



PSBA a **closer** LOOK

School truancy, dropout concerns call for legislative, policy changes

PSBA urges the General Assembly to make significant changes to clarify, improve current truancy law

Student absenteeism and truancy is a genuine and continuing concern for school districts across Pennsylvania, and PSBA believes that now is the time for the General Assembly to take action to address the problem.

In the 2013-14 school year, more than 7% of the state's school enrolled population was habitually truant, or more than 142,000 students. In 2014-15, those numbers jumped to 8.52% truant, with more than 148,000 students. And it's not a problem affecting one group of students in a particular area. Truancy levels vary across age and grade levels, with about 60% of truants found in grades 6-12 and about 40% in grades K-5. And while variances exist, truancy is a problem for both boys and girls, and is found in urban, rural and suburban areas.

Attendance frequently is an important predictive factor in future academic success and even future interaction with the criminal justice system. This is the primary reason PSBA consistently has supported efforts to address this issue, and urges the General Assembly to make significant changes to various provisions in current law related to truancy.

PSBA has been actively involved as a member of the Educational Success and Truancy Prevention Workgroup, created by the Pennsylvania Supreme Court, and also as a member of the Joint State Government Commission's Truancy Advisory Committee. The Truancy Advisory Committee, with input from the workgroup, recently released a series of recommended





changes addressing several areas to improve practices for schools, courts, and children and youth agencies in order to promote educational success. Although frequently it is a challenge to find consensus among public policy makers, legislators, and educators on many issues, there is agreement regarding the importance of reducing excessive school absenteeism and increasing school attendance rates.

PSBA believes there are a number of legislative changes that take a broad approach in addressing this issue without a substantial increase in costs to school districts. The current School Code provisions lack the clarity and flexibility to effectively deal with truancy. The association also emphasizes that a “one-size-fits-all” approach to truancy may not be an effective way to deal with absenteeism within a particular school district. While many school districts have common challenges, it is critical to recognize that differing factors may determine what methods may be most effective within an individual district.

Enforcement and fines

Many of the needed changes deal with clarifying ambiguity in the School Code provisions dealing with truancy enforcement and could be remedied through definitional changes to Section 1333 and Section 1354 of the School Code.

Under Section 1333 of the School Code, a parent, guardian, person in parental relation or person having charge of a child, may be found guilty of a summary offense and fined \$300 plus costs, or be required to complete a parenting education program. The section then provides that if a person fails to pay such a fine and costs, or fails to complete a parenting program, the individual “shall be sentenced to the county jail for a period not to exceed five (5) days.” An individual is not to be convicted if they can show that they took every reasonable step to ensure the attendance of the child. The district justice may suspend the sentence in whole, or in part, if the child no longer is habitually truant. Children who are habitually truant who have reached the age of 13 may also be subject to prosecution and a \$300 fine or assigned to an adjudication alternative program, or referred for disposition as “dependent.”

There have been legislative proposals that have sought to address the issue of the incarceration of parents who fail to pay court fines. Although PSBA does not directly oppose some limitation on penalties like the incarceration of parents, guardians or other individuals who fail to pay court costs or

fines, PSBA respectfully recommends a number of other changes to the School Code that would be effective in combating truancy.

Clarifications needed for defining “habitually truant”

Currently, pursuant to Section 1354 of the School Code, a school district is required to serve a notice upon parents, guardians and other legally responsible individuals after the child has been absent from school “for three days or their equivalent without lawful excuse.” Three days after this notice is provided, the child is considered “habitually truant” and the district may proceed with truancy prosecution.

Despite the School Code’s direction as to the number of unlawful absences that are required for a child to be considered “habitually truant,” the School Code does not explicitly state within what time frame the three days or their equivalent must occur for the district to provide a notice and proceed with other action after three subsequent unlawful absences. In other words, the School Code is not clear as to whether the three initial absences and three subsequent absences after notice is provided for a total of six days are counted within a single school year or over the course of the student’s entire academic career.

PSBA supports changes to the School Code that would clarify that absences for the purposes of truancy enforcement should be counted within an individual school year. PSBA also supports changes to the School Code that would provide clarity to a number of other definitional changes including but not limited to “school day,” “school year,” and “unexcused absence.” While these might seem like relatively small changes, such changes would go a long way in eliminating confusion for school administrators, district justices and other individuals who deal with truancy on a regular basis.

Collaborative approaches work

Because excessive absenteeism is a problem that is more effectively dealt with through a collaborative approach with a number of possible strategies based on the child and family situation, many schools have taken a proactive approach to addressing the problem by engaging parents and students early in the process.

In terms of legal intervention, PSBA supports an approach that would provide a number of different measures to deal with truancy rather than a single approach that focuses solely on fines and/or impris-



onment for parents. Changes to the School Code should provide school entities with a set of options to deal strategically with individual students who are truant by intervening at the district level, referring the child to a community-based program or possible disposition for dependency determinations with local children and youth agencies, or filing a citation against the parent or guardian with whom the child resides. PSBA also supports providing trial courts with the authority to suspend a sentence for truancy in the event a student is in compliance with the court's plan, preventing additional citations from being filed while a truancy proceeding is pending, and adopting policies to provide supervision for a child who does not comply with a sentence imposed for truancy. Additionally, there should be a modification of penalties related to the suspension of driving privileges by providing the courts with the discretion to send a record to the PA Department of Transportation when a student fails to comply with a sentence imposed for truancy.

PSBA supports many recommendations of the Truancy Advisory Committee

The Joint State Government Commission's Truancy Advisory Committee (TAC) recently released its final report on truancy and school dropout prevention.

The Advisory Committee began its work in March 2015 pursuant to House Resolution 1032 of 2014. The Advisory Committee included, in addition to PSBA, representatives of the Department of Education, educational organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies, and other appropriate organizations involved in school attendance issues. In addition to their own experiences and knowledge, members gathered information from other sources, such as clinical and academic researchers.

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

TAC's statutory recommendations

The Advisory Committee recommended several changes to the School Code. Those supported and pushed for by PSBA include the following:

- Add definitions of "truant" and "habitually truant" to provide a uniform definition of truancy statewide. "Truant" is defined as three unexcused absences in a school year; "habitually truant" is defined as six or more unexcused absences in a school year.
- Add a definition of "person in parental relation" to clarify which persons having responsibility for a child are required to ensure compulsory attendance.
- Add definitions of "school," "school day," and "school year." The addition of the term "school year" is intended to clarify that the truancy provisions of the School Code apply to all educational entities.
- Add language to allow charter and cyber charter schools to develop attendance policies under the guidance of, and report truancy issues directly to, the Department of Education. This change relieves both the charter schools and the home school district of the charter school student of the burden of addressing multiple students attending multiple charter schools from multiple school districts. These changes would also make the charter schools responsible for filing citations for truancy directly with the magisterial district judge, rather than requiring the student's school district of residence to file citations.

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

TAC's public policy recommendations

The Advisory Committee recommended the following policy changes:

- The Department of Education should serve as a resource for guidelines and resources to provide schools with basic criteria to address school attendance issues, which can then be adapted to local needs. The Department of Education should provide guidance and financial support to school districts to develop protocols for student attendance improvement conferences and staff training to conduct these meetings.
- Good data collection systems should be in place to help identify areas of need and ensure that appropriate resources and support are available to schools and families. Consistent with state and federal law, data should be freely shared between schools, children and youth agencies, courts, probation offices, and other relevant entities. This data sharing can help identify children who may be at risk and can aid in coordinating programs and services between all stakeholders in an efficient and effective way.
- Data about educational outcomes of children experiencing both truancy and foster care should be collected, including the following elements: English language learner, prompt enrollment and attendance, school stability, school placement, academic status/progress, standardized test scores, special education, school discipline, graduation rates and post-graduation experiences.
- Children and youth agencies and school district employees should be trained in how to manage truancy and school attendance problems. Training should address both early intervention and prevention as well as appropriate responses and interventions.
- School-based services, using the Student Assistance Program as a model for referrals, should be available to students who experience attendance compliance problems. Evidence-based programs are strongly recommended.
- Whenever possible, and in the school superintendent's and magisterial district judge's discretion, truancy hearings should be held in an age-level appropriate district school building.