

BERKS INITIATIVE FOR SCHOOL ATTENDANCE

Policy, Procedures and Protocol May 2017

This document was created to provide a consistent, comprehensive process for Berks County school districts, magisterial district judges, and community agencies when working with students who are truant or chronically absent.

This document does not replace school district policy but is intended to enhance it.

*Created through a partnership of County Officials,
Court Officers and School District Personnel*



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**A MESSAGE FROM JUDGE SCOTT E. LASH AND
THE COMMITTEES OF THE BERKS INITIATIVE FOR SCHOOL ATTENDANCE**

Truancy and lack of attendance are not primarily legal issues, although many of the intervention strategies have historically been based upon a legal foundation. Truancy can lead to delinquent behavior that contributes to social and economic problems for the entire community. Early intervention, both in the age of the student as well as early in the school year, leads to more favorable results. These protocols are based upon the philosophy and belief that truancy is a community problem, not just a school or court problem, and therefore requires a community response.

Communication among all parties is important. This includes: school personnel, students, families, and if appropriate, Children & Youth Services, Juvenile Probation, Magisterial District Judges, the Court of Common Pleas and service providers. Most importantly, there must be communication within the school districts among parents, administrators, teachers, school nurses, school counselors, and home and school visitors to determine reasons for non-attendance and choose appropriate interventions.

In accordance with these principles, we have prepared the following protocols to assist in remedying attendance issues.

Steering Committee

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Vision

The Berks Initiative for School Attendance (BISA) seeks to provide professionals working with children who are chronically absent a means to rapidly, consistently and successfully address the critical issue of school attendance within the schools and courts of Berks County. The BISA seeks to reengage students to increase graduation rates and better prepare them for their future. The BISA will focus on children who need the most assistance through periodic evaluation of the program to ensure that it continues to meet the needs of the schools and courts.

Mission

To create a process and protocol that meets the needs of all school districts and courts and to provide a list of suggested intervention techniques that may be utilized by educators, magisterial district judges and court personnel to improve school attendance in Berks County.

Goals

- To improve school attendance throughout Berks County
- To decrease the number of students who are chronically absent or truant

History

In 2011, the Berks County commissioners and Berks County judges convened a series of stakeholder meetings to gather input on the problem of truancy in Berks County schools. The Pennsylvania State Roundtable's *Call to Action* had recognized Berks County as having one of the highest rates of habitual truancy in the state.

From the stakeholders' meetings, a Truancy Reduction Initiative was created with a Steering Committee that includes representatives from education, courts, Juvenile Probation, mental health, and Children and Youth. A Truancy Intervention Program was formed which enabled schools, magisterial district judges, parents and community partners to refer a student for more serious intervention with the goal of improving attendance, decreasing truancy, and increasing graduation rates.

In 2016, the initiative changed its name to the Berks Initiative for School Attendance to reflect a goal of improving student attendance in all grades and decreasing absences for any reason. The Truancy Remediation Program also was renamed to reflect this and is now called the Advancing School Attendance Program.

Protocol

Originally written in 2014 and distributed to all school districts, this Protocol has been rewritten to reflect the changes required by the new Truancy Law (Act 138 of 2016). These protocols become effective for the 2017-18 school year and all subsequent years until further amended.

BERKS COUNTY PROTOCOL FOR ATTENDANCE

SCHOOL DISTRICT RESPONSIBILITIES

Personnel

At the District level, each school district should designate one person to oversee attendance for the district and be sure that all buildings are following the same attendance procedures.

At the building level, each building should have the following:

- a. an administrator or professional staff member who is designated as the Attendance Officer and is responsible for student attendance in the building(s).
- b. one or more clerks or secretaries who are designated as Attendance Clerks and are responsible for tracking student attendance in the building(s).

Attendance Meetings

Each school should have a system to regularly review attendance statistics and identify students with attendance issues. The meetings should be held approximately every two weeks and can be combined with other meetings such as a Student Assistance Program or a Child Study Team.

Attendance meetings should include:

- a. the building attendance officer
- b. counselors
- c. school nurse
- d. attendance clerk
- e. administrators
- f. Home and School Visitor
- g. any other relevant personnel

A list from the school's student management software system should be reviewed to determine students –

- a. who have three or more unexcused days of absence; and/or
- b. who are chronically absent due to missing at least ten percent or more of the days in the current school year.

After reviewing the attendance statistics, the group should share information, ascertain the reason(s) for the student's absences, discuss any services that are currently being provided for the student and/or family, and discuss any action that needs to be taken with each student. Districts are encouraged to implement several interventions which may include the following:

- a. meeting with the student.
- b. contacting the parent/person in parental relation.
Note: Whenever the word "parent" is used in this document, it usually means person in parental relation. (See definition on Pages 36-37.)
- c. contacting teachers.
- d. holding a School Attendance Improvement Conference.

- e. utilizing a School Attendance Improvement Plan to document school’s interventions and strategies to improve attendance. (See Page 5 and Pages 11-17.)
- f. referral to Student Assistance Program (SAP) team.
- g. referral to police liaisons or the School Resource Officer within the school district.
- h. referral to school and /or community organizations or clubs to try to engage the student based on his or her personal interests.
- i. referral to outside agencies based on the needs of the student and family.
- j. dialing “211” for information about services the student/family may need, such as mental health, drug and alcohol, medical, career, housing, or child care.
- k. consideration of non-traditional educational opportunities.
- l. developing and implementing incentives to attend school.

TRACKING ABSENCES

Student Absence

All absences shall be considered unexcused until the school receives a valid written excuse. The excuse should be received within three days of the student’s return to school. In order to be changed to an excused absence, the reason must be consistent with school policy for excused absences. Otherwise, the absence should remain unexcused.

Warning Letters

If the student has not turned in an excuse, the school should send a letter to warn parents and remind them to turn in excuses. Per the Pennsylvania Truancy Toolkit, “if parents are neglectful in providing written excuses or do not meet such requirements in a timely fashion, reasonable allowances should be made to accept parent’s explanations for their child’s absences without initiating any punitive response.” (See Page 24 for sample letter.)

Licensed Health Care Provider’s Requirement

A maximum of ten total days of excused absences verified solely by a written parental note should be permitted during a school year. After a student has ten absences excused solely by a parental note, an excuse from a licensed health care provider should be required for each subsequent absence. If a licensed health care provider’s note is not received, the day will be considered unexcused. However, other legal excuses such as a court appearance, a funeral, etc., can also be allowed if verified. (See Page 27 for sample letter.)

Unexcused Absences

Once a student has three unexcused absences, the school shall send a letter to the parent stating that the student has three unexcused absences, listing the dates of the absences, and informing the parent of possible legal and school consequences if there are six or more unexcused absences. (See Page 25 for sample letter.)

- a. The school may choose to send a letter after the first or second unexcused absence, but must send one after the third unexcused absence.
- b. The letter –
 - i. shall be sent within ten school days of the third unexcused absence.

- ii. shall be in the mode and language preferred by the parent as noted in the Home Language Survey.
- iii. shall include a description of the school and/or legal consequences if the child becomes habitually truant.
- iv. shall also be sent to the parent if the person in parental relationship is not the biological or adoptive parent, and if the school has the parent's mailing address, and if the parent is not prohibited by court order from receiving school information.
- v. may offer a School Attendance Improvement Conference.

Habitually Truant

When a student has six unexcused absences, the student is considered habitually truant. A citation may be filed with the magisterial district judge as long as a School Attendance Improvement Conference has been held and a School Attendance Improvement Plan has been completed.

SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE (SAIC)

When a student has three or more unexcused absences, the school should hold a School Attendance Improvement Conference (SAIC) to review the student's absences and reasons for absences and develop a plan to improve attendance.

- a. Participants should include the student, the parent, any resource individuals identified by the parent, school personnel, and possible service providers.
- b. The parent should be invited to the SAIC by written notice and phone calls. (See sample letter on Page 26.) The written notice should be in the language(s) noted on the Home Language Survey.
- c. The SAIC should be held without the parent if the parent chooses not to attend or if multiple attempts to contact the parent have failed.

A determination should be made at the SAIC if further action is needed. Schools may choose not to take further action at this time if a reasonable explanation is found for the unexcused absences or if the total number of absences is not a concern. When a school district has exhausted all of its resources and procedures to improve a student's attendance, the school district should consider a referral to the Advancing School Attendance Program (ASAP).

SCHOOL ATTENDANCE IMPROVEMENT PLAN (SAIP)

Any actions taken by the school, including the outcomes of the School Attendance Improvement Conference (SAIC), should be documented in a School Attendance Improvement Plan. (See Page 11 and go to <http://www.sam-inc.org/services-advancing-school-attendance-program.html>. The SAIP shall be submitted to the magisterial district judge if a citation is filed or to the Advancing School Attendance Program (ASAP) if a referral is made to that agency.

NEXT ACTIONS

Habitually Truant Students

If the student has six unexcused absences and if it is determined through the School Attendance Improvement Conference (SAIC) that further action is needed and a School Attendance Improvement Plan (SAIP) was completed, then the school should take the following steps:

- Refer the student to the Advancing School Attendance Program (ASAP). (For referral information, please refer to the following site: <http://www.sam-inc.org/services-advancing-school-attendance-program.html>.)

Note: If the student is already under the supervision of the Juvenile Probation Office or Children & Youth Services, that agency should be contacted instead of referring the student to the ASAP.

- May file a citation with the magisterial district judge.
If the parent is uncooperative or refuses to work with the ASAP, a citation should be filed. The citation may be filed against the student instead of the parent if the student is 15 years of age or older. The citation may be filed regardless of the student's involvement with Children and Youth Services, the Juvenile Probation Office, or the ASAP.

Chronically Absent Students

Students who have missed at least ten percent or more of the days in the current school year but do not have three unexcused absences should be identified. The school should use the interventions listed previously on Pages 3-4, including holding the SAIC and completing the SAIP. If the interventions are unsuccessful, the student may be referred to the ASAP. If many of the excuses for absences are medical excuses, see information on managing health-related absences beginning on Page 18.

Magisterial District Judge Hearings

When the hearing is scheduled with the magisterial district judge (MDJ), a written notice will be provided to the school by the MDJ. At the hearing, the school is expected to prove that the student was habitually, and without justification, truant from school. The school should also inform the court of any known prior conviction of the student or the person in parental relation for violation of the compulsory school attendance requirement. The school should also present relevant information about the student's attendance since the date the citation was filed and any other information that will assist the judge in making an informed decision regarding the appropriate sentence.

SCHOOL DISTRICT POLICIES

Excused Absences

All absences shall be considered unexcused until the school receives a valid written excuse. The excuse should be received within three days of the student's return to school. In order to be changed to an excused absence, the reason must be consistent with school policy for excused absences. Otherwise, the absence should remain unexcused.

Pennsylvania law broadly defines absences as excused when a student is prevented from attendance for mental, physical or other urgent reasons. Many school districts consider illness, family emergency, court hearings, death of a family member, medical or dental appointments, authorized school activities, and educational travel with prior approval as the only lawful absences. It is the responsibility of each district to determine the validity of excuses and have clear written policies regarding absences.

School Excusals

Section 1329.4(c) of the PA School Code states:

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.

Section 1329.4(d) of the PA School Code states:

Notwithstanding any provision of law to the contrary, a student shall be excused during school hours for the purpose of obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.

Disciplinary Consequences

Section 1333.5(c) of the PA School Code states:

Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

Transfers

If a student enrolls at District A, that district must send a request for records to District B where the student was last enrolled. As per School Code requirements, District B shall send records to District A within ten school days of receipt of the request for records.

If District B started an SAIP, that document should be included in the records that are sent to District A.

Although this request may be signed by a parent, schools do not need parental permission to transfer records from one school to another.

Withdrawing Students Who Are Under the Age of 17

According to the PA Department of Education, students who are under the age of 17 and covered by compulsory attendance cannot be withdrawn until a request for records has been sent from another district or the district has some other confirmation that the student is attending another school.

The school shall follow the compulsory attendance procedures, including citations, until they have proof that the student has enrolled in another school or proof that the student has left the district.

Withdrawing Students Who Are 17 Years of Age or Older

Students who are beyond compulsory school age and miss ten consecutive school days shall be dropped from the active membership roll unless the school is provided with evidence the excuse is legal.

ADVANCING SCHOOL ATTENDANCE PROGRAM (ASAP)

The Advancing School Attendance Program (ASAP) of Service Access and Management, Inc. (SAM) is contracted with Berks County to provide services to improve school attendance for all schools and students/families in Berks County. ASAP works efficiently and effectively with students and their families. The program utilizes a case management model to complete assessments and interventions in providing individualized, person-centered, family-focused services.

Referral Process to the ASAP for Berks County Students

The ASAP accepts and processes referrals for all students who are of compulsory school age. Referrals are typically accepted from schools, magisterial district judges' offices, and Children and Youth Services. Parents may request that schools make a referral if they feel their child could benefit from the ASAP. If you have questions regarding a referral to the ASAP, you may contact 610-236-4847 or visit the Program website at <http://www.sam-inc.org/services-advancing-school-attendance-program.html>.

Students who do not currently have an open case with Children and Youth Services or are not currently under the supervision of the Juvenile Probation Office may be referred to the ASAP once a School Attendance Improvement Plan (SAIP) has been initiated and they meet the following criteria:

1. The school has notified the parent of the student's excessive absences in accordance with the PA Public School Code.
2. The school has held a School Attendance Improvement Conference (SAIC).
3. The student has six unlawful absences or has missed 10% or more of the days following enrollment into the district or the beginning of the school year and/or the family has a history of chronic absenteeism.
4. The school has exhausted available efforts/resources to improve the child's attendance. **These efforts must be documented on the SAIP at the time of the referral to the ASAP.**

Youth who are age 14 and under will be given priority for ASAP services. Youth who are age 15 and over will be assessed and provided services based on program capacity. Prior to referral to the ASAP, it is expected that the student's parent/guardian, regardless of the student's age, will be notified and, preferably, agree to the service and sign the SAIP, when possible.

Referral contact information:

1. Referrals from schools may be made by emailing the completed SAIP document to <http://www.sam-inc.org/services-advancing-school-attendance-program.html> or faxing the existing SAIP to 610-376-1601. **Please include the student's up-to-date attendance records with your request for services.**

2. To access referral documents, please visit the Program at: <http://www.sam-inc.org/services-advancing-school-attendance-program.html>.
3. Community referrals can be made by contacting the ASAP via email at AdvancingSchoolAttendanceProgram@sam-inc.org or by calling 610-236-4847.

What to expect after the referral:

- a. Multiple attempts to engage the family in services, including two letters, two phone calls and two home visits, as needed.
- b. A holistic assessment of the student/family's needs and resources will be completed within the first thirty days of services.
- c. Face-to-face contact with the student/family will occur as often as needed to address the immediate and ongoing needs of the student/family; minimum contact being at least bi-weekly.
- d. The student's school will be contacted at the onset of services to encourage collaboration and cooperation between the ASAP, the school, and the family. This contact and collaboration will continue on an ongoing basis at the frequency necessary to actualize the student's attendance goal(s). At a minimum, the ASAP will update the school regarding the student's progress on a monthly basis.
- e. The ASAP will request attendance records from the school on a monthly basis in order to monitor progress.
- f. Children and Youth Services will be notified if child abuse or neglect is suspected.
- g. If the parent/guardian refuses to participate in services and/or the attendance concern is not being remediated, a referral may be made to Children and Youth Services.
- h. The ASAP staff will work to link students and families to natural supports as appropriate, including but not limited to involvement in community organizations, school activities, and clubs.

**DIRECTIONS TO COMPLETE
THE ELECTRONIC SCHOOL ATTENDANCE IMPROVEMENT PLAN (ESAIP)**

The Electronic School Attendance Improvement Plan (ESAIP) is an electronic document that should be utilized as a working, on-going document to record all school interventions and strategies to improve attendance. Upon completion, this document can be used as a referral to the Advancing School Attendance Program (ASAP) and magisterial district judges (MDJs).

To access the ESAIP and these directions, please visit the ASAP website at: [Advancing School Attendance Program | Services](#).

1. **Completed by:** Name of the person completing the ESAIP and referring the student
2. **ASAP Referral Date:** Leave blank until ASAP Referral is made
3. **Title:** Title of person referring the student
4. **Phone:** Telephone # of the referring person
5. **Email:** Email address of the referring person
6. **District:** Choose your School District in the drop down list
7. **School:** Choose your Building from the drop down list
8. **Student Information (enter the following):**
 - a. Name of the student (First M. Last)
 - b. Date of Birth (mm/dd/yyyy)
 - c. Gender
 - d. Grade Level (K-12)
 - e. Home Address (Street address, City, State, Zip Code)
 - f. Home Phone Number
 - g. Cell Phone Number
 - h. ID#: number utilized by the school to identify the student. NOT the PIMS #
 - i. E-mail address of student
 - j. Check if address of residence has been confirmed
 - k. Special Needs – List any educational needs such as IEP status, ELL, etc.
 - l. Medical/Health Concerns – List any known concerns
9. **Parent/Guardian Information (enter the following):**
 - a. Name
 - b. Cell Phone Number
 - c. Work Phone Number
 - d. Home Address
 - e. Relationship to student
 - f. Email address of parent/guardian
 - g. Check if address of residence has been confirmed
 - h. Date address of residence was confirmed
 - i. Language – language spoken in the home
 - j. Work Address of parent
 - k. Note: Any information deemed appropriate regarding Guardianship/Custody
10. **Other Agencies Involved:** Check off any agencies currently involved with the student, fill in the “Other” boxes for specific agencies not already listed
11. **General Information Regarding Family & Habits/Routines**
 - a. Answer questions as completely as possible
 - b. Additional Information/Comments – any other information that could assist ASAP
12. **Attendance History:** (Attendance report can be attached to email referral if available)
 - a. Dates of each absence
 - b. Action taken by the school on each incident of absence
 - c. Provide meaningful information for future reference, including the name of the

person taking the action, the date action was taken and any other relevant information.

13. **Documents Sent:**

- a. Document and attach electronically to referral email any letters or citations sent as part of the attendance problem.
- b. When submitting Information to MDJ, three-day notification letter MUST be attached for citation action to proceed.
- c. If parents were not at the SAIC, documentation must be included to verify that a letter was sent to invite parents and a phone contact was also made.

14. **School Attendance Improvement Conference:**

- a. Before forwarding the ESAIP to ASAP or the MDJ, an SAIC must be held. Use this section to document when the conference was held, who attended, and any important information from that conference that is not documented elsewhere on this form.

15. **Assessment (enter the following):**

- a. Description of root cause/s of the truancy
 - i. Student: academic, social, physical, mental, behavioral health issues
 - ii. Parent/Guardian: home environment, work schedules, unsupervised time for student, special circumstances, etc.
 - iii. School: school environment, student's interaction with other adults and with other students, school schedule, etc.
- b. Actions:
 - i. These may include maximizing programs and services available in the school or community to involve the student.
 - ii. They could include pairing the student with a mentor (family member, teacher, school staff, community businesses, etc.)
 - iii. They may involve coordination of services to student and/or family to address health, social or financial issues.
 - iv. They may include activities intended to build self-esteem or confidence (e.g. the student may be asked to tutor elementary school students for some type of credit).
- c. Responsible party (enter the following):
 - i. Name of the person/agency that will take ownership for each stated solution (will ensure that the action step is completed).
 - ii. Contact information for each person/agency listed (to assist in monitoring/follow up).

16. **Strengths (enter the following):**

- a. Identify the strengths of the student, family and the school to support the goal of increasing attendance for the student.
- b. Relate each strength to the plan's overall goal. For example:
 - i. If the student reads well, a solution could be the student tutoring elementary students. This engages the older student in a meaningful activity, increases confidence, and supports his/her sense of responsibility by tutoring a younger student, thereby improving the regular school attendance and academic success of both the older and younger student.
 - ii. If the student has plans for employment or further schooling after high school graduation, then appropriate activities could include:
 1. Discussing the ramifications of any future absences and how they could negatively impact those future plans.
 2. Pairing the student with a business member in the field that interests the student. This may help the student to understand the relevance

- of what he/she is learning in school and future endeavors.
- iii. If the student has a single parent who works in the evening leaving the student unsupervised, an appropriate action step could be to have a neighbor, extended family member or other adult either stay with the student or be in contact with the student during the parent's absence. Another possibility is to have the student involved in an after-school program.
17. **Action Plan:** How will all parties assure that the attendance goals are met?
- a. Description
 - b. Responsible Parties
 - c. Completion Date
18. **Consequences for Non-compliance:** Outline consequences for the student, parent/guardian, school, and other participants if they do not follow through with the recommendations of the SAIP in accordance with Pennsylvania School Code.
19. **Benefits for Compliance:** Benefits could include better grades for the student, graduation, higher graduation rates for the school, more involved community members, improved self-esteem, better relationship with parent/s and other adults, etc.
20. **Signatures:** The student, parent, and school official(s) will sign and date the ESAIP as verification that all parties understand and agree to all components of the ESAIP.
21. **Magisterial District Judge:** Choose the appropriate MDJ from the drop down list prior to sending ESAIP information along with citation to MDJ.
22. **MDJ Outcomes:** (filled in by MDJ at the Truancy Hearing, if the Judge wishes to make an ASAP Referral for the student/family). This is the action taken by the MDJ to correct the truancy problem. This action may or may not include a referral to the ASAP.
23. **A copy of the ESAIP will be retained in the student's file.**
24. **A copy of the ESAIP must be provided to the:**
- Student
 - Parent/guardian
 - Appropriate school personnel
25. **Submitting the ESAIP:** After the ESAIP is completed, save the document and send it as an attachment to ASAP at AdvancingSchoolAttendanceProgram@sam-inc.org or fax it to 610-376-1601. Please include the student's up-to-date attendance records with your request for service.

FORM PAGE 1

FORM PAGE 2

FORM PAGE 3

FORM PAGE 4

ROLE OF SCHOOL NURSES

“School nurses, in providing these school-based services, fulfill the mandates of both federal and state statutes and regulations. But more precisely, they use the mandates as the baseline of services and often play larger roles than those prescribed by law. Many nurses readily act as counselors and confidants to their students to help them cope with health issues that might not require professional medical care. Their experience in dealing with young people strengthens the education the nurses themselves received in earning their degrees. As certified educational specialists, the school nurses’ role is to support student success in the learning process. Certainly, a child who is not in good health cannot perform well in the classroom” – *PA Joint State Government Report 2004*

Common Definitions

Certified School Nurse (CSN) – The Certified School Nurse is a registered nurse with a Bachelor of Science in Nursing degree and School Nurse Certification from the PA Department of Education. School districts are mandated by School Code to have one CSN for every 1,500 students. The CSN is responsible for coordinating, collaborating, planning for, and in most cases, providing direct services to ensure delivery of the school district’s health program, as defined by the Pennsylvania School Code, School District Policies, and the School Health Program of the PA Department of Health.

School Nurse/Building Nurse – School Districts may employ Registered or Licensed Practical Nurses to supplement the Certified School Nursing Staff. These nurses have completed an accredited program and taken the appropriate licensure exam. They are able to administer medications and provide treatments. These nurses are not factored into the mandated 1:1500 CSN-to-student ratio.

Recommendations for Managing Health Related Absences

1. School districts, as a part of an annual review of attendance policies and procedures, should be including information specific to their school nurse’s involvement in addressing chronic absenteeism.

For example, the CSN:

- a. Can assess student health status throughout the school day to provide treatment and expedite the student’s return to the classroom.
- b. Can communicate with parents regarding changes in student health status to ensure appropriate treatment of health conditions and prompt return to school with a plan of care and treatment if needed.
- c. Can collaborate with the student’s health care providers to discuss medication administration, including the impact and necessity of the medication and/or treatment on student’s attendance and school performance.
- d. Should be relied on to collaborate with health care providers to verify student illnesses and injuries that may impede attendance.

- e. Should develop Individualized Health Care Plans and 504 Agreements for students with chronic health conditions in order to eliminate barriers to attendance.
 - f. Should contribute to the development of related services section of the IEP.
 - g. Can collaborate with teachers regarding student health and behaviors and the appropriate interventions and accommodations in order to promote classroom attendance and academic success.
 - h. Will maintain awareness of public health initiatives that impact the attendance of the entire student population (e.g. vaccine requirements, communicable diseases, lice).
2. School districts should communicate with health care providers regarding attendance policies and practices.

Communication should include the following facts:

- a. Health care providers can assist with improving attendance by providing excuses only when students' illnesses seriously impair their ability to function in school or when their presence in school would constitute a serious threat to the health of others.
- b. School excuse notes are required to excuse absences but are not required before a student can return to school. **Students cannot be excluded from school for failure to provide a provider's excuse note.**
- c. School excuse notes should cover only one episode of illness based on an examination for an acute illness or in-depth knowledge of a chronic illness.
- d. School excuse notes for well visits should include only the duration of the visit. Students are expected to be in school before and/or after the appointment.
- e. School excuses from a provider are required if a student is absent for three or more consecutive days **or** after a parent has provided notes for ten days of absence.
- f. Illnesses or injuries that may create a need for a long duration or frequent absences should be discussed with the school nurse.
- g. School nurses may discuss absences and verify notes with health care providers if a student is chronically absent or not attending school in order to develop a plan for accommodations and improved attendance. (See FERPA & HIPAA on Page 20.)
- h. School nurses should collaborate with administrators and attendance secretaries to develop a process for reviewing parent and provider excuses/notes.

- i. School district administrators may choose not to accept a licensed health care provider's school excuse note if the student was not assessed in the office ("phone triage" excuse), if the nature of the visit would have allowed the student to return to school or if the note would violate an attendance policy (e.g. length of absence due to head lice).
3. School districts are encouraged to draft attendance policies and procedures with wording and definitions that define reasons to be in school rather than listing reasons for absence. This sets a more positive tone for encouraging a child to return to school quickly, rather than giving a family an excuse to keep a child from school longer than is necessary.

FERPA & HIPAA

Family Educational Rights & Privacy Act (FERPA):

1. Law that protects the privacy of students' "education records" that directly relate to a student and are maintained by an educational agency.
2. Records maintained by an educational agency and/or by a school nurse are education records subject to FERPA.
3. Schools must obtain parent or eligible student's written consent to release information to an outside agency (with certain limited exceptions).
4. Sharing educational record information within the school district occurs only on a "need-to-know basis."

Health Insurance Portability & Accountability Act (HIPAA):

1. This law protects the privacy of health records maintained by health care providers.
2. This applies to communication between health care providers.
3. **A school nurse or school physician consultant can discuss protected health information about a student with a community health care provider without the authorization of the student or student's parent.**
4. This information becomes part of the student's school health record and, as such, is then protected by FERPA.

From: Joint Guidance on the application of the FERPA and the HIPAA to Student Health Records, <http://www2.ed.gov/policy/gen/guid/fpc/doc/ferpa-hipaa-guidance.pdf>.

Sample Berks County Health Care Provider School Communication Form

Patient/Student Name: _____

Health Care Provider: _____

Address of Provider: _____ Phone: _____

Office Contact/Manager: _____

Date of Appointment: _____ Arrival Time: _____

Departure: _____

Student visit for:

___ Well/routine check-up

___ Illness/Injury

___ Intake

___ Treatment/Therapy

Recommendations by HCP:

Student should be excused from school from:

_____ to _____

and return to school on _____

To facilitate the student's ability to attend school, I would like to speak with the Certified School Nurse regarding student's:

Diagnosis

Treatment

Medication

Restrictions

Other: _____

Health Care Provider Signature: _____

Printed: _____

To School Personnel: The validity of this note may be verified by communication between the Certified School Nurse and our office staff. Our office staff has a copy of this note. Should you need confirmation, please call the number above and follow the prompts to speak with the office contact.

Sample Letter to Parents Regarding School Health Procedures

School District Name

School Health Services Department

Dear Parents or Guardians,

The **School District Name** is very concerned about keeping your child healthy and in school. Your child can be in school with minor illnesses which can be checked and treated by the Certified School Nurse. The Certified School Nurse will follow the Pennsylvania Department of Health guidelines and **School District Name** procedures for excluding students who visit the health room during the school day.

You can help prevent the spread of illness and, at the same time, make sure that your child attends school regularly by:

1. Notifying the office of your child's school on the first day of his or her absence.
2. Bringing your child to school in the morning for the Certified School Nurse to assess.
 - The Certified School Nurse can determine if your child can stay in school or advise you regarding the need for you to take your child to see a health care provider.
 - If the Certified School Nurse determines that your child can stay in school and you choose to take your child home, this will require a parent note for an excused absence.
3. Providing an excuse from a health care provider after three consecutive days of absence.
 - Certified School Nurses can contact health care providers if parents/guardians provide notes from several doctors or if there are many notes from health care providers.
4. Keeping your child home for the first 24 hours after your child is on an antibiotic for a contagious illness.
5. Teaching your child to practice good hand-washing techniques.

Parents are often concerned about head lice. If your child has live head lice, he or she will be permitted one full day or two consecutive half days of excused absence for treatment. This does not apply if the child is excluded from school on a Friday.

Thank you for your assistance in keeping all of our children healthy and in school!

Sincerely,

SAMPLE LETTERS TO ADDRESS EXCESSIVE ABSENCES

This section contains several sample letters that schools can use as templates to create their own letters. The samples have been designed to be easily read but also contain the required and necessary information.

Language

Attendance letters should be in the mode and language preferred by the parent or person in parental relation. Act 138 specifically states that the letter to be sent after three days of unexcused absences:

- a. Must be sent within ten school days of the child's third unexcused absence; and
- b. Shall be in the mode and language of communication preferred by the person in parental relation

Types of Letters Included

1. *Warning Letter (optional)* – to be used after an absence is unexcused because no excuse has been submitted. This letter warns the parent that the absence will remain unexcused unless an acceptable excuse is submitted.
2. *Three-day Notification Letter* – officially informs the parent that the student has three unexcused absences. The letter informs the parent of the consequences of more unexcused absences and offers a School Attendance Improvement Conference.
3. *School Attendance Improvement Conference Invitation* – written invitation to the required SAIC because the student has already been sent a three-day notice, has continued to incur unexcused absences, and an SAIC has not yet been held.
4. *Licensed Health Care Provider's Requirement Letter* – notice to the person in parental relation that an excuse signed by the parent will no longer be accepted. The only acceptable excuse for illness must be signed by a licensed health care provider.
5. *Attendance Postcard (optional)* – postcard to the parents of students who have missed 5% or more of the days informing them of the number of days missed and the academic impact of the missed days. Postcards should be sent every month or every two months.
6. *Chronic Absence Letter (optional)* – letter, usually sent in the summer, informing a parent of the number of days missed the previous school year and encouraging improvement in attendance for the upcoming school year.

Warning Letter Regarding Absences without a Written Excuse

Date

Parent(s)/Guardian(s) Name(s)

Parent(s)/Guardian(s) Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

Your child, Student First Name, was absent on the following dates without any legal excuse submitted.

Dates of Absences

This letter is being sent to make you aware of the absences. The dates may be marked as unexcused because the student never submitted an acceptable, written excuse. In Pennsylvania, all absences shall be treated as unexcused until the school district receives an acceptable, written excuse explaining the reason(s) for an absence.

Regular attendance at school is an important part of every student's success and is necessary in order to gain the greatest benefit from the educational experience. Students who are frequently absent from school miss direct instruction and regular contact with their teachers. Commonwealth of Pennsylvania law and school policy *require* regular daily attendance.

I have enclosed Notice of Absence cards for you to complete and return to the school office regarding the absences mentioned above. Please complete these cards as soon as possible or the days will remain as unexcused. If you have any questions, please call me at Phone Number.

Sincerely,

Attendance Secretary

Enclosures

Three-Day Notification Letter

Date

Parent(s)/Guardian(s) Name(s)

Parent(s)/Guardian(s) Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

Your child, Student First Name, now has three or more unexcused absences this school year. The dates of the unexcused absences are:

Dates of Unexcused Absences

If Student First Name has six unexcused absences, by state law, a referral can be made to the local magisterial district judge, and you or Student First Name could be sentenced to one or more of the following penalties:

1. A fine of \$300.00 or more for each citation, plus additional court costs.
2. Community Service hours.
3. Loss of motor vehicle license.

You and Student First Name could also be referred to Berks County Children and Youth Services for child neglect and truancy.

Because of the absences, we would like to invite you to a School Attendance Improvement Conference. Please call Phone Number to schedule a conference to discuss Student First Name's attendance and how we can work together to improve it.

Studies have shown that being absent more than one day a month can create serious academic problems. We hope we can work together to have Student First Name attend school every day.

Please contact me if you have any questions or to set up a conference.

Sincerely,

Invitation to School Attendance Improvement Conference

Date

Parent(s)/Guardian(s) Name(s)

Parent(s)/Guardian(s) Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

As of this date, your child, Student First Name, has Number of Days days of unexcused absence from school and has a total of Number of Days days of absence this school year. By law (Act 138 of 2016), we need to hold a School Attendance Improvement Conference so that together we can discuss why your student has been absent, why the days are unexcused, and what we can do together to improve his/her attendance.

We have scheduled that conference for Date at Time at Location and Address. Please let us know as soon as possible if you can attend this conference or if you need to reschedule. If we do not hear from you, we will attempt to contact you by phone. If you fail to attend or respond, we will hold the conference without you.

If Student First Name continues to have unexcused absences, we will need to refer him/her to the Advancing School Attendance Program and/or to the magisterial district judge. We hope that by working together, that will not be necessary.

If you have any questions, please contact me at Phone Number.

Sincerely,

Letter Requiring Licensed Health Care Provider's Excuse for Absences

Date

Parent(s)/Guardian(s) Name(s)

Parent(s)/Guardian(s) Address

Re: Student Name

Dear Mr. and/or Mrs. _____:

Your child, Student First Name, has missed at least ten days of school. We have now received parent notes to excuse ten days of absence for Student First Name.

Based on the Commonwealth's laws of compulsory attendance, when a student has excessive absences, we require a written excuse from a **licensed health care provider** and will no longer accept a parent note as an excuse.

Therefore, if Student First Name has any additional absences from school, the school must receive an excuse from a licensed health care provider or the absence will be declared unexcused.

We appreciate your cooperation in this matter. If you have any questions or concerns, please contact me at Phone Number.

Sincerely,

Attendance Officer

Postcards

Sending postcards approximately every two months to the students who have the most absences has been shown to be effective in reducing their chronic absenteeism. The sample below was designed by Todd Rogers of Harvard University and publicized on an Attendance Works webinar.

Schools can design their own postcards using a school mascot and an attendance slogan. The postcard should always state the number of days the student has missed.

The “DID YOU KNOW?” statement can change with each mailing using some of the Attendance Facts found on pages 31-32.

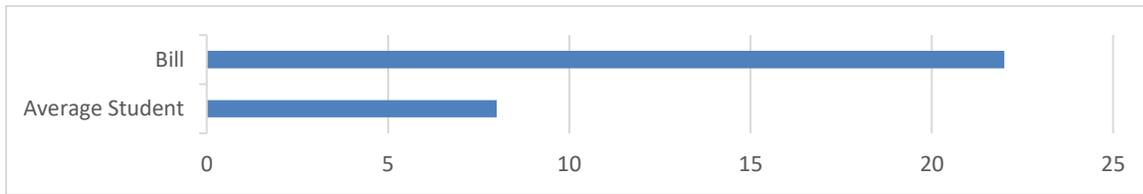
Chronic Absence Letter (usually sent in summer)

Dear Mr. and Mrs. Jones,

The Hill Valley School District wants every student to graduate from high school and achieve success in whatever field interests the student.

During the 2016-17 school year your son, Bill, was absent and missed 22 days of school. According to National statistics, students who miss over 18 days of school are much less likely to achieve academically, graduate from high school, and go on to future success.

Last year, 90% of Hill Valley School District students in grade 3 missed 8 or fewer days, much less than Bill. Missing more days than other students makes it difficult to keep up with the academic work and achieve as well as possible.



Attached is a list of your student's absences. If you have any questions about any of the days, please contact me.

We hope to work together with you to be sure that Bill misses fewer days during the upcoming school year. If you are interested in meeting to discuss this, please contact me. Let me know how we can help to improve Bill's attendance.

We are looking forward to a great 2017-18 school year. The first day of school next year is August 29. See you then!

Better Attendance Leads to a Better Future!

Sincerely,

CHRONIC ABSENTEEISM

Students who have missed 10% or more of the school days for ANY reason are considered chronically absent.

In October of 2015, the U.S. Departments of Education (ED), Health and Human Services (HHS), Housing and Urban Development (HUD), and Justice (DOJ) announced a long-term commitment to support states and local communities in eliminating chronic absenteeism. The memo stated that chronic absence from school is a primary cause of low academic achievement and a powerful predictor of which students will eventually drop out of school.

The memo suggested four steps that all schools and communities should take:

Action Step 1: Generate and act on absenteeism data.

Action Step 2: Create and deploy positive messages and measures.

Action Step 3: Focus communities on addressing chronic absenteeism.

Action Step 4: Ensure responsibility across sectors.

“We can and must do more now to address the negative and disparate outcomes experienced by students who are chronically absent. By acting early and effectively in a coordinated, cross-sector manner—from the Federal government to every school and community in the country—we can dramatically improve the academic and life outcomes of millions of young people who have been disengaged from a daily, supportive school experience.”

U.S. Departments of Education, Health and Human Services, Housing and Urban Development, and Justice
Every Student, Every Day: A Community Toolkit to Address and Eliminate Chronic Absenteeism
Washington, D.C.
2015

The Federal government and many other agencies jointly produced a series of webinars on the problem of chronic absenteeism, solutions used by some schools and communities, and suggestions for communication. All of the webinars are available on the Attendanceworks.org website.

In 2017 the U.S. Department of Education established the **National Student Attendance, Engagement, and Success Center (NSAESC)** to promote good school attendance and provide information to schools, parents and communities about ways to improve attendance. This department collects data, holds webinars and provides specific information to support nationwide strategies, cross-sector partnerships, and Early Warning Systems (EWS) to prevent and address chronic absenteeism.

The Academic Impact of Chronic Absenteeism
(Attendance Facts from Attendanceworks.org)

Compiled by
Dr. Betsy Adams, Coordinator
Berks Initiative for School Attendance
2017

Note: Chronic absenteeism is defined as missing 10% or more of school for ANY reason.

General Information

1. Start Early in The Year
 - a. Students who missed fewer than two days in September typically had good attendance rates for the entire year.
 - b. Half of the students who missed two to four days in September went on to miss a month or more of school.
 - c. Nearly nine out of ten students who missed more than four days in September were chronically absent that year.
2. Students living in poverty are four times more likely to be chronically absent in the early grades.
3. Chronic absenteeism is lowest in Grades 3 and 4 and increases from Grades 5 to 12.
4. Chronically absent students have a negative effect on the achievement of other students in the classroom.
5. Each year of chronic absenteeism increases the likelihood that a student will drop out.

Elementary School Statistics

1. Only 17% of students who were chronically absent in Kindergarten and Grade 1 read on grade level after Grade 3.
2. Compared to students who attended Kindergarten regularly, those who were chronically absent:
 - a. scored 20% lower in reading and math in later grades.
 - b. were twice as likely to be retained in grade.
 - c. were twice as likely to be suspended by the end of Grade 7.
 - d. were likely to continue being chronically absent.

3. Students who cannot read on level in Grade 3 are four times more likely to drop out than students who can.

Middle School Statistics

1. 75% of students who are chronically absent in Grade 6 will drop out of high school.
2. In one study, 82% of Grade 9 students who were chronically absent had been chronically absent at least one previous year.
3. Students who improve their attendance during the middle grade years have better outcomes in high school than those who simply improve their test scores.

High School Statistics

1. By Grade 9, attendance is a better indicator of graduation than test scores.
2. In Rhode Island, only 11% of chronically absent high school students persisted into a second year of college vs. 51% of those with low absences.
3. 68% of males in State and Federal prisons do not have a high school diploma.
4. High school dropouts are four times more likely to be unemployed than people who graduate from college.
5. In Illinois, 74% of young adult male prisoners were chronic truants in school.
6. A recent survey found people earned per week on average:

High school dropout	-	\$379
High school graduate	-	\$551
Some college	-	\$650
Four years of college or more	-	\$982

7. A student who is chronically absent in high school is 7.4 times more likely to drop out.

Suggestions for Communicating with Parents
(from webinars available on Attendanceworks.org)

Compiled by
Dr. Betsy Adams, Coordinator
Berks Initiative for School Attendance
2017

1. Talk about absences, not attendance. When you say “attendance,” parents think, “My child attends school most of the time, so it’s ok.”
2. Communicate with parents.
 - a. Clearly communicate the number of days that the student has missed. Parents will usually underestimate the number of days their student has been absent.
 - b. Sending a postcard each month showing the number of days absent that year has shown to improve attendance. (See sample on Page 28.)
 - c. If sending a letter, make the letter specific to that student with personal information.
3. Compare the student’s absences to:
 - a. The average number of absences in the school.
 - b. The chronic absenteeism definition.

Note: It is recommended that visual aids be utilized, such as charts or graphs.

4. Emphasize that missing just two days a month can create academic difficulties.
5. Share data about the impact of chronic absenteeism on the student’s academic achievement using the information listed on Pages 31-32.
6. Even when acknowledging approved absences, remind parents that there are some things learned in school that can’t be made up at home.
7. Let parents know what their student will be learning to help them understand what their student might be missing. For example, “This week we will be learning about numerators and denominators, which are important concepts in all math classes.”
8. Provide parents with information about interventions that can be done at school when their child is not feeling well.

Suggestions for School-wide Initiatives to Promote Good Attendance

(from webinars available on Attendanceworks.org)

Compiled by

Dr. Betsy Adams, Coordinator
Berks Initiative for School Attendance

2017

1. Raise awareness by talking about the importance of school attendance –
 - a. At Open Houses, Back-to-School Nights, Orientation Meetings.
 - b. In school mailings and newsletters.
 - c. On school websites and social media accounts.
2. Recognize Perfect, Improved or Excellent Attendance by providing certificates, stickers, or prizes by month or year.
3. Reward classes, grades, or homerooms for good attendance.
4. Display the data.
 - a. Post the average daily attendance by week, month.
 - b. Post the average daily attendance by grade, class, homeroom.
5. Provide school-wide rewards for improved school-wide attendance. For ideas from Attendance Works go to http://www.attendanceworks.org/wordpress/wp-content/uploads/2013/10/incentives1.9.17_2-1.pdf:
6. Target specific times of the year with special programs.
 - a. Determine the timing of most absences, such as before a vacation.
 - b. Set up special programs or rewards for attendance during those days.
7. Target September for special promotions since students who miss fewer than two days in September usually have good attendance rates for the entire year.
8. Adopt and display a school-wide motto to emphasize good attendance such as –
 - a. Attend Today, Achieve Tomorrow
 - b. Missing School Means Missing Out
 - c. Every Student, Every Day
 - d. Missing School Matters
9. Target students who are chronically absent.
 - a. Identify those students and do individual interventions.

- i. Send a letter home in the summer with specific information. (See sample on Page 29.)
 - ii. Hold parent meetings, which are also School Attendance Improvement Conferences (SAIC).
 - iii. Set up mentors/ advocates for students using “Success Mentors” or “Check and Connect” programs.
 - b. Compute the number of chronic absentees and set school-wide goals to improve.
 - c. Challenge staff to work to –
 - i. Decrease the number of students who are chronically absent.
 - ii. Decrease the number of days missed by chronically absent students.
 - iii. Increase the number of students attending 95% or more of the school days.
- 10. Target students in transition, those who moved into the district or changed schools, for special consideration.
- 11. Target IEP students, who often have a higher absentee rate than other students, by including a discussion about attendance in every IEP meeting.
- 12. Review school data to see if there are any other populations that have a higher than normal absentee rate, such as minorities, students from a specific neighborhood, English Language Learners, etc.
- 13. Have school staff do home visits to all students.
- 14. Partner with local health providers to emphasize the importance of school attendance. Ensure that health providers understand school policy and work with the school to improve attendance.
- 15. Provide flu shots at school to reduce illness.
- 16. Allow students a place to do laundry and provide basic toiletries.
- 17. Provide a “Walking School Bus” if students from a particular neighborhood are missing school.
- 18. Target Kindergarten and Grade 1 students to build the habit of good attendance.
- 19. Provide alarm clocks for students.
- 20. Provide Attendance Buddies or Success Mentors for students who have been chronically absent using ideas from the Success Mentors Toolkit at Attendanceworks.org or The National Success Mentors Initiative or Check and Connect.

GLOSSARY

Advancing School Attendance Program (ASAP) – the Berks County funded program that assists schools, parents and students in improving school attendance.

Attendance Officer – the person in charge of attendance for a building. This person shall oversee the process of:

- attendance meetings.
- attendance letters.
- citations.
- magisterial district judges' hearings.
- facilitating appropriate referrals.

This person needs to work closely with the attendance clerk to see that all letters and citations are sent out in a timely fashion.

Berks Initiative for School Attendance (BISA) – a partnership of county officials, Court officers, school district personnel, the Advancing School Attendance Program and the community all working together to provide a consistent, comprehensive process to improve school attendance.

Chronic Absentee – a student who has missed 10% or more of the school days at any point during the school year, excused or unexcused, is considered chronically absent. All absences count toward this total, including but not limited to medical, out-of-school suspensions, parent notes, emergencies, and approved vacations.

Compulsory School Age (Public School Code § 11.13) – Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner, which may be no later than at the age of 8 years, until the age of 17 or graduation from a high school, whichever occurs first. (On February 19, 2014, the Commonwealth Court confirmed that students enrolled in kindergarten are subject to the compulsory attendance laws contained in the Public School Code.)

Excused Absence – student absence where parent has provided a written excuse that meets the district's criteria for an excused absence. (See Pages 6-7 for additional information.)

Habitually Truant – having six or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.

Health Care Provider – a licensed individual who is able to provide health care services within the practices of medicine, surgery, dentistry, advanced practice (certified nurse practitioners and midwives; physicians assistants), rehabilitative therapy and psychology.

Person in Parental Relation - means:

- custodial biological or adoptive parent.
- non-custodial biological or adoptive parent.
- guardian of the person of a child.

- person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child.

School Attendance Improvement Conference (SAIC) - 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:

- the child.
- the child's person in parental relation.
- other individuals identified by the person in parental relation who may be a resource.
- appropriate school personnel.
- recommended service providers.

School Attendance Improvement Plan (SAIP) - a plan that documents any actions taken by the school to address a student's attendance, including phone calls, letters, meetings, and the outcomes of the School Attendance Improvement Conference. The school shall use the form provided at <http://www.sam-inc.org/services-advancing-school-attendance-program.html>. The SAIP must be submitted to the magisterial district judge if a citation is filed or to the Advancing School Attendance Program if a referral is made to that agency.

Tardy – a student who is deemed late for school as defined by the school's policy. Each district shall provide definitions in their school attendance policy for tardiness, half-day absence and full-day absence. Time deemed tardy can accumulate toward a half-day or a full-day absence as per district policy.

Truant - having three or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.

Unexcused Absence– student absence for which an approved explanation has not been submitted within the time period and in the manner prescribed by the school district. An out-of-school suspension may not be considered an unexcused absence.

Resources

Attendance Works – a national initiative to promote the importance of school attendance. The website includes information from research studies, programs from schools around the nation, posters that can be copied, and ideas for school-wide interventions. Attendance Works sponsors webinars with experts and active school personnel discussing ways to improve attendance. Past webinars are available on the website and can be accessed at Attendanceworks.org. Attendance Works also has a twitter account that tweets ideas and information to those who follow it.

National Student Attendance, Engagement, and Success Center (NSAESC) – a center under the U.S. Department of Education that supports efforts to reduce chronic absenteeism, specifically Early Warning Systems and My Brother’s Keeper Success Mentors.

Get Schooled – website or mobile app that encourages students by providing information about scholarships, an SAT question of the day, tips for succeeding in high school, and even a text wakeup call for the day.

Everyone Graduates Center – provides information about barriers that keep students from graduating and succeeding in life and how to overcome those barriers.

Check and Connect – a program shown to decrease the number of dropouts and increase student engagement. Information about the national program is available online at: [Check & Connect Student Engagement Intervention Model | Institute on Community Integration | University of Minnesota](#). Training is also available through the BCIU.

Success Mentors – a program similar to Check and Connect that has been used in many school districts. Mentors can be outside personnel or school staff. For more information: [National Success Mentors Initiative | Everyone Graduates Center](#)

Pa Department of Education

Truancy Toolkit

Basic Education Circulars

Attendance Law

Pa School Code

Act 138 of 2016

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Nov. 3, 2016, P.L. 1061, No. 138

Cl. 24

Session of 2016

No. 2016-138

HB 1907

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in pupils and attendance, providing for purpose, further providing for definitions, providing for attendance policy at charter, regional charter and cyber charter schools, further providing for excuses from attending school and for penalties for violation of compulsory attendance requirements, providing for procedure by school when child habitually truant, for procedure upon filing of citation, for penalties for violating compulsory school attendance requirements and for study of truancy procedure and repealing provisions relating to suspension of operating privilege; in charter schools, further providing for provisions applicable to charter schools and for applicability of other provisions of this act and of other acts and regulations; and, in disruptive student programs, further providing for definitions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section after Article XIII, subdivision (b) heading to read:

Section 1325. Purpose.--The purpose of this subdivision 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 in order to:

- (1) Preserve the unity of the family whenever possible as the underlying issues of truancy are addressed.
- (2) Avoid the loss of housing, the possible entry of a child to foster care and other unintended consequences of disruption of an intact family unit.
- (3) Confine a person in parental relation to a child who is habitually truant only as a last resort and for a minimum amount of time.

Section 2. Section 1326 of the act is amended to read:

Section 1326. Definitions

] **When used in this article, the following words and phrases**

shall have the following meanings:

"Citation" shall mean a nontraffic citation or private criminal complaint.

"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. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

"Conviction" shall mean a conviction under section 1333.2 for violation of the requirement for compulsory school attendance.

"Court" shall mean a magisterial district court, the Philadelphia Municipal Court or a court of common pleas.

"Department" shall mean the Department of Education of the Commonwealth.

"Educational entity" shall mean a public school district, nonpublic school or area vocational-technical school.

"Excused absence" shall mean an absence from school which is permitted under section 1329.

"Governing body" shall mean the board of school directors of a school district or any other governing entity of a 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.

"Judge" shall mean a magisterial district judge, a municipal court judge or a judge of a court of common pleas.

"Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Migratory child" shall mean a child domiciled temporarily in a school district for the purpose of seasonal employment, but not acquiring residence therein, and a child accompanying his or her person in parental relation who is so domiciled.

"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) Noncustodial biological or adoptive parent.
- (3) Guardian of the person of a child.
- (4) Person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302 (relating to definitions). This definition shall not expand the right of a child under any other section of this act.

"School" shall mean the educational entity in which the child is enrolled.

"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.
- (5) Recommended service providers.

"School day" shall mean the length of time that a child subject to compulsory school attendance is expected to be receiving instruction during a calendar day, as determined by the governing body.

"School year" shall have the same meaning as "school term" as defined in section 102, as applicable to a school district, and as further defined in section 1327(b) for a day school which is operated by a bona fide church or other religious body, section 1327.1(c) for a day school or boarding school accredited by an accrediting association which is approved by the State Board of Education, section 1327.1(d) for a home education program, sections 1501 and 1504 for a public school or a school district, section 1715-A(9) for a charter school, section 1749-A(a)(1) for a cyber charter school and section 1718-A(c) for a regional charter school.

"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. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C.

"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.

Section 3. The act is amended by adding a section to read:

Section 1327.2. Attendance Policy at Charter, Regional Charter and Cyber Charter Schools.--(a) Each charter, regional charter and cyber charter school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a charter, regional charter or cyber charter school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy must conform to the provisions of this act relating to compulsory

attendance.

(b) Notwithstanding section 1333.2(a), in the case of a child enrolled in a cyber charter school the venue for the filing of a citation under section 1333.1 shall be based upon the residence of the child. A cyber charter school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by telephone conferencing, by video conferencing or by any other electronic means.

(c) Charter, regional charter and cyber charter schools shall report unexcused absences directly to the department annually through the Pennsylvania Information Management System (PIMS).

Section 4. Section 1329 of the act is amended by adding subsections to read:

Section 1329. Excuses from Attending School.--* * *

(c) 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.

(d) Notwithstanding any provision of law to the contrary, a student shall be excused during school hours for the purpose of obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.

(e) The Department of Education shall provide guidance, resources and strategies for families, schools and students related to students with chronic health conditions which shall be posted on the department's publicly accessible Internet website.

Section 5. Section 1333 of the act, amended November 17, 1995 (1st Sp.Sess. P.L.1110, No.29), is amended to read:

Procedure When Child is Truant.--(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

(1) shall include a description of the consequences that will follow if the child becomes habitually truant;

(2) shall be in the mode and language of communication preferred by the person in parental relation;

(3) may include the offer of a school attendance improvement conference; or

(4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the

school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

(1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.

(2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.

(3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

Section 6. The act is amended by adding sections to read:

Section 1333.1. Procedure By School When Child Habitually Truant.--(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A school-based or community-based attendance improvement program.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.

(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based

or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

Section 1333.2. Procedure Upon Filing of Citation.--(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

(1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

(2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the

school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements.--(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g) (1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

(2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall

commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h) (1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

(i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

(ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(ii) (Reserved)

Section 1333.4. Study of Truancy Procedure.--(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and

evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies and other organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

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Section 10. This act shall apply to the 2017-2018 school year and each school year thereafter.

Section 11. This act shall take effect immediately.

APPROVED--The 3rd day of November, A.D. 2016.

TOM WOLF