCS via a letter home, email or call. Once again, the legal penalties established by law for violation of compulsory attendance requirements shall be discussed.
- Level 3: Upon the third unexcused absence, parent/guardian will receive notice by mail providing “official notice of child’s third illegal absence” (C-31 Letter). Attached to this notice will be penalties for violation of compulsory attendance requirements as they pertain to both the student and the parent/guardian. The information states that three days after giving such notice, the student or parent/guardian who again violates the compulsory attendance requirements shall be liable without further notice. ABCCS must report to the student’s school district of residence when a student has accrued three or more days of unexcused absences.
- Level 4: Upon the fifth or subsequent unexcused absence, at any point within the school year, an official notice of unexcused absence will be sent home asking the parents to come in to work on a Truancy Elimination Plan and the child will be referred to RTI-Tier I. If the parent is not able to be reached, the Truancy Liaison will conduct a home visit. The purpose of this correspondence is to inform the child’s parent/guardian that the child has again violated the compulsory attendance requirements set forth by the Pennsylvania Department of Education. ABCCS will advise the parent/guardian that a citation can be sent to the magisterial district judge by their school district. After this step, the school is not obligated to inform parents in writing of absences; however, the school will continue to call the parent/guardian to inform them of additional truant behavior.
- Level 5: Upon the tenth or subsequent unexcused absence, the child will be reported to the District Attorney’s Office and will be dropped from roll. The child and parents must come in to re-instate the student; if not, the child will be referred to Truancy Court or DHS. If the child is six years of age or in grades 1-3 and has ten or more illegal absences, the parent may be referred to the Department of Human Services. If the child is in grades 4-12 and is under the age of 17, the parent may be referred to Truancy Court.

Parent conference requirement: After the fifth unexcused absence parents will be asked to come in to work on a Truancy Elimination Plan.

Consequences of truancy: After the 10th unexcused absence, the child will be reported to the District Attorney’s office, will be dropped from the schools roll’s and be referred back to their home district if of compulsory age.

Remediation program: Truancy Elimination Plan

Attendance submission: A student will log in to each course daily to the extent necessary for that student to maintain pace (the schedule for the course). Attendance shall be defined as a student logging onto their respective learning management system, LMS, at least once per school day as outlined by the school's calendar.

Unexcused absence definition: Students who are absent must submit an excuse, otherwise the absence will be considered unlawful. The following are acceptable excuses for absence: illness, quarantine, recovery from accident, death in family, family educational trips, educational tours and trips, religious instruction, failure of internet connection or power, computer/technology failure. A maximum amount of 10 excused absences may be excused through written documentation by the parent. Beyond the 10 days an excuse from a physician is required.

Truancy notice details:

- First unlawful offense: Facilitator will contact both parent and student via email noting the concern of the absence and need to be online.
- Second unlawful offense: Facilitator will call parent discussing concern and potential actions as result of truancy.
- Third unlawful offense: Facilitator will send certified letter with notification of intent to turn over absences for truancy to home school district. Secretary will send letter to home school district stating days missed as per Pennsylvania law. Facilitator and Guidance Counselor will schedule a mandatory phone conference to discuss child's truancy.
- Fourth unlawful offense (children under 17 years of age): As per PDE regulations, the local county children and youth agency will be contacted.

Consequences of truancy: Students of compulsory and non-compulsory attendance age who do not log in to courses for 10 consecutive school days may, thereafter, be removed from the school's active membership by a written request by the school principal, unless the school has been provided with evidence that the absence may be legally excused. The principal must inform the student's parents or guardians by registered or certified letter that the student is no longer enrolled in the Central Pennsylvania Digital Learning Foundation.

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<sup>111</sup> <http://www.cpdf.org/Page/217>.

*Commonwealth Connections Academy (CCA)*<sup>112</sup>

Attendance submission: Learning Coaches record each student's hours of schooling that occurred. The school must verify that the records are accurate. Parents should enter attendance daily when possible, but must enter weekly. CCA has four attendance statuses at all times: on-track, approaching alarm, alarm, or exempt.

Unexcused absence definition: Students are considered absent if they miss a day's worth of school hours in a week. Proper parental documentation must be provided in this case.

Truancy notice details: If a student accumulates more than three unlawful absences, CCA is required to work with the family to create a Truancy Elimination Plan. If this persists then CCA will contact the student's District of Residence who may in turn contact the Districts Magistrate to pursue a truancy hearing

Consequences of truancy: The student may be dismissed from the school's rolls, and will be referred to their home district who may deal with the District Magistrate to pursue a truancy hearing.

Remediation program: Truancy Elimination Plan

*Education Plus Academy*<sup>113</sup>

Attendance submission: Students must log in to the school website, participate in online instructional sessions and instructional activities at a learning center, work independently on projects and assignments, work in one or more of our online curriculum platforms and other means where students work and/or participation can be verified.

Unexcused absence definition: Any school day on which a student has not participated in approved instructional activities and that is not determined to be a legal or excused absence will be considered an illegal or unexcused absence. Absences of a student from Education Plus Academy will be marked as excused provided that a written notice from the parent or guardian is received at the school office within 3 days of the absence and the reason falls within the valid reasons listed in the school code.

Truancy notice details: After three consecutive unexcused absences, the Attendance Coordinator will contact the parent/guardian via telephone and/or letter, and inform the parent that additional unexcused absences will result in parent conference with an administrator to discuss truancy and a plan. The school district of residence will also be notified that the student is truant.

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<sup>112</sup> Copies of the policy and forms for Commonwealth Connections are on file at the offices of the Joint State Government Commission.

<sup>113</sup><http://edpluscharter.org/wp-content/uploads/2015/02/PARENT-STUDENT-HANDBOOK-02172015.pdf>.

Parent conference requirement: After three consecutive unexcused absences.

Consequences of truancy: When approaching 10 consecutive unexcused absences, students will be enrolled in a Truancy Elimination Plan. If they do not comply, they may be withdrawn from the school and will be referred to the school district of residence's truancy officer for legal proceedings. After 15 cumulative unexcused absences, the Attendance Coordinator will contact the parent/guardian via telephone and/or letter, notifying them that the student's absences were unexcused and will schedule a meeting with an administrative team to discuss an alternative educational environment that would better meet the student's academic needs.

Remediation program: Truancy Elimination Plan or alternative educational environments.

*Esperanza Cyber Charter School (ECCS) <sup>114</sup>*

Attendance submission: Students must log into their online account and actively participate in their classes. Students logged in for an inadequate period of time (fewer than 4 hours) will be monitored by ECCS and communication with the home will be initiated. Participation is counted as engaging in daily online lesson activities, communicating with their teacher, participating in class activities (synchronous or asynchronous), or attending other scheduled academic events. If a student does not attend the Learning Center on a day that the center is open, the student can still log in, actively participate, and be counted as present for the day.

Unexcused absence definition: Failure to log in to virtual classes on a daily basis will be counted as an absence. The student will be marked as "unexcused" unless ECCS is notified by a parent or guardian.

Truancy notice details: After three consecutive unexcused absences the school may report the student as truant and exercise additional disciplinary measures. An e-mail is sent to the Cyber Charter representative at each corresponding district of residence to alert them

Parent conference requirement: The parent/guardian of a student who has missed 10 or more days from a semester (or 20 days from a yearlong course) must meet with an administrator to provide further explanation and possibly documentation for the excessive absences.

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<sup>114</sup> Information received via electronic mail and retained in the offices of the Joint State Government Commission.

Attendance submission: Students must log in to the MySchool portal each day school is in session according to the calendar. Students must attend all assigned live class sessions and must maintain adequate and consistent progress in coursework.

Unexcused absence definition: Failure to attend a class session for any given subject area will result in an unexcused absence for the individual course session unless a valid excuse is provided to the Attendance Department within three calendar days. Students who miss more than 10 minutes of a class period may be marked as absent for the individual class at the teacher's discretion. An accumulation of five unexcused absences from any scheduled live session will equal one unlawful absence. This may be a combination of any virtual or blended courses.

Truancy notice details: Truant students outside of compulsory age will be addressed through PA Cyber's Code of Conduct requiring progressive disciplinary measures to be taken. Students outside of compulsory age must be dropped from the active membership roll after 10 consecutive unexcused absences have accrued.

Parent conference requirement: If a student becomes truant there will be a mandatory school- family conference.

Consequences of truancy: The laws of the Commonwealth of Pennsylvania provide for a \$300 per day fine and allow the court to impose educational parenting classes and community service sentences upon parents of a truant student who do not show they took reasonable steps to ensure the student's school attendance. It provides that the parent and student must appear at a hearing before the Magisterial District Judge. This law also provides that truant students can lose their driver's license for 90 days for a first offense and six months for a second offense. Additionally, students under the age of 13 shall be referred to a county children and youth agency for possible disposition as a dependent child. The Magisterial District Judge has the ability to suspend all or portions of a sentence if the child is no longer habitually truant

Remediation program: A Truancy Elimination Plan is a school-family conference used to address chronic absences and/or academic difficulties. Students can be recommended for a TEP by the Supervisor of Attendance, teacher or other school staff. Issues addressed will include, but are not limited to: appropriateness of the student's educational environment, possible elements of the school environment that inhibit student success, student's current academic level and needs, social, emotional, physical, mental and behavioral health issues, issues concerning family and home environment, and any other problems affecting the student's success. TEP meetings are an important step for the student's continued success; therefore, cooperation and participation by student and parent/guardian is mandatory.

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<sup>115</sup> Information received via electronic mail and retained in the offices of the Joint State Government Commission.



Attendance submission: Under the supervision of their parent, students must log into each scheduled course daily, complete and submit assignments as outlined in the student's course calendar.

Absence definition: Parents are responsible for providing PDLCS with written verification of the reason for an absence within three days of such absence. A partial day of absence is considered a day of absence from school requiring documentation to be submitted by the parent to PDLCS. A maximum of ten days of cumulative lawful absences verified by parental notification may be permitted during a school year. All absences beyond ten cumulative days require an excuse from a physician.

Unexcused absences: Any day that the student has not logged in to PDLCS that is not determined to be legal or excused will be considered as an unexcused/illegal absence. The following reasons for absences are illegal and unexcused in accordance with the Pennsylvania state attendance laws: truancy, lack of transportation, trips not approved in advance, shopping, birthday or other celebration, hunting, fishing, attending ball games or sporting events, gainful employment, sleeping in, babysitting, or any other reason not listed in the Excused Absences section.

Truancy notice details:

- All absences – reported to parents using an automated phone reporting system.
- Excused absence form – parents submit an Excused Absence Form or Medical Excuse within 3 days.
- Absence – when no Excused Absence Form or Medical Excuse Form is received after 3 days.
  - 1st unexcused absence – reported to parents via the school email system.
  - 2nd unexcused absence – reported to parents via the school email system and by telephone.
  - 3rd unexcused absence – three-day truancy letter sent to the parent and home school district.
  - 4th unexcused absence – TEP is developed and mailed to the home school district. Children and Youth Services notified for students under the age of thirteen.

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<sup>116</sup> <http://www.padistance.org/Offmenu/Attendance-Policy-Reminder.html>

- 5th – 9th unexcused absence after the TEP is in place – documented on the TEP, reported to the parents via the school email system and telephone.
- 10th unexcused absence after the TEP is in place – A letter is mailed to the parent and home school district stating the student will be dropped from the active membership of PDLCS and must report to home school district.

Consequences of truancy: Students with more than 20 absences in one school year may be prohibited from progressing to the next grade level.

Remediation program: Family Involvement Specialists are responsible for enforcing, tracking and reporting attendance, as well as developing Truancy Elimination Plans (TEP) to aid families in complying with public cyber-charter school regulations. TEPs will be written for students 1) with more than twenty days of absence in school, 2) who chronically fail to complete daily lessons, 3) who fail to make progress in a course, and/or 4) with course grades below 60%. Parents and home school districts will be provided the TEP outlining the requirements for the student to attend a daily live check-in session for 10 consecutive days and completion of all required coursework for 10 consecutive days.

*PA Leadership Charter School (PALCS)<sup>117</sup>*

Attendance submission: Log in each school day listed on the academic calendar and remain current with all assignments

Unexcused absence definition: One unexcused absence is incurred by the student not logging in to school and parent not submitting a valid excuse within three days of student returning to school. Any missed day of logging in to school that is not deemed legal or excused will be documented as unexcused/illegal. If a student’s parent/guardian does not present a valid excuse within three days of student returning to school, the school administration may contact the parent/guardian to inform him/her of the absence and the need to submit a valid excuse. Failure to submit a valid excuse will result in the absence being classified as an unexcused missed day. Failure to submit a valid excuse within three days of returning to school will result in the absence being classified as an unexcused missed day. A violation of the attendance policy is considered a violation of the Student Behavior Code. The student will then be subject to disciplinary action and/or loss of privileges.

Truancy notice details:

- Upon the first, second, and third unexcused missed days, the student and parent/guardian will receive a phone call with the opportunity for the parent/guardian to reply with an excuse for consideration.

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<sup>117</sup> <http://www.palcs.org/handbook.pdf>

- First unlawful absence: Student and parent/guardian will receive a phone call and letter notifying them of the absence. The legal penalties established by law for violation of compulsory attendance requirement will be attached.
- Second unlawful absence: A second notice will be given
- Third unlawful absence: Parent/guardian will receive notice by mail providing an official notice of third illegal absence with attached penalties for violation for both student and guardian. The information states that three days after giving such notice, the student or parent/guardian who again violates the compulsory attendance requirements shall be liable without further notice. The student's school district of residence will be notified
- Fourth unlawful absence: Upon the fourth subsequent unlawful absence, at any point within the school year, an official notice of unlawful absence will be sent home. The purpose of this correspondence is to inform the child's parent/guardian that the child has again violated the compulsory attendance requirements set forth by the Pennsylvania Department of Education. PALCS will advise the parent/guardian that a citation can be sent to the magisterial district judge by their school district. After this step, the school is not obligated to inform parents in writing of absences; however, the school will continue to call the parent/guardian to inform them of additional truant behavior. PALCS will refer all future incidents of truancy directly to the school district of residence.

Parent conference requirement: For continued truancy, PALCS shall coordinate a school/family conference to discuss the cause of the child's truancy and develop a mutually agreed upon TEP to resolve truant behavior

Consequences of truancy: If truancy continues then the school districts are encouraged to file citations with the local magisterial district judge citing the child's continued truancy on a weekly basis. The district will be notified for every absence thereafter. Those students who have not complied with compulsory attendance requirement and are consistently truant may be withdrawn from PALCS and referred back to their school district of residence. PALCS administration, however, reserves the right to refer any student with a pattern of truancy to the PALCS C.A.R.E. Team.

Remediation program: Referral to the C.A.R.E Team or a Truancy Elimination Plan.

*PA Virtual Charter School*<sup>118</sup>

Attendance submission: Students must log in to Blackboard, an education website, each day that school is in session, or will be marked absent.

Absence definition: The following are valid excuses, provided that the proper documentation is given: death in the immediate family, medical or dental appointments, illness or injury, quarantine, court or administrative proceedings, observance of a religious holiday, educational opportunities or family educational trips.

Truancy notice details: If a student is absent without an excuse, the student could be considered truant. PA Virtual is required to report instances of truancy to the student's school district of residence whenever the student has three days of unexcused absences. For ten consecutive days, the school must remove the student from the active membership roll or show pursuit of compulsory attendance prosecution.

Parent conference requirement: Will be notified upon the third unexcused absence that a joint conference is needed.

Consequences of truancy: The student may be removed from the schools rolls for ten consecutive unexcused absences.

Remediation program: Truancy Elimination Plan.

*SusQ-Cyber Charter School*<sup>119</sup>

Attendance submission: Each student must log in to homeroom and submit work every day, as well as attend all live class sessions each week.

Unexcused absence definition: Any day that the student has not logged in and the failure to do so is not determined to be legal or excused will be considered an unexcused absence. The following reasons for absences are illegal and unexcused: truancy, lack of transportation, educational trips not approved in advance, shopping, birthday or other celebration, hunting, fishing, or attending sporting events, gainful employment, sleeping in, babysitting, or any other reason not listed in the Excused Absences section. The student's parent/guardian must present a valid excuse within three school days of the student's return from an absence otherwise it becomes illegal.

Truancy notice details: For those under 17, after three unexcused absences a truancy notice is sent to the parent/guardian and the home school district. If, after the first notice, the student is Illegal for three more days a certified truancy letter will be sent to the parent and the student's home school district. If, after attending a Truancy Elimination Plan, the student continues to be unexcused for ten consecutive days, he/she may be removed from the Charter School and the student's home school district will be notified. If, after attending

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<sup>118</sup> <http://www.pavcsk12.org/about-us/attendance-101/>

<sup>119</sup> [http://www.susqcyber.org/sites/default/files/Student\\_Handbook.pdf](http://www.susqcyber.org/sites/default/files/Student_Handbook.pdf)

a Truancy Elimination Plan, the student continues to be illegally absent for ten or more consecutive school days, he/she may be removed from the Charter School's rolls per state law.<sup>120</sup>

Parent conference requirement: After three unexcused absences the student must attend a mandatory TEP meeting.

Consequences of truancy: Removal from the Charter School's rolls.

Remediation program: Truancy Elimination Plan. Issues addressed should include but not be limited to: Appropriateness of the student's educational environment, Possible elements of the school environment that inhibit student success, Student's current academic level and needs, Social, emotional, physical, mental and behavioral health issues, Issues concerning family and home environment, Any other issues affecting the student's success. These are important meetings for the student's continued success therefore the attendance by student and parent/guardian is mandatory. If it is deemed necessary by administration, a meeting with student, parent/guardian, administration and a member of the Board of Trustees may be required.

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<sup>120</sup> 22 Pa.Code § 11.24.



## PROPOSED LEGISLATION

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Amending the act of March 10, 1949 (P.L.30, No.14), entitled “An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,” in pupils and attendance, further providing for definitions, for penalties for violation of compulsory attendance requirements, and for powers and duties of charter schools.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1326 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended to read:

Section 1326. Definitions.--[The term “compulsory school age,” as hereinafter used, shall mean the period of a child's life from the time the child's parents elect to have the child enter school, which shall be not later than at the age of eight (8) years, until the age of seventeen (17) years. The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

The term “migratory child,” wherever used in this subdivision of this article, shall include any child domiciled temporarily in any school district for the purpose of seasonal employment, but not acquiring residence therein, and any child accompanying his parent or guardian who is so domiciled.]

The following words and phrases when used in this Article XIII shall have the meanings given to them in this section:

“Citation” shall mean a non-traffic citation or private criminal complaint.

“Compulsory school age” shall mean the period of a child's life between the age six (6) and until the age of seventeen (17). A child reaching six (6) years of age after September 1 of any calendar year is not compelled to attend school until the following school year. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved senior high school. A compulsory school age of eight (8) years of age until seventeen (17) years of age shall continue to apply to a student enrolled in a home education program under section 1327.1 or to a student whose parent or guardian files a notice with the superintendent of the school district of residence of the intention to enroll the student in a home education program under section 1327.1.

“Conviction” shall mean a conviction under section 1333, 1333.1, 1333.2 or 1333.3 for violation of the requirement for compulsory school attendance.

“Court” shall mean a magisterial district court or a court of common pleas.

“Excused absence” shall mean an absence from school which is permitted under section 1329.

“Habitually truant” shall mean an unexcused absence for six (6) or more days during the current school year by a child subject to compulsory school attendance.

“Judge” shall mean a magisterial district judge or a judge of a court of common pleas.

“Juvenile act” shall mean the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

“Migratory child” shall mean a child domiciled temporarily in a school district for the purpose of seasonal employment, but not acquiring residence therein, and a child accompanying his or her person in parental relation who is so domiciled.



“Offense” shall mean each citation filed under section 1333, 1333.1, 1333.2 or 1333.3 for a violation of the requirement for compulsory school attendance regardless of the number of unexcused absences averred therein.

“Person in parental relation” shall mean a:

(1) Biological or adoptive parent.

(2) Noncustodial biological or adoptive parent.

(3) Guardian of the person of the child.

(4) Person with whom the child lives and who is acting in a parental role of a child of compulsory school age.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302 (relating to definitions). This definition shall not expand the right of a child under any other section of this act.

“School” shall mean the educational entity in which the child is enrolled.

“School attendance improvement conference” shall mean a conference consisting of the child, the child’s person in parental relation, other individuals identified by the person in parental relation who may be a resource, appropriate school personnel and recommended service providers where the child's absences and reasons therefore are examined in an effort to improve attendance, with or without additional services.

“School day” shall mean the length of time that a child subject to compulsory attendance is expected to be receiving instruction during a calendar day. The school board of the school district or the charter school shall determine the length of the school day and

shall establish a policy defining how portions of a school day can be accumulated to determine the equivalent of a school day.

“School year” shall have the same meaning as “school year” or school term as used in section 102, as applicable to the particular school district in question, and as further defined in section 1327(b) for parochial schools, section 1327.1(c) for home education programs, sections 1501 and 1504 for all public schools, section 1715-A(9) for charter schools and section 1749-A(a)(1) for cyber charter schools.

“Truant” shall mean unexcused absences of three (3) or more school days during the current school year by a child subject to compulsory school attendance.

“Unexcused absence” shall mean an absence from school which is not permitted by the provisions of section 1329 and where an approved explanation has not been submitted within the time period and in the manner prescribed by the local school board. An out-of-school suspension may not be considered an unexcused absence.

#### **COMMENT TO SECTION 1326**

**The phrase “The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school” in the definition of “compulsory school age” has been augmented. The phrase appears to mean that a person who holds a high school diploma is exempt from compulsory school attendance, which makes imminent sense. However, only private academic schools are “accredited” and that is optional for the school. Private academic schools must be licensed in Pennsylvania, while religious schools must be registered. Charter and cyber charter schools must be approved.**

**The definition of “school day” was revised to acknowledge that cyber charter schools measure hours differently due to the nature of online education, and may have students from dozens of school districts, each with their own definitions. Brick and mortar charter schools also encounter this to a lesser degree. See new Section 1327.2.**

Section 2. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a new section 1327.2 to read:

Section 1327.2. Attendance Policy at Charter and Cyber Charter Schools.--

(1) Each charter and cyber charter school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a charter or cyber charter school has an unexcused absence, which may differ from the policy of the home school district of the child. Such policies must conform to the provisions of this act governing compulsory attendance.

(2) The department shall promulgate guidelines setting forth alternative methods of calculating unexcused absences for the purposes of determining whether a child enrolled in a cyber charter school has an unexcused absence.

Section 2. Section 1332 of the act, amended January 14, 1970, (1969 P.L.468, No.192), is amended to read:

Section 1332. Reports of Enrollments; Attendance and Withdrawals; Public and Private Schools.--Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the

board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse. Charter and cyber charter schools shall report unexcused absences directly to the Department of Education, pursuant to policies and guidelines established under section 1327.2.

Section 3. Section 1333 of the act, amended November 17, 1995 (1st Sp.Sess., P.L.1110, No.29), is amended to read:

Section 1333. [Penalties for Violation of Compulsory Attendance Requirements--

(a)(1) Every parent, guardian, or person in parental relation, having control or charge of any child or children of compulsory school age, who shall fail to comply with the provisions of this act regarding compulsory attendance, shall on summary conviction thereof, be sentenced to pay a fine, for the benefit of the school district in which such offending person resides, not exceeding three hundred dollars (\$300) and to pay court costs or be sentenced to complete a parenting education program offered and operated by a local school district, medical institution or other community resources, and, in default of the payment of such fine and costs or completion of the parenting program by the person so offending, shall be sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may

appeal to the court of common pleas of the proper county, upon entering into a recognizance, with one or more proper sureties, in double the amount of penalty and costs. Before any proceedings are instituted against any parent, guardian, or person in parental relation, for failure to comply with the provisions of this act, the district superintendent, attendance officer, or secretary of the board of school directors, shall give the offending person three (3) days' written notice of such violation. If, after such notice has been given, the provisions of this act regarding compulsory attendance are again violated by the persons so notified, at any time during the term of compulsory attendance, such person, so again offending, shall be liable under the provisions of this section without further notice.

(2) The child and every parent, guardian or person in parental relation must appear at a hearing established by the district justice. If the parent, guardian or person in parental relation charged with a summary offense under this subsection shows that he or she took every reasonable step to insure attendance of the child at school, he or she shall not be convicted of the summary offense.

(3) Upon a summary conviction, the district justice may suspend, in whole or in part, a sentence in which a parent, guardian or person in parental relation is summoned to pay as required under this section: Provided, That the child no longer is habitually truant from school without justification.

(4) In lieu of or in addition to any other sentence imposed under this section, the district justice may order the parent, guardian or person in parental relation to perform community service in the school district in which the offending child resides for a period not to exceed six (6) months.

(b) (1) If the parent, guardian or person in parental relation is not convicted of a summary offense because he or she took every reasonable step to insure attendance of the child at school, a child of compulsory school age who has attained the age of thirteen (13) years and fails to comply with the provisions of this act regarding compulsory attendance or who is habitually truant from school without justification commits a summary offense and except as provided in clause (4) shall, upon conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300) for each offense for the benefit of the school district in which such offending child resides or shall be assigned to an adjudication alternative program pursuant to 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(2) For any child who has attained the age of thirteen (13) years who fails to pay the fine under clause (1) or to comply with the adjudication alternative program, the district justice may allege the child to be dependent under 42 Pa.C.S. § 6303(a) (1) (relating to scope of chapter). The failure by the child to pay a fine or comply with the adjudication alternative program shall not constitute a delinquent act under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(3) Upon a summary conviction or assignment to an adjudication alternative program, the district justice may suspend, in whole or in part, a sentence or an adjudication alternative program in which a child who has attained the age of thirteen (13) years must pay or comply with the adjudication alternative program: Provided, That the child no longer is habitually truant from school without justification.

(4) Any child who has not attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions of this act and is habitually truant

shall be referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302 (relating to definitions). Any child who has attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions of this act and is habitually truant may, in lieu of a prosecution under clause (1), be referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302.

(5) The following words, when used in this subsection, shall have the following meaning, except where the context clearly indicates or requires a different meaning:

“Community resources” shall mean those agencies and services for children and youth provided by the juvenile court, the county, the Department of Health, the Department of Public Welfare and other public or private institutions.

“District justice” shall mean such court as the court of common pleas shall direct in counties not having district judges.

“Habitually truant” shall mean absence for more than three (3) school days or their equivalent following the first notice of truancy given under section 1354. A person may be habitually truant after such notice.

“Offense” shall mean each citation which goes before a district justice or court of common pleas.

“Person in parental relation” shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302 (relating to definitions).

(c) If a child is convicted for a violation of this section, the court, including a court not of record, shall send to the Department of Transportation a certified record of the conviction or other disposition on a form prescribed by the department.

(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.] Procedure When Child is Truant.--

(a) Notice.--

(1) When a child is truant the school shall notify the person in parental relation with the child who resides in the same household as the child in writing of the child's violation of compulsory school attendance within 10 days of the child's third unexcused absence. The notice shall include a description of the consequences that will follow if the child becomes habitually truant.

(2) The notice shall be in a form and use language that would be considered reasonably understandable by the person in parental relation.

(3) The notice may include the offer of a school attendance improvement conference involving the child and the person in parental relation.

(4) If the individual receiving notification under subsection (a)(1) and (a)(3) is not the biological or adoptive parent, written notice shall also be provided to the child's biological or adoptive parents if their mailing addresses are on file with the school and they are not precluded to receive the information by some other court order.

(b) School attendance improvement conference.--

(1) If unexcused absences continue after the school has issued the notice under subsection (a), the school shall then offer a school attendance improvement conference



to the child and person in parental relation with the child who resides in the same household as the child unless previously held following the notice provided in subsection (a)(3).

(2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially in compliance with the form developed by the department.

(3) This provision does not place a legal requirement upon the child or person in parental relation to attend the conference.

(4) If a school attendance improvement conference is agreed to, further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled conference has passed.

Section 4. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding new sections 1333.1, 1333.2 and 1333.3 to read:

Section 1333.1. Procedure By School When Child Habitually Truant.

(a) Child under the age of thirteen (13).--When a child is habitually truant and the child is under the age of thirteen (13) years at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A community-based program or service.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate magisterial district judge against the person in parental relation with the child who resides in the same household as the child. In all cases, jurisdiction shall be based on the residence of the child.

(b) Child thirteen (13) years of age or older but under the age of sixteen (16)--When a child is habitually truant and thirteen (13) years of age or older but under the age of sixteen (16) at the time of referral, the school shall either:

(1) Refer the child to a community-based program or service if not previously referred as part of the school attendance improvement conference.

(2) File a citation in the office of the appropriate magisterial district judge against the child or the person in parental relation with the child who resides in the same household as the child.

(c) Child sixteen (16) years of age or older.--When a child is habitually truant and sixteen (16) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a community-based program or service.

(2) File a citation in the office of the appropriate magisterial district judge against the child or the person in parental relation with the child who resides in the same household as the child.

(d) Referral for dependency proceeding.--If a child continues to incur additional unexcused absences after being referred to community-based programs or refusing to participate in a community-based program or service as recommended through the school attendance improvement conference, a referral to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 may occur if the child is thirteen years of age or older.

(e) Verification.--When referring a case to the county children and youth agency or the magisterial district court because the child has been habitually truant, the school shall provide verification that a school attendance improvement conference was offered.

Section 1333.2. Procedure Upon Filing of Citation.

(a) Notices.--When a citation is filed against a child or a person in parental relation with the child who resides in the same household as the child under the provisions of Section 1333.1 the following notices shall be provided by the magisterial district judge:

(1) Notice of the hearing in writing to the school, the person in parental relation, the child and the county children and youth agency.

(2) Prior to commencement of the summary trial, the magisterial district judge shall notify the child or person in parental relation with the child who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(b) Burden of proof.--At the hearing the burden is upon the school to prove beyond a reasonable doubt that the child was habitually truant in noncompliance with the compulsory school attendance requirements.

(c) Affirmative defense.--If the citation is filed against the person in parental relation with the child who resides in the same household as the child, it is a defense if that person in parental relation can prove by a preponderance of the evidence that every reasonable step to ensure attendance of the child at school was taken.

(d) Additional information.--Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's

school attendance after the citation has been filed and while the proceeding is pending can be considered for the purpose of imposing a sentence.

Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements.

(a) Penalties.--A person convicted of a summary offense under sections 1333.1 and 1333.2 may be:

(1) Sentenced to pay a fine for the benefit of the school district in an amount not exceeding three hundred dollars (\$300) for each citation together with court costs.

(2) Sentenced to perform community service.

(3) Required to complete an appropriate course or program designed to improve school attendance, which has been approved by the president judge of the judicial district.

(b) Suspended sentence.--The court may suspend the sentence of a person convicted under the provisions of this sections 1333.1 and 1333.2 and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) Right to appeal.--A person convicted of a summary offense under this section by a magisterial district judge shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days after conviction. Thereafter, the appeal shall proceed as any other appeal of a summary conviction.

(d) Multiple citations.--No citation shall be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under this section against the child or the person in parental relation with the child who resides in the same household as the child

after the citation is filed and until the judgment has been entered unless a warrant has been issued for failure of that parent or child to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county's children and youth agency under this section and the agency has not closed the case.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 and the case remains under the jurisdiction of the juvenile court.

(e) Multiple convictions.--Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the provisions of compulsory school attendance in a court within this Commonwealth within a three (3) year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Failure to pay fine.--Upon the willful failure of a person to satisfy a fine or costs imposed under this section or upon willful failure to comply with a payment plan the court may, after finding that the person has the ability to pay the financial obligation imposed:

(1) In the case of a person in parental relation with the child who resides in the same household as the child, impose a period of incarceration not to exceed five (5) days.

(2) Impose community service.

(3) In the case of a child, the failure shall not be considered a delinquent act, however, the president judge of the judicial district may adopt a local policy pursuant to 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation

officer may receive allegations that the child is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g) Loss of driving privileges.--If a child is convicted of a violation of this section the following may occur:

(1) The court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation.

(2) The Department of Transportation shall suspend for ninety (90) days the operational privilege of a child upon receiving a certified record that the child was convicted of a summary offense under this section. If the Department of Transportation receives a second or subsequent conviction for a child's summary conviction under this section the department shall suspend the child's operation privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form, developed by the

Department of Transportation, containing the following information in the form of a certified record from the child's school that the child:

(i) Has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy.

(ii) Has no school disciplinary actions pending or served a disciplinary sanction during that period.

(iii) Is attending and passing all classes.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

Section 5. Section 1338.1 of the act, added November 17, 1995 (1st Sp.Sess, P.L.1110, No.29) is repealed: [Section 1338.1. Suspension of Operating Privilege.--(a) The Department of Transportation shall suspend for 90 days the operating privilege of any child upon receiving a certified record that the child was convicted of violating section 1333. If the department receives a second or subsequent conviction for a child's violation of section 1333, the department shall suspend the child's operating privilege for six months. (b) Any child whose record is received by the department under section 1333(c) and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time periods specified in subsection (a). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall

commence in accordance with 75 Pa.C.S. § 1541 (relating to period of revocation or suspension of operating privilege) for the time specified in subsection (a).

(c) An insurer may not increase premiums, impose any surcharge or rate penalty or make any driver record point assignment for automobile insurance, nor shall an insurer cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.]

Section 6. Section 1333.3 shall take effective immediately. The remainder of this act shall take effect at the start of the school year beginning nine months after the passage of this act.



**APPENDIX A:**  
**Survey of State Compulsory Attendance Laws**

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## SURVEY OF STATE COMPULSORY ATTENDANCE LAWS

### TABLE I: COMPULSORY EDUCATION

State	Min. Age	Max. Age	Exemptions			# of Unexcused Absences to Trigger Truancy Proceedings
			Incapacity <sup>121</sup>	Distance <sup>122</sup>	Working <sup>123</sup>	
Alabama	6	17	X	X	X	
Alaska	7	16	X	X		Every 5 days missed is a separate violation
Arizona	6	16	X		X	Habitually truant defined as five unexcused absences
Arkansas	5	17				Set by local school district
California	6	18			X	Three days; 10% is chronic
Colorado	6	16	X		X	Four in one month or 10 in a school year is habitually truant
Connecticut	5	17				Four in one month or 10 in a school year is truant; 20 in one year is habitually truant
Delaware	5	16	X			Three days
Florida	6	15				Five in one month or 10 in 90-day period; 15 in 90 days
Georgia	6	16	X			Five unexcused absences
Hawaii	5	17	X		X	
Idaho	7	15	X			
Illinois	7	17	X		X	5% or more of the previous 180 days
Indiana	7	17				
Iowa	6	15	X			
Kansas	7	17				Three consecutive school days or five school days in any semester or seven school days in any school year
Kentucky	6	15	X			3 or more days
Louisiana	7	17	X			5 days or 5 occurrences of tardiness
Maine	7	16			X	6 <sup>th</sup> grade or older: 10 cumulative days or 7 consecutive days Under 6 <sup>th</sup> grade: 7 cumulative days or 5 consecutive days
Maryland	5	15	X			5 days for truancy; habitual truancy is 20% or more unexcused absences
Massachusetts			X		X	7 full days or 14 half-days in 6 months; 5 days triggers notification and conference
Michigan	6	15		X		
Minnesota	7	17				7 days is habitually truant

<sup>121</sup> Physical and/or mental incapacity

<sup>122</sup> Distance from school and lack of public transportation

<sup>123</sup> Legally and regularly employed and hold a work permit

Table I continued

State	Min. Age	Max. Age	Exemptions			# of Unexcused Absences to Trigger Truancy Proceedings
			Incapacity <sup>121</sup>	Distance <sup>122</sup>	Working <sup>123</sup>	
Mississippi	6	16				12 days; 37% of school day is one day
Missouri	7	17	X		X	
Montana	7	16				9 or more days is habitually truant
Nebraska	6	17			X	20 days
Nevada	7	17	X	X		Truant 3 or more times is habitually truant
New Hampshire	6	17	X			10 (1/2 days) is habitually truant
New Jersey	6	16	X			
New Mexico	5	18				5 days is "in need of intervention"; 10 days is habitually truant
New York	6	16	X		X	
North Carolina	7	16				3 days for 1 <sup>st</sup> notice, 6 days for 2 <sup>nd</sup> notice; 10 days is habitually truant
North Dakota	7	16	X		X	3 consecutive days in a semester; 6 ½ days in a semester; 21 class periods
Ohio	6	18	X		X	10 consecutive days or 15 total days
Oklahoma	5	17	X			4 days or parts of days in a 4-week period; 10 days or parts of days in a semester
Oregon	7	18			X	8 (1/2 days) in any 4 week period
Pennsylvania	8	17	X	X	X	3 days truant; 6 days habitually truant
Rhode Island	6	17				Each unexcused absence subject to fine; 30 days missed increases fines
South Carolina	5	16	X		X	3 consecutive days or 5 days in total
South Dakota	5	17				
Tennessee	6	17	X			5 days
Texas	6	18				10 days or parts of days within a six-month period in the same school year
Utah	6	17	X			5 days
Vermont	6	15	X			
Virginia	5	17	X	X		5 days
Washington	8	17	X		X	7 days in one month or 10 days in a school year
West Virginia	6	16	X		X	5 days in one year – conference; 10 in one year, court referral
Wisconsin	6	18	X			5 days per semester is habitual truant
Wyoming	7	15	X			5 days is habitual truant

**TABLE II: ENFORCEMENT OF COMPULSORY ATTENDANCE LAWS**

	<b>Method</b>	<b>State</b>
<b>Enforcement Against Parents</b>	Fines	Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
	Incarceration	Alabama, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin, Wyoming
	Community service	Alabama, Delaware, Florida, Georgia, Iowa, Louisiana, Maine, Montana, New Mexico, North Carolina, Ohio, Pennsylvania, Texas, Washington, Wisconsin
	Deliver student to school every day	California, Delaware, Florida, Oklahoma
	Verify attendance with the school	Delaware, Maine, Oklahoma
	Meet with school officials	Delaware, Oklahoma
	Take the child to school bus stop	Delaware, Oklahoma
	Attend school with the child	Delaware, Florida, Maine, Oklahoma, West Virginia, Wisconsin
	Medical, psychological or psychiatric evaluations	Delaware
	Drug, alcohol or other substance abuse evaluations	Delaware, Oklahoma
	Take the child for evaluations	Delaware, Oklahoma
	Counseling	Florida, Maine, Wisconsin
	Parenting education program	Arkansas, Florida, Louisiana, Maine, Ohio, Pennsylvania, Tennessee, Texas
Suspension of recreational license	Louisiana	

Table II continued

<b>Enforcement Against Students</b>	Fines	California, Florida, Illinois, Pennsylvania, Wisconsin
	Community service	Arizona, Arkansas, California, Colorado, Delaware, Florida, Illinois, Texas, Washington, Wisconsin
	Revocation or denial of driving privileges	Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, West Virginia, Wisconsin
	Detention in juvenile facility	Colorado, Washington
	Loss of hunting and other licenses	Delaware
	Work permits revoked	Delaware
	Attendance at extracurricular activities and other school events prohibited	Delaware
	Curfew	Delaware, Wisconsin
	Counseling	Delaware, Florida, Illinois, Ohio, Texas, Utah, Wisconsin
	Substance abuse evaluation and treatment	Delaware, Washington
	Mental health evaluation and treatment	Delaware
	Make up all school work missed	Florida
	Attend at truancy prevention program	California, Illinois, Maryland, Ohio, South Carolina

**TABLE III:  
FINES AND IMPRISONMENT FOR TRUANCY**

State	Penalties: Parent		Penalties: Student	
	Fine	Imprisonment	Fine	Detention
Alabama	\$100	Not more than 90 days at hard labor for county		
Arizona				
Arkansas	\$500			
California	\$100 – 1 <sup>st</sup> offense \$250 – 2 <sup>nd</sup> offense \$500 – subsequent offense		\$50	
Colorado	\$25	Confinement until compliance achieved		Up to 5 days in a juvenile detention facility
Connecticut	\$25 per occurrence			
Delaware	\$25-\$300 – 1 <sup>st</sup> offense \$50-\$500 – 2 <sup>nd</sup> offense \$230-\$1,150 – subsequent offense	10 days – 1 <sup>st</sup> offense 20 days – 2 <sup>nd</sup> offense 30 days – subsequent offenses		
Florida	\$50	60 days	\$2 per day – 1 <sup>st</sup> offense \$5 per day – subsequent offense	
Georgia	\$25 to \$100	30 days		
Hawaii	\$1,000	30 days		
Idaho	\$1,000	6 months		
Illinois	\$500	30 days	\$5-\$100 for each day	
Indiana	\$1,000	180 days		
Iowa	\$100 – 1 <sup>st</sup> offense \$500 – 2 <sup>nd</sup> offense \$1,000 – subsequent offense	10 days – 1 <sup>st</sup> offense 20 days – 2 <sup>nd</sup> offense 30 day – subsequent offense		
Kansas				
Kentucky	\$100 – 1 <sup>st</sup> offense \$250 – 2 <sup>nd</sup> offense \$250 – subsequent offense	90 days - 3 <sup>rd</sup> and subsequent offense		
Louisiana	\$50 – 1 <sup>st</sup> offense \$150 – subsequent offense	30 days – 2 <sup>nd</sup> and subsequent offense		
Maine	\$250			
Maryland	\$50 – 1 <sup>st</sup> offense \$100 – subsequent offense	10 days – 1 <sup>st</sup> offense 30 days – subsequent offense		

Table III continued

State	Penalties: Parent		Penalties: Student	
	Fine	Imprisonment	Fine	Detention
Massachusetts	\$20			
Michigan	\$5-\$50	2 to 90 days		
Minnesota	\$300			
Mississippi	\$1,000	One year		
Missouri	\$300	15 days		
Montana	\$100	3 days		
Nebraska	\$500	3 months		
Nevada	\$1,000	6 months		
New Jersey	\$25 – 1 <sup>st</sup> offense \$100 – subsequent offense			
New Mexico	\$25-\$100 – 1 <sup>st</sup> offense \$500 – 2 <sup>nd</sup> offense	6 months – 2 <sup>nd</sup> and subsequent offense		
New York	\$10 – 1 <sup>st</sup> offense \$50 – subsequent offense	10 days – 1 <sup>st</sup> offense 30 days – subsequent offense		
North Carolina	As court deems appropriate	120 days jail or community service		
North Dakota	\$500 – 1 <sup>st</sup> offense \$1,000 subsequent offense	30 days - subsequent offenses		
Ohio	\$500			
Oklahoma	\$25-\$50 – 1 <sup>st</sup> offense \$50-\$100 – 2 <sup>nd</sup> offense \$100-\$250 – subsequent offense	5 days – 1 <sup>st</sup> offense 10 days – 2 <sup>nd</sup> offense 15 days – subsequent offense		
Oregon	\$500			
Pennsylvania	\$300	5 days	\$300	
Rhode Island	\$50/day \$500 if 30 days unexcused	6 months if 30 days unexcused		
South Carolina	\$50	30 days		
South Dakota	\$500 – 1 <sup>st</sup> offense \$2,000 – subsequent offense	30 days – 1 <sup>st</sup> offense One year – subsequent offense		
Tennessee	\$50	30 days		
Texas				
Utah	\$1,000	6 months		
Vermont	\$1,000			
Virginia	\$500 – 1 <sup>st</sup> offense \$1,000 – subsequent offense	6 months – 2 <sup>nd</sup> and subsequent offense		
West Virginia	\$50-\$100	5-20 days – 2 <sup>nd</sup> and subsequent offense		

Table III continued

State	Penalties: Parent		Penalties: Student	
	Fine	Imprisonment	Fine	Detention
Washington	\$25 per day missed			Up to 7 days detention in a juvenile facility
Wisconsin	\$500 – 1 <sup>st</sup> offense \$1,000 – subsequent offense If violate a municipal truancy ordinance \$50 – 1 <sup>st</sup> offense \$100 – subsequent offense	30 days – 1 <sup>st</sup> offense 90 days – subsequent offense	If violate a municipal truancy ordinance \$50 – 1 <sup>st</sup> offense \$100 – subsequent offense	
Wyoming	\$5-\$25	10 days		



**Table Sources:** Compiled by Joint State Government Commission staff from individual state statutes; Dinah Frey, “State Policy Approaches to Reducing Truancy,” Education Commission of the States, March 2011; Melodye Bush, “Compulsory School Age Requirements,” Education Commission of the States, June 2010; Dinah Frey, “Truancy and Habitual Truancy: Examples of State Definitions,” Education Commission of the States, April 2011; National Center for Education Statistics, “Table 5.1. Compulsory school attendance laws, minimum and maximum age limits for required free education, by state: 2013,” [http://nces.ed.gov/programs/statereform/tab5\\_1.asp](http://nces.ed.gov/programs/statereform/tab5_1.asp) and a survey conducted by *The Guardian* in 2014, <http://www.theguardian.com/education/2014/jun/23/-sp-school-truancy-fines-jail-parents-punishment-children>.

### State Statutory Citations:

Alabama: Ala. Code §§ 16-28-1 et seq.	Nebraska: Neb. Rev. Stat. § 79-201 et seq.
Alaska: Alaska Stat. §§ 10.30.020, 14.30.010	Nevada: Nev. Rev. Stat. § 392.040 et seq.
Arizona: Ariz. Rev. Stat. § 15-801 et seq.	New Hampshire: N.H. Rev. Stat. § 193.1 et seq.; § 189:35-a
Arkansas: Ark. Stat. § 6-18-201 et seq.	New Jersey: N.J. Rev. Stat. § 18A:38-25 et seq.
California: Calif. Educ. Code § 48200 et seq.	New Mexico: N.M. Stat. § 22-8-1 et seq.; § 22-12-1 et seq.
Colorado: Colo. Rev. Stat. § 22-33-104 et seq.	New York: N.Y. Educ. Law § 3201 et seq.
Connecticut: Conn. Gen. Stat. §10-184 et seq.	North Carolina: N.C. Gen. Stat. § 115C-378
Delaware: 14 Del. Code § 2701 et seq.	North Dakota: N.D. Cent. Code § 15.1-20-01 et seq.
Florida: Fla. Stat. § 1003.21 et seq.	Ohio: Ohio Rev. Code § 3321.01 et seq.
Georgia: Ga. Code § 20-2-690.1 et seq.	Oklahoma: Okla. Stat. § 70-10-101 et seq.
Hawaii: Haw. Rev. Stat. § 302A-1132 et seq.	Oregon: Or. Rev. Stat. § 339.010 et seq.
Idaho: Idaho Code § 33-201 et seq.	Pennsylvania: 24 P.S. § 13-1326 et seq.
Illinois: 105 Ill. Comp. Stat. 5/26-1	Rhode Island: R.I. Gen. Laws § 16-19-1 et seq.
Indiana: Ind. Code § 20-33-2-1 et seq.	South Carolina: S.C. Code § 59-65-10 et seq.
Iowa: Iowa Code § 299.1A et seq.	South Dakota: S.D. Codified Laws § 13-27-1 et seq.
Kansas: Kan. Sta. § 72-1111 et seq.	Tennessee: Ten. Code § 49-6-3001 et seq.
Kentucky: Ky. Rev. Stat. § 159.010 et seq.	Texas: Tex. Educ. Code § 25.085 et seq.;
Louisiana: La. Rev. Stat. §§ 17:221, 17:233	Tex. Fam. Code § 65.001 et seq.
Maine: Me. Rev. Stat. Title 20-A § 3271 et seq., § 5001-A et seq., § 5051-A et seq.	Utah: Utah Code § 53A-11-101 et seq.
Maryland: Md. Educ. Code, § 7-301 et seq.;	Vermont: Vt. Stat. 16 § 1121 et seq.
Code of Md. Regs. 13A08.01.03	Virginia: Va. Code § 22.1-254 et seq.
Massachusetts: Mass. Gen. Laws Ch. 76, § 1 et seq.	Washington: Wash Rev. Code § 28A.225.010 et seq.
Michigan: Mich. Comp. Laws § 380.1581 et seq.	West Virginia: W. Va. Code § 18-8-1 et seq.
Minnesota: Minn. Stat. § 120A.20 et seq., § 260C.007	Wisconsin: § 118.15 et seq.
Mississippi: Miss. Code § 37-13-80 et seq., § 97-5-39	Wyoming: Wyo. Stat. § 21-4-101 et seq.
Missouri: Mo. Rev. Stat. § 167.031 et seq.	
Montana: Mont. Code § 20-5-101 et seq.	



THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1032 Session of  
2014

INTRODUCED BY BENNINGHOFF, V. BROWN, CALTAGIRONE, D. COSTA,  
GINGRICH, GRELL, JAMES, W. KELLER, KILLION, KIM, KORTZ,  
LONGIETTI, MAHONEY, MARSICO, MURT, PAINTER, PEIFER, PICKETT,  
READSHAW, ROCK, SAYLOR, SCHLOSSBERG, THOMAS, TOOHL, WATSON,  
YOUNGBLOOD, GROVE, COHEN, HARHART AND QUINN,  
SEPTEMBER 22, 2014

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 8, 2014

A RESOLUTION

- 1 Directing the Joint State Government Commission to study, in  
2 consultation with an advisory committee, the issue of truancy  
3 and school dropout prevention in this Commonwealth.
- 4 WHEREAS, Chronic truancy and school dropout rates continue to  
5 be critical problems nationally and in this Commonwealth, and  
6 educators, parents, community leaders and policymakers at all  
7 levels of government have focused attention on the need to  
8 address the academic achievement gap and the declining high  
9 school graduation rate; and
- 10 WHEREAS, Students who have unexcused absences from school and  
11 become truant are more likely to fail to maintain academic pace  
12 with their peers and to be at risk of dropping out of school;  
13 and
- 14 WHEREAS, Research indicates that truancy is a barrier to  
15 opportunities for future employment success and contributes to  
16 involvement in drug use, daytime crime and violence; and

1 WHEREAS, Adopting court performance measures for children in  
2 foster care may provide educational stability and success; and

3 WHEREAS, Current truancy policy and laws may not apply  
4 equally to all public schools, as the enforcement standards  
5 differ for traditional school districts and for charter and  
6 cyber charter schools; and

7 WHEREAS, Current truancy penalties may need further scrutiny  
8 and revision, as penalties and practices may not be effective at  
9 curtailing truancy; and

10 WHEREAS, The current collection of truancy data may be  
11 insufficient; and

12 WHEREAS, Schools, law enforcement, parents and courts may  
13 have insufficient authority to deal with truancy issues; and

14 WHEREAS, Current detention programs for truants may not be  
15 effective; therefore be it

16 RESOLVED, That the House of Representatives direct the Joint  
17 State Government Commission to do the following:

18 (1) Conduct a comprehensive study of the issues of  
19 truancy and school dropout prevention in this Commonwealth.

20 (2) Establish an advisory committee comprised of  
21 representatives of the Department of Education, educational  
22 organizations, the judiciary, district attorneys, law  
23 enforcement, public organizations involved in truancy issues, <--  
24 REPRESENTATIVES OF COUNTY CHILDREN AND YOUTH AGENCIES AND  
25 JUVENILE JUSTICE AGENCIES and other organizations selected by  
26 the Joint State Government Commission to consult with the  
27 Joint State Government Commission in conducting the study;  
28 and be it further

29 RESOLVED, That the study to be conducted by the Joint State  
30 Government Commission include, but not be limited to, the

1 following:

2 (1) A thorough and comprehensive study of current  
3 truancy laws and policy.

4 (2) Barriers and best practices regarding education  
5 success and stability.

6 (3) Court competencies.

7 (4) Data collection.

8 (5) Measurement of educational outcomes for children in  
9 foster care.

10 (6) Statutes, best practices and legislative initiatives  
11 in other states.

12 (7) Studies or initiatives promoted by national  
13 educational advocacy organizations relating to truancy.

14 ~~(8) Specific enforcement in charter and cyber charter~~ <--  
15 ~~schools be reviewed by charter and cyber charter operatives;~~  
16 THE MANNER IN WHICH CHARTER AND CYBER CHARTER SCHOOLS ENFORCE <--  
17 THE TRUANCY LAWS OF THIS COMMONWEALTH AND IMPEDIMENTS TO  
18 ENFORCEMENT;

19 and be it further

20 RESOLVED, That the Joint State Government Commission hold  
21 informational meetings to receive testimony from professionals  
22 or organizations with expertise in truancy and truancy  
23 prevention; and be it further

24 RESOLVED, That the Joint State Government Commission issue a  
25 report of its findings and recommendations to the House of  
26 Representatives not later than one year after the date of  
27 adoption of this resolution.