

# **SCHOOL ATTENDANCE IMPROVEMENT & TRUANCY REDUCTION**

**A toolkit of resources and information  
supporting professionals working with  
students and families to increase student  
achievement and school success**

**February, 2015**



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# Section I

## Introduction



The Commonwealth of Pennsylvania School Code states that every child residing in Pennsylvania between the ages of 6 and 21 years is entitled to a free and full education in the Commonwealth's public schools. Pennsylvania continues to need an educated citizenry that will support the economic prosperity and the growth of this state. Therefore, it is critical that the educational experience be one of academic rigor and connected to workforce readiness that will prepare youth for the challenges of global competition. The Pennsylvania Department of Education has adopted PA Core Standards to support academic and workforce readiness.

The key goal is that every child will graduate from high school ready for college or employment regardless of background or circumstance. In place in every public school should be an aligned system of standards, curriculum, assessment, instruction, materials and interventions for every student.

The goals of PDE are very purposeful: every child should be known by name, able to achieve academically at proficient levels or above, and graduate from high school ready for higher education or the workforce. The emphasis is on strong results for students. Many students in Pennsylvania's schools face serious challenges, which may have an impact on their ability to achieve, and that is why PDE promotes a wellness approach to build resiliency in all schools across the Commonwealth. PDE uses a design of six areas of protective factors based on the research of Nan Henderson, which is aligned to the systems approach described above. Schools must focus on academic success through high expectations of students achieving the standards, yet also ensure that students' voices are represented through meaningful student engagement practices. It is critical that students connect and bond with positive peer groups and caring adults, and develop skills for life such as problem-solving and conflict resolution. Schools can implement character education programs, mentoring opportunities, social-emotional learning experiences and other strategies. Behavioral health resources and partnerships with community agencies should be emphasized through the Pennsylvania requirements of the Student Assistance Program and the Chapter 12 student services plan. Students and their families must understand the boundaries in place such as school rules and codes of conduct. Most importantly, school must seek to support youth unconditionally, and offer the learning experiences and support resources that will enable each child to become a productive citizen. If we can build the resiliency protective factors in our youth, their families, our classrooms, and our communities, then students will be at less risk and have increased opportunity to achieve strong results.

Students must be in regular attendance in order to be promoted and graduate in a timely manner. Truancy is a challenge in many of Pennsylvania's districts. It is highly recognized that truancy is an early indicator of a potential dropout. There are many students who are in very challenging or high-risk situations who may require specific



interventions and supports. Research and data demonstrate that our urban districts with high diversity and our schools with over-age youth have some of the highest dropout levels. Improved secondary educational experiences and opportunities will create the real potential for increased student engagement and higher graduation rates.

PDE has issued a new truancy Basic Education Circular, BEC 24 P.S. 13-1327, Compulsory Attendance and School Attendance Improvement Plan, a cross-agency collaboration with the Department of Human Services and the Juvenile Court Judges' Commission, which aligns state agency efforts and provides comprehensive guidelines for schools, families and communities. This toolkit, created by PA educators and practitioners, accompanies the BEC

and offers many resources, such as copies of all laws, effective practice descriptions, sample materials and reference and research listings.

The examples of anti-truancy programs in this resource help to fulfill 24 PS 13-1338.2 requirements by offering districts examples of anti-truancy programs. A number of different approaches may be utilized, but some of the most successful include improving the high school experience, such as accessing higher education courses through a dual enrollment strategy. For those students who need additional academic supports, the Accountability Block Grant program and the tutoring program provide comprehensive, evidence-based results-driven experiences to increase academic achievement.

The PA Department of Education has developed Student Interpersonal Skill principles as well as the Safe and Supportive Schools Element of the Pennsylvania Standards Aligned System (SAS) to provide to school entities in supporting all students. In addition, the Office for Safe Schools in the Department has constructed school climate surveys to enable short and long term planning for school entities to evaluate current school climate and improve needed areas.

The alternative education program provides an instructional option for those students who may require more intensive behavioral and counseling supports. Thousands of students are enrolled in these programs and many may have dropped out if not for this option. For many years PDE has offered small grants to community groups, such as Big Brothers Big Sisters agencies and other mentoring organizations, 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. In addition, the Department provides targeted supports and programs for those students who may be homeless, pregnant or young parents, migrant or refugee. PDE is also working closely with parents to increase parental involvement in our schools, as schools, families and communities need to help build stronger partnerships in order to help our youth succeed and achieve.

## **A. Background**

The impact of truancy within Pennsylvania, as well as nationwide, is a relevant topic for both educators and youth-serving organizations.

Facilitating and encouraging regular school attendance, and subsequent student achievement, may be viewed by some as the sole responsibility of the school system. The truth is that promoting the value, and necessity, of education for our youth is important for all of us. The most effective strategy for reducing truancy is possible when parents, schools, public agencies, the legal system, non-profit organizations, businesses and all members of the greater community understand the ramifications of truancy and strive together to make school a place in which all students desire to fully participate. In order to have a positive impact for truant students and their parents, this issue requires true cross-system integration of services among multiple agencies on a statewide level.

More importantly, true collaboration between schools and county children and youth agencies is needed to ensure that services are made available to meet the needs of truant students and their families, and that the division of service issues do not erect unnecessary barriers. This document, being made available to all interested parties through ongoing web-based access, fully describes the responsibilities of schools, county children and youth agencies and the legal system in addressing truancy when it does occur. Also included is an updated tool called the School Attendance Improvement Plan (SAIP) for schools to use to ensure a comprehensive and holistic approach to truancy prevention through school-family conferences which bring all vested individuals together, including the student, to remedy the truancy issue. The hope is that this resource, and ongoing training, will spur in-depth discussion regarding the ways in which these collaborative efforts can make a difference for our youth. This document is a 'work in progress' that will be continually updated and revised when changes in the law or the emergence of new information about best practices provide new insight into the ways in which we can all work together to prevent truancy.

Following is an excerpt from the Office of Juvenile Justice and Delinquency Prevention online resources "Truancy Prevention: Empowering Students, Schools and Communities."

*The total cost to society due to lost potential of our students who are absent from school, truant and/or drop out is immeasurable. The average school dropout costs society more than \$800,000 during the course of a lifetime. Cost-benefit studies indicate that truancy reduction programs are inexpensive relative to the cost of students who drop out of school. The entire community must be made aware of the issue and must contribute to the efforts to reduce truancy. Each community must identify the specific issues that are contributing to the truancy (student-specific as well as school-specific) and then strategies and services must be geared to address those specific needs. Truancy has been identified as a risk factor for substance abuse and teen pregnancy. It is also clear that focusing on school attendance is not enough. The National Center for School Engagement has identified these three essential elements as necessary to ensure success for ALL of our students:*

1. **Attendance:** *Promoting attendance involves the design and implementation of evidence-based strategies to reduce excused and unexcused absences.*
2. **Attachment:** *Promoting attachment involves establishing meaningful connections with youth and their families through caring relationships, support, and mutually defined expectations.*

3. **Achievement:** *Promoting achievement involves ensuring that students have the skills and resources needed to graduate from high school.*

*Students miss school for many different reasons, depending on the age and circumstances of each student and their family. Some students skip school because they feel unsafe; others may miss school due to family health issues and financial demands, substance abuse, or mental health problems. Research shows that factors contributing to truancy stem from three areas: school, family and community, and student characteristics.*

**School factors can include:**

- *Inconsistent and ineffective school attendance policies;*
- *Poor record keeping;*
- *Not notifying parents/guardians of absences;*
- *Unsafe school environment;*
- *Poor school climate;*
- *Inadequate identification of special education needs.*

**Family and community factors can include:**

- *Negative peer influences, such as other truant youth;*
- *Financial, social, medical, or other problems that pressure students to stay home to help the family;*
- *Child abuse and neglect;*
- *Family disorganization;*
- *Teen pregnancy or parenthood;*
- *Lack of family support for educational and other goals;*  
*Violence in or near the home or school.*

**Student characteristics can include:**

- *A lack of personal and educational ambition;*
- *Poor academic performance;*
- *Lack of self-esteem;*
- *Unmet mental health needs;*
- *Alcohol and illegal substance use and abuse.*

**Truant students are at risk for many negative outcomes, including:**

- *Educational failure;*
- *Social isolation;*
- *Substance abuse;*
- *Low self-esteem;*
- *Unwanted pregnancy;*
- *Unemployment;*

- *Violence;*
- *Adult criminality and incarceration.*

*In addition to placing students at risk, truancy has harmful social and financial consequences. Communities with high rates of truancy are likely to have corresponding rates of daytime criminal activity and vandalism. High school dropouts claim more in government-funded social services than high school graduates.*

### **How Can We Prevent Truancy?**

*Preventing truancy requires the support of schools, families, and communities. Truancy prevention efforts are typically school-based, court-based, or community-based. The best efforts incorporate all three components and provide a continuum of prevention and intervention strategies.*

*Truancy reduction programs may involve one or more of the following components:*

- *Parent/guardian and family involvement.*
- *A continuum of support, including incentives and consequences for good, improved, and poor attendance.*
- *Collaboration among schools, courts, law enforcement agencies, social services providers, businesses, and faith-based and youth-serving agencies.*
- *Tangible goals to measure program and student performance.*
- *Effective record keeping to track improvements in student attendance and truancy rates.*
- *Establishment of a community standard in which school attendance is valued and expected.*

(Source: <http://one.center-school.org/search-website-detail.php?ID=496>  
Office of Juvenile Justice and Delinquency Prevention online resources  
“Truancy Prevention: Empowering Students, Schools and Communities”)

For decades, educators, researchers and social reformers have recognized the link between truancy and delinquency. Truancy has been clearly identified as one of the early warning signs of students headed for education failure via suspension, expulsion, dropping out or delinquent activity (Bell, et al, 1994; Garry, 1996<sup>1</sup>). In many cases, truancy may be the beginning of a lifetime of problems for students who routinely skip school. It is hardly surprising that trouble in school should lead to and be associated with other kinds of trouble in life. In fact, the links between truancy and delinquency are well documented. According to the 2001 Annual Report of the Coalition for Juvenile Justice, *Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention*, school dropouts are three

<sup>1</sup> Garry, E. (October 1996). “Truancy: First Step to a Lifetime of Problems.” *Office of Juvenile Justice and Delinquency Prevention – Juvenile Justice Bulletin*

<sup>2</sup> The term ‘schools,’ as used in this document, refers to all types of Local Education Agencies (LEAs), including but not limited to: school districts, area vocational technical schools, intermediate units, charter schools, special program jointures and private/nonpublic schools as entities that should be concerned about absenteeism/truancy among their students.

and one-half times more likely than high school graduates to be arrested.

A lack of commitment to school (i.e., truancy) has been established by several studies as a risk factor for the development of five problem behaviors: substance abuse, delinquency, teen pregnancy, violence and school dropout. High rates of truancy have been linked to high daytime burglary rates and high vandalism. Truant students are at higher risk of being drawn into behavior involving drugs, alcohol, violence or teen pregnancy. Youth who miss school frequently are often unable to develop interpersonal relationships or gain the knowledge and skills they will need for future employment.

Further, many chronic truants are also likely to drop out of school, which puts them at greater risk for future problems in various areas of their lives. For example, U.S. Department of Education statistics indicate that dropouts have lower wage earnings, experience more unemployment and are more likely to end up on welfare or in prison than students who complete high school or college.

Truancy prevention and intervention efforts protect youth from risk factors and help reduce juvenile delinquency and other related problems. Programs that prevent a young person from entering the juvenile justice system save taxpayers money, prevent more people from becoming victims of crime and help prevent youth from adopting criminal behavior patterns in the future.

## **B. Task Force on School Attendance and Truancy Reduction**

As “No Child Left Behind” (P.L. 107 – No Child Left Behind Act of 2001) placed increased emphasis on student achievement and attendance, it became even more important to study Pennsylvania’s efforts to reduce truancy. The statewide Truancy Task Force on School Attendance & Truancy Reduction was created to find effective practices to promote increased achievement in Pennsylvania’s schools<sup>2</sup>. Through the work of the Task Force, magisterial district judges, parents, schools and child welfare agencies receive better guidance on what they can do to help Pennsylvania’s children.

The charge of the Task Force was to identify attributes of quality attendance programs and promising practices, cite problems and barriers, provide resources, and recommend solutions for combating truancy, with the ultimate goal of helping to support academic achievement. The Pennsylvania Department of Education provided support for the Task Force’s recommendations and encouraged statewide cooperation in truancy reduction efforts. Members of the original Task Force included representatives from schools, the Juvenile Court Judges’ Commission, the PA Department of Human Services, the Governor’s Policy Office, the PDE, magisterial district judges and other stakeholders in truancy reduction.

The Task Force was provided a broad base of resources to assist them in accomplishing the charge, including research from leading education organizations, such as the Education

Trust, Education Commission of the States and the Council of Chief State School Officers. The group was also directed to Pennsylvania Laws and Regulations on truancy, PA truancy reduction programs and several promising practices that are already accomplishing great things in our state. Recommendations from previous Pennsylvania work groups were shared with the group, including Attorney General Fisher's School Safety Action Plan and the Legislative Budget and Finance Committee's Dropout and Truancy Prevention Programs and Efforts.

Within the Task Force, three work groups were created to further explore specific facets of truancy reduction. The *Common Language sub-group* was charged with exploring the language used to describe rules and sanctions for truancy, suggest ways to promote common language and ensure that regulations are consistent throughout the state. The *Cross-Agency Integration/ Sanctions and Role Discernment sub-group* worked to identify the efforts across multiple agencies suggested ways that coordinated efforts could leverage results, identified inconsistencies in practice and suggested the roles and responsibilities for authorities. The *Resources sub-group* was charged with citing resources, such as websites, documents and support groups.

The Task Force identified a need for a roadmap for schools that clearly and consistently identifies the protocol in implementing quality truancy reduction efforts. All three working groups' recommendations contained a common thread in proposing the development of a *Toolkit for School Attendance & Truancy Reduction*. It is through these recommendations that this toolkit was developed.

The revision task force was convened to review the work of the original task force. The revision task force reviewed all elements of the original document for accuracy and currency.





## Section II

# Early Identification and Intervention



The research is clear. Early identification of students' absenteeism trends and the reasons behind the truant behavior, as well as timely and effective intervention/s to address the issues surrounding the absenteeism/truancy, are critical to ensuring student success. In order for school personnel to remain vigilant in addressing these issues in the early stages, the following student risk factors, characteristics or behaviors have been shown to be correlated with truant behavior and a propensity toward future school failure - including school dropout:

- frequent school transitions/highly mobile students (students who frequently move from one school or district to another)
- lack of guidance or parental supervision
- lack of proficiency in English
- low academic achievement
- negative attitude toward school; low bonding; low school attachment or commitment to school
- students for whom school is not a priority (e.g., students who enroll late in the year)
- students who are employed
- students who are pregnant or parenting
- students with no school-engaged friends
- students with physical and mental health issues

In her book When Kids Say No to School: Helping Children at Risk of Failure, Refusal, or Dropping Out, (1998), author Elaine K. McEwan states that the following are early indicators of school refusal symptoms:

- a pattern of absences on Mondays and Fridays
- calls from the school nurse with non-specific complaints (e.g., headaches or stomach aches with no fever)
- complaints about fellow students and teachers
- constant negative self-talk about school performance
- difficulty in getting out of bed or dawdling to and from school/class
- disinterest in what is being worn to school and personal grooming
- eating disorders
- problem with sleeping, nightmares, regression to bed-wetting waiting until the last minute to do school-related tasks

Should parents or staff observe these behaviors within a child or youth, the situation should be reviewed carefully to ascertain the reason/s for the behavior, and an appropriate plan of action should be pursued.

In addition, family, school and community risk factors can also affect whether a child is attending school. All of these factors should be explored when developing strategies to



increase student attendance:

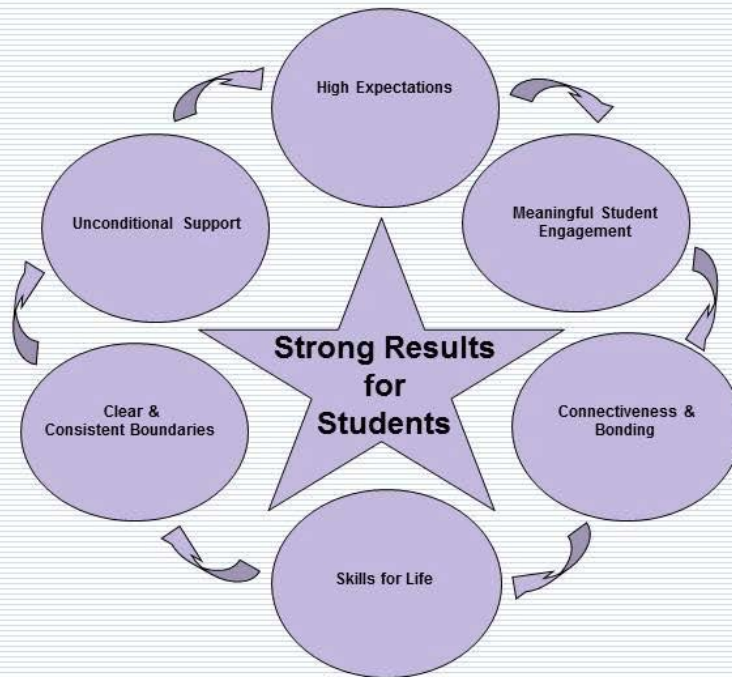
- attitudes of teachers and administrators
- differing community or family attitudes toward education
- drug and alcohol abuse
- family financial concerns
- family health concerns
- inability of school staff to engage the diverse cultural and learning styles of minority students
- inadequate school climate; poorly organized and functioning schools
- inconsistent attendance policies and lack of meaningful consequences
- lack of affordable child care
- lack of awareness of attendance laws
- negative labeling by teachers (e.g., students who are identified as learning disabled)
- parents with multiple jobs
- school size
- single parent homes
- transportation problems

An increase or improvement in the following protective factors (to increase the resiliency of our students) will serve to decrease the likelihood that they will engage in truant behavior:

- academic achievement; reading ability and mathematics skills
- high expectations of students
- high quality schools, including clear standards and rules
- opportunities and rewards for pro-social school involvement
- presence and involvement of caring and supportive adults
- school motivation and positive attitude toward school
- student bonding and connectedness (e.g., attachment to teachers, belief, commitment)

The wellness and resiliency-building approach is depicted using the six protective factor areas described by researcher Nan Henderson. Schools are requested to emphasize this model in the student services component of their strategic plan, as well as integrate resiliency efforts into the daily practices of the school aligned systems approach.

## The Resiliency/ Wellness Approach



It is clear that all of us must work together in a coordinated approach to ensure that all early indications of potential school failure are identified, and that all of our students are attending school and achieving success both in school and in their future lives.

(Sources: Assessing the Prevalence of Truancy: A Four Piece Puzzle, National Center for School Engagement, October 2006; [Building Resiliency in Schools: Making It Happen for Students and Educators](#), Nan Henderson and Mike M. Milstein, 2003; New Approaches to Truancy Prevention in Urban Schools, ERIC Clearinghouse on Urban Education, Number 186, September 2003; Toolkit for Creating your own Truancy Reduction Program, National Center for School Engagement; [When Kids Say No to School: Helping Children at Risk of Failure, Refusal, or Dropping Out](#), Elaine K. McEwan, June 1998; [www.childtrendsdatbank.org](http://www.childtrendsdatbank.org) (Child Trends DataBank); [www.helpingamericasyouth.gov](http://www.helpingamericasyouth.gov) (Helping America's Youth, a nationwide effort to raise awareness about the challenges facing our youth); [http://www.education.state.pa.us/portal/server.pt/community/office\\_of\\_elementary\\_secondary\\_education/7209/office\\_for\\_safe\\_schools/1152067](http://www.education.state.pa.us/portal/server.pt/community/office_of_elementary_secondary_education/7209/office_for_safe_schools/1152067) (Pennsylvania School Climate Standards))



# Section III

## Overview of Legal Responsibilities



### Introduction

This toolkit provides the legal framework and context for addressing compulsory attendance and truancy. The information presented will help schools develop an effective approach to truancy reduction. By becoming aware of and understanding the legal requirements concerning attendance and enforcement of compulsory attendance, school staff will be able to develop policies that are responsive to local concerns. Procedures should be established to ensure that the judicial and social service systems are used in the most effective, efficient and cooperative manner so that all students in Pennsylvania attend school regularly and become inspired and productive citizens.

**Section A. is the revised Basic Education Circular** that was developed to facilitate a consistent statewide approach to truancy and absenteeism reduction.

### **A. Basic Education Circular (BEC) 24 P.S. 13-1327 Compulsory Attendance and School Attendance Improvement-Conference and Plan (SAIP)**

**Section E. is from a. Code, Basic Education Circulars, 24 P.S., Section 13-1301,** which relates to enrollment of students.

**NOTE: As of January, 2017, the PDE Basic Education Circular (BEC) is currently under review due to changes in the law. A revised BEC will be issued after the review is conducted.**

### **B. Temporary Attendance Excuses**

Principals or teachers in any public, private, or other school may also excuse any child for non-attendance during temporary periods following their respective school district's policy and Pennsylvania law in excusing students. The board of school directors is required to adopt written policies governing pupil absences and excusals.

### **C. Categorizing Absences: What is Unlawful Absence from School?**

The school district is responsible for monitoring and maintaining records of the attendance of students. All absences should be treated as unlawful until the school district receives a written excuse explaining the reason(s) for an absence. Parents/guardians and students should submit the written explanation within three calendar days of the absence and should be

informed that if they fail to provide a written excuse within three days of the absence, the absence would be permanently counted as unlawful. The PDE recommends that schools immediately inform parents in writing upon each incident of unlawful absence.

Pennsylvania law broadly defines absences as excused when a student is prevented from attendance for mental, physical, or other urgent reasons. Many school districts consider illness, family emergency, and death of a family member, medical or dental appointments, authorized school activities, and educational travel with prior approval as the only lawful absences. An absence that should not be categorized as unlawful is one in which a student who is involved with the county children and youth agency or juvenile probation office is required to leave school for the purposes of attending court hearings related to their involvement with these agencies. It is the responsibility of each district to determine the validity of excuses and have clear written policies regarding absences.

Under Section 11.24, students who miss ten consecutive school days shall be dropped from the active membership roll unless the school is provided with evidence the excuse is legal or the school is pursuing compulsory attendance prosecution. Students of compulsory school age, who have not complied with compulsory attendance requirements, may be offered alternative education services or other provisions of education. Students are entitled to a free public education until the age of 21 years of age or until they receive a high school diploma, whichever occurs first.

### **D. Cumulative Lawful Absences**

A maximum of ten days of cumulative lawful absences verified by parental notification may be permitted during a school year. For all absences beyond ten cumulative days Local Education Agencies (LEAs) should consider adopting a policy that may require an excuse from a physician.

### **E. Reports of Attendance Public and Private Schools (24 PS 13-1332 and 1354)**

Every principal or teacher in a public or private school and every private teacher (tutor) is required to report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, cases when a child of compulsory school age has been absent three days, or their equivalent, without a lawful excuse. The rationale of such reporting is to actively engage in cases of habitual truancy appropriately. A systemic response should be initiated only when a demonstrated pattern of truancy has been developed. If parents are neglectful in providing written excuses or do not meet such requirements in a timely fashion, reasonable allowances should be made to accept parent's explanations for their child's absences without initiating any punitive response.

## **III. Creating a Community Plan to Keep Children in School**

## **A. Informing Stakeholders**

Every school district should develop with their truancy reduction partners (e.g. parents, magisterial district judges, juvenile probation department, and county children and youth agency) comprehensive policies regarding attendance, absenteeism and truancy reduction. Updates should be distributed to all parties as soon as changes in policy take place. School district policies should be posted and available to the public and community organizations, including potential student employers.

The county-based integrated children's services team should be part of the development of any truancy reduction efforts including the development of policies related to school attendance. Partnerships with the judicial system and agencies or organizations that are concerned with truancy reduction are a critical linkage that school districts must develop. These stakeholders should assist in identifying

student needs and potential family environments that contribute to high rates of absenteeism. The county children and youth agency is especially important in this regard. School districts that enlist the assistance of these agencies have had success at reducing truancy and building a community effort to emphasize the importance of keeping children in school.

## **B. The Role of Parents and Families**

Family involvement is essential to keeping children in school. Parents and/or families should play a key role in the development of policies. Establishing immediate positive and proactive personal contact with families from the time the school year starts is critical to developing a working partnership. In an effective school environment, parents and families are the school districts' best partners and should be approached as valuable resources in addressing a truancy issue. Section 11.41 (b) of State Board regulations provides that parents/guardians must be given copies of the district's attendance policy yearly and the Department suggests that copies be provided at the beginning of each year and to all new enrollees. It is important that such material is written in a way that is easily understood by all parents and translated when there are large populations of non-English speakers residing in the district. Parents and/or families should be provided with a list of community-based resources and a school representative that they can contact when they have concerns or issues related to their child's school attendance. To ensure that parents have dedicated the time necessary to understand the school's truancy policy, signature forms that acknowledge parental/guardian understanding of attendance policies are recommended.

School personnel designated to inform parents of truant behavior should approach parents as equal partners and express concern related to how the school can help address the reason the child is not attending school. It is important that information be shared with parents about the consequences and penalties associated with violation of state law and school board attendance requirements. This information should be shared in a factual, non-threatening manner. Schools should document and maintain a record of all communications, including telephone calls, written correspondence, and any other documents used.

### **C. The Role of the School and School District**

Teachers serve as a first line of defense against habitual absenteeism. It is important to involve teachers in the development of attendance expectations and district policy. Likewise, it is important to listen to observations made by teachers about students in their classes. Teachers should take an active role by meeting with students individually and contacting the parent or guardian to encourage better attendance. The district's Student Assistance Teams should be made aware of all instances of unlawful absences. Districts should be developing a team response at the elementary level, as well as at the secondary level. In many instances of truancy, there will be underlying issues of school safety, family health, substance abuse, or mental health problems. The Department strongly recommends that school districts take a proactive approach and work with parents and families to avoid having the child identified as a habitual truant.

### **D. Mandatory Employees – Attendance Officer or Home and School Visitor (24 PS 13-1341)**

First, second, and third class school districts are required to employ at least one person holding the title of attendance officer, or home and school visitor. (PDE issues Home School and Visitor certification only.) Many attendance officers also hold this certification but it is not mandatory. The employee is to enforce the provisions of the Pennsylvania School Code regarding compulsory attendance. These individuals have full police power without warrant, and may arrest or apprehend any child who fails to attend school in violation of compulsory attendance. State, municipal, port authority, transit authority, housing authority and school police officers are provided with the same arrest powers. Many districts have personnel with the title of school resource officer or district security officer; however, they are not empowered to arrest students for truancy. In cases where students are arrested or apprehended, the apprehending or arresting officer is required to promptly notify the parents, guardian, or person in parental relation and to place the child in the public school in which the child is, or should be, enrolled unless the parent, guardian, or person in parental relation requests placement in a school other than a public school. Certification by the PDE is required for all individuals employed as home and school visitors. School districts of the fourth class may also employ attendance officers or home and school visitors with the same powers and responsibilities. Districts may join in cooperative agreements to employ an attendance officer.

Whenever school personnel charged with overseeing attendance discover that any child of compulsory school age is unable to attend school due to the lack of necessary clothing or food, the case must be reported to any suitable relief agency operating in the school district. If a proper relief agency is not found in the district, the case should be referred to the proper county board of assistance for investigation and relief.

## **IV. PDE Recommended School Responses to Unlawful Absences**

Habitual truancy negatively impacts a child's school performance and increases the likelihood of juvenile delinquency. An intensive and timely response to truancy is critical in those cases where a clear pattern of habitual truancy is evident. School districts shall not wait until a child



has missed an excessive number of days before initiating a response, however, school districts should exercise caution and reason when utilizing punitive measures and involving other systems.

## **A. PDE’s Recommended Policy**

PDE recommends that a notice be sent to the parent/guardian after each unlawful absence. See Section IIC, page 3, for a definition of unlawful absence. Specific recommendations for each notice and step are found below. PDE recommends that unlawful absences do not trigger a formal response until the district has exhausted all efforts to work collaboratively with the parent/guardian to address the truancy of the student and until the student has three unlawful absences over the course of the school year. Schools are a critical part of a child’s support system and have a significant opportunity to assist children and families.

### **(1) First Unlawful Absence**

Parent/guardian receives a notice of unlawful absence from the school district. The legal penalties established by law for violation of compulsory attendance requirements should be attached to the notice (see sample notices in Attachment). In addition to stating the legal punishments, the name and telephone number of a school contact person shall be included. Parents are then able to contact a specific person to request assistance in resolving the child’s truant behavior.

### **(2) Second Unlawful Absence**

Parent/guardian receives a second notice of unlawful absence from the school district. Once again, the legal penalties established by law for violation of compulsory attendance requirements and the name and telephone number of a school contact person shall be included. Additionally, another offer of assistance should be made to the parent.

### **(3) Third Unlawful Absence**

Parent/guardian receives a third notice of unlawful absence by certified mail providing “official notice of child’s third illegal absence.” Attached to this notice will be penalties for violation of compulsory attendance requirements as they pertain to both the student and the parent/guardian, including information 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.

School districts shall coordinate a school/family conference to discuss the cause of the child’s truancy and develop a mutually agreed upon) to resolve truant behavior. Issues to be reviewed at the school/family conference include the appropriateness of the child’s educational environment, current academic difficulties, physical or behavioral health issues, and family/environment concerns. At the end of the conference all parties should sign a comprehensive SAIP that is agreed to by the school representative, the child, and the parents and/or family. The plan could include accessing academic and social/health supports from the school and community



organizations, an outline of family/parent and student responsibilities, and levels of performance monitoring that include rewards and consequences.

**(4) Subsequent Unlawful Absence**

After agreeing to a SAIP, or if there is not agreement on a truancy elimination plan and 3 days have passed since the parent/guardian received the official notice of the child's third illegal absence, if a child is unlawfully absent, 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 violated the SAIP or, if there is not a SAIP, to inform the child's parent/guardian that the child has again violated the compulsory attendance requirements, and advise the parent/guardian that a citation will immediately be sent to the magisterial district judge. To ensure the parent/guardian receives the notice, it is recommended that such a notice be sent through certified mail. After this step, the school is not obligated to inform parents in writing of absences but it is recommended that the school continue to call the parent/guardian to inform them of additional truant behavior. Schools should refer all future incidents of truancy directly to the magisterial district judge having jurisdiction in the region.

**(5) Referral to County Children and Youth Agency**

(a) Children Under 13 Years of Age Any child who has not attained the age of 13 who fails to comply with the compulsory attendance requirements and is habitually truant, shall be referred by the school district to the local county children and youth agency for services, which may include addressing family issues that may be responsible for the child's truant behavior, or possible adjudication as a "dependent" child under the Juvenile Act. The referral to the county children and youth agency may be in addition to proceeding against the parent/guardian by sending the citation to the appropriate magisterial district judge or a school may decide to refer a family to the local county children and youth agency instead of sending a citation to the appropriate magisterial district judge. If the parent/guardian provides written consent, a copy of the SAIP should be forwarded to the county children and youth agency.

(b) Children 13 Years of Age and Older. Any child who has attained the age of 13 who fails to comply with the compulsory attendance requirements and is habitually truant may, in lieu of being prosecuted (as described in Section V below), be referred by the school district to the local county children and youth agency for services, which may include addressing family issues that may be responsible for the child's truant behavior or, possible adjudication as a dependent child under the Juvenile Act.

**(c) Habitually Truant**

The School Code defines habitually truant as absence for more than three (3) school days or their equivalent following the first notice of truancy given after a child's third unlawful absence.

**B. Continued Truancy**

If a child of any age continues to be truant after the above actions have been taken, then school districts are encouraged to file citations with the local magisterial district judge citing the child's continued truancy on a weekly basis.

It is imperative that the local magisterial district judge be kept informed if truant behavior continues after a plan is in place.

### **V. Proceedings and Penalties for Violation of Compulsory Attendance Requirements (24 PS 13-1333 and 1338.1)**

#### **A. School Code**

Every parent/guardian of any child of compulsory school age is subject to penalties if compulsory school-age attendance requirements are not met. While school districts are required to give three days written notice of violation of compulsory attendance prior to proceeding against the offending party it is strongly recommended that school districts make a concerted effort to address the cause of a child's truant behavior before referring the child to another system.

Possible sentences for parents found to be in violation of compulsory attendance law:

- Paying a fine up to \$300 for each offense and court costs, or in lieu of or in addition to any other sentence 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.
- Completing a parenting education program, and
- In cases where the party convicted fails to pay the fine or complete the parenting education program, a subsequent sentencing to the county jail for no more than five days.
- Completing in lieu of, or in addition to the previous penalties, community service within the school district for a period of no more than six months.

(Magisterial district judges may suspend all or portions of the sentence if the child is no longer habitually truant.)

The board of school directors may bring a student before the court. Possible dispositions for children found in violation of compulsory attendance law:

1. If the parent/guardian is not convicted by the magisterial district judge because the parent/guardian took every reasonable step to insure the child's attendance at school and the child has attained the age of 13, the child may be:
  - Subject to a fine of no more than \$300 for each offense, or
  - assigned to an adjudication alternative program pursuant to 42 Pa.C.S. § 1520, and
  - alleged to be

dependent under 42 Pa.C.S. §6303(a)(1) by the magisterial district judge if the child fails to pay the fine or comply with the adjudication program.

- Referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302(5), in lieu of prosecution or assignment to an adjudication alternative program, if the child fails to comply with compulsory attendance provisions and is habitually truant

(Magisterial district judges may suspend all or portions of the sentence if the child is no longer habitually truant.)

1. Any child who has not attained the age of 13 who fails to comply with the compulsory attendance requirements and is habitually truant, shall be:
  - Referred by the school district for services or possible adjudication as a dependent child as defined under 42 Pa.C.S. § 6302(5).
2. For children convicted of violation of compulsory attendance requirements by the magisterial district judge, the court, including a court not of record, must send a certified record of the conviction or other disposition to the Department of Transportation.
  - Upon first conviction, the child's operating privilege for operating an automobile will be suspended for 90 days.
  - Upon the second or subsequent conviction, the child's operating privileges will be suspended for six months.
  - Children who do not yet have a driver's license will be ineligible to apply for a license for the time periods of 90 days for the first conviction and six months for the second and any subsequent conviction.
3. If a student of compulsory school age cannot be kept in school on account of truancy, the school district may proceed against the student before the juvenile court.

### **B. Further corrective measures for violation of compulsory attendance**

General protective services are defined as services to prevent the potential for harm to a child. Under Title 55 Pa Code, Chapter 3490.223, children who are habitually and without justification truant from school while subject to compulsory school attendance are subject to an assessment to determine if there is a need for general protective services. Children shall not be referred to the county children and youth agency for assessment as possibly needing services until after the school district has made a formal effort to involve the family and child in resolving the cause of the truant behavior.

## **VI. Charter Schools**

### **A. Charter School Responsibilities**

Charter schools must report to the student's school district of residence when a student has accrued three or more days of unlawful absences. It is the responsibility of the school district to enforce the compulsory attendance laws in accordance with the Public School Code. However, charter schools should also follow PDE's Recommended Responses to Unlawful

Absences for the first, second and third unlawful absences including the school/family meeting and implementation of a SAIP. Charter schools should also refer the child to the county children and youth agency as stated in Section V above.

## **B. School District Response to Charter School Absences**

Under compulsory attendance laws, the parents/guardians of a student who has accumulated three unlawful absences are to receive notice stating any subsequent unlawful absences will result in a citation being filed with the magisterial district judge. The school district of residence should send the notice to parents/guardians immediately upon notification of the third unlawful absence by charter school. It is recommended that such notice be sent through certified mail. Future unlawful absences should be filed with the magisterial district judge.

For brick and mortar charter schools, a school district may file truancy documents with the magisterial district judge in whose jurisdiction the charter school is located, which is where the cause of action arose, or where the charter school student resides, which is where the parent/guardian may be served.

For cyber charter schools, a school district may file truancy documents with the magisterial district judge in whose jurisdiction the charter school student resides, which is where the cause of action arose and where the parent/guardian may be served. Charter schools and cyber charter schools must cooperate with school districts by providing necessary documentation for the truancy filings, and attending the hearings to provide testimony, if necessary.

### **REFERENCES:**

#### **Purdon's Statutes**

24 PS §13-1326

24 PS §13-1327

24 PS §13-1329

24 PS §13-1330

24 PS §13-1332

24 PS §13-1333

24 PS §13-1334

24 PS §13-1338

24 PS §13-1338.1

24 PS §13-1339

24 PS §13-1341

24 PS §13-1343

24 PS §13-1354

The Juvenile Act- 42 Pa.C.S. §§ 6301- 6365

#### **Department of Human Services Regulations**

55 Pa. Code § 3490.223

#### **State Board of Education Regulations**

22 Pa. Code §11.34 22 Pa. Code §11.41

**ATTACHMENTS:**

(Note: PDF files require Acrobat Reader)

**Sample parent notification letters (PDF)**

**Sample School Attendance Improvement Plan (SAIP)**

**CONTACT BUREAU/OFFICE:**

School Services Office

Office of Elementary and Secondary Education

Pennsylvania Department of Education

333 Market Street

Harrisburg, PA 17126-0333

Phone: 717-787-6016

Bureau of Policy and Program Development

Office of Children, Youth and Families

Program Policy Unit

Pennsylvania Department of Human Services

Bertolino Building

1401 North 7<sup>th</sup> Street

Harrisburg, PA 17105

Phone: 717-783-7287

**RELATED BECs**

**Early Intervention Transition: Infants and Toddlers to Preschool, BEC 11 P.S. §875-304** (Preschoolers identified as special needs moving from DPW programs to school district programs)

**Early Intervention Transition: Preschool Programs to School-Aged Programs, BEC 11 P.S. §875-304** (Students moving from school district pre-school programs to school-age programs)

**Admission to Kindergarten and Beginners, BEC 24 P.S. §5-503**  
(Admission of kindergarteners and beginners, evidence of age, entrance policies)

**Education of Children Residing With an Adult Other Than Natural Parent, BEC 24 P.S. §13-1302** (Guardianship and affidavit students)  
**Foreign Students' Eligibility for Enrollment, BEC 24 P.S. §13-1302** (Immigration laws)

**School Immunization Requirements, BEC 24 P.S. §13-1303a** (with Department of Health)

**Nonresident Students in Institutions, BEC 24 P.S. §13-1306**

(Determining residency and payment for students in group homes and other institutions)

**Determination of Residence of Children Living in Pennsylvania Institutions, BEC 24 P.S.**

**§13-1308** (Determining residency and payment for students whose parents do not live in PA)

**Safe Schools and Possession of Weapons, BEC 24 P.S. §13-1317.2**

(Parent Registration Statement)

**Pregnant and Parenting Students, BEC 24 P.S. §13-1327**

(Forbids denial of enrollment based on pregnancy or parenting)

**Transfer of Records, BEC 24 P.S. §19-1926**

(PDE recommends that student records be transferred within five days of the request)

**Missing Child Registration, BEC 35 P.S. §450.401-A**

(Procedures for school records marked Missing Child)

**Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL), BEC 22 Pa. Code §4.26** (Program requirements for LEP and ELL students)

**Student Records Being Retained by a Private School BEC 22 Pa. Code §12.31**

(Enrollment options in this situation)

**Education of Homeless Youth, BEC 42 U.S.C. §11301**

(Requirements of federal law regarding enrollment of homeless students)

## Overview of Legal Responsibilities

1. Student is absent(Absence is considered unlawful until School District receives a written excuse)

2. If 3 calendar days pass after the absence with no excuse (or acceptable excuse per School District policy), the absence is permanently considered unlawful

3. School District personnel (principal, teacher in public/private school and private teacher [tutor]) are required to report cases of habitual truancy (3 days, or equivalent, of unlawful absences without lawful excuse.

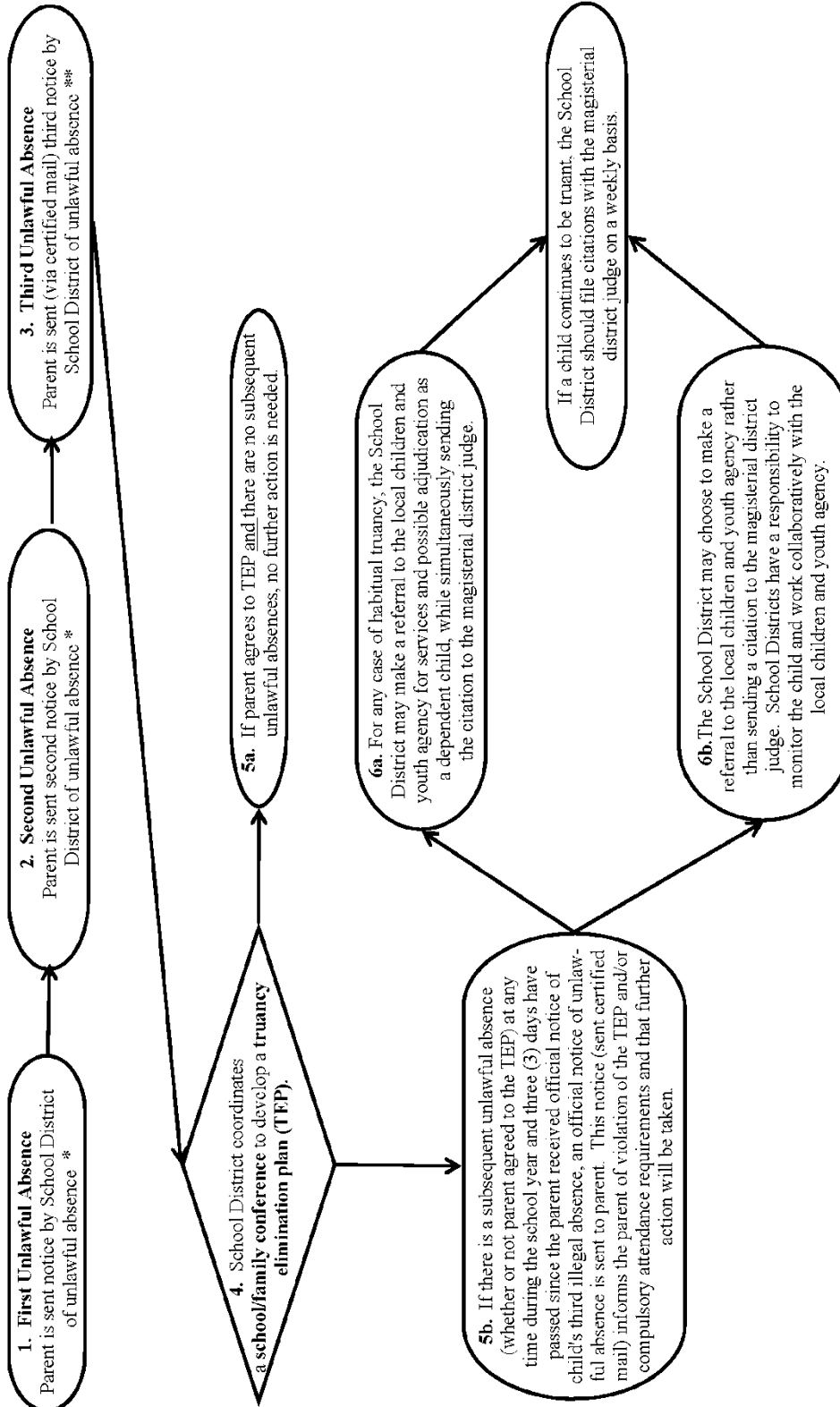
4. If a student is absent **10** consecutive days the School District must drop the child from active membership roll unless: a.. a legal excuse is provided, or b.. the School District is pursuing compulsory attendance prosecution\_

5. Up to 10 cumulative lawful absences during a school year are permitted; all absences beyond the 10 day limit require a physician's excuse

A Attendance policy is determined by Pennsylvania Law and School District policy (which must be in writing).

B. School Districts are required to inform parents of attendance requirements annually, and are recommended to immediately inform parents in writing of any and all incident(s) of unlawful absence

**PDE Recommended School Responses to Unlawful Absences**



\* Legal penalties and school contact information included with correspondence.

\*\*\* Legal penalties, school contact information and notice regarding liability included with correspondence.



**Section B. is from the Pennsylvania School Code of 1949** as it pertains to attendance, excuses from school and penalties for compulsory attendance requirements.

## **B. Public School Code of 1949 (P.S. §§ 1-101 & §§ 27-2702)**

### **24 P.S. § 13-1326 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.

### **24 PS 13-1327 Compulsory School Attendance**

(a) Except as herein after provided, every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the district superintendent and the approval of the Secretary of Education, and any child sixteen years of age with the approval of the district superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Education, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Except as hereinafter provided, every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of Education, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Such child or children shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled; except in the case of

special schools or classes conducted by an intermediate unit and approved by the Department of Education or conducted by the Department of Education. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the subjects and activities prescribed by the

standards of the State Board of Education are taught in the English language, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section. For the purposes of this section, "properly qualified private tutor" shall mean a person who is certified by the Commonwealth of Pennsylvania to teach in the public schools of Pennsylvania; who is teaching one or more children who are members of a single family; who provides the majority of the instruction to such child or children; and who is receiving a fee or other consideration for such instructional services. No person who would be disqualified from school employment by the provisions of subsection (e) of section 111 may be a private tutor, as provided for in this section. The private tutor must file a copy of his Pennsylvania certification and the required criminal history record with the student's district of residence superintendent.

- (b) A child enrolled in a day school which is operated by a bona fide church or other religious body, and the parent, guardian or other person having control or charge of any such child or children of compulsory school age shall be deemed to have met the requirements of this section if that school provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year of instruction at the secondary level and:
- (1) At the elementary school level, the following courses are taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.
  - (2) At the secondary school level, the following courses are offered: English, to include language, literature, speech and composition; science, to include biology and chemistry; geography; social studies, to include civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, to include general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires. The requirements contained in sections 1511 and 1605 of this act shall not apply to such schools. The notarized affidavit of the principal of any such school, filed with the Department of Education and setting forth that such subjects are offered in the English language in such school, whether it is a nonprofit organization, and that such school is otherwise in compliance with the provisions of this act, shall be satisfactory and sufficient evidence thereof. It is the policy of the Commonwealth to

preserve the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the education and training for such child. Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section without the consent of said school.

- (c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education, and the parent, guardian or other person having designated control or charge of any child or children of compulsory school age shall be deemed to have met the requirements of subsection (a).
- (d) Instruction to children of compulsory school age provided in a home education program, as provided for in section 1327.1 of this act, shall be considered as complying with the provisions of this section, except that any student who has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the program addresses the specific needs of the exceptional student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized affidavit required under section 1327.1(b). The supervisor of a home education program may request that the school district or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

### **24 P.S. 13-1329. Excuses from attending school.**

- (a) The board of school directors of any school district may, upon certification by any licensed practitioner of the healing arts or upon any other satisfactory evidence being furnished to it, showing that any child or children are prevented from attending school, or from application to study, on account of any mental, physical, or other urgent reasons, excuse such child or children from attending school as required by the provisions of this act, but the term “urgent reasons” shall be strictly construed and shall not permit of irregular attendance. In every such case, such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained. Every principal or teacher in any public, private, or other school may, for reasons enumerated above, excuse any child for non-attendance during temporary periods.

### **24 PS 13-1330. Exceptions to compulsory attendance.**

The provisions of this act requiring regular attendance shall not apply to any child who-

- (1) Has attained the age of sixteen (16) years, and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law;
- (2) 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, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education;
- (3) Has attained the age of fifteen (15) years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence, in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe;
- (4) Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in clause (3) of this section, and who has satisfactorily completed, either in public or private schools, 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 issuance of such a permit has first been recommended by the district superintendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefore has been approved by the Superintendent of Public Instruction;
- (5) Except in districts of the fourth class and those of the third class located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, resides two miles or more by the nearest public highway from any public school in session and no proper free transportation is furnished to such child to and from school.

### **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 jurisdiction.
  - (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 adjudicative 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 (relating to definitions).
- (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 Human Services 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 justices.

“**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 of this act.

#### **24 P.S. § 13-1338 - Dependent children**

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, 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.

**Section C. is from the State Board of Education Regulations, Chapters 11**, which provide general provisions for compulsory school age and admission to school, temporary absences, excusals from public school and other related regulations.

### **C. Title 22, Pa. Code Chapter 11**

Sec.

11.1. School term.

11.2. School day.

11.3. Minimum required hours.

## GENERAL PROVISIONS

- 11.4. Early withdrawal for postsecondary institution attendance.
- 11.5. Part-time attendance for potential graduates.
- 11.6. Part-time enrollment of alternative education students.
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## ADMISSION TO PUBLIC SCHOOLS

- 11.11. Entitlement of resident children to attend public schools.
- 11.12. School age.
- 11.13. Compulsory school age.
- 11.14. Admission to kindergarten when provided.
- 11.15. Admission of beginners.
- 11.16. Early admission of beginners.
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- 11.21. Religious holidays and religious instruction.
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## EXCUSALS FROM PUBLIC SCHOOL ATTENDANCE

- 11.31. Students not enrolled in public schools due to private tutoring.
- 11.31a. Students not enrolled in public schools due to participation in a home education program.
- 11.32. Students attending nonpublic or private schools.
- 11.33. Dual enrollment students enrolled part-time in the public schools.
- 11.34. Excusals from attendance for other than temporary reasons.

## APPLICABILITY

11.41. School district policies and rules.

### **EXCEPTIONS**

11.51. Exceptions.

#### **Authority**

The provisions of this Chapter 11 issued under section 408.1 of The Administrative Code of 1929 (71 P. S. § 118.1) (Repealed), unless otherwise noted.

#### **Source**

The provisions of this Chapter 11 adopted September 12, 1969; amended August 3, 1973, effective August 4, 1973, 3 Pa.B. 1470, unless otherwise noted.

#### **Cross References**

This chapter cited in 55 Pa. Code § 3800.229 (relating to education).

### **GENERAL PROVISIONS**

#### **§ 11.1. School term.**

Public kindergartens, elementary and secondary schools shall be kept open each school year for a minimum of 180 days of instruction for students. Days may not be counted as days taught on which the schools are closed, and time may not be counted as a student session for an activity to which admission is charged. However, when a meritorious educational program warrants, the Secretary may, upon request, approve a school term containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 school days.

#### **Authority**

The provisions of this § 11.1 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### **Source**

The provisions of this § 11.1 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279550).



**§ 11.2. School day.**

Instruction time for students shall be time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees.

**Authority**

The provisions of this § 11.2 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.2 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; corrected January 2, 1987, effective December 20, 1986, 17 Pa.B. 20; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (279550) and (244451).

**§ 11.3. Minimum required hours.**

(a) Minimum hours of instruction time for students shall be as follows:

**Grade Hours**

**Pre-K 2 hours, 30 minutes, each day for 180days/year.**

**K 2 hours, 30 minutes, each day of the school term**

**1-6 900 hours for the school term**

**7-12 990 hours for the school term**

(b) Schools with grade level configurations that differ from those outlined in subsection (a) (for example, K-8), are required to meet the minimum annual hourly requirements for each specified grade level.

**Authority**

The provisions of this § 11.3 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 11.3 amended through November 3, 1978, effective November 4, 1978, 8 Pa.B. 3021; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244451).

**§ 11.4. Early withdrawal for postsecondary institution attendance.**

Students attending a postsecondary institution full-time prior to graduation from high school shall be dropped from the membership roll of the district at the time they stop attending school.

**Authority**

The provisions of this § 11.4 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public

School

Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.4 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244451).

**§ 11.5. Part-time attendance for potential graduates.**

- (a) Students of school age may qualify for graduation by attending the public school part-time when lawfully employed part-time or when officially enrolled in a postsecondary institution part-time. For reimbursement purposes, membership in the public school shall be calculated by counting the time the students spend in the public school on a pro rata basis.
- (b) Public schools that offer students enrollment at a postsecondary institution as part of the high school program and pay the tuition, fees, and textbooks on behalf of students may continue to include the students in their average daily membership.

**Authority**

The provisions of this § 11.5 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.5 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244451) to (244452).

**§ 11.6. Part-time enrollment of alternative education students.**

Students may be allowed to attend public school less than full-time because of participation in a Department approved alternative program operated by a public school or a private alternative education institution as provided by section 1903-E of the Public School Code of 1949 (24 P. S. § 19-1903-E). For reimbursement purposes, the students may be counted as in full membership.

**Authority**

The provisions of this § 11.6 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1351, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.6 amended December 19, 1986, effective December 20, 1986, 16

Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244452).

**§ 11.7. Religious objections.**

Students shall be excused from instruction as provided by § 4.4(d)(3) (relating to general policies).

**Authority**

The provisions of this § 11.7 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.7 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244452).

**§ 11.8. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Instructional activities* — The term includes the following:

- (i) Classroom instruction and instructional activities provided under the direction of certified school employees.
- (ii) Student services, such as guidance and counseling services, psychological services, speech pathology and audiology services and student health services.
- (iii) Opening exercises.
- (iv) Homeroom periods.
- (v) Supervised study halls.
- (vi) Assemblies.
- (vii) Clubs, student councils and similar activities conducted during school hours.
- (viii) School, group or class educational trips, to which admission is not charged to students or parents and a certified school employee accompanies the students.
- (ix) Civil defense, fire, bus evacuation and similar drills.
- (x) Kindergarten orientation, snack-time and play-time if they are an integral part of the kindergarten curriculum.
- (xi) Up to 3 days for graduation preparation by students in graduating classes, so long as the preparation occurs within 60 days of the commencement ceremony and under the supervision of certified school employees.
- (xii) Early dismissal and delayed opening due to inclement weather.

*Meritorious educational program*—An educational program that, in the opinion of the Secretary, warrants an exception to the dates and times of school terms and sessions as provided in section 1504(a) of the Public School Code of 1949 (24 P. S. § 15-1504(a)).

*Out-of-school programs*—Programs conducted off school grounds, such as cooperative

education, job shadowing, internships, community exploration, registered apprenticeships and community service-learning designed to provide students with real world experiences under the general supervision of professional school staff.

*Postsecondary institution*—A community college, 2-year college, college, university or other authorized degree granting institution approved by the Department in accordance with Chapters 31 and 40 (relating to higher education general provisions; and institutional approval).

#### **Authority**

The provisions of this § 11.8 adopted under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### **Source**

The provisions of this § 11.8 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798.

### **ADMISSION TO PUBLIC SCHOOLS**

#### **§ 11.11. Entitlement of resident children to attend public schools.**

##### *(a) Entitlement.*

(1) A school age child is entitled to attend the public schools of the child's district of residence. A child's district of residence is that in which the parents or the guardian resides. When the parents reside in different school districts due to separation, divorce or other reason, the child may attend school in the district of residence of the parent with whom the child lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise. If the parents have joint custody and time is evenly divided, the parents may choose which of the two school districts the child will enroll for the school year. If the child is an emancipated minor, the resident school district is the one in which the child is then living. For purposes of this section, an emancipated minor is a person under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.

(2) Transportation for students must be provided consistent with the policy of the school district that the students are attending.

(b) Enrollment. A school district or charter school shall normally enroll a child the next business day, but no later than 5 business days of application. The school district or charter school has no obligation to enroll a child until the parent, guardian or other person having control or charge of the student making the application has supplied proof of the child's age, residence, and immunizations as required by law. School districts and charter schools receiving requests for educational records from another school district or charter school shall forward the records within 10 business days of receipt of the

request.

- (c) Nonresident children. The requirement of subsection (b) applies equally to nonresident children who are children living in facilities or institutions as defined in §11.18 (relating to nonresident child living in facilities or institutions), or foster homes, or with a district resident who is supporting the child without personal compensation as defined in §11.19 (relating to nonresident child living with a district resident), provided that the person making the application has supplied the documentation required by law.
- (d) Immigration status. A child's right to be admitted to school may not be conditioned on the child's immigration status. A school may not inquire regarding the immigration status of a student as part of the admission process. This provision does not relieve a student who has obtained an F-1 visa from the student's obligation to pay tuition under Federal law.
- (e) Home language survey. A school entity shall administer a home language survey to all students seeking first time enrollment in its schools in accordance with requirements of the United States Department of Education's Office for Civil Rights.

#### Authority

The provisions of this § 11.11 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### Source

The provisions of this § 11.11 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244452) and (271457).

#### Notes of Decision

##### *Out-of-State Schools*

Order of State Board of Education disclaiming authority to decide upon continuance of school board's practice of utilizing out-of-state schools to educate some of district's children is not a regulation and does not give school district sole discretion over the assignment of students to attend out-of-state schools. *Wayne Highlands School v. Department of Education*, 488 A.2d 1172 (Pa. Cmwlth. 1985).

#### Cross References

This section cited in 22 Pa. Code § 11.18 (relating to nonresident children living in facilities or institutions); and 22 Pa. Code § 11.19 (relating to nonresident child living with a district resident).

#### **§ 11.12. School age.**

School age is the period of a child's life from the earliest admission age to a school district's kindergarten program until graduation from high school or the end of the school term in which a student reaches the age of 21 years, whichever occurs first.

**Authority**

The provisions of this § 11.12 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.12 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (271457).

**Cross References**

This section cited in 22 Pa. Code § 16.1 (relating to definitions).

**§ 11.13. Compulsory school age.**

Compulsory school age refers to the period of a child’s life from the time the child enters school as a beginner which may be no later than at the age of 8 years, until the age of 17 or graduation from a high school, whichever occurs first. A beginner is a child who enters a school district’s lowest elementary school grade that is above kindergarten.

**Authority**

The provisions of this § 11.13 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. § § 13-1327, 13-1330, 13-1372 and 15-1511).

**Source**

The provisions of this § 11.13 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874. Immediately preceding text appears at serial page (98913).

**Notes of Decisions**

When a child was denied admittance to kindergarten on the basis of age after transferring to a different school district, he was not denied equal protection since compulsory attendance for “beginners” did not pertain to kindergarten students. *O’Leary v. Wisecup*, 364 A.2d 770 (Pa. Cmwlth. 1976).

**§ 11.14. Admission to kindergarten when provided.**

When kindergarten is provided, the board of school directors shall establish the district’s minimum entry age to kindergarten. The minimum entry age to kindergarten may not be less than 4 years, no months, before the first day of the school term. The district’s maximum entry age to kindergarten must be less than the district’s entry age for beginners.



**Authority**

The provisions of this § 11.14 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.14 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (271458)

**Notes of Decisions**

A child is not statutorily entitled to a kindergarten education, and enrollment in kindergarten does not, therefore, create a property interest on behalf of the student. *O’Leary v. Wisecup*, 364 A.2d 770 (Pa. Cmwlt. 1976).

Age classification established by a district is valid if grounded on some reasonable basis, and the fact that the classification made by the state is not perfect or results in inequality in practice does not offend the Constitution. *O’Leary v. Wisecup*, 364 A.2d 770 (Pa. Cmwlt. 1976).

**§ 11.15. Admission of beginners.**

The board of school directors shall establish the district’s minimum entry age for beginners, which may not be less than a chronological age of 5 years and 7 months before September 1, nor more than 6 years, no months, before the first day of the school term of the district. The board of school directors shall permit a child of beginners’ age to attend the district’s first grade and may not require the child to attend kindergarten, pre first grade, transitional class or other grade or class that is not regular first grade without parental consent.

**Authority**

The provisions of this § 11.15 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.15 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (271458) and (279551).

**Cross References**

This section cited in 22 Pa. Code § 14.101 (relating to definitions).

**§ 11.16. Early admission of beginners.**

The board of school directors of a school district may, upon parental request and when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner a child with a chronological age of 5 years and who has demonstrated readiness for entry as of the first day of the district’s school term. A board of



school directors is not required to admit a child as a beginner whose chronological age is less than the district's established admission age for beginners.

**Authority**

The provisions of this § 11.16 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.16 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279551).

**§ 11.17. [Reserved].**

**Source**

The provisions of this § 11.17 adopted July 19, 1985, effective July 20, 1985, 15 Pa.B. 2644; reserved October 14, 1988, effective October 15, 1988, 18 Pa.B. 4662. Immediately preceding text appears at serial pages (114181) to (114184).

**§ 11.18. Nonresident children living in facilities or institutions.**

- (a) The board of school directors of a school district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall admit to the district's public schools school age children who are living at or assigned to the facility or institution and who are residents of the district or another school district in this Commonwealth.
- (b) The board of school directors of a school district in which a day treatment program, operated under approval from the Department of Human Services by a private children and youth agency, is located may purchase educational services for a child referred to the program under section 1310(b) of the Public School Code of 1949 (24 P. S. § 13-1310(b)).
- (c) If the school district of residence of a child living at or assigned to a facility or institution, as described in subsection (a) or (b), cannot be determined, but it is decided by the Secretary that the child is a resident of this Commonwealth, the child shall be permitted to attend the public schools of the district. A child covered by this subsection shall include a child whom the Secretary finds to have been placed by the child's resident parents or guardian in the care or custody of a Commonwealth facility and subsequently abandoned or deserted.
- (d) The enrollment requirements outlined in § 11.11 (relating to entitlement of resident children to attend public schools) also apply to nonresident children living in facilities or institutions.

**Authority**

The provisions of this § 11.18 issued under section 1317(a) of The Administrative Code of

1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372 and 15-1511); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

### Source

The provisions of this § 11.18 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (279551) to (279552).

### Cross References

This section cited in 22 Pa. Code § 11.11 (relating to entitlement of resident children to attend public schools).

### § 11.19. Nonresident child living with a district resident.

- (a) A nonresident child is entitled to attend the district's public schools if that child is fully maintained and supported in the home of a district resident as if the child were the resident's own child and if the resident receives no personal compensation for maintaining the student in the district. Before accepting the child as a student, the board of school directors of the district shall require the resident to file with the secretary of the board of school directors either appropriate legal documentation to show dependency or guardianship or a sworn statement that the child is a resident of the district, the child is supported fully without personal compensation or gain, and that the resident will assume all personal obligations for the child relative to school requirements and intends to so keep and fully support the child continuously and not merely through the school term. The resident's receipt of public payments, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), maintenance on public or private health insurance, pre-adoptive support or other payments for or on account of the child, may not be deemed to be personal compensation or gain under this section. The school board may require other reasonable information to be submitted by the resident to substantiate the sworn statement in accordance with guidelines established by the Department, as authorized by section 1302(2) of the Public School Code of 1949 (24 P. S. § 13-1302(2)).
- (b) The enrollment requirements outlined in § 11.11 (relating to entitlement of resident children to attend public schools) also apply to a nonresident child living with a district resident.

### Authority

The provisions of this § 11.19 issued under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. § 26-2603-B).

### Source

The provisions of this § 11.19 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279552).

### **Cross References**

This section cited in 22 Pa. Code § 11.11 (relating to entitlement of resident children to attend public schools).

### **§ 11.20. Non-immunized children.**

- (a) A child may not be admitted to or permitted to attend a public, private, nonpublic, special education or vocational school in a district unless the immunization, exemption or provisional admission requirements of the Department of Health, at 28 Pa. Code Chapter 23, Subchapter C (relating to immunization), have been met or the child has received from the chief school administrator of the public, private, nonpublic, special education or vocational school a medical or religious exemption from immunization under 28 Pa. Code § 23.84 (relating to exemption from immunization).
- (b) A child who has not received all doses of the required immunizations or who has not been exempted from immunization, but who has received at least one dose of each of the required immunizations, may be provisionally admitted and attend public school for a period of up to 8 months. Provisional admission or continued attendance shall be conditioned upon the parent or guardian's submission to the superintendent of a plan for the student's completion of the required immunization doses. The plan shall be reviewed by the school district at least every 60 calendar days. If, after 8 months, the child has not received all doses of the required immunizations, the child thereafter may not be further admitted to or be permitted to attend the public schools until all doses have been received.
- (c) A child who has been admitted to school or permitted attendance in violation of this section may not be counted toward receipt of Commonwealth reimbursement for the period of the admission or attendance.

### **Authority**

The provisions of this § 11.20 issued under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372 and 15-1511); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

### **Source**

The provisions of this § 11.20 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (279552) and (244457).

## **ABSENCES FOR TEMPORARY PERIODS**

**§ 11.21. Religious holidays and religious instruction.**

- (a) Upon written parental request, and in accordance with the policies of the district's board of school directors, students may be excused from school for religious holidays observed by bona fide religious groups.
- (b) Upon written parental request, a student shall be excused from school to attend classes for religious instruction under section 1546 of the Public School Code of 1949 (24 P. S. § 15-1546). The excusal shall be limited to a total of not more than 36 hours per school year.
- (c) A student's absence from school for religious holidays or for religious instruction shall be recorded as an excused absence. A penalty may not be attached to an absence for religious holidays or instruction.

**Authority**

The provisions of this § 11.21 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.21 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244457) to (244458).

**§ 11.22. Tutorial work.**

- (a) Upon written parental request, a student may be excused during school hours for the purpose of receiving tutorial instruction in a field not offered in the district's curricula only if the following requirements are met:
  - (1) The excusal does not interfere with the student's regular program of studies.
  - (2) The qualifications of the instructor are approved by the district superintendent.
- (b) A school district may adopt additional conditions for excusal that it deems reasonable.

**Authority**

The provisions of this § 11.22 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.22 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244458).

**§ 11.23. Health care.**

Upon written parental request, a student may be excused during school hours for the

purpose of obtaining professional health care or therapy service only if the following requirements are met:

- (1) The health or therapeutic services are to be rendered by Commonwealth licensed practitioners.
- (2) It is not practical or possible for the student to receive the services outside of school hours.
- (3) The time of necessary absence from school involves a minimum of interference with the student's regular program of studies.

#### **Authority**

The provisions of this § 11.23 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### **Source**

The provisions of this § 11.23 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244458) and (252441).

### **§ 11.24. Unaccounted absences.**

Students whose names are on the active membership roll, who are at any time in the school term absent from school for 10 consecutive school days, shall thereafter be removed from the active membership roll unless one of the following occurs:

- (1) The district has been provided with evidence that absence may be legally excused.
- (2) Compulsory attendance prosecution has been or is being pursued.

#### **Authority**

The provisions of this § 11.24 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### **Source**

The provisions of this § 11.24 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (252441).

### **§ 11.25. Temporary excusals due to illness or other urgent reasons.**

(a) A principal or teacher may, upon receipt of satisfactory evidence of mental, physical or other urgent reasons, excuse a student for nonattendance during a temporary period, but the term "urgent reasons" shall be strictly construed and does not permit irregular attendance. A school district shall adopt rules and procedures governing temporary excusals that may be granted by principals and teachers under this section. Temporary excusals may not exceed 3 months.

(b) A school district, area vocational technical school, charter or independent school may

provide students temporarily excused under this section with homebound instruction for a period not to exceed 3 months. A school district, area vocational technical school, charter or independent school may request approval from the Department to extend the provision of homebound instruction, which shall be reevaluated every 3 months. When a student receives homebound instruction, the student may be counted for attendance purposes as if in school. A school district shall be reimbursed for homebound instruction provided to a student under section 2510.1 of the Public School Code of 1949 (24 P. S. § 25-2510.1).

(c) A school district shall adopt policies that describe the instructional services that are available to students who have been excused under this section. The policies must include statements that define the responsibilities of both the district and the student with regard to these instructional services.

### Authority

The provisions of this § 11.25 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

### Source

The provisions of this § 11.25 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (252441) to (252442).

### **§ 11.26. Non-school district sponsored educational tours and trips.**

(a) A school district may excuse a student from school attendance to participate in a non-school district sponsored educational tour or trip, if the following conditions are met:

- (1) The student's parent or guardian prior to the tour or trip submits to the school district a written request for the excusal.
- (2) The student's participation on the tour or trip has been approved by the district superintendent or a designee.
- (3) There is an adult who is directing and supervising the student during the tour or trip who is acceptable to both the parents or guardian and the district superintendent.

(b) A school district may limit the number and duration of tours or trips for which excused absences may be granted to a student during the school term.

### Authority

The provisions of this § 11.26 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).



**Source**

The provisions of this § 11.26 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (252442).

**§ 11.27. Graduation.**

The intent of this section is to specify the effect of graduation on membership for the purpose of calculating school subsidies.

- (1) A student's graduation from high school signifies both the student's fulfillment of the high school graduation requirements set forth in Chapter 4 (relating to academic standards and assessment) and the end of the student's membership in a school district for the purpose of State subsidy reimbursement. A graduating student's date of graduation shall be that of the commencement ceremony of the student's high school.
- (2) This paragraph applies to a graduating high school student who is attending an area vocational technical school (AVTS). If the AVTS instructional calendar extends beyond the student's high school commencement date, for purposes of determining whether the student has received 180 days of instruction and for purposes of determining State subsidy computation, the student may be maintained in membership at the AVTS until the end of the AVTS calendar.
- (3) Graduating students may be counted as in attendance for no more than 3 days of commencement preparation. Commencement preparation may be held on Saturdays within 60 days of the commencement ceremony. During commencement preparation days, students shall be under the supervision of certificated school district employees.
- (4) School districts, AVTSs and charter schools may permit students with disabilities identified under Chapter 14 (relating to special education program and services) to participate in graduation ceremonies with their graduating class, even though they will not be awarded a diploma and will continue to receive educational services under Chapter 14. The participation of those students in graduation ceremonies does not preclude the school district from counting those students in its membership for subsidy purposes.

**Authority**

The provisions of this § 11.27 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.27 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (252442) and (244461).

**§ 11.28. Out-of-school programs and part-time employment.**

(a) *Out-of-school programs.* For reimbursement purposes, students engaged part-time in an out-of-school program shall be counted as if in regular school attendance. The programs must be arranged as an integral part of the school curricula and shall be



properly supervised by a certificated employee. Students attending school and enrolled in supervised programs may be counted as in full membership.

(b) *Part-time employment.* A student may be excused on a part-time basis from public school attendance to pursue non-school district supervised outside employment. For reimbursement purposes, membership in the public schools shall be calculated by counting the students only for those periods while they are in school. Excusal of students to pursue non-school district supervised outside employment shall be consistent with the applicable provisions of section 1330 of the Public School Code of 1949 (24 P. S. § 13-1330) as they relate to excusals from compulsory attendance for purposes of employment and with the school district's rules governing excusals. Students excused on a full-time basis may not be counted as in membership.

#### Authority

The provisions of this § 11.28 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### Source

The provisions of this § 11.28 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244461).

#### § 11.29. [Reserved].

#### Source

The provisions of this § 11.29 reserved December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874. Immediately preceding text appears at serial page (11180).

### EXCUSALS FROM PUBLIC SCHOOL ATTENDANCE

#### § 11.31. Students not enrolled in public schools due to private tutoring.

(a) *Private tutoring requirements.*

(1) The instruction of students not enrolled in public schools due to private tutoring by a qualified tutor under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327) must include for elementary school level students: English, including spelling, reading and writing; arithmetic; geography; the history of the United States and Pennsylvania; science; civics, including loyalty to the State and National government; safety education, including regular and continuous instruction in the dangers and prevention of fires; health, including physical education and physiology; music; and art.

(2) For secondary school level students, the instruction must include: art; English; health; mathematics; music; physical education; science; and social studies, including civics, world history, United States and Pennsylvania history.

(3) The instruction may include, at the discretion of the tutor, economics, biology, chemistry, foreign languages, trigonometry or other age appropriate planned instruction as contained in Chapter 4 (relating to academic standards and assessment).

(4) The instruction must be given during the school year for a minimum of 180 days of instruction or for a minimum of 900 hours of instruction for an elementary level student and

a minimum of 990 hours of instruction for a secondary level student as the equivalent of 180 days of instruction.

(b) *Documentation regarding private tutoring.*

(1) School district approval is not required to commence private tutoring.

(2) The parent shall provide written assurance that the instructional requirements listed in this section have been met.

(3) When a superintendent receives a complaint that a student is not being provided instruction for the time prescribed or that a student is not making satisfactory progress in the tutoring program, the superintendent may request evidence of student academic progress and documentation that instruction is provided for the required number of days and hours.

(4) Evidence of satisfactory progress may include samples of student work, assessments, progress reports, report cards and evaluations.

(5) Documentation of instructional time may include logs maintained by the tutor or parent, attendance records or other records indicating the dates and time instruction was provided.

**Authority**

The provisions of this § 11.31 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School

Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.31 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798.

Immediately preceding text appears at serial page (244462).

**§ 11.31a. Students not enrolled in public schools due to participation in a home education program.**

Students of compulsory school age participating in a home education program are subject to sections 1327(d) and 1327.1 of the Public School Code of 1949 (24 P. S. §§ 13-1327(d) and 1327.1). School district approval is not required to commence home education programs.

**Authority**

The provisions of this § 11.31a issued under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 11.31a adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798.

**§ 11.32. Students attending nonpublic or private schools.**

A child of compulsory school age regularly attending full-time a nonpublic school that is in compliance with section 1327(b) of the Public School Code of 1949 (24 P. S. § 13-1327(b)) or an accredited or licensed private school, in which the instruction prescribed by statute and this part is taught, shall be in compliance with the compulsory attendance requirements.

**Authority**

The provisions of this § 11.32 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.32 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244462) and (279553).

**§ 11.33. Dual enrollment students enrolled part-time in the public schools.**

For reimbursement purposes, membership and attendance of nonpublic school students, students in a private tutoring program under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327), and students in a home education program under section 1327.1 of the Public School Code of 1949 (24 P. S. § 13-1327.1), lawfully enrolled part-time in the public schools, shall be calculated by counting the time the students spend in the public school program on a pro rata basis.

**Authority**

The provisions of this § 11.33 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.33 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279553).

**§ 11.34. Excusals from attendance for other than temporary reasons.**

(a) A school district may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of the Secretary. The excusal, which shall be reevaluated every 3 months, may be extended upon the recommendation of the school physician and with the approval of the Secretary. Children so excused shall be entered on the inactive roll.

(b) Prior to seeking excusal and the Secretary's approval, the school district shall provide the child's parents with written notice of both the proposed excusal, including the reasons for

the excusal, and an opportunity to be heard. For a child enrolled in special education, the notice and opportunity to be heard shall be governed by §§ 14.161 and 14.162 (relating to prehearing conferences; and impartial due process hearing and expedited due process hearing).

**Authority**

The provisions of this § 11.34 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.34 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279553).

**APPLICABILITY**

**§ 11.41. School district policies and rules.**

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.

(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.

(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. § 13-1329(b)).

**Authority**

The provisions of this § 11.41 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.41 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279554).

**EXCEPTIONS**

**§ 11.51. Exceptions.**

The Secretary, in conformity with authority given under statute, may grant exceptions to this chapter as are necessary to adopt them to a school district's needs.

**Authority**

The provisions of this § 11.51 issued under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372 and 15-1511).

**Source**

The provisions of this § 11.51 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874.

**Section D. is from Pa. Code, Chapter 12**, which provides guidance for implementation of K-12 student services to meet student needs.

**D. Title 22, Pa. Code Chapter 12**

**CHAPTER 12. STUDENTS AND STUDENT SERVICES STUDENT RIGHTS AND**

## RESPONSIBILITIES

Sec.

- 12.1. Free education and attendance.
- 12.2. Student responsibilities.
- 12.3. School rules.
- 12.4. Discrimination.
- 12.5. Corporal punishment.
- 12.6. Exclusions from school.
- 12.7. Exclusion from classes—in-school suspension.
- 12.8. Hearings.
- 12.9. Freedom of expression.
- 12.10. Flag Salute and the Pledge of Allegiance.
- 12.11. Hair and dress.
- 12.12. Confidential communications.
- 12.13. [Reserved].
- 12.14. Searches.
- 12.15. [Reserved].
- 12.16. Definitions.
  
- 12.31. General requirements.
- 12.32. Elements of the plan.
- 12.33. [Reserved].

## STUDENT RECORDS

- 12.41. Student services.

## SERVICES TO STUDENTS

- 12.42. Student assistance program.

### Authority

The provisions of this Chapter 12 issued under section 408.1 of The Administrative Code of 1929 (71 P. S. § 118.1) (Repealed), unless otherwise noted.

### Source

The provisions of this Chapter 12 adopted July 26, 1974, effective July 27, 1974, 4 Pa.B. 1530; amended September 27, 1974, effective September 28, 1974, 4 Pa.B. 2075, unless otherwise noted.

### Cross References

This chapter cited in 22 Pa. Code § 16.65 (relating to confidentiality); and 22 Pa. Code §

711.61 (relating to suspension and expulsion).  
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## STUDENT RIGHTS AND RESPONSIBILITIES

### Notes of Decisions

#### *Construction of Regulations*

When the legislature did not delegate power over student conduct and discipline to the State Board of Education, the regulations of the Board pertaining to such matters were invalid and unenforceable. *Girard School District v. Pittenger*, 370 A.2d 420 (Pa. Cmwlth. 1977); reversed 392 A.2d 261 (Pa.1978).

In issuing these regulations, the State Board was acting within the field of education and was not exceeding the authority of the grant of legislative rulemaking power contained in section 1317 of The Administrative Code of 1929 (71 P. S. § 367). *Girard School District v. Pittenger*, 392 A.2d 261 (Pa. 1978).

The provisions of 22 Pa. Code §§ 12.1—12.15 (relating to student rights and responsibilities) are to be considered as in *pari materia* with 24 P. S. §§ 5-510, 5-511(a), 13-1317, 13-1318 and 13-1338. *Girard School District v. Pittenger*, 392 A.2d 261 (Pa. 1978).

## STUDENT RIGHTS AND RESPONSIBILITIES

### **§ 12.1. Free education and attendance.**

(a) All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth's public schools.

(b) Parents or guardians of all children between the ages of 8 and 17 are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 17 years of age if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools or from extracurricular activities because:

(1) The student is married.

(2) The student is pregnant.

(3) The student has a disability as identified by Chapter 15 (relating to protected handicapped students).

(4) The student is an eligible student identified under Chapter 14 (relating to special education services and programs).

### **Source**

The provisions of this § 12.1 amended February 17, 1984, effective February 18, 1984, 14 Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.



### **Authority**

The provisions of this § 12.1 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

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### **Cross References**

This section cited in 22 Pa. Code § 12.6 (relating to exclusions from school).

### **§ 12.2. Student responsibilities.**

(a) Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

(b) No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.

(c) Students should express their ideas and opinions in a respectful manner. (d) It is the responsibility of the students to conform to the following:

(1) Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.

(2) Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.

(3) Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.

(4) Assist the school staff in operating a safe school for the students enrolled therein.

(5) Comply with Commonwealth and local laws.

(6) Exercise proper care when using public facilities and equipment.

(7) Attend school daily and be on time at all classes and other school functions.

(8) Make up work when absent from school.

(9) Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.

(10) Report accurately in student media.

(11) Not use obscene language in student media or on school premises.

### **Authority**

The provisions of this § 12.2 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

### Source

The provisions of this § 12.2 amended February 17, 1984, effective February 18, 1984, 14 Pa.B.

520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

Immediately preceding text appears at serial pages (279556) and (293057).

Ch. 12 STUDENTS 22 § 12.2

12-3

(315951) No. 375 Feb. 06

### § 12.3. School rules.

(a) The governing board has the authority to make reasonable and necessary rules governing the conduct of students in school. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. A governing board has only those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the school.

(b) Governing boards may not make rules that are arbitrary, capricious, discriminatory or outside their grant of authority from the General Assembly. A rule is generally considered reasonable if it uses a rational means of accomplishing some legitimate school purpose.

(c) Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as outlined in this chapter. This conduct code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.

### Authority

The provisions of this § 12.3 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

### Source

The provisions of this § 12.3 amended February 17, 1984, effective February 18, 1984, 14 Pa.B.

520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

Immediately preceding text appears at serial page (293057).

### Notes of Decisions

#### Scope of Authority

The board of school directors exceeded its authority in adopting its “zero tolerance policy,” where the policy failed to provide the superintendent with discretion to recommend a modification to the policy’s 1-year expulsion requirement for possession of a weapon. *Lyons v. Penn Hills School District*, 723 A.2d 1073 (Pa. Cmwlth. 1999); appeal denied 740 A.2d 235 (Pa. 1999).

**Sufficient Notice**

The District’s distribution of its drug and alcohol policy in the student handbook provided to all students—of which Appellant student acknowledged seeing—satisfied any legal requirement as to notice of the District’s policy. *T. S. v. Penn Manor School District*, 798 A.2d 837 (Pa Cmwlth. 2002); appeal denied 812 A.2d 1232 (Pa. 2002).

**§ 12.4. Discrimination.**

Consistent with the Pennsylvania Human Relations Act (43 P. S. §§ 951—963), a student may not be denied access to a free and full public education, nor may a student be subject to disciplinary action on account of race, sex, color, religion, sexual orientation, national origin or disability.

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**Authority**

The provisions of this § 12.4 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.4 amended February 17, 1984, effective February 18, 1984, 14 Pa.B.

520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

Immediately preceding text appears at serial page (293058).

**§ 12.5. Corporal punishment.**

(a) Corporal punishment is defined as physically punishing a student for an infraction of the discipline policy. Use of corporal punishment is prohibited.

(b) Teachers and school authorities may use reasonable force under the following circumstances:

- (1) To quell a disturbance.
- (2) To obtain possession of weapons or other dangerous objects.
- (3) For the purpose of self-defense.
- (4) For the protection of persons or property.

**Authority**

The provisions of this § 12.5 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.5 amended February 17, 1984, effective February 18, 1984,

14 Pa.B.

520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial page (293058).

### Notes of Decisions

#### Teacher Disability

The predetermination procedures afforded a tenured school teacher, who, after being warned, continued to use excessive force on students in violation of the policy on corporal punishment, did not violate due process. *Kramer v. Newman*, 840 F. Supp. 325 (E. D. Pa. 1993).

#### **§ 12.6. Exclusions from school.**

(a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519—300.529 (relating to discipline procedures).

(b) Exclusion from school may take the form of suspension or expulsion.

(1) Suspension is exclusion from school for a period of from 1 to 10 consecutive school days. (i) Suspensions may be given by the principal or person in charge of the public school.

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(ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.

(iii) The parents or guardians and the superintendent of the district shall be notified immediately in writing when the student is suspended.

(iv) When the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in § 12.8(c) (relating to hearings).

(v) Suspensions may not be made to run consecutively beyond the 10 school day period. (vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the governing board.

(2) Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing under § 12.8.

(c) During the period prior to the hearing and decision of the governing board in an expulsion case, the student shall be placed in his normal class except as set forth in subsection (d).

(d) If it is determined after an informal hearing that a student's presence in his normal class

would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.

(e) Students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.

(1) The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.

(2) Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400—1482).

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(3) If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See § 12.1(b) (relating to free education and attendance).

### Authority

The provisions of this § 12.6 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

### Source

The provisions of this § 12.6 amended February 17, 1984, effective February 18, 1984, 14 Pa.B.

520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial pages (295323) to (295324) and (286657).

### Notes of Decisions

Alternative Instruction

If a school district provides an educational program to students who have been expelled which includes the assignment of work to be performed at home and 1-1/2 hours of

instruction and counseling each week to address the homework accomplished, it has complied with the requirements of former subsection (h). *Southeastern School District v. Abremski* (No. 2), 12 Pa. D. & C.3d 323 (1979). Local school officials may determine the amount and type of alternative instruction necessary and appropriate in each case involving an expelled student. *Abremski v. Southeastern School District*, 421 A.2d 485 (Pa. Cmwlth. 1980).

### Appeal; No Expulsion

Where the discipline imposed upon the student was three 15-minute after-school detention sessions, the student has no right to a hearing or appeal, as there is no such recourse provided by the regulations. *Schmader v. Warren County School District*, 808 A.2d 596 (Pa. Cmwlth. 2002); appeal denied 820 A.2d 163 (Pa. 2003).

There is no provision in the regulations for an appeal of a school board decision to suspend a student for 10 days or less. *In re Appeal of JAD*, 782 A.2d 1069 (Pa. Cmwlth. 2001).

### Due Process Required

Expulsion is exclusion from school for a period of more than 10 days. Due process requires that a student subject to expulsion be afforded a hearing. *In re Appeal of JAD*, 782 A.2d 1069 (Pa. Cmwlth. 2001).

Where student was expelled from school for approximately 30 days, due process required that the student be given a formal hearing. *Oravetz v. West Allegheny School District*, 74 Pa. D. & C.2d 733 (1975).

### Expulsion Appropriate

None of the provisions of this section relating to expulsions provide that an expulsion decision, otherwise proper, cannot stand if the expelled student was also suspended for the same offense, and if the period of suspension exceeded the regulatory maximum, due to the failure, for undisclosed reasons, of a student to return to school for a three-day period following a suspension, *Porter v. Board of School Directors of Clairton School District*, 445 A.2d 1386 (Pa. Cmwlth. 1982).

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### In General

Regulations governing the types of offenses that would lead to exclusion from school may be published by individual schools rather than by the Board of Education itself. *Figuroa v. Thompson*, 1 Pa. D. & C.3d 266 (1975).

When the legislature did not delegate power over student conduct and discipline to the State Board of Education, the Board's regulations pertaining to such matters were invalid and unenforceable. *Howard H. v. Wentzel*, 372 A.2d 30 (Pa. Cmwlth. 1977).

### Procedural Violations

Where defendant school district summarily suspended plaintiffs for a period in excess of 3 days and failed to follow notice and hearing procedures, those portions of the suspension served before proper notice and hearing were expunged from plaintiffs' records. *Mullane v. Wyalusing Area School District*, 30 D. & C.4th 179 (1997).

#### School Board Review

This regulation clearly provides that the decision to suspend a student for no more than 10 days is within the power of the principal. Thus, although the school board agreed to consider the issue of the students' suspensions, that special meeting was nothing more than a gratuitous gesture to the students and their parents. The board's acquiescence to hold the meeting was purely voluntary, and its affirmation of the principal's decision had no legal consequence. *Burns v. Hitchcock*, 683 A.2d 1322 (Pa. Cmwlth. 1996).

#### Smoking

School regulations which restricted student smoker's use of restrooms were not unconstitutional where they were not arbitrary, unreasonable or capricious. *Figuroa v. Thompson*, 1 Pa. D. & C.3d 266 (1975).

#### Cross References

This section cited in 22 Pa. Code § 711.61 (relating to suspension and expulsion).

#### § 12.7. Exclusion from classes—in-school suspension.

- (a) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- (b) Communication to the parents or guardian shall follow the suspension action taken by the school.
- (c) When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings).
- (d) The student's school entity has the responsibility to make provision for the student's education during the period of the in-school suspension.

#### Authority

The provisions of this § 12.7 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

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#### Source

The provisions of this § 12.7 readopted February 17, 1984, effective February 18, 1984, 14

Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial page (286657).



**§ 12.8. Hearings.**

(a) *General.* Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.

(b) *Formal hearings.* A formal hearing is required in all expulsion actions. This hearing may be held before the governing board or an authorized committee of the board, or a qualified hearing examiner appointed by the board. When a committee of the board or a hearing examiner conducts the hearing, a majority vote of the entire governing board is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:

(1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.

(2) At least 3 days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.

(3) The hearing shall be held in private unless the student or parent requests a public hearing.

(4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.

(5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

(6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.

(7) The student has the right to testify and present witnesses on his own behalf.

(8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's

expense, to a copy. A copy shall be provided at no cost to a student who is indigent.

(9) The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:

(i) Laboratory reports are needed from law enforcement agencies.

(ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. §§1400—1482).

(iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.

(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

(c) *Informal hearings.* The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

(1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be

avoided.

(2) The following due process requirements shall be observed in regard to the informal hearing:

(i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.

(ii) Sufficient notice of the time and place of the informal hearing shall be given.

(iii) A student has the right to question any witnesses present at the hearing.

(iv) A student has the right to speak and produce witnesses on his own behalf.

(v) The school entity shall offer to hold the informal hearing within the first 5 days of the suspension.

#### **Authority**

The provisions of this § 12.8 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### **Source**

The provisions of this § 12.8 amended through February 24, 1984, effective February 18, 1984, 14 Pa.B. 657; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial pages (286657) to (286658) and (295325).

#### **Notes of Decisions**

##### **Appeal**

Since the discipline imposed was not expulsion, but rather more school, that is, 15 minutes of after-school detention for 3 days, there is no provision for appeal of that decision. *Schmader v. Warren County School District*, 808 A.2d 596 (Pa. Cmwlth. 2002).

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A student subject to expulsion has the right to seek recourse in the appropriate court of the

Commonwealth.

*In re Appeal of JAD*, 782 A.2d 1069 (Pa. Cmwlth. 2001).

##### **Due Process**

Where the school board conducted a hearing at which the District's witnesses testified, and the student was represented by counsel who was given full opportunity to cross-examine the District's witnesses, that proceeding provided sufficient discovery to satisfy the requirements of § 12.8(b)(1)(i)—(ix). *J.S. v. Bethlehem Area School District*, 794 A.2d 936 (Pa. Cmwlth. 2002);

appeal denied 818A.2d 506 (Pa. 2003).

Identical letters sent to a student and his parents, which provided that the recommendation for expulsion was related to two incidents and specifically enumerated the facts surrounding the underlying incidents, complied with due process requirements, where the letters specifically enumerated the charges the school board was considering against the student. *Hamilton v. Unionville-Chadds Ford School*, 714 A.2d 1012 (Pa. 1998).

Due process requirements must be observed in school hearings. Failure to notify the student of all charges pending against such student violates due process and a new hearing must be granted. *Yatron by Yatron v. Hamburg Area School District*, 631 A.2d 758 (Pa. Cmwlth. 1993); appeal denied 647A.2d 906 (Pa. 1994).

### Notice

Although parents were orally notified of hearing regarding son's suspension beyond 3 days, the additional 4 day suspension decided upon after the hearing was invalid because the school failed to give the parents written notice of the reasons for suspension, as required by subsection (c)(2)(i). *Mifflin County School District v. Stewart*, 503 A.2d 1012 (Pa. Cmwlth. 1986). When the parent of a student received notice of a disciplinary hearing approximately 24 hours before the hearing was scheduled to commence, such notice was inadequate. *Minnicks v. McKeesport Area School District*, 74 Pa. D. & C.2d 744 (1975).

### Procedural Violations

Where defendant school district summarily suspended plaintiffs for a period in excess of 3 days and failed to follow notice and hearing procedures, those portions of the suspension served before proper notice and hearing were expunged from plaintiffs' records. *Mullane v. Wyalusing Area School District*, 30 D. & C.4th 179 (1997).

### Supersedeas

A supersedeas is inappropriate in an appeal from an action in which students were expelled by a school board if the determination concerning the return of the students to school will be made within a few days and prior to the court hearing concerning the propriety of the board action, especially since a supersedeas would be disruptive of school board disciplinary powers. *Southeastern School District v. Abremski (No. 1)*, 12 Pa. D. & C.3d 320 (1979).

### Cross References

This section cited in 22 Pa. Code § 12.6 (relating to exclusions from school); and 22 Pa. Code § 12.7 (relating to exclusion from classes—in-school suspension).

### § 12.9. Freedom of expression.

(a) The right of public school students to freedom of speech is guaranteed by the

Constitution of the United States and the Constitution of the Commonwealth.

(b) Students shall have the right to express themselves unless the expression materially and substantially interferes with the educational process, threatens serious harm to the school or community, encourages unlawful activity or interferes with another individual's rights.

(c) Students may use publications, handbills, announcements, assemblies, group meetings, buttons, armbands and any other means of common communication, provided that the use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities.

(1) Students have the responsibility to obey laws governing libel and obscenity and to be aware of the full meaning of their expression.

(2) Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.

(d) Identification of the individual student or at least one responsible person in a student group may be required on posted or distributed materials.

(e) School officials may require students to submit for prior approval a copy of materials to be displayed, posted or distributed on school property.

(f) Bulletin boards must conform to the following:

(1) School authorities may restrict the use of certain bulletin boards.

(2) Bulletin board space should be provided for the use of students and student organizations.

(3) School officials may require that notices or other communications be officially dated before posting, and that the materials be removed after a prescribed reasonable time to assure full access to the bulletin boards.

(g) School newspapers and publications must conform to the following:

(1) Students have a right and are as free as editors of other newspapers to report the news and to editorialize within the provisions in paragraphs (4) and (5).

(2) School officials shall supervise student newspapers published with school equipment, remove obscene or libelous material and edit other material that would cause a substantial disruption or interference with school activities.

(3) School officials may not censor or restrict material simply because it is critical of the school or its administration.

(4) Prior approval procedures regarding copy for school newspapers must identify the individual to whom the material is to be submitted and establish a limitation on the time required to make a decision. If the prescribed time for approval elapses without a decision, the material shall be considered authorized for distribution.

(5) Students who are not members of the newspaper staff shall have access to its pages. Written criteria for submission of material by non-staff members shall be developed and distributed to all students.

(h) The wearing of buttons, badges or armbands shall be permitted as another form of expression within the restrictions listed in subsection (c).

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(i) School officials may set forth the time and place of distribution of materials so that distribution would not materially or substantially interfere with the requirements of

appropriate discipline in the operation of the school.

(1) A proper time and place set for distribution is one that would give the students the opportunity to reach fellow students.

(2) The place of the activity may be restricted to permit the normal flow of traffic within the school and at exterior doors.

#### **Authority**

The provisions of this § 12.9 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### **Source**

The provisions of this § 12.9 amended February 17, 1984, effective February 18, 1984, 14 Pa.B.

520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

Immediately preceding text appears at serial pages (295325) to (295326), (289657) and (288181).

#### **Notes of Decisions**

Clearly Established

Because of the procedural scheme promulgated by the school district, it is not “clearly established” that the plaintiff had a First Amendment right to circulate a petition. *Walker-Serrano v. Leonard*, 168 F. Supp. 2d 332 (M.D. Pa. 2001); judgment affirmed 325 F.3d 912 (3rd Cir. Pa. 2003).

#### **§ 12.10. Flag Salute and the Pledge of Allegiance.**

It is the responsibility of every citizen to show proper respect for his country and its flag.

(1) Students may decline to recite the Pledge of Allegiance and may refrain from saluting the Flag on the basis of personal belief or religious convictions.

(2) Students who choose to refrain from such participation shall respect the rights and interests of classmates who do wish to participate.

#### **Source**

The provisions of this § 12.10 amended February 17, 1984, effective February 18, 1984, 14

Pa.B. 520. Immediately preceding text appears at serial page (17774).

#### **§ 12.11. Hair and dress.**

(a) The governing board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings.

(b) Students have the right to govern the length or style of their hair, including facial hair. Any limitation of this right must include evidence that length or style of hair causes disruption of the educational process or constitutes a health or safety hazard. When length or style of the hair presents a health or safety hazard, some types of covering shall be used.

(c) Students may be required to wear certain types of clothing while participating in physical education classes, shops, extracurricular activities or other situations when special attire may be required to insure the health or safety of the student.

(d) Students have the responsibility to keep themselves, their clothes and their hair clean. School officials may impose limitations on student participation in the regular instructional program when there is evidence that the lack of cleanliness constitutes a health hazard.

**Authority**

The provisions of this § 12.11 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.11 amended February 17, 1984, effective February 18, 1984, 14 Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial page (288181).

**§ 12.12. Confidential communications.**

(a) Use of a student’s confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42

Pa.C.S. § 5945 (relating to confidential communications to school personnel).

(b) Information received in confidence from a student may be revealed to the student’s parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

**Authority**

The provisions of this § 12.12 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.12 amended February 17, 1984, effective February 18, 1984, 14 Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial pages (288181) to (288182).

**Notes of Decisions**

**Confidential Communication**

Conversations between an assistant principal and a student are not privileged and confidential under 22 Pa. Code § 12.12 (a) unless acting in the role of guidance counselor. In re McClellan, 475 A.2d 867 (Pa. Cmwlth. 1984).

**§ 12.13. [Reserved].**



**§ 12.14. Searches.**

- (a) The governing board of every school entity shall adopt reasonable policies and procedures regarding student searches. The local education agency shall notify students and their parents or guardians of the policies and procedures regarding student searches.
- (b) Illegal or prohibited materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding.
- (c) Prior to a locker search, students shall be notified and given an opportunity to be present. When school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in the school, student lockers may be searched without prior warning.

**Authority**

The provisions of this § 12.14 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.14 amended February 17, 1984, effective February 18, 1984, 14 Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial page (288182).

**§ 12.15. [Reserved].**

**Source**

The provisions of this § 12.15 reserved February 17, 1984, effective February 18, 1984, 14 Pa.B. 520. Immediately preceding text appears at serial pages (17776) to (17778) and (34873) to (34874).

**§ 12.16. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

- Corporal punishment—A form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.
- Governing board—The board of school directors of a school district, joint school committee of a joint school or joint vocational school, intermediate unit board of directors, or the board of trustees of a charter school or cyber-charter school.
- School entity—A local public education provider (for example—public school, charter school, cyber-charter school, area vocational-technical school or intermediate unit).



**Student assistance program**—A systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student’s learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent and the student with information so they may access services within the community.

**Student services**—Services designed by a school entity to support the instructional program and to help students attain their educational and career goals.

(i) Services may include school guidance counseling, health services (under Article XIV of the Public School Code of 1949 (24 P. S. §§ 14-1401—14-1423) and 28 Pa. Code Chapter 23 (relating to school health)), psychological services, social work and home and school visitor services.

(ii) School entities may supplement, but may not supplant, these services through school-based, school-linked, or coordinated services provided by locally available social and human services agencies.

**Authority**

The provisions of this § 12.16 issued under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.16 adopted December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

**STUDENT RECORDS**

**§ 12.31. General requirements.**

- (a) The governing board of every school entity shall adopt a plan for the collection, maintenance and dissemination of student records
- (b) Copies of the adopted plan shall be maintained by the school entity and updated as required by changes in State or Federal law.
- (c) Copies of the plan shall be submitted to the Department only upon request of the Secretary.

**Authority**

The provisions of this § 12.31 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.31 amended through February 17, 1984, effective February

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1984, 14 Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial pages (288182) and (227273).

**Cross References**

This section cited in 22 Pa. Code § 339.32 (relating to services).

**§ 12.32. Elements of the plan.**

The plan for student records must conform with applicable State and Federal laws, regulations and directives identified in guidelines issued by the Department.

**Authority**

The provisions of this § 12.32 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 12.32 amended through February 17, 1984, effective February 18, 1984, 14 Pa.B. 520; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial page (227273).

**Cross References**

This section cited in 22 Pa. Code § 339.32 (relating to services).

**§ 12.33. [Reserved].**

**Source**

The provisions of this § 12.33 reserved December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658. Immediately preceding text appears at serial pages (227273) to (227282) and (256349).

**Notes of Decisions**

**Personal Files**

In that notes taken by the school district psychologist during interviews with fourth graders were not maintained for his use in counseling the pupils, the confidentiality concept of guideline # 2.4 does not defeat the parents' right of access to the notes as was agreed prior to the interviews. *Parents Against Abuse in Schools v. Williamsport Area School District*, 594 A.2d 796 (Pa. Cmwlth. 1991).

**Cross References**

This section cited in 22 Pa. Code § 51.72 (relating to student).

## SERVICES TO STUDENTS

### § 12.41. Student services.

Each school entity shall prepare a written plan for the implementation of a comprehensive and integrated K—12 program of the student services based on the needs of its students. The plan shall be prepared and revised in accordance with the time frames and procedures described in § 4.13(a), (b), (d), (e) and (f) (relating to strategic plans). Services offered by community agencies in public schools shall be coordinated by and under the general direction of the school entity. The plan must include policies and procedures for emergency care and administration of medication and treatment under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) and guidelines issued by the Department of Health. The Department of Health guidelines are available from the Division of School Health, Department of Health, P. O. Box 90, Harrisburg, Pennsylvania 17108.

(b) Though the variety of student services offered will differ from school to school depending upon its size and the needs of its students, the following categories of services shall be provided by each school entity in planning its student services:

(1) Developmental services for students that address their developmental needs throughout their enrollment in school. Developmental services include guidance counseling, psychological services, health services, home and school visitor services and social work services that support students in addressing their academic, behavioral, health, personal and social development issues.

(2) Diagnostic, intervention and referral services for students who are experiencing problems attaining educational achievement appropriate to their learning potential.

(i) Student services staff use diagnostic services to identify barriers that limit a student's success in school. Intervention services actively engage student services staff in activities planned to reduce or eliminate specific barriers to student success.

(ii) Student services staff may arrange for referrals to other school-based or school-linked professionals or may refer parents and guardians to appropriate community-based services for assistance.

(3) Consultation and coordination services for students who are experiencing chronic problems that require multiple services by teams or specialists.

(i) Consultation services are used by student services staff, in partnership with parents or guardians, to obtain assistance to address barriers and issues that are outside the scope of the student services professional.

(ii) Consultation and coordination services may be used to assist in the diagnosis, intervention or referral of students who face barriers to success.

(iii) Coordination services connect school resources with other available resources to assist students in meeting their educational objectives.

(c) Student services must:

(1) Be an integral part of the instructional program at all levels of the school system.

(2) Provide information to students and parents or guardians about educational opportunities of the school's instructional program and how to access these

opportunities.

(3) Provide career information and assessments so that students and parents or guardians might become aware of the world of work and of a variety of career options available to individual students.

(4) Provide basic health services outlined in Article XIV of the Public School Code of 1949 (24

P. S. §§ 14-1401—14-1423) for students and information to parents or guardians about the health needs of their children.

(d) When student assessments using individual surveys are administered, parents or guardians shall be informed of the nature and scope of the surveys and of their relationship to the educational program of their child, consistent with section 445 of the General Education Provisions Act (20 U.S.C.A. § 1232h) regarding protection of pupil rights. Parents or guardians, or the student if the student is 18 years of age or older, shall have the right to refuse to participate in the survey by means of procedures established by the school entity.

(e) Persons delivering student services shall be specifically licensed or certified as required by statute or regulation.

(f) The Department will provide guidelines and technical assistance to local education agencies in planning student services.

#### Authority

The provisions of this § 12.41 issued under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 12.41 adopted December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

#### **§ 12.42. Student Assistance Program.**

School entities shall plan and provide for a student assistance program under the Early Intervention Services System Act (11 P. S. §§ 875-101—875-503).

#### Authority

The provisions of this § 12.42 issued under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 12.42 adopted December 2, 2005, effective December 3, 2005, 35 Pa.B. 6510, 6658.

**Section E. is from Pa. Code, Basic Education Circulars, 24PS., Section13-1301, which relates to enrollment of students.**

## E. BEC 24 PS 13-1301 Enrollment of Students

Basic Education Circulars (Purdon's Statutes)

SUBJECT: Enrollment of Students  
24 P.S. §13-1301

DATE OF ISSUE: July 1, 2002

DATE OF EXPIRATION:

REPLACES: Age Limits for School Attendance,  
BEC 24 P.S. §13-1301, issued December 7, 2001  
Pre-Adoptive and Adoptive School Age  
Students, BEC 24 P.S. §13-1302, issued  
September 1, 1997  
The Education of Children Placed in Foster  
Care, BEC 24 P.S. §13-1305, issued July 1,  
2000

### Purpose

This BEC is to provide guidance to school districts in enrollment procedures for all students who come to public schools. It has come to our attention that there are occasionally situations which cause unnecessary delays or even refusal to enroll some students in some school districts. This BEC will discuss some of those barriers and ways to remove them. At the same time this BEC is published, the Pennsylvania Department of Human Services will be issuing a Bulletin to inform County Offices about school enrollment procedures and necessary documents for school enrollments.

### Enrollment Procedures

When any student of school age is presented for enrollment, the school district shall:

- 1) Require proof of the child's date of birth: (acceptable documentation includes birth certificate, baptismal certificate or transcript of the record of baptism - duly certified and showing the date of birth, notarized statement from the parents indicating the date of birth, duly attested transcript of the birth certificate, or duly certified transcript of birth)
- 2) receive an immunization record or assurance from the former school district or a medical office that the required immunizations have been done (or a required series begun) with a record to be sent;
- 3) require completion of a Parent Registration Statement attesting to whether the student has been or is suspended or expelled for offenses involving drugs or alcohol, weapons or violence per 24 P.S. §13-1304-A;
- 4) require proof of residency. The school district's registration form for student enrollment may include name, address, telephone number, name of parent(s) or guardian(s) or resident adult(s) with whom the student is living, addresses and telephone numbers, emergency contact information, former school information, and other locally required information.

Enrollment procedures may not require social security number, picture identification, reason for a child's placement if not living with natural or pre-adoptive or adoptive parents, court

orders, guardianship or a visa.

Upon enrollment, the school district is to contact the student's former school if within the Commonwealth for a copy of the student's disciplinary record, if any, which is to be sent within 10 business days. Additional information that may be requested but is not required for enrollment and attendance in school includes academic record, attendance record, completion of the Home Language Survey, IEP and other special education records.

The Pennsylvania Department of Education (PDE) recommends that students be enrolled and in attendance in school within 5 school/business days.

## **SPECIAL SITUATIONS**

### **Age**

Children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21. Thus, during the time a child is of school age, the child or student is entitled to attend the public schools of the district or a charter school. Students who turn 21 during the school term are entitled to finish that school term.

For subsidy purposes, students who turn 21 after the school term begins are eligible to be counted for educational programs from the public school district of which they are a resident for the entire school term. The Department will accept requests to allow students to be counted in membership for subsidy purposes for an extended school program beyond age 21 if the request includes a hearing officer decision or court order.

### **Foster Students**

The Department of Education has received a number of inquiries concerning the education of nonresident children placed in foster care. The decision of the United States District Court in the case of *Nancy M. v. Scanlon*, 666 F.Supp. 723 (E.D. Pa. 1987) held Section 1305(b) of the Public School Code of 1949 to be unconstitutional on the grounds that it violated the Equal Protection Clause of the 5th and 14th Amendments of the U.S. Constitution. The decision was not appealed. Therefore, nonresident children placed in foster care must be educated in accordance with section 1305(a) of the Public School Code of 1949 which provides that a nonresident child in paid foster care is "entitled to all free school privileges accorded to resident children of the district ... in the same manner as though such child were in fact a resident child of the district." For proper payment for nonresident foster children through child accounting procedures, foster children are identified on

Form 4002, Line C, Foster child. Students who are living in foster care in the same school district as the natural parents or guardians should be identified on Form 4002, Line B. With the new licensing through the Pa. Department of Human Services, those students in private homes in foster care, under an agency foster care license, are "1305" students.

In addition, under Federal law, school districts cannot refuse to accommodate any nonresident eligible child, placed in foster care, merely because that child may have disabilities; nor, can such child be denied accommodation due to the additional burdens involved in evaluation and education of eligible school-age persons. Such denial would constitute exclusion on the basis of disability. Nonresident exceptional school-aged persons



should be afforded the same rights to an appropriate program of special education as are resident exceptional school-aged persons per 24 P.S. §13-1371 *et seq.* and 22 Pa. Code Chapter 14.

### **Students Living With a Resident Adult other than a Parent**

See BEC 24 P.S. Sec. 13-1302, Education of Children Residing With an Adult Other Than Natural Parent

### **Students Living in Institutions**

See BEC 24 P.S. §13-1306, Nonresident Students in Institutions

### **Pre-Adoptive and Adoptive Students**

The Federal Adoption Assistance Program, among other things, provides for adoption assistance payments to encourage the placement of certain hard-to-place children with adoptive parents, 42 U.S.C. Section 673. Pennsylvania has adopted companion legislation, known as the Adoption Opportunities Act, 62 P.S. Section 771 *et seq.* Under programs created by these Acts, pre-adoptive and adoptive parents may be entitled to payments or subsidies for living expenses of children placed with them.

Children living with pre-adoptive parents who are receiving adoption assistance subsidies, pre-adoptive foster payments, or other payments such as Supplemental Security Income (SSI) or Transitional Assistance for Needy Families (TANF), are entitled to attend school in the school district in which the pre-adoptive parents or adoptive parents reside.

Notwithstanding receipt of any of the above payments, children living in pre-adoptive situations should be considered residents of the school district in which their pre-adoptive parents reside under 24 P.S. Section 13-1302. Children living with adoptive parents are entitled to all free school privileges accorded to resident school children of the district under 24 P.S. Section 13-1302.

### **School-Age Children of Military Personnel**

When military personnel are deployed, a student living with relatives or family friends for that period of time are entitled to attend school in the school district in which the student is residing and he or she should be enrolled using the §1302 affidavit process. The resident shall be presumed to be supporting the child gratis (without personal compensation or gain). A resident's receipt of public payments, such as SSI, TANF, pre-adoptive support, support from the military or military personnel or other payments for or on account of the child, shall not be deemed to be personal compensation or gain.

## **COMPLAINTS TO PDE REGARDING ENROLLMENT**

A complaint process through PDE is available when a dispute arises regarding enrollment of a student. A person attempting to enroll the child or a school district may bring an enrollment dispute to the School Services Unit, PDE. A complaint may be made to the Unit by phone, following up with the concerns in writing. PDE will contact the school district, family or other involved parties to determine the proper enrollment of the student. The Unit will determine the school district that is to enroll the student and will inform the school district and the family or agency having legal custody of the child.



If the school district does not enroll the student, PDE will fax a letter to the district within five (5) business/school days after receiving the written complaint to request the school district's position on the situation. The school district will have five (5) business/school days to respond to PDE's request. If the school district refuses to enroll the student or does not respond, the complaint and response from the school district will be forwarded to the PDE Office of Chief Counsel (OCC). The OCC and the Deputy Secretary for Elementary/Secondary Education will determine if the school district's response is valid to deny enrollment. If not, the Deputy Secretary will determine what additional measures may be necessary to assure enrollment.

### References:

#### **Purdon's Statutes**

24 P.S. §1-102  
24 P.S. §13-1301  
24 P.S. Section 13-1302  
24 P.S. §13-1305  
24 P.S. §1371  
62 P.S. Section 771 et seq.

#### **State Board of Education Regulations**

22 Pa. Code, Chapter 14

#### **Federal Statutes**

42 U.S.C. Sec. 673

#### **Other**

*Nancy M. v. Scanlon*, 666 F.Supp. 723 (E.D. Pa. 1987)

#### **CONTACT BUREAU/OFFICE**

School Services Unit  
Office of Elementary and Secondary Education  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126-0333  
Phone: (717) 783-3750

#### **RELATED BECs**

**Early Intervention Transition: Infants and Toddlers to Preschool, BEC 11 P.S. §875-304** (Preschoolers identified as special needs moving from DPW programs to school district programs)

**Early Intervention Transition: Preschool Programs to School-Aged Programs, BEC 11**

**P.S.**

**§875-304** (Students moving from school district pre-school programs to school-age programs)

**Admission to Kindergarten and Beginners, BEC 24 P.S. §5-503**

(Admission of kindergarteners and beginners, evidence of age, entrance policies)

**Education of Children Residing With an Adult Other Than Natural Parent, BEC 24 P.S.**

**§13-1302** (Guardianship and affidavit students)

**Foreign Students' Eligibility for Enrollment, BEC 24 P.S. §13-1302** (Immigration laws)

**School Immunization Requirements, BEC 24 P.S. §13-1303a** (with Department of Health)

**Nonresident Students in Institutions, BEC 24 P.S. §13-1306**

(Determining residency and payment for students in group homes and other institutions)

**Determination of Residence of Children Living in Pennsylvania Institutions, BEC 24 P.S.**

**§13-1308** (Determining residency and payment for students whose parents do not live in PA)

**Safe Schools and Possession of Weapons, BEC 24 P.S. §13-1317.2**

(Parent Registration Statement)

**Pregnant and Parenting Students, BEC 24 P.S. §13-1327**

(Forbids denial of enrollment based on pregnancy or parenting)

**Transfer of Records, BEC 24 P.S. §19-1926**

(PDE recommends that student records be transferred within five days of the request)

**Missing Child Registration, BEC 35 P.S. §450.401-A**

(Procedures for school records marked Missing Child)

**Educating Students With Limited English Proficiency (LEP) and English Language**

**Learners (ELL), BEC 22 Pa. Code §4.26** (Program requirements for LEP and ELL students)

**Student Records Being Retained by a Private School BEC 22 Pa. Code §12.31**

(Enrollment options in this situation)

**Education of Homeless Youth, BEC 42 U.S.C. §11301**

(Requirements of federal law regarding enrollment of homeless students)

**Section F. is from The Juvenile Act**, which defines a “dependent” child as it relates to truancy.

**F. The Juvenile Act (42 Pa. C.S. §§ 6301-6365)**

This citation from The Juvenile Act describes the truancy situation which can prompt the courts to determine a youth to be dependent and mandate services from the county children and youth agency (see Children and Youth Services section – cross-system integration).

### **Chapter 63, Juvenile Matters**

#### § 6302. Definitions

“Dependent child.” A child who:

(5) while subject to compulsory school attendance is habitually and without justification truant from school;...

**Section G. is from The Human Services Code** which provides the responsibilities regarding administration of County Children and Youth Social Service Programs.

### **G. Title 55, Pa. Code, Chapter 3130 (relating to administration of county children and youth social service programs)**

#### **§ 3130.12. Responsibilities for children and youth services.**

- (a) The Department and each of the 67 counties are jointly responsible for the achievement of the goal of children and youth services and for assuring the availability of adequate children and youth social services to children who need the services, regardless of race, sex, religion, settlement, residence, economic or social status.
- (b) Each county is responsible for administering a program of children and youth social services that includes:
  - (1) Services designed to keep children in their own homes; prevent abuse, neglect and exploitation; and help overcome problems that result in dependency and delinquency.
  - (2) Temporary, substitute placement in foster family homes and residential child care facilities for a child in need of the care.
  - (3) Services designed to reunite children and their families when children are in temporary, substitute placement.
  - (4) Services to provide a permanent legally assured family for a child in temporary, substitute care who cannot be returned to his own home
  - (5) Service and care ordered by the court for children who have been adjudicated dependent or delinquent.

**Section H. describes PA’s Child Protective Services Law as it relates to services for truant students.**

## H. Child Protective Services Law (23 Pa. C.S. §§ 6301-6385) & Title 55, Pa. Code, Chapter 3490 (Protective Services)

### DEPARTMENT OF HUMAN SERVICES

#### § 3490.223. Definitions.

*General protective services*—Services to prevent the potential for harm to a child who meets one of the following conditions:

- (i) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals.
- (ii) Has been placed for care or adoption in violation of law.
- (iii) Has been abandoned by his parents, guardian or other custodian. (iv). Is without a parent, guardian or legal custodian.
- (v) Is habitually and without justification truant from school while subject to compulsory school attendance.
- (vi) Has committed a specific act of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision.
- (vii) Is under 10 years of age and has committed a delinquent act.
- (viii) Has been formerly adjudicated dependent under section 6341 of the Juvenile Act (relating to adjudication), and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in subparagraph (vi).
- (ix) Has been referred under section 6323 of the Juvenile Act (relating to informal adjustment), and who commits an act which is defined as ungovernable in subparagraph (vi).

#### Source

The provisions of this § 3490.223 adopted July 2, 1999, effective July 3, 1999, 29 Pa.B. 3513.

### FAILURE TO COOPERATE

#### § 3490.351. Willful failure to cooperate.

An agency, school district or facility, or a person acting on behalf of an agency, school district or facility, that violates this chapter by willfully failing to cooperate with the Department or a county agency when investigating a report of suspected child abuse, suspected student abuse or suspected neglect commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations under section 6346 of the CPSL (relating to cooperation of other agencies).

**Section I. is from P.S. 13-1333, Act 29 of 1995, which describes the penalties for violation of compulsory attendance requirements.**

## **I. PS 13-1333, Act 29 of 1995**

Act 29 amended Section 1333 of the school code. It imposed stiffer penalties for truancy of all students. In summary, this Act includes:

- 1) A \$300 fine, parent education classes and/or community service for parents of a truant child, if the parents cannot show they took reasonable steps to insure the child's school attendance.
- 2) The parent and child must appear at a hearing before the district justice.
- 3) Truant students may lose their driver's license for 90 days for a first offense and six months for a second offense.
- 4) Any child who does not have a driver's license shall be ineligible to apply for a learner's permit for a period of one year.

In addition, **Act 98, a 1996 amendment to the Pennsylvania Crimes Code**, imposes new, harsher penalties against adults who assist in student truancy.

In summary:

- There is a maximum fine of \$300 and up to 90 days in jail for an adult who aids, abets, entices or encourages a student (under age 18) to be truant from school. This is considered a summary offense.
- Subsequent violations by such a person within one year of the prior offense constitute a misdemeanor of the third degree, which is punishable by a maximum fine of \$2,500 and up to one year in jail.

Further, Section 1333 penalties for violation of compulsory attendance requirements states that: (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 as defined under 42 Pa. C.S. § 6302

**Section J. is from 18 PA CS, PA Crimes Code, as it relates to truancy and the corruption of minors.**

## **J. 18 Pa C.S. (PA Crimes Code)**

### **§ 6301. Corruption of minors.**

This section of the PA Crimes Code, in part 2., defines a summary offense related to truancy and the corruption of minors.

(a) **Offense defined.** --

Whoever, being of the age of 18 years and upwards, by any act corrupts or tends to corrupt the morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of any crime, or who knowingly assists or encourages such minor in violating his or her parole or any order of court, commits a misdemeanor of the first degree.

Any person who knowingly aids, abets, entices or encourages a minor younger than 18 years of age to commit truancy commits a summary offense. Any person who violates this paragraph within one year of the date of a first conviction under this section commits a misdemeanor of the third degree. A conviction under this paragraph shall not, however, constitute a prohibition under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(b) **Adjudication of delinquency unnecessary.** -- A conviction under the provisions of this section may be had whether or not the jurisdiction of any juvenile court has attached or shall thereafter attach to such minor or whether or not such minor has been adjudicated a delinquent or shall thereafter be adjudicated a delinquent.

(c) **Presumptions.** -- In trials and hearings upon charges of violating the provisions of this section, knowledge of the minor's age and of the court's orders and decrees concerning such minor shall be presumed in the absence of proof to the contrary.

(d) **Mistake as to age.**

Whenever in this section the criminality of conduct depends upon the corruption of a minor whose actual age is under 16 years, it is no defense that the actor did not know the age of the minor or reasonably believed the minor to be older than 18 years.

Whenever in this section the criminality of conduct depends upon the corruption of a minor whose actual age is 16 years or more but less than 18 years, it is a defense for the actor to prove by a preponderance of the evidence that he reasonably believed the minor to be 18 years or older.

**Section K. outlines the need for collection of information on truancy rates as described in No Child Left Behind legislation.**

## **K. No Child Left Behind Act of 2001 (NCLB)**

**\* Sec. 4112. Reservation of State Funds for Safe and Drug- Free Schools, (c) State Activities**

### **UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM-**

- (A) **INFORMATION AND STATISTICS-** A State shall establish a uniform management information and reporting system.
- (B) **USES OF FUNDS-** A State may use funds described in subparagraphs (A) and (B) of subsection (b) (2), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on-
  - (i) truancy rates;
  - (ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;
  - (iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and
  - (iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.
- (C) **COMPILATION OF STATISTICS-** In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State's criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.
- (D) **REPORTING-** The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.
- (E) **LIMITATION-** Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.



**Section L. outlines the Family Educational Rights and Privacy Act (FERPA).**

## **L. Family Educational Rights and Privacy Act (FERPA)**

[www.ed.gov/policy/gen/guid/fpco/ferpa/](http://www.ed.gov/policy/gen/guid/fpco/ferpa/)

This section addresses the privacy issues that must be considered by schools when dealing with student records and issues involving attendance and truancy. Under this federal law, parents have the right to inspect and review education records, to seek to amend education records and to have some control over the disclosure of information from education records. These rights transfer to the student when the student becomes an “eligible student,” as defined by FERPA, which is at age 18 or when the student attends a school beyond high school level (eligible student).

FERPA applies to all schools that receive federal funding, such as public school districts, charter schools and cyber charter schools in Pennsylvania. FERPA does not apply to non-public schools that do not receive federal funding.

Education records, as defined by FERPA, are records that contain personally-identifiable information about a student and are maintained by an educational agency or institution or a party acting for the agency or institution. The means of maintaining the record does not affect the applicability of FERPA, as long as the record contains personally-identifiable information and is maintained by the school. Records could be maintained in any of the following formats:

- (a) Hard-copy written documents (handwritten or typed);
- (b) Video or audio recordings;
- (c) Digital files, such as computer media/documents;
- (d) Film;
- (e) Print;
- (f) Emails;
- (g) Microfilm/microfiche;
- (h) Etc.

There are numerous exceptions to both what constitutes and educational record and what cannot be disclosed without prior parental consent. Law Enforcement Unit records are exempt from the definition of education records. Such records must be:

- (a) created by a law enforcement unit
- (b) for a law enforcement purpose and
- (c) maintained by the law enforcement unit.

Any law enforcement unit record that has information gained from an education record or that was created by a school-employed law enforcement officer for the purposes of school administration is not exempt. Law enforcement units may maintain education records in their files, but they will be subject to the limitations on disclosure under FERPA.

A law enforcement unit can be an individual, office, department, division or another component of an agency or institution. An individual can be designated as a law enforcement agent for part of his or her duties. An example would be a school administrator who has responsibility for helping to enforce the compulsory attendance law.

A school must annually notify parents and eligible students of their rights under FERPA. The annual notice must include:

- (a) the procedure to inspect and review educational records;
- (b) the procedure to request amendment of educational records;
- (c) a specification of criteria for determining who constitutes a school official and what constitutes
- (d) a legitimate educational interest; and;
- (e) the right of parents to file a complaint with the Family Policy Compliance Office.

Except for specific exceptions, a parent shall provide a signed and dated written consent before a school may disclose education records. The consent must specify that the records may be disclosed, the purpose of the disclosure and the party or parties to whom disclosure may be made. Consent is not needed to disclose information to school officials with a legitimate education interest. The criteria for determining who is a school official and what is a legitimate educational interest must be set forth in the school's annual parent notification of rights. Records may also be released to schools to which the student intends to enroll, to state and local officials in conjunction with serving the student under the juvenile justice system, to comply with a court order or subpoena or in a health or safety emergency.

The Uninterrupted Scholars Act (P.L. 112-278), effective January 14, 2013, created a new exception under FERPA that authorizes an agency caseworker or other representative of a State or local child welfare agency, or tribal organization, to have access to a student's educational records without having to obtain parental consent or a court order. This exception applies to children for whom the public agency has legal responsibility for their care and protection, specifically those children in the legal custody of the Agency who are placed in out-of-home care. This would include children placed under a voluntary placement agreement and shared case responsibility youth who have been adjudicated dependent.

On February 7, 2013 DHS and PDE issued a joint memo regarding the Uninterrupted Scholars Act. It is the position of both PDE and DHS that the individuals who can obtain education records under this exception, specifically those who have the right to access the child's case plan, includes the following:

- (a) the child's caseworker from the public children and youth agency;
- (b) the child's caseworker from a private children and youth agency for whom the public agency contracts; and
- (c) the supervisors or managers of such agencies.

In order to obtain the student's records, proof of this relationship with the child must be provided. This proof can be in the form of a court order or written notification on agency letterhead indicating that the agency has legal custody or is otherwise legally responsible for the care and protection of the child.

The US Department of Education's Family Policy Compliance Office will provide technical assistance and respond to questions via email sent to [ferpa@ed.gov](mailto:ferpa@ed.gov). Requests should include a phone number and fax number.

## **M. The Individuals with Disabilities in Education Act (IDEA) / 22 Pa Code Chapter 14**

The Individuals with Disabilities in Education Act , 20 U.S.C. 1400, *et seq*, is a federal statute that applies to all public schools in Pennsylvania.

Under the Individuals with Disabilities in Education Act , 20 U.S.C. 1400, *et seq.*, schools have an obligation to identify and program for students who IDEA-eligible disabilities and are in need of specially-designed instruction. Where an IDEA-eligible student is chronically or habitually truant, or where truancy is impacting a student's academic or functional performance, the IEP team should reconvene to discuss the truancy issues to determine whether revisions to the IEP are necessary and/or appropriate. It is recommended that the administrator responsible for handling truancy within the school building be a participating member of this IEP team process and discussion.

It should also be noted that the standard disenrollment procedures for a student who has not been in attendance for ten (10) days is different for special education students. Schools should contact their legal counsel for guidance as to the proper procedures for disenrolling a special education student for non-attendance.

## **N. Section 504 of the Rehabilitation Act of 1973 / 22 Pa Code Chapter 15**

The text of Section 504 states that:

*No otherwise qualified individual with a disability . . . Shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*

29 U.S.C.A. § 794. This statute, applicable to all institutions that receive federal funding, is intended to effectively ensure that all students with disabilities are able to access the public school curriculum and all public school programs and activities offered by the public school.<sup>2</sup> Section 504 protections are available to a much broader class of students than those who may

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<sup>2</sup> The statute is designed to protect individuals with disabilities in all institutions receiving federal funding, not just schools, however this document addresses only the school-based context.

be eligible for services under the Individuals with Disabilities in Education Act,<sup>3</sup> which is available to only certain classifications of students with disabilities and only to those students within such classifications who demonstrate a need for specially designed instruction.

### **Section 504 and Truancy**

Students who are chronically truant for health-related reasons may be eligible for Section 504 protections. It is imperative that schools determine, early on in the truancy process, whether there is a possibility that a student may be truant due to a medical illness or potential disability.

It is important to note that a student does not need to have a documented or diagnosed medical disability to fall within the protections of Section 504. A student need only meet the definition of an individual with a disability, under the law, to qualify.

### **Section 504 and Child Find**

Schools have an obligation, known as “child find,” to locate and identify students who may be in need of Section 504 accommodations. Therefore, schools cannot simply wait until a parent asserts the right to Section 504 protections or requests accommodations to find a child eligible and/or offer necessary accommodations. While there are a number of “red flags” that will put a school on notice that a student may have a potential Section 504-eligible disability, one of the most significant warning signs is chronic truancy. Of course, not all truancy is a result of a medical issue, and, even if it is, it may not be a Section 504-eligible disability, schools need to at least explore this option to make sure that the student is not entitled to Section 504 accommodations. This might include anything from an informal inquiry to the parents to an interview with the student’s teachers to a formal Section 504 evaluation. If the student does, indeed, have an eligible disability for which accommodations could be provided under Section 504, proper accommodation of such disability may very well help in resolving the truancy issue.

### **Requirement for Accommodations under Section 504**

Students are entitled to accommodations under Section 504 if they meet the following criteria: the student must have a physical or mental impairment that meets the requirements of the law, such impairment must substantially limit a major life activity, and the student requires accommodations to participate in school or school programs. A brief analysis of each of these components is set forth, below.

## **PHYSICAL OR MENTAL IMPAIRMENT**

A “physical or mental impairment” is defined under Section 504 as “any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs, cardiovascular, reproductive, geneto-urinary, hemic and lymphatic, skin, endocrine, and any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 34 CFR 104.3(j)(2)(i).

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<sup>3</sup> 20 U.S.C. § 1400, *et seq.*

Under Section 504 and the ADA, temporary disabilities do not qualify as “physical or mental impairments.” 29 USC 705(20)(F). Such disabilities must be considered on a case-by-case basis, and the school must consider the expected duration of the illness/injury. The U.S. Department of Education, in its guidance for public schools, has stated that the illness/injury must result in substantial limitation of major life activity for “an extended period of time.”

### MAJOR LIFE ACTIVITY

Section 504, via its shared ADA definitions, includes list of major life activities and specifically includes a new category – “major bodily functions.” 42 USC § 12102. Note that this list is intentionally left open-ended – not limited to those on the list. In addition, the “major life activity” does not need to occur in school. For instance, a student with a sleeping disorder may qualify for accommodations under Section 504. For those students whose affected “major life activity” occurs exclusively outside of the school setting, the question becomes not one of eligibility, *per se*, but whether accommodations within the school setting are necessary.

### SUBSTANTIAL LIMITATION

To qualify, a person’s disability must “substantially limit a major life activity.” 42 USC § 12102 (4)(B). However, what it means to “substantially limit” such activity has been left to interpretation of the entity. Both the U.S. Supreme Court, as well as the EEOC in its regulations, have, in the past, attempted to further define what it means to “substantially limit” a major life activity under 42 USC § 12102 (4)(B). The U.S. Supreme Court has said that it means “prevents or severely restricts,” while the EEOC regulations said that it means “significantly restricts.” The ADAAA specifically rejects both of those attempts to clarify the language and does not provide any further guidance. Therefore, schools are left with only the plain language of the phrase.

Determination of substantial limitation for an episodic disability or disease is in remission requires specific consideration under Section 504 and the ADA. 42 USC 12102 (4)(D). If it is an episodic disability or a disease in remission, the public school must make the substantial limitation determination based on how the disability/disease affects the student when it is active. For instance, for a student with epilepsy, the school would determine whether a seizure itself would cause a substantial limitation on a major life activity. The law does not take into account the frequency of such seizures, the likelihood of the occurrence of a seizure, etc. The same is true for a student with asthma or allergies. The school must consider the student’s physical symptoms *during* an allergy or asthma attack to determine whether a substantial limitation exists. Likewise, the ADAAA specifies that diseases that are in remission (for instance, cancer

or juvenile arthritis) must be considered in their active state when making a determination of whether the disease poses a substantial limitation to a major life activity.

One of the most significant changes made recently to the ADA/Section 504 eligibility qualifications comes in the form of the consideration of mitigating measures. 42 USC12102 (4)(E). Formerly, if an impairment was being successfully treated with a mitigating measure such as medication, treatment, hearing aid, or other aids/devices, the school would consider whether the disability posed a substantial limitation *after* the medication, treatment, aid, etc. Under the ADAAA, schools must consider the disability *as it exists WITHOUT* such mitigating measures. For instance, to determine eligibility of a student with a disability that is being fully mitigated through medication or a device such as a hearing aid or prosthesis, the school must consider the disability as it presents itself without the medication or device. However, it should be noted that the presence of a mitigating factor, such as a medication, hearing aid, prosthesis, etc., will likely reduce or eliminate any necessary in-school accommodations required by the student.

### **Least Restrictive Environment**

Like the IDEA, Section 504 has an LRE requirement. Unlike the IDEA, however, the LRE requirement for Section 504 extends to both the educational environment as well as non-educational settings due to the fact that Section 504 spans both educational and non-educational services and activities. Under 34 CFR 104.34(a), schools must educate with non-disabled students “*to the maximum extent appropriate to the needs of the handicapped person.*” Students must be educated in the regular environment “*unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.*” *Id.*

### **FAPE Requirement**

Also like the IDEA, Section 504 has a requirement that public schools provide a free appropriate public education (FAPE) for students with disabilities. Section 504’s FAPE provision requires the following:

*the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of 104.34, 104.35 and 104.36.*





## Section IV Systemic Approaches



### **Overview: School-Based Resources and Responses to Truancy**

Schools must put into place a comprehensive system of services and supports for students based on a continuum beginning with prevention, and resulting in appropriate intervention. As detailed in legislation provided in this toolkit, schools have an obligation and responsibility under the law to ensure that they are taking required actions to address truancy. Truancy may result from many factors, thus there are many approaches and programs that schools can utilize to mitigate against truancy and encourage student attendance.

A school system that has aligned standards, curriculum, instruction, assessment, materials and interventions has the key framework through which all students can have the opportunity to be known by name and graduate prepared for a successful life after high school regardless of their background or circumstances. Schools should identify and coordinate with appropriate internal and external resources to meet the academic needs and address existing social, emotional, physical, mental and behavioral health issues of each student. Chapter 12 (see Section II.D.) requires each district to create a plan focusing on student services and emphasizing wellness and resiliency. Strategies for promoting student attendance and reducing truancy should be essential components of each district's plan.

The following are specific approaches, services and programs which can assist in identifying the root causes of student truancy and provide other avenues to support student attendance and achievement. A number of fiscal resources may be available to support school district efforts, including Safe and Drug Free Schools and Communities grants, Accountability Block Grants, Safe Schools grants, Title I and other funding sources (see Section VII).

## A. School-Family Conference and School Attendance Improvement Plan (SAIP)

The School Attendance Improvement Plan, as described in Section IV (A)(3) BEC 24 P.S. 13-1327, is designed to serve as guidance. The SAIP is developed cooperatively with involved stakeholders through a school-family conference, which is required after the school's notice to the student's parent/guardian upon the third unlawful absence. Teachers are the first line of defense for compulsory attendance, as they are the first to recognize students with possible attendance issues. Therefore, teachers 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 building principal (or assigned truant officer);
- Making referrals to guidance counselors and
- Collaborating with Student Assistance Teams as appropriate.

Pursuant to the BEC 24 P.S. 13-1327, schools are required to notify the parent/guardian regarding the need for a joint conference upon the third unlawful student absence. The school-family conference engages all participants involved in the student's life to explore possible solutions to increase the student's school attendance. Maintaining open communication between the student and adults will facilitate positive outcomes.

The purpose of the school-family conference is to discuss the cause(s) of the truancy and to develop a mutually agreed upon plan to assure regular school attendance. The school-family conference provides both parties with the opportunity to identify, understand and explore all issues contributing to the student's truant behavior. Participation by the student and family is an integral component for this conference. In addition, representatives from relevant and/or involved community-based agencies, community and school services and a School Attendance Improvement Plan (SAIP) shall be developed cooperatively with the student and other meeting participants as described in Section IV (A)(3) BEC 24 P.S. 13-1327. A sample SAIP is located at the end of this document and can be used as a guide for schools when developing their own plan format.

Issues to be addressed at the school-family conference 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 and
- Any other issues affecting the student's attendance.

The participants in the school-family conference should work collaboratively to conduct a

holistic assessment to determine the reason(s) the student is exhibiting truant behavior. Every member should have a vested interest in, and responsibility for, determining an appropriate plan to assist the student to succeed both socially and academically. This school-family conference also provides an opportunity to ensure that both the student and the family clearly understand the legal ramifications of

not adhering to the state's compulsory attendance requirements. This methodology promotes full understanding and appreciation of the root causes of truancy as well as the resultant personal and societal impacts when truant behavior is not adequately addressed.

The primary goal of the school-family conference is the development of a comprehensive SAIP that is understood by, agreed upon and supported by the student, the parent/guardian, the school representatives and all other conference participants. The SAIP should include, but not be limited to, the following components as appropriate:

- Identification and provision of appropriate academic supports by the school and/or community organization(s);
- Identification and provision of appropriate social, emotional, physical, mental and behavioral health support from the school and/or community organization(s);
- Identification of the school environment issues that affect the student's success and solutions to address these issues;
- Explanation of the student's strengths and responsibilities related to the SAIP;
- Explanation of the family's strengths and responsibilities related to the SAIP;
- Clarification of method(s) used for monitoring the effectiveness of the SAIP;
- Explanation of the consequences for each stakeholder if the SAIP is not fully implemented;
- Explanation of the consequences for each stakeholder if the SAIP is not fully implemented;
- Discussion of the benefits for successfully implementing the SAIP and
- Follow up and report the outcome of the SAIP.

The SAIP substantiates efforts made by the school, the family and other vested third parties to assist the student in addressing and resolving school attendance issues. This comprehensive system of supports and services provides documentation of the "good faith" effort between the school and the student's family should future action be required (e.g., citation to the magisterial district judge and referral to the county children and youth agency upon the fourth unexcused absence).

### **Directions to complete the School Attendance Improvement Plan (SAIP)**

The SAIP should be completed at the school-family conference. The school administrator should complete the SAIP in collaboration with other conference participants. Participants should include, but are not limited to: student, parent/guardian, other relevant family members, school staff, partner organizations, community-based organizations and other agencies involved with family (e.g., Children and Youth, Juvenile Probation.). To identify and resolve root causes of the attendance issues, all members should contribute their unique knowledge about the student and his/her environment to group discussion. Only then can meaningful results be achieved.

**Note to Public School Administrators Regarding Truancy and IDEA Students:** For students eligible under the IDEA as a special education student, all attendance issues should be discussed and resolved within the context of an IEP Team meeting. While this SAIP format may be followed to aid that discussion, all attendance improvement-related solutions should be made by the IEP Team.

**Note to School Administrators Regarding Medical Information:** In this form, there are several places that request medical information from the parent(s) and/or student. While this information is helpful in fully understanding any potential medical causes for attendance issues, schools do not have

the authority to require such information. Both the parent(s) and the student should be informed, prior to the meeting, that possible medical reasons for the attendance issues will be discussed and that they are not required to provide such information. The parent(s) and student should also be informed, however, that this information may be essential to developing attendance improvement solutions. *In public schools, including charter and cyber-charter schools, the administrator should also inform the parent that the student may, if he/she has a medical or psychiatric condition, qualify under Section 504, wherein the school is able to make accommodations.* If a parent and/or student does not wish to share this information, simply note on the form that the parent and/or student did not wish to share the information at this time. This documents that the school requested the information but that the parent and/or student was not inclined to provide it. If the parent and/or student *does* provide information regarding a medical reason for the attendance issues, that should be thoroughly discussed, and, in public schools, the school should consider whether the student may be eligible under Section 504.

**IMPORTANT:** *[Note to schools – attach the school’s FERPA release form to this document.]* The attached FERPA release of information form must be signed by the parent/guardian in order anyone other than the school to participate in the SAIP development meeting. In the event that a FERPA release is not signed by the parent/guardian, no individuals other than school employees may participate in the meeting. Such instance will likely have a detrimental impact on the success of the Plan developed to address the student’s attendance issues, so a signed FERPA release is strongly recommended. *[Applicable only to schools that receive federal funding – private schools that do not receive federal funding are not required to obtain a FERPA release prior to participating in the meeting.]*

### **Directions**

1. **Date:** Enter the date when SAIP is being completed
2. **Goal:** [STUDENT NAME] will attend school on a regular basis by [DATE].
3. **Basic Student Information (document the following):**
  - a. Name of the Student (First M. Last)
  - b. Birth Date (mm/dd/yyyy)
  - c. Gender (male/female)
  - d. Grade Level (K-12)
  - e. Home Address
  - f. Home Phone Number
  - g. Cell Phone Number

- h. Special Needs
  - i. Medical/Health Concerns
- 4. School Information (document the following):**
- a. School/District Name
  - b. Address
  - c. Website
  - d. Student's School Building Name
  - e. Student's Building Principal – name, phone number, email address (optional)
  - f. Person Responsible for Addressing Student Attendance Issues at the School – name, phone number, email address (optional)
  - g. Referring Teacher's Name
- h. Attach a copy of the school's policy regarding attendance as well as any administrative regulations and/or rules pertaining to absence procedures and/or requirements (where available)
- 5. Parent/Guardian Information (document the following for all parents/guardians, regardless of whether present):**
- a. Name
  - b. Home Address
  - c. Home Phone Number
  - d. Work Address
  - e. Work Phone Number
  - f. Cell Phone Number
  - g. Email Address(es) can be provided to ensure ongoing better communication
- 6. List of Individuals in Attendance and Relationship to Student**
- 7. Strengths (discussion and documentation):**
- a. ***Identify and document the strengths of the student, family and the school*** to support the goal of increasing attendance for the student. Engage the student and family first to identify what they perceive to be the strengths of the student.
    - i. What are the student's interests?
    - ii. What is the student passionate about?
    - iii. What is the student's favorite subject in school?
    - iv. What are the student's strongest areas of ability/talent?
- 8. General Information Regarding Family and Habits (discussion and documentation):**
- a. Does the student have siblings, step or half-siblings, or are other children or young adults living in the household?
  - b. With whom does the student live during the week?
  - c. What time does the student wake up on school days?
  - d. What type of transportation does the student use to get to school?
- 9. School Records of Absence (discussion and documentation):**
- a. ***For each absence in the current school year, discuss and document the following:***
    - i. Action taken by the school on each incident of absence
  - b. ***Summary of all actions taken by the school regarding absences;*** including the name of the person taking the action, the date action was taken and any other relevant information

c. **Summary of attendance issues for previous years**

**10. Assessment/Areas of Need (discussion and documentation):**

- a. **Identify and document possible root cause/s of the attendance issues.** It is crucial (yet sometimes overlooked) to build rapport with the student. Engage the student and family first to identify what they perceive to be areas of need for the student. This dialogue benefits all involved parties:
- 1- Student: academic, medical, social, physical, mental, behavioral health issues, problems with peers, problems with teachers or other adults within the school
  - 2- Parent/Guardian: medical, home environment, work schedules, unsupervised time for student, transportation, socioeconomic factors, special circumstances, etc.
  - 3- School: school environment, student's interaction with other adults and with other students, classes, etc.

**11. Solutions (discussion and documentation):**

- a. **Review the strengths** listed at the beginning of the meeting, **discuss and document potential solutions** in light of these strengths. Engage the student and family first to identify what they perceive to be solutions to resolving the student's attendance issues.
- i. Some examples of possible solutions are:
1. Where the student is left unattended due to a parent's work schedule or other reason, an appropriate action **step** could be to have a neighbor, extended family member or other adult either stay with the student or be in contact with the student during the parent's absence.
  2. Increasing student involvement in programs and services available in the school or community.
  3. Pairing the student with a mentor (family member, teacher, school staff, community businesses, etc.).
  4. Pairing the student with a business member in the field that interests the student. This may help the student to understand the relevance of what he/she is learning in school and future endeavors.
  5. Increasing participation in activities intended to build self-esteem or confidence (e.g., tutoring elementary students, acting as a junior assistant coach on a school or community sports team, joining a club or activity in the student's interest area). For example, if the student reads well, a possible solution could be the student tutoring elementary students. This engages the older student in a meaningful activity, increases confidence and supports his/her sense of responsibility by tutoring a younger student, thereby regular school attendance and academic success of both the older and younger student. Likewise, if a student is interested in athletics, encourage participation in a particular athletic activity.



6. Coordinating with county and/or other services to student and/or family to address health, social or financial issues.
- b. **Discuss and document potential motivators.** Engage the student and family first to identify and document what they perceive to be motivators for the student that might be used to assist in resolving the student's attendance issues.
  - i. For example: If there is a teacher or other faculty member, a possible solution may be periodic "check-ins" with that faculty member to support and encourage the student.
- c. **Discuss and Document Responsible party(ies):**
  - i. Name of the person/agency that will be responsible for monitoring and encouraging progress in each stated solution (will ensure that the action SAIP is completed and/or request a reconvening of the group where progress is not being made or the solution does not appear to be effective).
  - ii. Contact information for each person/agency listed (to assist in monitoring/follow up).

**12. Specific Potential Benefits to Student for Compliance with the SAIP (discussion and documentation):**

- a. First engage the student and family in a **discussion to identify** what they perceive to be **benefits of resolving the student's attendance issues**.
- b. Some examples of potential benefits are:
  - i. Better grades for the student;
  - ii. Graduating;
  - iii. Increased potential for the student to find employment;
  - iv. Increased post-secondary education opportunities for the student.
- c. **Document any potential benefits** identified on the SAIP.

**13. Specific Potential Consequences to Student and/ Family for Non-Compliance with the**

**SAIP (discussion and documentation):**

- a. First engage the student and family in a **discussion to identify** what they perceive the **consequences to be of not resolving the student's attendance issues**.
- b. Clearly outline the consequences for the student and parent/guardian if they do not follow-through with the recommendations of the SAIP and the BEC. Some examples of potential consequences are:
  - i. If the student values school and the absences occurred three days in a row, then perhaps this was an isolated incident. However, it should be made clear that consequences for the fourth absence will result in a citation to the magisterial district judge and referral to the county children and youth agency.



- ii. The impact of additional absences on post-high school plans for employment for further schooling including decreased opportunities;
- iii. Potential for delayed graduation of the student or having to repeat a grade.

c. Document any consequences identified on the SAIP.

**14. Signatures:** The student and parent/guardian(s) will sign and date the SAIP as verification they understand and agree to all components of the SAIP.

**15. Parent/Student Concerns:** Where the parent(s)/guardian(s) and/or the student do not feel that the school, community agency, or other individual tasked with providing services/opportunities in the SAIP are not implementing the SAIP appropriately, the parents/guardians and/or student should make a request to the school to reconvene the SAIP team to discuss the implementation of the Plan. Upon such request, the school will arrange and facilitate a reconvene to discuss implementation issues.

**16. Follow-up Meeting:** With school-family participants present, a follow-up meeting will be scheduled. At the follow-up meeting, each responsible party listed in the Solutions section will report on the progress of their area of responsibility.

**17. Next Steps:** The group members will list the outcome(s) of the SAIP and outline next steps, if any. The next steps should include future meeting dates.

**18. Permission to Release SAIP and Signatures:** The student, parent/guardian and school official will sign permission for the SAIP to be released to relevant parties.

- **A copy of the SAIP will be retained in the student's file.**
- **A copy of the SAIP must be provided to the:**
  - student
  - parent/guardian
  - appropriate school personnel
  - other: signatures of responsible party or educational decision maker

## SCHOOL ATTENDANCE IMPROVEMENT PLAN (SAIP)

Date: \_\_\_\_\_

**Goal:** Increase *(Insert Student's Name)* school attendance by *(Insert Date)*.

### Basic Student Information:

<b>Name of Student</b>	<b>Home Address:</b>	<b>Special Needs:</b>
<b>Date of Birth</b>	<b>Home Phone:</b>	

<b>Gender</b>		
<b>Grade Level</b>	<b>Cell Phone:</b>	<b>Medical/Health Concerns:</b>

**School Information:**

<b><i>Name of School District:</i></b>	<b><i>Address:</i></b>	<b><i>Principal Name:</i></b>
<b><i>Name of School Building:</i></b>	<b><i>Phone Number:</i></b>	<b><i>Phone:</i></b>
	<b><i>Website:</i></b>	<b><i>Email:</i></b>
		<b><i>School Contact for Attendance Issues:</i></b>
		<b><i>Name:</i></b>
		<b><i>Phone:</i></b>
		<b><i>Email:</i></b>
		<b><i>Referring Teacher:</i></b>
		<b><i>Name:</i></b>

**Parent(s)/Guardian(s) Information:**

<p><b>Name of Parent/Guardian:</b></p>	<p><b>Home Address:</b></p> <p><b>Home Phone:</b></p> <p><b>Work Address:</b></p> <p><b>Work Phone:</b></p> <p><b>Cell Phone:</b></p> <p><b>Email:</b></p>
<p><b>Name of Parent/Guardian:</b></p>	<p><b>Home Address:</b></p> <p><b>Home Phone:</b></p> <p><b>Work Address:</b></p> <p><b>Work Phone:</b></p> <p><b>Cell Phone:</b></p> <p><b>Email:</b></p>

**List of Those Who Attended the SAIP and Role/Relationship to Student:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

8. \_\_\_\_\_

**Strengths of the Student/Family/School:**

Description	Relevance to the Plan
1.	
2.	
3.	
4.	
5.	
6.	

**General Information Regarding Family and Habits/Routines:**

Does the student have siblings, step or half-siblings, or are other children or young adults living in the household? \_\_\_\_\_

With whom does the student live during the week \_\_\_\_\_

What time does the student wake up on a school day? \_\_\_\_\_

What type of transportation does the student use to get to school? \_\_\_\_\_

\_\_\_\_\_

Additional information/ comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**School Records of Absence:**

<b>Date of Absence</b>	<b>Written Excuse Provided? (Y/N)</b>	<b>Reason(s) for Absence</b>	<b>Action Taken</b> (e.g., Parent Letter 1 sent out on 04/01/2014), John Doe called parent, Mrs. Smith to discuss)
1.			
2.			
3.			
4.			

<b>Assessment/Areas of Need: Description</b>
1.
2.
3.
4.
5.

<b><u>Solutions:</u> Description</b>	<b>Responsible Party(ies)</b>	<b>Completion Date</b>
1.		

Systemic Approaches

2.		
3.		
4.		
5.		
6.		

**Specific Potential Benefits to Student for Compliance with Plan:**

1.
2.
3.
4.

**Specific Potential Consequences for Non-Compliance with Plan:**

--

1.
2.
3.
4.

This SAIP was created collaboratively to

- Assist the student in improving attendance;
- Enlist my/our support as the parent(s)/guardian(s); and
- To document the school’s attempts to provide resources to promote the educational success of the student.

As the parent(s)/guardian(s), I/we understand that while the school has demonstrated its support and assistance to this student through this process, by law, it is my/our responsibility to ensure that the student attends school.

**We agree with this Plan, including all requirements and consequences set forth herein, and we agree to comply with the terms set forth in the Plan. Parties in agreement with this plan will sign below:**

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

- cc: student \_\_\_\_\_ (initial upon receipt)  
 parent/guardian \_\_\_\_\_ (initial upon receipt)  
 school personnel \_\_\_\_\_ (initial upon receipt)  
 other \_\_\_\_\_ (initial upon receipt)

Should we have difficulty in implementing the plan or are not clear on the roles of each party,

We can contact \_\_\_\_\_

with questions or concerns prior to the scheduled progress meeting.

**Date for Follow-up Meeting:** \_\_\_\_\_



Next Steps:**Permission to Release SAIP To Other Individual(s)/Agencies:**

**In order for agencies and/or other individuals outside of the school district to assist with this plan, I/We give permission to release this SAIP to the following:**

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Student: \_\_\_\_\_ Date: \_\_\_\_\_

Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

## **B. Student Assistance Programs**

<http://www.sap.state.pa.us/>

Parents are frequently the first to recognize that their child has a problem with emotions or behaviors. The decision to seek help from any agency, therapist or school professional can be difficult and intimidating. A Student Assistance Program (SAP) can be a significant resource for parents and students. SAP is a systematic process used to mobilize school resources to remove barriers to learning. SAP is designed to help children be successful in school, utilizing a core team of professionally trained school staff and liaisons from community alcohol and drug, and mental health agencies. The behaviors that might indicate a problem are often seen in school and they may not mimic behaviors seen outside the school. Significant behaviors can include a change in school performance, school rule violations that result in detentions or suspensions and truancy or refusal to attend school.

Referral sources to SAP are often teachers, administrators, counselors and other school staff. Parents may also refer their child for help. Involvement with the Student Assistance Program is voluntary, and schools must have parent permission prior to a child becoming involved with SAP. The SAP process is an efficient and effective way to begin accessing needed services. It starts with gathering observations regarding student behavior. Following a summary of the behaviors, a SAP team may recommend an assessment by an agency liaison. Both in-school and community resources may also be offered depending on the needs of the child. SAP also provides follow-up and continuing support for the student.

Truancy can be a sign that alcohol and other drug issues are present, that there are mental health issues needing to be addressed, that academic concerns have become overwhelming, that peer pressure or bullying may be in evidence, or that other issues dealing with culture, family or the individual need to be addressed. SAP is designed to help students overcome these barriers so that they may be successful in school.

Truancy programs, local police, juvenile justice, community agencies and schools all need to work together – and with the parents – to ensure students are attending school. They also need to coordinate efforts to facilitate the delivery of remedial, therapeutic, academic and support services for the student and his/her family as appropriate. Another responsibility is to ensure that those services are monitored and adjusted as necessary to guarantee that student success is forthcoming and that the desire to complete one's education becomes part of the student's pattern of behavior.

## C. Alternative Education Program

[http://www.portal.state.pa.us/portal/server.pt/community/alternative\\_education\\_for\\_distruptive\\_youth\\_\(aedy\)/7318](http://www.portal.state.pa.us/portal/server.pt/community/alternative_education_for_distruptive_youth_(aedy)/7318)

Some students become alienated from school or refuse to attend for many reasons previously discussed. Truancy reduction efforts may include enrolling the student(s) into an alternative education program.

Under P.L. 297, No. 30, Article XIX-C (Act 30 of 1997), added June 25, 1997, a student may be placed into an approved alternative education program for “habitual truancy”. Although Act 30 does not specifically define “habitual truancy”, students must have exhibited truancy to a “marked degree” and school staff must have previously provided other methods of discipline to students before placing them in an alternative education program.

Once placed, the program requirements include counseling to modify the disruptive behavior of each student depending upon their specific needs. Counseling provides a structured time for students to talk about their problems or concerns whether they are caused by school, their home or other environments. Many students refuse to attend school because they don't like school, do not feel part of their school or do not like the specific school they are attending. Other students may not have gotten along with their teachers or

other students. They may have been bullied or did not feel safe at school. Many students do not attend school because of family responsibilities and childcare or necessary work schedules. In addition, some students have drug and alcohol problems, mental health issues or they may belong to a gang that also keeps them from attending school on a regular basis. Counseling can help pinpoint the cause of truancy and provide supports or assistance to the students and their families once the cause is known.

Alternative education programs provide an individualized academic program for each student. Alternative education provides a more one-on-one environment to help bring students up to grade-level in core subject areas. Much of the curriculum is self-paced and students can learn at their own ability rate and method. In this environment the student is more inclined to ask for help from the teacher(s) and can be given more individualized attention in the smaller classroom setting. Alternative education students are more rapidly engaged because alternative education teachers make accommodations with multiple teaching strategies that may include experiential learning and community service.

Approximately 11,870 students were placed in alternative education programs in the 2012/2013 school year (approximately 1,549 for habitual truancy). Out of the total number of students placed in alternative education programs, 33% improved their attendance rates. Alternative education is one way to help abate truancy in the continuum of efforts of other school and community programs and supports.

## **D. No Child Left Behind Act of 2001 (NCLB): Reporting Requirements for Truancy Rates**

[www.safeschools.state.pa.us](http://www.safeschools.state.pa.us)

The Uniform Management Information and Reporting System (UMIRS) provisions of the No Child Left

Behind Act (NCLB) require that states collect and report data on “truancy rates” at the school level. Meeting this requirement primarily rests with the state education agencies. The Commonwealth utilizes the online School Safety Report as the vehicle for schools and school districts to report their annual data. The Department will calculate the annual truancy rate based on the data that the schools and districts provide on the system.

Truancy is “an unexcused absence from compulsory education.” This definition distinguishes between all absences and unexcused absences, because the latter are more likely to indicate school

and student problems. The Commonwealth defines truant in terms of meeting a specified level of truancy within a specified time period: the PA School Code states that after three days, *or its equivalent*, of absence without a lawful excuse, a student is considered truant. Public schools shall have a policy regarding unexcused absences. This definition sets the threshold for considering a student to be truant.

The Truancy Rate Calculation Formula: the Department, based upon the data supplied by the schools and school districts, will calculate their truancy rates based on the formula below. These rates are calculated based on the annual data. The denominator is the

number of students enrolled (count of student membership) as of October 1st of the school year.

$$\text{TRUANCY RATE} = \frac{\text{number of truants}}{\text{count of student membership}} \times 100$$

Based on the definition of truancy as an unexcused absence from compulsory education, the truancy rate is determined by taking the number of truants, divided by the count of student membership and multiplied by 100 (to obtain a percentage). For example, if 25 of 500 students enrolled at a school (e.g., on October 1) were classified as truants, the truancy rate would be five percent (25 divided by 500 and multiplied by 100). This method is based on a count of individuals that meet the set behavioral threshold rather than on a count of days (missed) attendance. Because it requires counting individual truants (as opposed to the number of absences), the measure can be used to provide student-level information, which can be used to identify students who may need intervention. At the same time, this measure can be aggregated from the student level to the school level.

This measure requires defining unexcused absences and actively aggregating them for individual students. An unexcused absence is an absence for part of a school day or a full day for which a parent or guardian has not indicated in writing that the student is away from school for valid reasons (e.g., illness, medical/dental appointment, funeral of an immediate relative). We recognize that including part-day absences in the definition may raise the data burden for schools and possibly require system changes depending on how they currently collect these data, however, we recommend it because a pattern of unexcused skipping classes is an indicator of similar behavioral concerns as those associated with missing full days. Suspensions and expulsions are excluded from counts of unexcused absences, as school officials require absences related to disciplinary actions.

The following sections of this toolkit outline specific strategies which schools, parents and communities can use to ensure a comprehensive approach to the truancy problem. Successful truancy reduction practices, on both the state and national level, are described. Feel free to contact the schools and organizations listed here for additional information.

## Section V

# Parent/Family Involvement



Schools should make every effort to engage and involve the parents/families or guardians of their students in all aspects of their education. This begins with informing parents of school policies, student code of conduct and consequences for infractions so that they are aware of the school's expectations for their child. Participation, support and encouragement from family members can make the difference in assuring that a student experiences success in his/her educational pursuits.

If absenteeism, tardiness or truancy is a problem, a referral to the student assistance program and contact with the student's parents/family becomes imperative. The needs of the student and appropriate intervention strategies will differ, depending on the age of the student and the problem presented.

There are many reasons why parents may not be aware that a child is missing school, being late to school or skipping certain classes, as might be the case with an older student. In some situations, the parent(s) may be working and not even in the home at the time the student leaves for school. Parents may not be aware of the attendance laws, or know that they have responsibility for assuring the child's regular attendance at school. Parents may be unable to guarantee that their child actually arrives at school after the student leaves the home. Therefore schools should keep parents/guardians informed of any absences.

When absenteeism interferes with the student's participation and performance in the classroom, a school-family conference is convened (see Section II.A.). Through the student assistance program and the use of the school-family conference, the potential exists to accurately identify the underlying cause(s) of the student's truancy and the intervention that is needed to address the issue(s).

The School Attendance Improvement Plan that is developed by the student, the family, the school and all other agencies or services involved with the student and family during the conference demonstrates the interest in ensuring the youth's success in school. In addition, if there are parent/family issues which must be identified and a solution found, the school-family conference offers the opportunity to provide those services as well.

Use of the student assistance team, and early and consistent contact with parents when problems arise or when they remain unresolved, will assist the school in identifying and addressing any underlying issues. If the parents have been informed throughout the process and the school has exhausted all avenues, it is easier for school personnel to take the matter to a higher level, such as involvement in the courts.

## Section VI Cross Agency Intervention



No one school or agency can hope to eradicate truancy working alone. Cross-agency collaboration and integration in a system-wide effort that combines all forces is imperative to truly make a difference in reducing truancy. Following is an overview of specific agencies and organizations, including specific recommendations which must be included to facilitate a successful truancy reduction effort. All of these entities must work in concert, through ongoing communication and collaboration, to effectively address the issue of truancy.

### A. Children and Youth Services

<http://www.dhs.state.pa.us/dhsorganization/officeofchildrenyouthandfamilies/index.htm>

Pennsylvania's child welfare system is state-supervised and comprised of 67 county-administered children and youth agencies whose operation and funding are guided by requirements set by statutes passed by the Pennsylvania General Assembly and regulations promulgated by the Department of Human Services (DHS), Office of Children, Youth and Families. The Office of Children, Youth and Families (OCYF) is the program office within DHS that develops child welfare regulation, policy, funding guidelines, provides supervision and licensing to public and private children and youth social services agencies. Pennsylvania also has juvenile probation offices in each of the 67 counties whose operations are monitored by the Juvenile Court.

The responsibility to assess habitual truant referrals is most often performed by the county children and youth agency. In rare situations, it may be performed by the juvenile probation office, but this is decided within each county.

The Juvenile Act, 42 Pa C.S. § 6302, defines "dependent child," in part, as a child who while subject to compulsory school attendance is habitually and without justification truant from school. The Child Protective Services Law, 23 Pa.C.S. § 6373, relating to general protective services responsibilities of a county agency, requires that each county agency be responsible for administering a program of general protective services to children and youth consistent with the agency's objectives to overcome problems that result in dependency. Habitual truancy is one such problem.

Truancy is an issue of great importance to all child and family serving systems because truant behavior is often one of the first visible indicators that a family is in need of some type of assistance. Providing positive interventions that can address the underlying issues that cause a child to be truant is of paramount importance, and may prevent children from being victimized or engaging in delinquent behavior. The initial responsibility to address truancy rests with teachers, principals and guidance counselors. School districts have been advised to develop creative and innovative approaches to ensure children are active participants in their education. Every effort should be made to keep youth in school and reduce the school district's referrals to the courts, child welfare and juvenile justice systems. Children are truant



for many reasons and schools must seek to understand and address those issues. School districts, as part of their responsibility to offer assistance to the family, have been encouraged to coordinate a school/family conference to discuss the causes of the child's truancy and to develop a mutually agreed upon School Attendance Improvement Plan to resolve the truant behavior.

The Basic Education Circular on Compulsory Attendance and School Attendance Improvement Plan, issued by the Pennsylvania Department of Education, recommends that the SAIP be developed after the third unlawful absence. If the school district's documented efforts to actively engage the child and family in efforts to address the truant behavior, including conducting a school family conference and developing a SAIP, have not been successful and the child becomes habitually truant, a referral should then be made to the children and youth agency in the county where the child resides for assessment and provision of services which could result in the possible disposition as a dependent child.

Each county children and youth agency is responsible for assessing the family dynamics of a habitually truant child pursuant to the Juvenile Act and Title 55, Pa. Code, Chapter 3490 Regulations, Subchapter C (relating to general protective services). Habitually truant students may be referred to the county children and youth agency where the child resides for services or possible disposition as a dependent child. The county children and youth agency would conduct an assessment of the family to determine the underlying cause of the truant behavior and to ensure the child is safe and free from harm or they may refer the child to an outside agency with whom they have a contract or agreement in order to provide truancy prevention/elimination services. If the county children and youth agency conducts an assessment and determines that there is a need for services, the caseworker would then engage the family and other family supports in the development of a family service plan to resolve the issues that led to the truant behavior.

DHS, through OCYF, supports a number of truancy prevention programs. The Center for Schools and Communities focuses on prevention and intervention initiatives operated by schools, organizations and agencies serving children, youth and families. With the assistance of OCYF funding and technical assistance, many counties support Family Centers that have tutoring programs, fatherhood initiatives, early intervention and faith-based programs. The Administrative Office of Pennsylvania Court (AOPC) through the Office of Children & Families in the Courts convened a Truancy Workgroup starting in 2009. In their May 2010 Report entitled "Truancy: A Call to Action", approved in its entirety by the Pennsylvania State Roundtable, they cited 5 core principals to successfully address truancy:

- Collaboration, especially between the school, children and youth agency and the courts;
- Positive educational culture and climate within the school;
- Early identification and intervention efforts with measurable outcomes;
- Tracking truancy data;
- Sustainability.

Regardless of the imposition of summary criminal penalties against the parent or child before a magisterial district judge, DHS encourages school districts, county children and youth agencies and juvenile probation offices to work collaboratively with one another towards the elimination of truant behavior. Cases of habitually truant children should be examined closely



to determine what services can be provided in order to effectively address the existing needs of the child and family.

## **B. Magisterial District Judges**

<http://www.pacourts.us/courts/minor-courts/magisterial-district-judges/>

There are more than 500 magisterial district judges in Pennsylvania and they are responsible for the disposition of most cases charging an individual with truancy. Many magisterial district judges are involved with the school districts in coordinated efforts to assist, as set forth in this toolkit, solutions to the problems which create truancy. It is beneficial to all parties invested in the outcome of truancy matters that actions relative to truancy be taken promptly by school districts and, where it is clear that there are social issues, that Children and Youth be involved. The truancy statute calls for the first form of action to be against the parents since they are responsible for the child's attendance at school.

Where it is shown that the parents have done what they can do to prevent absences by the child, the statute allows the judge to dispose of charges brought against the child. The exception, as noted in the Children and Youth Services section of this toolkit, is that habitually truant students under 13 years of age are to be referred as a General Protective Services (GPS) case to the county children and youth agency where the child resides for services or possible disposition as a dependent child. Therefore it is imperative that judges work concurrently with county children and youth agencies in cases involving students under the age of 13.

It is incumbent upon magisterial district judges and school districts to work together to accomplish the goals set forth in this toolkit. The only meaningful remedy, when it involves a child, is the opportunity for them to obviate the criminality by agreeing to and attending school. Magisterial district judges and special courts throughout Pennsylvania are encouraged to work cooperatively with school districts since the judges find that truancy in many cases is a social problem as opposed to a criminal problem. The absences when not dealt with will result in more serious consequences.

## **C. County President Judges**

[www.jcjc.state.pa.us](http://www.jcjc.state.pa.us)

The policies of individual school districts have tended to vary widely with regard to how and when truancy cases are referred to the minor judiciary and county children and youth agencies. This toolkit should help considerably in standardizing these policies and practices.

However, whenever possible, a countywide truancy protocol should be developed that provides guidance to schools, the minor judiciary, the juvenile court and the county children and youth agency. The President Judges of county Courts of Common Pleas, by virtue of their administrative authority relating to the minor judiciary and their jurisdictional authority in dependency matters under the Juvenile Act, including habitual truancy, are uniquely positioned to convene the necessary parties to develop a countywide truancy protocol.

In conjunction with the dissemination of this toolkit, the Juvenile Court Judges' Commission will be recommending that all President Judges consider convening the necessary parties to develop a countywide truancy protocol. For further information, contact the Commission at 717-787-6910.

## **D. Local Law Enforcement Agencies**

Local law enforcement agencies can serve a critical role in coordinating truancy response and prevention efforts. School districts, as part of their Memorandum of Understanding (MOU) with local law enforcement, may include provisions outlining the role of local law enforcement in truancy prevention. School districts may also want to be in contact with local security agencies, such as those serving shopping malls, eating establishments, sport facilities and other public places where students may congregate during school hours.

## **E. Community-Based Organizations**

The successful education of our young people is a community-wide responsibility. All members of the community have a vested interest in ensuring well-educated young people that can contribute to society. Schools should maximize the resources that are available within their community by creating partnerships and offering needed services to students and families that are available through community-based organizations. Community-based organizations can contribute their expertise to all facets of education, from serving as members of planning groups addressing specific concerns through participation in formal arrangements in which students and families are offered relevant services. Truancy prevention programs must encourage and facilitate collaboration with community-based organizations. There may be existing programs and services which can serve as supports toward truancy prevention or can be offered in a different way to have a positive impact for students and families. In some cases, successful collaboration may result in the development of new services or programs that are needed. The school may want to partner with a community-based organization/s to pursue funding for the needed services.

They may want to consider involving the media in these efforts. The community-at-large must be aware of the issue and called to action to support truancy prevention efforts. While describing the scope of the problem is important, it is also imperative to highlight successful programs that are positively impacting youth. By promoting a balanced message within the media, schools can encourage additional community involvement and

perhaps solicit funding to support their efforts.

## F. Faith-Based Organizations

While most truancy efforts are law enforcement driven, faith-based organizations try to build a firewall to protect against future criminal behavior. The message to students is that there are adults who can know all of the “stuff” the students are engaging in and still care about them and will help them. Faith support is provided, if asked for, but is not a condition of involvement. Many young teenagers fall into being truant due to a personal conflict with a teacher or peer. This combined with other factors such as failing grades, late night jobs, teen parenting, having to be a caregiver and substance abuse, can put a student in a position with a lack of hope and vision for a positive future. Building upon already established links between school staff and these organizations can develop the

faith-based approach. These programs can provide year-round, community-based, long-term services that will strengthen both the school and the community. Faith-based programs use a case management approach to provide mentoring, academic skill building, vision casting and positive peer group experiences.

For additional information about faith-based and community initiatives, go to the White House Office of Faith-Based and Community Initiatives at <http://www.whitehouse.gov/government/fbci/technical-assistance.html> to find information, materials and training opportunities on: grant writing and capacity building from the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services; supplemental educational services that provide extra academic help for low income students in low performing schools from the U.S. Department of Education (<http://www.ed.gov/about/inits/list/fbci/suppservices.html>); housing and community development from the U.S. Department of Housing and Urban Development and community-based crime prevention from the Office of Justice Programs at the U.S. Department of Justice.

From the Office of Faith-Based and Community Initiatives website:

*Faith- and community-based nonprofit organizations have a long history of meeting the critical human needs of their communities, including those related to substance abuse and mental illness. Nonprofit organizations provide all types of services in these areas, such as treatment and counseling, recovery support, transportation, and housing.*

### **SUBSTANCE ABUSE PREVENTION AND TREATMENT, MENTAL HEALTH SERVICES, RECOVERY AND SPIRITUALITY: PARTNERSHIPS THAT WORK**

*The beneficial role that faith and spirituality play in the prevention of drug and alcohol abuse and in programs designed to treat and promote recovery from substance abuse and mental disorders has long been acknowledged. The work of the Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the U.S. Department of Health and Human Services (HHS), serves as a model of how effective partnerships can be forged between Federal programs and faith-based and community organizations to benefit people with or at risk for mental and substance abuse disorders. Only through such partnerships designed to build resilience and facilitate recovery can SAMHSA achieve its vision of a life in the community for everyone.*



# Section VII

## Implementation Tools and Strategies



### Overview

The need for early intervention is crucial in regard to truancy issues, as unhealthy patterns are set very early in a child's education. When students and parents understand early the importance of regular attendance, as well as the negative impact of regular absenteeism, the stage is set for a successful educational career. School personnel have a responsibility to ensure that all families are aware of the school's attendance policies and to follow up with any student that begins to demonstrate a pattern of absenteeism. When these patterns begin to emerge, it is often an indication of family and/or student dysfunction that may require intervention.

Following are examples of successful program strategies on the local and national levels, sample letters which schools can use as they develop and refine their policies and procedures as they relate to truancy, sample job descriptions of school district positions which specifically relate to truancy reduction, ten effective strategies for improving attendance and a resource for developing an evaluation strategy for your truancy reduction effort.

### A. Pennsylvania Programs: County

Each of the sixty seven counties in the Commonwealth of Pennsylvania has a truancy prevention and intervention program in place. These programs are in response to the Juvenile Act (42 Pa. C.S. §§ 6301-6365).

A sample of county programs is listed below. Should more information be needed about a specific county program not listed, the specific county Pennsylvania Children and Youth agency should be contacted.

#### ADAMS COUNTY

Adams County Children and Youth Services  
Adams County Courthouse  
117 Baltimore Street, Room 201  
Gettysburg, PA 17325  
Phone: 717.337.0110  
E-mail: <http://www.adamscounty.us/Dept/CYS/Pages/default.aspx>

The foundation of collaboration/integration established in Adams County has served to further position the county for its current initiative involving the implementation of Family Group Decision Making (FGDM) as a practice. For Adams County, FGDM ties practice directly to the Child and Family Service Review, Program Improvement Plan and related best practice standards. Addressing outcomes relating to safety, permanence and well-being, the emphasis of this multidisciplinary approach is on the family engagement process. It involves a high level of self-determination in responding to the needs of families. The model recognizes the value of greater family involvement in decision-making and expanding the community of helpers beyond formal systems to include the family's own natural helping systems.

By focusing on the strengths of the family and empowering them to set short and long term goals for themselves and their child(ren), the agency is creating a collaborative atmosphere between professionals and those most connected to the child(ren). This collaborative approach is consistent with Pennsylvania practice standards that emphasize the importance of the child welfare (or other system) worker working directly with and involving all family members, as well as others involved with the family, in a comprehensive, family-focused assessment to determine the strengths and needs of the family.

## **ALLEGHENY COUNTY**

Allegheny County: Dept. of Human Services  
 Children Youth and Administrative Offices  
 The Human Services Building  
 One Smithfield Street  
 Pittsburgh, PA 15222  
 412-350-5701, TDD 412-473-2017  
<http://www.alleghenycounty.us/dhs/education/truancy.aspx>

The Truancy Prevention Program (TPP) is a coalition of local school districts, the Alternative Education Program (AEP) of the Allegheny Intermediate Units (AIU), the Allegheny County Juvenile Court, and the Allegheny County Office of Children, Youth and Families (CYF). These entities all share responsibility for dealing with the problems of habitual truancy. The TPP was founded on the belief that schools and agencies can work more effectively with the difficult issue of truancy by coordinating efforts.

## **BEAVER COUNTY**

Beaver County Children & Youth Services  
 Division  
 (TIP)  
 Truancy intervention Program (TIP)  
 1080 Eighth Avenue, Third Floor  
 Beaver Falls, PA 15010  
 (724) 891-5800  
 1-800-615-7743

Beaver County Juvenile Services  
 Truancy Intervention Program  
  
 Beaver County Courthouse  
 810 Third Street  
 Beaver, PA 15009  
 (724) 774-8870

<http://www.beavercountypa.gov/children-and-youth-services>

Beaver County developed the Truancy Intervention Program (TIP) facilitated by Beaver County Children and Youth Services (CYS) and Juvenile Services Division (JSD). TIP is a proactive and comprehensive effort for the above agencies, court system and school districts to combat truancy.

TIP's initial pilot program began in 2010 with the workers attending truancy hearings at three magistrates for seven Beaver County schools districts. At these hearings, the magistrate would order the family to attend a one-time truancy education class in lieu of paying a fine.

As of January 2012, due to community and program success, TIP was expanded to include all nine magistrates and fourteen Beaver County school districts. At that time TIP changed its focus to early intervention and support. The program coordinators continue to attend all truancy hearings and provide an education class one to two times per month. In addition, the coordinators collaborate with local schools, social service agencies, and the court to identify and assist truant youth and their families concerning school attendance. An assessment is made with the families to determine the underlying cause of truancy. If necessary, TIP can refer additional services. For example, TIP utilizes Family Group Decision Making (FGDM) which has become an integral resource to address consistent school attendance. FGDM was originally utilized for elementary students and parents, but has successfully encompassed students twelve year and older.

## **YORK COUNTY**

York County United Way  
800 East King Street  
York, PA 17403  
717-834-0597

<http://www.unitedway-york.org/york-county-truancy-prevention-initiative>

Since its inception in 2000, the York County Truancy Prevention Initiative (supported by the York County Bar Foundation) has made tremendous impact in York County. Its efforts to coordinate each of the county's school districts to submit truancy reports in a standard format, and its creation of the Youth Court Alliance, have helped propel the county from one of lowest ranking in the state to 29th. The truancy Task Force meets bi-monthly to discuss the implementation of strategies to help reduce truancy.

### **General Information**

#### **Pennsylvania Association of Intermediate Units**

<https://www.paiu.org/paiu.php>

The Pennsylvania Association of Intermediate Units is an association that assists in providing resources to students and educators by linking them to their local intermediate units. This is an invaluable resource that should be utilized as attendance questions arise. One example of



a resource provided through the Capital Area Intermediate Unit (CAIU) is the Education Directory. This publication includes contact information for all the educational institutions that are within your area. This is a beneficial resource that can be utilized to simply get you in touch with the right person to answer your questions. Please contact the CAIU at 717-732-8400 or [www.caiu.org](http://www.caiu.org) in order to access this resource.

## Youth Court Programs in Pennsylvania

<http://www.pabar.org/public/committees/childavo/basedyouthcourt.asp>

Youth Court is a program in which youth are sentenced by their peers for minor delinquent or status offenses or problem behavior. Several counties in the Commonwealth currently report operational Youth Courts. The advantages of using youth courts to address truancy include the following:

- youth are held accountable by their peers
- youth and families are connected to appropriate services
- youth are taught life skills
- youth are connected to mentors and other positive adult/youth role models
- provides a system of graduated sanctions
- re-connects youth to the daily school experience
- reduces the juvenile court docket
- helps to identify youth in the early stages of truancy
- offers youth a service-learning opportunity
- provides education on compulsory education laws, school policies and procedures
- results in a decrease in the juvenile daytime crime rate
- promotes effective partnerships

## B. National Programs

There are a myriad of resources available that provide information to help guide the development, implementation and/or evaluation of truancy prevention/truancy reduction programs and strategies. What follows is a list of links to program databases and publications, along with brief descriptions, that may be of benefit.

### Program Databases:

<http://www.dropoutprevention.org/about-us>

The National Dropout Prevention Center/Network (NDPC/N) was begun in 1986 to serve as a clearinghouse on issues related to dropout prevention and to offer strategies designed to increase the graduation rate in America's schools. Over the years, the NDPC/N has become a well-established national resource for sharing solutions for student success. It does so through its clearinghouse function, active research and evaluation projects, publications, and through a variety of professional development activities. In addition, the NDPC/N conducts a variety of third-party evaluations and Program Assessment and Reviews (PAR). Their

website houses a searchable database of research-based programs and information for schools, organizations and other programs to review for opportunities to implement the model program or enhance their existing program.

[http://www.dropoutprevention.org/modelprograms/get\\_programs.php?desc=3](http://www.dropoutprevention.org/modelprograms/get_programs.php?desc=3)

The National Dropout Prevention Center/Network (NDPC/N) was begun in 1986 to serve as a clearinghouse on issues related to dropout prevention and to offer strategies designed to increase the graduation rate in America's schools. Over the years, the NDPC/N has become a well-established national resource for sharing solutions for student success. It does so through its clearinghouse

function, active research and evaluation projects, publications, and through a variety of professional development activities. In addition, the NDPC/N conducts a variety of third-party evaluations and Program Assessment and Reviews (PAR). This link reviews 144 truancy intervention programs. The review of the programs was conducted by an independent third party.

<http://www.schoolengagement.org/index.cfm/Welcome>

The National Center for School Engagement (NCSE) website provides access to their Truancy Reduction Program Database. This searchable database currently contains a catalogue of 205 programs designed to improve school attendance.

<http://www.ojjdp.gov/mpg/>

The Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Model Programs Guide (MPG) contains information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs. It is a resource for practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety. For more information about MPG visit <http://www.ojjdp.gov/mpg/Home/About>

### **Publications:**

[http://www.ojjdp.gov/publications/truancy\\_toolkit.html](http://www.ojjdp.gov/publications/truancy_toolkit.html)

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), a component of the Office of Justice Programs, U.S. Department of Justice, supports states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The Office strives to strengthen the juvenile justice system's efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families. Through its components, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming. This link provides access to the publication "Tool Kit for Creating Your Own Truancy Reduction Program." This toolkit includes information on truancy (i.e. contributing factors, economic impact, etc.), program development, truancy reduction program evaluation and practical suggestions.

[http://www.americanbar.org/content/dam/aba/publications/center\\_on\\_children\\_and\\_the\\_law/youth\\_at\\_risk/truancy\\_dropout\\_report.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/youth_at_risk/truancy_dropout_report.authcheckdam.pdf)

This link provides access to the 2012 publication “Legal and Educational System Solutions for Youth: Report from a Leadership and Policy Forum on Truancy and Dropout Prevention” of the American Bar Association, Commission on Youth at Risk. It discusses prevention strategies, practice strategies, law, policies and resources.

[http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.modelsforchange.net%2Fpublications%2F483%2FInnovation\\_Brief\\_Using\\_Community\\_Truancy\\_Boards\\_to\\_Tackle\\_Truancy.pdf&ei=426DVN\\_XPLi0sAToh4GoCg&usq=AFQjCNGNbc\\_cGK5wgwb0UZpwiW\\_65yS5Xw&sig2=OWD5IbfaTLGFZYI dp3HHmQ&bvm=bv.80642063,d.cWc](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.modelsforchange.net%2Fpublications%2F483%2FInnovation_Brief_Using_Community_Truancy_Boards_to_Tackle_Truancy.pdf&ei=426DVN_XPLi0sAToh4GoCg&usq=AFQjCNGNbc_cGK5wgwb0UZpwiW_65yS5Xw&sig2=OWD5IbfaTLGFZYI dp3HHmQ&bvm=bv.80642063,d.cWc)

This link is a report on the use of Community Boards to reduce truancy. This report describes the implementation and effectiveness of The West Valley Community Truancy Boards (WVCTB) in the state of Washington which are designed to engage truant youth and their families in a restorative-justice oriented setting using resources from the community; ultimately resulting in graduation.

## C. Sample Forms/Letters

The following section provides sample letters that can be used by school districts to address the legal steps that should be taken for unlawful absences. An enclosure to be used with the letters is also provided for convenience purposes.

### Letters to Parent of Absent/Truant Student (all letters should be on school district letterhead and dated)

#### First Unlawful Absence

Parent/Guardian Name  
Address  
City, PA Zip Code

Dear <PARENT’S (OR GUARDIAN’S) NAME>,

<STUDENT NAME> was absent unlawfully on <DATE>. This letter is sent to make you aware of this absence. Regular attendance at school is an important part of every student’s success and is necessary in order to gain the greatest benefit from the educational experience. Students who are frequently absent from school miss direct instruction and regular contact with their teachers. Commonwealth of Pennsylvania law and school policy requires regular daily attendance. When absences accumulate, it may ultimately result in academic difficulty for <STUDENT NAME>.

Our district has an active Student Assistance Team and additional services that are available to you and your family. We share a common goal to ensure that your child reaches <HIS/HER> full potential. All absences are counted as unlawful until the <DISTRICT NAME>School District receives a written excuse explaining the reason for the absence. If a written excuse is not received within three days, the absence will permanently be added to the student’s file as unlawful. This letter serves as our first communication regarding <STUDENT NAME>’s unlawful absences. If <STUDENT NAME> accumulates three additional days of unlawful absences or the equivalent, the district must notify the magisterial district judge.

In addition, any absences of ten cumulative days will require a written excuse that indicates <STUDENT

NAME> was seen by a doctor or medical practitioner. Enclosed are the penalties for violation of compulsory attendance requirements.

If you have any questions, please call my office at <PHONE> or the guidance office at <PHONE> so that we may work together to ensure <STUDENT NAME>'s educational success.

Sincerely,

<Principal, Assistant Principal, or Attendance Officer>

cc: Student Assistance Team  
Attendance Office/Home School Visitor  
Guidance Counselor  
Student File

(Enclosures: Law and SAP brochure)

*NOTE: The Department of Education recognizes that a best practice would include sending a similar letter to any students over the age of 13 years old to reinforce the importance of regular attendance and their academic success. See this section for a sample letter.*

## Second Unlawful Absence

Parent/Guardian Name  
Address  
City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

This letter is to inform you that <STUDENT NAME> was absent unlawfully from school on <DATE>. This is the second unlawful absence recorded this year. Attendance requirements are meant to benefit your child's educational experience. I appreciate your cooperation in trying to improve your child's school attendance and in helping <STUDENT NAME> complete missed assignments on those occasions when <STUDENT NAME> must be absent.

If <STUDENT NAME> accumulates two additional days of unlawful absences or the equivalent, the district must notify the magisterial district judge. Commonwealth of Pennsylvania law and school policy require that every child of compulsory school age attend school daily. A child must present a written excuse from the parent/guardian or medical practitioner within three days of an absence or the absence will be counted as illegal. Mental, physical or other urgent reasons are the only lawful excuses for absences. Enclosed are penalties for violation of compulsory attendance requirements.

I strongly encourage you to contact the guidance office or the student assistance team to discuss ways to ensure your child's school attendance. Continued unlawful absences could lead to notification of the magisterial district judge, as well as a referral to the County Children and Youth Agency. You may request a school-family conference at this time to explore possible solutions to your child's unlawful absences. If you have any questions, please call my office at <PHONE>.

Sincerely,

<Principal, Assistant Principal or Attendance Officer>  
(Enclosures: Law and SAP brochure)  
cc: Student Assistance Team  
Attendance Officer/Home School Visitor  
Guidance Counselor  
Student File

**Third Unlawful Absence (sent via certified mail and return receipt requested)**

Parent/Guardian Name  
Address  
City, PA Zip Code

**OFFICIAL NOTICE OF CHILD’S ILLEGAL ABSENCE**

Dear <PARENT’S (OR GUARDIAN’S) NAME>:

This letter is to officially notify you that <STUDENT NAME> has been absent from school without a lawful excuse on the following dates: <DATE 1, DATE 2 and DATE 3 (add subsequent dates as appropriate)>. These absences are unlawful and, therefore, constitute a violation of the compulsory attendance provision of the Pennsylvania Public School Code (24 P.S. 13-1327).

You are therefore notified of your child’s repeated unlawful absences and strongly encouraged to ensure that your child receives no subsequent unlawful absences. The series of unexcused absences constitute a summary offense under the Public School Code for which penalties may be imposed against you as parent or guardian. Act 29 of 1995 provides for a \$300 fine and allows the court to impose parent education classes with your daughter or son and community service sentences for parents of a truant child who do not show that they took reasonable SAIPs to ensure the child’s school attendance. Act 29 also provides that truant students lose their driver’s license for ninety (90) days for the first offense and six (6) months for the second offense.

Be advised that the process for development of an Attendance Improvement Plan for your child has now begun, which requires your participation in a school-family conference. If your child is unlawfully absent again, a proceeding will be initiated against you before a magisterial district judge and a referral for general protective services made to the county children and youth agency, without further notice from school authorities. Please refer to the enclosed sections in the Pennsylvania School Code for specific penalties for violation of compulsory attendance requirements for both you and your child.

Sincerely,

<Superintendent>

(Enclosures: Law and SAP Brochure)

cc: Student Assistance Team  
 Attendance Officer/Home School Visitor  
 Principal  
 Assistant Principal  
 Guidance Counselor  
 Student File

## 24 PA Statutes

### Section 13-1333- 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 SAIP 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 jurisdiction.

- (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 SAIP 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 adjudicative 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 (relating to definitions).
- (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 Human Services 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 justices.

**“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.

### **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).

**Private Criminal Complaint (AOPC 411) – A current form may be obtained on the Internet at:**

<http://forms.lp.findlaw.com/form/courtforms/state/pa/pa000003.pdf>

### **Letter to Truant Student Over the Age of 13**

Student Name  
Address  
City, State, Zip Code

**CERTIFIED AND RETURN SERVICE FIRST CLASS MAIL**

Dear Mr./Ms. Name:

Based upon your attendance history, while a student in the Sample Name School District, it has become necessary to formally notify you of key components of the PA School Code and Sample Name School District policies dealing with attendance. As a student over the age of 13 this letter shall serve as official notification that you are aware of the following:

- You are required by School Code and District Policy to attend school every day it is in session, unless illness or injury prevents you from attendance. Signed notice that you were absent with parental permission is submitted to the school within three days of the absence. If you are absent three or more consecutive days, a note that you were seen by a physician must be submitted to the school, also within the three day time period.
- Should you acquire too many unlawful/unexcused absences you may be denied credit for courses, regardless of your current grade in the class.
- Failure to attend school each day it is in session can result in:
- Revocation of any work permits (working papers) issued to you by the District.
- Prosecution before a District Justice. Such prosecution may result in you, as the student, not your parent/guardian being fined up to \$300 per day that you fail to attend school.
- Additionally the District Justice may:
- Assign you to an alternative adjudication program
- Suspend your privilege to possess or apply for a PA driver's license
- Continued failure to attend school may result in a referral to other County agencies for additional actions and/or placements.

Leaving campus prior to dismissal time is considered truancy and subject to prosecution.

I certainly hope that your attendance record improves and you have a successful school year. It is my desire that we do not need to resort to any of the above actions.

Respectfully,

Signature and Name of  
Attendance Officer for District

c: Parents via regular mail  
Truancy File

**Hearing Notes Worksheet**  
**(Document based upon form developed by West Shore School District)**

**Compulsory School Attendance Hearing Notes**

RE: Defendant's Name

Defendant in this case is the parent or guardian of record for name of student.

This student has a date of birth of mm/dd/yy making him/her XX years of age at the time of this offense and

subject to the compulsory school age attendance laws as set forth in the PA School Code, as amended.

This student was assigned to the Xth grade at \_\_\_\_\_ School, \_\_\_\_\_ Township/Borough/City, Name of County, PA. This school is within the jurisdiction of this Magisterial Court.

A notice of compulsory attendance letter was mailed to the defendant on Date of Letter referencing unlawful absence dates for this student of: list dates here

This letter was signed for on mm/dd/yy by name or letter was returned unclaimed.

This notice was also sent 1<sup>st</sup> class return service requested mail and the envelope was/was not returned to the school.

A notice requiring a physician’s note was mailed to the defendant via certified mail on: date. This letter was signed for on mm/dd/yy by name or letter was returned unclaimed.

This notice was also sent 1<sup>st</sup> class return service requested mail and the envelope was/was not returned to the school.

For students over 13 – a student notice of attendance was sent/handed to the student on mm/dd/yy. This letter was signed for on mm/dd/yy by name or letter was returned unclaimed.

This notice was also sent first class return service requested mail and the envelope was/was not returned to the school.

[NOTES: have copy of Attendance Improvement Plan, letter and certified mail cards available for the hearing; referral to county Children and Youth Agency occurs simultaneously with notification.

[List chronologically any other actions taken: home visits, calls to parents other letters, meetings with student etc....]

Student had absences again on:

Resulting in the filing of citation # \_\_\_\_\_

The student had absences on:

Resulting in the filing of citation # \_\_\_\_\_

## D School Attendance: Staffing

The need for early intervention is crucial with regard to truancy issues, as unhealthy patterns are set early in a child’s education. When students and parents understand early the importance of regular attendance, as well as the negative impact of regular absenteeism, the stage is set for a successful educational career. Truancy interventions and strategies vary amongst schools, and other programs that are designed to address truancy. Some institutions take a “by the book” approach to dealing with this issue and rely heavily on official sanctions that can come down from Magisterial District Judges or by requesting the county children and youth agency initiate court oversight through filing a dependency petition. While others take a more comprehensive approach that brings together the family, child and other interested parties to create specific intervention strategies and plans. Regardless, understanding the position of your individual school district, who and what is available to assist you, is critical. School personnel have a responsibility to ensure that all families are aware of the school’s attendance policies and to follow up with any student that begins to demonstrate a pattern of absenteeism. Subsequently, every school district has personnel that are assigned to assist

with navigating parents and other professionals through their individual procedures and resources. Typically this is the district's Home School Visitor. However, it is possible that these job duties may be performed by individuals with a different title, who serve a similar function.

## E. Ten Strategies to Improve Attendance

There are several key factors that comprise a comprehensive strategy to promote student attendance and students' connection to school. Those factors include ensuring a safe school climate, encouraging and supporting parental involvement, providing a continuum of supports and services to both students and their families as appropriate, collaborating with the community (including both public and private entities working with youth and families), school level administrative support and ongoing program evaluation to verify that your strategies are reducing truancy within your student population. Following are 10 specific suggestions to make this comprehensive strategy possible within your school.

- Make students and parents/guardians feel welcome. Make a point to say “hello” to every parent/guardian or student you see in the halls and outside- make it your business to know his or her names.
  - Create an environment that enables students to feel successful in something—no matter how small it may seem. Award academic and attendance “letters,” as you do for athletics.
  - When a student is absent, immediately talk to the parent/guardian — not their answering machine. Make a personal phone call in the evening or call parents/guardians at work during the day.
  - When a student is absent, immediately talk with them about why they were gone—let them know you are aware...and that you care that they are at school.
  - Forge a relationship with local businesses where youth may congregate when truant— encourage them to keep students in school during school hours. Create a poster that states “We support youth in school and will not serve anyone under 16 during school hours.”
  - Forge a relationship with local law enforcement—make them your allies in showing the community, families, and students that school is the place to be. Empower community police officers to return youth to school.
- 
- Don't provide the temptation for youth to be truant. Close your campuses during breaks and lunch.
  - Empower and expect classroom teachers to take action when they think a student may be truant. Ask teachers to make calls to absent youth or families in the afternoon or evenings.
  - Reward and recognize good attendance—not just perfect attendance. Post large signs giving the daily attendance for the day. Reward individuals, classes and the school for increased attendance.
  - Make your school a place where students feel safe and respected. Adopt a character education program that is planned and implemented by students.

Source: Colorado Foundation for Families and Children, 303 E. 17th Ave.,

## F. List of Parent Resources:

Below are the links to a resource to assist parents with concerns/questions regarding truancy:

Parent's Guide to Truancy:

<https://www.ncjrs.gov/pdffiles1/ojjdp/grants/226229.pdf>

This pocket guide is designed to reduce incidences of truancy by providing parents and guardians with prevention and intervention strategies to assist with improving attendance for a truant child.

Published by the National Criminal Justice Reference Service.

## G. Sample Bench Card for Juvenile Justices/Magistrates

Bench cards are tools used by Judges when hearing a case. They provide questions to ask during the proceeding that will allow the judge to arrive at an informed decision in the case. Below is a sample of a bench card on truancy.

## H. Program Evaluation

The components of any successful truancy reduction effort must include parental involvement; a full continuum of services and supports based on the needs of the students and their families; full collaboration with the legal system, county children and youth agencies, community- and faith-based organizations, local businesses and corporations, local law enforcement; school- level administrative buy-in and support; a safe school climate which encourages school attendance by ALL students and ongoing evaluation of the truancy reduction effort.

An important truth is that regardless of how successful a well-researched, results-based model appears to be, it may not work in your own school for a multitude of reasons. That is why an ongoing evaluation of your own program and strategies is imperative.

Here are suggested guidelines to develop the evaluation component of your truancy reduction effort.

## I. Goals and Objectives:

All evaluation begins with goals (long term 1-3 years) and objectives (short term SAIPs to meet those goals). Programs that clearly delineate goals and objectives are much more likely to successfully achieve those outcomes. Remember that evaluation is a TOOL to enable your program to evaluate effectiveness in order to improve and become more successful over time. Evaluation provides documentation of areas of needed improvement and success, however, use of the evaluation material and process is critical for programs to

benefit from the evaluative process.

Goals and objectives may be developed across a number of areas including:

#### **Program Development and Implementation**

- Internal communication, process & procedures
- Communication & collaboration with community agencies
- School level buy in and support
- Safe school climate

#### **Data Collection and Use**

- Targeted data identified for each goal/objective
- Data collection methods and procedures
- Communication of data to project staff
- Use of data-based decision making
- Implementation of program changes based on data
- Data reporting to necessary and involved agencies
- Data collection is ongoing and used to monitor project goals

#### **Outcome Measures**

- Effects of project strategies on attendance & on-time arrival of referred students
- Procedures to target groups of students or individual students whose attendance does not improve
- Development of research based support plans (involving students and parents) to improve attendance for students whose attendance is not improving
- Data collected and reviewed to monitor the progress of targeted students

### **II. Data Identification and Collection:**

Effective program evaluation should include both qualitative and quantitative data collection strategies depending on the specific goals and objectives, the sources of data and the questions to be answered by the evaluation. Qualitative data (word based data) might include data from interviews (project personnel, students, parents, collaborating agencies), observation and field notes about processes, samples of student attendance support plans, notes from planning meetings and internal memos, documents or other forms of communication. Quantitative data (number based data) might include percent of days of attendance or on time arrival, number of meetings between agencies, percent of project goals met per year or scores on questionnaires or client (student or parent) satisfaction surveys. Many other sources of data are available; the critical factor is that data answers the questions asked and speaks to the project's progress toward stated goals.

### **III. Sample Questions for Evaluation Efforts:**

#### **Project Development and Implementation**

- What roles do various project staff, parents, students and outside agencies play in the truancy reduction effort? How are roles and responsibilities communicated?
- How is information communicated? Is communication effective? Do key

players, including clients, feel supported by the project and the projects procedures?

- Who is responsible for individual project goals or objectives? Do these goals and objectives speak to the mission of the project?
- Which agencies are involved in the project? What is the level of communication and collaboration (administrative, direct care staff)? Is the level of communication appropriate, i.e., does it result in effective project implementation?
- What strategies or activities have been developed to meet project goals and activities?
- How is implementation being monitored? How is implementation integrity being measured?
- What systems are in place for performance review both of employees and of leaders/supervisors by their employees?

### **Data Collection and Use**

- How and who decides what data is targeted to measure goals, objectives, implementation and project activities?
- Once identified, how is data collected, organized and stored?
- How is data analyzed? Who is involved in data analysis? Are the project staff responsible for implementing project activities involved in data analysis?
- How is data collection and analysis used to evaluate projects, to inform practice and to make modifications to future implementation and evaluation efforts?
- Are data analysis and data-based decision-making sessions truly problem solving and project improvement opportunities?
- How is data displayed and disseminated to project staff, funding agents and project constituents? Are data displays clear and concise? Do they represent the data accurately?

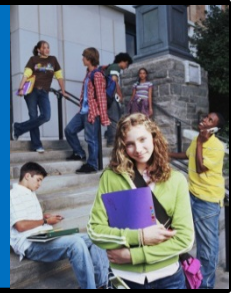
### **Outcome Measures**

- What effect are project activities having on school attendance, attachment and achievement?
- Which activities are most effective at achieving our goals? What aspects of those activities are most related to better project outcomes?
- Which activities are not effective at achieving project goals?
- What can be done to alter or improve those activities? Should they be continued or new activities developed?
- What leadership styles and behaviors are most related to achieving goals and objectives?
- Which leadership behaviors are least effective?
- How effective are the support plans developed to target challenging students? What aspects of those plans are effective and which are not? What ideas are generated for improvement of those plans or processes?
- How bought in to project outcomes are the students and their parents?



## Section VIII

# Funding for Implementation of Truancy Prevention Programs



As you can see from the information contained in this toolkit, truancy is a complex issue requiring a multifaceted, comprehensive approach. There are many ways to support and fund programs that help address the challenge of truancy in our schools and communities. The following section lists applicable federal and state funding streams that can be used to assist schools in truancy reduction efforts.

There are a variety of funding resources administered through PDE's Student Services & Migrant Education Division that can be used for activities that directly and indirectly increase at-risk children's school attendance. These include:

- **Accountability Block Grant** funding: under the Social and Health Services option, school districts may elect to use their allocated funds for truancy prevention activities.
- **Teen Parent** programs provide comprehensive case management, counseling, child care, transportation and other assistance to enable expectant and parenting teens to be good parents, attend school on a regular basis and succeed academically.
- **After School** programming (21st Century Community Learning Center and ELECT Student Works) builds student resiliency and increases student academic performance, which often results in improved school attendance.
- **Migrant Education** funding provides after school and summer academic and other skill building activities, which can prevent truancy.
- **Homeless Children and Youth** programs keep homeless students in their schools of origin, when possible, and coordinate educational services to increase academic performance and school attendance.

State and federal agencies such as the Office of Juvenile Justice and Delinquency Prevention, the U.S. Department of Education, the Substance Abuse and Mental Health Services Administration, PA Departments of Health, Education and Welfare, and the Pennsylvania Commission on Crime and Delinquency, to name a few, promote programs that reduce truancy.

Some funding opportunities are directly related to reducing truancy while others have an indirect, but appreciable, impact. For example, Title IV, 21<sup>st</sup> Century Schools, consists of two parts. Part A, the Safe and Drug-Free Schools and Communities program provides funds to schools to reduce alcohol, tobacco, other drugs, and violence related behavior of school age youth. Under this program, schools may fund drug and violence prevention activities designed to reduce truancy. We are aware that a significant number of students are absent from school as the result of fear for their safety from bullies, violence and weapons. School-wide implementation of a bullying prevention program can improve school climate and thus reduce truancy. Some students are absent from schools as the result of substance abuse

related problems; therefore, programs directed at reducing substance abuse may also impact truancy and other attendance issues. Part B, 21<sup>st</sup> Century Community Learning Centers, provides funds to schools for before and after school programs. Grantees can use their funds to support “programs that provide assistance to students who have been truant, suspended or expelled”.

For additional information on grant and other funding opportunities visit:

### **Federal Resources for Educational Excellence**

<http://free.ed.gov/>

### **GrantsAlert**

<http://www.grantsalert.com/>

### **Pennsylvania Department of Education Grants Guide**

[http://www.education.state.pa.us/portal/server.pt/community/grants\\_and\\_subsidies/7207](http://www.education.state.pa.us/portal/server.pt/community/grants_and_subsidies/7207)

### **Center for Safe Schools**

<http://www.safeschools.info/>

### **Sustainability Planning and Resource Development for Youth Mentoring Programs**

[http://educationnorthwest.org/sites/default/files/resources/sustainability\\_planning.pdf](http://educationnorthwest.org/sites/default/files/resources/sustainability_planning.pdf)

### **U.S. Department of Education Discretionary Grants**

<http://www.ed.gov/fund/grant/apply/grantapps/index.html>

### **U.S. Department of Education Forecast of Funding**

<http://www.ed.gov/fund/grant/find/edlite-forecast.html>

### **U.S. Government’s Access to All Grants**

<http://www.grants.gov/>

For general school-related funding information, the following sites may be of interest:

### **eSchool News School Funding Center**

Information on up-to-the-minute grant programs, funding sources and technology funding. <http://www.eschoolnews.com/resources/funding/>

### **Fundsnet Online Services**

For a comprehensive website dedicated to providing nonprofit organizations, colleges and universities with information on financial resources available on the Internet, go to: <http://www.fundsnet services.com/>

### **Philanthropy News Digest-K-12 Funding Opportunities**

For K-12 funding opportunities with links to grant seeking for teachers, learning technology and more, go to:

<http://fdncenter.org/funders/>

### **Proposal Development**

For information on preparing grant applications, go to:

<http://teachersplanet.com/grantart.shtml>

Type in the search field “grant applications”

### **Research-Based Delinquency and Violence Prevention**

The Pennsylvania Commission on Crime and Delinquency’s funding aims to assist communities in efforts to implement proven prevention programs that have been shown to be effective in reducing the risk factors, which includes lack of commitment to school, for delinquency, violence, substance abuse, school dropout and teen pregnancy.

<http://www.pccd.state.pa.us>

### **School Grants**

For a collection of resources and tips to help K-12 educators apply for and obtain special grants for a variety of projects, go to:

[www.k12grants.org](http://www.k12grants.org)

### **Twenty-First Century Foundation**

For the Twenty-first Century Foundation, a national foundation and public charity that makes grants to support African American community revitalization, education and leadership development, go to:

<http://www.21cf.org/>



# Section IX

## Truancy Reduction Resources



The hyperlinks listed below are valuable resources on organizations that work to reduce truancy, decrease the dropout rate, increase student achievement and promote a safe school climate for all students. This section contains information about relevant research, best practices and strategies; a listing of available student attendance tracking systems; a list of common terms related to truancy; a list of frequently asked questions and a list of the members of the Task Force on Student Attendance and Truancy Reduction and others that made this toolkit possible. All members of the task force hope that this toolkit effectively assists schools in reducing truancy and school dropout, thereby helping every student in Pennsylvania grow into an inspired, productive, fulfilled lifelong learner.

### A. Organizations

#### **Alliance for Excellent Education**

<http://www.all4ed.org>

#### **American Bar Association (Model Truancy Prevention Programs)**

<http://www.abanet.org/crimjust/juvjus/truancypreventionprograms.doc>

#### **Attendance Works**

<http://www.attendanceworks.org/>

#### **Center for Education of Students Placed at Risk**

<http://www.csos.jhu.edu/crespar/index.htm>

#### **Communities in Schools**

<http://www.communitiesin schools.org>

#### **Education Law Center Toolkit: School Success for Students Without Homes**

<http://www.elc-pa.org/resource/elc-toolkit-school-success-for-students-without-homes/>

#### **Education Law Center: Parent and Advocate Guide: Right to Special Education**

<http://www.elc-pa.org/resource/elc-parent-guide-right-to-special-education-2014/>

#### **International Association for Truancy and Dropout Prevention**

<http://www.iatdp.org>

#### **National Center for Education Statistics**

<http://nces.ed.gov>

#### **National Center on Secondary Education and Transition**

<http://www.ncset.org>

**National Council of Juvenile and Family Court Judges**

<http://www.ncjfcj.org>

**National Dropout Prevention Center/Network**

<http://www.dropoutprevention.org>

**National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent or At-Risk**

<http://www.neglected-delinquent.org>

**National School Safety Center**

<http://www.schoolsafety.us>

**National Youth Court Center**

<http://www.youthcourt.net>

**National Center for School Engagement (NCSE), Colorado Foundation for Families and Children**

<http://www.truancyprevention.org/dren>

**Office of Children and Families in the Courts**

<http://www.ocfcpacourts.us/>

**Office of Juvenile Justice and Delinquency Prevention**

<http://www.ojjdp.gov/>

**Office of Safe and Healthy Students**

<http://www2.ed.gov/about/offices/list/ose/osh/index.html?exp=2>

**Social Development Research Group**

<http://depts.washington.edu/sdrg/>

**Succeed In PA" Pennsylvania Dropout Prevention Network**

<http://succeedinpa.org/>

**Urban Institute**

<http://www.urban.org>

**Vera Institute of Justice**

<http://www.vera.org>

## B. Online Resources and Research

### **Check and Connect: A Model for Promoting Students' Engagement in School**

To promote students' engagement with school, reduce dropout and increase school completion; the web- site offers information regarding the model, current projects and initiatives, related publications <http://www.ici.umn.edu/checkandconnect/model/default.html>

### **Count Us In: School Attendance Toolkit**

Provided by Attendance Works, this toolkit is designed to help plan involvement and enlist the help of stakeholders to improve student attendance. A variety of options for promoting good attendance are available.

<http://awareness.attendanceworks.org/wp-content/uploads/2014/03/AAM-toolkit-2.0-040814.pdf>

### **CYC-Online, Truancy – Reading for Child and Youth Care People, Issue 67, August 2004**

<http://www.cyc-net.org/cyc-online/cycol-0804-truancy.html>

### **Districts Tackling Truancy with New Zeal: Attendance Advances Goals for Student Learning,**

**Education Week, September 22, 2004.**

<http://www.edweek.org/ew/articles/2004/09/22/04truancy.h24.html>

### **Essential Tools – Increasing Rates of School Completion: Moving from Policy and Research to Practice, A Manual for Policymakers, Administrators and Educators, May 2004**

<http://www.ncset.org/publications/essentialtools/dropout/dropout.pdf>

### **Family Educational Rights and Privacy Act (FERPA), Family Policy Compliance Office**

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

### **A Guide to the Family Educational Rights and Privacy Act, U.S. Department of Justice, Office of**

**Juvenile Justice and Delinquency Prevention, May 1998**

<http://www.ncjrs.gov/pdffiles/fs9878.pdf>

### **Increasing Student Attendance: Strategies from Research and Practice, Strategies to Encourage Attendance, Northwest Regional Educational Laboratory, June 2004**

<http://www.nwrel.org/request/2004june/strategies.html>

### **KidSource Online**

Information about the causes and consequences of nonattendance and recommendations/guidelines for creating effective attendance policies

<http://www.kidsource.com/education/student.truancy.html>

### **Manual to Combat Truancy, U.S. Department of Education and Department of Justice**

<http://www.ed.gov/pubs/Truancy>



**Reducing Chronic Absenteeism: An Assessment of an Early Truancy Initiative, Crime and Delinquency, Volume 50, No. 2, April 2004, pages 214-234, 2004 Sage Publications.**

This item requires a subscription to Crime & Delinquency Online.

<http://cad.sagepub.com/cgi/reprint/50/2/214>

**School Attendance Demonstration Project: An Evaluation of a Program to Motivate Public Assistance Teens to Attend and Complete School in an Urban School District, L. Jones, R. Harris and D. Finnegan, Research on Social Work Practice, Volume 12, No. 2, March 2002, pages 222-237, 2002 Sage Publications**

<http://rsw.sagepub.com/archive/>

**Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, June 1997**

<http://www.ncjrs.gov/pdffiles/163705.pdf>

**Truancy Reduction Demonstration Program, Office of Juvenile Justice and Delinquency Prevention**

<http://www.ojjdp.gov/Programs/ProgSummary.asp?pi=36>

**Truancy Reduction: Keeping Students in School, Office of Juvenile Justice and Delinquency Prevention**

<http://www.ncjrs.gov/pdffiles1/ojjdp/188947.pdf>

**Raising Compulsory School Age Requirements: A Dropout Fix?**

<http://www.nea.org/assets/docs/PB40raisingcompulsoryschoolage2012.pdf>

## **C. Print Resources**

“Co-occurrence of Delinquency and Other Problem Behaviors,” D. Huizinga, R. Loeber, T.P. Thornberry, and L. Cothorn, Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention, November 2000

“Developmental Pathways in Boys’ Disruptive and Delinquent Behavior,” B.T. Kelly, et. al, Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention, December 1997

Effective Program Practices for At-Risk Youth, 2003, J. Klopovic/M. Vasu/D. Yearwood, Civic Research Institute, Kingston, NJ, ISBN 1-887554-35-1

Improving School Attendance: A Resource Guide for Virginia Schools, August 2005, Virginia Department of Education (for a copy, contact Arlene Cundiff, Coordinator of Safe and Drug Free Schools Program, Virginia Department of Education, Division of Special Education and Student Services, Office of Student Services, P.O. Box 2120, Richmond, VA 23218-2120, 804-

225-2871, E-mail: [arlene.cundiff@doe.virginia.gov](mailto:arlene.cundiff@doe.virginia.gov)

Journal of Research in Crime and Delinquency, W.N. Welsh, P.H. Jenkins, and P. Harris, v.

36, n. 1, February 1999, p. 87-110

Protecting Teens: Beyond Race, Income and Family Structure, R. W. Blum, T. Beuhring, Center for Adolescent Health, University of Minnesota, 2000.

Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions, R. Loeber, and D.P. Farrington, Thousand Oaks: Sage Publications, 1998

Truancy Prevention in Action - 4 booklet series from the National Dropout Prevention Center/ Network, 2005, <http://www.dropoutprevention.org>

- Best Practices and Model Truancy Programs
- Guidelines for Evaluating Truancy Programs
- Legal and Economic Implications of Truancy
- Planning, Collaboration, and Implementation Strategies for Truancy Programs

Urban Delinquency and Substance Abuse: Initial Findings, D. Huizinga, R. Loeber, and T.P. Thornberry, Office of Juvenile Justice and Delinquency Prevention, March 1994  
 “Young Children Who Commit Crime: Epidemiology, Developmental Origins, Risk Factors, Early Interventions, and Policy Implications,” R. Loeber, and D.P. Farrington, Development and Psychopathology, v. 12, 2000, p. 737-762

Youth Violence: A Report of the Surgeon General, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control; Substance Abuse and Mental Health Services Administration, Center for Mental Health Services; and National Institutes of Health, National Institute of Mental Health, 2001.

## D. Student Attendance Tracking Systems

**Attendance Plus** from Rediker Software, Inc.; to easily track school attendance information for students and staff; create attendance reports and letters using any attendance data  
[http://www.rediker.com/attendance\\_plus.html](http://www.rediker.com/attendance_plus.html)

**Gradelink** is a comprehensive school record management system that offers scalable software for attendance tracking, gradebooks, report cards, medical records, school websites and discipline.  
<http://www.gradelink.com/tour.html>

**Modular Management System for Schools: office/teacher/parent portals** from Computer Resources LLC; scalable school administration software for public and private schools, grades K thru 12; offers choices for biographical information, attendance, scheduling, grades, discipline and more <http://www.cri-mms.com>

**Online Student Attendance System** from L-Systems, Inc.; provides computer printed corridor passes, tardy slips and readmission slips; printable summaries of absences and of check ins and check outs; printable daily and period attendance scan sheets  
<http://www.l-systems.com/EXone.htm>

**PowerSchool** from Apple Computer, Inc.; to generate attendance records, parent portal, transcripts, scheduling, and form letters.

[www.pearsonschools.com](http://www.pearsonschools.com)

**School Attendance Keeper** from RVPMDesigns; tool for handling attendance requirements of public and private schools of all sizes in all states; meets the NCLB Act of 2001 requirements <http://www.rvpmdesigns.com/sak/>

**School Track** from Jolly Tech tracks student attendance, tardiness etc. generates electronic infraction notices to parents, issues student ID cards and manages/tracks campus visitors.

<http://www.jollytech.com/products/school-track/index.php>

**TRAIN**, the Truancy Reduction Application Interface, from the National Center for School Engagement; a secure web-based database that allows program staff to track the progress of youth receiving school attendance services; includes information on students' school attachment, achievement and attendance, their demographics, mental and physical health, family and peer relationships and detailed service history.

<http://www.schoolengagement.org/index.cfm/TRAIN>

## E. Glossary of Terms

Following is a list of terms with corresponding definitions for use when using this document and when developing, implementing and evaluating truancy reduction programs. Each school board must adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary.

**ADEQUATE YEARLY PROGRESS (AYP):** Term used in the No Child Left Behind Act (NCLB) to indicate that the school or district has met its goals for improvement from one year to the next. States set their own yearly progress goals within the constraints set by the federal NCLB legislation.

**ALTERNATIVE EDUCATION PROGRAMS:** Public school programs approved by the Department of Education for students with behavioral concerns including, but not limited to, habitual truancy.

**BASIC EDUCATION CIRCULAR (BEC):** A document that provides guidance from the Pennsylvania Department of Education relating to the Pennsylvania Public School Code of 1949, State Board of Education Regulations and Standards and federal law and regulations.

**CHARTER SCHOOL:** An independent public school designed by local citizens, established and operated under a charter from the local board of school directors. A charter school must be organized as a public nonprofit corporation. Charter schools are exempt from most state mandates except those ensuring the health, safety and civil rights of students.

**CHILD:** Any individual who has not reached his/her eighteenth birthday, unless he/she is on active duty for a branch of the armed services or is married.

**CHILD ABUSE:** Harm to a child under 18 years of age that results from a caregiver or family problems or actions.

**CHILD PROTECTIVE SERVICES:** In Pennsylvania, the Child Protective Services Law (CPSL) (23 Pa. C.S., Chapter 63) establishes definitions of child abuse.

**CHILDREN AND YOUTH AGENCY EDUCATIONAL LIAISON:** The staff person or persons within each county children and youth agency, trained in educational issues, who assists other county children and youth agency staff by providing guidance and technical assistance.

**COMMUNITY RESOURCES:** Agencies and services for children and youth provided by the juvenile court, the county, the Department of Education, the Department of Health, the Department of Human Services and other public or private institutions.

**COMPULSORY SCHOOL AGE:** 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 kindergarten students and any child who holds a certificate of graduation from a regularly accredited senior high school.

**DEPENDENT CHILD:** Under the Juvenile Act a child may be dependent if the child is habitually and without justification truant from school. See also GENERAL PROTECTIVE SERVICES definition.

**DROPOUT:** A student who, for any reason other than death, leaves school before graduation without enrolling in either another school or an adult education program.

**ELEMENTARY:** An instructional level that includes grades one through six.

**EMANCIPATED MINOR:** A person below the age of 21 who has chosen to establish a domicile apart from the continued control and support of his/her parents or guardians. A minor living with a spouse is deemed emancipated.

Reference: State Board of Education Regulations Chapter 11, Section 11.11

**EXCUSED ABSENCES:** Excused absences are defined by school policy and require written notification by a parent/guardian to the school for reasons such as mental or physical illnesses, death of a family member, doctor's appointments, observing a religious holiday, court appearance, college visitation or pre-approved family trips. Excused absences are approved by both school and parent/guardian.

**EXPULSION:** When a student is not permitted to attend school due to his/her behavior as punishment after an official board hearing. Students who are 17 years old or older, who have been officially expelled, are not entitled to a public education, unless they are special education students.

**GENERAL PROTECTIVE SERVICES:** Services to prevent the potential for harm to a child who is without proper parental care, subsistence, education as required by law or other care or control necessary for physical, mental or emotional health or morals. The majority of reports that come to the attention of the county children and youth agency involve non-serious injury or neglect. These cases are treated by the agency as general protective services cases. General protective services cases can include inadequate shelter, truancy, inappropriate discipline, hygiene issues, abandonment or other problems that threaten a child's opportunity for healthy growth and development. See also DEPENDENT CHILD definition.

**HABITUALLY TRUANT:** Unexcused absence for more than three (3) school days or the equivalent, following the first notice of an unexcused absence given by school staff. The fourth unexcused absence would be considered habitual. Also reference definition of DEPENDENT CHILD above.

**HOME EDUCATION PROGRAM:** An education program designed to permit parents, guardians and legal custodians ("supervisors") to conduct home education programs for their children. Reference: Pennsylvania Public School Code of 1949, Section 1327.1.

**HOME LANGUAGE SURVEY:** A questionnaire provided to identify limited English proficient students. The purpose of the survey is to determine the student's primary or home language.

**HOMELESS STUDENT:** Student who lacks a fixed, regular, adequate nighttime residence or has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters and transitional housing for mentally ill), an institution providing temporary residence for individuals intended to be institutionalized or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. Reference: 42 U.S.C. Section 11302(a).

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA):** Federal law that ensures "Free and Appropriate Education" for children with disabilities.

**INSTRUCTIONAL TIME:** Instructional time includes opening exercises, homeroom, assemblies, core content classroom instruction, instructional activities, guidance and counseling services, speech pathology, audiology services, student health services, supervised study halls, clubs and student councils conducted during school hours, educational class trips, civil defense, fire, bus evacuation and similar drills, kindergarten orientation, up to three days of graduation preparation and an early dismissal or delayed opening due to inclement weather. For a more complete list of instructional time, see BEC 24 P.S. §15-1504.

**LOCAL EDUCATION AGENCY (LEA):** A board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district or political subdivision in a state, or any

other public educational institution or agency having administrative control and direction of a career and technical education program. This term includes state correctional education agencies.

**MCKINNEY VENTO LIASON:** appointed by each LEA is responsible to:

- identify homeless children and youths with assistance by school personnel and through coordination activities with other entities and agencies;
- inform parents or guardians of educational rights and related opportunities available to their children and provide them with meaningful opportunities to participate in the education of their children;
- disseminate public notice of the educational rights of homeless students where children and youths receive services under the McKinney-Vento Act (such as schools, family shelters and food pantries);
- mediate enrollment disputes;
- inform the parent or guardian of a homeless child, youth and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services;
- ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement;
- assist children and youths who do not have documentation of immunizations or medical records to obtain necessary immunizations or necessary medical documentation; Understand the guidance issued by PDE for the education of homeless students and be ready to explain the BEC related to homeless education to school district staff;
- get to know the best resources in the community to assist families with referrals for things such as shelter, counseling, food and transportation;
- distribute information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff;
- provide standard forms and information about enrollment procedures and key school programs to each shelter in your district;
- become familiar with the various program materials that are available from PDE;
- collaborate with a school district's special education program to ensure that homeless children who are in need of special education and related services are located, identified and evaluated.
- help to ensure that homeless youths who have or may have disabilities have a parent or a surrogate parent to make special education or early intervention decisions. In the case of unaccompanied homeless youth, if a student is disabled or may be disabled and the youth does not have a person authorized to make special education decisions, the following people can be temporary surrogate parents: staff in emergency shelters; transitional shelters; independent living programs; street outreach programs; and state, local educational agency or child welfare agency staff involved in the education or care of the child. This rule applies only to unaccompanied homeless youth;
- identify preschool-aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should inquire, at the time they



are enrolling homeless children and youths in school, whether the family has preschool-aged children;

- identify unaccompanied homeless youth while respecting their privacy and dignity by providing specific outreach to areas where eligible students who are out of school may congregate.

**MIGRATORY CHILD:** Any child domiciled temporarily in any school district for the purpose of seasonal employment, or accompanying his/her parent/guardian, but not acquiring residence in that district.

**MINIMUM HOURS:** The minimum instructional hours that are required for elementary (grades 1-6) students are 900 hours. The minimum instructional hours that are required for secondary (7-12) students are 990 hours. The minimum hours required for kindergarten are two hours, 30 minutes of each day in the school term.

**NO CHILD LEFT BEHIND (NCLB):** The No Child Left Behind Act of 2001 requires school districts to develop strong systems of accountability based upon student performance and to report disaggregated data by gender, race/ethnicity and four additional subgroups (Economically Disadvantaged, English Language Learner, Migrant and Special Education). See also Section III. D. Reporting Requirements for Truancy Rates.

**NONPUBLIC SCHOOL:** A school that is privately controlled by a nonpublic entity and is financed from sources other than public taxation.

**NONRESIDENT STUDENTS:** Students classified as nonresident (custodial parent or guardian resides in another school district) include the following:

- nonresident students in foster homes who were educated by the school district in which the foster parents reside,
- nonresident students in foster homes who were educated by a school district that is not the school district of residence of the foster parents,
- institutionalized nonresident students whose school district of residence cannot be determined,
- institutionalized nonresident students in detention facilities whose district of residence cannot be determined,
- institutionalized nonresident students whose district of residence has been acknowledged,
- nonresident students whose district of residence has contracted with your school district for educational services,
- nonresident students whose parents or guardians have paid tuition to your school district,
- nonresident students whose tuition has been waived by your school board,
- nonresident students from outside of Pennsylvania whose tuition is either waived



or parent-paid, nonresident students in foster homes within your school district who have been educated by an out-of-state school and

- nonresident students in institutions within your school district whose district of residence cannot be determined and whom an out-of-state school educates.

**OUT-OF-SCHOOL PROGRAMS:** Programs conducted off school grounds, such as cooperative education, job shadowing, internships, community exploration, registered apprenticeships and community service-learning, under the general supervision of professional school staff.

**PRIVATE SCHOOL:** A nonpublic school defined by the licensing regulations as one that maintains or conducts classes for the purpose of offering instruction for consideration, profit or tuition, to five or more students at one time or to 25 or more students during the school year.

**RESIDENT STUDENTS:** Students classified as resident include the following:

- students whose parents or guardians reside in the school district,
- students who have proven to be emancipated,
- adopted or pre-adopted students,
- foreign exchange students who have a J-1 visa,
- students whose parents or guardians and foster parents reside in the same school district,
- homeless students not living in a shelter or institution,
  
- students residing with an adult other than parents or guardians,  
Reference: Pennsylvania Public School Code of 1949, Section 24  
PS 13-1302
- students whose parents are migrant workers and
- resident students who have been educated by an out-of-state school.

**SCHOOL ATTENDANCE IMPROVEMENT PLAN (SAIP):** A plan developed through the School Attendance Improvement Conference to improve a student's attendance.

**SCHOOL ATTENDANCE OFFICER:** An employee designated by the School Board to deal with matters relating to school attendance and truancy.

**SCHOOL DAY:** The time period when school is in session and instruction occurs.

**School Attendance Improvement Conference (SAIC):** The conference which the school convenes upon the student's third unlawful absence (or before if necessary) in order to develop the School Attendance Improvement Plan to improve the student's attendance.

**SCHOOL TERM:** 180 instructional days. Usually from late August/early September to late May/early June of each calendar year.

**SECONDARY:** An instructional level that includes grades seven through twelve.

**STUDENT ASSISTANCE TEAM:** The entity within a school which addresses existing social, emotional, physical, mental and behavioral health issues of students.

**STUDENTS WITH DISABILITIES:** Students for whom a disability has been verified by a formal assessment and review process and has an Individualized Education Program (IEP) in place.

**SUSPENSION:** When a student is temporarily not permitted to attend school or school affiliated activities as punishment for behavior. Suspensions can be in-school or out-of-school and last from one day to ten days.

**TRUANCY:** Unexcused absence from compulsory school attendance. Truancy includes non-attendance of part or all of homeroom, core academic classes, study hall or other school assignments without permission.

**UNEXCUSED ABSENCES:** Unexcused absences are defined by school policy and occur when no written notification by a parent/guardian is given to the school or when the reason is unacceptable as a legal cause under school policies.

## F. Frequently Asked Questions (FAQ)

The following questions and responses are discussed elsewhere within this toolkit, or constitute actual questions related to truancy that the staff of PDE have received in the past.

### 1. What is an “excused” absence from school?

Pennsylvania law broadly defines absences as excused when a student is prevented from attendance for mental, physical or other urgent reasons. Many school districts consider illness, family emergency, death of a family member, medical or dental appointments, authorized school activities and educational travel with prior approval as the only lawful absences. It is the responsibility of each district to determine the validity of excuses.

### 2. Is participation in religious instruction outside of the public school considered an excused absence?

Upon written parental request, a student shall be excused from school to attend classes for religious instruction under section 1546 of the Public School Code of 1949 (24 P. S. § 15-1546). The excusal shall be limited to a total of not more than 36 hours per school year.

### 3. What is an unexcused absence?

An unexcused absence is defined as being absent from school and no written notification by

a parent/guardian is provided to the school

**4. What are the responsibilities of parents/guardians/students in reporting a student's absence from school?**

All absences should be treated as unlawful until the school district receives a written excuse explaining the reason(s) for an absence. Parents/guardians and students should submit the written explanation within three calendar days of the absence.

**5. What happens if a parent/guardian/student does not provide a written excuse within three calendar days of the absence?**

If they fail to provide a written excuse within three days of the absence, the absence will be permanently counted as unlawful.

**6. What is truancy?**

Truancy is any unexcused absence from compulsory school attendance.

**7. What is the penalty for having one unexcused absence?**

If an unexcused absence is listed as an offense in the student code of conduct, students can be disciplined.

**8. What is the penalty for habitual truancy?**

After a student accumulates three days of unexcused absences, the school must notify the parents that any additional unexcused absences can result in a referral to the magisterial district judge. The judge may impose fines, educational classes, and/or suspend driver license operating privileges. For students under the age of 13 years of age, they shall be referred to a county child and youth agency for possible disposition as a dependent child.

**9. Who is responsible for notifying the Pennsylvania Department of Transportation regarding suspension of driver license operating privileges?**

The magisterial district judge.

**10. Does tardiness count as truancy?**

Yes, Section 1332 of the School Code states that the names of students who have been absent without a lawful excuse for three days, "or their equivalent", shall be reported to the attendance officer.

**11. Can a kindergarten student be cited for truancy?**

Yes. Compulsory school age begins at age 8 or when the student is enrolled in kindergarten; whichever occurs first.

**12. Can a student 17 years old or older be cited for truancy?**

No. The compulsory school attendance law does not apply to students 17 years of age or older.

**13. Who may approve a student's absence from school?**

Principals or teachers in any public, private or other school may excuse any child for non-attendance during temporary periods following their respective school district's policy and

Pennsylvania law in excusing students. The board of school directors is required to adopt policies governing pupil absences and excusals.

**14. What sanctions can be imposed on truant students not covered by compulsory attendance?**

Unexcused absences should be part of the student code of conduct, which allows progressive disciplinary measures to be taken. Students 17 years old and older must be dropped from the attendance rolls after 10 consecutive days of unexcused absences.

**15. Can any student who has 10 consecutive days of unexcused absences be dropped from the rolls?**

No, only students 17 years old or older. Students of compulsory school age cannot be dropped from the rolls.

**16. What are some ways school personnel can support and assist truant students and their families?**

Students should be referred to the local Student Assistance Team and the county Children and Youth Agency for further assessment and evaluation.

**17. As a chief school officer, what are my responsibilities in reporting truancy data to the Department of Education?**

The US Department of Education, through No Child Left Behind legislation, is working in collaboration with states to determine essential truancy data elements that should be collected. PDE will keep chief school officers apprised of any reporting requirements.

**18. What are the responsibilities of Charter Schools relative to a student’s unlawful absence?** Charter schools must report to the student’s school district of residence when a student has accrued three or more days of unlawful absences. It is then the responsibility of the school district to comply with the compulsory attendance laws in accordance with the Public School Code. However, charter schools are strongly encouraged to inform parents as unlawful absences occur, as suggested above, and work closely with their respective school district in reporting absences.

**19. What are the school district’s responsibilities when a Charter School reports that a student has accrued three or more days of unlawful absences?**

Under compulsory attendance laws, the parent/guardian of a student who has accumulated three unlawful absences are to receive notice stating any subsequent unlawful absences will result in a citation being filed with the magisterial district judge. The notice to parents/guardians should be sent immediately upon notification of third absence by a charter school. It is recommended that such notice should be sent through certified mail. Future

unlawful absences should be filed with the magisterial district judge.

**20. What are the responsibilities of Nonpublic Schools relative to a student's unlawful absence?**

Nonpublic schools must report to the student's school district of residence when a student has accrued three or more days of unlawful absences. It is then the responsibility of the school district to comply with the compulsory attendance laws in accordance with the Public School Code. However, nonpublic schools are *strongly* encouraged to inform parents as unlawful absences occur, as suggested above, and work closely with their respective school district in reporting absences.

**21. Are schools required to employ an attendance officer or home school visitor?**

First, second and third class school districts are required to employ at least one person holding the title of attendance officer or home and school visitor. School districts of the fourth class may also employ attendance officers or home and school visitors with the same powers and responsibilities. Districts may join in cooperative agreements to employ an attendance officer or home and school visitor.

**22. Can an attendance officer or home and school visitor, employed by a school district, arrest or apprehend a child who fails to attend school in violation of compulsory school attendance?**

Yes. The employee is to enforce the provisions of the Pennsylvania School Code regarding compulsory attendance. These individuals have full police power without warrant and may arrest or apprehend any child who fails to attend school in violation of compulsory attendance. State, municipal, port authority, transit authority, housing authority and school police officers are provided with the same arrest powers.

**23. What happens to the child when they are arrested or apprehended by an attendance officer or home and school visitor?**

In cases where students are arrested or apprehended, the apprehending or arresting officer is required to promptly notify the parent/guardian to place the child in the public school the child is, or should be, enrolled.

**24. What are the responsibilities of school personnel when they discover that a child is unable to attend school due to the lack of necessary food and/or clothing?**

Whenever school personnel charged with overseeing attendance discovers that any child of compulsory school age is unable to attend school due to the lack of necessary clothing or food, the case must be reported to any suitable relief agency operating in the school district. If a proper relief agency is not found in the district, the case should be referred to the proper county board of assistance for investigation and relief.

## 25. What is meant by Compulsory School Age and Compulsory Attendance?

Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner (first grade), which may be no later than eight years of age, until the age of seventeen or graduation from a high school, whichever occurs first. It is mandatory for all children of compulsory school age having a legal residence in Pennsylvania to attend a day school in which the subjects and activities prescribed by the Standards of the State Board of Education are taught in the English language, except in the following situations found in sections 1327, 1327.1, 1329, and 1330 of the Pennsylvania School Code:

- Attendance as a day student in a private trade school or private business school continuously through the entire term congruent with the public school term that meets the requirements set forth by the State Board of Education or the State Board of Vocational Education when:
  - The child is 15 and has approval from the district superintendent and Secretary of Education, or
  - The child is 16 and has approval from the district superintendent.
- Attendance at a school operated by a church or other religious body which provides a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
- Privately tutored or home school students provided a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
- Children who are 16 and regularly engaged in useful and lawful employment during the school session with a valid employment certificate.
- Children who have been examined by an approved professional and identified to be unable to profit from further public school attendance and excused by the school board.
- Children who are 14 and satisfactory completed the equivalent of the highest grade of elementary school in their district who hold a permit approved by the Secretary of Education to engage in farm work or domestic services in a private home.

## 26. What are the consequences and penalties associated with violation of state law and school board attendance requirements?

Every parent, guardian or person in parental relation having responsibility over any child of compulsory school age is subject to penalties if compulsory school-age attendance requirements are not met. School districts are required to give three days' written notice of violation of compulsory attendance prior to proceeding against the parent or student. The school district may initiate proceedings with the magisterial district judge three days immediately after the third written notice of a child's unlawful absence, if the child is unlawfully absent from school on any subsequent days.

Possible sentences for parents found to be in violation of compulsory attendance law:

- Paying a fine up to \$300 for each offense and court costs, or
- Completing a parenting education program, or
- Completing in lieu of, or in addition to the previous penalties, community service within the school district for a period of no more than six months and



- In cases where the party being sentenced fails to complete the terms of their sentence, a subsequent sentencing to the county jail for no more than five days.

(Magisterial district judges may suspend all or portions of the sentence, if the child is no longer habitually truant.)

The board of school directors may bring a student before the court. Possible sentences for children found in violation of compulsory attendance law:

- If the parent/guardian is not convicted by the magisterial district judge and the child has attained the age of 13, the child may be:
- subject to a fine of no more than \$300 for each offense, or
- assigned to an adjudication alternative program pursuant to 42 Pa.C.S. § 1520, or
- referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302 or
- alleged to be dependent under 42 Pa.C.S. § 6303(a)(1) by the magisterial district judge, if the child fails to comply with the adjudication.

(Magisterial district judges may suspend all or portions of the sentence, if the child is no longer habitually truant.)

## G. List of Task Force Members and Toolkit Contributors Original Committee

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