

New State Truancy Laws

On Thursday, November 3, 2016 Governor Wolf signed new truancy legislation into law.

☒ **Habitually** truant children ***under fifteen years of age***. If a habitually truant child is under fifteen (15), the school must refer the child to either: (1) a school-based or community-based attendance improvement program or (2) the county children and youth agency (CYS) for services or possible disposition as a dependent child under the Juvenile Act. Additionally, the school may file a citation against the parent of a habitually truant child under fifteen (15) in a magisterial district court.

☒ **Habitually** truant children ***fifteen years of age and older***. If a habitually truant child is fifteen (15) or older, the school must either: (1) refer the child to a school-based or community-based attendance improvement program or (2) file a citation against the student or parent in a magisterial district court. If a habitually truant child aged fifteen (15) or older incurs additional absences after a school refers that child to an attendance improvement program or the child refuses to participate in an attendance improvement program, the school may refer the child to the local CYS agency for possible disposition as a dependent child.

In all cases, regardless of age, where a school refers a habitually truant child to a magisterial district court or CYS, the school must provide verification that it convened and held a student attendance improvement conference.

Definition of “truant.” The new law explicitly defines “truant” as a child subject to compulsory school laws ***“having three (3) or more school days of unexcused absence during the current school year.”***

Definition for “habitual truancy.” The new law streamlines the definition of “habitual truancy.” Under the new law, “habitual truancy” is defined as a child subject to compulsory school laws ***“having six (6) or more school days of unexcused absences during the current school year.”*** Therefore, a child is habitually truant once he or she accumulates six unexcused absences during the course of the school year. These absences do not need to run consecutively.

☒ * **Procedure when child is truant.** The new law creates two distinct “procedural” sections: (1) procedures schools must follow when a child is “truant” and (2) procedures schools must follow when a child is “habitually truant.”

☒ The law expressly requires schools to notify parents or guardians in writing within ten (10) school days of the child’s third unexcused absence that the child has been “truant.” This notice:

☐* **Must** include a description of the consequences if the child becomes “habitually truant.”

☐* **Must** be in the mode and language of communication preferred by the parent; and

☐* **May** include the offer of an attendance improvement conference.

NOTE: If the child continues to incur additional absences after this notice has issued, the school must offer student attendance improvement conference.

☐ . The procedure schools must follow when a child is habitually truant depends on whether the child is fifteen (15) years of age or older.

☐ **>Under fifteen (15) years of age.** The ***school must refer the child to either:*** (1) a school-based or community-based attendance improvement program or (2) the county children and youth agency (CYS) for services or possible disposition as a dependent child under the Juvenile Act. Additionally, the school may file a citation against the parent of a habitually truant child under fifteen (15) in a magisterial district court.

☐ **> Fifteen (15) years of age and older.** The ***school must either:*** (1) refer the child to a school-based or community-based attendance improvement program or (2) file a citation against the student or parent in a magisterial district court. If the child incurs additional absences after a school refers that child to an attendance improvement program or refuses to participate in an attendance improvement program, the school may refer the child to the local CYS agency for possible disposition as a dependent child.

NOTE: In all cases, regardless of age, where a school refers a habitually truant child to a magisterial district court or CYS, the school must provide verification that it convened and held a student attendance improvement conference.

☐ ***Mandatory attendance improvement conferences before court referral.** Under the new law, schools ***must*** make meaningful attempts to encourage parent participation in attendance improvement conferences ***by advance written notice and attempts to communicate via telephone.*** The school ***must hold the conference even if the parent declines to participate or fails to attend.*** There is no legal requirement for either the child or parent to attend an attendance improvement conference. The school ***must*** document the outcome of any attendance improvement conference in a ***written attendance improvement plan.*** Schools ***may not take further legal action*** to address unexcused absences until after the date of the scheduled attendance improvement conference has passed.

☐ ***Students cannot be disciplined for truant behavior in a way that excludes them from the regular education classroom.** Under the new law, ***schools cannot expel, suspend, transfer, or reassign a child to a disciplinary placement such as Alternative Education for Disruptive Youth (AEDY) for truant behavior.1***