

PENNSYLVANIA DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION  
February 4, 2016  
PENN\*LINK

To: School District Superintendents  
School District Special Education Directors  
Intermediate Unit Executive Directors  
Intermediate Unit Special Education Directors  
Charter School Chief Executive Officers  
Charter School Special Education Directors  
Directors of Transportation  
Attendance Coordinators

From: Patricia Hozella, Director  
Bureau of Special Education

Subject: Truancy Reporting and Transportation to Student with Disabilities

It has come to the Bureau of Special Education's attention that some local educational agencies (LEAs) are pursuing prosecution for truancy for students with disabilities who have missed school or have been tardy as a result of the LEA's failure to provide transportation services in a timely manner as required by a student's Individualized Education Program (IEP) or Section 504 Service Plan. The purpose of this Penn\*Link is to inform the LEAs that a practice of pursuing prosecution for truancy when transportation is late and the student is marked late or absent violates federal and state law. LEAs must ensure transportation has been provided to students with disabilities as written in their IEPs and Section 504 Service Plans.

In some cases, the truancy referral may be due to a lack of coordination and communication between attendance coordinators, transportation staff, and special education staff within an LEA. Communication between departments within the LEA will alleviate inaccurate reporting of attendance and tardiness. Prior to pursuing truancy citations for students with disabilities, an LEA must determine whether the student with a disability is entitled to transportation as required by an IEP or Section 504 Service Plan and if this transportation service has been provided in a timely manner.

If a student with a disability has been denied appropriate and timely transportation services, the student is entitled to compensatory education services for the time missed due to the untimely provision of transportation services to school, including the time missed in order to appear in truancy court.

If you have any questions regarding this information or need assistance, please contact either Patrick Scanlon, Special Education Adviser, at 724.465.6535 or by email at [pascanlon@pa.gov](mailto:pascanlon@pa.gov) or John Gombocz, Special Education Adviser, at 717.772.3745 or by email at [jgombocz@pa.gov](mailto:jgombocz@pa.gov).