

Penn*Link

To: All LEAs

From: Matthew S. Stem, Deputy Secretary
Office of Elementary and Secondary Education

Date: August 24, 2018

Re: Amendments to compulsory attendance and truancy laws through Act 39 of 2018

Act 39 of 2018 (Act 39), which was signed into law on June 22, 2018, includes multiple amendments to the Pennsylvania Public School Code (School Code). Several of these amendments are related to compulsory attendance and truancy laws. The definition of “educational entity” in Section 1326 of the School Code was amended in two ways,

- (1) nonpublic schools were removed from the definition, and
- (2) charter schools, regional charter schools, and cyber charter schools were added to the definition.

Additionally, Section 1333.3 of the School Code was amended to clarify when a truancy citation may be filed if an educational entity has made a referral to the county children and youth agency, but the agency has not yet closed the case.

Accordingly, this Penn*Link replaces the Penn*Link issued on November 28, 2017 related to the authority and responsibility of charter schools to implement and enforce compulsory attendance laws. This Penn*Link further clarifies the authority and responsibility of nonpublic schools to implement and enforce compulsory attendance laws. Finally, this Penn*Link serves to clarify that a truancy citation may be filed if an educational entity has made a referral to the county children and youth agency if the educational entity has consulted with the agency prior to the filing of the citation, even if the agency has not yet closed the case.

Because of the changes made to the compulsory attendance and truancy laws through Act 39, each charter school, including each regional charter school and cyber charter school, is solely responsible for enforcing the compulsory attendance laws in accordance with the School Code as they relate to students enrolled in the charter school. Charter school responsibilities include ensuring that students and parents/guardians comply with compulsory attendance laws, ensuring that truancy prevention and elimination efforts are implemented, and taking appropriate action when a student enrolled in the charter school is habitually truant.

Specifically, a charter school must develop an attendance policy that includes: monitoring student attendance and accurately tracking and reporting excused and unexcused absences; providing timely and clear notification to the person in parental relation to the student concerning accumulated unexcused absences; convening the School Attendance Improvement Conference; and, when a student enrolled in the charter school is habitually truant, referring

the student to a school-based or community-based attendance improvement program or county child and youth agency or filing a truancy citation.

However, Act 39 requires school districts to play a role in enforcing compulsory attendance laws related to students enrolled in nonpublic schools. Although 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, it is the student's school district of residence that must execute the filing of a truancy citation or the referral of the student to a school-based or community-based attendance improvement program or the child and youth agency.

A nonpublic school must develop an attendance policy that includes: monitoring student attendance and accurately tracking excused and unexcused absences; providing timely and clear notification to the person in parental relation to the student concerning accumulated unexcused absences; convening the School Attendance Improvement Conference; and working with the student's school district or residence for referral of the student to a school-based or community-based attendance improvement program or county child and youth agency or the filing of a truancy citation.

A nonpublic school's policy may differ from that of a school district and it must define the actions the nonpublic school may take when a student is truant or habitually truant, which may include expulsion of the student from the school. Additionally, the nonpublic school's policy may contain criteria beyond the criteria set forth in the School Code for determining when a student is truant or habitually truant; the nonpublic school's policy should also provide for communication and collaboration with a student's resident school district so that the powers and responsibilities for enforcing the compulsory attendance and truancy laws are properly exercised under the authority granted to the school district by the General Assembly.

To assist with development of policies and procedures that will comply with the School Code and to provide a means for collaborative exercise of the respective responsibilities, PDE provides the following information, which outlines PDE's recommendations on how nonpublic schools and school districts should collaborate for efficient and effective implementation of compulsory attendance and truancy requirements. Final determinations concerning these responsibilities should be made between the nonpublic school and school district.

PDE will soon issue additional guidance relating to Pennsylvania's compulsory attendance and truancy laws through a Basic Education Circular. If you have any questions relating to this Penn*Link or Pennsylvania's compulsory attendance and truancy laws, please contact Carol Kuntz, Director for the Office for Safe Schools at (717) 783-6469.

RESPONSIBILITIES OF A NONPUBLIC SCHOOL AND RESIDENT SCHOOL DISTRICT FOR IMPLEMENTATION OF COMPULSORY ATTENDANCE AND TRUANCY REQUIREMENTS RELATED TO A STUDENT ENROLLED IN A NONPUBLIC SCHOOL

NONPUBLIC SCHOOL

Accurate monitoring and tracking of excused and unexcused absences.

22 Pa. Code § 11.41

Primary responsibility.

Written notification to person in parental relation of violation of compulsory attendance at the third unexcused absence.

24 P.S. § 13-1333(a)

Collaborative responsibility with school district, i.e. should send notification with copy to the school district.

Offer and convene School Attendance Improvement Conference.

24 P.S. § 13-1333(b)

Collaborative responsibility with school district, i.e. should send notification with copy to the school district; convene conference with school district as optional participant.

Refer child to (a) school-based or community-based attendance improvement program or (b) county child and youth agency for possible disputation as a dependent child.

24 P.S. § 13-1333.1(a)(1).

Collaborate with school district regarding attendance improvement programs. The nonpublic school should work with the school district to establish the record of unexcused absences and notices provided and actions taken by the nonpublic school. Juvenile dependency referrals should be coordinated through the school district.

File truancy citation with appropriate MDJ.

24 P.S. § 13-1333.1(a)(2), (b).

Refer to school district. The nonpublic school should work with the school district to establish the record of unexcused absences and notices provided and actions taken by the nonpublic school.

Following school-based or community-based attendance improvement program, refer child to county child and youth agency for possible disposition as a dependent child.

24 P.S. § 13-1333.1(c).

Refer to school district. The nonpublic school should work with the school district to establish the record of unexcused absences and notices provided and actions taken by the nonpublic school.