

## **Magisterial District Judge (MDJ) Screener To Address Truancy Referrals**

### **Is the child truant?**

1. Is the child of **compulsory school age (6-17 years old)**?

*If no, the child cannot be placed in truancy proceedings and the current matter must be discharged.*

2. **Did the family experience a delay between the date the child was enrolled in school and the date when they were allowed to attend classes**, resulting in unexcused absences?

*If yes, the school must change all of the unexcused absences caused by this delay to be excused absences. The school also must determine if the child still has 6+ unexcused absences in the current school year. If the student does not, the current matter must be discharged.*

3. **Did the school convene a School Attendance Improvement Conference** prior to referring the child to truancy court, **and is there a School Attendance Improvement Plan in the file?**

*If not, the school has not followed required procedures under Act 138 necessary for the court to exercise jurisdiction and the case should be discharged.*

4. **Did the school provide written notice within 10 days of the child's third unexcused absence in the preferred language of the caregiver** and describe what could happen if the child accrued more unexcused absences?

*If not, the school has not followed required notice requirements under Act 138 and the case should be discharged.*

5. **Did the school properly calculate the number of absences** by providing an opportunity for parents to provide excuse notes, excluding absences related to school discipline, and ensuring that students have not been absent due to disability, the failure to address special education issues, bullying or harassment, or lack of access relating to technology, transportation, etc. *See below.*

### **Have school-based issues been addressed prior to referral to court?**

1. Is there any indication that the child needs to be evaluated to **determine eligibility for special education services (an IEP) or accommodations in school (a 504 Plan)** due to a disability, including a chronic condition or mental or behavioral health issue?

*If yes, an IEP or 504 Team should meet to address and remove barriers to attendance before pursuing action in Truancy Court.*

2. Are there any **unmet academic, behavioral, mental health, medical, or special education needs** that are preventing the child from regularly attending school?

*If yes, the school should take steps to provide supports at the school level and involve the school's school counselor, Special Education Director, or others as needed prior to taking any other steps in Truancy Court*

3. Is the child being **bullied or harassed** at school or online?

*If yes, require the school to promptly and thoroughly investigate the incident, take steps to prevent and remedy any bullying or harassment, and correct any absences stemming from the school's failure to address the bullying or harassment.*

4. Does the student have **barriers to accessing school or virtual learning platforms** such as lack of a working computer, internet challenges, language barriers, difficulty navigating virtual platforms, or transportation barriers?

*If so, the school and family should work together to resolve these barriers prior to any other steps being taken in Truancy Court.*

5. Was the child in a **medical or mental health partial hospitalization**?

- a. If so, did the school mark all days the child was in the program as unexcused?
- b. If yes, the school should correct the improperly documented absences and should recalculate the child's status.

☐ If the child has six or fewer absences and has not had a School Attendance Improvement Conference, no Truancy Court action can be pursued.

☐ If the child still has 6+ absences and has had a School Attendance Improvement Conference prior to being referred to truancy court, the matter may proceed.

6. Is the child experiencing **homelessness or housing insecurity**?

- a. If so, has the school should make sure that none of the unexcused absences on the child's record are from days when the child missed school due to experiencing homelessness
- b. The school must correct the absences and then determine if the child has enough absences to still be considered habitually truant (more than six absences) and has had a School Attendance Improvement Conference prior to referring the child back to Truancy Court.

7. Has the child experienced absences due to **pregnancy or parenting**?

- a. If so, has the child been connected to ELECT programs, support to secure childcare, and other resources?
8. Has the child been **suspended or expelled from school and been marked absent on these days?**
- a. If so, these days must be marked as excused absences. The school must correct the absences TO BE EXCUSED ABSENCES and then determine if the child has enough absences to still be considered habitually truant (more than six absences) and whether the student has had a School Attendance Improvement Conference prior to referring the child back to Truancy Court.

If YES to any of these questions, the school should be asked to take additional steps to support the student and correct their records *prior* to taking action in Truancy Court.