

INFORMATION for Parents/Guardians

Commonwealth of Pennsylvania

NEW Truancy Law – begins 2017-18 school year

This informational sheet summarizes Governor Wolf's new truancy legislation which became law on November 3, 2016. The new law's intent 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."

Definition of "**Truant:**" a child subject to compulsory school laws "having three (3) or more school days of unexcused absences during the current school year. "

Definition of "**Habitual Truancy:**" a child subject to compulsory school laws "having six (6) or more school days of unexcused absences during the current school year." These absences do not need to run consecutively.

Procedures to be followed regarding Truancy and Habitual Truancy:

Truancy:

1. The school will inform parents/guardians **in writing** of the child's third unexcused absence. Information will include a description of the consequences of any additional unexcused absences.
2. If a student continues to have unexcused absences after the three (3) day notice has been issued, **the school will offer the student and parents/guardians a Student Attendance Improvement Conference. Communication for this conference will be through advanced written notice and telephone communication.** This conference will be held to develop an SAIP (Student Attendance Improvement Plan). Under the previous law, parents/guardians and students not attending this school conference were required to attend a conference with the District Magistrate. If absent from this magisterial conference, students/parents/guardians were cited for Truancy. *Under the new Truancy law, the conference for an SAIP will be held whether parents/guardians/students are present or not. A written conclusion of the conference will be mailed to the parents/guardians. Additional unexcused absences may lead to truancy citations/involvement of Children and Youth Services.*

Habitual Truancy:

1. **UNDER fifteen (15) years of age:**
 - a. The school **must** refer the child to a school-based or community-based attendance improvement program, **or**
 - b. The school **must** refer the child to Children and Youth Services, or possible disposition as a dependent child under the Juvenile Act.
 - c. Additionally, the school **may** file a citation against the parent of a habitually truant child under the age of fifteen (15) in a magisterial district court.
2. **Fifteen (15) years of age and OLDER:**
 - a. The school **must** refer the child to a school-based or community-based attendance improvement program, **or**
 - b. The school **must** file a citation against the student **or** the parent/guardian in a magisterial district court
 - c. Additionally, the school may refer the child to Children and Youth Services for possible disposition as a dependent child.

CONSEQUENCES

If students or parents/guardians are found guilty of truancy, the new law provides discretion for magisterial district courts to impose appropriate penalties. Some of the possible consequences are:

1. Fines up to **\$750** – the maximum is imposed for excessive truancy. First offenders may receive \$300, which was the previous maximum fine for truancy under the old law.
2. Community service could be assigned in lieu of fines.
3. Incarceration of parents for **three (3) days**. The previous time was five (5) days. Once again, this would be for repeat offenders or parents not paying fines.
4. Magisterial referral to Children and Youth **must** be made for repetitive convictions for truancy during a three year time period.
5. The magisterial district court is allowed discretion on whether to order suspension of driver's license through Pennsylvania Department of Transportation.