

Legal Update: Understanding the New Truancy Regulations

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A new piece of state legislation significantly changes the law addressing truancy for students in Pennsylvania.

Gov. Wolf signed [House Bill 1907](#) into law Nov. 3, changing the provisions of [Article XIII of the Public School Code](#) addressing truancy. Act 138 of 2016 includes several, new required intervention procedures and revises the penalties applicable to both parents and to truant students for violation of the compulsory education laws. The amendments mark the first substantive changes to the truancy provisions of the Public School Code in more than 20 years. The new law is effective immediately and changes will be implemented for the 2017-18 school year.

The amendments to the School Code follow the 2015 release of the Joint State Government Commission's Truancy and School Dropout Prevention: Report of the Truancy Advisory Commission. The commission's report noted significant inconsistencies across the state in how truancy is defined and addressed by schools, and recommended numerous changes to the Public School Code in an effort to establish a more student-centered and collaborative approach to eliminating truancy. Many of the recommendations included in the commission's report are reflected in the new law.

Act 138 includes new definitions for "school year" and "school day," and establishes new procedures that must be implemented when students of compulsory school age are "truant," defined as having three or more days of unexcused absence during a school year.

The new procedural requirements include scheduling the newly created School Attendance Improvement Conferences where student absences are examined to improve attendance prior to engaging in more punitive measures. Schools are required to invite appropriate school personnel, recommended service providers, the student, an individual in parental relation to the student and other individuals who may serve as a resource. The conference must be held before a school may take any additional steps to address truancy, such as filing a citation with the district magistrate or making a referral to the local children and youth department.

"Habitually truant" students are now defined as those who have six or more days of unexcused absence during a school year. Habitually truant students under 15 must be referred either to a school-based or community-based attendance improvement program or the county children and youth agency. In addition, the school may file a citation with the appropriate court against the individual in parental relation who resides in the same home as the student. For students 15 and older, the citation may be filed against the student or an individual in parental relation living with the student.

Section 1329 of the code has been amended to specifically address absences from school for health-related reasons and requires the Pennsylvania Department of Education to provide guidance and resources to assist schools and

families address absence related to a student's chronic health condition.

The changes also include how the court can impose penalties for failure of students and parents to willfully comply with the compulsory attendance laws. It also precludes the filing of additional truancy citations while a truancy proceeding is already pending. The changes provide additional options for addressing violations. That could include the discretion to suspend sentences for truancy convictions and waive fines if the child is attending school in compliance with the court's plan. Courts also may impose fines, community service or attendance at a course or program designed to improve school attendance as the initial penalty for violations of the compulsory attendance law. Students who have lost driving privileges from violations of the compulsory attendance law could have them restored by the court under certain circumstances. Summary offense convictions also could be expunged if specified requirements are met.

If you have any questions regarding these changes, or if we can provide any additional assistance as you review your existing policies and procedures, please do not hesitate to contact the [Education Group](#) at Barley Snyder.