

MORRISVILLE BOROUGH SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED: AUGUST 26, 2015

REVISED:

204-AR-0. COMPULSORY ATTENDANCE/UNLAWFUL ABSENCES

The following words, when used in this administrative regulation, shall have the following meaning, except where the context clearly indicates or requires a different meaning:

Community resources shall mean those agencies and services for children and youth provided by the juvenile court, the county, the Department of Health, the Department of Public Welfare and other public or private institutions.

District justice shall mean such court as the court of common pleas shall direct in counties not having district justices.

Habitually truant shall mean absence for more than three (3) school days or their equivalent following the first notice of truancy given under Title 24 Section 1354 of the PA School Code. A person may be habitually truant after such notice.

Offense shall mean each citation which goes before a district justice or court of common pleas.

Person in parental relation shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa. C.S. §6302 (relating to definitions).

It is mandatory for all students of compulsory school age residing in the state to attend a school in which all required subjects and activities are taught. Compulsory school age consists of the period of time from when a student enters school as a beginner, which can be no later than eight (8) years of age, until the age of seventeen (17) years or graduation from high school, whichever occurs first.

All students of compulsory school age who reside in the district, qualify for attendance in the district, or attend district schools on a tuition basis are required to comply with the adopted Board policy governing attendance.

Designated staff in each school will be responsible for monitoring and maintaining records of each student's attendance.

Staff will treat all absences as unlawful until a written excuse explaining the absence is submitted within three (3) days of the absence. The parent/guardian and student will be informed that if a written excuse is not provided within three (3) days of the absence, the absence will be permanently recorded as unlawful. District staff will provide written notice to the parent/guardian upon each incident of unlawful absence.

Each principal or teacher will report to a designated district employee when a student has been absent for three (3) days, or their equivalent, without a lawful excuse.

The district will employ and designate at least one (1) staff member to serve as an attendance officer or home and school visitor, and s/he will enforce state laws and regulations regarding compulsory attendance. The attendance officer or home and school visitor does have full police powers without warrant and may arrest or apprehend any student who fails to attend school in violation of compulsory attendance requirements. A school police officer also has the same arrest powers.

If the designated employee discovers that a district student is unable to attend school because of a lack of clothing or food, s/he will report the case to a suitable relief agency operating in the district or to a county board of assistance for investigation and relief.

Teachers can be the first line of defense for compulsory attendance, as they are the first to recognize students with possible attendance issues. Teachers will implement a plan of action that includes, but is not limited to:

1. Distributing and reviewing with students and families the adopted Board policies governing attendance and student responsibilities.
2. Meeting individually with students to discuss reasons for absence.
3. Providing feedback to designated district staff.
4. Making referrals to guidance counselors.
5. Cooperating with the Student Assistance Team, as appropriate.

District Response To Unlawful Absences

The school is a critical part of a student's support system, and school staff have a significant opportunity to assist students and their families to comply with attendance requirements.

The parent/guardian of a compulsory school age student is subject to penalties if compulsory attendance requirements are not met.

The designated district employee will make every effort to work collaboratively with the parent/guardian to address the truancy of a student and will not initiate formal action until such efforts have been made and the student has accumulated three (3) unlawful absences during the school year.

First Unlawful Absence –

Designated district staff will send to the parent/guardian a notice about the unlawful absence. The notice will contain the list of penalties for violation of compulsory attendance requirements, and the name and telephone number of the district employee that the parent/guardian can contact to request assistance in resolving the student's truant behavior.

Second Unlawful Absence –

Designated staff will send to the parent/guardian a second notice of unlawful absence. The notice will contain the list of penalties for violation of compulsory attendance requirements, and the name and telephone number of the district contact. The second notice will include another offer of district assistance.

Third Unlawful Absence –

Designated district staff will send to the parent/guardian by certified mail a third notice of unlawful absence that provides official notice of student's third illegal absence, along with the list of penalties for violation of compulsory attendance requirements. The third notice also will contain information that three (3) days after the district gives such notice, the student or parent/guardian who again violates the compulsory attendance requirements will be liable without further notice.

A designated district representative will coordinate a school and family conference to discuss the cause of the student's truancy, to discuss possible solutions to increasing the student's school attendance, and will develop a mutually agreed upon Truancy Elimination Plan (TEP) to resolve the truant behavior.

Participants in the conference should include, but not be limited to: student; parent/guardian; relevant family members; district staff; partner organizations; community-based organizations; and other agencies involved with family, such as Children and Youth, and/or Juvenile Probation.

Active participation by the student and family members is an integral component of this conference. To identify and resolve the root causes of truancy, all participants must contribute to the group discussion their unique knowledge about the student and his/her environment. Only then can meaningful results be attained.

Issues that will be addressed at the school and family conference include, but are not limited to:

1. Appropriateness of the student's educational environment.
2. Possible elements of the school environment that inhibit student success.
3. Student's current academic level and needs.
4. Social, emotional, physical, mental and behavioral issues.

5. Issues concerning family and home environment.
6. Any other issues affecting the student's attendance.

The TEP can include: access to academic and social/health supports from the district and community organizations; outline of family/parental and student responsibilities; and levels of performance monitoring that include rewards and consequences. At the end of the conference, all parties should sign a comprehensive TEP that is agreed to by the district representative, student, parent/guardian and/or family, and other conference participants.

During the school and family conference, the designated district staff member will ensure that the student and the family clearly understand the legal penalties for violation of the compulsory attendance requirements.

Subsequent Unlawful Absence –

After agreeing to a TEP, or if there is no agreement on a TEP and three (3) days have passed since the parent/guardian received the official notice of the student's third unlawful absence, when the student is unlawfully absent at any time during the school year, the designated district staff will send to the parent/guardian by certified mail an official notice of unlawful absence. This notice will inform the parent/guardian that the student has violated the TEP, or the compulsory attendance requirements if there is not a TEP, and will advise the parent/guardian that a citation will be sent immediately to the magisterial district judge. After this notice is sent, the district is not required to inform the parent/guardian in writing of student absences, but district staff may continue to inform the parent/guardian of additional truant behavior.

Designated district staff will refer all future incidents of truancy directly to the appropriate magisterial district judge.

Penalties For Violations

Every parent/guardian or person in parental relation having control or charge of any child or children of compulsory school age, who shall fail to comply with the compulsory attendance requirements, shall on summary conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300) and to pay court costs or be sentenced to complete a parenting education program offered and operated by a local school district, medical institution or other community resources. Default of the payment of fines and costs or completion of the parenting program shall result in the individual being sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may appeal to the court of common pleas.

The Superintendent, attendance officer, or Board Secretary shall provide the parent/guardian or person in parental relation three (3) days' written notice of a violation before initiating formal proceedings. Further notice will not be given for subsequent violations.

The child and every parent/guardian or person in parental relation must appear at a hearing established by the district justice. If the parent/guardian or person in parental relation charged with a summary offense shows that s/he took every reasonable step to ensure attendance of the child at school, s/he shall not be convicted of the summary offense.

Upon a summary conviction, the district justice may suspend, in whole or in part, a sentence in which a parent/guardian or person in parental relation is summoned to pay, provided that the child no longer is habitually truant from school without justification.

In lieu of or in addition to any other sentence, the district justice may order the parent/guardian or person in parental relation to perform community service in the school district in which the offending child resides for a period not to exceed six (6) months.

If the parent/guardian or person in parental relation is not convicted of a summary offense because s/he took every reasonable step to ensure attendance of the child at school, a child of compulsory school age who has attained the age of thirteen (13) years and fails to comply with compulsory attendance or who is habitually truant from school without justification, will be convicted of a summary offense. Upon conviction, the child will be sentenced to pay a fine not exceeding three hundred dollars (\$300) for each offense or will be assigned to an adjudication alternative program.

For any child who has attained the age of thirteen (13) years who fails to pay the fine or to comply with the adjudication alternative program, the district justice may allege the child to be dependent under 42 Pa. C.S. §6303(a)(1). The failure by the child to pay a fine or comply with the adjudication alternative program shall not constitute a delinquent act under 42 Pa. C.S. Ch. 63 (relating to juvenile matters).

Upon a summary conviction or assignment to an adjudication alternative program, the district justice may suspend, in whole or in part, a sentence or an adjudication alternative program in which a child who has attained the age of thirteen (13) years must pay or comply with the adjudication alternative program, provided that the child no longer is habitually truant from school without justification.

Any child who has not attained the age of thirteen (13) years who fails to comply with compulsory attendance provisions and is habitually truant will be referred by the district for services or possible disposition as a dependent child as defined under 42 Pa. C.S. §6302 (relating to definitions). Any child who has attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions and is habitually truant may, in lieu of prosecution, be referred by the district for services or possible disposition as a dependent child as defined under 42 Pa. C.S. § 6302 (relating to definitions).

If a child is convicted for a violation, the court, including a court not of record, will send to the Department of Transportation a certified record of the conviction or other disposition on a form prescribed by the Department.

Nothing in this section shall be construed to apply to a parent/guardian or person in parental relation whose child or children are in a home education program.

Suspension Of Operating Privilege

The Department of Transportation shall suspend for ninety (90) days the operating privilege of any student upon receiving a certified record that the student was convicted of violating the compulsory attendance requirements. If the Department receives a second or subsequent conviction for a student's violation, the Department will suspend the student's operating privilege for six (6) months.

Any student whose record is received by the Department and who does not have a driver's license shall be ineligible to apply for a driver's license for the time periods specified above. If the student is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence for the time specified above.

Private Criminal Complaint (AOPC 411) ó A current form may be obtained on the Internet at: <http://forms.lp.findlaw.com/form/courtforms/state/pa/pa000003.pdf>.

Referral To County Children And Youth Agency

Habitually truant is defined in law as absence for more than three (3) school days, or their equivalent, following the first notice of truancy given after a student's third unlawful absence and applies to the following cases.

Students Under Thirteen (13) Years Of Age –

Designated district staff will refer to the county children and youth agency any student under the age of thirteen (13) years who fails to comply with the compulsory attendance requirements and is habitually truant. This referral may be in addition to, or instead of, proceeding against the parent/guardian by sending the citation to the magisterial district judge. A copy of the TEP can be forwarded to the agency only if the parent/guardian provides written consent.

Students Thirteen (13) Years Of Age And Older –

Designated district staff will refer to the county children and youth agency any student thirteen (13) years of age and older who fails to comply with the compulsory attendance requirements and is habitually truant. This referral may be in lieu of being prosecuted.

Continued Truancy –

If a student of any age continues to be truant after the responses and actions listed above have been completed, designated district staff will file citations with the magisterial district judge, citing the student's continued truancy on a weekly basis and informing the judge if truant behavior continues after a plan is in place.

District Response To Charter School Absences

Brick And Mortar Charter Schools –

Upon notice by the charter school, designated staff in the school district of residence will send notice by certified mail to a parent/guardian of a charter school student who has accumulated three (3) unlawful absences. The notice will state that any subsequent unlawful absence will result in a citation being filed with the magisterial district judge. Future unlawful absences will be filed by designated district staff with the magisterial district judge. District staff may file truancy documents with the magisterial district judge in whose jurisdiction the charter school is located and where the cause of action arose, or where the charter school student resides and the parent/guardian can be served.

The charter school must cooperate with the school district by providing necessary documentation for the truancy filings and by attending the hearings to provide testimony, if necessary.

Cyber Charter Schools –

Upon notice by the cyber charter school, designated staff in the school district of residence will send notice by certified mail to a parent/guardian of a cyber charter school student who has accumulated three (3) unlawful absences. The notice will state that any subsequent unlawful absence will result in a citation being filed with the magisterial district judge. Future unlawful absences will be filed by designated district staff with the magisterial district judge. District staff may file truancy documents with the magisterial district judge in whose jurisdiction the cyber charter school student resides, which is where the cause of action arose and where the parent/guardian can be served.

The cyber charter school must cooperate with the school district by providing necessary documentation for the truancy filings and by attending the hearings to provide testimony, if necessary.