Russell Byers Charter School

Board of Trustees Policy

COMPULSORY SCHOOL ATTENDANCE, UNLAWFUL ABSENCES, AND SCHOOL ATTENDANCE IMPROVEMENT CONFERENCES POLICY

The Russell Byers Charter School (the “Charter School”) believes that good attendance is essential if students are to achieve and reach their potential. Each day is important for learning. Parents are required to ensure their son/daughter maintains good attendance.

The Charter School administration is tasked with creating attendance and enrollment procedures consistent with this policy, and must allow the school to determine when a student who is enrolled has an unexcused absence. Procedures must also be implemented to determine whether there is a possibility that a child is truant or chronically absent due to a disability or a medical condition. Copies of this policy and those procedures must be provided to parents at the beginning of each year and to all new enrollees upon enrollment in the Charter School. It must also be posted on the Charter School’s website.

Compulsory Attendance Requirements

In Pennsylvania, compulsory school age is defined as the period of a child’s life from the time the child enters school, which may be no later than eight years of age, until the age of 17 or graduation from a high school, whichever occurs first.

Pennsylvania’s Public School Code also sets forth special compulsory attendance rules that apply to the School District of Philadelphia (SDP) exclusively. For instance, SDP has the right to set the compulsory school age for its students “at no earlier than age six” with the exception of home-schooled students who could continue to comply with the compulsory attendance age of eight established for all other public school students in the Commonwealth.

The term “compulsory attendance” refers to the mandate that all children of compulsory school age having a legal residence in Pennsylvania must attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, except in the following situations found in sections 1327, 1327.1, and 1330 of Pennsylvania’s Public School Code (School Code):

1. Attendance at a private trade school or private business school continuously through the entire term congruent with the school term of the resident school district and that meets the requirements set forth by the State Board of Education or the State Board of Vocational Education when:
   a. The child is 15 and has approval from the district superintendent and the Secretary of Education, or
   b. The child is 16 and has approval from the district superintendent.
2. Attendance at a school operated by a bona fide church or other religious body which provides a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
3. Privately tutored or home-schooled students provided a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
4. Enrollment in a day or boarding school which is accredited by an accrediting association approved by the State Board of Education.
5. Children who are 16 and regularly engaged in useful and lawful employment during the school session with a valid employment certificate. Regularly engaged means 35 or more hours per week of employment.
6. Children who have been examined by an approved psychological professional and identified to be unable to profit from further public-school attendance and excused by the school board.
7. Children who are 15 who hold a permit approved by the school district to engage in farm work or domestic service in a private home.
8. Children who are 14 and satisfactorily completed the equivalent of the highest grade of elementary school in their district who hold a permit recommended by the district and approved by the Secretary of Education to engage in farm work or domestic service in a private home.

**Truancy - Overview**

A child is “truant” if he/she has three (3) or more school days of unexcused absence during the current school year. An unexcused absence is any absence from school without an acceptable excuse (as articulated in the Charter School’s Student/Parent Handbook), or without any reason at all. This also includes any student who leaves class without the permission of the teacher. An out of school suspension shall be considered an excused absence.

A child is “habitually truant” if he/she has six (6) or more school days of unexcused absences during the current school year.

A child is not considered truant if he/she is absent from school due to not meeting the immunization, exemption or provisional admission requirements of the Department of Health, at 28 Pa. Code Chapter 23, Subchapter C (relating to immunization), or the student has not received from the CEO or his/her designee a medical or religious exemption from immunization under 28 Pa. Code § 23.84 (relating to exemption from immunization). 22 Pa. Code. Chapter 11.20.

When a child demonstrates truant behavior, the Charter School will schedule a school/family conference to discuss the cause of the child’s truancy and develop a mutually agreed upon Student Attendance Improvement Plan (“SAIP”) to resolve truant behavior. The plan can include a myriad of options that are mutually agreed upon by the participants.

For the first and second unexcused absences, the Charter School will send the parent/guardian a notice of the unexcused absence as well as attach a copy of the legal penalties for violation of compulsory attendance requirements. In addition to stating the legal consequences, the name and telephone number of a school contact person will be included.

For the third unexcused absence, the Charter School will send the parent/guardian notice by
certified mail within 10 school days of the child’s third unexcused absence that the child has been truant. This notice shall 1) include a description of the consequences that will follow if the child becomes habitually truant in the future; 2) will be in the mode and language of communication preferred by the person in parental relation; and 3) include the offer of an Attendance Improvement Conference.

Procedure when child is habitually truant:

- Habitually truant children under fifteen (15) years of age:

The Charter School will refer the child to either: 1) a school-based or community-based attendance improvement program; or 2) the county children and youth agency (CYS) for services or possible disposition as a dependent child under the Juvenile Act. A school-based or community-based attendance program is a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. It may include an educational assignment in an alternative education program, but may not include an assignment in an Alternative Education for Disruptive Youth Program.

Additionally, the Charter School may file a citation against the parent/guardian of a habitually truant child under fifteen (15) years of age in a magisterial district court. The venue of the filing shall be based on the location of the school in which the child is enrolled or shall be enrolled.

- Habitually truant children fifteen (15) years of age and older:

The Charter School will either: 1) refer the child to a school-based or community-based attendance improvement program; or 2) file a citation against the student or parent/guardian in the appropriate magisterial district court. The venue of the filing shall be based on the location of the school in which the child is enrolled or shall be enrolled. If a habitually truant child aged fifteen (15) or older incurs additional absences after a school refers that child to an attendance improvement program or the child refuses to participate in an attendance improvement program, the Charter School may refer the child to the local CYS agency for possible disposition as a dependent child.

In all cases, regardless of age, where the Charter School refers a habitually truant child to a magisterial district court or CYS, the Charter School will provide verification that it convened and held an Attendance Improvement Conference.

Students that are absent from school for ten (10) or more consecutive days without appropriate documentation will be removed from the Charter School’s rolls unless one of the following:

1) The district has been provided with evidence that absence may be legally excused;
2) Compulsory attendance prosecution has been or is being pursued;

The Charter School will report unexcused absences directly to PDE through the Pennsylvania Information Management System (PIMS).

Children who are habitually truant from school while subject to compulsory school attendance are subject to an assessment to determine if there is a need for general protective services. Children will not be referred to the county children and youth agency for assessment as possibly
needing services until after the Charter School has made a formal effort to involve the family and child in resolving the cause of the truant behavior.

**Students with Disabilities**

A student who is truant or chronically absent for health-related reasons may be eligible for protections under IDEA or Section 504. If a student with a disability is truant or chronically absent, the school should convene the student’s IEP team to determine whether revisions to the student’s IEP are necessary or appropriate. In those instances, the administrator responsible for handling truancy-related matters should be a participating member of the IEP team process. A student with a disability who is truant or chronically absent for health-related reasons must still produce a valid excuse for any absence, which may include a written excuse from a physician.

*However, schools must recognize that students’ disabilities may present unique circumstances that might require consideration of other statutory or regulatory provisions or attendance policies. That is, students’ federal and state law rights, such as those provided under IDEA, Section 504, or the ADA, may require the school to otherwise diverge from its general attendance policy in order to ensure that all students with a disability are provided a free and appropriate public education (FAPE).*

**School Attendance Improvement Conference and the Attendance Improvement Plan**

A SAIC is a conference where the child’s absences and reasons for the absences are examined in order to improve attendance, with or without additional services. All of the following individuals must 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

There is no legal requirement for either the child or person in parental relation to attend a SAIC. However, schools and nonpublic schools should make every attempt to conduct the SAIC with the person in parental relationship present.

The school or nonpublic school must hold the SAIC conference even if the person in parental relation declines to participate or fails to attend after the school or nonpublic school provides advance written notice and makes attempts to communicate with the individual via telephone. Additionally, the school or nonpublic school must invite recommend service providers to the SAIC. However, the SAIC shall not be delayed pending a response from the service provider(s).

The school or nonpublic school must document the outcome of any SAIC in a written school attendance improvement plan (SAIP). The SAIP should include accessing academic and social/health supports from the school and community organizations, an outline of family/parent and student responsibilities, and levels of performance monitoring that include rewards and consequences. School and nonpublic schools must use the School Attendance Improvement Plan Form created by PDE or a similar form to document the SAIP (attached to this policy).
Schools may not expel or suspend (out-of-school) a student, or reassign or transfer a student to an alternative education for disruptive youth (AEDY) program, for truant behavior and these actions may not be included in a SAIP. An in-school suspension is not considered a disciplinary reassignment. Additionally, schools may not initiate truancy proceedings (e.g., the filing of a truancy citation) until after a SAIC is held. Nonpublic schools may expel a student for truant or habitually truant behavior if expulsion is included in the nonpublic school’s attendance policy as a potential consequence in response to a determination that the student is truant or habitually truant.

**Homeless Students**

The McKinney-Vento Homeless Assistance Act requires states and schools to work to remove barriers to the education of homeless children and youth, including barriers to enrollment and retention due to absences. Compulsory attendance laws can be such barriers, particularly when they result in court involvement. Frequently, students in homeless situations will miss school due to their living situations. However, absences caused by homelessness must not be counted as unexcused absences, as this would create a barrier to enrollment and retention in school.

As part of a SAIC, schools and nonpublic schools should work to identify the root cause of students’ absenteeism and the SAIP should address those issues, which may include homelessness and lack of transportation to and from school.

If a student is a homeless student, the school should clarify which entity (school of origin, school of residence, etc.) is responsible for complying with the compulsory attendance laws.

In addition, schools should consider whether it is appropriate to file citations against a person that may merely be “acting as a parent” or hosting an unaccompanied youth. These individuals often agree to provide a temporary place for a youth to sleep and may not have control over whether the child is attending school. Instead, the school could contact the county children and youth agency and attempt to eliminate barriers to attendance through that route.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE CHARTER SCHOOL’S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this 20th day of June, 2019

_Signed_

President

_Signed_ Secretary