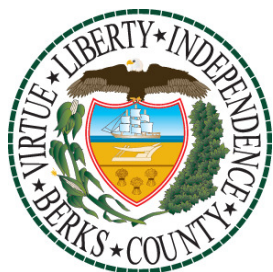


# BERKS COUNTY TRUANCY REDUCTION PROTOCOL

*This document was created to provide a consistent, comprehensive process for Berks County school districts, Magisterial District Judges (MDJ's), and community agencies when working with students who are truant. This document does not replace school district policy but is intended to enhance it.*

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



**pennsylvania**  
DEPARTMENT OF EDUCATION



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## Vocabulary

### **Absence Types**

- 1.) Excused – in accordance with Pennsylvania law, absences are excused when a written notice is submitted by the parent. 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, death of a family member, medical or dental appointments, authorized school activities, court hearings, 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.
- 2.) Unlawful/Illegal – any days not excused would be considered unlawful/illegal. This term applies to any student who is under 17 and in grades 1 - 12 and therefore could be cited.

Note: Unexcused includes any day not excused for a student in kindergarten or age 17 or over and not covered by the compulsory attendance laws. Unexcused absences are not grounds for citation.

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

- attendance meetings
- attendance letters
- citations
- MDJ 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.

**Chronic or Habitually Truant** – a student is defined by school code as habitually truant if:

- a) The parents/guardians were sent a three day letter after the student had three illegal days; AND
- b) The student had three more illegal days.

**Non-Attendee** – a student who is known to reside in the school district but has not attended or stops attending.

**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 or full day absence as per district policy.

## ***General Information***

**I. District** – Each district should have one person designated by the school district who will oversee attendance for the district and be sure that all buildings are following the attendance protocol.

### **II. Building**

#### *A. Attendance Officers*

Each building should have one person (administrator, home/school visitor) who is in charge of attendance for that building and that person will be referred to as the attendance officer. This person may have responsibility for more than one building, depending on the district.

#### *B. Attendance Clerk*

Each building should have one or more clerks or secretaries who are responsible for keeping track of the attendance for all students.

### **III. Procedures**

Student is absent:

School districts should develop a policy regarding parent's responsibility when a student is going to be absent. Absence shall be considered unlawful until school receives a written excuse. Any valid written excuses should be submitted within 3 calendar days. If not, the days will remain unlawful.

Cumulative lawful absences:

A maximum of 10 cumulative excused absences verified solely by parental notification should be permitted during a school year.

After 10 absences excused solely by a parental note, an excuse from a physician should be required (other legal excuses such as court appearance, funerals, etc. can also be allowed if verified). If the physician's note is not received, the day will be considered unlawful.

Once a student has 3 illegal absences:

Send official notice to the parent setting forth that the student has 3 illegal absences and that any future absences may result in a citation filed against the parent. (The school may want to send a notice of illegal absences after the first or second illegal absence, but must send one after the third illegal absence.)

For the 4<sup>th</sup> illegal absence and each subsequent absence:

At this point, the law allows the filing of a MDJ citation against a parent. However, it is recommended that the student have at least 10 total absences prior to filing a citation in order to provide time for intervention. This practice may differ among school districts based on their internal policies and procedures.

- Before the school files the citation the parent/student must have the chance to submit a written absence excuse. The parent must also have received the 3 day notice.
- For a student who is 13 or over, the MDJ may determine that the parent is not responsible and the school district can then file a citation against the student.

### ***Recommendations for Building Attendance Procedures***

- 1) *Hold an attendance meeting* approximately every two weeks to discuss any students with illegal days or with more than the usual number of absences.
  - a) Attendance meeting should include: building attendance officer, counselor(s), nurse, attendance clerk, administrators, home and school visitors, etc.
  - b) After reviewing the attendance statistics, the group should share information and discuss any action that needs to be taken with each student. Districts are encouraged to implement several of the following interventions:
    - Meeting with student
    - Parent contact
    - Contact with teachers
    - Referral to Home and school visitors or intervention counselors
    - Conference or Multidisciplinary Team Meeting with relevant parties (parent, student, nurse, counselor, agencies, stakeholders, etc...)
    - Setting up a truancy elimination plan (TEP) – this will be required for a referral to the designated provider
    - Referral to Student Assistance Program (SAP) team
    - Referral to police liaisons within the school district
    - Referral to community organizations, clubs, etc...to try to engage the student based on their personal interests
    - Referral to outside agencies based on the needs of the child and family
- 2) *Warning letters* –

If a student has three or more unlawful absences, which are unlawful only because the student has not turned in an excuse, we recommend sending a letter to warn parents, reminding them to turn in excuses. “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”. (PDE Truancy Toolkit)
- 3) *Physician’s requirement* –

When a student has reached 10 days of parental excuses and is now required to submit a physician’s note for future absences, a letter shall be sent to the parent. The school might also choose to call or meet with the parent. If the student is in high school (or possibly middle school) the student should also be informed by someone at the school.

## **Letters**

Each district should have the following standard letters prepared and utilized appropriately. We recommend sending these letters on an annual basis, not just once during a student's school career:

*Illegal Absence Notice* – a notice that a specific day is considered an illegal absence. The letter should include a notice of potential consequences if there are more days of illegal absence.

*3 Day Letter* – a notice that a student has three days of illegal absences and that future illegal days will result in a citation being filed with the district justice.

*Warning Letter* – a letter telling a parent that the school does not have a written excuse for certain days of absence. The letter should state that if the excuse is not received within the district's specified time frame, the days will be marked unlawful.

*Physician's Requirement Letter* – a letter stating that any absence after receipt of this letter must be excused by a physician's note or the absence shall be considered unlawful.



**Sample Forms/Letters**

The following section provides sample letters that can be used by school districts to address the legal steps that should be taken for unlawful absences. An enclosure, to be used with the letters, is also provided for convenience purposes. Sample letters will also be provided in Spanish at a later date.

**Letters to Parent of Absent/Truant Student  
(all letters should be on school district letterhead and dated)**

**First Unlawful Absence**

Parent/Guardian Name

Address

City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

<STUDENT NAME> was absent unlawfully on <DATE>. This letter is sent to make you aware of this 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 requires regular daily attendance. When absences accumulate, it may ultimately result in academic difficulty for <STUDENT NAME>.

Our district has an active Student Assistance Team and additional services that are available to you and your family. We share a common goal to ensure that your child reaches <HIS/HER> full potential. All absences are counted as unlawful until the <DISTRICT NAME> School District receives a written excuse explaining the reason for the absence. If a written excuse is not received within three days, the absence will permanently be added to the student's file as unlawful. This letter serves as our first communication regarding <STUDENT NAME>'s unlawful absences. If <STUDENT NAME> accumulates three additional days of unlawful absences or the equivalent, the district must notify the magisterial district judge.

In addition, any absences of ten cumulative days will require a written excuse that indicates <STUDENT NAME> was seen by a doctor or medical practitioner. Enclosed are the penalties for violation of compulsory attendance requirements.

If you have any questions, please call my office at <PHONE> or the guidance office at <PHONE> so that we may work together to ensure <STUDENT NAME>'s educational success.

Sincerely,

<Principal, Assistant Principal, or Attendance Officer>

cc: Student Assistance Team  
Attendance Office/Home School Visitor  
Guidance Counselor  
Student File  
(Enclosures: Law and SAP brochure)

*NOTE: The Department of Education recognizes that a best practice would include sending a similar letter to any students over the age of 13 years old to reinforce the importance of regular attendance and their academic success. See this section for a sample letter.*

## Second Unlawful Absence

Parent/Guardian Name

Address

City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

This letter is to inform you that <STUDENT NAME> was absent unlawfully from school on <DATE>. This is the second unlawful absence recorded this year. Attendance requirements are meant to benefit your child's educational experience. I appreciate your cooperation in trying to improve your child's school attendance and in helping <STUDENT NAME> complete missed assignments on those occasions when <STUDENT NAME> must be absent.

If <STUDENT NAME> accumulates two additional days of unlawful absences or the equivalent, the district must notify the magisterial district judge. Commonwealth of Pennsylvania law and school policy require that every child of compulsory school age attend school daily. A child must present a written excuse from the parent/guardian or medical practitioner within three days of an absence or the absence will be counted as illegal. Mental, physical or other urgent reasons are the only lawful excuses for absences. Enclosed are penalties for violation of compulsory attendance requirements.

I strongly encourage you to contact the guidance office or the student assistance team to discuss ways to ensure your child's school attendance. Continued unlawful absences could lead to notification of the magisterial district judge, as well as a referral to the County Children and Youth Agency. You may request a school-family conference at this time to explore possible solutions to your child's unlawful absences. If you have any questions, please call my office at <PHONE>.

Sincerely,

<Principal, Assistant Principal or Attendance Officer>

(Enclosures: Law and SAP brochure)

cc: Student Assistance Team

Attendance Officer/Home School Visitor

Guidance Counselor

Student File

**Third Unlawful Absence (sent via certified mail and return receipt requested)**

Parent/Guardian Name

Address

City, PA Zip Code

**OFFICIAL NOTICE OF CHILD'S ILLEGAL ABSENCE**

Dear <PARENT'S (OR GUARDIAN'S) NAME>:

This letter is to officially notify you that <STUDENT NAME> has been absent from school without a lawful excuse on the following dates: <DATE 1, DATE 2 and DATE 3 (add subsequent dates as appropriate)>. These absences are unlawful and, therefore, constitute a violation of the compulsory attendance provision of the Pennsylvania Public School Code (24 P.S. 13-1327).

You are therefore notified of your child's repeated unlawful absences and strongly encouraged to ensure that your child receives no subsequent unlawful absences. The series of unexcused absences constitute a summary offense under the Public School Code for which penalties may be imposed against you as parent or guardian. Act 29 of 1995 provides for a \$300 fine and allows the court to impose parent education classes with your daughter or son and community service sentences for parents of a truant child who do not show that they took reasonable steps to ensure the child's school attendance. Act 29 also provides that truant students lose their driver's license for ninety (90) days for the first offense and six (6) months for the second offense.

Be advised that the process for development of a Truancy Elimination Plan for your child has now begun, which requires your participation in a school-family conference. If your child is unlawfully absent again, a proceeding will be initiated against you before a magisterial district judge and a referral for general protective services made to the county children and youth agency, without further notice from school authorities. Please refer to the enclosed sections in the Pennsylvania School Code for specific penalties for violation of compulsory attendance requirements for both you and your child.

Sincerely,

<Superintendent>

(Enclosures: Law and SAP Brochure)

cc: Student Assistance Team

Attendance Officer/Home School Visitor

Principal

Assistant Principal

Guidance Counselor

Student File

**(See enclosure on next page)**

## 24 PA Statutes

### Section 13-1333- Penalties for violation of compulsory attendance requirements

(a)

- (1) Every parent, guardian, or person in parental relation, having control or charge of any child or children of compulsory school age, who shall fail to comply with the provisions of this act regarding compulsory attendance, shall on summary conviction thereof, be sentenced to pay a fine, for the benefit of the school district in which such offending person resides, not exceeding three hundred dollars (\$300) and to pay court costs or be sentenced to complete a parenting education program offered and operated by a local school district, medical institution or other community resources, and, in default of the payment of such fine and costs or completion of the parenting program by the person so offending, shall be sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may appeal to the court of common pleas of the proper county, upon entering into a recognizance, with one or more proper sureties, in double the amount of penalty and costs. Before any proceedings are instituted against any parent, guardian, or person in parental relation, for failure to comply with the provisions of this act, the district superintendent, attendance officer, or secretary of the board of school directors shall give the offending person three (3) days' written notice of such violation. If, after such notice has been given, the provisions of this act regarding compulsory attendance are again violated by the persons so notified, at any time during the term of compulsory attendance, such person, so again offending, shall be liable under the provisions of this section without further notice.
- (2) The child and every parent, guardian or person in parental relation must appear at a hearing established by the district justice. If the parent, guardian or person in parental relation charged with a summary offense under this subsection shows that he or she took every reasonable step to insure attendance of the child at school, he or she shall not be convicted of the summary offense.
- (3) Upon a summary conviction, the district justice may suspend, in whole or in part, a sentence in which a parent, guardian or person in parental relation is summoned to pay as required under this section: Provided, That the child no longer is habitually truant from school without jurisdiction.
- (4) In lieu of or in addition to any other sentence imposed under this section, the district justice may order the parent, guardian or person in parental relation to perform community service in the school district in which the offending child resides for a period not to exceed six (6) months.

(b)

- (1) If the parent, guardian or person in parental relation is not convicted of a summary offense because he or she took every reasonable step to insure attendance of the child at school, a child of compulsory school age who has attained the age of thirteen (13) years and fails to comply with the provisions of this act regarding compulsory attendance or who is habitually truant from school without justification commits a summary offense and except as provided in clause (4) shall, upon conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300) for each offense for the benefit of the school district in which such offending child resides or shall be assigned to an adjudication alternative program pursuant to 42 Pa.C.S. § 1520 (relating to adjudicative alternative program).
- (2) For any child who has attained the age of thirteen (13) years who fails to pay the fine under clause (1) or to comply with the adjudication alternative program, the district justice may allege the child to be dependent under 42 Pa.C.S. § 6303(a)(1) (relating to scope of chapter). The failure by the child to pay a fine or comply with the adjudication alternative program shall not constitute a delinquent act under 42 Pa.C.S. Ch.63 (relating to juvenile matters).

- (3) Upon a summary conviction or assignment to an adjudication alternative program, the district justice may suspend, in whole or in part, a sentence or an adjudication alternative program in which a child who has attained the age of thirteen (13) years must pay or comply with the adjudication alternative program: Provided, That the child no longer is habitually truant from school without justification.
- (4) Any child who has not attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions of this act and is habitually truant shall be referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302 (relating to definitions). Any child who has attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions of this act and is habitually truant may, in lieu of a prosecution under clause (1), be referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302 (relating to definitions).
- (5) The following words, when used in this subsection, shall have the following meaning, except where the context clearly indicates or requires a different meaning:

**“Community resources”** shall mean those agencies and services for children and youth provided by the juvenile court, the county, the Department of Health, the Department of Public Welfare and other public or private institutions.

**“District justice”** shall mean such court as the court of common pleas shall direct in counties not having district justices.

**“Habitually truant”** shall mean absence for more than three (3) school days or their equivalent following the first notice of truancy given under section 1354. A person may be habitually truant after such notice.

**“Offense”** shall mean each citation which goes before a district justice or court of common pleas.

**“Person in parental relation”** 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).

- (c) If a child is convicted for a violation of this section, the court, including a court not of record, shall send to the Department of Transportation a certified record of the conviction or other disposition on a form prescribed by the department.
- (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 1338.1- Suspension of Operating Privilege**

- (a) The Department of Transportation shall suspend for 90 days the operating privilege of any child upon receiving a certified record that the child was convicted of violating section 1333. If the department receives a second or subsequent conviction for a child’s violation of section 1333, the department shall suspend the child’s operating privilege for six months.
- (b) Any child whose record is received by the department under section 1333(c) 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 periods specified in subsection (a). 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 revocation or suspension of operating privilege) for the time specified in subsection (a).

**Private Criminal Complaint (AOPC 411) – A current form may be obtained on the Internet at:**  
<http://forms.lp.findlaw.com/form/courtforms/state/pa/pa000003.pdf>

## Letter to Truant Student Over the Age of 13

Student Name  
Address  
City, State, Zip Code

### **CERTIFIED AND RETURN SERVICE FIRST CLASS MAIL**

Dear Mr./Ms. Name:

Based upon your attendance history, while a student in the Sample Name School District, it has become necessary to formally notify you of key components of the PA School Code and Sample Name School District policies dealing with attendance. As a student over the age of 13 this letter shall serve as official notification that you are aware of the following:

- You are required by School Code and District Policy to attend school every day it is in session, unless illness or injury prevents you from attendance. Signed notice that you were absent with parental permission is submitted to the school within three days of the absence. If you are absent three or more consecutive days, a note that you were seen by a physician must be submitted to the school, also within the three day time period.
- Should you acquire too many unlawful/unexcused absences you may be denied credit for courses, regardless of your current grade in the class.
- Failure to attend school each day it is in session can result in:
  - Revocation of any work permits (working papers) issued to you by the District.
  - Prosecution before a District Justice. Such prosecution may result in you, as the student, not your parent/guardian being fined up to \$300 per day that you fail to attend school.
  - Additionally the District Justice may:
    - Assign you to an alternative adjudication program
    - Suspend your privilege to possess or apply for a PA driver's license
    - Continued failure to attend school may result in a referral to other County agencies for additional actions and/or placements.

Leaving campus prior to dismissal time is considered truancy and subject to prosecution.

I certainly hope that your attendance record improves and you have a successful school year. It is my desire that we do not need to resort to any of the above actions.

Respectfully,

Signature and Name of  
Attendance Officer for District  
c: Parents via regular mail  
Truancy File



### ***Agency Referral***

*Non-attende*e – if a student, who is known to reside in the school district, has not attended or stops attending, the district shall make reasonable efforts to resolve the matter with the parent/guardian and send out an illegal absence notice. If the student still does not attend, a referral can be made to the designated provider.

*Chronic Truant* – students who do not currently have an open case with Children and Youth or are not currently under the supervision of Juvenile Probation can be referred to the designated provider once a Truancy Elimination Plan has been initiated and they meet the following criteria:

a.) Student has at least 10 unlawful absences and district has concerns and believes that agency help is needed.

OR

b.) The Truancy Elimination Plan has not been successful and the school district has concerns which they believe the provider can address. School district shall consult with the designated provider prior to formal referral.

# BERKS COUNTY TRUANCY INITIATIVE

RESET FORM FIELDS

## ELECTRONIC - TRUANCY ELIMINATION PLAN (E-TEP)

COMPLETED BY:  PHONE:  EMAIL:

District:  School:

STUDENT NAME:  DOB:  GENDER:  MALE  FEMALE GRADE:

ADDRESS:  PHONE:  CELL:  ID#:

EMAIL:   RESIDENCE HAS BEEN CONFIRMED

PARENT/GUARDIAN:  CELL:  WORK:

ADDRESS:  RELATIONSHIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

IF DIFF THAN STUDENT  RESIDENCE HAS BEEN CONFIRMED DATE:

NOTE:

OTHER AGENCIES INVOLVED:

JUVENILE PROBATION (JPO)  CHILDREN & YOUTH SERVICES (CYS)  OTHER:

MAGISTERIAL DISTRICT JUDGES (MDJ)  SAM TRUANCY PROGRAM  OTHER:

**ATTENDANCE HISTORY**

ATTENDANCE RECORD ATTACHED?:  PRIOR TO EMAILING FORM ATTACH RECORD TO EMAIL.  
PLEASE ENSURE RECORD IS UP TO DATE

DATE	ACTION TAKEN - RESULTS OF ACTION (e.g. Parent Letter 1 sent out on 04/01/12, John Doe called parent, Mrs Smith to discuss)

**DOCUMENTS SENT**

TYPE	SENT	DATE
WARNING LTR	<input type="checkbox"/>	
3 DAY ILLEGAL	<input type="checkbox"/>	
10 DAY DR REQ.	<input type="checkbox"/>	
CITATION	<input type="checkbox"/>	
CITATION	<input type="checkbox"/>	
CITATION	<input type="checkbox"/>	

ATTACH SCAN OF 3 DAY LETTER PRIOR TO SUBMITTING FORM TO MDJ.

**ASSESSMENT (PROBLEMS/NEEDS/BARRIERS - POSSIBLE CONTRIBUTING FACTORS FOR TRUANCY):**

DESCRIPTION	ACTION - RESULTS OF ACTION	RESPONSIBLE PARTY

**STRENGTHS (WHAT ARE THE STUDENT/FAMILY'S STRENGTHS?):**

DESCRIPTION (SKILLS/RESOURCES/SUPPORTS)	RELEVANCE TO THE PLAN

**SOLUTIONS (HOW WILL ALL PARTIES ASSURE THAT THE ATTENDANCE GOALS ARE MET?):**

DESCRIPTION	RESPONSIBLE PARTY(IES)	COMPLETION DATE

**CONSEQUENCES FOR NON-COMPLIANCE:**


**BENEFITS FOR COMPLIANCE:**


***This Truancy Elimination Plan was created collaboratively to assist the student in improving attendance, to enlist the support of the parent/guardian and to document the school's attempts to provide resources to promote student success.***

Student: \_\_\_\_\_ Student Signature on Original with School

Date:

Parent/Guardian: \_\_\_\_\_ Parent Signature on Original with School

Date:

School Official: \_\_\_\_\_ School Official Signature on Original with School

Date:

School Official: \_\_\_\_\_ School Official Signature on Original with School

Date:

CC: Student

Parent/Guardian

School Personnel

Other

Date for Follow-up Outcomes Meeting:

SAM, Inc. Truancy Program Contact Information:

Phone: (610) 236-4847 Fax: (610) 396-0105 Email: [samtruancyprogram@sam-inc.org](mailto:samtruancyprogram@sam-inc.org)

**RESULTS/STATUS OF THE FOLLOW-UP OUTCOMES MEETING:**

**NEXT STEPS:**

Magisterial District Judge:  Phone:  Email:

**MDJ OUTCOMES:**

MDJ to S.A.M.

### ***Transfer Students/Withdrawing Students***

#### *Transfers –*

If a student enrolls at District A, the 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 request for records.

Note: 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 –*

According to the PA Department of Education, students who are under 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 has proof that the student has left the district.