

CHESTER COUNTY ATTENDANCE GUIDE

(Adapted from PDE BEC February 2015 and Chester County Attendance Guide 2013)

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I. Introduction

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

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.

According to the United States Secretary of Education, in a presentation at the National Truancy Prevention Conference in December 2004, on any given school day, 2.7 million enrolled children and youth are not in school in the United States. As adults, youth who had excessive school absences are more likely to have poor health, need mental health services, have lower paying jobs, and participate in criminal activity. According to the National Truancy Prevention Association, over 90% of the inmate population in our nation’s correctional facilities were truant or dropped out of school. While school districts in Chester County may have low numbers of children missing school in comparison to urban areas, the impact to our community for excessive absences could be significant.

The reason(s) behind excessive absences vary greatly among children. Early identification of excessive absences in a student provides us with an opportunity to address whatever issues may be causing a child to miss school.

It is our belief that children in Chester County will be more successful in their educational endeavors as a result of having consistent school attendance guidelines. There is a documented relationship between poor academic performance and absenteeism. Students who do not perceive

themselves as having academic skills are at increased risk for dropping out of school. Students who must repeat a grade are much more likely to leave school before attaining their high school diploma.

The financial costs for the United States taxpayers associated with school dropouts are staggering. While the lifetime earning of high school dropouts will be significantly below those who graduate from high school, there are additional costs. Nearly half of those in prison and half of the heads of household on welfare were dropouts. Early intervention is more effective in preventing dropout behavior than remediation after the student has established a pattern of non-attendance.

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 county and statewide level.

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 attendance guide, being made available to all interested parties through ongoing web-based access, fully describes the responsibilities of Chester County 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. We must all work together if we are to be successful in increasing the attendance of students in Chester County.

II. Frequently Asked Questions (FAQ)

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, the 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. What is an unlawful absence? An unlawful absence is defined as being absent from school and no written notification by a parent/guardian is provided to the school for a student who is of compulsory school age.

3. What are the responsibility 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.

4. 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.

5. What is the definition of truancy and the truancy process? Truancy is any unlawful absence from compulsory school attendance. Habitual truancy is 6 or more unlawful absences in one school year (see Flow Chart in Appendix A)

6. What is the penalty for habitual truancy? After a student accumulates three days of unlawful absences, the school must notify the parents that any additional unlawful absences can result in a citation being issued and filed with the magisterial district judge. The judge may impose fines, educational classes, and/or suspend driver license operating privileges. Students shall be referred to a Truancy diversion program and can be referred to the county child and youth agency for possible disposition as a dependent child.

7. 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 first enters school, which may be kindergarten or no later than six (6) years of age, until the age of eighteen (18) 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 satisfactorily 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.

8. 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 plus court costs 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 three 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 or designee 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 15, the child may be:
- subject to a fine of no more than \$300 plus court costs 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.
- Possible suspension of Driver's License for 90 days and 6 months for second offense.

(Magisterial district judges may suspend all or portions of the sentence, if the child is no longer habitually truant) **CROSS REFERENCE WITH ACT 138**

9. Who is responsible for notifying the Pennsylvania Department of Transportation regarding suspension of driver license operating privileges? The magisterial district judges.

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. A better explanation for converting lates to absences: Equivalent definition is unlawful tardy minutes accrued that equal to 3 school days equivalent or more. (i.e., unlawful 18 hours or 1,080 minutes). Cross reference with Act 138

11. Can a kindergarten student be cited for truancy? Yes. Compulsory school age begins when the student is enrolled in kindergarten or at age 6; whichever occurs first.

12. Can a student 18 years old or older be cited for truancy? No. The compulsory school attendance law does not apply to students 18 years of age or older. Students 18 years old and older must be dropped from the attendance rolls after 10 consecutive days of unexcused absences.

13. Can any student who has 10 consecutive days of unexcused absences be dropped from the rolls? No, only students 18 years old or older. Students of compulsory school age cannot be dropped from the rolls.

14. What are some ways school personnel can support and assist truant students and their families? Students should be referred to the Student Assistance Team. Students with at least 4 unlawful absences should be referred to the Holcomb Truancy Program. If truancy continues while a student is involved with the Holcomb Truancy Program, the student may be referred to the Chester County Department of Children, Youth and Families for assessment.

15. What are the responsibilities of Charter Schools and Cyber schools relative to a student's unlawful absence? Charter schools, as well as Cyber schools, must establish their own attendance policy and are responsible for enforcing compulsory school attendance at their schools.

16. What are the responsibilities of Nonpublic schools relative to a student's unlawful absence? For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws. However, nonpublic schools do retain certain responsibilities for ensuring that students and parents/guardians comply with compulsory attendance laws, and that truancy prevention and elimination efforts required by those laws are implemented.

17. 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

18. 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.

19. What happens to the child when he/she is 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.

20. 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 school should support the family by providing community resources to help access clothing, food, housing, etc. If the truancy continues or as a mandated reporter there is suspicion of neglect, a report to Childline should be made.

21. Where can I get more information about the laws related to attendance and truancy?

To review the PA Public School Code in its entirety:

<https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1949/0/0014..HTM>

To review PA ACT 138:

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2016&sessInd=0&act=138>

To Review The Juvenile Act:

<https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/00.063..HTM>

III. Schools and the 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 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 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).

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.

IV. Children and Youth Services

[Chester County Department of Children, Youth and Families](#)

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 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. Truancy is one such problem.

V. Holcomb Truancy Prevention Process

All students being referred to the Holcomb Truancy Program must meet the following updated requirements:

- A minimum of **four (4)** illegal or unexcused absences from school.
- Have a Truancy Elimination Plan (TEP)/Student Attendance Improvement Plan (SAIP) in place (or documented attempts to meet with the family to develop a plan). A copy of this plan should be included with the referral.
- Completion of **all sections** of the Referral Form

A. BEC

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 Holcomb Truancy Program which is a diversionary program that is provided and monitored by the Chester County Department of Children, Youth and Families.

B. Referral Process for agency supports.

1. It is expected that school personnel will have made every effort to conduct a conference with the parent(s) and child in which a SAIP was created. The school district should make a referral to the Holcomb Truancy Program. If additional services are needed after utilizing the Holcomb Truancy Program, the staff at Holcomb may submit a referral to the Department of Children, Youth and Families (DCYF). DCYF may accept referrals from the Holcomb Truancy Program that involve any children age 17 and younger, who are illegally absent from school a minimum of six days in the course of one school year.
2. Children and families who are not successfully engaged by the Holcomb Truancy Prevention Program may be referred to DCYF, as well as having a truancy citation filed with their respective district court, if the child remains illegally absent from school while school is in session. The Holcomb staff will assist referring sources with gathering the information necessary to make a formal referral to DCYF. The expectation is that referrals will be made to the department for action in a timely manner.
3. Once DCYF receives a truancy-related referral from the Holcomb Truancy Program or Magisterial Judge the Department will begin to assess the family and child for alleged dependency.

VI. Cross Agency Intervention

A. Magisterial District Judges

<http://www.pacourts.us/courts/minor-courts/magisterial-district-judges/>

The magisterial district judge is responsible for the adjudication of truancy cases. Therefore, it is imperative that actions relative to truancy be taken promptly by school districts and, when necessary request the assistance of the Holcomb Truancy Program and the Chester County Department of Children, Youth and Families. Actions by the school districts should be taken prior to the court hearing. This will help to expedite the process of bringing students and parents or guardians into compliance and possibly eliminate the need to file additional citations.

Any parent or guardian of a child who is of compulsory school age and alleged to be truant and any student who has reached the age of 15 and is alleged to be truant may be cited for truancy. Either party cited may be found guilty for non-compliance with the truancy laws. If the parent or guardian is found guilty, they shall be sentenced in accordance with the truancy laws. If they do not complete the sentence, then they shall be sentenced to county jail for up to three (3) days. If the student is found guilty, they shall be sentenced in accordance with the truancy laws. If they default on the sentence, then the magisterial district judge may allege the student to be dependent.

B. 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

Act 138 Flow Chart

