

FAYETTE COUNTY TRUANCY PREVENTION PROGRAM (TPP)

POLICY AND PROTOCOL

2018-2019 SCHOOL YEAR

Definitions (adopted in part from Act 138 of 2016)

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.

Excused Absence: shall mean an absence from school which is permitted under section 1329

1. 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.
2. Notwithstanding any provision of the law to the contrary, a student shall be excused during school hours for the purpose of obtaining professional health care or therapy services rendered by a licensed practitioner of the healing arts in any state, commonwealth, or territory.
3. Schools are encouraged to develop a written policy that complies with any guidance issued from the Pennsylvania Department of Education to address the needs of students with chronic health conditions. Said plan should be drafted in consideration with section 1333.2(d) and (e), which allow for an affirmative defense to a truancy charge where the person in parental relation took every reasonable step to ensure attendance of the child at 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.

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. Non-custodial biological or adoptive parent,
3. Guardian of the person of a child, or
4. Person with whom a child lives and who is acting in a parental role of a child.

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, and
5. Recommended service providers.

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. For Fayette County, acceptable programs include each district's Student Assistance Program (as required under Act 211 of 1990 to be accessible to all students in kindergarten through twelfth grade), and the truancy program providers contracted through Fayette County Children and Youth; Crime Victims Center, East End United Community Center (Connect to Classrooms), and JusticeWorks Youth Care.

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.

Truancy Protocol

Point of Contact

Each district shall designate an attendance point of contact for each school in the district at the beginning of each school year. This person may have responsibility for more than one school/building. This person shall serve as the point of contact for any agency, truancy services provider, and the Truancy Workgroup/Courts. The designated person should have access to school data to provide data to the Truancy Workgroup each quarter (may be cumulative) and at the end of the school year as to the number of students with more than six unexcused absences, the number of referrals made to SAP or to the truancy providers and CYS, and the number of citations filed.

At Three Unexcused Absences

Within 10 school days of a student's third unexcused absence, the school must send a letter to the person in parental relation who resides in the same household as the child. (See model three day letter)

- The letter shall notify the person in parental relation that the student is in violation of compulsory school attendance laws and shall include a description of the consequences that will follow if the child becomes habitually truant.
- The letter may include an offer of a school attendance improvement conference and information about SAP and the County's available truancy programs.
- If the letter is sent to a person in parental relation who is not the biological or adoptive parent, the letter shall also be provided to the student's biological or adoptive parent if that parent's address is on file and the parent is not precluded from receiving the information by court order.

School Attendance Improvement Conference

If the student continues to incur unexcused absences *after the school has sent the three day letter*, the school shall then offer a school attendance improvement conference with advance written notice to the person in parental relation to the student.

- There is no legal requirement on the student or the person in parental relation to attend the conference.
- The school must notify the person in parental relation of the conference in writing and make an attempt at notification by telephone.
- The school must hold the conference even if the student and/or the person in parental relation declines to participate or fails to attend the scheduled conference.
- The school must document the outcome of the conference in a written school attendance improvement plan (see model form).

- The school may not file a citation against the student or person in parental relation until after the date of the scheduled school attendance improvement conference.
- Districts are strongly encouraged to use the Student Assistance Program as a resource for families, and a SAP referral may be appropriate as part of the School Attendance Improvement Conference and/or School Attendance Improvement Plan.

Habitual Truancy (Six or more unexcused absences)

For students 15 years of age or older at the time of referral

- Students may be referred to the district's SAP program, or to one of the County's truancy program providers.
- The school may file a citation with the appropriate Magisterial District Judge against the child and/or person in parental relation for the student. The district shall use the Truancy Checklist (See attachments) to document the required steps prior to filing.

For students under 15 years of age at the time of referral

- All students under 15 with six or more unexcused absences in the current school year must be referred to the district's SAP program. Districts are required to make SAP services available to students in grades K-12 under Act 211 of 1990, and SAP programs shall be assumed to meet the requirements of a "school based attendance improvement program" for the purposes of this TPP for Fayette County School Districts. Though a SAP referral is required, the parent or person in parental relation may decline services.
- The district may also make a referral to one of the County's truancy program providers.
- The district may file a citation with the appropriate MDJ against the person in parental relation for the student. The district shall use the Truancy Checklist to document the required steps prior to filing.
- No citations may be filed in the student's name for students under the age of 15 at the time of the citation.

Referrals to Community Based Attendance Improvement Programs:

Fayette County Children and Youth will provide Community Based Attendance Improvement Programs for Fayette County school districts for the 2018-2019 school year.

- The following programs are available:
 - Elementary Students: Crime Victims Center
 - Middle School Students: East End Community Center (Connect to Classrooms)

- High School Students: JusticeWorks Youth Care
- These programs are available on a first-come, first-served basis subject to the limitations of the available budget and to the referral requirements defined in this section.
- If a family is already receiving services from one provider for one child, other children in that family can be served by the same provider, regardless of the grade of the child.
- Participation in these programs is voluntary, and referrals and subsequent information shared with providers are subject to FERPA (Family Educational Rights and Privacy Act).
- Districts are encouraged to make referrals to truancy providers as soon as is appropriate in the school year, as referrals made late in the school year do not allow enough time for an appropriate intervention by services providers. Districts can make referrals at the beginning of the year for students who finished the prior year with a truancy issue. FCCYS will set a date each spring after which no further referrals will be accepted for that school year.

Post-Citation Process

- The Truancy Workgroup shall provide a handout to districts and MDJs outlining the available truancy programs that comply with Section 1333.2(b)(2) that can be sent with citations or in communications from districts to parents.
- If the student or parent elects to have a hearing, the burden of proof is on the school to prove beyond a reasonable doubt that the student was subject to compulsory attendance and that the truancy was without justification. Districts shall use the Truancy Checklist to document that the required steps were taken prior to filing the citation.
 - Persons in parental relation may present an affirmative defense that they took every reasonable step to ensure the attendance of the child at school.

Additional Procedures

- If a citation results in a guilty plea or finding against the student or person in parental relation and the student continues to accrue unexcused absences, the district shall refer the case to CYS at the time a second citation is filed.
- Schools shall not expel or impose out-of-school suspension, disciplinary reassignment, or transfers for truant behavior. In-school or out-of-school suspensions shall not be considered unexcused absences for the purposes of truancy citations.
- If a student is dismissed from school during school hours for health-related reasons by a school nurse or administrator, that student's absence shall be deemed excused.

- If any of the following situations apply to a student under the age of 17, and the school is unable to contact the persons in parental relation with the information on file, the district shall conduct a residency check to determine if the student is still living at the last known address. If the school is still unable to determine the whereabouts of the child, the school shall make a report to CYS.
 - If, after 30 calendar days from the start of the school year, the student has not yet attended school and the district has not received notification or a records request indicating a transfer.
 - If the student had previously attended school during the current school year, but has accumulated 10 or more consecutive days of unexcused absences.
 - If the school district has reason to believe the student's health or safety is at risk.
 - If the district plans to remove a student of compulsory school age from the district rolls for non-attendance and the district has not received documentation or a records request indicating a transfer to another district or cyber school.

Special Circumstances:

Students experiencing homelessness or housing instability, who are placed in foster care, or who are otherwise under the care of FCCYS, and immigrant students have rights and protections relating to school enrollment and truancy. Districts are obligated to handle these situations in compliance with all applicable laws.

- The McKinney-Vento Homeless Assistance Act applies to **students experiencing homelessness**. The cornerstone of this law is maintaining "school stability" to ensure school success for homeless students.
 - The definition of homelessness is broad: children and youth who lack a fixed, regular, and adequate night time residence. This includes students who are sharing the housing of other people due to loss of housing, economic hardship or similar reasons, are living in motels, hotels, trailer parks (on a temporary basis) or camping grounds due to lack of alternative adequate accommodations, living in emergency or transitional shelters, are abandoned in hospitals, or are in the child welfare system without a permanent placement.
 - The Act grants students experiencing homelessness the right to stay in the same school, even if the family moves, if it is in the child's best interest. Parents can choose to have the child stay in their current school or to attend the school the child attended when they first became homeless.
 - Students experiencing homelessness have the right to immediately enroll in the local school where the child is actually living, even without the required enrollment documents or if there is a dispute about whether the

- child is actually “homeless.” If the family is living in more than one place, the child can enroll where the family has a substantial connection, such as a day shelter or other location where the family conducts regular activity.
- Students experiencing homelessness are entitled to free and appropriate transportation to and from their school of choice. Districts can share the cost with another district where the child lives, but transportation cannot be withheld while such arrangements are being negotiated.
 - Students experiencing homelessness and their families have the right to information, resources, and support from the district’s homeless education liason.
- Children who are living with someone other than their parent, such as a foster parent, may be able to enroll the child in the school district where they live
 - If the person has legal custody of the child, they should provide the school district with the court order or other documentation to enroll the child. You may require the person to show proof of residency in the district where they wish to enroll the child. The person may provide records from a prior school as proof of age and immunizations. The school must enroll the child within 5 business days of receiving the enrollment documents.
 - Note that a child who is in the child welfare system and not in a permanent placement is considered homeless under McKinney-Vento, and has the right to immediately enroll in the local school where the child is actually living even without the required enrollment documents. The child may be enrolled by a CYS caseworker, and the school may request a letter from the agency verifying placement but does not have the right to agency records.
 - A person can enroll a child even if they don’t have legal custody under certain circumstances:
 - They must complete a 1302 that has been signed in front of a notary where they state that:
 - The child lives with them year round (including weekends and summer)
 - That the person will be responsible for making sure the child attends school and be responsible for other school requirements, AND
 - That the person is supporting the child as if he/she was their own child.
 - The school can ask for proof that the statements are true, such as documents showing the adult’s residency, or that they support the child, but schools must be flexible in the types of information they accept as proof.
 - The school must enroll within 5 days of receiving the registration documents.

- The person in parental relation should be given access to a counselor or school administrator for the purposes of determining requirements for graduation, implementing an existing IEP, or other issues such as vo-tech enrollment.
 - A child who was placed in alternative education at the last school district cannot be automatically placed in alternative education through the new district UNLESS he/she is CURRENTLY expelled for a weapon's offense from the prior school.
- Students who are immigrants, refugees, or other similar situations follow the same rules as above. School districts are NEVER permitted to ask for the child's social security number or card, immigration papers, doctor or dentist records (except immunizations), or whether the child (or the person in parental relation) is in the country legally.
 - Students who are English Language Learners (ELLs) cannot be discriminated against and are entitled to equal access to services. They must be tested for English proficiency and placed in an appropriate English as a Second Language (ESL) program taught by a qualified ESL teacher.
 - Schools must communicate with parents with limited English proficiency in their preferred language and must ensure parent participation by providing interpretation and translation services. This would include communications and correspondence relating to truancy, at School Attendance Improvement Conferences, and hearings relating to truancy citations. Schools CANNOT require families to provide their own interpreter or use their child in that role.
 - Schools filing a truancy citation where the students or their persons in parental relation have limited English proficiency should notify the MDJ when filing the citation, and the MDJ can coordinate with the Court Administrator's office (currently Tammy Lambie is the contact for language services) for resources for translation and related services.