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:

AGE **6** (BEGINNING NO LATER THAN AGE 6) ⟷ COMPULSORY ATTENDANCE ⟶ AGE **18** (UNTIL AGE 18)

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 attendnce 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

1. Child Subject to Compulsory Attendance
2. Absence Occurs
3. Excused or Unexcused?
4. Truancy Procedures Begin

REMEMBER! Early action today leads to success tomorrow.

PA TRUANCY LAW

TRUANT VS. HABITUALLY TRUANT & SCHOOL PROCEDURES

★ 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)	UNEXCUSED (Examples)
Illness of the child	Oversleeping
Illness in the family	Car trouble
Death in the family	Babysitting
Religious holiday	Shopping
Court appearance	Vacation/Travel
Approved educational activity	Skipping school
Other justifiable cause	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.

SAIC MUST INCLUDE:

- 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

1. **ABSENCE OCCURS**
   Student is absent from school.
2. **SCHOOL CONTACTS PARENT**
   School contacts parent/guardian regarding the absence.
3. **SAIC HELD**
   School holds the School Attendance Improvement Conference.
4. **STUDENT BECOMES HABITUALLY TRUANT**
   After 6 or more unexcused school days.
5. **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

ATTEND TODAY ★ ACHIEVE TOMORROW ★ SUCCEED FOREVER

PA TRUANCY LAW

COURT PROCEDURES & HEARINGS

★ 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.

SCHOOL	PARENT DEFENSE
Beyond a Reasonable Doubt	Preponderance of Evidence (51%)

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

1. ABSENCE OCCURS
2. SCHOOL TAKES EARLY STEPS (SAIC, CONTACT, SUPPORT)
3. CITATION FILED WITH MDJ
4. HEARING BEFORE MDJ
5. VERDICT & SENTENCING
6. COMPLIANCE OR APPEAL

★ ATTEND TODAY ★ ACHIEVE TOMORROW ★ SUCCEED FOREVER ★

PA TRUANCY LAW

PENALTIES & SENTENCING

★ 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)

1. ABSENCE OCCURS
2. EARLY STEPS (SAIC, CONTACT, SUPPORT)
3. CITATION FILED WITH MDJ
4. HEARING BEFORE MDJ
5. VERDICT & SENTENCING
6. COMPLIANCE OR APPEAL

★ 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.

ATTEND TODAY ★ ACHIEVE TOMORROW ★ SUCCEED FOREVER

PA TRUANCY LAW
COMPLETE PROCESS ROADMAP
★ From First Absence to Final Disposition ★

The goal at every step: Attendance Improvement & Family Support

1 ABSENCE OCCURS — Student is absent from school.

→ **2 SCHOOL RESPONDS** — School contacts parent/guardian to discuss absence.

→ **3 INTERVENTION & SUPPORT** — School provides support and may hold an SAIC to address barriers to attendance.

→ **4 TRUANT** — 3+ UNEXCUSED DAYS — 3 or more unexcused days.

→ **5 HABITUALLY TRUANT** — 6+ UNEXCUSED DAYS — 6 or more unexcused days.

→ **6 CITATION FILED WITH MDJ** — School files citation in the Magisterial District Court.

→ **7 HEARING BEFORE MDJ** — MDJ holds hearing. School has burden of proof beyond a reasonable doubt.

HEARING OUTCOMES

NOT RESPONSIBLE
- Child is not habitually truant, OR
- Parent is not responsible, OR
- Parent proves affirmative defense.

CASE DISMISSED
Continue support and monitoring.

RESPONSIBLE (PARENT)
- Child is habitually truant AND
- Parent is responsible AND
- No affirmative defense proven.

SENTENCING IMPOSED
See penalties on Page 4.

FAILURE TO COMPLY
Parent fails to satisfy penalties or orders.

POSSIBLE CONTEMPT
Up to 3 days jail if willful.

KEY DEFINITIONS

TRUANT (3+)
- A student with 3 or more unexcused school days.

HABITUALLY TRUANT (6+)
- A student with 6 or more unexcused school days.

IMPORTANT TIMELINES

SAIC REQUIRED
Before filing a citation, the school must hold a School Attendance Improvement Conference (SAIC).

APPEAL DEADLINE
Appeal must be filed within 30 days of the MDJ decision.

COMPLIANCE MONITORING
Schools must continue to work with the family after the case is resolved to support attendance.

WHO IS RESPONSIBLE FOR WHAT?

SCHOOL MUST	PARENT/GUARDIAN SHOULD
Monitor attendance and document absences.	Ensure child attends school regularly and on time.
Contact parent/guardian about absences.	Communicate with the school about challenges.
Hold SAIC before filing a citation.	Take every reasonable step to ensure attendance.
Prove the case beyond a reasonable doubt.	Can use affirmative defense (preponderance of evidence).
Offer supports and resources.	Work with the school and follow court orders.

WHERE & HOW TO FILE

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

WHO MAY FILE
School official, attendance officer, or other authorized employee.

SERVICE
Citation must be served in accordance with Rules 307–310 (Pa.R.Crim.P.).

AFFIRMATIVE DEFENSE (PARENT)

Parent is NOT guilty if they prove by a **PREPONDERANCE OF THE EVIDENCE (51%)**:
- Took every reasonable step to ensure school attendance
- Despite the child's absences
- But were unable to do so

PENALTIES & CONSEQUENCES AT A GLANCE

FOR THE CHILD
- Fine up to $300 plus costs (as ordered by the court)
- Community Service (as ordered by the court)
- Attendance Improvement Program (as ordered)
- Possible PennDOT notification if non-compliance continues

FOR THE PARENT / GUARDIAN

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 • Community Service • Any other order the court deems appropriate.

★ HIGH-YIELD FACTS
- Truant = 3 or more unexcused school days.
- Habitually Truant = 6 or more unexcused school days.
- Only UNEXCUSED absences count.
- School burden of proof = Beyond a reasonable doubt.
- Parent affirmative defense = Preponderance of evidence (51%).
- Appeal any MDJ decision to the Court of Common Pleas within 30 days.
- Contempt (up to 3 days jail) only if failure to comply is WILLFUL.
- Early intervention and family support are the law's focus.

BIG REMEMBER!
EARLY ACTION & SUPPORT → BETTER ATTENDANCE → STRONGER FAMILIES → BRIGHTER FUTURES

USEFUL RESOURCES
- PA Truancy Law (24 P.S. §13-1301 et seq.) www.legis.state.pa.us
- PDE – Student Attendance www.education.pa.gov/Students/Attendance
- Pa.R.Crim.P. 307–310 (Service of Process) www.pacourts.us/rules-of-court
- PennDOT – Driver License Consequences www.dmv.pa.gov

KNOW THE LAW. APPLY THE LAW. PROTECT OUR CHILDREN.

ACCOUNTABLITY TODAY ★ ATTEND TODAY ★ ACHIEVE TOMORROW ★ SUCCEED FOREVER