



PA TRUANCY LAW

FOUNDATIONS & COMPULSORY ATTENDANCE

★ 24 P.S. §13-1301 et seq. ★



1 PURPOSE OF THE LAW

Pennsylvania's Truancy Law seeks to:

- ✓ Improve school attendance.
- ✓ Deter truancy through a comprehensive approach.
- ✓ Identify attendance problems as early as possible.
- ✓ Preserve family unity whenever possible.
- ✓ Avoid unnecessary foster care placements.
- ✓ Use confinement only as a last resort.



REMEMBER! The goal is **ATTENDANCE IMPROVEMENT**, not punishment.

2 COMPULSORY SCHOOL AGE

2019 AMENDMENT

A child **MUST** attend school:



NOT INCLUDED



Student who already possesses a high school diploma.



Student who earned an approved equivalent credential.



REMEMBER! Pennsylvania changed compulsory attendance from **AGE 8** → **AGE 6** and **AGE 17** → **AGE 18**.

3 WHO IS COVERED?

Applies to children residing in Pennsylvania who are subject to compulsory school attendance.



Public School



Charter School



Cyber Charter School



Vocational-Technical School



Regional Charter School



Home Education Program



Approved Private School



REMEMBER! The law applies regardless of the type of approved education.

4 APPROVED EDUCATIONAL OPTIONS

A child satisfies compulsory attendance through any of the following approved educational pathways:



Public School



Charter School



Cyber Charter School



Vocational-Technical School



Home Education



Approved Private School



Approved Alternative Program



Religious School (Meeting Legal Requirements)



REMEMBER! Attendance does **NOT** require attendance at a traditional public school.

5 EXCEPTIONS

Possible exemptions include:



Approved agricultural employment



Certain approved employment situations



Medical circumstances



Graduation

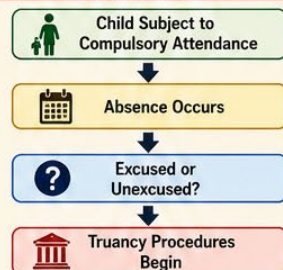


Other statutory exemptions

6 HIGH-YIELD FACTS

	Primary Statute	24 P.S. §13-1301 et seq.
	Goal of the Law	Improve Attendance
	Focus	Early Intervention
	Confinement	Last Resort
	Compulsory Attendance Begins	Age 6
	Compulsory Attendance Ends	Age 18

THE TRUANCY PROCESS STARTS HERE



REMEMBER! Early action today leads to success tomorrow.



ATTEND TODAY ★ ACHIEVE TOMORROW ★ SUCCEED FOREVER



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PA TRUANCY LAW

TRUANT VS. HABITUALLY TRUANT & SCHOOL PROCEDURES

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★ EARLY INTERVENTION TODAY LEADS TO ATTENDANCE SUCCESS TOMORROW ★

1 TRUANT VS. HABITUALLY TRUANT

TRUANT

3 or more
unexcused school days



HABITUALLY TRUANT

6 or more
unexcused school days



REMEMBER:

A child becomes **HABITUALLY TRUANT**
after **6 or more unexcused** school days.

2 EXCUSED VS. UNEXCUSED ABSENCES

EXCUSED (Examples)

- ✓ Illness of the child
- ✓ Illness in the family
- ✓ Death in the family
- ✓ Religious holiday
- ✓ Court appearance
- ✓ Approved educational activity
- ✓ Other justifiable cause

UNEXCUSED (Examples)

- ✗ Oversleeping
- ✗ Car trouble
- ✗ Babysitting
- ✗ Shopping
- ✗ Vacation/Travel
- ✗ Skipping school
- ✗ No acceptable reason



REMEMBER:

Only **UNEXCUSED** absences count toward
truancy and habitual truancy.

3 SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE (SAIC)



BEFORE filing a citation for
habitual truancy, the school
must hold a School Attendance
Improvement Conference.



Parent(s) or
guardian



Student
(if appropriate)



School
representative



Community
representative
(if available)

PURPOSE:

Identify barriers to
attendance and
develop strategies
to improve
attendance.



The school must make reasonable efforts to contact the parent and hold the SAIC.
Documentation of the conference and plan must be maintained by the school.

4 TRUANCY PROCESS FLOW



ABSENCE OCCURS

Student is absent from school.



SCHOOL CONTACTS PARENT

School contacts parent/guardian regarding the absence.



SAIC HELD

School holds the School Attendance Improvement Conference.



STUDENT BECOMES HABITUALLY TRUANT

After 6 or more unexcused school days.



CITATION FILED

School may file a citation with the Magisterial District Judge.

IMPORTANT!

SAIC must be held
and reasonable
efforts made to
involve the family
BEFORE a citation
is filed.



Teamwork
improves
attendance!

5 WHO CAN FILE A CITATION?



School Districts



Charter Schools



Cyber Charter Schools



Vocational-Technical Schools



Approved Private Schools



Home Education Supervisory
Officer (if referral made)



REMEMBER:

Only entities listed above may file
a truancy citation.

6 KEY POINTS TO REMEMBER

- ✓ 3 or more unexcused days = **TRUANT**
- ✓ 6 or more unexcused days = **HABITUALLY TRUANT**
- ✓ SAIC must be held before a citation is filed.
- ✓ Only **UNEXCUSED** absences count.
- ✓ Early intervention and family involvement are the goals.
- ✓ Documentation is essential at every step.

★
**EARLY ACTION
+ FAMILY SUPPORT
=**
**BETTER ATTENDANCE
& BRIGHTER
FUTURES!**
★

★ HIGH-YIELD FACTS



Truant = 3+ unexcused school days



Habitually Truant = 6+ unexcused school days



SAIC is required before citation



Only unexcused absences count



Goal of law = improve attendance and
preserve family unity



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PA TRUANCY LAW

COURT PROCEDURES & HEARINGS

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★ The goal is attendance improvement and family support. ★

1 CITATION & VENUE



WHO MAY FILE:

A school official, attendance officer, or other authorized designee may file a citation with the Magisterial District Judge (MDJ).



WHERE TO FILE:

File in the Magisterial District Court where the child resides or where the child's school is located.



TO WHOM IT MAY BE ISSUED:

To the parent, guardian, or other person having control or charge of the child.



SERVICE:

Citation must be served in accordance with Rules 307-310.

2 THE HEARING



WHEN:

Hearing is scheduled by the MDJ at the earliest possible date.



WHO ATTENDS:

Parent/guardian (or responsible adult), school representative, and the child (if appropriate).



ON THE RECORD:

MDJ conducts the hearing on the record.



RIGHTS OF PARTIES:

Right to be heard, present evidence, and question witnesses. MDJ applies the law.



REMEMBER: The purpose of the hearing is to determine whether the child is habitually truant and whether the parent is responsible.

3 SCHOOL'S BURDEN OF PROOF

The school must prove ALL of the following **BEYOND A REASONABLE DOUBT**:

1



SUBJECT TO COMPULSORY ATTENDANCE

The child was subject to compulsory school attendance under the law.

2



HABITUALLY TRUANT

The child was habitually truant (6 or more unexcused school days).

3



WITHOUT JUSTIFICATION

The absences were without justification (i.e., unexcused).



REMEMBER: The burden is on the SCHOOL. The parent does not have to prove innocence.

4 AFFIRMATIVE DEFENSE – PARENT DEFENSE

A parent/guardian is NOT guilty if they prove by a **PREPONDERANCE OF THE EVIDENCE (51%)**:

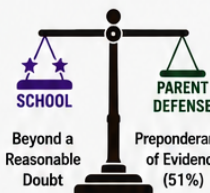


- ✓ They took every reasonable step
- ✓ To ensure the child's regular school attendance
- ✓ Despite the child's absences
- ✓ But were unable to do so.



REMEMBER:

Two different standards of proof apply.



5 WHAT HAPPENS AFTER THE HEARING?



IF FOUND RESPONSIBLE:

- MDJ enters a finding that the child is habitually truant and the parent is responsible.
- MDJ proceeds to sentencing.



IF NOT FOUND RESPONSIBLE:

- MDJ dismisses the citation.
- Attendance improvement efforts continue.



6 RECORD & APPEAL



RECORD:

A complete record of the hearing must be maintained.



APPEAL:

Any aggrieved party may appeal to the Court of Common Pleas within 30 days.

7 IMPORTANT RIGHTS



Right to notice of the hearing.



Right to be represented by counsel (at own expense).



Right to present evidence and call witnesses.



Right to question the school's witnesses.



MDJ must apply the law fairly and impartially.

★ KEY POINTS TO REMEMBER

- ✓ 3 or more unexcused days = **TRUANT**
- ✓ 6 or more unexcused days = **HABITUALLY TRUANT**
- ✓ Only **UNEXCUSED** absences count.
- ✓ School must prove all elements beyond a reasonable doubt.
- ✓ Parent can use the "every reasonable step" defense.
- ✓ MDJ enters the verdict on the record.
- ✓ Goal is attendance improvement, not punishment.



★ HIGH-YIELD FACTS



Statute: 24 P.S. §13-1301 et seq.



Standard for school: Beyond a reasonable doubt



Standard for parent defense: Preponderance of the evidence (51%)



Citation filed with the MDJ



Venue: Where child resides or school is located

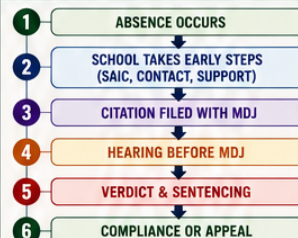


MDJ conducts hearing on the record



Early intervention and family support are key

AT A GLANCE: THE COURT PROCESS



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PA TRUANCY LAW

PENALTIES & SENTENCING

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★ Accountability Today. Attendance Tomorrow. ★



1 PENALTIES FOR THE CHILD

If found habitually truant (6 or more unexcused days), the MDJ may impose:



Fine up to \$300
plus costs



Community Service
as ordered by the court



Attendance Improvement Program
as ordered by the court



If the child continues to be habitually truant after being adjudicated, the court may notify PennDOT. This may result in suspension of driving privileges when eligible.



REMEMBER: The goal is attendance improvement, not punishment.

2 PENALTIES FOR THE PARENT / GUARDIAN

If the parent/guardian is found responsible:

OFFENSE	MAXIMUM FINE	PLUS
1st Offense	Up to \$300	Court costs
2nd Offense	Up to \$500	Court costs
3rd Offense (or subsequent)	Up to \$750	Court costs



ADDITIONAL ORDERS MAY INCLUDE:

- Attendance Improvement Program for the child
- Community Service
- Any other order the court deems appropriate



REMEMBER: Fines increase with repeat offenses.

3 FAILURE TO COMPLY WITH COURT ORDERS

If the parent/guardian fails to satisfy the penalties or orders imposed:



POSSIBLE CONTEMPT OF COURT

The parent may be held in contempt.



JAIL UP TO 3 DAYS

The court may impose a term of imprisonment of up to 3 days.



COURT MUST FIND:

- Parent had the ability to comply
- Failure to comply was willful



REMEMBER: Contempt is a last resort and used to enforce compliance, not to punish.

4 ADDITIONAL CONSEQUENCES

DRIVER'S LICENSE CONSEQUENCES FOR CHILD



- After adjudication, if the child continues to be habitually truant, the court will notify PennDOT.
- PennDOT may delay issuance, suspend, or revoke operating privileges when the child becomes eligible for a driver's license.



FUTURE EDUCATIONAL IMPACT

- Truancy can impact academic progress and graduation.
- School districts must continue to work with the family to address barriers and support attendance.



REMEMBER: Early intervention and compliance help avoid additional consequences.

5 APPEALS



- Any aggrieved party may appeal an MDJ's decision to the Court of Common Pleas.
- The appeal must be filed within 30 days of the MDJ decision.
- The appeal is a "de novo" hearing (a new hearing).
- The CCP may issue a new decision.
- Further appeal may be taken to the Superior Court.



REMEMBER: Appeals do not stop the obligation to comply with the MDJ's orders unless a stay is granted.

6 SUMMARY OF PENALTIES AT A GLANCE

CHILD	PARENT / GUARDIAN
Fine up to \$300 plus costs	1st Offense: Up to \$300 + costs
Community Service	2nd Offense: Up to \$500 + costs
Attendance Improvement Program	3rd+ Offense: Up to \$750 + costs
Possible PennDOT notification (continued non-compliance)	Community Service and/or Attendance Improvement Program
	Possible Contempt: Jail up to 3 days if willful non-compliance

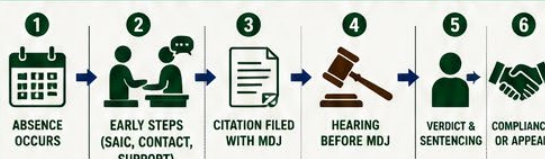


BIG REMEMBER!

The purpose of the Truancy Law is to improve attendance and support families.



THE TRUANCY COURT PROCESS (from Page 1)



★ EARLY ACTION + FAMILY SUPPORT = BETTER ATTENDANCE & BRIGHTER FUTURES! ★

★ HIGH-YIELD FACTS

- ✓ Child: fine up to \$300 plus costs.
- ✓ Parent: fines escalate with each offense.
- ✓ Contempt = jail up to 3 days if willful non-compliance.
- ✓ PennDOT consequences possible for continued truancy.
- ✓ Appeal must be filed within 30 days.
- ✓ Goal of the law = attendance improvement and family support.



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