



ELC LAUDS FEDERAL INITIATIVE TO ADDRESS CHRONIC ABSENTEEISM AND ISSUES CALL TO ACTION FOR PENNSYLVANIA

ELC applauds a new federal initiative aimed at addressing chronic absenteeism in schools across the country. Led by the White House, U.S. Departments of Education (ED), Health and Human Services (HHS), Housing and Urban Development (HUD), and Justice (DOJ), the *Every Student, Every Day* campaign features new federal guidance and a toolkit that seeks to raise awareness about chronic absenteeism and to provide local schools, providers, and advocates with the access to crucial research, statistics, and strategies to effectively implement evidence-based prevention programs.

Through our work as members of statewide and local task forces, as well as our advocacy for students in truancy matters, we know that school attendance is a critical issue facing young people and families across the Commonwealth, particularly in school districts facing reductions in resources used to support truancy prevention programs.

We are particularly encouraged that the *Every Student, Every Day* initiative highlights the reality that chronic absenteeism impacts our most vulnerable students—students in contact with the juvenile justice and child welfare systems, students experiencing homelessness, low-income students, students of color, and students with disabilities. This point is essential to us here at ELC: chronic absenteeism can impact any student, anywhere; but vulnerable students, the students we advocate for on a daily basis, are most at risk for chronic absenteeism and its associated negative outcomes. As a result, combating chronic absenteeism is a strategy that carries the potential to yield positive change across many vulnerable student populations.

Many of the findings, suggestions, and recurrent themes set forth by the federal coalition in the *Every Student, Every Day* toolkit are recommendations that ELC has supported, including the campaign's promise to de-emphasize punitive and exclusionary responses to absenteeism and truancy; compel the compilation and publication of Civil Rights Data on school absenteeism; and promote the meaningful provision of due process to students and parents when courts are invoked to address absenteeism.

Truancy is a summary offense in Pennsylvania and a conviction can result in substantial fines and jail for parents and fines, driving consequences, and placement in adjudication alternative programs for students.¹ A student who is habitually truant may be referred at an Alternative Education for Disruptive

¹ For more information about the consequences of a truancy conviction, please view our Factsheet on truancy at www.elc-pa.org/truancy.

Youth (AEDY) program, which often results in further disengagement from school and dropout.² Additionally, truancy is an entryway into the child welfare system for many Pennsylvania families and can lead to the removal of a child from his or her home.³

School districts have a responsibility to address chronic absenteeism in school *before* referring cases to child welfare and courts. Many issues can be resolved through effective attendance improvements plans that get at the root causes of truancy. As noted in the toolkit, chronic absenteeism is often a symptom of mental health issues, bullying, homelessness, and disability. Federal and State laws—including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the McKinney-Vento Act, and State and local anti-discrimination policies—provide protection for these student populations in schools. It is important that school districts diligently ensure that the rights of students and parents are being protected and that school-based interventions are exhausted before referring truancy matters to child welfare and the courts.

Where courts are invoked, students and parents must be provided due process,⁴ as the toolkit suggests. Additionally, even where courts are not invoked and prevention protocols are developed,⁵ students and parents should have access to unbiased, objective information and resources. Because the root causes of truancy are often complex and diverse, effective solutions and interventions must be individualized, with informed input from both parents and students. Respect for students' and parents' rights, even in informal scenarios, will help to ensure the effective transmission of information necessary to develop long-lasting solutions for each and every student and family.

We are excited about the *Every Student, Every Day* campaign and its potential to be a catalyst for meaningful change in Pennsylvania. We urge local agencies to work together to create truancy prevention protocols that are sensitive to the issues facing students and parents most at-risk for chronic absenteeism; make effective use of crucial resources and interventions prior to court involvement; and focus on prevention over punishment. Likewise, we urge the Commonwealth to revise its truancy laws to provide school districts with the tools to effectively identify the root causes of truancy and help students and families address absenteeism in school. At every stage of the process, students and parents should be viewed as partners and provided with the resources necessary to ensure that the needs of students are both heard and effectively addressed.

² See ELC's 2010 report, *Improving "Alternative Education for Disruptive Youth" in Pennsylvania*, available at http://www.elc-pa.org/wp-content/uploads/2013/12/ELC_AltEdPA_FullReport_03_2010.pdf, for more information about AEDY programs and quality of education.

³ "Habitual truancy without justification" is grounds for an adjudication of dependency under Pennsylvania's Juvenile Act. 42 Pa.C.S. § 6302.

⁴ Meaningful due process includes: the right to counsel, notice of proceedings and charges (including in a student's native language), access to information, the right to cross-examine and call witnesses, the right to remain silent, and the right to trial.

⁵ Numerous studies show that truancy prevention protocols that invoke school and community-based responses and reduce court contact are in the best interests of students, families, and schools. See Maura McInerney, Education Law Center, *Effective Approaches to Increasing Attendance: Testimony Before Senate Education Committee* (June 9, 2015), available at <http://www.elc-pa.org/wp-content/uploads/2015/06/ELC-Testimony-For-Legislative-Hearing-on-Truancy-June-9-2015.pdf>.

