

BERKS INITIATIVE FOR SCHOOL ATTENDANCE (BISA)



Berks County Attendance Protocol August 2020

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BERKS INITIATIVE FOR SCHOOL ATTENDANCE

Policy, Procedures and Protocol August 2020

This document was created to provide a consistent, comprehensive process for Berks County school districts, Magisterial District Judges, and community agencies when working with students who are truant or chronically absent.

This document does not replace school district policy but is intended to enhance it.

Created through a partnership of County Officials,
Court Officers and School District Personnel



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**A MESSAGE FROM JUDGE SCOTT E. LASH AND THE
STEERING COMMITTEE OF THE BERKS INITIATIVE FOR SCHOOL ATTENDANCE**

Truancy and lack of attendance are not primarily legal issues, although many of the intervention strategies have historically been based upon a legal foundation. Truancy can lead to delinquent behavior that contributes to social and economic problems for the entire community. Early intervention, both in the age of the student as well as early in the school year, leads to more favorable results. These protocols are based upon the philosophy and belief that truancy is a community problem, not just a school or court problem, and therefore requires a community response.

Communication among all parties is important. This includes school personnel, students, families, and if appropriate, Children & Youth Services, Juvenile Probation, Magisterial District Judges, the Court of Common Pleas and service providers. Most importantly, there must be communication within the school districts among parents, administrators, teachers, school nurses, school counselors, and home and school visitors to determine reasons for non-attendance and to choose appropriate interventions.

In accordance with these principles, we have prepared the following protocols to assist in remedying attendance issues.

STEERING COMMITTEE

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Berks County Commonwealth Court Judge

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Berks County Magisterial District Judge

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Vision

The Berks Initiative for School Attendance (BISA) seeks to provide professionals working with children who are chronically absent a means to rapidly, consistently and successfully address the critical issue of school attendance within the schools and courts of Berks County. The BISA seeks to reengage students to increase graduation rates and better prepare them for their future. The BISA will focus on children who need the most assistance through periodic evaluation of the program to ensure that it continues to meet the needs of the schools and courts.

Mission

The mission of the BISA is to create a process and protocol that meets the needs of all school districts and courts and to provide a list of suggested intervention techniques that may be utilized by educators, Magisterial District Judges and court personnel to improve school attendance in Berks County.

Goals

The goals of the BISA are to improve school attendance throughout Berks County and to decrease the number of students who are chronically absent or truant.

History

In 2011, the Berks County commissioners and Berks County judges convened a series of stakeholder meetings to gather input on the problem of truancy in Berks County schools. The Pennsylvania State Roundtable's Call to Action had recognized Berks County as having one of the highest rates of habitual truancy in the state.

From the stakeholders' meetings, a Truancy Reduction Initiative was created with a Steering Committee that includes representatives from education, courts, Juvenile Probation, mental health, and Children and Youth. A Truancy Intervention Program was formed which enabled schools, Magisterial District Judges, parents and community partners to refer a student for more serious intervention with the goal of improving attendance, decreasing truancy, and increasing graduation rates.

In 2016, the initiative changed its name to the Berks Initiative for School Attendance to reflect a goal of improving student attendance in all grades and decreasing absences for any reason. The Truancy Remediation Program also was renamed to reflect this and is now called the Advancing School Attendance Program.

Protocol

Originally written in 2014 and distributed to all school districts, this Protocol has been rewritten to reflect the changes required by the new Truancy Law of 2016 and updates passed between then and 2020. These protocols become effective for the 2020-21 school year and all subsequent years until further amended.

BERKS COUNTY PROTOCOL FOR ATTENDANCE

SCHOOL DISTRICT RESPONSIBILITIES

Personnel

At the District level, each school district should designate one person to oversee attendance for the district and be sure that all buildings are following the same attendance procedures.

At the building level, each building should have an administrator or professional staff member who is designated as the Attendance Officer and is responsible for student attendance in the building(s) and one or more clerks or secretaries who are designated as Attendance Clerks and are responsible for tracking student attendance in the building(s).

School Attendance Policy

Each school district **must** adopt an attendance policy that is distributed to parents annually, that allows the school to determine when a student has an unexcused absence, that states the maximum number of lawful absences verified by parental notice that will be accepted in a school year, and that defines the time period within which parents must submit a written excuse.

Attendance Procedures

Information given to parents annually should state whether an excuse may be submitted electronically, how to submit an excuse electronically, and how a parent can access a student's attendance records electronically in order to see the number of absences and whether those absences are excused or unexcused.

School Data Review

Administrators should review school and district-wide data in depth at least once a year to discern the overall needs of the school and problems that may exist with a specific subgroup, time of year or other school-wide issues. If school-wide interventions are needed, see a list of ideas on Page 14.

Student Data Review

Each school should have a system to regularly review individual student attendance statistics and identify students with attendance issues. The meetings should be held approximately **every two weeks** and can be combined with other meetings, such as a Student Assistance Program or a Child Study Team.

Attendance data review meetings should include the following:

- building attendance officer
- counselors
- school nurse
- attendance clerk
- administrators
- Home and School Visitor
- any other relevant personnel

A list from the school's student management software system should be reviewed to determine the following:

- students who have 3 or more days of unexcused absence; and/or,
- students who are chronically absent due to missing at least 10% or more of the days in the current school year.

After reviewing the attendance statistics, the group should share information, ascertain the reason(s) for the student's absences, discuss any services that are currently being provided for the student and/or family, and discuss any action that needs to be taken with each student. For information about possible barriers and interventions, see Pages 11 and 12.

TRACKING ABSENCES

Excused Absences

All absences shall be considered unexcused until the school receives a valid written excuse within the prescribed time period. In order to be changed to an excused absence, the reason must be consistent with school policy for excused absences. Otherwise the absence should remain unexcused.

The PA Department of Education's Basic Education Circular, COMPULSORY SCHOOL ATTENDANCE, UNLAWFUL ABSENCES AND SCHOOL ATTENDANCE IMPROVEMENT CONFERENCES, states:

Pennsylvania law broadly defines absences as excused when a student is prevented from attendance for mental, physical, or other urgent reasons.

An absence is lawful when a student is dismissed during school hours by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or designee or if the student is absent to obtain professional health care or therapy care service rendered by a licensed practitioner in the healing arts.

Additionally, schools and nonpublic schools should consider illness, family emergency, death of a family member, medical or dental appointments, authorized school activities, and educational travel with prior approval as lawful absences.

An absence that requires a student to leave school for the purposes of attending court hearings related to their involvement with a county children and youth agency or juvenile probation may not be categorized as unlawful. (See Page 4 of the BEC or Page 61 of this document.)

Unexcused (or Unlawful) Absences

If a valid excuse is not submitted within the prescribed time period, the day remains unexcused or unlawful.

If a parent is neglectful in providing a written excuse for an absence or fails to provide the notification in a timely fashion, reasonable allowance should be made to accept the parent's explanation for the child's absence prior to the initiation of any compulsory attendance proceeding. (See Page 4 of the BEC or Page 61 of this document.)

Licensed Health Care Provider's Requirement

The school district must set policy stating the number of days in a school year that will be excused based only on a parental excuse. Usually this is 10 days.

After a student has reached the number of absences allowed to be excused solely by a parental note, an excuse from a licensed health care provider should be required for each subsequent absence. If a licensed health care provider's note is not received, the day will be considered unexcused. However, other legal excuses such as a court appearance, a funeral, etc., can also be allowed if verified. (See Page 35 for sample letter.)

Warning Letters

Parents should be informed of each day that is unexcused but **MUST** be informed when there are 3 unexcused days. (See Page 32 for sample letter.)

Three Unexcused Absences

The school may choose to send a letter to the parent after the student's first or second unexcused absences; however, the school **must** send a letter to the parent after the student's third unexcused absence. The letter should state that the student has 3 unexcused absences, should list the dates of the absences, and should inform the parent of possible legal and school consequences if the student accumulates 6 or more unexcused absences. (See Page 33 for sample letter.)

The letter -

- shall be sent within 10 school days of the third unexcused absence;
- shall be in the mode and language preferred by the parent as noted in the Home Language Survey;
- shall include a description of the school and/or legal consequences if the child becomes habitually truant (6 illegal absences);
- shall also be sent to the parent if the person in parental relationship is not the biological or adoptive parent, and if the school has the parent's mailing address, and if the parent is not prohibited by court order from receiving school information;
- may offer a School Attendance Improvement Conference.

Habitually Truant

When a student has 6 or more unexcused absences, the student is considered habitually truant. After a School Attendance Improvement Conference has been held and a School Attendance Improvement Plan has been completed, the school may take other steps as listed below.

SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE

The school attendance committee should review the attendance records of any student who has 3 or more unexcused absences or is chronically absent by missing 10% or more of the days. If needed, the school should hold a School Attendance Improvement Conference (SAIC) to review the student's absences and reasons for absences and develop a plan to improve attendance.

Participants should include the student, the parent, any resource individuals identified by the parent, school personnel, and possible service providers.

The parent should be invited to the SAIC by written notice and by phone. (See Page 34 for sample letter.) The written notice should be in the language(s) noted on the Home Language Survey.

The SAIC should be held without the parent if the parent chooses not to attend or if multiple attempts to contact the parent have failed.

A determination should be made at the SAIC if further action is needed. Schools may choose not to take further action at this time if a reasonable explanation is found for the unexcused absences, if the total number of absences is not a concern, or if the parent and student are committed to not having any more unexcused absences.

SCHOOL ATTENDANCE IMPROVEMENT PLAN

Any actions taken by the school, including the outcomes of the SAIC, should be documented in a School Attendance Improvement Plan (SAIP). The SAIP shall be submitted to the Magisterial District Judge if a citation is filed or to the Advancing School Attendance Program (ASAP) if a referral is made to that agency. (See Page 19 and go to <https://www.sam-inc.org/pa/human-services/services-advancing-school-attendance-program.html>.)

If the parent did not attend the SAIC, a copy of the SAIP should be mailed to the parent with a letter of explanation. (See Page 39 for sample letter)

NEXT ACTIONS

Habitually Truant Students

If the student has 6 or more unexcused absences and if it is determined through the SAIC that further action is needed and the SAIP was completed, then the school should do **one or more** of the following: (The steps below should also be taken if the student does not follow the SAIP and has additional illegal absences. The school only needs to hold one SAIC and write one SAIP each school year.)

1. File a citation with the appropriate Magisterial District Judge.
2. Refer the student to the Advancing School Attendance Program (ASAP).
3. Refer the student and parent to the RACC College Career Seminar.
4. Refer the parent (and student if middle school age) to a Preparing All Student Superstars (PASS) program.

Since 2, 3, and 4 are all voluntary, filing a citation in addition to the referral is recommended. This will better assure the family's cooperation.

Chronically Absent Students

Students who have missed at least 10% or more of the days in the current school year but do not have 3 unexcused absences should be identified. The school should use the interventions listed on Page 17, including holding the SAIC and completing the SAIP. If the interventions are unsuccessful, the student may be referred to the ASAP. The school could also refer the student and parent to a PASS program or the RACC seminar if appropriate. If many of the excuses for absences are medical excuses, see information on managing health-related absences beginning on Page 25.

Filing a Citation

The attendance officer of the district, working with the attendance clerk, should complete the form for the citation, which is a "Private Criminal Complaint", and can be found on the website for The Unified Judicial System of Pennsylvania (www.pacourts.us). To find a fillable form, go to <http://www.pacourts.us/forms/for-the-public> and scroll down to Private Criminal Complaint. Suggestions for completing the form are listed below but could vary and should be confirmed with the local Magisterial District Judge (MDJ).

1. Fill in the Magisterial District Number, MDJ name, address and phone number. This and some other information will not change and can be saved so it does not have to be retyped for each citation.
2. Complete the Defendant's information. The parent/guardian(s) are the Defendants; however, the school may choose to file the citation against the student instead of the parent if the student is 15 years of age or older. In that case, the student is the defendant.
3. The Complainant is whomever the district designates to file the citation, such as the assistant principal, home and school visitor, or school resource officer.
4. At No. 1, check the first box.
At "Place", insert the school name and county.
At "on or about", list the first and last dates of illegal absence. For example, "on or about October 15, 2020 to March 3, 2021."
5. No. 2 should include the name and date of birth of the student, stating that: "*Student Name, DOB, was illegally absent from school on _____*". List **all** dates of illegal absence.

Also state: "The defendant was duly notified on _____," using the date that the 3-day illegal absence letter was sent.

Also state: "The SAIC was held on _____ and attended by _____, listing all persons who attended.

The law to be cited is Subsection 1333.2 (Illegal Absence) of Act 138 of 2016.

The citation should be forwarded to the local MDJ's office with a copy of the SAIP and the entire year's attendance. The citation shall be filed regardless of the student's involvement with the Juvenile Probation Office or the ASAP. If a referral has been made to Children and Youth Services, the school should consult with CYS before filing a citation.

Additional Citations

Once a citation has been filed, an additional citation in the same school year may not be filed until after a judgement in the first case has been determined unless a warrant has been issued for failure to appear.

Magisterial District Judge Hearings

When the hearing is scheduled with the Magisterial District Judge (MDJ), a written notice will be provided to the school by the MDJ. At the hearing, the school is expected to prove that the student was habitually, and without justification, truant from school. The school should also inform the court of any known prior

conviction of the student or the person in parental relation for violation of the compulsory school attendance requirement. The school should also present relevant information about the student's attendance since the date the citation was filed, as well as any other information that will assist the judge in making an informed decision regarding the appropriate sentence.

The SAIP should either be sent to the MDJ with the citation or presented at the hearing. The school should check with its MDJ to determine the MDJ's preference.

Referral to Advancing School Attendance Program (ASAP)

For referral information, please see Page 19 or complete a SAIP that can be found at <https://www.sam-inc.org/pa/human-services/services-advancing-school-attendance-program.html>. (Note: If the student is already under the supervision of the Juvenile Probation Office, that agency should be contacted instead of referring the student to the ASAP.)

Referral to Other BISA Alternative Programs

The RACC program is for students 15 years of age or over, accompanied by a parent or other responsible adult. The PASS elementary and middle school programs are designed for parents of elementary or middle school students and usually held at the school. The middle school program includes students, but the elementary program is for parents only. For information, please see Page 18.

Disciplinary Consequences

Section 1333.5(c) of the PA School Code states:

"Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior."

Note: An in-school suspension is not considered a disciplinary reassignment.

Transfers

If a student enrolls at District A, that district must send a request for records to District B where the student was last enrolled. As per School Code requirements, District B shall send records to District A within 10 school days of receipt of the request for records. If District B started a SAIP, that document should be included in the records that are sent to District A. Although this request may be signed by a parent, schools do not need parental permission to transfer records from one school to another.

Compulsory Attendance Ages

Effective with the 2020-2021 school year, a child must comply with compulsory attendance requirements from age 6 to age 18. Previously, students did not have to enroll until age 8 and could withdraw when they were 17.

Withdrawing Students Who Are Under the Age of 18

According to the PA Department of Education, students who are under the age of 18 and covered by compulsory attendance cannot be withdrawn until a request for records has been sent from another district or the district has some other confirmation that the student is attending another school. The school shall follow the compulsory attendance procedures, including citations, until they have proof that the student has enrolled in another school or proof that the student has left the district.

Withdrawing Students Who Are 18 Years of Age or Older

Students who are beyond compulsory school age and miss 10 consecutive school days shall be dropped from the active membership roll unless the school is provided with evidence the absences are excused.

IEP Students

Standard disenrollment procedures do not apply when a student with an IEP has been absent for 10 consecutive days. Instead, schools must comply with the procedures required by IDEA and 22 Pa Code Chapter 14 when disenrolling a student with an IEP. Consult your Special Education Director for more specific information.

Homeless Students

Frequently, students in homeless situations will miss school due to their living situations. However, absences caused by homelessness must not be counted as unexcused absences, as this would create a barrier to enrollment and retention in school.

As part of a SAIC, schools and nonpublic schools should work to identify the root cause of the student's absenteeism and the SAIP should address those issues, which may include homelessness and lack of transportation to and from school. Barriers, other than transportation, may also exist and be related to homelessness. If a student is a homeless student, the school should clarify which entity (school of origin, school of residence, etc.) is responsible for complying with the compulsory attendance laws.

If you have additional questions or need support in making determinations, please contact your district's homeless liaison or the Education of Children and Youth Experiencing Homelessness (ECYEH) program at the Berks County Intermediate Unit (610-987-8509).

Students Enrolled in Non-Public Schools

A non-public school is a private or Catholic school that is not a charter school. Examples in Berks County include parochial schools such as Berks Catholic or LaSalle Academy, specialized private schools for IEP students such as KidsPeace, and alternative schools such as River Rock Academy.

The non-public school should have its own attendance policy like those required in all public schools. Non-public schools must coordinate with and report students' unexcused absences to the relevant resident school district(s) throughout the school year.

The non-public school is responsible for all steps up to and including the SAIC and SAIP but needs to coordinate with the resident school district.

The school district is responsible for referrals to ASAP, referrals to BISA's other alternative programs, or filing a citation. The non-public school needs to cooperate and participate.

For students attending non-public schools, the student's school district of residence must file the truancy citation with the MDJ where the non-public school student resides.

See Pages 7 and 8 of the BEC (Pages 64 and 65 of this document) for more detail on the responsibilities of the public school vs. the non-public school.

Students Enrolled in Charter/Cyber Charter Schools

Charter and cyber charter schools are responsible for all aspects of the attendance of the students at the school.

If a citation is filed against a parent or student, it is usually filed with the MDJ where the student attends school. However, in the case of a cyber charter school, the cyber charter must file the citation with the MDJ where the student resides.

Attendance in Virtual Learning Programs

The Pennsylvania Department of Education released information about attendance in virtual learning. PDE requires that the school system must have a procedure that requires daily contact with students who are learning virtually whether it is synchronous or asynchronous. The school must verify that the student has accessed the education daily and has completed assignments.

If a student is absent because he/she is not engaged in the learning or not completing assignments, the school needs to follow normal attendance procedures to find out why the student is absent and work to improve it.

For more information, see Measuring, Reporting, and Improving Attendance in SY2020-21 on Page 76.

BISA Support

BISA holds Attendance Roundtable meetings throughout the school year at the BCIU for any interested personnel to discuss attendance issues.

Contact Dr. Betsy Adams, BISA Coordinator, at bisaba@comcast.net for a schedule of Attendance Roundtable meetings or to be placed on its email invitation list. Also contact Dr. Adams for information and scheduling of PASS programs, or if your school district has procedural or legal questions.

Contact Stephanie Esser, ASAP Director, at sesser@sam-inc.org if you have questions regarding ASAP or individual students or for attendance brochures in English or Spanish produced by BISA and free to all schools.

Contact Amber Kazmierczak, ASAP Manager, at akazmierczak@sam-inc.org if you have questions regarding the RACC program.

BARRIERS AND INTERVENTIONS

“Chronic absenteeism is not the real issue we are facing. Attendance is only a symptom of a deeper issue. Absences simply let you know that a problem exists, but they don’t tell you why.”

- Jarod Anderson
Scholastic Magazine, Nov. 29, 2017

BARRIERS

Barriers are what prevent a student from attending regularly. Attendance Works divides them into four groups: Barriers, Negative School Experiences, Lack of Engagement, Misconceptions. (See chart from Attendance Works below.)

School personnel need to work with the student and family to determine why the student is not attending school and how to remove the barrier(s) to improve the student’s attendance.

Solutions must be grounded in an understanding of reasons for absence.

Barriers	Negative School Experiences	Lack of Engagement	Misconceptions
Illness, both chronic and acute - physical and mental	Struggling academically and behaviorally	Lack of or inequitable access to challenging, culturally responsive, engaging instruction and enrichment	Absences are only a problem if they are unexcused
Lack of health, mental health, vision or dental care	Ineffective or harmful interventions	Lack of or ineffective academic, emotional and behavioral support	Missing two days per month doesn’t affect learning
Family responsibilities	Bored	No meaningful or negative relationships to adults in the school	Sporadic absences aren’t a problem
Trauma	Social challenges	Stronger ties with peers out of school than in school	Attendance only matters in the older grades
Depression or anxiety	Bullying	Unwelcoming school climate	Suspensions are not relevant
Unsafe path to/from school	Suspensions and expulsions	Failure to earn credits/no future plans	
Poor transportation	Harsh, biased disciplinary practices especially for students of color	Many teacher absences or long-term substitutes	
Housing and food insecurity	Negative attitudes of parents due to their own school experiences		
Frequent school changes	Undiagnosed disability		
Involvement with child welfare or juvenile justice systems	Lack of appropriate accommodations for disability		
Inequitable access to resources due to bias and discrimination	Pressure for academic success		

INTERVENTIONS

Interventions are the tools schools can use to remove barriers and improve the school-wide or an individual student’s attendance.

Attendance Works has developed 3 tiers of interventions depending on the percentage of students who are chronically absent and the percentage of days missed by individual students. For each tier, many possible interventions exist.

Interventions are listed in the following pages for school-wide programs and individual students. The attendance committee should determine which interventions are appropriate and need to be used to improve attendance in the entire school and/or to improve attendance with a specific student.

THREE TIERS OF INTERVENTION

For more information, visit www.attendanceworks.org

	Strategies	Target Group
TIER 1 Prevention	Engaging school climate Positive relationships with students and families Impact of absences on achievement widely understood Chronic absence data monitored Good and improved attendance recognized Common barriers identified and addressed	Students missing less than 5% (satisfactory) Students missing 5-9% (at risk)
TIER 2 Early Intervention	Personalized early outreach Action plan addresses barriers and increases engagement Caring mentors	Students missing 10-19% (moderate chronic absence)
TIER 3 Specialized Support	Coordinated school and interagency response Legal intervention (last resort)	Students missing 20% or more of school (severe chronic absence)

High and extreme levels of chronic absence are an alert that additional support is needed to address chronic absence.

SUGGESTIONS FOR COMMUNICATING WITH PARENTS

(from webinars available on Attendanceworks.org)

Compiled by Dr. Betsy Adams, BISA Coordinator

Continually remind parents of the number of absences their student has and where parents can find that information.

Parents typically underestimate their student's absences by a factor of 2. For example, if a student has 10 absences, parents only think they have 5.

If parents can look at attendance information on line, continually remind them how they can check their student's attendance and see if days are excused or unexcused.

Compare their student's absences to the absences of all students so parents can see the difference.

Parents usually believe their student was absent less than or the same amount of days as other students.

Use visual aids such as charts or graphs to compare their student's absences to the absences of the average student in the school. (See Page 38)

Print their student's attendance percentage on student information.

Remind parents that students succeed best when they are present 95% or more of the days.

Emphasize Importance of Attending Class

Emphasize that missing just 2 days of school a month can create academic difficulties.

Share data about the impact of chronic absenteeism on the student's academic achievement using the information in Attendance Facts beginning on Page 40 .

Even when acknowledging approved absences, remind parents that there are some things learned in school that can't be made up at home.

Let parents know what their student will be learning to help them understand what their student might be missing. For example, "This week we will be learning about numerators and denominators, which are important concepts in all math classes."

Nursing Assistance

Provide parents with information about nursing assistance available at school when their child is not feeling well or has health problems.

Ways and Means of Communicating

Text Messages - Parents respond to text messages 95% of the time, but only respond to phone calls 37% of the time.

Written Reminders - Send a postcard or nudge letter every 4 to 6 weeks to chronic absentees showing the number of days absent that year. (See samples on Pages 36 and 37)

Attendance Letters - Review attendance letters to be sure that they are clear and easy to read.

SCHOOL-WIDE INTERVENTIONS

(from webinars available on Attendanceworks.org)

Compiled by Dr. Betsy Adams, BISA Coordinator

Raise awareness by talking about the importance of school attendance –

- At Open Houses, Back-to-School Nights, Orientation Meetings.
- In school mailings and newsletters.
- On school websites and social media accounts.

Recognize Perfect, Improved or Excellent Attendance by providing certificates, stickers, or prizes by month or year.

- Have a raffle each month for prizes for students with perfect or improved attendance.
- Have a raffle specifically on days where attendance might be difficult such as days before a holiday, a rainy day, or a very cold day.
- Since some students have chronic health issues, include students with no absences except for legitimate medical excuses.
- Reward classes, grades, or homerooms for good attendance.

Display the data.

- Post the average daily attendance by week, month.
- Post the average daily attendance by grade, class, or homeroom.

Provide school-wide rewards for improved school-wide attendance.

- For ideas from Attendance Works go to http://www.attendanceworks.org/wordpress/wp-content/uploads/2013/10/incentives1.9.17_2-1.pdf.

Target September for special promotions.

- Students who miss fewer than 2 days of school in September usually have good attendance rates for the entire year.

Adopt and display a school-wide motto to emphasize good attendance such as –

- Attend Today, Achieve Tomorrow
- Missing School Means Missing Out
- Every Student, Every Day
- Five Days or Less Leads to Success

Compute the number of chronic absentees (or regular attendees) and set school-wide goals to improve. Challenge staff to -

- Decrease the number of students who are chronically absent.
- Decrease the number of days missed by chronically absent students.
- Increase the number of students who are regular attendees.
- Increase the number of students attending 95% or more of the school days.

Target students who are chronically absent.

- Send a letter home in the summer with specific information. (See Page 38 for sample letter)
- Hold parent meetings, which are School Attendance Improvement Conferences (SAIC).
- Send nudge letters or postcards to remind parents of the number of absences. (See Pages 36 and 37 for samples)

Provide Attendance Buddies or Success Mentors for students who have been chronically absent using ideas from the Success Mentors Toolkit at Attendanceworks.org, The National Success Mentors Initiative, or Check and Connect. (See Page 45 for more information)

Target specific types of students for extra help.

Students in transition, those who moved into the district or changed schools.

IEP students, who often have a higher absentee rate than other students, by including a discussion about attendance in every IEP meeting.

Review school data to see if there are any other populations that have a higher than normal absentee rate, such as minorities, students from a specific neighborhood, English Language Learners, etc.

Partner with local health providers to emphasize the importance of school attendance.

Ensure that health providers understand school policy and work with the school to improve attendance.

Provide health providers with a school calendar and school schedule so they can set up appointments when students do not have school.

Provide health providers with a copy of the American Pediatricians' Statement on Chronic Absenteeism. (See Page 29)

Provide extra supports for those with difficulties.

Provide flu shots at school to reduce illness.

Allow students a place to do laundry and provide basic toiletries.

Provide alarm clocks for students.

Set up a system for morning wake-up calls to targeted students or families.

Provide a "Walking School Bus" if students from a specific neighborhood are missing school.

Have school staff do home visits to all students.

Target Kindergarten and Grade 1 students to build the habit of good attendance.

QUESTIONS FOR USE AT A SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE

Listed below are suggestions for questions that can be used during a School Attendance Improvement Conference to stimulate conversation and determine the barriers that need to be addressed.

Basic Question

What is the main reason that the student does not come to school?

Living Arrangements

Where does the student live during the week?

Who else resides in the house?

Does the family need assistance with food, clothes, or personal items?

Has the family ever been involved with CYS or other social service agencies such as Family Promise, Safe Berks, etc?

Morning Routines

What is the morning routine?

What time does the student get up?

Who is responsible for getting the student up in the morning?

Is the student responsible for helping other siblings or people before going to school?

How does the student get to school?

Evening Routines

What time does the student go to bed?

What time does the student go to sleep?

Are there electronics in the bedroom – TV, phone, iPad, video games, etc.?

Have the phone and other electronics been taken away or not allowed to be in the bedroom at night?

Health Concerns

Does the student have health concerns that keep him/her from getting to school?

Does the student have doctors' notes for absences?

Does the student have a 504 plan?

Is the student involved in counseling?

Does the student have any mental health care plan?

Are there drug or alcohol issues?

Student Involvement

Does the student have an IEP?

Is the student involved in any special programs at the school?

Is the student involved in any extracurricular programs at school?

Is the student involved in any programs in the community?

School Interests/Concerns

What is the student's favorite subject?

Who is the student's favorite teacher or staff member?

What does the student like best about school?

What does the student like least about school?

Is the student struggling in any classes?

What would the student do to change the school so he/she would be more likely to attend?

What motivates the student?

What does the student think the next day back in school will be like?

What does the student want the next day back in school to be like?

Student Interests

What are the student's future plans?

What are the student's hobbies?

What are the student's interests?

Who are the student's friends, in and out of school?

Do the friends go to school?

What does the student enjoy doing so much that they lose track of time?

What is something the student is worried about or is afraid of?

Student Use of Time

What does the student do during the day if he/she doesn't come to school?

Does the student work? If so, when, where?

Family/Neighborhood/Community Help

To the student - Who do you trust to have your back in an emergency – peers and adults?

To the Parent(s) – Who is your support system?

INDIVIDUAL STUDENT INTERVENTIONS

Listed below are a variety of options that can be used to assist an individual student depending on the barrier that needs to be addressed and the support needed.

Set up a meeting or contact people who know the student for information and assistance.

Meet with the student to discuss attendance.

Contact the parent/person in parental relation.

Contact the student's teachers.

Hold a School Attendance Improvement Conference.

Complete a School Attendance Improvement Plan to document school's interventions and strategies to improve attendance. (See Pages 21 to 23)

Work with the family to develop routines to help with attendance.

Set and stick to an appropriate bedtime.

Do not allow electronics in the bedroom.

Develop a morning routine.

Pack backpacks the night before.

Pick out clothes the night before.

Assist the parent with adjustments so students can be in school more often.

Help the parent schedule appointments for students that do not interfere with school.

Help the parent find resources for babysitting, translating, transportation, etc.

Help the parent understand when a child is too sick for school and when he or she should come to school.

Make a referral to other people/organizations who can assist, such as –

The Student Assistance Program (SAP) team.

School and/or community organizations or clubs to try to engage the student based on his or her personal interests.

Police liaisons or the School Resource Officer within the school district, including the possibility of filing police charges against the student if relevant so that JPO might become involved and could assist.

Find outside agencies that can assist the family.

Call "211" for information about services the student/family may need, such as mental health, drug and alcohol, medical, career, housing, or childcare.

Help the family find community or family resources that can help get the student to school.

Refer the student and/or parent to counseling.

Refer to Mentors for Berks Youth to have a mentor assigned to the student.

Discuss options for education.

Develop and implement incentives to attend school.

Set up the student with an attendance buddy or success mentor.

Work with the IEP team or school counselors to adjust educational program.

Provide tutoring or other academic assistance.

Consider non-traditional educational opportunities.

Use BISA alternative programs.

Refer the student to ASAP.

Assign the student and parent to the RACC college/career seminar.

Assign the parent to a PASS seminar (or parent and student if middle school age).

Work with the MDJ to develop a plan to improve attendance.

Request that the MDJ requires family counseling instead of a fine.

Request that the MDJ requires cooperation with ASAP instead of a fine.

Work with the MDJ to offer a PASS program and require attendance instead of a fine.

BISA ALTERNATIVE PROGRAMS

The Berks Initiative for School Attendance has developed several programs that can be used instead of citations to improve student attendance.

RACC College/Career Seminar (for students 15 years of age or older) is a 2-hour seminar offered at RACC several times during the year. The purpose of this program is to motivate students to attend school more often by increasing their knowledge of opportunities for their future that are available at RACC or another community college. Referrals can be made by a school or by a Magisterial District Judge, and students must attend with a parent or other responsible adult. **The school must have held a Student Attendance Improvement Conference (SAIC) before making the referral.** For more information or to refer a student, contact Amber Kazmierczak at akazmierczak@sam-inc.org.

PASS Program (Preparing All Student Superstars) for elementary parents is a 90-minute seminar for parents of elementary students in which BISA and the school jointly present a session designed to educate parents about the importance of school attendance. The school will also present information about school attendance procedures and how to get help from the school if problems occur. Parents of students who have been chronically absent are usually invited to the seminar. Schools and MDJ's can assign parents to the seminar instead of issuing a citation or fining the parent. For more information or to schedule a seminar, contact Betsy Adams at bisaba@comcast.net.

Note: The BISA part of the PASS program can be used as a 15-minute program to educate parents (especially kindergarten parents) about the importance of school attendance.

PASS Program (Preparing All Student Superstars) for middle school parents and students is similar to the elementary session, but students are also expected to attend. The session is 2 hours long instead of 90 minutes to accommodate time for the student and parents to work together on an Attendance Success Plan. For more information or to schedule a seminar, contact Betsy Adams at bisaba@comcast.net.

Advancing School Attendance Program (ASAP), formerly known as the SAM Truancy Program, works with students and families referred by the schools for attendance issues. An attendance specialist will work with the school, student, and family to identify and remove the barriers interfering with school attendance using a case management model.

Schools are required to hold a School Attendance Improvement Conference (SAIC) and write a School Attendance Improvement Plan (SAIP) before referring the student. Citations are usually filed at the same time a referral is made to ASAP, since cooperation with ASAP is voluntary.

In Berks County, referrals for truancy cannot be made directly to Children and Youth Services but must be made to ASAP first. If families refuse to cooperate with ASAP or are unsuccessful, the case will then be referred to Children and Youth Services by ASAP. For more information or to make a referral, contact Steph Esser at sesser@sam-inc.org.

ADVANCING SCHOOL ATTENDANCE PROGRAM (ASAP)

Berks County contracts with Service Access and Management (SAM) to provide the Advancing School Attendance Program (ASAP). The ASAP assists all schools and students/families in Berks County with improving school attendance by working efficiently and effectively with students and their families. The program utilizes a case management model to complete assessments and interventions to provide individualized, person-centered, family-focused services.

Referral Process to the ASAP for Berks County Students

The ASAP accepts referrals for all students who are of compulsory school age except for students who are 17 and any students who are involved with JPO. Referrals are typically accepted from schools, Magisterial District Judges, and Children and Youth Services. Parents may request that schools make a referral if they feel their child could benefit from the ASAP.

Youth who are age 14 or younger will be given priority for ASAP services. Youth who are age 15 or 16 will be assessed and provided services based on program capacity.

A student is eligible for referral if -

1. The school has notified the parent of the student's excessive absences in accordance with the PA Public School Code.
2. The school has held a School Attendance Improvement Conference (SAIC) and completed a School Attendance Improvement Plan (SAIP).
3. The student has 6 unlawful absences or has missed 10% or more of the days, either from the beginning of the year or following the student's enrollment into the district, and/or the family has a history of chronic absenteeism.
4. The school has exhausted available efforts/resources to improve the child's attendance. These efforts must be documented on the SAIP at the time of the referral to the ASAP.
5. If possible, prior to referral to the ASAP, the student's parent/guardian, regardless of the student's age, will be notified and, preferably, agree to the service and sign the SAIP.

Referral Contact Information

Referrals from schools can be made by emailing the completed SAIP document to AdvancingSchoolAttendanceProgram@sam-inc.org or faxing the existing SAIP to 610-376-1601. Please include the student's up-to-date attendance records with your request for services.

To access referral documents, please visit the ASAP website at <https://www.sam-inc.org/pa/human-services/services-advancing-school-attendance-program.html>.

Community referrals can be made by contacting the ASAP via email at AdvancingSchoolAttendanceProgram@sam-inc.org or by calling 610-743-5937.

After Referral

Once ASAP receives a referral and has program space, an Attendance Specialist is assigned to the student and family. The Attendance Specialist will do the following:

Make multiple attempts to engage the family in services, including 2 letters, 2 phone calls and 2 home visits as needed.

Complete a holistic assessment of the student/family's strengths, needs and resources within the first 30 days of services.

Make face-to-face contact with the student/family as often as needed to address the immediate and ongoing needs of the student/family, with minimum contact being at least weekly during the first month and at least biweekly thereafter.

Contact the student's school at the onset of services to encourage collaboration and cooperation between the ASAP, the school, and the family. This contact and collaboration will continue at the frequency necessary to reach the student's attendance goal(s). At a minimum, the ASAP will update the school regarding the student's progress monthly and request attendance information from the school at least monthly.

Attempt to link students and families to natural supports as appropriate, including but not limited to involvement in community organizations, school activities, and clubs.

Attempt to link students and families to community resources as appropriate to eliminate barriers. This can include mental health support, drug and alcohol support, employment, housing, food, etc.

Notify Children and Youth if child abuse or neglect is suspected. A referral to CYS may also be made if the parent/guardian refuses to participate in services and/or the attendance concern is not remediated.

**BERKS COUNTY INITIATIVE for SCHOOL ATTENDANCE
SCHOOL ATTENDANCE IMPROVEMENT PLAN**

REFERRAL SOURCE:

NAME:	TITLE:	DATE SUBMITTED:
PHONE:	EMAIL:	DISTRICT:

STUDENT INFORMATION:

DEMOGRAPHIC:

NAME:	DOB:	SEX:	ID #:	GRADE:
CELL:	EMAIL:	SCHOOL:		
ADDRESS:			<input type="checkbox"/> VERIFIED	DATE:
			<input type="checkbox"/> NOT VERIFIED	

IMPORTANT INFORMATION:

SPECIAL NEEDS:	
MEDICAL/HEALTH CONCERNS:	

PARENT/GUARDIAN INFORMATION:

NAME:	RELATIONSHIP:	LANGUAGE: <input type="checkbox"/> INTERPRETER NEEDED
HOME PHONE:	CELL:	EMAIL:
ADDRESS:		<input type="checkbox"/> VERIFIED DATE:
		<input type="checkbox"/> NOT VERIFIED
		<input type="checkbox"/> SAME AS STUDENT

OTHER AGENCIES INVOLVED:

- JUVENILE PROBATION
 CHILDREN AND YOUTH SERVICES
 UNKNOWN
 MAGISTERIAL DISTRICT JUDGES
 ADVANCING SCHOOL ATTENDANCE PROGRAM
 OTHER:

GENERAL INFORMATION REGARDING FAMILY & HABITS/ROUTINES:

Please list other children residing in the home (including siblings/step/half, unrelated children and young adults) N/A

With whom does the student live during the week?

- MOTHER
 FATHER
 GUARDIAN
 SPLIT (SELECT ALL THAT APPLY)
 OTHER:

What time does the child wake up on a school day? _____ Type of Transportation to school: _____

Additional Information/Comments:

Date of SAIP meeting (SAIC) _____

List of who attended the meeting and role/relationship to the student:

NAME	RELATIONSHIP/ROLE	NAME	RELATIONSHIP/ROLE

Strengths of Family:

Strengths of Student:

Primary Reasons for Absences:

Goals to Improve Attendance	Person Responsible
1.	
2.	
3.	
4.	

Action/Results if Attendance does not Improve	
<input type="checkbox"/>	Referral to Advancing School Attendance Program
<input type="checkbox"/>	Referral to Children and Youth Services
<input type="checkbox"/>	Citation sent to MDJ for illegal absences which could result in -Fine of \$300.00 or more -Required community service -Loss of driver’s license
<input type="checkbox"/>	Poor grades, school failure, not graduating
<input type="checkbox"/>	Develop poor habits that could hurt future employment
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:

Potential Benefits if Attendance Improves	
<input type="checkbox"/>	Improved grades, increased likelihood of passing and graduating
<input type="checkbox"/>	Develop positive habits to help in future employment
<input type="checkbox"/>	Increased/Better relationships with Parents/Guardians
<input type="checkbox"/>	Increased/Better relationships with Teachers
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:

This SAIP was created collaboratively to:

- Assist the student in improving attendance;
- Enlist my/your support as the parent(s)/guardian(s); and
- Document the school’s attempts to provide resources to promote the educational success of the student.

As the parent(s) guardian(s), I/we understand that while the school has demonstrated its support and assistance to this student through this process, by law, it is my/our responsibility to ensure that the student attends school.

We understand the plan and participated in the development of it.

Student: _____ Date: _____

Parent or Guardian: _____ Date: _____

Parent or Guardian: _____ Date: _____

If there are future concerns or problems, parents should contact the following person for assistance:

Name:	Phone:	Email:
--------------	---------------	---------------

Follow up Plans (Optional):

Goal:	Date:
Goal:	Date:

Additional Information to be completed before the SAIP is forwarded to ASAP or the MDJ:

<input type="checkbox"/> Copy of school attendance for the year included					
DOCUMENTS SENT HOME	DATE	DOCUMENTS SENT HOME	DATE	DOCUMENTS SENT HOME	DATE
<input type="checkbox"/> Warning Letter		<input type="checkbox"/> SAIP Form		<input type="checkbox"/> SAIC Invitation	
<input type="checkbox"/> 3 Day Illegal Letter		<input type="checkbox"/> Doctor’s Requirements		<input type="checkbox"/> SAIC Phone Call	
OTHER ACTIONS TAKEN TO INTERVENE PRIOR TO REFFERAL					
ACTION	TO				DATE
1.					
2.					
3.					
4.					
5.					
6.					
7.					

SCHOOL NURSES AND HEALTH CARE PROVIDERS

Many students miss school for health-related reasons. However, some students have an excessive number of medical excuses that are usually excused absences. When the student becomes chronically absent, the school may need to address the absences through a SAIC unless the medical reason is clear, documented and necessary for the student's health. If that is the situation, other supports such as a 504 Service Agreement or homebound / intermittent homebound instruction should be considered. School personnel, particularly school nurses, need to collaborate with health care providers to ensure that each student is in school and in the classroom as much as possible.

Tips for Developing Effective Partnerships with Health Care Providers

The following suggestions should be considered by school district administrators and school nurses to develop a partnership with health care providers regarding attendance policies and practices:

Mail a school calendar and school schedules to health care providers within the school boundaries and local area. Include a letter requesting their cooperation in attempting to schedule appointments for when students are not in school, or at the very beginning or end of the school day. (See Page 27 for sample letter.)

Discuss common concerns with health care providers. These may include immunizations, school and sports physicals, flu shots, etc.

Provide health care providers with information about social supports available in the school such as programs for homeless and foster students, vaccinations, school-based outpatient clinics, etc., or in the community, such as food banks, homeless shelters, clothes, etc.

Provide health care providers with the name and contact information of Student Services personnel, including school nurses, school counselors, school social workers, home and school visitors, and administrators.

Inform the health care provider that school excuse notes -

are required to excuse absences but are not required before a student can return to school. **Students cannot be excluded from or denied a return to school for failure to provide an excuse note.**

for well visits should include only the duration of the visit. Students are expected to be in school before and/or after the appointment.

should cover only one episode of illness based on an examination for an acute illness or in-depth knowledge of a chronic illness. For example, one excuse can cover two or more consecutive days. One excuse cannot cover days that are not consecutive.

may be required if a student is absent for 3 or more consecutive days **or** after a parent has provided notes for 10 days of absence.

Inform the health care provider that illnesses or injuries that may create a need for a long duration or frequent absences should be discussed with the school nurse. As aforementioned, this can lead to a discussion about accommodations that will benefit a student's education.

Request that health care providers assist with improving attendance by providing excuses only when students' illnesses seriously impair their ability to function in school or when their presence in school would constitute a serious threat to the health of others.

Provide health care providers with a summary of the report from the American Academy of Pediatrics on boosting school attendance. (See Page 29)

School Procedures for Administrators and School Nurses

School nurses should collaborate with administrators and attendance secretaries to develop a process for reviewing parent and provider excuses/notes.

School district administrators may choose not to accept a licensed health care provider's school excuse note if (a) the student was not assessed in the office ("phone triage" excuse), unless seen by telecommunication; or (b) if the nature of the visit would have allowed the student to return to school; or (c) if the note would violate an attendance policy (e.g. length of absence due to head lice).

Administrators may choose not to accept school excuse notes that are for an extended period of time but instead require a new or updated note every few weeks. Note: Homebound notes must be renewed every 90 days.

School nurses should discuss absences and verify notes with health care providers if a student is chronically absent or not attending school. This may lead to the development of a plan for accommodations and improved attendance. (See FERPA & HIPAA on Page 26)

Recommendations for Managing Health-Related Absences

School districts, as a part of an annual review of attendance policies and procedures, should be including information specific to their school nurse's involvement in addressing chronic absenteeism. For example, the Certified School Nurse -

Can assess student health status throughout the school day to provide treatment and expedite the student's return to the classroom.

Can communicate with parents regarding changes in student health status to ensure appropriate treatment of health conditions and prompt return to school with a plan of care and treatment if needed.

Can collaborate with the student's health care providers to discuss medication administration, including the impact and necessity of the medication and/or treatment on student's attendance and school performance.

Should be relied on to collaborate with health care providers to verify student illnesses and injuries that may impede attendance.

Should develop Individualized Health Care Plans and 504 Agreements for students with chronic health conditions in order to eliminate barriers to attendance.

Should contribute to the development of the related services section of the IEP.

Can collaborate with teachers regarding student health and behaviors and the appropriate interventions and accommodations in order to promote classroom attendance and academic success.

Will maintain awareness of public health initiatives that impact the attendance of the entire student population (e.g. vaccine requirements, communicable diseases, lice).

Role of School Nurses

“School nurses, in providing these school-based services, fulfill the mandates of both federal and state statutes and regulations. But more precisely, they use the mandates as the baseline of services and often play larger roles than those prescribed by law. Many nurses readily act as counselors and confidants to their students to help them cope with health issues that might not require professional medical care. Their experience in dealing with young people strengthens the education the nurses themselves received in earning their degrees. As certified educational specialists, the school nurses’ role is to support student success in the learning process. Certainly, a child who is not in good health cannot perform well in the classroom.” – PA Joint State Government Report 2004

Common Definitions

Certified School Nurse (CSN)

The Certified School Nurse is a registered nurse with a Bachelor of Science in Nursing degree and School Nurse Certification from the PA Department of Education. School districts are mandated by School Code to have one CSN for every 1,500 students. The CSN is responsible for coordinating, collaborating, planning for, and in most cases, providing direct services to ensure delivery of the school district’s health program as defined by the Pennsylvania School Code, School District Policies, and the School Health Program of the PA Department of Health.

School Nurse/Building Nurse

School Districts may employ Registered or Licensed Practical Nurses to supplement the Certified School Nursing staff. These nurses have completed an accredited program and taken the appropriate licensure exam. They are able to administer medications and provide treatments. These nurses are not factored into the mandated 1:1500 CSN-to-student ratio.

Family Educational Rights & Privacy Act (FERPA)

FERPA is a law that protects the privacy of students’ “education records” that directly relate to a student and are maintained by an educational agency. Records maintained by an educational agency and/or by a school nurse are education records subject to FERPA. Therefore, schools must obtain parent or eligible student’s written consent to release information to an outside agency (with certain limited exceptions). Sharing educational record information within the school district occurs only on a “need-to-know basis.”

Health Insurance Portability & Accountability Act (HIPAA)

HIPAA protects the privacy of health records maintained by health care providers and applies to communication between health care providers.

A school nurse or school physician consultant can discuss protected health information about a student with a community health care provider without the authorization of the student or student’s parent. However, many health care providers will still insist on obtaining a release of information to have these conversations. This information becomes part of the student’s school health record and, as such, is then protected by FERPA.

From: Joint Guidance on the application of the FERPA and the HIPAA to Student Health Records, <https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records>.

**SAMPLE LETTER TO HEALTH CARE PROVIDERS
WITH CALENDAR AND SCHOOL INFORMATION**

This letter can be sent from the District Office as indicated, or it could be revised and sent by the principal and/or nurse of each of the individual school buildings.

Date

We at the **School District** are very interested in partnering with all local health care providers to have the best possible care and the best education for all our students. With that goal, I have enclosed the following information:

- Our District's one-page school calendar;
- The daily schedule for students in each of our school buildings;
- Contact information for all relevant District personnel in each school building.

We hope you will use this information to help families schedule appointments that will allow students to miss as little time in school as possible.

Please contact the school nurse to share any serious student health issue that she should know about and to discuss ways in which she can work with you to best assist the student. She can also share with you pertinent information about school physicals, immunizations, eye tests or hearing tests, flu shots, etc.

Please contact the school's **(social worker/counselor/home and school visitor)** to discuss concerns regarding social issues or for information about available community support programs.

By working together to improve their attendance, we will be providing a better future for our students.

Sincerely

Superintendent of Schools

SAMPLE LETTER TO PARENTS REGARDING SCHOOL HEALTH PROCEDURES

School District Name

School Health Services Department

Dear Parents or Guardians,

The **School District** is very concerned about keeping your child healthy and in school. Your child can be in school with minor illnesses which can be checked and treated by the Certified School Nurse. The Certified School Nurse will follow the Pennsylvania Department of Health guidelines and **School District** procedures for excluding students who visit the health room during the school day.

You can help prevent the spread of illness and, at the same time, make sure that your child attends school regularly by:

1. Notifying the office of your child's school on the first day of his or her absence.
2. Bringing your child to school in the morning for the Certified School Nurse to assess.
 - The Certified School Nurse can determine if your child can stay in school or advise you regarding the need for you to take your child to see a health care provider.
 - If the Certified School Nurse determines that your child can stay in school and you choose to take your child home, this will require a parent note or a note from a licensed health care provider to be considered an excused absence.
3. Providing an excuse from a health care provider after three consecutive days of absence.
 - Certified School Nurses can contact health care providers if parents/guardians provide notes from several doctors or if there are many notes from health care providers.
4. Keeping your child home for the first 24 hours after your child is on an antibiotic for a contagious illness.
5. Teaching your child to practice good hand-washing techniques.

Parents are often concerned about head lice. If your child has live head lice, he or she will be permitted one full day or two consecutive half days of excused absence for treatment. This does not apply if the child is excluded from school on a Friday.

Thank you for your assistance in keeping all of our children healthy and in school!

Sincerely,

Nation's Pediatricians Prescribe Plan to Boost School Attendance

1/28/2019

New report from the American Academy of Pediatrics calls on health care providers to help curb chronic school absences in effort to improve students' long-term health.

Itasca, IL –Being absent from school too often, excused or not, can put a child's academic achievement—and future health—at risk. A new policy statement from the American Academy of Pediatrics (AAP) in the February 2019 *Pediatrics*, "[The Link Between School Attendance and Good Health](#)" (published online Jan. 28), recommends health care providers promote good school attendance as preventive medicine.

Defined as missing too much school for any reason, chronic absenteeism starting as early as preschool and kindergarten has been linked to poor educational and health outcomes, according to the AAP. Research shows that missing school a lot, whether from excused absences or truancy, makes students less likely to do well academically and more likely to drop out. This, in turn, puts them at risk for unhealthy behaviors by the time they reach their teens, and poor health as adults.

"School absences can add up quickly," said Mandy Allison, MD, MSPH, FAAP, lead author of the policy statement and a member of the AAP's Council on School Health, which developed the report. "Asking about school attendance and approaching chronic absenteeism as a health risk factor can have a big impact on patients' lives," she said.

More than 6.5 million U.S. children, about 13 percent of all students, miss 15 or more days of school each year, a benchmark for chronic absenteeism that's been used by the U.S. Department of Education.

At least 10 percent of kindergarten and first-grade students miss a month or more of the school year, while about 19 percent of all high school students are chronically absent.

Common, preventable causes of school absences range from infections such as influenza to poorly controlled chronic conditions like asthma. Socioeconomic factors tied to absenteeism include unstable housing conditions, transportation difficulties, a history of maltreatment, exposure to domestic violence, and being called on to care for younger family members.

Chronic absenteeism is linked with health risks like smoking and substance use. But poor school attendance and educational achievement also has more subtle health effects. Adults with less education are more likely to be unemployed, for example, and less likely to report feeling control over their lives and high levels of social support. This can leave them more vulnerable to the psychological and the physical tolls of stress, such as depression and reduced immune system function.

The report highlights proven measures to improve school attendance, including increased hand washing, school-located influenza vaccination programs, access to school nurses and counselors, and on-site medical, oral health and nutrition services. The AAP encourages pediatricians and their colleagues caring for children to promote school attendance. Among the AAP recommendations:

- Stress the value of developing strong school attendance habits as early as preschool. Ask about the number of school days missed in the past month at every visit, when appropriate.
- Document children's medical needs for an Individualized Education Program or 504 Plan when needed for access to services that optimize learning opportunities.

- Encourage families to share health concerns with their school nurse.
- Provide firm guidance on when a child should stay home sick and when a child can attend school. Lice, for example, is not a reason to stay home from school.
- Avoid writing excuses for school absences when the absence was not appropriate. Encourage patients who are well enough to return to school immediately after their medical appointments.
- Advocate for policies known to promote school attendance. These include programs that avoid suspension and expulsion and promote a positive school climate.

"Promoting good school attendance is simply good medicine," said Elliott Attisha, DO, FAAP, a co-author of the policy statement and a member of the AAP Council on School Health.

SAMPLE LETTERS TO ADDRESS EXCESSIVE ABSENCES

This section contains several sample letters that schools can use as templates to create their own letters. The samples have been designed to be easily read but also contain the required and necessary information.

Language

Attendance letters should be in the mode and language preferred by the parent or person in parental relation.

Types of Letters Included

Warning Letter (optional) – to be used after an absence is unexcused because no excuse has been submitted. This letter warns the parent that the absence will remain unexcused unless an acceptable excuse is submitted.

Three-day Notification Letter – officially informs the parent that the student has 3 unexcused absences. This letter must be sent within 10 school days of the student’s third unexcused absence. The letter informs the parent of the consequences of more unexcused absences and offers a School Attendance Improvement Conference.

School Attendance Improvement Conference Invitation – written invitation to the required SAIC because the student has already been sent a three-day notice, has continued to incur unexcused absences, and a SAIC has not yet been held.

Licensed Health Care Provider’s Requirement Letter – notice to the person in parental relation that an excuse signed by the parent will no longer be accepted. The only acceptable excuse for illness must be signed by a licensed health care provider.

Attendance Postcard (optional) – postcard to the parents of students who have missed 5% or more of the days informing them of the number of days missed and the academic impact of the missed days. Postcards should be sent every month or every 2 months.

Nudge Letter (optional) – letter that can be used instead of the postcard to remind parents about the number of days missed and the academic impact of the missed days.

Chronic Absence Letter (optional) – letter, usually sent in the summer, informing a parent of the number of days missed the previous school year and encouraging improvement in attendance for the upcoming school year.

SAIP Letter - letter that can accompany a copy of the School Attendance Improvement Plan that should be sent to parents who are not able to attend the conference.

Warning Letter Regarding Absences without a Written Excuse

Date

Parent/Guardian Name(s)
Parent/Guardian Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

Your child, Student First/Last Name, was absent on the following dates without any legal excuse submitted.

Dates of Absences

This letter is being sent to make you aware of the absences. The dates may be marked as unexcused because the student never submitted an acceptable, written excuse. In Pennsylvania, all absences shall be treated as unexcused until the school district receives an acceptable, written excuse explaining the reason(s) for an absence.

Regular attendance at school is an important part of every student's success and is necessary in order to gain the greatest benefit from the educational experience. Students who are frequently absent from school miss direct instruction and regular contact with their teachers. Commonwealth of Pennsylvania law and school policy *require* regular daily attendance.

I have enclosed Notice of Absence cards for you to complete and return to the school office regarding the absences mentioned above. Please complete these cards as soon as possible or the days will remain as unexcused. If you have any questions, please call me at Phone Number.

Sincerely,

Attendance Secretary

Enclosures

Three-Day Notification Letter

Date

Parent/Guardian Name(s)

Parent/Guardian Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

Your child, Student First/Last Name, now has three or more unexcused absences this school year. The dates of the unexcused absences are:

Dates of Unexcused Absences

If Student First Name has six unexcused absences, by state law, a referral can be made to the local magisterial district judge, and you or Student First Name could be sentenced to one or more of the following penalties:

1. A fine of \$300.00 or more for each citation, plus additional court costs.
2. Community Service hours.
3. Loss of motor vehicle license.

You and Student First Name could also be referred to Berks County Children and Youth Services for child neglect and truancy.

Because of the absences, we would like to invite you to a School Attendance Improvement Conference. Please call Phone Number to schedule a conference to discuss Student First Name's attendance and how we can work together to improve it.

Studies have shown that being absent more than one day a month can create serious academic problems. We hope we can work together to have Student First Name attend school every day.

Please contact me if you have any questions or to set up a conference.

Sincerely,

Invitation to School Attendance Improvement Conference

Date

Parent/Guardian Name(s)

Parent/Guardian Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

As of this date, your child, Student First/Last Name, has Number of Days of unexcused absence from school and has a total of Number of Days of absence this school year. By law (Act 138 of 2016), we need to hold a School Attendance Improvement Conference so that together we can discuss why your student has been absent, why the days are unexcused, and what we can do together to improve his/her attendance.

We have scheduled that conference for Date at Time at Location and Address. Please let us know as soon as possible if you can attend this conference or if you need to reschedule. If we do not hear from you, we will attempt to contact you by phone. If you fail to attend or respond, we will hold the conference without you.

If Student First Name continues to have unexcused absences, we will need to refer him/her to the Advancing School Attendance Program and/or to the magisterial district judge. We hope that by working together, that will not be necessary.

If you have any questions, please contact me at Phone Number.

Sincerely,

Letter Requiring Licensed Health Care Provider's Excuse for Absences

Date

Parent/Guardian Name(s)

Parent/Guardian Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

Your child, Student First/Last Name, has missed at least ten days of school. We have now received parent notes to excuse ten days of absence for Student First Name.

Based on the Commonwealth's laws of compulsory attendance, when a student has excessive absences, **we require a written excuse from a licensed health care provider and will no longer accept a parent note as an excuse.**

Therefore, if Student First Name has any additional absences from school, the school must receive an excuse from a licensed health care provider or the absence will be declared unexcused.

We appreciate your cooperation in this matter. If you have any questions or concerns, please contact me at Phone Number.

Sincerely,

Attendance Officer

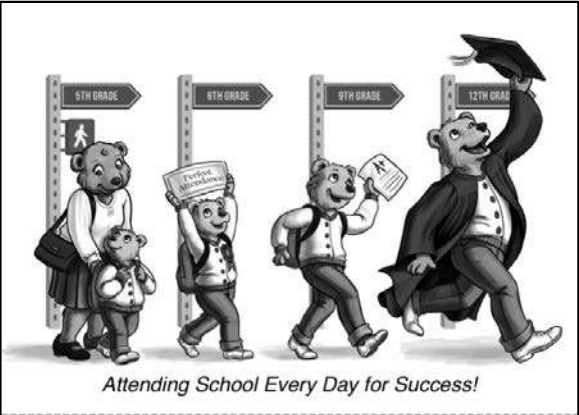
Postcards

Sending postcards approximately every two months to the students who have the most absences has been shown to be effective in reducing their chronic absenteeism. The sample below was designed by Todd Rogers of Harvard University and publicized on an Attendance Works webinar.

Schools can design their own postcards using a school mascot and an attendance slogan. The postcard should always state the number of days the student has missed.

The “DID YOU KNOW” statement can change with each mailing using some of the Attendance Facts beginning on Page 40.

Example of the K-5 attendance mailing (exterior and interior).

 <p>Attending School Every Day for Success!</p>	<p>Sammy Smith has been absent 5 school days.*</p> <p>Dear Guardian of Sammy Smith,</p> <p>Sammy has been absent 5 school days this year.</p> <p>DID YOU KNOW?: Missing school in fifth grade may lead to poor attendance in middle and high school.</p> <p>Please help Sammy build positive attendance habits in fifth grade.</p> <p>Absences can have lasting effects. Please make sure Sammy attends fifth grade on time, every day!</p> <p>Best, Alex Doe American County Superintendent</p> <p><small>*This is the total number of absences on record at your student's school district as of February 2016. This number includes excused and unexcused absences. Please contact your student's school district directly if you have questions regarding your child's absences. This card is part of the Attendance Matters Project, which aims to increase awareness about the importance of attendance in American County. If you have questions, or you do not want to receive future cards, please call (731) 466-7890, email ac_attendance@acoe.org, or visit www.acoe.org/attendance. Please be sure to provide your unique four-digit code in all communications: A12B. If you received this card in error or have already opted out of receiving these cards, please disregard this one. We apologize for the inconvenience. We recognize that some absences, due to illness or emergencies, are unavoidable. Please discuss in advance with your student's school and health provider when to keep your student at home.</small></p>
<p>American County Office of Education C/O: The Attendance Matters Project 11 E. 1st Street California City, CA 98765</p> <p>4-Digit Code: A12B Parent/Guardian of: Sammy Smith 7112 Locust St. California City, CA 98765</p>	

Nudge Letter

Instead of a postcard, schools can send a “nudge” letter to students who are chronically absent or almost chronically absent. The letter needs to include the number of days of absence and the percentage of days the student has attended. If possible, use a bar graph to illustrate the days of absence or percentage of days absent.

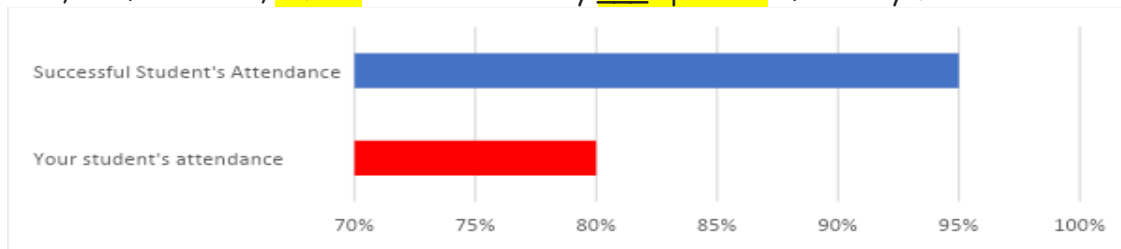
The “DID YOU KNOW” fact should be specific to the student’s situation and would change depending on the student’s grade level and the time of year that the letter is being sent. Suggestions for the “DID YOU KNOW” fact can be found in Attendance Facts beginning on Page 40.

The example below is for an elementary student and is designed to fit on a half sheet of paper.

Every Day at School Matters!

Dear Parent or Guardian,

Did you realize that Student Name has already missed _____ days of school this year? That means that, as of this date, he/she has attended only ____ percent of the days.



DID YOU KNOW that each year a student’s attendance is below 90% increases the chance that the student will drop out of school? We would like to see your student every day, and we miss him/her when he/she is not here. Please help Student Name attend school every day.

Principal

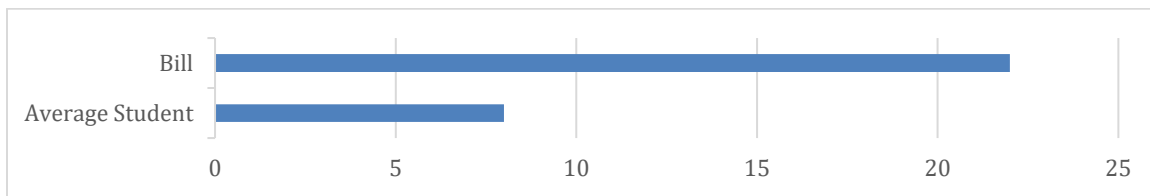
Chronic Absence Letter (usually sent in summer)

Dear Mr. and Mrs. Jones,

The Hill Valley School District wants every student to graduate from high school and achieve success in whatever field interests the student.

During the 2020-21 school year your son, Bill, was absent and missed 22 days of school. According to National statistics, students who miss over 18 days of school are much less likely to achieve academically, graduate from high school, and go on to future success.

Last year, 90% of Hill Valley School District students in grade 3 missed 8 or fewer days, much less than Bill. Missing more days than other students makes it difficult to keep up with the academic work and achieve as well as possible.



Attached is a list of your student's absences. If you have any questions about any of the days, please contact me.

We hope to work together with you to be sure that Bill misses fewer days during the upcoming school year. If you are interested in meeting to discuss this, please contact me. Let me know how we can help to improve Bill's attendance.

We are looking forward to a great 2021-22 school year. The first day of school next year is August 29. See you then!

Better Attendance Leads to a Better Future!

Sincerely,

**Letter to be sent home with
School Attendance Improvement Plan (SAIP)**

Date

Parent/Guardian Name(s)
Parent/Guardian Address

Re: **Student Name**

Dear **Parent/Guardian Name(s)**:

On **Date of SAIC** a School Attendance Improvement Conference (SAIC) was held for your child, **Student Name**. Unfortunately, although you were invited, you could not attend. The following people were present at the meeting:

(Attendees)

Discussed at the meeting were the reasons for **Student's First Name** absences and how we can help **him/her** attend school more often.

Attached for your review is the School Attendance Improvement Plan (SAIP) that we developed for **Student First Name** at the Conference. If you have any questions or concerns, please contact me at **Contact Info**.

We look forward to having **Student First Name** in school more often and succeeding in our program.

Sincerely,

ATTENDANCE FACTS
THE ACADEMIC IMPACT OF CHRONIC ABSENTEEISM
(from Attendanceworks.org)

Compiled by
Dr. Betsy Adams, BISA Coordinator (2020)

**Note: Chronic absenteeism is defined as missing
10% or more of the school days for ANY reason.**

General Information

1. Start Early in the Year
 - a. Students who missed fewer than 2 days in September typically had good attendance rates for the entire year.
 - b. Half of the students who missed 2 to 4 days in September went on to miss a month or more of school.
 - c. Students who missed 2 to 4 days in September were 5 times more likely to be chronically absent.
 - d. Students who missed 5 or more days in September were 16 times more likely to be chronically absent.
 - e. Nearly 9 out of 10 students who missed more than 4 days in September were chronically absent that year.
2. Students living in poverty are 4 times more likely to be chronically absent in the early grades.
3. IEP students are 34% more likely to be chronically absent.
4. Chronic absenteeism is lowest in Grades 3 and 4 and increases from Grades 5 to 12.
5. Chronically absent students have a negative effect on the achievement of other students in the classroom.
6. Students who are chronically absent 1 year are 10 times more likely to be chronically absent the next year.
7. Each year of chronic absenteeism increases the likelihood that a student will drop out.
8. Florida test scores show a direct correlation between the number of days absent and a decrease in test scores. The more days missed, the lower the test scores.
9. Eighth grade students who missed 3 or more days the month before testing scored .3 to .6 standard deviations lower than students who did not miss any school.
10. A student who misses 20 days a year in 13 years of schooling will miss nearly 1½ years of school.
11. A student who misses 1 day per week, 40 days per year, misses over 2½ years of school in 13 years.

Elementary School Statistics

1. Only 17% of students who were chronically absent in Kindergarten and Grade 1 read on grade level after Grade 3.
2. Compared to students who attended Kindergarten regularly, those who were chronically absent in kindergarten -
 - a. scored 20% lower in reading and math in later grades.
 - b. were twice as likely to be retained in grade.
 - c. were twice as likely to be suspended by the end of Grade 7.
 - d. were likely to continue being chronically absent.
3. Students who cannot read on level in Grade 3 are 4 times more likely to drop out than students who can.

Middle School Statistics

1. Seventy-five per cent of students who are chronically absent in Grade 6 will drop out of high school.
2. In one study, 82% of Grade 9 students who were chronically absent had been chronically absent at least 1 previous year.
3. Students who improve their attendance during the middle grade years have better outcomes in high school than those who simply improve their test scores.

High School Statistics

1. By Grade 9, attendance is a better indicator of graduation than test scores.
2. In Grade 9, the primary reason for failing or low grades was absence from class.
3. In Rhode Island, only 11% of chronically absent high school students persisted into a second year of college vs. 51% of those with low absences.
4. A study looked at how high school factors could predict college graduation. Having a high GPA and taking difficult courses were important, but the most important factor was attending school 94% or more of the days in high school.
5. High school dropouts are 4 times more likely to be unemployed than people who graduate from college.
6. A recent survey found people earned on average:

High school dropout	-	\$488 per week
High school graduate	-	\$668 per week
Some college	-	\$761 per week
Four years of college or more	-	\$1,101 per week
7. A student who is chronically absent in any year between 8th and 12th grades is 7.4 times more likely to drop out.

School Attendance and the Criminal Justice System

1. Sixty-eight per cent of males in State and Federal prisons do not have a high school diploma.
2. In Illinois, 74% of young adult male prisoners were chronic truants in school.
3. In New York City, 79% of juveniles arrested had been chronically absent from school before the arrest.
4. High school dropouts are 3½ times more likely than graduates to be arrested and 8 times more likely to be incarcerated.
5. Nationally 82% of inmates in prisons dropped out of high school.
6. In 2017 in Berks County Prison, 53% of the inmates were high school dropouts even though only 15% of all Berks County residents are high school dropouts.

GLOSSARY

Advancing School Attendance Program (ASAP) – the Berks County funded program that assists schools, parents and students in improving school attendance.

Attendance Officer – the person in charge of attendance for a building. This person shall oversee the process of -

- attendance meetings
- attendance letters
- citations
- magisterial district judges' hearings
- facilitating appropriate referrals

This person needs to work closely with the attendance clerk to see that all letters and citations are sent out in a timely fashion.

Berks Initiative for School Attendance (BISA) – a partnership of county officials, Court officers, school district personnel, the Advancing School Attendance Program and the community all working together to provide a consistent, comprehensive process to improve school attendance.

Chronic Absentee – a student who has missed 10% or more of the school days at any point during the school year, excused or unexcused, is considered chronically absent. All absences count toward this total, including but not limited to medical, out-of-school suspensions, parent notes, emergencies, and approved vacations.

Compulsory School Age (Public School Code § 11.13) – Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner, which may be no later than *6 years of age, until 18 years of age** or graduation from a high school, whichever occurs first. On February 19, 2014, the Commonwealth Court confirmed that students enrolled in kindergarten are subject to the compulsory attendance laws contained in the Public School Code.

*Note: This is a change from 8 years of age to 6 years of age and 17 years of age to 18 years of age beginning in the 2020-21 school year.

Excused Absence – student absence where parent has provided a written excuse that meets the district's criteria for an excused absence. (See Page 4 for additional information.)

Habitually Truant – having 6 or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.

Health Care Provider – a licensed individual who provides health care services within the practices of medicine, surgery, dentistry, advanced practice (certified nurse practitioners and midwives; physicians assistants), rehabilitative therapy and psychology.

Non-Public School - a private or Catholic school that is not a charter school. Examples in Berks County include parochial schools such as Berks Catholic or LaSalle Academy, specialized private schools for IEP students such as KidsPeace, and alternative schools such as River Rock Academy.

Person in Parental Relation - means

- custodial biological or adoptive parent
- non-custodial biological or adoptive parent
- guardian of the person of a child
- person with whom a child lives and who is acting in a parental role of a child

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child.

Regular Attendee – by Pa. Department of Education – a student who attends 162 days or more in a school year.

School Attendance Improvement Conference (SAIC) - a conference where the child's absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. The following individuals shall be invited to the conference:

- the child
- the child's person in parental relation
- other individuals identified by the person in parental relation who may be a resource
- appropriate school personnel
- recommended service providers

School Attendance Improvement Plan (SAIP) - a plan that documents any actions taken by the school to address a student's attendance, including phone calls, letters, meetings, and the outcomes of the School Attendance Improvement Conference. The school shall use the form provided website at <https://www.sam-inc.org/pa/human-services/services-advancing-school-attendance-program.html>. The SAIP must be submitted to the magisterial district judge if a citation is filed or to the Advancing School Attendance Program if a referral is made to that agency.

Tardy – a student who is deemed late for school as defined by the school's policy. Each district shall provide definitions in their school attendance policy for tardiness, half-day absence and full-day absence. Time deemed tardy can accumulate toward a half-day or a full-day absence as per district policy.

Truant - having 3 or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.

Unexcused or Unlawful Absence– student absence for which an approved explanation has not been submitted within the time period and in the manner prescribed by the school district. An out-of-school suspension may not be considered an unexcused absence. The terms unexcused or unlawful are interchangeable.

RESOURCES

Attendance Works – a national initiative to promote the importance of school attendance. The website includes information from research studies, programs from schools around the nation, posters that can be copied, and ideas for school-wide interventions. Attendance Works sponsors webinars with experts and active school personnel discussing ways to improve attendance. Past webinars are available on the website and can be accessed at Attendanceworks.org. Attendance Works also has a twitter account that tweets ideas and information to those who follow it.

National Student Attendance, Engagement, and Success Center (NSAESC) – a center under the U.S. Department of Education that supports efforts to reduce chronic absenteeism, specifically Early Warning Systems and My Brother's Keeper Success Mentors.

Get Schooled – website or mobile app that encourages students by providing information about how to get to college, how to get scholarships, and how to find their first job.

Everyone Graduates Center – provides information about barriers that keep students from graduating and succeeding in life and how to overcome those barriers.

Salud America - a national Latino-focused organization that creates culturally relevant and research-based stories and tools to inspire people to drive healthy changes to policies, systems, and environments for Latino children and families.

Check and Connect – a program shown to decrease the number of dropouts and increase student engagement. Information about the national program is available online at: [Check & Connect Student Engagement Intervention Model | Institute on Community Integration | University of Minnesota](#). Training is also available through the BCIU.

Success Mentors – a program similar to Check and Connect that has been used in many school districts. Mentors can be outside personnel or school staff. For more information: [National Success Mentors Initiative | Everyone Graduates Center](#)

Attendance Law

Pa School Code

Act 138 of 2016 Act 241 of 2018 Act 16 of 2019

(See Page 46)

Pa Department of Education

Basic Education Circular – “Truancy” or “Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences” (See Page 58)

Pa Future Ready Index information on Regular Attendees – defines how PDE calculates the regular attendance percentage used in the Future Ready Index. It also defines attendance and provides other information. (See Page 71)

PDE Webinars – two excellent webinars produced by PDE in partnership with the Mid-Atlantic Regional Educational Laboratory about chronic absenteeism. Both sessions have been archived for viewing:

[February 22, 2018 session](#)

[October 25, 2018 session](#)

Measuring, Reporting, and Improving Attendance in SY 2020-21 – This PDE document provides guidance on how to enhance attendance policies and systems to ensure consistent measurement, analysis, and support of daily student attendance, especially with virtual instruction. (See Page 76)

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Nov. 3, 2016, P.L. 1061, No. 138

Cl. 24

Session of 2016

No. 2016-138

HB 1907

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in pupils and attendance, providing for purpose, further providing for definitions, providing for attendance policy at charter, regional charter and cyber charter schools, further providing for excuses from attending school and for penalties for violation of compulsory attendance requirements, providing for procedure by school when child habitually truant, for procedure upon filing of citation, for penalties for violating compulsory school attendance requirements and for study of truancy procedure and repealing provisions relating to suspension of operating privilege; in charter schools, further providing for provisions applicable to charter schools and for applicability of other provisions of this act and of other acts and regulations; and, in disruptive student programs, further providing for definitions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section after Article XIII, subdivision (b) heading to read:

Section 1325. Purpose.--The purpose of this subdivision is to improve school attendance and deter truancy through a comprehensive approach to consistently identify and address attendance issues as early as possible with credible intervention techniques in order to:

(1) Preserve the unity of the family whenever possible as the underlying issues of truancy are addressed.

(2) Avoid the loss of housing, the possible entry of a child to foster care and other unintended consequences of disruption of an intact family unit.

(3) Confine a person in parental relation to a child who is

habitually truant only as a last resort and for a minimum amount of time.

Section 2. Section 1326 of the act is amended to read:
Section 1326. Definitions

] When used in this article, the following words and phrases shall have the following meanings:

"Citation" shall mean a nontraffic citation or private criminal complaint.

~~"Compulsory school age" shall mean the period of a child's life from the time the child's parents elect to have the child enter school and which shall be no later than eight (8) years of age until the child reaches seventeen (17) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.~~

AMENDMENT IN ACCORDANCE WITH ACT 16 OF 2019,
BEGINNING IN THE 2020-21 SCHOOL YEAR, THE DEFINITION
OF COMPULSORY SCHOOL AGE SHALL READ AS FOLLOWS:

"Compulsory school age" shall mean the period of a child's life from the time the child's parents elect to have the child enter school and which shall be no later than [eight (8)] six (6) years of age until the child reaches [seventeen (17)] eighteen (18) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

"Conviction" shall mean a conviction under section 1333.2 for violation of the requirement for compulsory school attendance.

"Court" shall mean a magisterial district court, the Philadelphia Municipal Court or a court of common pleas.

"Department" shall mean the Department of Education of the Commonwealth.

~~"Educational entity" shall mean a public school district, nonpublic school or area vocational-technical school.~~

AMENDMENT IN ACCORDANCE WITH ACT 241 OF 2018, THE
DEFINITION OF EDUCATIONAL ENTITY SHALL READ AS
FOLLOWS:

"Educational entity" shall mean a public school district, [nonpublic school] charter school, regional charter school, cyber charter school or area vocational-technical school.

"Excused absence" shall mean an absence from school which is permitted under section 1329.

"Governing body" shall mean the board of school directors of a school district or any other governing entity of a school.

"Habitually truant" shall mean six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Judge" shall mean a magisterial district judge, a municipal court judge or a judge of a court of common pleas.

"Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Migratory child" shall mean a child domiciled temporarily in a school district for the purpose of seasonal employment, but not acquiring residence therein, and a child accompanying his or her person in parental relation who is so domiciled.

"Offense" shall mean each citation filed under section 1333.1 for a violation of the requirement for compulsory school attendance under this article regardless of the number of unexcused absences alleged in the citation.

"Person in parental relation" shall mean a:

- (1) Custodial biological or adoptive parent.
- (2) Noncustodial biological or adoptive parent.
- (3) Guardian of the person of a child.

(4) Person with whom a child lives and who is acting in a parental role of a child.

This definition 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). This definition shall not expand the right of a child under any other section of this act.

"School" shall mean the educational entity in which the child is enrolled.

"School attendance improvement conference" shall mean a conference where the child's absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. The following individuals shall be invited to the conference:

- (1) The child.
- (2) The child's person in parental relation.
- (3) Other individuals identified by the person in parental relation who may be a resource.
- (4) Appropriate school personnel.
- (5) Recommended service providers.

"School day" shall mean the length of time that a child subject to compulsory school attendance is expected to be receiving instruction during a calendar day, as determined by the governing body.

"School year" shall have the same meaning as "school term" as defined in section 102, as applicable to a school district, and as further defined in section 1327(b) for a day school which is operated by a bona fide church or other religious body, section 1327.1(c) for a day school or boarding school accredited by an accrediting association which is approved by the State Board of

Education, section 1327.1(d) for a home education program, sections 1501 and 1504 for a public school or a school district, section 1715-A(9) for a charter school, section 1749-A(a)(1) for a cyber charter school and section 1718-A(c) for a regional charter school.

"School-based or community-based attendance improvement program" shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C.

"Truant" shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Unexcused absence" shall mean an absence from school which is not permitted by the provisions of section 1329 and for which an approved explanation has not been submitted within the time period and in the manner prescribed by the governing body. An out-of-school suspension may not be considered an unexcused absence.

Section 3. The act is amended by adding a section to read:

Section 1327.2. Attendance Policy at Charter, Regional Charter and Cyber Charter Schools.--(a) Each charter, regional charter and cyber charter school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a charter, regional charter or cyber charter school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy must conform to the provisions of this act relating to compulsory attendance.

(b) Notwithstanding section 1333.2(a), in the case of a child enrolled in a cyber charter school the venue for the filing of a citation under section 1333.1 shall be based upon the residence of the child. A cyber charter school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by telephone conferencing, by video conferencing or by any other electronic means.

(c) Charter, regional charter and cyber charter schools shall report unexcused absences directly to the department annually through the Pennsylvania Information Management System (PIMS).

AMENDMENT IN ACCORDANCE WITH ACT 241 OF 2018, SECTION 1327.3, ATTENDANCE POLICY AT NONPUBLIC SCHOOLS, IS AMENDED BY ADDING A SECTION TO READ:

Section 1327.3. Attendance Policy at Nonpublic Schools.--

(a) Each nonpublic school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a nonpublic school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy shall, at a minimum, conform to the provisions of this act relating to compulsory attendance but may contain additional criteria for determining when a student is determined to be deemed truant or habitually truant. The policy shall also contain actions prescribed by the nonpublic school in response to a determination of truant or habitually truant which may include expulsion.

(b) At such time that the child is deemed habitually truant as defined in section 1326, the venue for the filing of a citation or referral under section 1333.1 shall be based upon the residence of the child and executed by the school district of residence. A nonpublic school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by phone conferencing, by video conferencing or by any other electronic means.

(c) The following sections shall apply to nonpublic schools:

- (1) Section 1326.
- (2) Section 1327.
- (3) This section.
- (4) Section 1329.
- (5) Section 1330.
- (6) Section 1332.
- (7) Section 1333.
- (8) Section 1333.1.
- (9) Section 1333.2.
- (10) Section 1333.3.

AMENDMENT IN ACCORDANCE WITH ACT 241 OF 2018, SECTION 1329 OF THE ACT IS AMENDED BY ADDING A SUBSECTION TO READ AS FOLLOWS:

Section 1329. Excuses from Attending School.--* *

(a.2) (1) A school district may excuse a student from school attendance to participate in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral. The national veterans' organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location and time of the event or funeral. The student shall furnish the signed excuse to the school district

prior to being excused from school.

(2) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Incorporated unit." An incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization.

"National veterans' organization." A veterans' organization having a national charter.

(c) If a student is dismissed from school during school hours for health-related reasons by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or designee employed by the school district, the student's absence from school shall be deemed excused.

(d) Notwithstanding any provision of law to the contrary, a student shall be excused during school hours for the purpose of obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.

(e) The Department of Education shall provide guidance, resources and strategies for families, schools and students related to students with chronic health conditions which shall be posted on the department's publicly accessible Internet website.

Section 5. Section 1333 of the act, amended November 17, 1995 (1st Sp.Sess. P.L.1110, No.29), is amended to read:

Procedure When Child is Truant.--(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

(1) shall include a description of the consequences that will follow if the child becomes habitually truant;

(2) shall be in the mode and language of communication preferred by the person in parental relation;

(3) may include the offer of a school attendance improvement conference; or

(4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

(1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.

(2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.

(3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

d) 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 under section 1327.1.

Section 6. The act is amended by adding sections to read:

Section 1333.1. Procedure By School When Child Habitually Truant.--(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A school-based or community-based attendance improvement program.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.

(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) 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 under section 1327.1.

Section 1333.2. Procedure Upon Filing of Citation.--(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

(1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

(2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of

imposing a sentence.

Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements.--(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

~~(2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.~~

AMENDMENT IN ACCORDANCE WITH ACT 241 OF 2018, SECTION 1333.3(d) (2) OF THE ACT IS AMENDED TO READ:

(2) A referral for services has been made to the county children and youth agency under this subdivision [and], the agency has not closed the case and the educational entity has not consulted with the county children and youth agency prior to filing the petition.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g) (1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

(2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a

driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h) (1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

(i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

(ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) 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 under section 1327.1.

(ii) (Reserved)

Section 1333.4. Study of Truancy Procedure.--(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and 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 organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

* * *

Section 10. This act shall apply to the 2017-2018 school year and each school year thereafter.

Section 11. This act shall take effect immediately.

APPROVED--The 3rd day of November, A.D. 2016

TOM WOLF

Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences

Basic Education Circular (BEC)

24 P.S. §§ 13-1326 – 1354

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24 P.S. §§ 13-1326 – 13-1354: Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences

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Introduction

A primary goal of education is for every child in the Commonwealth to graduate from high school ready for college or employment regardless of their individual background or circumstance. Truancy is a barrier to the achievement of that goal and is often a precursor to a student's decision to dropout. The purpose of this Basic Education Circular (BEC) is to provide an overview of the compulsory attendance and truancy laws in Pennsylvania, as amended via Act 138 of 2016 (Act 138), Act 39 of 2018 (Act 39), and Act 16 of 2019 (Act 16). This BEC provides school districts, charter schools, cyber charter schools, area vocational-technical schools, and nonpublic schools guidance to implement proven truancy reduction efforts and best practices that support Pennsylvania's students and their families.

The term "school" as used throughout this BEC refers to school districts, charter schools, cyber charter schools, and area vocational-technical schools. When a certain provision of this BEC applies to a nonpublic school or other school entity, it is specifically noted.

BECs provide guidance and do not establish binding norms or requirements. Please consult the applicable statutes, regulations, or case law for additional information concerning the matters discussed in this BEC.

Compulsory Attendance Requirements

General Requirements

Through the enactment of Act 16, the definition of compulsory school age was changed to “the period of a child’s life from the time the child’s parents elect to have the child enter school and which shall be no later than 6 years of age until the child reaches 18 years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.” 24 P.S. §13-1326.

Effective with the 2020-2021 school year, a child must comply with compulsory attendance requirements from age 6 to age 18. Specifically, a child who has attained the age of 6 on or

before September 1 must enroll and attend school or begin a home school program that year. Additionally, any student less than 18 years of age must comply with compulsory school age requirements. The term “compulsory attendance” refers to the mandate that all children of compulsory school age having a legal residence in Pennsylvania must attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, except in the following situations found in sections 1327, 1327.1, and 1330 of Pennsylvania’s Public School Code (School Code):

1. Attendance at a private trade school or private business school continuously through the entire term congruent with the school term of the resident school district and that meets the requirements set forth by the State Board of Education or the State Board of Career and Technical Education when:
 - The child is 15 and has approval from the district superintendent and the Secretary of Education, or
 - The child is 16 and has approval from the district superintendent.
2. Attendance at a school operated by a bona fide church or other religious body which provides a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
3. Privately tutored or home-schooled students provided a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
4. Enrollment in a day or boarding school which is accredited by an accrediting association approved by the State Board of Education.
5. Children who are 16 and regularly engaged in useful and lawful employment during the school session with a valid employment certificate. Regularly engaged means 35 or more hours per week of employment.
6. Children who have been examined by an approved psychological professional and identified to be unable to profit from further public school attendance and excused by the school board.
7. Children who are 15 who hold a permit approved by the school district to engage in farm work or domestic service in a private home.
8. Children who are 14 and satisfactorily completed the equivalent of the highest grade of elementary school in their district who hold a permit recommended by the district and approved by the Secretary of Education to engage in farm work or domestic service in a private home.

Commonwealth v. Kerstetter, 94 A.3d 991 (Pa. 2014)

In *Kerstetter*, the Supreme Court of Pennsylvania held that the Commonwealth's compulsory school attendance laws applied to children under the age of eight whose parents enrolled them

in public kindergarten programs made available by school districts. Subsequently, the State Board of Education amended its regulations to comply with the ruling.

Kerstetter also raised the issue of whether a parent can withdraw his or her child from kindergarten without being subject to truancy charges. Notably, the court acknowledged but did not offer an opinion on this issue. The State Board of Education recommends that parents or guardians who formally withdraw their child from kindergarten prior to reaching compulsory school age not be subject to compulsory attendance requirements. The Pennsylvania Department of Education (PDE) adopted and supports the State Board of Education's recommendation. Beginning with the 2020-2021 school year, this provision will apply to children under the age of six.

Attendance Policies

Each school must adopt a written attendance policy that must be distributed to parents annually. The policy must comply with compulsory attendance laws and must allow the school to determine when a student who is enrolled has an unexcused absence. The policy must also comply with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA)

Each nonpublic school must establish an attendance policy designed to accurately determine when a child who is enrolled in the nonpublic school has an unexcused absence. A nonpublic school's attendance policy may differ from the policy of the school district in which the child resides, but must comply with compulsory attendance laws. However, a nonpublic school's attendance policy may contain additional criteria for determining when a student is determined to be deemed truant or habitually truant. A nonpublic school's attendance policy must also detail the actions the nonpublic school may take when a child is determined to be truant or habitually truant, which may include expulsion of the child.

Copies of the attendance policy should be provided to parents at the beginning of each year and to all new enrollees upon enrollment in the school or nonpublic school. The attendance policy should also be posted on the school's or nonpublic school's publicly accessible website, if available. The attendance policy should be written in a way that is easily understood by all parents and translated when there are large populations of non-English speaking parents/families. To ensure that parents have dedicated the time necessary to understand the attendance policies, schools and nonpublic schools should have parents sign a form acknowledging their understanding of the attendance policy.

Each school's and nonpublic school's attendance policy must address the maximum number of lawful absences verified by parental notification that will be accepted in one school term. For all absences beyond the maximum amount, each school and nonpublic school should state whether it will require an excuse from a physician in order for an absence to be considered lawful.

Schools and nonpublic school must determine whether there is a possibility that a child is truant or chronically absent due to a disability or a medical condition and should consider whether to address this topic in their attendance policies. A student who is truant or chronically absent for health-related reasons may be eligible for protections under IDEA or Section 504. If a student with a disability is truant or chronically absent, the school should

convene the student's IEP team to determine whether revisions to the student's IEP are necessary or appropriate. In those instances, the administrator responsible for handling truancy-related matters should be a participating member of the IEP team process. A student with a disability who is truant or chronically absent for health-related reasons must still produce a valid excuse for any absence, which may include a written excuse from a physician. However, schools must recognize that students' disabilities may present unique circumstances that might require consideration of other statutory or regulatory provisions or attendance policies. That is, students' federal and state law rights, such as those provided under IDEA, Section 504, or the ADA, may require the school to otherwise diverge from its general attendance policy in order to ensure that all students with a disability are provided a free and appropriate public education (FAPE).

Categorizing Absences: What is a Lawful Absence?

Schools and nonpublic schools are responsible for monitoring and maintaining accurate records of the attendance of all enrolled students. For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws. Because nonpublic school employees are not authorized to exercise the "police powers" available to school district employees, including law enforcement powers for filing citations, making arrests, and inspecting places of employment, nonpublic schools must coordinate with and report students' unexcused absences to the relevant resident school district(s) throughout the school year.

All absences should be treated as unlawful until the school or nonpublic school receives a written excuse explaining the reason(s) for an absence. Pursuant to the school's or nonpublic school's attendance policy, parents and students should submit the written explanation within the defined time period delineated in the attendance policy. Schools and nonpublic schools should immediately inform parents in writing upon each incident of unlawful absence. Parents should further be informed that if a written excuse is not provided within the defined time, the absence will be permanently counted as unlawful. If a parent is neglectful in providing a written excuse for an absence or fails to provide the notification in a timely fashion, reasonable allowance should be made to accept the parent's explanation for the child's absence prior to the initiation of any compulsory attendance proceeding.

Pennsylvania law broadly defines absences as excused when a student is prevented from attendance for mental, physical, or other urgent reasons. An absence is lawful when a student is dismissed during school hours by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or designee or if the student is absent to obtain professional health care or therapy care service rendered by a licensed practitioner in the healing arts. Additionally, schools and nonpublic schools should consider illness, family emergency, death of a family member, medical or dental appointments, authorized school activities, and educational travel with prior approval as lawful absences. An absence that requires a student to leave school for the purposes of attending court hearings related to their involvement with a county children and youth agency or juvenile probation may not be categorized as unlawful.

Cumulative, Consecutive Lawful Absences

Students who are absent from a school for 10 consecutive school days shall be dropped from the active membership roll unless the school is provided with evidence the absence is legal or

compulsory attendance prosecution is being pursued.

Charter schools or cyber charter schools that drop students from their membership rolls must immediately inform the student's school district of residence.

Standard disenrollment procedures do not apply when a student with an IEP has been absent for 10 consecutive days. Instead, schools must comply with the procedures required by IDEA and 22 Pa Code Chapter 14 when disenrolling a student with an IEP.

Reports of Attendance in Schools and Nonpublic Schools

Every principal or teacher in a public or nonpublic school, including a charter school or cyber charter school, and every private tutor is required to report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the child's district of residence cases when a child of compulsory school age withdraws from school or has been absent three days, or their equivalent, without a lawful excuse, if the student is of compulsory school age.

Mandatory Employees – Attendance Officer or Home and School Visitor

First-, second-, and third-class school districts are required to employ at least one person holding the title of attendance officer or home and school visitor whose duties it shall be to enforce compulsory attendance requirements. School districts of the fourth class may employ attendance officers or home and school visitors and any school district may be a party to cooperative agreements to employ an attendance officer.

A Home School and Visitor Certification, issued by the Pennsylvania Department of Education (PDE), is required for all individuals employed as home and school visitors. Individuals employed as attendance officers may also hold this certification, but it is not mandatory. Home and school visitors and attendance officers have police powers and may arrest or apprehend any child who fails to attend school in violation of compulsory attendance laws. Many schools have personnel with the title of school resource officer or security officer; however, these individuals are not empowered to arrest students who violate compulsory attendance laws.

In cases where students are arrested or apprehended, the apprehending or arresting officer is required to promptly notify the parents, guardian, or person in parental relation, and to place the child in the public school in which the child is, or should be, enrolled unless the parent, guardian, or person in parental relation requests placement in a school other than a public school.

Whenever an attendance officer or home and school visitor discovers that any child of compulsory school age is unable to attend school because they lack the necessary clothing or food, the case must be reported to any suitable relief agency operating within the school district. If a proper relief agency does not operate within the school district, the matter should be referred to the proper county agency.

Truant and Habitually Truant Students

Definitions

A child is "truant" if the child is subject to compulsory school laws and has incurred three or

more school days of unexcused absences during the current school year. A child is "habitually truant" if the child is subject to compulsory school laws and has incurred six or more school days of unexcused absences during the current school year.

Every principal or teacher in a public or nonpublic school and every private tutor is required to timely report unexcused absences of three days or their equivalent (i.e., when a student is truant) to the appropriate person(s) (superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the student's district of residence) in a timely manner. Because nonpublic school employees are not authorized to exercise police powers, including law enforcement powers for filing citations, making arrests, and inspecting places of employment, nonpublic schools must coordinate with and report students' unexcused absences to the student's relevant resident school district(s) throughout the school year so that the district may properly enforce the attendance and truancy requirements.

This reporting practice is intended to alert and actively engage all stakeholders involved with the child about the child's unlawful absences and to create an appropriate and early response to this problem.

Implementation in Nonpublic Schools

For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws. However, 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. For example, nonpublic schools must develop an attendance policy that addresses 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 working with the student's resident school district for referral of the student to a school-based or community-based attendance improvement program or county child and youth agency for the filing a truancy citation.

Although a nonpublic school's attendance policy may differ from that of the student's resident school district, the nonpublic school's policy must provide for timely and accurate communication and collaboration with a student's resident school district so that powers and responsibilities are properly exercised under the authority granted to the 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 has developed recommendations on how nonpublic schools and school districts should collaborate to ensure efficient and effective implementation of compulsory attendance and truancy requirements; these recommendations can be found in the relevant sections below. Final determinations concerning these responsibilities should be made between the nonpublic school and school district. However, nonpublic school employees are not authorized to exercise the "police powers" available to school district employees, including law enforcement powers for filing citations, making arrests, and inspecting places of employment.

Responding to Unlawful Absences

Habitual truancy negatively impacts a child's school performance and increases the likelihood of juvenile delinquency. An intensive and timely response to truancy is critical. Schools and nonpublic schools should not wait until a child has missed an excessive number of days before initiating a response. However, in revising Pennsylvania's compulsory attendance and truancy laws through Act 138 of 2016, the General Assembly clearly announced a policy that traditional truancy prosecutions are disfavored and should be used only when other less punitive measures have proven unsuccessful. Accordingly, schools and nonpublic schools should exercise caution and reason when utilizing punitive measures and initiating compulsory attendance proceedings.

Schools are responsible for enforcing compulsory attendance laws. For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws and nonpublic schools must continually report unexcused absences to resident school districts throughout the school year to allow districts to properly enforce attendance and truancy requirements.

Although schools and nonpublic schools should notify the person in parental relation to a child^[1] after each unexcused absence, schools and nonpublic schools must notify, in writing, the person in parental relation to the child within 10 school days of the child's third unexcused absence. The parental notice must contain a description of the consequences that will follow if the child becomes habitually truant, must be in the parent's preferred language, and may include the offer of a School Attendance Improvement Conference (SAIC). When this notice is sent to an individual who is not the child's biological or adoptive parent, the school or nonpublic must also provide the notice to the child's biological or adoptive parent if the address is on file with the school and that person is not precluded by a court order from receiving the information.

If the child continues to incur additional unexcused absences after the school or nonpublic school has issued the notice, the school or nonpublic must, if not already offered, offer the student and parent a SAIC.

For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws; however, nonpublic schools must cooperate with students' school district of residence by providing necessary documentation for the truancy filings, and attending the hearings to provide testimony, if necessary. A nonpublic school may participate in a proceeding in person, by phone conferencing, by video conferencing, or another other electronic means. PDE's recommendations for how nonpublic schools and school districts should collaborate for efficient and effective implementation of compulsory attendance and truancy requirements are as follows:

NONPUBLIC SCHOOL	SCHOOL DISTRICT
<p>Offer and convene School Attendance Improvement Conference. 24 P.S. § 13-1333(b)</p> <p><i>Collaborative responsibility with school district, i.e. should send notification with copy to the school district; convene conference with school district as optional participant.</i></p>	<p>Offer and convene School Attendance Improvement Conference. 24 P.S. § 13-1333(b)</p> <p><i>Collaborative responsibility with nonpublic school, i.e. may defer to notification sent and conference convened by nonpublic school, and participant at its option.</i></p>
<p>Refer child to (a) school-based or community-based attendance improvement program or (b) county children and youth agency for possible disputation as a dependent child. 24 P.S. § 13-1333.1(a)(1).</p> <p><i>Collaborate with school district regarding attendance improvement programs. Nonpublic school must cooperate and participate to the extent requested by the school district. Juvenile dependency referrals should be coordinated through the school district.</i></p>	<p>Refer child to (a) school-based or community-based attendance improvement program or (b) county children and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(a)(1).</p> <p><i>Primary responsibility for attendance improvement program and juvenile dependency referrals. Nonpublic school must cooperate and participate to the extent requested by the school district.</i></p>
<p>File truancy citation with appropriate MDJ. 24 P.S. § 13-1333.1(a)(2), (b).</p> <p><i>Refer to school district. Nonpublic school must cooperate and participate in the truancy citation proceeding to the extent requested by the school district.</i></p>	<p>File truancy citation with appropriate MDJ. 24 P.S. §§ 13-1333.1(a)(2), (b); 24 P.S. § 131341.</p> <p><i>Primary responsibility. Nonpublic school must cooperate and participate in the truancy citation proceeding to the extent requested by the school district.</i></p>
<p>Following school-based or community-based attendance improvement program, refer child to county children and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(c).</p> <p><i>Refer to school district. Nonpublic school must cooperate and participate to the extent requested by the school district.</i></p>	<p>Following school-based or community-based attendance improvement program, refer child to county children and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(c).</p> <p><i>Primary responsibility. Nonpublic school must cooperate and participate to the extent requested by the school district.</i></p>

1. School Attendance Improvement Conference (SAIC)

A SAIC is a conference where the child's absences and reasons for the absences are examined in order to improve attendance, with or without additional services. All of the following individuals must be invited to the conference:

1. The child
2. The child's person in parental relation
3. Other individuals identified by the person in parental relation who may be a resource
4. Appropriate school personnel
5. Recommended service providers

There is no legal requirement for either the child or person in parental relation to attend a SAIC. However, schools and nonpublic schools should make every attempt to conduct the SAIC with the person in parental relationship present. The school or nonpublic school must hold the SAIC conference even if the person in parental relation declines to participate or fails to attend after the school or nonpublic school provides advance written notice and makes attempts to communicate with the individual via telephone. Additionally, the school or nonpublic school must invite recommended service providers to the SAIC. However, the SAIC shall not be delayed pending a response from the service provider(s).

The school or nonpublic school must document the outcome of any SAIC in a written school attendance improvement plan (SAIP). The SAIP should include accessing academic and social/health supports from the school and community organizations, an outline of family/parent and student responsibilities, and levels of performance monitoring that include rewards and consequences. School and nonpublic schools must use the [School Attendance Improvement Plan Form](#) created by PDE or a similar form to document the SAIP.

Schools may not expel or suspend (out-of-school) a student, or reassign or transfer a student to an alternative education for disruptive youth (AEDY) program, for truant behavior and these actions may not be included in a SAIP. An in-school suspension is not considered a disciplinary reassignment. Additionally, schools may not initiate truancy proceedings (e.g., the filing of a truancy citation) until after a SAIC is held.

Nonpublic schools may expel a student for truant or habitually truant behavior if expulsion is included in the nonpublic school's attendance policy as a potential consequence in response to a determination that the student is truant or habitually truant.

2. Subsequent Unlawful Absences

When the SAIP is in place, if a child is subsequently, unlawfully absent, at any point within the school year, an official notice of the unexcused absence should be sent to person in parental relation. The purpose of this correspondence is to inform the person in parental relation that the SAIP has been violated and that further action will be initiated. To ensure the person in parental relation receives the notice, such notice should be sent through certified mail.

3. Children Under 15 Years of Age

If a habitually truant child is under age 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 for services or possible disposition as a dependent child. A school-based or

community-based attendance program is a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. A school-based or community-based attendance program may include an educational assignment in an alternative education program, but may not include an assignment in an AEDY program.

Additionally, the school may, but is not required to, file a truancy citation against the person in parental relation to the child.

When referring a habitually truant child of any age to the county children and youth agency or filing a citation, the school must provide verification that a SAIC was held.

4. Children 15 Years of Age and Older

If a habitually truant child is 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 person in parental relation to the child. If a habitually truant child 15 or older incurs additional absences after a school refers the child to a school or community based improvement program or the child refuses to participate in an attendance improvement program, the school may refer the child to the county children and youth agency for possible disposition as a dependent child.

When referring a habitually truant child of any age to the county children and youth agency or filing a citation, the school must provide verification that a SAIC was held.

5. Filing a Truancy Citation: Proceedings and Penalties for Violation of Compulsory Attendance Requirements

Generally, a truancy citation is filed with the magisterial district judge (MDJ) where the child attends school or would attend school in the child's school district of residence. For children attending cyber charter schools, the cyber charter school must file truancy citations with the MDJ where the child resides. For children attending nonpublic schools, the child's school district of residence must file truancy citations with the MDJ where the nonpublic school student resides.

When a citation is filed against a child or person in parental relation to a child, the judge shall: (1) provide written notice of the hearing to the school, parent, child, and county children and youth agency and (2) provide notice to the child or person in parental relation as to the availability of a pre-conviction diversionary program. At the hearing, the burden is on the school to prove beyond a reasonable doubt that the child was subject to compulsory attendance law, and was without justification, habitually truant. However, a person in parental relation to the child may demonstrate, by a preponderance of the evidence, that they took every reasonable step to ensure the attendance of the child at school. And, before entering a sentence, the judge shall permit the school, person in parental relation to the child, or child to present relevant information to assist the judge in making an informed decision regarding an appropriate sentence. For example, evidence of the child's attendance after the filing of the citation may be presented to and considered by the judge.

A person convicted of a violation of compulsory attendance laws may be: (1) sentenced to pay a fine for the benefit of the school, (2) sentenced to perform community service, or (3) required

to complete an appropriate course or program designed to improve school attendance. The judge imposing the sentence has discretion to make an informed decision regarding the appropriate sentence. However, if, within a three-year period, a child or parent is convicted of a second or subsequent offense, the court must refer the child for services or possible disposition as a dependent child under the Juvenile Act.

A citation for a subsequent violation of compulsory school attendance may not be filed if: (1) a proceeding is already pending under a prior citation and a judgment in the first proceeding has not been entered, unless a warrant has been issued for failure to appear and the warrant as not been served; (2) a referral for services has been made to the county children and youth agency and the case has not been closed, unless the school consulted with the agency; or (3) a petition has been filed alleging the child is dependent due to being habitually truant and the case remains under the jurisdiction of the juvenile court.

For the first offense, the fine may not exceed \$300, together with court costs. For the second offense, a person in parental relation may not be fined more than \$500, together with court costs. For a third and any subsequent offense, a person in parental relation may not be fined more than \$750, together with court costs.

If a person in parental relation does comply with the penalties imposed, that person may be sentenced to jail for up to three days, but only if the court determines that the person had reasonable ability to comply with the penalty and that noncompliance was willful. If a child fails to satisfy the penalties imposed, it shall not be considered a delinquent act, but may result in a dependency determination under the Juvenile Act. Additionally, if a child is convicted and fails to comply with the penalty imposed, the judge may send the record of conviction to the Pennsylvania Department of Transportation (PennDOT). If PennDOT receives such record, PennDOT is required to take action against the child's operating privileges. For example, for a first offense, PennDOT must suspend the child's operating privileges for 90 days; for a second or subsequent conviction, PennDOT must suspend the child's operating privileges for six months. For a child who does not have a driver's license, the child will be ineligible to apply for a driver's license for 90 days or six months, depending on the offense. The period of ineligibility will begin to run when the child turns 16.

Where a child's license has been suspended, he or she may seek to have his or her operating privileges restored by providing PennDOT with a form that indicates that the child (1) has attended school for a period of at least two months after the first conviction or four months after the second conviction without an unexcused absence or tardy, (2) is subject to exception to the compulsory school attendance law, or (3) has graduated, withdrawn from school, has received a GED, or enlists in the military. Additionally, a child whose operating privileges have been revoked remains eligible for an occupational limited license.

A child who has been convicted of compulsory attendance laws may apply for an expungement.

The court must grant a child's application if (1) the child has earned a high school diploma, a Commonwealth secondary diploma, or another PDE-approved equivalent, or is subject to an exception to compulsory school attendance and (2) the child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs. If such an expungement is granted, the court must order PennDOT to expunge all administrative

records related to the convictions.

6. Homeless Students

The McKinney-Vento Homeless Assistance Act requires states and schools to work to remove barriers to the education of homeless children and youth, including barriers to enrollment and retention due to absences. Compulsory attendance laws can be such barriers, particularly when they result in court involvement. Frequently, students in homeless situations will miss school due to their living situations. However, absences caused by homelessness must not be counted as unexcused absences, as this would create a barrier to enrollment and retention in school.

As part of a SAIC, schools and nonpublic schools should work to identify the root cause of students' absenteeism and the SAIP should address those issues, which may include homelessness and lack of transportation to and from school.

If a student is a homeless student, the school should clarify which entity (school of origin, school of residence, etc.) is responsible for complying with the compulsory attendance laws.

In addition, schools should consider whether it is appropriate to file citations against a person that may merely be "acting as a parent" or hosting an unaccompanied youth. These individuals often agree to provide a temporary place for a youth to sleep and may not have control over whether the child is attending school. Instead, the school could contact the county children and youth agency and attempt to eliminate barriers to attendance through that route.

7. Creating Partnerships to Keep Children in School

Every school and nonpublic school should have truancy reduction partners (e.g., magisterial district judges, juvenile probation departments, and county children and youth agencies) and should develop with those partners comprehensive policies regarding attendance, absenteeism, and truancy reduction. Additionally, family involvement is essential to keeping children in school. Establishing positive and proactive contact with families from the time the school year begins is critical to developing a working partnership.

Teachers often serve as the first line of defense against habitual absenteeism and are an integral part of the process to improve student attendance. Teachers and school-level administrators typically create and maintain the primary relationship with the person in parental relation. Schools and nonpublic schools should require teachers to take an active role by meeting with students individually and contacting the parent or guardian to encourage better attendance. In addition, Student Assistant Program (SAP) teams should be made aware of all instances of unlawful absences. Often, truancy is a symptom of a larger underlying problem. Issues of bullying, family health, substance abuse, homelessness or mental health problems are causes of non-attendance and should be addressed.

School personnel designated to inform parents of truancy should do so with the primary goal of improving the child's attendance. Although information must be shared with parents about the consequences and penalties associated with violation of state law and school board attendance requirements, school attendance improvement should be the overarching theme of communication with a person in parental relation. Non-attendance information should be shared in a factual, non-threatening manner. Schools and nonpublic schools should document and maintain a record of all communications, including emails, telephone calls, written

correspondence, and any other documents used.

References

Federal Statutes

Individuals with Disabilities Education Act, 20 U.S.C.S. § 1400 *et seq.*
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*
Americans with Disabilities Act, 42 U.S.C.S. § 12101 *et seq.*
McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11301 *et seq.*

Purdon's Statutes

24 P.S. § 13-1326
24 P.S. § 13-1327
24 P.S. § 13-1327.1
24 P.S. § 13-1327.2
24 P.S. § 13-1327.3
24 P.S. § 13-1329
24 P.S. § 13-1330
24 P.S. § 13-1332
24 P.S. § 13-1333
24 P.S. § 13-1333.1
24 P.S. § 13-1333.2
24 P.S. § 13-1333.3
24 P.S. § 13-1334
24 P.S. § 13-1339
24 P.S. § 13-1341
24 P.S. § 13-1343
24 P.S. § 13-1354
24 P.S. § 21-2103(8)
The Juvenile Act (42 Pa.C.S. § 6301 *et seq.*)

State Board of Education Regulations

22 Pa. Code § 11.24 22 Pa. Code § 11.34 22 Pa. Code § 11.41

Cases

Commonwealth v. Kerstetter, 94 A.3d 991 (Pa. 2014)

INFORMATION ABOUT THE PA FUTURE READY INDEX
(from the PA Department of Education)

**GUIDELINES FOR REPORTING
REGULAR ATTENDANCE AND CHRONIC ABSENTEEISM**

Introduction and Background

On January 16, 2018, the U.S. Department of Education (USDE) approved Pennsylvania's Every Student Succeeds Act (ESSA) [Consolidated State Plan](#). ESSA presents an opportunity to broaden conceptions of school performance to include increased attention to student success and learning conditions, including the importance of regular school attendance. Research indicates there is a positive and statistically significant relationship between student attendance and academic achievement and other student outcomes (Hein et al., 2013; Chang and Romero, 2008; Allensworth et al., 2014; Balfanz et al., 2007). Nationally, over six million students were chronically absent from school during the 2013-2014 school year, representing 14 percent of all students.

This document provides guidance on the chronic absenteeism measure included in Pennsylvania's federal accountability plan; this same measure is reported at the school and student group levels via the Regular Attendance indicator on the [Future Ready PA Index](#). Specifically, the guidelines establish procedures for Local Education Agencies (LEAs) and school administrators to submit absence-related data to the Pennsylvania Department of Education (PDE) that accurately reflect student attendance and are consistent with [child accounting](#) and federal accountability policies.

For more information on attendance coding, please see the [Pennsylvania Student Information Management System \(PIMS\)](#) user manual.

Requirements

Chronic Absenteeism is calculated for all public schools with 20 or more students based on the number of students who have missed more than 10 percent of enrolled school days across the academic year; this represents 18 days in a 180-day school year. Enrollment of fewer than 90 days of school will exclude a student from that school's calculation as there has not been sufficient opportunity for the school to apply intervention strategies.

Chronic Absenteeism calculations are derived from existing data collections by the Department. Rates of Chronic Absenteeism are reported as "Regular Attendance" on the Future Ready PA Index, and are calculated at the building level, as well as for any group of 20 or more students in a building. Regular Attendance is a lagging indicator based on reporting schedules and validations procedures; in other words, one full school year separates the most recent period for reporting and the publication of school and student group data.

A student is considered absent if they are not physically participating in instruction or instruction-related activities on school grounds or at an approved off-grounds location. Chronically absent students include students who are absent regardless of whether absences are excused or unexcused; whatever the reason for the absence, instructional hours are lost.

For example, out of school suspensions and excused absences for approved family-sponsored educational trips would be coded as absences for purposes of chronic absenteeism and regular attendance measures.

ABSENT (Examples)	PRESENT (Examples)
<ul style="list-style-type: none"> ● Absence from school (excused or unexcused) ● Out-of-School Suspension ● Extended illness (not coded homebound) ● Bereavement ● Non-school sponsored approved educational trips ● College visits not part of curriculum or course expectations 	<ul style="list-style-type: none"> ● Career Education and Work experiences sponsored by the school entity ● In-school Suspension ● Homebound Instruction ● School-sponsored field-trips or college visits

LEAs should review their locally-developed attendance policies and work with Student Information System (SIS) vendors to ensure compliance with reporting requirements for both federal ESSA accountability and [PA regulatory requirements](#).

When establishing local policy, it is important to consider that LEAs report aggregate counts of days enrolled and days present in PIMS. The LEA, through the use of its SIS, determines how local attendance data is aggregated. Missed hours, periods, or fractions of days may be handled differently by each LEA. For example, consider a student enrolled for 180 days, who is ¼-day late on four occasions. If the LEA considers a student present for the day when the student attends at least half the day, the student would be present 180 days. If the LEA considers the total time present (or absent), the student would be present 179 days (4 x ¼-day = 1 full day). Therefore, depending on local policy, ESSA accountability indicators (Chronic Absenteeism/Regular Attendance) may be calculated with equivalent days.

Definitions

Aggregate Days Attendance

The sum of days present for all students for the days school was in session during the reporting period.

Aggregate Days Membership

Total days enrolled for all students for the days school was in session during the reporting period.

Average Daily Attendance (ADA)

The average number of students in attendance during the reporting period (aggregate days attendance divided by days in session).

Average Daily Membership (ADM)

The average number of students in membership during the reporting period (aggregate days membership divided by days in session).

Chronic Absenteeism

Percent of students enrolled for at least 90 days who have missed more than 10 percent of enrolled school days across the academic year.

Days in Session

The total number of instructional days completed.

Homebound Instruction

Temporarily excuses a student from compulsory attendance on account of illness or other urgent reasons and provides school-supplied tutoring for a limited time to keep students on track academically. These students are counted in both school membership and attendance. For more information on homebound instruction, visit the [PDE website](#).

In-school Suspension

Disciplinary exclusion from a classroom or program by placing the student in another part of the school.

Instructional Time

Time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees.

Local Education Agency (LEA)

A board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a state, or any other public educational institution or agency having administrative control and direction of a career and technical education program. This term includes state correctional education agencies.

Out-of-School Suspension

An action that is administered as a consequence of inappropriate behavior and requires a student be excluded from the building for a specified period of time.

Regular Attendance

The Future Ready PA Index display represents the percentage of students who were enrolled for 90 or more school days and present 90 percent or more of enrolled school days, thus not chronically absent.

School Sanctioned Field Trip

Programs conducted off school grounds designed to provide students with real world experiences to which admission is not charged to students or parents and a certified school employee accompanies the students.

Truancy

A child is "truant" if the child is subject to compulsory school laws and has incurred three or more school days of unexcused absences during the current school year. A child is "habitually truant" if the child is subject to compulsory school laws and has incurred six or more school days of unexcused absences during the current school year.

Frequently Asked Questions**What constitutes an absence?**

A student is considered absent if they are not physically participating in instruction or instruction-related activities on school grounds or at an approved off-grounds location.

How does this indicator affect PIMS submissions?

Chronic Absenteeism calculations are derived from existing data collections; no additional PIMS submissions are required.

What data sources are used for measuring this indicator?

Chronic Absenteeism uses Days Enrolled and Days Present data reported in the PIMS Student Calendar Fact template, which is part of the end-of-year PIMS Child Accounting collection. Students are attributed to a school within the LEA by the Location Code (#2) field reported in the Student template.

The Future Ready PA Index displays the most current single year data, beginning with 2017-18 school year cohort. Two years of chronic absenteeism data are used in accountability determinations under Pennsylvania's ESSA State Plan.

Chronic absenteeism is a "lagging indicator." One full school year separates the most recent period for reporting and the publication of school and student group data.

How will school performance on Regular Attendance be described and displayed on the Future Ready PA Index?

Rates of Chronic Absenteeism are reported as "Regular Attendance" on the Future Ready PA Index, and are calculated at the building level, as well as for any group of 20 or more students in a building.

The Regular Attendance indicator is measured based on norm-referenced performance standards. Performance standards were set by evaluating Regular Attendance for all public schools during the 2016-17 school year. Performance at the 75th percentile (schools with Regular Attendance rates that exceed those reported by 75 percent of public schools statewide) serve as the 2030 statewide goal.

Three standard ranges are used to describe performance:

75th percentile and above – Exceeds Performance Standard (BLUE) = 94.1% or Higher

74th-25th percentile – Meets Performance Standard (GREEN) = 80.9% to 94.0%

24th percentile and below – Does Not Meet Performance Standard (RED) = 80.8% or Below

In addition, year over year performance will be depicted by an upward ARROW for an increase in performance from the previous year, a solid CIRCLE for maintaining performance from the previous year, or a downward ARROW for a decrease in performance from the previous year.

What is the formula for Regular Attendance?

Number of students enrolled for 90 or more school days and present 90 percent or more of enrolled school days **Divided By** Number of students enrolled for 90 or more school days

What has changed in the way attendance is presented for accountability?

Average daily attendance measures the average number of students who are present on any given day during the school year, which may mask which students are at-risk. Regular Attendance is calculated at the student level and therefore meets the requirement for meaningful differentiation for ESSA.

Why are excused absences included in the indicator calculations?

The purpose of the indicator is to identify the percentage of students in a school or in a student group who are at-risk of not meeting the on-track performance standards because of missed hours of direct instruction, even when some loss of seat time is excusable.

School entities should continue to use locally-approved policies when determining how excused and unexcused absences are used for the purposes of setting expectations and consequences regarding

truancy, student conduct, promotion, retention, etc. However, for reporting purposes, a student can only be indicated as present or absent in accordance with the guidelines in this document.

What is the difference between absenteeism and truancy?

Truancy rates only include unexcused absences, while Chronic Absenteeism includes both excused and unexcused absences. Because Chronic Absenteeism is an indicator for on-track student level achievement, the total number of days a student is absent is recorded regardless of the reason the student was absent.

LEAs are required to report unexcused absences of three days or their equivalent in a timely manner. The inclusion of a Chronic Absenteeism indicator for ESSA accountability has no effect on existing truancy regulations.

Can a student receive online or distance education during an extended absence?

A student taking an extended absence may be granted cyber or distance learning at the LEA's discretion. However, the program provided must offer the student direct instruction, aligned to the curriculum and to the amount of seat hours the student is missing; it can NOT simply serve as a repository for teachers and students to submit and exchange assignments or for the completion of homework. While participating in the program, the student must be held to the same attendance policies already in place for the LEA's locally approved cyber or distance learning program, as set forth by its Board of School Directors.

How do students in out-of-district or residential programs affect the calculation?

Attendance is calculated based on enrollment status. Students are attributed to schools based on the location reported in the PIMS Student Template. Off-site placements for which students are reported out of a school location are not included in Regular Attendance calculations.

Where can my school find information about evidence-based strategies for improving attendance?

Through a partnership with the Mid-Atlantic Regional Educational Laboratory, PDE participated in two webinars which focused on evidence-based practices to increase student attendance; both sessions have been archived for viewing:

[February 22, 2018 session](#)

[October 25, 2018 session](#)

Measuring, Reporting, and Improving Attendance in SY 2020-21

Regular school attendance is a critical leading indicator of educational equity. There is a positive, statistically significant relationship between regular attendance and various educational and life outcomes into adulthood. As school entities plan for the 2020-21 school year (SY), it is important that evidence-based policies and systems are in place to:

- Collect and report daily student attendance, regardless of the instructional setting or delivery method; and
- Strategically target investments that address the digital divide, lack of supports (health, economic, nutrition, housing, etc.), and other inequities for students who are chronically absent¹.

This document provides school entities with guidance on how to enhance local attendance policies and systems to ensure consistent measurement, analysis, and support of daily student attendance. Timely intervention for students who are chronically absent is critical to student success. **If educators can't proactively, reliably, and easily identify students in need of extra support, there is a substantial risk of struggling students falling further behind.**²

For purposes of this document, these terms have the following definitions when used:

Attendance = students' physical exposure to or contact with learning activities

Learning activities (22 Pa Code § 11.8) = instructional activities provided as an integral part of the school program under the direction of certified school employees. Includes the following (in-person or remote):

- Student services, such as guidance and counseling services, psychological services, speech pathology and audiology services, and student health services
- Homeroom period/morning meeting
- Supervised study halls/tutoring
- Assemblies
- Clubs, student councils, and similar activities conducted during school hours
- Educational trips, to which admission is not charged to families and a certified school employee accompanies the students

Measuring student daily attendance during remote learning

Every local education agency (LEA) (school districts, charter schools, cyber charter schools, career and technology centers, and intermediate units) must have an established attendance policy that governs how attendance is collected, coded, and reported. Daily student attendance data must be collected in the LEA's student information reporting system; LEAs will be required to submit a full year of attendance data for SY 2020-21 to the Pennsylvania Department of Education (PDE) via the Pennsylvania Information Management System (PIMS), regardless of instructional delivery model.

When students are learning in-person, the LEA's standard attendance policy and procedures should be followed. When instructional delivery models include remote learning, LEAs must develop and employ a procedure within the current attendance system to make daily contact with students learning off campus.

When students are learning off campus, it may be more difficult for educators to fully assess student engagement/attention during the learning activity. Based on guidance from national experts on attendance, LEAs implementing hybrid or full-remote instructional models in SY 2020-21 must reflect the following in local attendance policies:

- When students are learning remotely – regardless of whether it is synchronous or asynchronous – the attendance measurement must include data that allows the school to assess whether the student engaged in the assigned learning activity. Capturing student log-in or contact with school staff is not enough to truly assess exposure to the learning activity.
- More specifically, schools must account for both student's daily access to and completion of assigned learning activities.
- Daily contact between assigned school staff and students/families is important to student success. See Table 1 for examples of ways to measure access and completion.

Table 1. Measuring attendance during remote learning³

Access	Completion
Evidence that the student has access to the resources required for the assigned learning activities	Evidence that the student completed the assigned learning activities
<ul style="list-style-type: none"> • Student/family submission of daily online form or call to attendance hotline affirming access to resources required for assigned learning activities • Confirmation by assigned school staff that student/family downloaded or picked up weekly packet of assigned learning activities • Student participation in "office hours" offered by teacher where teacher confirms student access to resources required for assigned learning activities • Count of student logins to assigned coursework in Learning Management System (LMS) • When remote learning is synchronous: • Confirmation by school staff that student is connected through phone conferencing system at designated time 	<ul style="list-style-type: none"> • Track student participation throughout the lesson using chat/polling feature • Embed a "word of the day" in the assigned learning activity and use it as an answer to one of the practice questions at the end of the lesson • Submit an artifact upon completion of the learning activity (<i>e.g.</i>, exit ticket, video, audio recording, portfolio, project-based learning, etc.)

Calculating daily student attendance during hybrid and full-remote instructional models

On days when students are participating in learning activities on campus, the school's usual method for marking individual students present or absent should be followed. On days when students are learning off campus, schools must consider both the data regarding student access to and the completion of assigned learning activities to determine whether an individual student was present or absent. Table 2 is a sample decision matrix for determining when an individual student is coded as present or absent on days when the student is learning off campus.

Table 2. Sample decision matrix for remote learning days

Possible Access/Completion Combinations	Confirmation of Access	Timely Submission of Assignment	Attendance Decision
Evidence of Access and Completion	Yes	Yes	Present
Evidence of Completion, but not Access	No	Yes	Present
Evidence of Access, not Completion	Yes	No	Absent
No Evidence of Access or Completion	No	No	Absent

To assess whether student attendance patterns are differentially impacted by remote instruction versus in-person instruction mode, it is recommended that schools create additional internal attendance codes for SY 2020-21 that differentiate attendance patterns during in-person instruction, remote synchronous instruction, and remote asynchronous instruction. Below is one example of the types of additional codes that could be added to the traditional attendance codes:

- PRS = Present Remote Synchronous
- ARSE = Absent Remote Synchronous – Excused
- ARSU = Absent Remote Synchronous – Unexcused
- PRA = Present Remote Asynchronous
- ARAE = Absent Remote Asynchronous – Excused
- ARAU = Absent Remote Asynchronous – Unexcused

Supporting students at-risk for chronic absenteeism

In Pennsylvania, students who miss more than 10 percent of school days across the academic year are chronically absent. The pandemic has and will continue to pose challenges to students' regular attendance. While a great deal is known about effective strategies for addressing barriers to attendance and reducing chronic absenteeism, fluid transitions between full in-person, hybrid, and full-remote instructional delivery models will require strategic adaptation of evidence-based strategies. To help educators explore, select, and implement effective strategies for mitigating chronic absenteeism that best fit their local needs and context, FutureEd and Attendance Works collaborated to provide school entities with a playbook for reducing chronic absence in the COVID era. This playbook presents more than two dozen strategies – identifying the problem the strategy addresses, summarizing supporting research and suggested tier of evidence aligned with the provisions outlined in the Every Student Succeeds Act, and highlighting school entities that have used the strategy successfully. School entities are highly encouraged to download and use the [Attendance Playbook](#).