

# WHAT ARE THE RULES FOR SCHOOL ATTENDANCE & TRUANCY

## SCHOOL ATTENDANCE RULES

### WHO MUST ATTEND SCHOOL IN PENNSYLVANIA?

In Pennsylvania, all children of **Acompulsory school age@** - children between the ages of **eight (8) and seventeen (17)** - are required to attend school. However, if a child is enrolled in first grade or a higher grade, even if the child is still under age 8, the child becomes “of compulsory school age” and must continue to attend school.

Children must attend school regularly to their 17th birthday, unless the child graduates from high school earlier. Enrolling a child in a charter school, a licensed private or parochial school, or an approved home school program, satisfies the compulsory attendance requirements.

There is one major exception. If a student has reached age 16 and is “**regularly engaged in any useful and lawful employment or service during the time the public schools are in session,**” then he or she is not required to attend school. The student must hold “an employment certificate issued according to law.” Usually school districts issue these “work papers.”

### WHO IS RESPONSIBLE FOR MAKING SURE A CHILD ATTENDS SCHOOL?

Every parent, guardian or **Aperson in a parental relationship@** (such as a foster parent, grandparent, or aunt) is responsible for making sure that the child attends school regularly.

### WHAT IS A VALID EXCUSE FOR AN ABSENCE FROM SCHOOL?

Each school district must adopt, and distribute to parents, its own written rules about student attendance, absences, and valid excuses from school. **You should check your school district's student handbook** for its specific rules on school attendance.

Even if your child is absent from school for just one day, you should *always* provide your child's teacher or principal with a note explaining the absence. Keep a copy of the note for your records. If your child is absent from school due to an illness, you should provide the school with a doctor's note, if possible.

Disliking your child's teacher, or being angry with school staff are *never* valid excuses for keeping your child home from school.

If a child misses school for three or more days without a valid excuse, he or she can be considered **truant**, and court proceedings can be brought against you and your child. More information about truancy is provided later on in this fact sheet.

## **WHAT IF MY CHILD REFUSES TO GO TO SCHOOL BECAUSE HE/SHE IS AFRAID OF BEING IN SCHOOL?**

Some children are anxious about attending school. If your child becomes extremely upset about attending school, if he/she needs to be forced to attend school, or if he/she regularly refuses to go to school, this fear may indicate a possible learning or mental health problem. You should consult with a mental health professional about the situation.

You may also want to consider requesting a **special education evaluation** of your child to see if he or she has a learning problem or an emotional problem that isn't being addressed at school. Even if your child's fear doesn't amount to a "disability," you should talk to school personnel to develop a plan to encourage school attendance.

More information about school phobia (also called school refusal) can be found at the following web sites:

- [http://www.ldonline.org/ld\\_indepth/parenting/naspschool\\_avoidance.html](http://www.ldonline.org/ld_indepth/parenting/naspschool_avoidance.html)
- [http://www.naspcenter.org/HCHS%20handouts/sch\\_phob\\_eng.html](http://www.naspcenter.org/HCHS%20handouts/sch_phob_eng.html)

## **WHAT IF MY CHILD IS IN DANGER OF BEING PHYSICALLY HARMED IF I SEND HIM OR HER TO SCHOOL?**

A principal can excuse a child from school for a short time upon receiving satisfactory evidence of mental, physical or other "urgent reasons." However, the child must be in *immediate danger* before a parent can keep him/her home from school. One court has decided that parents are only authorized to withdraw their children from classes when their children's health and safety are *positively and immediately* threatened. In that case, the court said the parents illegally withdrew their children from school even though one of their children was cut with scissors at school, and the other child was pushed into a locker at the same school.

The Education Law Center receives many calls from parents who fear for their children's safety at school. ELC is sympathetic to these very real concerns, but the bottom line is that children between the ages of 8 and 17 must be in school, or they risk being reported as truant. You should always meet with the school principal, and, if necessary, your Superintendent, to discuss ways to address your concerns. In addition, you can call the police if your child is being threatened or has been harmed by other students.

## **MY RELIGION CELEBRATES AN IMPORTANT HOLIDAY ON A SCHOOL DAY, AND I WANT MY CHILD TO ATTEND RELIGIOUS SERVICES ON THAT DAY. CAN THE SCHOOL COUNT THIS AS AN UNEXCUSED ABSENCE?**

No. A student's absence from school for religious holidays (or for religious instruction) must be counted as an excused absence. There may be no penalty attached to an absence for religious holidays or instruction. However, you must make a written request to the principal of your child's school asking that your child be excused from school for a religious holiday or instruction.

**MY CHILD HAS A DOCTOR'S APPOINTMENT DURING SCHOOL HOURS. MUST THE SCHOOL ALLOW MY CHILD TO ATTEND THIS APPOINTMENT?**

The school can – *but does not have to* – excuse a child from school to go to a doctor's appointment or other medical appointment. However, most schools allow children to attend medical appointments during school hours as long as the child does not regularly miss a lot of school because of the appointments.

**I WANT TO TAKE MY CHILD ON A TWO-WEEK FAMILY VACATION DURING THE SCHOOL YEAR. THE SCHOOL TOLD ME THAT ONLY 5 DAYS OF OUR TRIP WILL BE COUNTED AS EXCUSED ABSENCES, AND THE REST OF THE DAYS WILL BE UNEXCUSED ABSENCES. CAN THE SCHOOL DO THAT?**

Yes. A school district may limit the number and length of non-school district sponsored trips or tours for which excused absences may be granted during the school term. Prior to the trip, a parent must submit to the school district (usually the building principal or vice-principal) a written request. In fact, a school does not have to excuse *any* absences for non-school district sponsored trips, although most schools will allow days spent on a short family vacation to count as excused absences.

**HOW SCHOOL ATTENDANCE LAWS ARE ENFORCED**

**WHAT IS TRUANCY?**

Pennsylvania school law does not specifically define truancy. However, every principal or teacher must report to the superintendent, attendance officer, or the secretary of the school board any child who has been absent for **three (3) days in a row** without a lawful excuse.

Basically, a child can be considered <b>truant</b> when <b>he or she does not attend school for three or more days in a row without a valid excuse.</b>
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**CAN A CHILD BE ARRESTED IF HE OR SHE IS NOT ATTENDING SCHOOL?**

Yes. An attendance officer, a home and school visitor, or a law enforcement officer may arrest a child who is truant. When the child is arrested, the person taking the child into custody must promptly notify the parents. Unless the parent, guardian, or person in a parental relationship tells the arresting official that the child attends a different school, the child will be taken to the public school in which the child is, or should be, enrolled.

**WHAT HAPPENS WHEN A CHILD MISSES SCHOOL FOR THREE OR MORE DAYS IN A ROW WITHOUT A VALID EXCUSE?**

The school district must provide the parent with written notice of the attendance violation three (3) days before bringing court proceedings against a parent. If you receive a truancy notice, you should

contact the school AS SOON AS you receive this notice to discuss your child's attendance problem. Better yet, if you are having difficulty getting your child to school, you should discuss the problem with the school and seek assistance. Being proactive may help prevent legal proceedings.

If the child continues to be truant *after* the parent receives this notice, the district does not need to send more notices. It can then file a **truancy petition** with the local district justice (or with Family Court in Philadelphia County). A truancy hearing is then scheduled.

### **WHERE ARE TRUANCY HEARINGS HELD?**

Truancy hearings are held in front of district justices in some parts of Pennsylvania, and in Family Court in other parts of Pennsylvania. For example, in Philadelphia County, truancy hearings are held in Family Court; in Delaware County, truancy hearings are held in front of the local district justice.

### **WHO IS REQUIRED TO APPEAR AT TRUANCY HEARINGS?**

The child and the parent, guardian or person in a parental relationship to the child are required to appear at truancy hearings. Truancy hearings are formal court proceedings in front of a judge. Parents and children have the right to present witnesses and documents to the court, and to testify in their own behalf. It is helpful, although not required, to bring an attorney or an advocate.

### **IF A JUDGE FINDS A CHILD TRUANT, WHAT CAN THE JUDGE DO TO THE PARENTS AND THE CHILD?**

The judge can order a variety of penalties if the judge finds that the child is truant. The parent can be found guilty of a summary offense and **fined up to \$300 for each truancy violation**. Or, the judge could require the parent to complete a **“parenting education program.”** The judge can also decide that instead of, or in addition to, the fine or education program, the parent must perform **community service** in the school district where the child lives for up to six months.

If the parent fails to comply with the court order, they can be sentenced to serve up to **five (5) days** in a **county jail**. However, if the parents haven't paid the fine that the court has ordered, they can only be sent to jail after a hearing is held to determine whether they had the financial ability to pay the fine.

Depending upon the child's age, the **judge can fine the child up to \$300 for each truancy violation**, if the parents can show they tried to get the child to go to school. Or, the judge can assign the child to an “adjudication alternative program” (such as an education program or community service).

A child who is found to be truant can also have his or her driver's license suspended for 90 days if it is the child's first truancy conviction. The child's driver's license will be suspended for six (6) months for any *additional* truancy conviction. If the child does not have a driver's license, the chance to apply for one will be suspended for 90 days for the first truancy offense, and six (6) months for additional offenses.

## **WHAT IF THE PARENT HAS TRIED TO GET THE CHILD TO ATTEND SCHOOL AND THE CHILD STILL DOES NOT GO?**

If the parent shows that he or she took **every reasonable step** to ensure school attendance by the child, the parent may not be convicted of a summary offense, and no fines or penalties may be imposed. However, there is no clear definition of what constitutes reasonable steps -- the court will consider the individual circumstances of each case in determining whether the actions of a parent were reasonable.

## **CAN A PARENT OR CHILD APPEAL A FINE OR OTHER COURT ORDER?**

Yes. A parent or student may appeal to the Court of Common Pleas within 30 days of the district justice's order. The parent or child must post a bond equal to double the amount of the original fine and court costs.

## **WHAT CAN HAPPEN IF A CHILD IS CONTINUALLY TRUANT?**

Continual truancy violations may also cause a judge to refer a child to the local Children and Youth agency. If a child is "**habitually truant**" (he/she is absent from school without a valid excuse for *more than three (3) school days after the first notice of truancy*), the judge can order that the child be referred to the local Children and Youth agency for services or possible adjudication as a **dependent child**.

**This is why it is SO IMPORTANT that parents take action as soon as they receive the first truancy notice – if truancy problems are not addressed, a child could end up involved with Children and Youth Services, and possibly be removed from the home.**

## **WHAT CAN HAPPEN IF A CHILD IS ADJUDICATED DEPENDENT?**

*Only* a juvenile court judge can declare, based on clear and convincing evidence, that a child is dependent. A child who has been declared dependent may be removed from his/her home by the court and placed with a foster family or in a facility for dependent children. The child can also be ordered to remain in her home, and her family can be given additional support services from the County.

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