

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

EDUCATION
COMMITTEE HEARING

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HARRISBURG, PA

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ROOM G-50

MONDAY, SEPTEMBER 22, 2014
10:11 A.M.

PRESENTATION ON
HB 2356
SOLUTIONS ON TRUANCY

BEFORE:

HONORABLE PAUL CLYMER, MAJORITY CHAIRMAN
HONORABLE RYAN AUMENT
HONORABLE HAL ENGLISH
HONORABLE MIKE FLECK
HONORABLE MARK GILLEN
HONORABLE MIKE REESE
HONORABLE DAN TRUITT
HONORABLE JAMES ROEBUCK, JR., DEMOCRATIC CHAIRMAN
HONORABLE MIKE CARROLL
HONORABLE SCOTT CONKLIN
HONORABLE PATRICK HARKINS
HONORABLE MARK LONGIETTI
HONORABLE ERIN MOLCHANY
HONORABLE MIKE O'BRIEN
HONORABLE JAKE WHEATLEY

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

1 P R O C E E D I N G S

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3 MAJORITY CHAIRMAN CLYMER: Well, good morning,
4 everyone. Thank you for attending the House Education
5 Committee public hearing on truancy. We're glad to see a
6 good turnout of Committee Members and a good audience here
7 this morning as well.

8 I apologize for being late. I would like to use
9 the excuse that the traffic was heavy but it wasn't. It
10 took me a little while to get my coffee and donut at
11 Wawa's. That's where the traffic was, gassing up. So
12 anyway, I'm here and we're glad you're here as well.

13 As I mentioned, the issue that we're dealing with
14 is House Bill 2356. It deals with the issue on truancy,
15 and the Prime Sponsor, Representative Mark Gillen, is here
16 to offer his comments as well. So before we begin into our
17 scheduled agenda, I'm going to have the sponsor give some
18 remarks on his proposal.

19 So at this time the Chair recognizes
20 Representative Gillen.

21 REPRESENTATIVE GILLEN: Thank you much,
22 Mr. Chairman, and I appreciate the additional excuses
23 you've provided Committee Members to be late to meetings.
24 Coffee and doughnuts is now added to our list. Thank you

1 very much.

2 I'm enormously pleased to have this hearing.
3 Even in this morning's newspaper in the Rundown section of
4 the *Reading Eagle* there was a story about the Bill and
5 Eileen DiNino. In fact, it's appeared regularly in the
6 *Reading Eagle*.

7 But the story of Eileen's death, she was
8 incarcerated as a consequence to the truancy of her
9 children and she was committed to Berks County Prison, is
10 not just a Berks County story; it's America's story. It's
11 been in the *Huffington Post*, it's been in the *Washington*
12 *Post*, it's been in New York newspapers. And if you were to
13 go ahead and Google truancy and truancy-related issues, you
14 would find this Berks County story come up regularly.
15 Eileen was facing \$2,000 worth of truancy fines and 45 days
16 in prison and she eventually went to prison.

17 I would like to preface my remarks just by
18 acknowledging my good friends and colleagues from Berks
19 County, Representative Caltagirone and Representative
20 Rozzi. They have been partners in this effort. They have
21 been articulate spokespersons for those like Eileen who are
22 looking for help with their children and relief from the
23 trauma of prison.

24 I was a correctional officer in the early '80s,
25 and during one point of my tenure I was a sally port

1 officer. I was the first person the inmates saw when they
2 entered the prison and the last person that they said
3 goodbye to. I have observed firsthand the effect and the
4 trauma in some cases of sentences on summary offenses. By
5 the same token, I recognize that prison is an appropriate
6 place for others.

7 At a personal level, my brother was incarcerated
8 at the same prison that I was a correctional officer at,
9 not during the same period of time, and he would recognize,
10 now that his life has turned around, that was a place that
11 was appropriate for him. I personally don't believe it's
12 an appropriate place for moms. I think we can solve this
13 problem of keeping kids in school with moms out of jail.
14 And all of the stakeholders here and all the testifiers I'm
15 hoping can illumine on some of those early intervention
16 programs that can aid us.

17 We have to realize that no two situations are
18 alike. I talked to some of my colleagues in this room and
19 their perspectives may be slightly different. I come from
20 a community where between 2000 and May of 2013 we had 1,626
21 parents go to prison because of the truancy of their
22 children. I said 1,626 in our community. One of my
23 distinguished friends said is that statewide? No; that's
24 Berks County. And it's going on at an accelerated rate.
25 And as you might imagine, the preponderance of those that

1 are going to prison are mothers without resources, it was
2 over a thousand mothers without resources.

3 In fact, the District Justice who had Eileen
4 committed to prison, and this was highlighted in a *Reading*
5 *Eagle* editorial June the 22nd of 2014, he lamented the fact
6 that she had to go to jail and said it was the only tool
7 the legislature has given us when people can't afford to
8 pay. I think we can improve on this.

9 You'll no doubt hear testimony about the number
10 of truancies attributed to Eileen and her family. I would
11 like you to keep in mind that there were seven boys that
12 she was responsible for at one period of time, seven boys,
13 most recent teenage boys were involved in truancy
14 apparently.

15 I'd like you to put yourself in this situation
16 just for a moment, and I close, and I'll listen keenly for
17 testimony as to how we can build something constructive in
18 the Commonwealth of Pennsylvania. I regard this bill as an
19 opening bid. I've had two pieces of legislation passed
20 since I've come here, and guess what? They were amended,
21 they were tweaked, they were changed. I need to hear from
22 you. I need to hear from other people in this room.

23 And I've read through the written testimony, and
24 most recently a piece was passed along to me by Magisterial
25 District Justice in Berks County. He says, "The penalty in

1 this case does not fit the crime. Incarceration gives even
2 more freedom to the truant." Eileen DiNino's husband
3 passed away several years ago after a protracted battle
4 physically; he died. She was left to take care of these
5 children.

6 Our responsibility as compassionate legislators,
7 as members of a greater community that's interested in
8 young people getting an education, our responsibility is to
9 make sure, yes, the children are in school, but to create
10 an environment that traumatizes children and families and
11 is expensive for taxpayers is a direction that I would
12 recommend, through House Bill 2356, that we move away from.

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
15 gentleman for his remarks.

16 At this time the Chair will recognize the
17 Honorable John D. Kuhn, Juvenile Court Judges' Commission.
18 We are so pleased that you're able to join us this morning
19 on this very important issue. So, Judge Kuhn---

20 JUDGE KUHN: Right here?

21 MAJORITY CHAIRMAN CLYMER: Yes, right there. And
22 just hit the button so that the little green light is on so
23 we can hear your remarks.

24 JUDGE KUHN: The green light is on.

25 MAJORITY CHAIRMAN CLYMER: Okay. Then you're

1 ready to proceed when you have opportunity.

2 JUDGE KUHN: Well, Mr. Chairman, I want to thank
3 you and your Committee for inviting me and giving me an
4 opportunity to be here.

5 I am a Juvenile Court Judge in Adams County, but
6 more importantly, I also serve as Co-Chair of the
7 Pennsylvania State Roundtable's Educational Success and
8 Truancy Prevention Workgroup. This Roundtable is an
9 initiative that was created by Justice Max Baer of the
10 Pennsylvania Supreme Court and it was done in collaboration
11 with the Pennsylvania Department of Public Welfare's Office
12 of Children, Youth, and Families.

13 The Roundtable is designed to guide collaborative
14 efforts toward reforms in the dependency arena of our
15 Commonwealth. And in 2009, that Roundtable asked a group
16 of individuals to come together to work on the issue of
17 truancy. The workgroup's mission included a number of
18 things including the gathering of information about
19 critical systemic issues in Pennsylvania regarding the
20 issue of truancy to identify some nationally recognized,
21 and also within the Commonwealth, specific practices that
22 are effective in impacting the issue of truancy and have
23 outlined a statewide approach to the issue and provide a
24 comprehensive set of recommendations for reducing truancy
25 in the Commonwealth.

1 Now, since its inception, that workgroup has been
2 a collaborative venture. There have been many stakeholders
3 from many different arenas from the courts to the child
4 welfare system to the education system, and after
5 significant analysis and thoughtful consideration, the
6 group concluded that truancy is not one entity's
7 responsibility, but rather it is an issue that requires
8 shared responsibility and a collaborative approach. I
9 think, as the Representative was hinting before, this is a
10 community impact issue and it requires the community to be
11 fully invested in our children's education.

12 Now, members of the workgroup, as I mentioned,
13 have come from a number of different arenas. There have
14 been Juvenile Court Judges, Court Administrators,
15 Magisterial District Judges, County Children and Youth
16 Administrators, and other child welfare professionals.
17 There have been Chief Probation Officers, representatives
18 from a number of State associations, including the School
19 Board Association, School Administrators Association,
20 Association of Elementary and Secondary School Principals,
21 as well as from the various State agencies, including DPW
22 and the Department of Education. We've also had the
23 Juvenile Court Judges' Commission and the Administrative
24 Office of the Pennsylvania Courts Office of Children &
25 Families in the Courts fully engaged in this process. The

1 Educational Law Center, the Juvenile Law Center, and the
2 Pennsylvania Council of Children, Youth, and Families have
3 also participated in this workgroup.

4 So for the last six years approximately this has
5 been a major part of my life. In 2010 the workgroup
6 reviewed the literature regarding truancy and analysis of
7 both educational and court-related truancy data and issued
8 a recommendation report. It was entitled "Truancy: A Call
9 to Action." All the reports are available on the Office of
10 Children & Families in the Courts website and we can make
11 copies available for anyone who wishes to have copies of
12 these reports.

13 In that first year's report there were five
14 recommendations that were presented to the State Roundtable
15 and were adopted and viewed as a comprehensive approach to
16 local truancy reduction efforts, and these included
17 demonstrating effective collaborative efforts, which
18 include the sharing of accountability and responsibility
19 for truancy. In other words, as I said, it's a community
20 responsibility and a community effort that's required.

21 Second, to create an educational culture or
22 climate that prioritizes students' connections with school
23 and engages families. Now, for many of us sitting here
24 because we've had some success, our education was a very
25 valuable part of our lives, and I know I can only speak for

1 myself. I don't think I missed a day of school from
2 seventh grade through the day I graduated. But that
3 obviously isn't the situation with many, and we often
4 wonder why is it that some students miss and some students
5 go every day? And part of it is that connection that you
6 have with the school so that that is a place that you want
7 to be.

8 We also recommended that there would be specific
9 strategies that would be implemented where the outcomes
10 could be measured in order to target prevention, early
11 identification, and intervention.

12 We also recommended that there be truancy data
13 and program outcomes and that that information be shared
14 among all the stakeholders.

15 And that we also build sustainable funding bases
16 and allocate the resources based on data-informed decisions
17 and partnerships that maximize the efficiencies of these
18 efforts rather than a piecemeal hit-and-miss approach.

19 The workgroup then continued its efforts over the
20 next year. In 2011 we issued an updated report to the
21 State Roundtable and recommended that the workgroup further
22 examine the existing laws governing school attendance in
23 the Commonwealth and that it partner with the stakeholders
24 to enhance educational materials that could be made
25 available on this issue of truancy.

1 In addition, the workgroup provided information
2 to the Minor Judiciary Education Board to help enhance the
3 revision of the truancy curriculum that was made available
4 for Magisterial District Judges because, quite frankly, at
5 that time we were finding that there wasn't a whole lot of
6 information that was being presented to them during their
7 annual training.

8 I might jump in at this point and remind the
9 Committee that for the most part the provisions relating to
10 school attendance in the Commonwealth are the same as what
11 they were when the School Code was enacted in 1949, and as
12 we all know, the circumstances from where we were in 1949
13 to today have changed dramatically, especially when we
14 think about the rural climate that we had in 1949 compared
15 to the circumstances that exist today.

16 The Roundtable did expand the mission of the
17 workgroup to include assessing not only the issue of
18 truancy but educational stability and success for children.
19 Our focus, however, was primarily in the foster care
20 system, but the work that we do can have an impact on
21 everyone, whether they're in the dependency system or not.
22 And this included concerns regarding the utilization of
23 cyber charter schools for children in foster care, which we
24 found to be an important issue.

25 And in 2012 the report to the State Roundtable

1 presented information in two sections then, one on the
2 issue of the educational success and also on truancy
3 prevention. We outlined at that time a number of
4 additional recommendations, including educational goals for
5 youth in out-of-home care and a number of legislative
6 proposals to reform the School Code. What we did at that
7 time was we took the existing School Code and started to
8 look at it very carefully and were gradually making some
9 recommendations that dealt with definitional sections,
10 procedural matters, and also substantive matters.

11 Then in 2013 the staff of the Juvenile Court
12 Judges' Commission, what we know as JCJC, initiated efforts
13 on behalf of the workgroup to take the work of that
14 workgroup as it relates to legislative recommendations and
15 to draft language that could be the subject of truancy-
16 related School Code amendments.

17 And at the statewide meeting of the Roundtable
18 this year, the workgroup reported on its progress in
19 providing guidance and direction regarding extensive
20 revisions that were made to the curriculum for the child
21 welfare professionals who work with families where truancy
22 concerns exist, and the workgroup also recommended that
23 data sharing be improved between Magisterial District
24 Judges and Dependency Courts regarding truant students who
25 are adjudicated dependent.

1 During that meeting, the JCJC staff reported on
2 their efforts to achieve consensus among the stakeholders
3 regarding the language that could be the subject of
4 truancy-related School Code amendments. My hope in this
5 whole process is that the collaborative efforts of the
6 Juvenile Court Judges' Commission, the Department of Public
7 Welfare's Office of Children, Youth, and Families, and the
8 Department of Education could lead to a comprehensive
9 legislative proposal that could be shared with you as a
10 model to move forward.

11 Obviously as a Judge I'm in somewhat of a limited
12 position. I'm not permitted by judicial ethics to comment
13 on any specific legislative proposal that might be before
14 you for consideration but would respectfully recommend that
15 this Committee consider taking a comprehensive,
16 collaborative approach to reforming our truancy laws.

17 Again, I appreciate the opportunity to be here.
18 I would be very happy to answer any questions that any of
19 you may have.

20 MAJORITY CHAIRMAN CLYMER: Thank you, Judge Kuhn,
21 for your insight and for your thoughts on this issue.

22 A question that I would have is do you see
23 truancy as a growing problem within the educational system?
24 And if it is, is that the young men, young women? Which
25 group do you see a more profound impact in truancy? I

1 think that would be of interest to the Committee as well,
2 so your thoughts.

3 JUDGE KUHN: Sure. Our research has indicated
4 that this obviously is not a new problem. I mean truancy
5 has existed in the Commonwealth for decades. One of the
6 problems that becomes centerfold to this issue is to try to
7 attempt to get a clearer definition in terms of what
8 truancy really means.

9 What we've been able to find is this: that
10 approximately 50 percent of those children who are truant
11 are in the population from age first grade up to the time
12 that they are about 12 or 13 years old, right about the
13 time they're getting into the junior high stage. And the
14 other 50 percent are basically high school students. And
15 from a male to female standpoint, it used to be it was more
16 males; now it's coming closer together, male and female.
17 There are a multitude of reasons for all this from health
18 issues to bullying to you name it.

19 What we found in our review, however, is that
20 when you can attack this problem at that elementary level
21 and you change the culture of that child and that family
22 and have education take on a greater importance, that they
23 not get a year or two behind in their educational approach,
24 the success that they will have at the high school level
25 increases dramatically and their attendance increases. So

1 if you're looking for a group to really focus on, that's
2 where a lot of work could be done in the younger age
3 groups.

4 I might add, if I may, and I hope and I suspect
5 that all of you know this, that the issue of attacking, if
6 you would, truancy is a twofold process in Pennsylvania.
7 We have the Magisterial District Justice system and the
8 school systems can take children or families to the
9 Magistrate Court system to address the issue of that
10 failure to attend. And then there's also the dependency
11 system that gets to the Court of Common Pleas level working
12 through children and youth agencies. In some places the
13 communication between the schools and the child welfare
14 system is very good; they partner with each other and they
15 work together. In other areas the schools look more to the
16 Magisterial District Justice system as a way to address the
17 problem.

18 Our workgroup has worked very hard over the last
19 five or six years to get these partnership efforts working
20 together and there have been some amazing successes in some
21 counties where they have actually had, within their county,
22 truancy summits and they bring all the stakeholders
23 together and they work on this issue of attendance. And
24 they have improved dramatically the attendance rates for
25 their locale.

1 Where the other problem has been, quite frankly,
2 is in getting good data that's accurate in terms of who's
3 missing and who's not missing school.

4 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
5 gentleman and recognizes Chairman Roebuck for questions.

6 MINORITY CHAIRMAN ROEBUCK: Thank you,
7 Mr. Chairman.

8 I wanted to look at this from two different
9 perspectives. It seems very much to me that the core of
10 the problem of school attendance rests in family and
11 particularly the willingness of parents to prioritize
12 education and make sure that their students, their kids are
13 accountable.

14 I'm particularly struck by having had the
15 experience and I guess now three years ago of going out to
16 the local schools every morning and talking to parents
17 about issues or concerns, but what struck me most was that
18 school starts at 8:30. Kids are arriving at 8:35, quarter
19 to 9:00, 9:00, 9:15, and I went to the person checking the
20 kids in and said are these kids marked late? Yes. So that
21 in effect not only are they missing academic time but
22 they're also inhibiting their ability to qualify for
23 accelerated programs that in part are based upon your
24 attendance record for acceptance.

25 But what is also clear to me is that these are

1 not just kids who wander up on their own. Literally
2 parents are driving their kids to the school late. So it
3 goes back in my mind to parental responsibility at the core
4 of this issue. Parents who prioritize education make sure
5 their kids are on time. And obviously this is an example
6 that's largely urban, but making sure their kids do in fact
7 do what they're supposed to do.

8 I wonder what your response might be to that.

9 JUDGE KUHN: Well, I think you're certainly onto
10 something because the family is the center point for any
11 child's life obviously, and if the parent or parents,
12 whatever the case may be, are strong advocates for
13 education, the likelihood increases dramatically that that
14 child is going to be there on time on a daily basis unless
15 there's some illness or other reason to be lawfully
16 excused.

17 I can tell you from my own experience that
18 frequently when I have families come in front of me where
19 truancy is an issue, I ask the parents how far have you
20 gone in school? And sometimes that can be very revealing,
21 too. It's somewhat hard to imagine in today's age that
22 someone would say, well, I never finished high school, but
23 yet we know from reality that there are a great number of
24 dropouts and people that leave school for any number of
25 reasons. And depending upon their experience then, they

1 bring that lesson back to their children. Well, I dropped
2 out of school, I got a job, I'm doing okay, so what's it
3 matter? Or I dropped out of school, I've been struggling
4 my entire life, I want something better for my child. So,
5 yes, it does start in the family.

6 And then the next step of course is for the
7 school itself to be a welcoming environment for that child
8 where that child wants to be there. So again, because of
9 community effort, but you're exactly right; it starts with
10 the family.

11 We did in our workgroup try to look at that issue
12 of the tardies if you would. That's a beast in itself
13 that's really hard to tackle. The local school districts
14 basically define the school day, when it starts, when it
15 ends. They are required, of course, to have the child
16 attend a certain number of days each year and then they
17 determine how many hours there's going to be in each day,
18 and they determine whether a child arrives on time, are
19 they going to be docked a minute or two minutes or half a
20 day or a whole day depending upon their local policy. And
21 with 500 districts that's really hard to get a handle on.

22 MINORITY CHAIRMAN ROEBUCK: You've come really
23 close to my second area of concern, and that is the actual
24 curriculum of schools. In part it also seems to me that
25 unless there is meaning in what is being taught, students

1 lose interest and have no sense of how all this fits
2 together in their lives. That is to say that my experience
3 suggests that there are many students who go to school
4 every day and at some point they're taking courses that
5 have no meaning to them. There's no sense that this fits
6 together in producing an end result that is positive to
7 them. And so you ask the student why are you going to
8 school? And they'll say to learn. And then you say, well,
9 what are you learning? And they'll say I don't know.

10 So that's part of the problem as well that there
11 has to be a clear relationship of why you're going to this
12 building every day and how that affects your life and it
13 seems to me we don't do necessarily a good job in
14 prioritizing that and making it important. And I say that
15 as a Representative of an area that has a huge dropout
16 rate; 45 percent of the kids in my district who enter 9th
17 grade don't finish 12th grade. And so there is a serious
18 problem here. Well, at some point they do become truant,
19 but there is a serious problem here in my mind in relating
20 what we're trying to teach, the values you're trying to
21 instill, and giving them meaning to the individual student.

22 JUDGE KUHN: I think the educators are in a
23 better position to respond to that particular question. I
24 can only speak from my own personal experience.

25 Well, I probably shouldn't share this with you

1 but when I look back to high school the most important
2 course it turned out that I took was one that I took
3 because I was trying to get away from some other course,
4 and that was typing. Now, that sounds silly but I learned
5 how to use a typewriter, which then allowed me to use the
6 keyboard, which helped me now with computers. And when I
7 went to college I could type papers when nobody else could.
8 They had to pay somebody. That was the most important, as
9 it turned out, course that I took in high school. I'm
10 embarrassed to say that. I'm not saying that the other
11 courses weren't important and they didn't prepare me for
12 things and I didn't learn things and I didn't become a
13 better person because of it, but in terms of the long-term
14 effect, that turned out to be a pretty important course.

15 Now, I'm not suggesting anything by that at all,
16 but I think what you are trying to hint at is the relevancy
17 and having children understand the relevancy of what they
18 have an opportunity to learn on a daily basis, and the
19 opportunities that they have to experience things that are
20 otherwise not going to be made available to them.

21 I would have kicked and screamed forever if my
22 mother would have required me to take piano lessons because
23 I wanted to be outside playing. Now, I wish I could play
24 the piano, and it's the same sort of thing. You don't
25 always realize what opportunities are in front of you when

1 you're a young person. Unfortunately, experience in
2 retrospect tells you what you should have done and where
3 you should have paid attention. And how we get young folks
4 to buy into that, to be excited about being in school, to
5 want to be there, to feel part of something important, not
6 only for their community but for themselves and their
7 family, I think that is important. And that will impact
8 school attendance.

9 MINORITY CHAIRMAN ROEBUCK: Thank you. I just
10 want to make one final observation since you mentioned
11 typing. I still type with two fingers. But one of the
12 things is that most kids do in fact learn to keyboard early
13 but they also then don't learn how to do cursive writing
14 and they cannot either do it or read it, so there are ups
15 and downs to all of this.

16 JUDGE KUHN: Well, Representative, I can tell you
17 that some of our young folks are absolutely very talented
18 in being able to use their fingers to communicate in ways
19 other than what you thought I meant. I was speaking to one
20 young lady, in fact, about her school attendance in court
21 one day and she seemed to be observing me when in fact she
22 had her iPhone on her lap under the table communicating
23 with her friends while I was talking to her. She never had
24 to look down. So they have talent.

25 MAJORITY CHAIRMAN CLYMER: The Chair thanks the

1 gentleman and recognizes Representative English.

2 REPRESENTATIVE ENGLISH: Thank you, Mr. Chair.

3 Thank you, Your Honor. I, too, took typing,
4 ASDFGHJKL. I still remember that.

5 With your judicial hat, I just want to ask a
6 practical question with House Bill 2356 as proposed, it
7 seems to strip away incarceration and add on community
8 service and then also adds provisions of having three-day
9 notice to parents. And I'm just curious; how would
10 magistrates deal with it if the parents, such as the one
11 that made the headlines, continue to not be able to attend
12 any of the hearings with the schools, continue to be
13 otherwise occupied? What's the magistrate going to do at
14 that point even if they're imposing community service and
15 they're not showing up, they're not doing anything? What's
16 the next step? This bill is not going to save us; it's
17 certainly a start. But just from the magistrate side, the
18 judicial side, with teeth does this have?

19 JUDGE KUHN: Well, again, knowing the limits that
20 I have in terms of my ability to comment upon any specific
21 legislation---

22 REPRESENTATIVE ENGLISH: Hypothetically.

23 JUDGE KUHN: Every judicial officer understands
24 or should understand that debtors' prison was eliminated
25 hundreds of years ago and that it is a judge's

1 responsibility, before you incarcerate someone, to look at
2 their ability to pay rather than merely the fact that they
3 have not. And if you find that a person, because of their
4 circumstances, does not have the ability to pay, you are
5 not to be putting them in jail.

6 Now, the School Code at the present time does
7 provide that if a parent fails to pay the fines and costs
8 imposed for what we're talking about, they can receive up
9 to I think it's five days in jail. That doesn't mean they
10 have to receive five days in jail; it doesn't mean they
11 have to receive any days in jail. It means it's a tool
12 there.

13 Now, some people respond to those tools, other
14 people don't have the ability to respond to those tools,
15 and I guess on one level I'm glad that this Committee is
16 willing to look at the entire issue of truancy and the
17 impact that it has on families and what tools are available
18 to magistrates or the courts to be able to find other
19 solutions to this problem.

20 Now, I don't know what happened in Berks County,
21 I don't know necessarily what happened in other counties,
22 but one of the things that I will tell you that our
23 workgroup is asking or recommending to be considered by
24 those who are studying this issue is that there would be
25 required before any family would be taken to court, that

1 the school schedule what we call an Attendance Improvement
2 Conference -- rather than call it a Truancy Elimination
3 Conference, it's attendance improvement because we're not
4 going to eliminate truancy completely but we can improve
5 attendance. And that's an invitation at the school level
6 to bring the family, the educators, other service providers
7 together before we ever approach the court system and say,
8 all right, what's the issue here? Why is your child not
9 getting to school? What can we do as a community to help
10 solve this issue?

11 And then if we get no cooperation, then the
12 school has to take some step. And as I mentioned before,
13 you can go either into the dependency field or you can go
14 into the Magisterial District field. Whichever way that
15 you go, and we're trying to work within the parameters of
16 the existing School Code without turning it upside down
17 necessarily, but whichever direction that you go, that you
18 then don't also go into the other system.

19 In other words, if you go to Dependency Court,
20 while that case is pending, while you're working with the
21 family in the dependency field, don't go file in front of a
22 magistrate so that you're not hitting the family from two
23 angles. Or if you go to the magistrate level with one set
24 of absences, while that is pending, don't file three or
25 four more citations. And then that way maybe you don't end

1 up with families that have \$2,000 or \$5,000 in fines. It's
2 a problem that needs to be addressed in a number of
3 different ways.

4 I can tell you I had a mother who leaves home at
5 4:30 or 4:00 in the morning to go work at a mine and she
6 didn't know whether her children went to school. She
7 didn't know what time they left the house. And it was
8 easier for her to pay a fine than to make sure her child
9 got to school. So it's not just the issue of whether
10 somebody is incarcerated or not; there's the issue of, for
11 some people, it's just easier to pay the fine and it
12 doesn't address the problem.

13 I know I haven't answered your question directly
14 but I'm somewhat limited on what I can offer.

15 REPRESENTATIVE ENGLISH: Thank you, Your Honor.

16 JUDGE KUHN: I think the key here is to give the
17 court system, whatever level that may be, as many tools as
18 possible to help work with the family so that the concern
19 that you have is at the absolute tail end of any approach
20 to what it is that you are trying to accomplish.

21 REPRESENTATIVE ENGLISH: Thank you, Your Honor.

22 Thank you, Mr. Chair.

23 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
24 gentleman and recognizes Representative Wheatley.

25 REPRESENTATIVE WHEATLEY: Thank you,

1 Mr. Chairman. And good morning, sir.

2 JUDGE KUHN: Good morning.

3 REPRESENTATIVE WHEATLEY: First, to my Chairman,
4 I'm not sure when the last time I've actually used cursive
5 writing since leaving graduate school, so I'm not sure if
6 it's relevant today or not, but I certainly wanted to thank
7 you for this conversation that we're having this morning
8 because one of the things I wanted to ask, going back to
9 your Roundtable, you said you looked at this issue of
10 truancy. Can you tell me what the typical truant parent
11 looks like?

12 JUDGE KUHN: It looks like us.

13 REPRESENTATIVE WHEATLEY: Us?

14 JUDGE KUHN: Meaning it could be any one of us
15 from the community. I don't think that there's a poster
16 child for this arena. Sometimes the parents are very down
17 and out, they could be transient, they could have mental
18 health problems, they could have financial problems, they
19 could have more kids than they can handle.

20 On the other hand, sometimes we run into families
21 that when you look at them from the outside, it appears
22 that they have it all together, but for some reason
23 something isn't working in that household for either that
24 child or that family that education right now is a
25 priority.

1 I'll give you an example. This particular family
2 from appearances would look like a family who would have a
3 child go to school. The child went to school and had a
4 substance that the school was concerned about. They
5 thought it might be drugs and they had it tested and it
6 turned out it was the ashes of her pet that she took to
7 school with her because she was grieving over the loss of
8 her pet. That event in her mind traumatized her and she
9 refused to return to that school.

10 So there are mental health issues; there is the
11 whole self-esteem issue for children. I wish I could give
12 you a clear definition but I haven't been able to find one.

13 REPRESENTATIVE WHEATLEY: And I can appreciate
14 that answer. What I was looking to try to, at least in my
15 own mind -- you had mentioned about doing a study, you
16 found that kids from grade 1 to 6 and then again high
17 school, and you're saying that it's starting to equal out
18 between male and female. I'm trying to figure out what the
19 family -- because if we're going to put punishment to
20 parents or we're going to try to incentivize parents or
21 we're going to try to correct or involve parents into this
22 process, it would seem to me if we're noticing that most of
23 the children who are truant come from parents who are
24 somehow mentally incapacitated in some form or fashion,
25 that's a different role that we will take than if it's from

1 a parent that seems to be working all the time and just
2 don't have the -- to your one example, would rather pay a
3 fine than to have to worry about being there or missing
4 time on the job to make sure a child gets there.

5 So I'm assuming there is like a 50 percent or 45
6 percent of truant kids come from this type of setting and
7 so if we're going to make a policy, I want to make sure
8 we're making policies that are addressing the majority or
9 the root causes of that versus making policies that are
10 around the edges. So I don't know if your investigation
11 kind of determined that.

12 JUDGE KUHN: We did not specifically, but what I
13 should make clear is our workgroup was put together
14 primarily to address truancy as it relates to children in
15 the welfare system. The State Roundtable was put together
16 I guess it was probably about eight years ago primarily
17 because there was a recognition that there were around 23,
18 24,000 children annually that were in out-of-home care, in
19 foster care or congregate care, and that just seemed to be
20 too many. So the effort was to try to bring together best
21 practices across the Commonwealth and share those ideas to
22 reduce the number of children in foster care, and I think
23 the number is down to around 14 or 15,000 right now at the
24 savings of hundreds of millions of dollars. So our focus
25 was primarily on those children, the children that could

1 end up in the foster care system.

2 That being said, however, truancy is one of the
3 mechanisms that you can get into the dependency system.
4 What I should tell you is I don't have a breakdown in terms
5 of how many truancy cases end up at the magistrate level,
6 the Magisterial District Judges' level, versus how many end
7 up in the dependency system. Those numbers are available;
8 I just don't have them with me.

9 I can give you a profile a little better of the
10 folks that come in to court in front of me at the county
11 level, and generally speaking, I see more folks who are
12 economically challenged, who may have drug or alcohol
13 issues, who are having a difficult time finding jobs that
14 allow them to be able to live comfortably, and yet that may
15 not be the profile that the magistrates see.

16 REPRESENTATIVE WHEATLEY: Sure. And I'm just
17 going to make one final comment and then would love to hear
18 the other parts of this discussion, but I'm glad you kind
19 of laid out that part of it because I tend to come at it
20 from a different perspective. I believe it's always
21 important to have parental involvement in our system, and
22 it's a very simple conversation to say we need to have
23 better parents to be more involved and a better economic
24 system. However, we do know we live in a real system where
25 parents struggle in all different forms and fashions, and

1 if we are not supporting those struggles, no matter if we
2 penalize them from incarceration or we fine them to death
3 or we put stipulations on community service, if we're not
4 dealing with the root causes of their struggles, they're
5 going to just constantly be in a cycle.

6 So the way I come at it is even using your
7 system, have you talked about in your Roundtable ways to
8 maybe offer positive reinforcement for positive behaviors
9 so if you're seeing more of our parents that are in our
10 welfare system, I'm assuming some of them are probably
11 caught up in support battles or arrears or gentleman or
12 women who might be caught up in other parts of your system,
13 that if they were to become more involved in their
14 children's education, making sure their child shows up or
15 making sure they show up to these parent/teacher
16 conferences or whatever you're calling them, that there is
17 some reduction that comes back out of their legal struggles
18 and situations, and so they see it a real link to that?

19 If they are struggling with drug and alcohol
20 issues and they've been in and out of facilities, if they
21 stay clean or whatever, it can count towards some reduction
22 of what might be a punitive situation with their -- some
23 ways to leverage whatever struggles they are involved in
24 with ways to help them get out of it instead of turning
25 them back into cycles that keeps them in their place?

1 I don't know if it makes sense that way, but I've
2 been trying to figure out a way to not punish parents for
3 not doing the things we think they should do, to figure out
4 ways to encourage parents, again, even with the way we do
5 our scheduling of our classes, sometimes that's not
6 conducive to our working-class parents who are in poverty.
7 If they're working 7:00 to 4:00 in the morning, trying to
8 get them to wake up to get their kids into school by 8:00
9 or 8:00 doesn't really make sense.

10 But anyway, I don't know if all those things were
11 a part of your conversation around the Roundtable.

12 JUDGE KUHN: All of those things are a part of
13 the conversations, and that's why we came to the conclusion
14 pretty early in the process that there's no single cause
15 for truancy, there is no single solution for truancy, that
16 it is a collaborative effort where intervention at the
17 earliest possible time is important.

18 And I don't necessarily mean by that court
19 intervention; what I mean is community intervention from
20 the school standpoint, from the social providers within the
21 community to be able to be connected with that family, to
22 care enough about that family to say, look, we are
23 concerned about your child and why your child is not able
24 to get to school on time. Let's sit down and have a
25 conversation to try to figure out what's going on. What

1 can we do as a community to help you solve your issue,
2 whether that be transportation, whether that be child care,
3 whatever the issue may be? But we're not going to be able
4 to know those problems, we're not going to be able to offer
5 those solutions unless we have the conversation.

6 And I think you're right on point. There are
7 many things that impact us, and the Commonwealth is diverse
8 in terms of, you know, Philadelphia does not look like
9 Potter County and Potter County doesn't look like Allegheny
10 County. But there are some common threads in terms of -- I
11 hate to put it in this term, but what it really comes down
12 to is human decency to each other and to understand --
13 that's why I mentioned earlier about maybe we won't
14 eliminate truancy.

15 By the way, truancy just under the current code
16 means that you are absent without excuse from school. You
17 become habitually truant when you've had at least six of
18 those absences. The current School Code would allow that
19 those six absences could occur any time during your school
20 career. So you could have an absence in first grade,
21 another one in third grade, another one in sixth grade, two
22 more in seventh grade, and you could add all those
23 together.

24 Now, from a practical standpoint, that's not what
25 happens with the schools. They focus on the current year,

1 but they could if they wanted to add last year's absences
2 when they go in front of a magistrate to this year's
3 absences.

4 So what our group was hoping is that folks that
5 have information on this subject can be brought together
6 and come up with strategies if you would, legislative and
7 otherwise, that could attack this problem knowing again
8 that we're not going to eliminate it but we can improve it
9 for a lot of students.

10 REPRESENTATIVE WHEATLEY: Thank you.

11 Thank you, Mr. Chairman.

12 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
13 gentleman and recognizes Representative Truitt for
14 questions.

15 REPRESENTATIVE TRUITT: Thank you, Mr. Chairman.

16 Thank you, Judge, for your testimony. I just
17 have a quick question to try to better understand the
18 balance of the responsibility for truancy between the
19 parents and their children. In other words, how often is
20 this 100 percent the parents' fault and how often is the
21 child sometimes partially at fault? For example, if I put
22 my son on the bus in the morning and he gets to the school
23 and he doesn't go into the building, how often do you find
24 that the parents have done as much as they reasonably can
25 given their circumstances versus they've made no attempt at

1 all?

2 JUDGE KUHN: Good point. Every general rule has
3 exceptions. Now, as a general rule, most of the folks that
4 look at this arena will say that most young children are
5 anxious to go to school, want to go to school. So when you
6 have a very young child, a first, second, third, fourth
7 grader that's not attending school, in most cases it's a
8 parent issue. The older child, the 15-year-old, the 16-
9 year-old, it seems that the focus turns more toward the
10 child, even though in each of those cases, like you take
11 the younger child, maybe it is to some degree the parent's
12 doing everything they can to get that child to go to
13 school, the child has some sort of anxiety issue or
14 whatever and just refuses to go or complains about being
15 ill or whatever the case may be. But in most cases the
16 younger kids want to go.

17 The older child, it may be that the parent is
18 doing, again, everything that they can but the child just
19 refuses to get out of bed. And the 15-year-old son could
20 physically handle his single mom if he wanted to do so and
21 just refuses to go, and the parents just throw up their
22 hands; I can't do anymore.

23 When cases go before the magistrate, in the
24 School Code presently there is a provision that provides
25 that the parents are not to be convicted for truancy if

1 they're able to show that they made all reasonable efforts
2 to get the child to school. Now, what does "reasonable
3 efforts" mean? That's going to be whatever the magistrate
4 thinks is reasonable effort.

5 But that defense is there, and I suspect that
6 what happens in many cases, because truancy, if you go in
7 front of a magistrate, is a summary offense, rarely would
8 anybody ever take a lawyer with them. And I don't know how
9 much frankly a parent is educated when they go into the
10 magistrate system about who has the burden of proof and
11 what can I offer and how do I offer my testimony and what
12 can I say and how do I say it? I suspect that most people
13 are going in right off the street without any background on
14 how to do that, and depending upon how they are received,
15 they may have a good result, they may have a bad result.

16 I think there are many magistrates in the
17 Commonwealth that care a great deal about children and I
18 think that they want to make a difference, they want to
19 make a positive difference because they live in the
20 community and they want to see those children do well. And
21 I think they need some help, too, in helping to define what
22 they can do and what they can't do it if they have the
23 tools to do with that.

24 I will just give you an example. There's nothing
25 in the School Code that says, for example, if you fine a

1 child or a parent \$300 for truancy, that they have the
2 ability to work that off. In other words, okay, I'm going
3 to fine you but if you go to school every day for the next
4 two months, I'll dismiss the fines. There could be some
5 clearer parameters for that sort of thing for magistrates.

6 Right now, if a child gets a truancy conviction
7 -- and by the way, a child 13 and above right now could be
8 convicted of truancy -- the magistrate is required to send
9 that conviction to PennDOT so when that child gets to be
10 16, their license is suspended. Well, what does that mean
11 if you grow up in Philadelphia and you have public
12 transportation and you don't need a driver's license
13 compared to what does that mean in Tioga County where you
14 may be driving by the time you're 12, you're just not
15 telling anybody about it? But the magistrate right now
16 doesn't have the ability to hold that conviction; they have
17 to send it to PennDOT. And then there's no ability right
18 now for that student, who at 13 was truant, and now at 15
19 or 16 has been attending school to work that suspension
20 back, to have it wiped away.

21 So there are a lot of different things at play
22 here and that's why we're hoping that it's not just a look
23 at one part of this whole issue but a comprehensive review
24 of the whole school attendance issue and the consequences
25 that flow from it.

1 REPRESENTATIVE TRUITT: Very good. Thank you,
2 Judge.

3 JUDGE KUHN: All right.

4 REPRESENTATIVE TRUITT: Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
6 gentleman and recognizes Representative Gillen.

7 REPRESENTATIVE GILLEN: Thank you for your
8 distinguished testimony, Judge.

9 Could I just ask a question about unintended
10 consequences? We had a Magisterial District Justice who
11 indicated in written testimony -- he won't be here -- that
12 incarceration gives more freedom to the truant. Another
13 area I heard from some of the law enforcement, we have a
14 significant transient community. There's over 50 percent
15 rental housing stock and people are moving in and out all
16 the time. There is evidence that parents are not even
17 putting their children in school because of the significant
18 risk that they would encounter intersecting with the
19 criminal justice system and conceivably be incarcerated.

20 I mentioned the number 1,626 over a 12-year
21 period of parents who were incarcerated between 2000 and
22 2012 in Reading; over a thousand of those were mothers. If
23 you look at last year between January and August of 2013,
24 there were 700 incarcerated for summary offenses, and the
25 majority of those were parents.

1 Unintended consequences, do you have a comment or
2 two, sir?

3 JUDGE KUHN: Well, I can't obviously comment on
4 any particular case because I don't know all the
5 circumstances. As I mentioned early in my remarks,
6 debtors' prison was eliminated a long time ago, so on the
7 one hand I could assume that before any of these parents
8 were incarcerated, there was a conversation with them in
9 terms of their ability to pay and the magistrate found that
10 they had the ability to pay but were refusing to pay.
11 Reality would tell me that maybe in some cases those
12 conversations didn't take place to the degree that you
13 would hope that they would take place. So I can't really
14 comment individually on what happened.

15 I can tell you that our workgroup tried to work
16 within the parameters as they exist currently in the School
17 Code. And the School Code currently provides that if
18 children or parents are involved in truancy and they're in
19 front of the magistrate, the magistrate can fine them, and
20 yet if the child violates a community curfew for a summary
21 offense or a child commits some other summary violation or
22 a parent does that, the same mechanism is in place. There
23 can be fines; there can be incarceration for failure to pay
24 the fine. So it's not just truancy where this occurs; it
25 occurs across the board in summary offenses.

1 That being said, for children, if they violate
2 let's say a curfew and do not pay a fine, the magistrate is
3 required to send them to Delinquency Court. In other
4 words, that's where children come into Juvenile Court who
5 have committed a criminal offense, except the failure to
6 pay a fine for truancy is not a delinquent act by statute.
7 So if you violate a curfew ordinance, you get sent to
8 Delinquency Court if you don't pay the fine, but truancy,
9 you can't be sent to Delinquency Court.

10 Now, I'm not bringing that up because I'm
11 advocating that truant kids should go to Delinquency Court
12 because I don't think anybody wants to see that, but there
13 is a lot of -- how do I want to say this? There are a lot
14 of inconsistencies in how we approach these things. So
15 there can be unintended consequences for somebody who fails
16 to pay a traffic fine. There can be unintended
17 consequences for failure to pay a curfew fine, just the way
18 there is for truancy. It comes down to the magistrate
19 having the tools and then using those tools appropriately I
20 think is the answer from my standpoint. But I know you
21 have to deal with some issues differently than what I have
22 to deal with.

23 REPRESENTATIVE GILLEN: Thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
25 gentleman.

1 And thank you, Judge Kuhn, for being with us this
2 morning to answer the questions, for your outstanding
3 testimony, and for giving us good insights into this very
4 challenging issue of truancy. Thank you very much.

5 JUDGE KUHN: Well, thank you for the opportunity.

6 MAJORITY CHAIRMAN CLYMER: Our next testifiers
7 this morning will be from the Pennsylvania Association of
8 School Administrators. We have with us Dr. Eric C.
9 Eshbach, Superintendent of the Northern York County School
10 District; and Mrs. Sharon Laverdure -- whoa, what happened
11 to Sharon?

12 DR. ESHBACH: You will notice that this is not
13 Sharon.

14 MAJORITY CHAIRMAN CLYMER: And you are?

15 DR. ESHBACH: I am Eric.

16 MAJORITY CHAIRMAN CLYMER: Could you introduce
17 yourself?

18 DR. ESHBACH: Good morning, Chairman Clymer,
19 Chairman Roebuck. I am Eric Eshbach. I serve as the
20 Superintendent---

21 MAJORITY CHAIRMAN CLYMER: Well, then where's the
22 one for Sharon? That's---

23 DR. ESHBACH: This is Jim Buckheit.

24 MAJORITY CHAIRMAN CLYMER: Okay.

25 DR. ESHBACH: He is the Executive Director of

1 PASA.

2 MAJORITY CHAIRMAN CLYMER: And are you with the
3 East Stroudsburg Area School District?

4 MR. BUCKHEIT: I'm substituting for
5 Superintendent Laverdure. Unfortunately, she needed to
6 stay back in her school district given the manhunt for the
7 recent shooting.

8 MAJORITY CHAIRMAN CLYMER: I understand.

9 MR. BUCKHEIT: And so unfortunately she felt it
10 was more important to stay back in her district.

11 MAJORITY CHAIRMAN CLYMER: Would you introduce
12 yourself then and---

13 MR. BUCKHEIT: I am Jim Buckheit. I'm the
14 Executive Director of the Pennsylvania Association of
15 School Administrators.

16 MAJORITY CHAIRMAN CLYMER: Okay.

17 MR. BUCKHEIT: And I will be speaking on behalf
18 of Mrs. Laverdure.

19 MAJORITY CHAIRMAN CLYMER: All right. With that,
20 you may begin Dr. Eshbach, and welcome again.

21 DR. ESHBACH: Thank you. And again, thanks to
22 the House Education Committee for inviting PASA to be a
23 part of this.

24 The tragic death of Eileen DiNino in June while
25 serving a jail sentence for failure to pay truancy fines

1 placed the issue of student truancy and the outdated and
2 complex jurisdictional challenges of effectively addressing
3 truancy on the front page of newspapers and in the
4 headlines on television news across the Nation.

5 Truancy, as you heard Judge Kuhn talk about, is a
6 significant problem in our State. During the '12/'13
7 school year across the State, 8.8 percent of the total
8 public school enrollment, or 154,000 students, were
9 habitually truant, and as he stated, habitually truant
10 means the student has an unexcused absence of more than six
11 days.

12 In 2010, excluding the City of Philadelphia,
13 77,261 citations were filed statewide against students
14 and/or parents by Magisterial District Courts. Of these,
15 5,616 juveniles were certified to the Court of Common Pleas
16 for failure to pay fines. Total fines collected were \$1.2
17 million.

18 The truancy problem crosses the span of grade
19 levels with a portion of students who are truant increasing
20 as students progress from elementary to middle school and
21 into high school, but even at the elementary level, the
22 problem is not insignificant. Statewide, 5 percent of
23 student enrollment in grades 1 through 5 are classified as
24 habitually truant. The percentage increases to 7 percent
25 in middle school and dramatically increases to over 12

1 percent in high school.

2 Truant youth are more likely to perform poorly in
3 school, drop out of school, use illegal drugs, commit crime
4 and engage in other high-risk behaviors. Truant behavior
5 is a predictor of poor adult outcomes such as job and
6 marital instability, lower status/low-paid jobs, adult
7 criminality and incarceration. Truancy is often a symptom
8 of other problems that include bullying, social isolation,
9 substance abuse, mental health issues, criminal activity,
10 abuse, family dysfunction, homelessness, deficient
11 parenting skills and incorrigible or delinquent behavior.

12 In 1895 the Commonwealth first made school
13 attendance compulsory for children between ages 8 and 13.
14 Sanctions were imposed for the first offense, with fines of
15 \$2 per day levied against parents provided they were
16 afforded the notice in writing, given the opportunity to
17 appeal the fine and granted an opportunity to comply with
18 the law. A second offense could subject the parent to a
19 sentence of not more than five days in jail.

20 The basic framework remains in place today, with
21 Sections 1333, 1338.1, 1341, and other related provisions
22 of the School Code that address compulsory attendance,
23 truancy, procedures and sanctions, having last been updated
24 in 1995 during the Special Legislative Session on Juvenile
25 Crime.

1 State agencies, State associations, and other
2 groups have formed workgroups, task forces and committees
3 to address the truancy challenge numerous times over the
4 past decade. Most recently, in 2010 the Truancy Workgroup,
5 of which PASA was a member, produced a report with
6 recommendations provided to the Pennsylvania State
7 Roundtable titled "Truancy: A Call to Action." The State
8 Roundtable was convened by the Supreme Court Justice, the
9 Honorable Max Baer, and is co-chaired by the Administrator
10 of Office of Children & Family Courts and the DPW Deputy
11 Secretary for the Office of Children, Youth, and Families.
12 The workgroup continues to meet and explore the issue under
13 a new name, The Educational Success and Truancy Prevention
14 Workgroup.

15 The Department of Education, working closely with
16 other State agencies and organizations, developed a Basic
17 Education Circular on Compulsory Attendance and Truancy
18 Elimination Plans and also developed the Pennsylvania
19 Truancy Toolkit that contains data, research, informational
20 resources, best practices, and other valuable information.

21 Through these efforts and the resources developed
22 as the result of each, significant progress has been made
23 to advance local efforts to address truancy, and we'd like
24 to share with you perspectives from two very different
25 school districts in two separate parts of the Commonwealth.

1 Northern York County School District, which I
2 represent, is a rural fringe school district just 15 miles
3 from where we sit today. There are just over 3,200
4 students enrolled in our four elementary schools, one
5 middle school, and one high school. As one of 16 school
6 districts in York County, we are active participants in the
7 York County Truancy Prevention Initiative.

8 Almost 15 years ago, Judge John Uhler observed
9 that as many as 90 to 95 percent of youth appearing before
10 him in Juvenile Court delinquency proceedings were habitual
11 truants. In response, he convened a group that evolved
12 into the Truancy Prevention Initiative. With over 45
13 stakeholders, including teachers and school administrators,
14 lawyers, Magisterial District Judges, social service
15 providers, the medical community, and parents, this group
16 has worked diligently to combat truancy. In 2010, a
17 director was hired for this initiative to assist with
18 collaboration and standardization of practices across the
19 county.

20 The York County Truancy Prevention Initiative
21 strategically plans to be proactive in its efforts to
22 eliminate truancy, focusing on imperatives, including
23 gathering consistent and relevant data, enhancing
24 collaborative efforts of all stakeholders, providing
25 technical assistance to school districts, district judges,

1 parents and others, and making concerted efforts at
2 sustainability and advocacy to maintain their valiant
3 efforts.

4 The work of this model of collaboration is in
5 line with the work of the Truancy Workgroup in 2010 and
6 follows the recommendations outlined in PDE's Basic
7 Education Circular on Truancy Elimination Plans. Most
8 importantly, it establishes opportunities for school
9 districts to be proactive and reduce habitual truancy
10 because of the intentional actions it takes to involve
11 parents early and often to have students attend school.

12 The result of this work can be seen when
13 comparing truancy data for our school district 10 years ago
14 with similar data from last year. For 2005, we sent 103
15 notices to parents of truant students. Of those, we
16 referred 44 cases to our Magisterial District Judge.
17 Sixty-two percent of those were found guilty, and 70
18 percent of those found guilty were assessed fines.

19 From those numbers, it's obvious to discern that
20 while truancy wasn't a huge problem for Northern York, the
21 simple "threaten and fine" mentality was not effective.
22 Compare that to 2013/14, where only seven citations were
23 filed with our District Magistrate, and those seven
24 citations came after 62 letters were sent out after the
25 fourth unlawful absence, 31 Truancy Elimination Plans were

1 crafted, and 95 percent of those were completed. Five
2 cases were referred to Children and Youth Services.

3 So throughout the year, the York County Truancy
4 Prevention Initiative helps school districts gather and
5 analyze data that not only provides information on truancy,
6 but also identifies key risk factors for potential
7 dropouts. It has also ensured that school districts across
8 our county have consistent policies and procedures and that
9 the medical professionals in our area understand the role
10 they play in reducing truancy as well.

11 MR. BUCKHEIT: And now I'd like to tell you about
12 the work in East Stroudsburg Area School District. The
13 district has partnered with the Magisterial District
14 Justices and the Monroe County Court of Common Pleas in an
15 effort to combat truancy more effectively, through a
16 collaborative effort including the Dependency Roundtable,
17 county Children and Youth Services agencies, community
18 service organizations, and other local school districts in
19 Monroe County.

20 This has required collaborative efforts between
21 school districts in the county in policy construction,
22 while leaving opportunity for local implementation
23 strategies surrounding enforcement of compulsory attendance
24 laws with a goal of mitigation before penalty.

25 To that end, the district has constructed

1 administrative regulations to ensure that the attendance
2 policy is enforced in a manner consistent with the spirit
3 of the law, yet yields when available mitigation strategies
4 are successful in resolving the truancy. The mitigation
5 strategies in all of the schools in the district include a
6 parent/teacher/school conference and the implementation of
7 an individualized Truancy Elimination Plan, as outlined in
8 the Department of Education's Basic Education Circular.

9 Additionally, where there is availability and
10 cooperation from local Magisterial Justices and the Court
11 of Common Pleas, habitually truant students and their
12 parents or guardians are invited to a meeting with the
13 Magisterial Justice where representatives from the county
14 Children and Youth Services agency and other support
15 organizations are often present to provide information
16 about the programs and services to help combat truancy in
17 each individual situation.

18 Since truancy is often a symptom of other
19 underlying challenges, it is important to examine each case
20 on its own merits. Unfortunately, since involvement in
21 programs like ours are not mandated for parents, students,
22 Magisterial Justices, or the Court, its success is somewhat
23 dependent on chance.

24 In a district like East Stroudsburg, which spans
25 two counties and six municipalities, there are many

1 variables involved, and the district is unable to ensure
2 that all students have equal access to assistance. For
3 example, the available Pennsylvania Safe Schools reports
4 for our district's high schools for years 2009 through 2010
5 and through 2013/14 show a reduction in the cases of
6 habitual truancy of 44.5 percent at South High School but
7 only a 5.8 percent reduction in North High School.

8 The reason for the difference, our South High
9 School is situated in a municipality where all aspects of
10 our truancy mitigation program are available through
11 voluntary participation, whereas our North High School is
12 not. We are working to establish relationships with newly
13 elected public officials to change that.

14 In lieu of a mandated truancy mitigation program,
15 the law provides for penalty, which some Magisterial
16 Justices are understandably reluctant to impose. The
17 result, therefore, in some cases is neither mitigation nor
18 penalty, and thus, no remediation or elimination of
19 truancy.

20 DR. ESHBACH: So as illustrated by the data
21 presented in local community-based efforts already
22 underway, it's clear that truancy is a serious, widespread
23 problem that can only be effectively addressed through
24 collaboration among schools, the judiciary, law
25 enforcement, county children and family service agencies,

1 social and human service agencies, and, most importantly,
2 the families.

3 The issue begs a comprehensive legislative and
4 policy review that extends beyond the scope of authority of
5 the Education Committee. Truancy is addressed in four
6 separate titles of Pennsylvania law: the Public School
7 Code, Child Protective Services Act, Juvenile Act, and the
8 Crimes Code. The issue requires a comprehensive review
9 process similar to that created by the General Assembly
10 when it established the Task Force on Child Protection,
11 which was charged to thoroughly review State laws and
12 procedures governing child protection and the reporting of
13 child abuse.

14 Like the issue of child protection and reporting
15 child abuse, truancy is addressed in legislation outside
16 the authority of one sector and legislative committee. If
17 we are serious about addressing the challenge, rather than
18 continue the practice of tweaking statutory provisions,
19 it's time to undertake a comprehensive review of State
20 statutory and regulatory provisions related to truancy and
21 to update and enact new provisions that will support and
22 advance the best practices and effective strategies,
23 eliminate barriers that inhibit effective cross systems
24 collaboration, and expand the range of tools available to
25 more effectively address each family's unique situation.

1 PASA understands that the consequences of
2 habitual truancy lie within the criminal code and outside
3 of the purview of a school superintendent. The processes
4 that school districts engage in which provide proactive
5 practices we believe are key to eliminating both truancy
6 and the devastating impact truancy can have on families and
7 communities.

8 However, a study of best practices and model
9 programs show that incentives and sanctions that are
10 meaningful to youth and their families must exist together
11 in order for truancy elimination plans to be effective. We
12 believe the mere threat of jail can serve as a deterrent
13 and can motivate students to attend school, but that threat
14 must be used in conjunction with other preventative
15 practices that ensure that jail time is truly an option of
16 last resort.

17 We would support adding language that requires
18 the court to exhaust all other options, determine the
19 ability of the family to pay the fine, and determine
20 whether the refusal to pay the fine was willful or whether
21 extenuating circumstance prevented the parent from paying
22 the fine prior to sending a parent to jail.

23 This concludes our testimony, and we'd be pleased
24 to respond to your questions.

25 MAJORITY CHAIRMAN CLYMER: It's kind of

1 interesting to look at the issue, which is a serious issue
2 for sure, but in the larger context when you consider what
3 public education has done for the student today, there are
4 more advantages than ever before.

5 DR. ESHBACH: Absolutely.

6 MAJORITY CHAIRMAN CLYMER: You have the
7 vocational technical schools where if a student doesn't
8 feel like they're academically motivated, they can go and
9 learn a good trade, and these vocational schools are
10 outstanding. They're doing a super job---

11 DR. ESHBACH: Absolutely.

12 MAJORITY CHAIRMAN CLYMER: ---a very good job.
13 And within the public school you have athletic sports that
14 have ranged from the traditional two or three sports and
15 now you have sports for the men, for the women, and you
16 have a different kinds of sports. You have the arts, you
17 have culture, never even thought of when I was in high
18 school. And the teachers are as dedicated and they want
19 the best for the student as well.

20 And so with all the investment that we have in
21 public education and other education as well but I'm going
22 to center on public education, we have come a long way to
23 make education appealing for the student to say there are
24 reasons for you to be in school and we have much to offer
25 you if you want to take advantage.

1 And I understand from what we heard from Judge
2 Kuhn that family is essential, but even with that, one
3 would think that there would be less truancy because of the
4 great opportunities available. So that's really more of an
5 observation than it is a question. I know that, as
6 educators, you must look at that as well. If you want to
7 comment, you're welcome---

8 DR. ESHBACH: Sure. I think you need to look at
9 each specific school district, each specific school
10 separately and not put this under one microscope of saying
11 -- the old saying is if you've seen one school district in
12 Pennsylvania, you've seen one school district in
13 Pennsylvania and that's all. We're all different. We all
14 are from communities that are quite different.

15 I was astounded by Representative Gillen's
16 statistics from his county. The efforts that we've made in
17 York County I think have helped to reduce those statistics
18 but I think truly it's about relationships. And I've
19 worked with Judge Kuhn in Adams County and he is a great
20 advocate for getting kids to school, but one thing that we
21 as educators have found is that we need to build
22 relationships with students and build relationships with
23 families, and when we can do that, them getting to school
24 is less difficult.

25 MAJORITY CHAIRMAN CLYMER: The Chair thanks the

1 gentleman and recognizes Representative Carroll.

2 REPRESENTATIVE CARROLL: And thanks,

3 Mr. Chairman.

4 In an unrelated question, just a comment for the
5 Chair and for the panel, Superintendent Laverdure has
6 appeared before this Committee in the past. I represent a
7 portion of the Poconos and I can tell you that her presence
8 back in East Stroudsburg School District today is
9 imperative considering the unique challenges that are faced
10 in that community up there. So, Mr. Chairman, I know that
11 she otherwise would have been here today as she has been in
12 the past.

13 And I extend our best wishes to all of the folks
14 back in Pocono Mountain, East Stroudsburg, Delaware Valley.
15 Those districts face a real unique challenge with respect
16 to determining what to do with students considering the
17 manhunt underway, and so I just extend -- the
18 Superintendent wishes that she could be here but obviously
19 cannot be.

20 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
21 gentleman and recognizes Representative Wheatley.

22 REPRESENTATIVE WHEATLEY: Thank you,

23 Mr. Chairman.

24 And again, I appreciate you gentlemen being here
25 this morning.

1 Quick question, do you know where the fines go?
2 They just go back into the court system? Do they go
3 specifically for support for truancy or reduction of
4 truancy?

5 MR. BUCKHEIT: The fines that are paid to the
6 school districts just go into the general fund of the
7 district.

8 REPRESENTATIVE WHEATLEY: In either of your
9 districts, do you know what you use those funds for? Are
10 they targeted to try to help reduce truancy?

11 DR. ESHBACH: Honestly, in our district the fines
12 are so minimal, \$2000 in a year, it's just a drop in the
13 bucket to be quite honest.

14 REPRESENTATIVE WHEATLEY: And I'm assuming in
15 your respective districts are you finding that the -- you
16 had made mention about the balance between the threat as
17 well as the incentive. Are you finding one or the other
18 has helped to reduce or is it just a matter of having this
19 comprehensive type process where you're working
20 individually with each particular case to try to reduce the
21 reoccurrence of truancy?

22 DR. ESHBACH: Absolutely. I think that's the
23 key. You know, there have been incentives in some school
24 districts, giveaways and so forth. I think the most
25 effective is a comprehensive plan that works with the

1 parents, with the students, that develops a plan, that has
2 someone mentoring and watching to see that plan is
3 achieved, and when it's not, as a last resort, then we take
4 it to the district magistrate or to Children and Youth
5 Services. But I think the comprehensive plan, the last
6 thing I want is for a parent to be fined or go to jail.

7 REPRESENTATIVE WHEATLEY: Right.

8 DR. ESHBACH: I'm not living off these fines and
9 I definitely am not interested in my parents, who are the
10 key to a successful childhood and a successful academic
11 life, I don't want them sitting incarcerated---

12 REPRESENTATIVE WHEATLEY: Right.

13 DR. ESHBACH: ---so I want to do everything
14 possible beforehand. And we designate staff, we designate
15 individuals to help oversee that so that we don't get --
16 it's everything. Every piece is very important.

17 REPRESENTATIVE WHEATLEY: And if we were to
18 readdress this in a comprehensive manner legislatively, the
19 flexibility allowing districts and the courts to have some
20 flexibility in creating whatever unique structure they need
21 locally to do it is something that you would suggest and
22 recommend?

23 DR. ESHBACH: We appreciate local control and we
24 appreciate the ability to look at the needs of our
25 community and to take efforts to make those successful. I

1 think the challenge that someone like Judge Kuhn has, in
2 Adams County he has 6 school districts; in York County
3 there are 16 school districts. So it is imperative that we
4 work together so that there is some standardization from
5 school to school.

6 One thing with the elementary students that we
7 see is a problem is they will go to the doctor and get a
8 doctor's note to say they're sick, and so we've created
9 standardization with the medical professionals also to say
10 when a child comes in, be on the lookout if they're really
11 sick or if there's something else brewing there.

12 REPRESENTATIVE WHEATLEY: Thank you.

13 MR. BUCKHEIT: And I'll just say it on something
14 -- it's an important point concerning the challenges that
15 school districts face in addressing the problem is there
16 are over 80 school districts that cross county lines. That
17 means working with different court systems, different
18 county children and youth agencies, so that adds to the
19 complexity of dealing with the problem in more than 80
20 districts across the State.

21 REPRESENTATIVE WHEATLEY: Thank you. Thank you.

22 Thank you, Mr. Chairman.

23 MAJORITY CHAIRMAN CLYMER: Do you think our
24 modern technology that students have access to could be
25 part of the problem? The culture is changing and what I'm

1 saying is with Facebook and all that modern technology that
2 they have access to, that can be a deterrent. There could
3 be something on Facebook that could say to a student I
4 don't want to go to school anymore, I'm seeing something
5 that is very wrong, and rather than go to the teacher and
6 trying to address it, they just followed up and say I'm
7 just not going to go to---

8 DR. ESHBACH: We are actively working with social
9 media forums to determine when there is bullying, cyber
10 bullying, whatever. Technology can be a deterrent but I
11 think technology can also be a solution in some of these.
12 We talked before about the relevance of a class or all the
13 opportunities that are available. If there is a student
14 who is truly sick or has an issue with a parent who is not
15 able to get them on the bus, we have an online academy that
16 we can work with the students so they can take some of
17 their classes online. So I think there's two sides to
18 that. It can both be a deterrent and it can be a solution.

19 MAJORITY CHAIRMAN CLYMER: The Chair recognizes
20 Representative Gillen.

21 REPRESENTATIVE GILLEN: Thank you very much for
22 your testimony.

23 Under current law, the default of payment results
24 in a "shall" provision, shall be sentenced to the county
25 jail. I hear some of your success stories. How much of a

1 role did that current language in the law play in your
2 success?

3 DR. ESHBACH: In terms of holding that over the
4 head of someone? None of my parents have gone to prison
5 over the last year because of that. We've worked to keep
6 that as a last resort. I think for us it's been the fines
7 that have been the deterrent, but again, as you stated in
8 your opening remarks, no two situations are the same and I
9 can foresee a situation where we work with a family to know
10 end and have to use that last resort option. I would hate
11 to see that but there are always those outlying situations.

12 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
13 gentleman. The Chair thanks our educators for being with
14 us this morning and providing some good oversights on this
15 very important issue.

16 The next group of testifiers for our panel is
17 Dirk Matson, Dr. Dirk Matson, Director of Human Services at
18 Westmoreland County; Shara Saveikis, who is Westmoreland
19 County Children's Bureau Executive Director; and Dr. Ken
20 Williams, Principal of the Mount Pleasant Area Junior and
21 Senior High School. Welcome.

22 And while they're coming forward, the Chair has
23 overlooked a member from the Berks County delegation and I
24 thought that Representative Gillen in his remarks had
25 mentioned Chairman Caltagirone from Bucks County of the

1 House Judiciary Committee. For some reason I thought he
2 was included but my staff said no, so there's no way that
3 we would exclude the gentleman from not being recognized so
4 I apologize for that oversight, absolutely.

5 At this point the Chair recognizes our next
6 panel. And would you like to introduce yourself and then
7 you give your testimony and then you may proceed.

8 DR. MATSON: Okay. Thank you. Thanks for having
9 us today.

10 My name is Dirk Matson. I'm the Human Service
11 Director for Westmoreland County. In my role as Human
12 Service Director I oversee Behavioral Health, Developmental
13 Services, Children's Bureau, the Area Agency on Aging,
14 Juvenile Detention, and Juvenile Shelter. I've been in
15 that position for about two years.

16 Prior to my coming to the county, though, I
17 worked for a private provider based out of Westmoreland
18 County called Adelphoi Village. Adelphoi Village works
19 with delinquent, dependent, and at-risk kids. I worked
20 there for 35 years in a variety of capacities. I lived in
21 a group home for delinquent kids for a year-and-a-half. I
22 was a supervisor of one of those group homes for seven or
23 eight years. I was an aftercare worker and then I worked
24 in a variety of other kinds of administrative positions
25 when I was at Adelphoi.

1 During that 35-year period, I probably read
2 thousands of files over the course of that time, ran
3 hundreds of group sessions, ran hundreds of individual
4 sessions, talked with thousands of families, and what I
5 found whenever I worked at Adelphoi is a lot of the root of
6 the problems started off with truancy, not all of it but a
7 lot of it, I'd say even a majority. The kids missed 25
8 days and as many as 60 days in one particular school year.
9 It was kind of like an early warning device for problems
10 later on down the road and I became a very concerned about
11 it throughout the course of that time period and still now
12 even in my role today.

13 But what really brought the issue home for me was
14 a conversation I had with the principal of our bricks-and-
15 mortar charter school who one day told me that what they
16 found when they did pre- and post-testing of kids that came
17 into the charter school that worked with the Adelphoi kids
18 -- it was purely Adelphoi kids that they worked with --
19 found in the pretest that on average kids were over 2-1/2
20 years behind when they came in the doors. And through the
21 course of working in the charter school, they would make
22 progress of about a year-and-a-half. They got them up to
23 speed in a year-and-a-half, about a year-and-a-half behind
24 in only 6 to 9 months. I was pretty impressed.

25 And I asked him what brought the kids along so

1 far during that 6- to 9-month period expecting him to say
2 the curriculum or the relationship with the teachers or
3 some special teaching method, and he said it was because
4 kids came to school every day. Because they were in
5 placement and they had no other options, they were able to
6 gain that much educational advancement in a short period of
7 time.

8 So after that conversation I decided to see what
9 was going on in Westmoreland County, so I had a
10 conversation with Judge Driscoll, who is one of our county
11 judges, and he suggested that I go to a training, which I
12 attended, that was given by somebody from the Pennsylvania
13 Bar Association who also works for the Education Law
14 Center, and it pretty much open my eyes as to what else is
15 out there that can be done for truancy.

16 And as a result, I contacted Shara, who is
17 sitting beside me, and we started the Truancy Pilot Program
18 in Westmoreland County, which has been going on now for two
19 years. The first year was a planning year where we brought
20 all the stakeholders together, including District Justices,
21 school districts, providers, the Children's Bureau, and
22 basically developed a model based on the Pennsylvania Bar
23 Association's model and also based on the Education Law
24 Center model was the same kind of thinking for both of
25 those groups. And the second year was implementation and

1 that's how I got to know Dr. Williams was through that
2 process. Dr. Williams and his school was one of our pilot
3 programs.

4 What I found at Adelphoi is borne out in the
5 research. Some of the things that the research says that
6 among truant ninth graders, 2/3 aren't likely to graduate
7 with their peers and nearly 1/3 will be charged with a
8 criminal offense within two years. Other research shows
9 there's a link between truancies and behaviors such as
10 delinquency, dropping out of school, first-time drug use,
11 as well as other at-risk behaviors such as alcohol use and
12 teenage pregnancy, as well as adult negative outcomes such
13 as marital problems, unemployment, and adult incarceration.

14 The ties between truancy and many of these
15 problems in our State are particularly troubling because
16 these problems are getting worse. A case in point is the
17 epidemic that's happening now with drugs. They're
18 spiraling out of control. I also serve as a Co-Chair of
19 our Overdose Task Force in Westmoreland County. We've had
20 12 years of record overdoses in the last 14 years in
21 Westmoreland County. And we're not alone; I'm sure many of
22 your home counties are experiencing the same thing.

23 Again, let me emphasize I guess the word
24 opportunity. When the child has been identified as truant,
25 it's an opportunity to stop the trajectory of a problematic

1 life by dealing with that early.

2 Now, I'm going to talk about a couple of things
3 and I think Shara and Dr. Williams are going to talk about
4 some other things or things we're doing in Westmoreland
5 County to curb the tide of truancy. One is to emphasize
6 school engagement, of course, which has been talked about
7 before. Each of the school districts in our county pilot
8 program have a School Engagement Plan which they've
9 implemented and also TEPs that have also been talked about.
10 And I like Judge Kuhn's idea of calling them Attendance
11 Improvement Plans. It's a much better title and has a more
12 positive spin.

13 We think Truancy Elimination Plans are really key
14 because certainly if they're done right, they're root cause
15 analysis of what the problems are, a root cause analysis
16 that you can get to the underlying problems because one of
17 the previous gentlemen who spoke about each school district
18 being different, it's the same with truant kids. Each
19 truant kid is different. And TEPs kind of sort that all
20 out and you get to find out what's going on. TEPs are done
21 with the family and with a child, that they're not done to
22 the child or to the family. Ideally, they're done together
23 with the family and with the child.

24 This brings me in my testimony to the legislation
25 that's being proposed. I'm in support of it as a last

1 resort. I think all the tools should be available to use
2 in dealing with truant kids but it should only be used as a
3 last resort. Non-punitive measures should be applied early
4 in a student's career, as early as possible, because
5 they've been found to be most effective in dealing with
6 truancy. Punitive measures being applied too early sends a
7 message that the school is an adversary, not a positive
8 place to be, and for some parents, this reinforces their
9 perceptions of schools that maybe they developed as a
10 student themselves. So it should be done as a last resort.

11 Thanks for the opportunity and I'm going to turn
12 it over to -- I think Shara is going to be next.

13 MS. SAVEIKIS: Good morning, Chairman and Members
14 of the House Education Committee. My name is Shara
15 Saveikis. I'm the Executive Director of Westmoreland
16 County Children's Bureau. We are one of 67 child
17 protective services agencies, children and youth agencies
18 in the Commonwealth. My entire professional career has
19 been in child welfare. I've worked both at the public and
20 private sectors. At the public sector I worked for the
21 Department of Public Welfare Office of Children, Youth, and
22 Families, at the Western Region Office in the Pittsburgh
23 area. There I was responsible for overseeing 23 county
24 children and youth agencies, also private licensed agencies
25 for foster care, adoption, and residential services. I

1 also worked for two county children and youth agencies
2 currently at Westmoreland and previously at Monroe County
3 Children and Youth, started as a caseworker I, was a
4 caseworker II, III, and left there as a Program Manager.

5 And in the private sector, I worked as a
6 residential counselor working with children that were
7 adjudicated dependent and delinquent actually at Adelphoi
8 Village.

9 So my testimony today comes from my professional
10 experience in working directly with truant children and
11 their families and also indirectly toward developing,
12 supporting, and sustaining systemic change in order to
13 achieve truancy reduction.

14 Truancy is often a symptom of underlying, serious
15 problems. Truancy is a multifaceted issue and the causes
16 can be categorized into three different realms. One realm
17 is the child's own circumstance and their personal image,
18 another is parental, family, and community, and the third
19 is actually the school climate.

20 Early research actually thought that the causes
21 of truancy were either the child's problem, parents' issue,
22 or the school. Now research sees that it's interrelated
23 and a combination of all realms and factors that contribute
24 to truancy. Oftentimes the truant child may be dealing
25 with peer pressure, separation or divorce in the family,

1 teen pregnancy or a teen parent, abuse or neglect, mental
2 and physical health issues, drug and alcohol abuse by the
3 parent or the child is struggling with those issues as
4 well, multiple moves, low self-esteem, financial problems,
5 lack of friends or lack of fitting in, safety concerns at
6 school or en route to school, lack of academic skill or
7 boredom in school, and negative attitude toward school or
8 their teachers.

9 And oftentimes the characteristics of the family
10 include parents who do not value education, parents who did
11 not complete school or were truant themselves as a child,
12 poor parenting skills, low socioeconomic status, physical
13 and mental health issues or problems, family history of
14 delinquency, single-parent families, many children in the
15 family, or working parents that aren't at home to get their
16 children off to school.

17 Characteristics of the school that we see are
18 unsafe environments, weak or no monitoring of attendance,
19 inconsistent attendance policies, parents not notified of
20 absences, push-out policies, which are those that either
21 offer out-of-school suspension or give failing grades just
22 because the child is not there to hand in their work or do
23 the test, lack of personal attention to the student, lack
24 of parent involvement in the school, lack of teacher
25 expectation toward achievement, lack of relationship among

1 the teacher and the student, and inadequate identification
2 of special needs.

3 And then the effects of truancy for the student
4 include decreased earning ability, involvement in daytime
5 crime, 2-1/2 times more likely to be on welfare,
6 involvement with gangs, struggling to catch up with school
7 assignments and/or failing their classes, and it actually
8 affects the entire class because as a teacher tries to
9 assist the child that was truant and not in school and to
10 catch up, the other classmates suffer from that.

11 Truant behavior is extremely costly to society
12 and often results in high school dropouts. Studies show
13 that each high school dropout costs over \$800,000 for the
14 lifetime. These costs are due to increase in healthcare
15 costs and uncompensated healthcare, loss of income taxes
16 due to unemployment or they have low income, low salaries,
17 higher social service expenditures, and an increase in
18 welfare and criminal justice costs. Eighty-two percent of
19 prisoners in America are high school dropouts. Clearly,
20 the dropout crisis in Pennsylvania affects everyone in
21 every community. It is a business issue, a healthcare
22 issue, criminal justice issue, and an education issue.

23 In the Commonwealth, the law does not clearly
24 define attendance, absence, and excused absence, and
25 there's no guidance on what documentation actually

1 constitutes a legal absence. This results in each district
2 or building within a district to potentially have different
3 policy and procedures relating to truancy.

4 The solutions in combating truancy and preventing
5 dropouts start with prevention and early intervention, as
6 many testified to today. In 2012, as Dirk mentioned,
7 Westmoreland County initiated a truancy pilot project, and
8 we actually had seven school districts that were involved.
9 This project utilized best practices supported by the
10 National Center for School Engagement and Pennsylvania's
11 State Roundtable on Educational Success and Truancy
12 Prevention, as well as the Education Law Center.

13 The Truancy Advisory Committee was comprised of
14 all disciplines within the community. The planning stages
15 included intense communication and collaboration among all
16 these disciplines and all systems involved. We developed a
17 flowchart of the process. Prevention was initiated within
18 the schools. Each participating district developed school
19 engagement plans to target and engage children and also
20 engage parents, which was a very proactive approach prior
21 to school starting and throughout the school year.

22 They modified their truancy policy and procedures
23 and they clearly articulated these changes to the children
24 and their parents. They committed to develop Truancy
25 Elimination Plans, which I, too, like Attendance

1 Improvement Plans better, but they are one in the same.
2 They committed to doing that after three unlawful absences,
3 and the purpose of the plan was really to look at the root
4 cause and reason for truancy and then to develop solutions
5 to work with that child and parent to remedy those
6 problems.

7 The schools would then make a referral to our
8 agency. Our agency would also do a root cause analysis of
9 what the truant reason is and then provide evidence-based
10 programs and services to specifically alleviate whatever
11 those root causes and issues were with that specific
12 family.

13 Each district believed that the development of
14 the Truancy Elimination Plans were the most successful tool
15 in their success in reducing truancy. After the first year
16 of implementation, one entire school district's success
17 with school engagement and the development of TEPs resulted
18 in no filings with the Magisterial District. Another
19 district reduced their truancy rate by 50 percent. This
20 data is compelling and illustrates the positive impact that
21 prevention and early intervention has when schools create
22 an engaging environment for students and parents and focus
23 on academic success, and all systems are working and
24 intervening earlier and providing evidence-based services.
25 There's positive results that come as a result of that.

1 In closing, truancy prevention and intervention
2 programs are best coordinated as a community effort.
3 Successful programs are those that are evidence-based,
4 research-based, or outcome-based and involve and engage the
5 child, parents, and family and encourage collaboration
6 among all systems. Due to the detrimental lifelong effects
7 that truancy predicts, it is imperative that all systems
8 work together to engage everybody involved and implement
9 preventive measures to not only reduce truancy but also
10 dropout rates.

11 Thank you.

12 DR. WILLIAMS: Thank you, Mr. Chairman, Members
13 of the Education Committee. I appreciate the opportunity
14 to be here. I'm going to speak to you this morning from a
15 practitioner's standpoint. I'd also like to thank
16 Representative Roebuck for your attention to curricular
17 issues that might exist with engaging kids, as well as
18 Representative Gillen for introducing this and opening
19 dialogue between schools and the State.

20 You've heard a recurring theme here this morning
21 about what the issues are revolving around truancy. A
22 question by Representative Wheatley was what does this
23 truant person or family look like? And I hope to shed a
24 little bit of light on that.

25 Really when you're looking at a multifaceted

1 issue such as truancy, you're looking at accountability
2 issues. There's accountability issues from the school
3 through school engagement. Schools obviously have that
4 obligation to get kids in attendance, make school engaging
5 for them, and produce well-rounded citizens.

6 The other part of that is families quite
7 honestly. It's refreshing to hear the amount of dialogue
8 this morning the says that there are family issues there
9 that need to be addressed whether that's through services
10 or responsibility and accountability towards family for
11 getting their children to school, as well as the social
12 services departments or welfare agencies throughout the
13 counties. And I'm blessed to be working with Shara and
14 Dirk in Westmoreland County because they are extreme
15 advocates of the schools and for children together and very
16 impartial in the way that they help us access services and
17 help students as well.

18 Representative Wheatley asked what does that
19 truant child or family look like? And you have heard over
20 and over and over again this morning some of the chemistry
21 behind those family issues. Truancy is not isolated to one
22 particular group. Truancy is something that extends well
23 beyond just one socioeconomic class. But it's been my
24 experience that when you take a look at that truant child
25 or the truant family, they typically do come from a lower

1 socioeconomic background. They typically have less of an
2 education than other professionals.

3 It would only stand to reason that doctors and
4 lawyers value their education, as well as all of us in this
5 room, and they tend to emphasize that from an early age.
6 That influence at an early age on the importance of
7 education just cannot be replaced. And when you look at
8 families who do not value education and you take a closer
9 look at their background and whether or not they are high
10 school graduates, that is a tremendous indicator of what
11 that child will be able to do in life. The number one
12 predictor of the students' success is family support at
13 home.

14 Now, I don't believe that it's strictly a family
15 issue. Obviously I'm saying that there is accountability
16 measures and, in many different ways, families, schools,
17 and social agencies as well.

18 Speaking from experience in working through the
19 engagement plans and the pilot project in Westmoreland
20 County, I will tell you that our school district did
21 experience some success through the School Engagement
22 Plans. What we did was very overtly tried to identify
23 those students with attendance issues or attendance
24 histories, helped get them engaged through social
25 activities, athletic programs, different approaches to

1 school that would encourage kids to be there.

2 The other element that was very successful is the
3 adoption of the Truancy Elimination Plan. That name will
4 change in the Mount Pleasant Area School District as a
5 result of this morning's meeting. But that Truancy
6 Elimination Plan also has some issues with it. It only
7 stands to reason that those children and those parents who
8 are not sending their kids to school very often also don't
9 attend a Truancy Elimination Plan meeting. That's
10 something that we need to work on. We have driven to
11 parents' homes to pick them up, we've arranged
12 transportation, we've used conference calls, we've done
13 whatever we can to get parents engaged in those meetings to
14 help improve attendance.

15 And one final step on the school district level
16 is we had this history of stating that you have a three-day
17 window or a five-day window to turn in an excuse. If you
18 don't, it's an unlawful or illegal absence. When we would
19 take a child to the local magistrate for a truancy hearing,
20 the family would miraculously produce excuses that would
21 clear them for 20 or 30 days of absence. What is a
22 magistrate to do at that point? Here are some excuses.
23 They could be medical notes. Very often, Judge Eckels
24 would look at us and say we have excuses; what do we do?

25 As a part of the pilot, we drew a line in the

1 sand and we were very, very regimented on that three-day
2 window. Anything beyond the three days we would accept and
3 keep on file but we would not clear that unlawful absence.
4 When it got to the magistrate's level, the message began to
5 spread that those excuses were not being accepted at that
6 level, so we were drawing that line in the sand and we were
7 holding tight to that. And I want to thank Mr. Eckels for
8 that as well.

9 As far as imprisonment, I don't think that we
10 want parents to feel like they're criminals necessarily
11 because they're failing to pay a fine. Some people spoke
12 before that paying a fine is within their means and they
13 want to do it so they get beyond it; I'll just give you the
14 money, I'm gone. But if you're looking at the low
15 socioeconomic status folks that we talked about before,
16 typically those parents don't have the means to pay a fine,
17 so it's a double whammy. They're not paying a fine and
18 there's the threat of going and spending a few days in
19 jail. We did that in Mount Pleasant once that I can
20 remember within the last eight years or so. That did send
21 a message but it was only one occasion, not 1,600 in a
22 particular county.

23 When we talk about curriculum, rigor, relevance,
24 and relationships are very important. You need to make
25 school meaningful for kids. The School Code needs

1 adjusted. The School Code absolutely needs adjusted to
2 reflect some of that because it is a very static document
3 right now. From 1949, as amended obviously, but there's a
4 lot of work that we could be doing with the School Code
5 itself.

6 I'm a building principal. I'm a consequence kind
7 of a guy. When you break a rule, there's a consequence.
8 When you abide by a rule, there's a reward. Those rewards
9 are things that we just come to expect, participation in
10 athletics, attendance at the area vocational schools.
11 There are a lot of rewards that are built into the system.

12 But as far as consequences, I just want to
13 enumerate a few of these and it's in my written testimony
14 as well. Obviously the continued use of fines is something
15 that's very real to people. If we're driving home -- Dirk,
16 I'm sorry -- but if we are driving home and he gets a
17 speeding ticket, it's going to be very inconvenient for
18 Dirk but he's going to pay that fine. If he doesn't,
19 there's a further consequence. Fines obviously are on the
20 record.

21 The option of community service is very, very
22 important. Repaying a debt to society is obviously
23 something that we want our children to be aware of. Where
24 there is an infraction of some sort, there must also be a
25 consequence. There are reliability issues that we're aware

1 of as well. We are in a litigious society and if somebody
2 is remanded to community service and is injured, who's on
3 the hook for that? I understand why District Justices
4 might be a little bit hesitant.

5 The suspension of a driver's license is something
6 very real to a 16- or 17-year-old child. They work for a
7 very long time to try to have that independence, and the
8 threat of removing that independence from them, even
9 temporarily, is something that's real. In our own school
10 system if student drivers are tardy to school, they lose
11 their privilege. The phone rings immediately when the
12 student cannot drive to school because it's inconvenient to
13 the parent, but that's a consequence.

14 Something that I'd like to remark on, too, I'm a
15 hunter. I love being out in the woods. I hunt
16 religiously. It's a sense of relaxation for me. Whether I
17 harvest an animal or not, I love being out in nature.
18 Imagine the impact, Mr. Reese, in our school district in
19 rural Westmoreland County if a student or parent were to
20 have his hunting privilege suspended until they were in
21 better attendance within the school system, not necessarily
22 a punitive measure but it's a revocation of a privilege
23 that in our community is very high on the list.
24 Personally, if I was in jeopardy of losing my hunting
25 privilege, I would do whatever I could to maintain that.

1 Something else to consider, the City of
2 Pittsburgh; City of Philadelphia; Erie, Pennsylvania; that
3 might not apply but what we're talking about here today is
4 options of consequences.

5 Mr. Wheatley, you actually put it better than I
6 did according to my written testimony, but you talked about
7 the welfare system and incentives to encourage people who
8 are in the welfare system and somehow experiencing a break
9 or an incentive, something there for those folks who are
10 already down on their means, can't afford a fine, what can
11 we do for them? Typically, those are the types of families
12 who have not valued education for one reason or another and
13 are not sending their kids to school.

14 My bent was more punitive and I apologize for
15 that, but my bent was more along the lines if you don't
16 send your child to school, you experience a reduction in
17 the services that are provided to you. That would be
18 incentive for me to send my kids to school to maintain the
19 things that I'm getting.

20 And the last thing, I mean this sincerely, when
21 students and parents find themselves in a position of being
22 truant to school, human reaction is to try and avoid the
23 situation. Initially, you want to run from it. What I
24 have experienced in our school district is the means for
25 children and parents to run from that truancy proceeding is

1 to enroll their child in a cyber, a charter, or a cyber
2 charter school where attendance records are absent
3 themselves. So in effect, when a parent receives that
4 phone call, it's Dr. Williams calling; we need to set up a
5 meeting, they get the nasty gram that we referred to, your
6 child is unlawfully absent, and they get this barrage from
7 the school saying we need your child in school, we need
8 your child here. They tend to run, and when they run, our
9 tuition money, \$12-\$15,000 per student, leaves our district
10 as well and goes to a system that is not accountable for
11 attendance either.

12 So in effect they dodge that bullet from Mount
13 Pleasant or name the school district. There are 499 others
14 to choose from. And they go to this system that's been
15 created where accountability is also absent. I think
16 that's a real issue. It's a real issue for us. It's a
17 real issue to the tune of \$800,000 from our school district
18 annually that goes away from us for reasons such as that.
19 We're a small district and we just can't afford \$800,000.

20 I'm not sure where the truant officer ever went
21 when we were growing up. We have homeschool visitors. But
22 perhaps there's something there to mandate or take a look
23 at that position of a truant officer. If a school district
24 does have a high incidence of truancy, to mandate that
25 those types of people are in place. Our homeschool

1 visitors do home visits to check on residency, but that's
2 about the extent.

3 Once again, I want to thank everyone for the
4 opportunity. We would welcome any questions that you have
5 about Westmoreland County or the pilot itself.

6 MAJORITY CHAIRMAN CLYMER: Well, thank you all
7 for your testimony.

8 And the Chair recognizes Representative Reese. I
9 think you are acquainted with him so we'll give him the
10 first shot here.

11 REPRESENTATIVE REESE: Thank you, Mr. Chairman.

12 Ms. Saveikis, Dr. Matson, Dr. Williams, thank you
13 for coming to Harrisburg. It's great to see folks from
14 Westmoreland County out here. I have a few questions. I'm
15 going to start with Dr. Williams if that's okay.

16 At the end of your testimony you discussed the
17 issue of truancy and cyber schools.

18 DR. WILLIAMS: Right.

19 REPRESENTATIVE REESE: And I hear this quite
20 often and I think probably many of us out here in
21 Harrisburg hear this from our home school districts. Now,
22 obviously, I'm sure there are some Mount Pleasant students
23 that are going to a cyber school and it's a great fit. I
24 know that you probably know that, that the parents are
25 engaged and involved in the child's education and it's a

1 very positive experience for everyone. But in your
2 testimony, that's not the situation you are actually
3 talking about. You're talking about where a child or
4 parent is running from a situation as the home school---

5 DR. WILLIAMS: That's right.

6 REPRESENTATIVE REESE: ---not necessarily for the
7 betterment of their education. What tools do you have
8 available to you today or in this case what tools does
9 Judge Eckels have today to deal with the student who is
10 having some issues at their brick-and-mortar home school,
11 Mount Pleasant in this case, they're truant from school,
12 you're going through the process of bringing about
13 accountability, and they decide to go to a cyber school?
14 Do you have access to their attendance records at that
15 cyber school? Do they communicate back with you in any way
16 to talk about how that child is performing or anything that
17 can be done between the two schools to help that child? Is
18 there anything going on there?

19 DR. WILLIAMS: No. The only thing that I've seen
20 in the past is an enrollment letter or withdrawal letter
21 notifying us that a student is enrolled or withdrawn. On
22 one occasion last year I received an attendance report from
23 a cyber charter school, one on one student.

24 REPRESENTATIVE REESE: Since you mentioned it,
25 was it positive or negative?

1 DR. WILLIAMS: The attendance report was to the
2 negative. The child was not attending school, and the way
3 that is to work is the cyber school is to notify the home
4 school and then it's dependent upon the home school to be
5 the one to initiate the truancy charges and the follow up
6 through the magistrate.

7 REPRESENTATIVE REESE: So even though Mount
8 Pleasant is sending off the per-pupil cost, less the
9 deductions on that report, right?

10 DR. WILLIAMS: Right.

11 REPRESENTATIVE REESE: If the child is truant in
12 cyber school, it's the responsibility of your
13 administration to go through the cost of working with the
14 District Judge and basically bringing about accountability
15 for that student?

16 DR. WILLIAMS: That's correct.

17 REPRESENTATIVE REESE: It seems somewhat
18 inappropriate there. Perhaps there should be a charge-back
19 method or something available to you to deal with that.

20 DR. WILLIAMS: If a student were not able to
21 transfer to a cyber, charter, or cyber charter school if
22 truancy were an issue in the first place, that will go a
23 long way. That would eliminate that avenue as a scapegoat
24 so to speak. So if it is for an academic reason, if it is
25 justifiable that I cannot attend the traditional school for

1 some other reason other than I'm running from truancy,
2 there might be some legitimacy there.

3 REPRESENTATIVE REESE: I appreciate that. And
4 perhaps when you're having your Attendance Improvement
5 Conference with the parents and the student, if there is a
6 reason why a cyber school would be a better option for that
7 child, perhaps through that conversation with the
8 professionals and the parent and the student, that might be
9 an option that's laid out for them.

10 DR. WILLIAMS: Correct.

11 REPRESENTATIVE REESE: Okay. Okay. Just a
12 followup with Shara or Dirk, when you talk about early
13 intervention, and I've heard this from really everyone
14 before you and of course both of you, to me there's a
15 difference between an 11th grader being truant and a 1st
16 grader being truant. An 11th grader has his or her reasons
17 as to why they're not attending school, but a 1st grader
18 that's not showing up to school, I would argue that's
19 clearly the parents. I mean it's the parents'
20 responsibility to make sure that child goes to school.
21 When you talk about early intervention, are we talking
22 about early intervention with the child, the parent, or
23 both?

24 DR. MATSON: With the parent mostly when they're
25 that young. Because I totally agree with what you're

1 saying, Mike. A lot of it is on the parents. It's all on
2 the parents at that age. Actually, there's some data
3 available for the percentage of kids who miss the first day
4 of kindergarten, it's a high percentage that end up being
5 truant throughout their career. If they're not there their
6 first day of kindergarten, that is on the parents. The
7 child is not making a choice; they do what their parents
8 say when they're that age.

9 REPRESENTATIVE REESE: And I thought you might
10 say that. And I guess this is my follow-up question to all
11 three of you. Everyone who's offered testimony here today
12 has talked about the need for a bag of tools in dealing
13 with these issues, that every school district is different,
14 that every child is different, that there's a need for a
15 lot of different tools to deal with these individual
16 situations.

17 The underlying bill seems to want to get away
18 from the language with the fines and the imprisonment, and
19 as you had mentioned, in our area, Judge Eckels, one time
20 in eight years. It's just not something that you go to
21 very often.

22 And while my colleagues told me about the case
23 they're dealing with, over 1,600 cases in a 13-year period
24 of time, to me that's shocking. I'd love to have a
25 conversation with the District Judge to see what the

1 thought process was there.

2 But do you believe that we should eliminate that
3 tool? Should we eliminate the ability for a District
4 Judge, after everything's been exhausted, to utilize the
5 language that allows for imprisonment? Or do you think it
6 should stay in there if, for nothing else, it's hanging out
7 there and parents know about it, and at the end of the day,
8 maybe it gets them to the table to solve the truancy issue
9 before they ever have to have that discussion? Just
10 thoughts?

11 DR. MATSON: I echo what Judge Kuhn said when he
12 gave his testimony that all tools should be on the table.
13 Some people respond to that, not everybody, but some people
14 respond to it. And if it's done as a last resort with all
15 the other tools in the beginning that we've talked about
16 being exhausted, I think you need to use whatever tools you
17 have available to you. I think it should be on the table.

18 DR. WILLIAMS: And with juveniles, I know curfew
19 is an issue and EHM, electric home monitoring is an issue,
20 too. I don't know how that would apply to the adult world
21 but if instead of imprisoned, if you were restricted in
22 where you go and when you do it, it may send a message
23 that's perhaps a little less invasive than imprisonment.
24 Incarceration obviously as a last means perhaps but maybe
25 there are some other creative thoughts about restrictions

1 on adult privilege that would work as well as an
2 intermediary.

3 REPRESENTATIVE REESE: Thank you, Mr. Chairman.
4 Thank you.

5 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
6 gentleman and recognizes Chairman Roebuck.

7 MINORITY CHAIRMAN ROEBUCK: Thank you,
8 Mr. Chairman. I certainly thank you for your testimony
9 this morning.

10 And to Dr. Williams, I listened at the very end
11 to your testimony and you talked about various support
12 services that are available. You talked about home school
13 visitors. I represent a school district where that entire
14 structure has disappeared due to financial restraints. All
15 of those kinds of things, interventions, even we've lost
16 home school visitors, we've lost counselors, we've lost
17 librarians, we've lost nurses. All of that is no longer
18 present, and so I would suggest at least in part the
19 problems that might be addressed in that way are not
20 necessarily available to all of the school districts across
21 the Commonwealth.

22 But I want to go back to something that I think
23 is at the core of this, and that is the parental
24 responsibility. And I would argue that part of the problem
25 is that you need to make sure that parents know how to be

1 parents, and that's something that in many cases seems
2 largely absent. I'm aware of a program where there was
3 outreach to parents about things they could do to help
4 their kids do better in school, and in an urban environment
5 one of the things that was said, well, you don't give your
6 kid a couple of dollars and tell them to go down to the
7 corner store and get their lunch. You fix the lunch for
8 them and then you know what they're eating, you know that
9 it's wholesome, but it's also less expensive.

10 But probably the greatest suggestion was one that
11 you tell your kid that at eight o'clock you are in bed and
12 you go to bed at eight o'clock, and then it was said to the
13 parents who were in the program that all that time after
14 that is your time. It was like the greatest revelation in
15 the history of mankind that you could create this free time
16 for yourself. But that's something that has to be taught,
17 and we do very little in teaching parents how to be parents
18 or helping them to be better parents.

19 And I just thought I'd put that on the table and
20 maybe some of those who delve directly into the social
21 welfare system might address that. But I think most
22 parents model their parenting on the way they were raised,
23 whether it's good, bad, or indifferent. So I just offer
24 that observation.

25 MS. SAVEIKIS: Actually, Representative Roebuck,

1 you're dead on with that. That's exactly correct. Our
2 agency has an array of services specific to what the
3 parenting need would be, and I think in our county what's
4 really effective is we work closely with a lot of our MDJs,
5 or magistrates. They actually will be there, will testify,
6 will say what services we are providing and talk about the
7 progress or lack of progress that the parent is making.
8 And they will actually continue and wait and not make a
9 decision depending on what progress is made with the
10 services that are involved.

11 Oftentimes when they make progress, because we're
12 really looking at the root cause in helping to strengthen
13 families, strengthen parents and their ability to do that
14 even if it's as simple as, okay, your child went to bed at
15 9:00 but they have an iPad and an Xbox game and they're
16 playing video games until 3:00 in the morning. Simply just
17 removing that out of the room and as simple as that has
18 made change and difference.

19 So other than the more evidence-based parenting
20 intervention that we're doing, but it is definitely one of
21 the key things that our system does and working directly in
22 trying to strengthen the parents' ability. And then we've
23 had that good relationship with the magistrates where they
24 also look at what progress is made and then make a decision
25 based on that information, not just based on the history of

1 truancy.

2 MINORITY CHAIRMAN ROEBUCK: Do you also consider
3 things like incorporating what it is to be a parent into
4 the school curriculum itself?

5 DR. WILLIAMS: She's giving me the eye.

6 MS. SAVEIKIS: We wouldn't have the authority
7 to---

8 DR. WILLIAMS: Right. Within our own school
9 system, and it's fairly common within schools that there
10 are some courses, elective courses, that deal with not
11 necessarily parenting skills but child development
12 coursework to talk about child development. In our system,
13 as an example, we have a preschool that runs two sessions,
14 a morning session and an afternoon session. Senior high
15 students are able to be in that room as an elective option
16 and they start to figure out what makes a little kid's mind
17 tick and they start to see what the issues are of little
18 kids. And we're talking 3-, 4-, 5-year-olds. One, that's
19 a deterrent to starting a family too soon. I say that kind
20 of tongue-in-cheek. But it also gives them a very good
21 indication of how a child does develop.

22 Many of those students decide that they want to
23 go into education themselves because of the experience
24 there, either early childhood or elementary education,
25 something along those lines. So those tools are valuable.

1 In other school systems where teen pregnancy may
2 be an issue, there may be other systems in place. I'm just
3 not familiar because I haven't had that experience.

4 MINORITY CHAIRMAN ROEBUCK: Okay. Well, I don't
5 want to extend this but I just want to conclude with noting
6 that my local community group adopted our local elementary
7 school and started doing reading tutoring, and in a moment
8 of pure insanity, I volunteered to do that, so last year I
9 dealt with two first graders, this year two second graders,
10 and now I clearly know why I taught college and not
11 elementary school. But be that as it may, there is an
12 experience level there that's important to learn.

13 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
14 gentleman and recognizes Representative Wheatley for
15 questions.

16 REPRESENTATIVE WHEATLEY: Thank you.

17 And I want to go back to something I think,
18 Dr. Williams, you brought up this idea of taking something
19 away. Have you found in your local process that the taking
20 away has actually changed behavior or the threat of taking
21 something away has changed behavior, or have you found that
22 the collaboration and relationship-building has produced
23 the changed behavior?

24 DR. WILLIAMS: Yes on both if I may answer
25 generically that way. The threat of losing something,

1 losing a privilege does get the attention of students. In
2 general, students like rules, students enjoy consequences.
3 They won't tell you that to your face but you see how
4 students respond whenever you say here is what happened,
5 here is what is going to happen as a result. This is your
6 consequence, and then they began to realize, oh, my.

7 Somebody earlier said the punishment needs to fit
8 the crime. That's where school administrators need to keep
9 it in perspective, and they also have to have in their tool
10 bag of tricks a lot of options to talk about those things,
11 so it might be the loss of an athletic privilege or an
12 extracurricular privilege or something like that. It may
13 be suspension inside of school for a truant student, not
14 outside of school for a truant student. With parents, and
15 I had mentioned a driving privilege, you threaten to take
16 that away and they respond.

17 The other part of that is we preach to our staff
18 that you first need to get to know every student in your
19 classroom beyond what a first name is, beyond that you're
20 the brother of or sister of but something about that child.
21 And when that school system begins to develop that
22 relationship where a youngster will walk into that
23 classroom and say, hey, you had a soccer game this weekend;
24 how was it? I know you liked this book; did you see this
25 author is releasing a new series? Those types of things to

1 get to know them, that's going to want to make that child
2 be in school and identify with another adult.

3 So that relationship aspect is absolutely
4 essential. In the first part of the school year, that's
5 what we preach. On day one, yes, it's important to have
6 resources and a syllabus and everything like that, but it's
7 more important to know who each and every one of those
8 children is in front of you.

9 REPRESENTATIVE WHEATLEY: And I'm glad you
10 clarified because I guess in my mind you were saying, I'm
11 assuming, so I'm being clear for myself, you're saying the
12 direct threat of taking something from the child has shown
13 to be a positive thing as well as the direct threat for the
14 parent? So, for example, taking the child's driver's
15 license may have ramifications to a parent as well?

16 DR. WILLIAMS: Correct.

17 REPRESENTATIVE WHEATLEY: But are you also saying
18 that the threat of taking something from a parent has also
19 shown to be a positive experience for you as well?

20 DR. WILLIAMS: It has because that parent will
21 sit in the Truancy Elimination Plan meeting and look at the
22 child and say you see the boat that we are in now.

23 REPRESENTATIVE WHEATLEY: Okay.

24 DR. WILLIAMS: You own this, too, with me.

25 REPRESENTATIVE WHEATLEY: All right. And so one

1 of the things that I've been trying to struggle with over
2 the last several years is since we have all this data and
3 we have all this technology, in my own mind -- and I like
4 this plan about the Truancy Elimination Plan; I think that
5 makes sense. I would like for us to move instead of a
6 punitive, like waiting for things to happen before we
7 respond to things, to be proactive.

8 And so have you all, as part of your process,
9 thought about this idea of individualized student planning
10 processes so when a child comes into your school building,
11 no matter where they are, there's instantly -- kind of like
12 what we do with our IEPs but we do them for all students,
13 which would also give us some indication of what are some
14 of the outside influences that might impact them in truancy
15 or maybe triggers for them to become truants so we can be
16 on top of it before we get into this situation of having to
17 be punitive later?

18 DR. WILLIAMS: Staffing issues aside because that
19 can be a monumental task, yes. Individual student learning
20 paths, especially for those students who seem to be
21 struggling academically are something that we work with our
22 teachers and guidance counselors on. We'll take a look at
23 what the themes are throughout the student's education,
24 strengths and weaknesses, identify curricular areas, and
25 identify a learning path for that student to get them back

1 on track academically. That won't happen if you don't have
2 a good relationship with that child, however. That needs
3 to precede everything. But yes, individual learning plans,
4 and formally and informally, yes, we do that in addition to
5 obviously the requirements for IEPs and GIEPs.

6 REPRESENTATIVE WHEATLEY: And this is for anyone.
7 I don't want to just put you on the spot. Do you find that
8 most of your children who are truant, especially habitually
9 truant, they've been truant before they've gotten to you in
10 other spaces? So is there a mechanism by which you are
11 collaborating with -- so if a middle school student who
12 comes into your high school system, there's a way for you
13 to identify them early on that they may have a truancy
14 issue?

15 DR. WILLIAMS: We do get communication from other
16 school districts when they attend or when we have a student
17 leave. Attendance and discipline records will follow that
18 child to identify a student as having an attendance issue
19 in the past. At the county I'm not sure how you---

20 MS. SAVEIKIS: There's two processes that Judge
21 Kuhn testified to. There's the magistrate process in which
22 school districts will fine and file against either the
23 child or parent. If it's referred to our agency, any
24 children and youth agency, the Dependency Court can become
25 involved, Family Court and Dependency Court. They're

1 parallel processes. But in Magistrate Court, it is only a
2 school year so it does not continue into the next school
3 year. However, in Dependency Court when our agency is
4 involved, we look at the totality of absences the entire
5 school age.

6 REPRESENTATIVE WHEATLEY: Okay.

7 MS. SAVEIKIS: So our system does look at that
8 and we get the totality, regardless if there have been
9 multiple moves, multiple districts, from cyber school to
10 public schools. We get all of that information. So I'm
11 not sure if that answers your question or not.

12 REPRESENTATIVE WHEATLEY: It does in a way and I
13 guess I'm going to close and just make this comment. I
14 think again I would really like to get to the proactive
15 part of our system so that irrespective of where a child or
16 parent ends up in our system, it's all communicating
17 together. Again, I believe we are collecting enough data
18 and we are following children now. We're giving special
19 identifiers for children. There should be a way for us to
20 understand what happens to a child whenever that child
21 shows up in our system anywhere and utilizing that
22 information to try to be proactive and to work
23 collaboratively to prevent things from coming to this point
24 where we have to figure out if we're going to take
25 something or we're going to punish someone, one, because I

1 think that's a systemic breakdown when we allow that to
2 happen.

3 Second, and this is just my own frame of
4 reference; it doesn't mean that it's right, I don't think
5 institutions like governments, school districts, or the
6 court system do a good job in parenting. I don't think
7 that's what they're set up for, I don't think that's where
8 their purview is, and really I try to, as a friend, keep
9 them away from trying to tell parents how to be better
10 parents.

11 But I do believe that if we are sitting around a
12 table with parents, with children, especially those who are
13 most impacted by this passage, most of them aren't going to
14 be at a lot of our tables. They're just not. I think
15 especially when you're talking about poverty, mental
16 health, drug addictions, and all these other things that
17 constrict the normal thinking of adults, I think we have to
18 be very sensitive to how we try to resolve it, and you
19 can't do that just by saying I want to have parents be
20 better parents. There's a real process that requires
21 resources, that requires systemic changes to really change
22 that behavior.

23 And I think, again, everything I've heard this
24 morning, if what you are saying to me is what is, it's
25 case-by-case, so when we try to do a systemic change and

1 still have it flexible enough to be case-by-case sensitive,
2 that's a lot of heavy lifting that I'm sure when I look at
3 this report, because, I apologize, I haven't seen the
4 report; I look forward to reading the report, but we need
5 to make sure that we are being very sensitive to -- it's
6 not just as simple as saying we're going to meet with
7 parents, we're going to try to give incentives or
8 punishments because if I'm dealing with drug addiction,
9 that iPad might be the only thing that's keeping me from
10 beating that child to death and calming them down or
11 calming me down and letting them just do something. Do you
12 see what I'm saying?

13 So we have to be very sensitive to how we are
14 trying to reevaluate the system and how we try to link this
15 system so that this truancy issue and the involvement of
16 parents and the support that they receive when they come
17 into our institutions are going to be beneficial and not
18 just add more to our other parts of our system. That's
19 just my statement.

20 MS. SAVEIKIS: And you're absolutely correct.
21 That's why we can't focus on truancy because it is a
22 symptom. We have to focus on what is the underlying
23 reason. Is it addiction? Use an evidence-based program,
24 intervene, get them assistance with addiction. If it's
25 mental health, we intervene, provide them services for

1 mental health. So it is not one catchall, one size fits
2 everybody, that it has to be specific to what is the
3 underlying reason, not just looking at the symptom or we'll
4 be ineffective and government agencies will be ineffective
5 in intervening.

6 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
7 gentleman and recognizes Representative Carroll.

8 REPRESENTATIVE CARROLL: Well, thanks,
9 Mr. Chairman.

10 Dr. Williams, if you wouldn't mind, as I sit here
11 today and listen to all of this, I obviously am a believer
12 that all the tools in the toolbox necessary is helpful and
13 I'm not a big believer that incarceration is the best
14 solution for something like this, but I sit here and wonder
15 if when we get to high school truancy, if it's not a
16 product of the cumulative truant past that a student might
17 have, which likely in my opinion would result in an
18 academic performance level that's probably not where it
19 needs to be.

20 And so I'm wondering when we contemplate high
21 school or maybe even middle school students that are
22 truant, how much of that is a product of them just being
23 behind academically and taking a position that it's easier
24 to flee the academic requirements than to actually face
25 them head on?

1 DR. WILLIAMS: Yes, it's a snowball effect. One
2 leads to another, and the further you fall behind, the less
3 likely you are to be there. The more you're absent, the
4 further you fall behind, so it's just a reciprocal kind of
5 relationship there between attendance and achievement.
6 That's what it is.

7 I have maybe it's the blessing and the curse of
8 being the combined principal of both the junior and senior
9 high, so I get to see those youngsters when they enter at
10 about 12 years of age, and from a very early age you can
11 identify those students who have attendance issues and
12 behind on credits.

13 When students reach the high school age and they
14 still continue to experience those issues with truancy and
15 academic failure or are lagging behind credit-wise, that's
16 when those students tend to make a decision about whether
17 they want to stay there or flee. My experience has been
18 when they flee and they enter those other systems that I
19 happened to mention and then try to come back, it's
20 disastrous. I haven't had a single student so far try to
21 return to our school district after having been in an
22 alternative setting like a cyber, charter, or cyber charter
23 school and actually be on pace for graduation. They just
24 get further behind. They feel it's an easy way out.
25 There's no accountability. And then they try to come back

1 to us because, after all, it wasn't so bad at Mount
2 Pleasant. I miss my friends. I miss those social things.
3 I miss all of this other stuff. I didn't think it was
4 going to be what it is. And they're further behind and
5 attendance still continues to be an issue. So it's just a
6 vicious cycle that keeps going.

7 REPRESENTATIVE CARROLL: All right. So I think
8 our views are probably aligned when it comes to the option
9 related to cyber charters and charter schools, but what do
10 we do with the 500 districts? What tools do the districts
11 have? What tools do they need in order to be able to bring
12 these students up to an academic level that would minimize
13 the likelihood of future truancy?

14 DR. WILLIAMS: In our school district what we're
15 concentrating on now is embracing technology more than
16 we've pushed it away. I worked in a former district that's
17 a rather affluent school district in Allegheny County, and
18 the amount of technology that they use not for classroom
19 management issues but for instructional and engagement
20 issues is very, very high. They also have a very, very low
21 per capita income area of their district, but those kids
22 attend school because they're engaged, and in part, it's
23 because of technology. Some districts such as mine, we
24 don't have access to that because of our financial state
25 right now. If we had more access to technology, if we had

1 more access to options to engaging kids daily and money to
2 support the professional development in order to get the
3 teachers where they need to be, that could have a very,
4 very positive impact.

5 REPRESENTATIVE CARROLL: Well, I appreciate that
6 because I think at the end of the day we could have all the
7 collaboration in the world and we could have all the
8 willingness on behalf of parents or parent and student, but
9 at the end of the day I think school districts are going to
10 have to have the infrastructure and the resources to be
11 able to provide the sorts of things that Representative
12 Wheatley I think was just referring to more than just
13 having Johnny or Mary show up. Show up every day in ninth
14 grade and having had a history of truancy probably doesn't
15 have a prospect for success that the non-truant student
16 would have when he or she shows up for ninth grade.

17 So I think that, whether we delete the
18 incarceration provision in the Public School Code and head
19 down a path of additional options, I think there's probably
20 a financial conversation here with respect to what sorts of
21 resources do districts need to be able to handle these
22 sorts of things if we come to the policy conclusion that
23 the smart thing to do is to minimize and eliminate, if we
24 could ever get there, truancy.

25 And so I think it's probably a component of this

1 discussion that there will be a financial discussion.
2 There has to be. It's not going to be enough to just say
3 to you and the other 499 districts we're going to give you
4 more options and we expect you to solve the truancy
5 problem; good luck to you. I'm not sure that path is a
6 successful path either.

7 So I'll stop there. Thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
9 gentleman and we thank our three testifiers this morning
10 for coming before us and sharing some very important
11 information again on the truancy issue. It's really the
12 afternoon, so thank you, ladies and gentlemen, for your
13 input.

14 The Chair just recognizes that we are beginning
15 to run short on time and we have to be out of here by one
16 o'clock, so I just ask the Members of the Committee to keep
17 your questions short as we have, as I just mentioned, two
18 more testifiers.

19 The next one is John T. Adams, Berks County
20 District Attorney. The Chair welcomes District Attorney
21 Adams to give his testimony and to give his insights on the
22 issue.

23 And you may begin, sir, whenever you're ready.

24 MR. ADAMS: Thank you, Chairman Clymer and
25 Members of the House Education Committee, Chairman

1 Caltagirone.

2 I heard a lot of different things today, and a
3 lot of great things. Let me first talk about sort of what
4 brings me here today. Eileen DiNino was from Berks County.
5 She died of natural causes unfortunately in our jail. Her
6 incarceration was not the cause of her death. Ms. DiNino
7 received from the year 2000 to the year 2014 77 citations
8 for compulsory school attendance. In years 2011 and 2013
9 she received 20 citations alone in each of those years.

10 I think it's important that any law that this
11 Committee proposes, we needed to have a means to enforce
12 that law. There's a lot of differences between the 11th
13 grader, 10th grader who doesn't go to school and the 1st
14 grader, and when we have a 1st grader, I don't think you
15 can examine truancy in the same mindset as you examine an
16 10th, 11th, or 12th grader.

17 We need a law that acts as a deterrent. We need
18 a law that enforces the fact that children and parents are
19 responsible to get their children to school.

20 I think we all know and we've heard, and I'm not
21 going to be repetitive, but when kids don't go to school,
22 what do they do? Well, in my testimony I referred to an
23 incident that happened in Berks County. Three kids were
24 truant from school. They robbed two individuals in West
25 Reading. They continued on into Cumru Township on the Thun

1 Trail, which is a recreational trail, and they attacked a
2 biker. And the biker retaliated and he shot one of those
3 teenagers, who died, shot another teenager in the throat
4 while they were attacking him.

5 That's what happens when kids don't go to school.
6 They engage a lot in crime. There's more problems with
7 gang involvement, drug and alcohol abuse, teen pregnancy,
8 so on and so forth. Juvenile offenders, we all know that a
9 common denominator with juvenile offenders is that they are
10 truant from school. Despite that, we don't want to put
11 parents in jail, we don't want to fine them, but we want to
12 have a law that's effective and enforces that they must
13 take the steps to get their children into school.

14 We also do not want people to go to jail because
15 they're poor at all, and I think too often our Magisterial
16 District Justices just put people in jail for summary
17 offenses as they do not have the ability to pay.

18 One of the problems and one of the common
19 denominators, as you've heard from other individuals who
20 testified, is that when there's dysfunction in the family,
21 truancy is one of the results. It happens. These are
22 families in which they need help. In our county we have a
23 Truancy Remediation Program. However, participation is not
24 mandated; it's suggested under the law. I suggest that
25 when we are looking at the law, that we mandate

1 participation in a program. In our county we call it a
2 Truancy Remediation Program. Part of those costs for that
3 Truancy Remediation Program is paid for by the court.

4 All the school districts in the county are
5 participating in that program. However, our Magisterial
6 District Justices, some are participating, some are not. I
7 know that none of us want to send parents to jail. We
8 suggest that we mandate participation in these programs and
9 only when there is willful and intentional noncompliance
10 with the alternatives that are given should then jail even
11 be a consideration.

12 The proposed bill that I've read involves the
13 element of intentional. I'm not certain that a mens rea
14 requirement is necessary when dealing with compulsory
15 school attendance. You either go to school or you don't go
16 to school. You don't accidentally not go to school, you
17 don't recklessly not go to school; you either go or you
18 don't go.

19 We need the judicial system to retain the power
20 to intervene on behalf of students. We need to have a
21 deterrent from allowing parents to disregard sending
22 children to school. We don't propose that fining parents
23 is effective. In a community like Reading where poverty is
24 widespread, fining a parent is wholly ineffective. Most of
25 those parents are struggling financially. That does little

1 to remediate the situation. We believe that a remediation
2 program must be mandated under the law, and only if a
3 parent does not participate in those programs should they
4 face the consequences of potential incarceration.

5 Thank you.

6 MAJORITY CHAIRMAN CLYMER: Are there any
7 questions from any of the Members?

8 The Chair recognizes Representative Gillen.

9 REPRESENTATIVE GILLEN: Thank you for being here,
10 John. I appreciate you driving up. You probably took the
11 same trail that I did. We are neighbors. This is a
12 friend, a constituent. So thank you for your distinguished
13 testimony.

14 MR. ADAMS: Thank you.

15 REPRESENTATIVE GILLEN: I believe you are doing
16 an excellent job---

17 MR. ADAMS: Thank you.

18 REPRESENTATIVE GILLEN: ---for Berks County.

19 Did you have a question about the use of
20 intentional that I picked up? And just in terms of a
21 clarifier: calculated, studied, preconceived. And so I'm
22 taking my child to the mall for the day versus they go off
23 with their lunch bag and they return at 2:30 at the
24 prescribed time. So that's my use of the word intentional.
25 Does that make sense?

1 MR. ADAMS: I understand that but I think that
2 all that will causes confusion, and intentionally, the use
3 of the word intentionally, we use intentionally when we
4 describe did they commit a homicide intentionally or -- I
5 just don't know. The excuses of how you would prove
6 intentionally for the school district---

7 REPRESENTATIVE GILLEN: Certainly as an---

8 MR. ADAMS: ---and one did not intentionally go
9 to school I think could cause an evidentiary issue,
10 especially in the MDJ level.

11 REPRESENTATIVE GILLEN: Certainly as an attorney
12 intent does matter under the law in many other spheres.
13 Would that be correct?

14 MR. ADAMS: Yes. Well, yes. I think there's the
15 appropriate laws for intent and appropriate laws where
16 intent should not be considered.

17 REPRESENTATIVE GILLEN: Okay. The specifics of
18 this case, and I just want to retreat to that just for a
19 moment, certainly you're aware that we had two Magisterial
20 District Justices that were involved in the case. One set
21 aside the fines and released Eileen DiNino without the
22 prospect of incarceration. Given this same set of facts
23 and same fines and inability to pay the fines under the
24 Shaw provision of the law, he committed her to the county
25 jail. What can we do to rectify a situation like that?

1 MR. ADAMS: Well, I think that we have to, one, I
2 think some education of alternatives and educating our
3 Magisterial District Justices on the alternatives. For
4 example, what I brought up, the Truancy Remediation Program
5 that we have in our county is not being utilized by some of
6 our MDJs. Could we have referred her to that program? I
7 don't know if she was an appropriate candidate but those
8 are some specifics that I would not want to discuss here
9 today.

10 But sending someone to jail because they are
11 poor, that doesn't happen -- when we have an individual who
12 cannot pay fines, costs, and restitution in adult criminal
13 court, a judge will not incarcerate them for the mere fact
14 that they can't pay their fines and costs. There's got to
15 be another reason. So merely not being able to pay should
16 not be a reason that one should be incarcerated.

17 REPRESENTATIVE GILLEN: But that in fact was the
18 case and the result of her being incarcerated and sent to
19 the Berks County Prison. And I appreciate your succinct
20 comments on lack of culpability on the prison's side. She
21 died of natural causes. Of course she entered the prison
22 with high blood pressure. She entered the prison system
23 with bipolar disorder. She entered the prison with severe
24 anxiety, and she was on medication. And I think it
25 behooves us to be certain there is due process involved,

1 that we don't give the appearance of unequal justice and
2 disparity.

3 I am certainly open to the commendable
4 suggestions of my colleagues and the panelists, but one of
5 the things that stood out in my mind, I believe it was
6 Shara said that there is not even a clear definition of
7 what constitutes -- I believe she's still in the audience
8 here -- attendance. And so if we don't have a clear
9 definition, and in her testimony she indicated within given
10 school districts you have disparate applications within a
11 school district, and therefore, disparate consequences.

12 And I have to admit that most of what I gained
13 I've gained from media accounts and the response of our
14 community and our public in Berks County has been
15 overwhelmingly one of we need to take a hard look at this
16 and we need to change this system that results in Eileen
17 DiNinos going to jail. And that's my goal. It is not
18 merely prescriptive. The purpose of hearings is to garner
19 the best from legislators as well as those that are giving
20 testimony, so I thank you for participating, John.

21 MR. ADAMS: Thank you.

22 MAJORITY CHAIRMAN CLYMER: All right. Quick
23 question by Chairman Roebuck.

24 MINORITY CHAIRMAN ROEBUCK: I have not followed
25 this case at all but you are saying to me that the person

1 involved was bipolar?

2 MR. ADAMS: Based on media accounts, sir.

3 MINORITY CHAIRMAN ROEBUCK: Well, I mean I'm just
4 asking this because it seems to me if someone is bipolar,
5 there's a condition and a fact that demands a different
6 kind of response than someone who's not suffering from that
7 particular condition, and I would think that would make
8 judgment in and of itself a factor and might lead to
9 someone avoiding coming to terms with this issue.

10 So I guess I'm asking for clarification as we go
11 forward. I don't necessarily need to have it now, but if
12 that's the instance, then there's something not clearly in
13 sync in this case that we need to know.

14 MR. ADAMS: Which is why the Magisterial District
15 Justice is asking the Legislature for additional tools. He
16 felt that he was obligated under the law. The media
17 accounts reported on Ms. DiNino's severe difficulties came
18 later. Whether in fact the Magisterial District Justice
19 was aware of that at the genesis I cannot be certain. I
20 have not communicated directly with the family; I didn't
21 believe it would be appropriate to do that. So I am
22 relying on a general media accounts, Mr. Chairman.

23 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
24 DA from Berks County, John Adams, for being with us this
25 afternoon and sharing your insights into this issue as

1 well. Thank you very much, sir.

2 MR. ADAMS: Thank you.

3 MAJORITY CHAIRMAN CLYMER: Thank you for making
4 the trip.

5 And then finally we have with us Sean Fields,
6 Deputy General Counsel for Government Affairs for the
7 Pennsylvania School Boards Association.

8 MR. FIELDS: Good afternoon.

9 MAJORITY CHAIRMAN CLYMER: Sean, good afternoon.
10 You may begin at your---

11 MR. FIELDS: As always, Mr. Chairman, it's a
12 pleasure to appear before this Committee and PSBA
13 appreciates the opportunity to speak on this important
14 issue. In the interest of time, I will summarize my
15 testimony and certainly take any questions from the
16 Committee, and we will be available as well for any
17 followup.

18 I'd like to start by saying while PSBA certainly
19 wouldn't oppose limitations on reducing penalties for
20 truancy violations for parents, I think if you heard a
21 narrative here today starting with Judge Kuhn's testimony,
22 it's the need for tools and a certain amount of flexibility
23 and a collaborative approach. And PSBA certainly supports
24 that.

25 PSBA has actively participated in the Educational

1 Success & Truancy Prevention Workgroup for a number of
2 years. In addition to that, we've met with Magisterial
3 District Justices and we are currently working with a
4 Truancy Toolkit Committee with the Department of Ed to look
5 at resources there.

6 So let me get to the essence of our testimony.
7 Costs have been mentioned a number of times today and also
8 the need for some clear definitions, and one of the things
9 the Educational Success & Truancy Prevention Workgroup
10 identified were a number of suggested legislative fixes and
11 the really great thing about some of these recommendations
12 is that many of these would not result in any additional
13 cost to school districts.

14 For example, Judge Kuhn talked about the fact
15 that pursuant to Sections 1333 of the School Code and 1354,
16 after a student has been absent without lawful excuse for
17 three days, after that the district gives notice to the
18 parent or guardian, and three days subsequent to that, that
19 student is habitually truant. Oddly enough, even though we
20 understand clearly that that adds up to six days, the
21 School Code doesn't currently tell us whether or not that
22 is six days within a particular school year or the
23 student's academic career. Now, my understanding is that
24 most of our members are probably applying that to an
25 individual school year, but it's not clear. It's

1 ambiguous.

2 There are also a number of other definitional
3 fixes that we could look at: school day, school year,
4 unexcused absence. Those things are not currently defined
5 clearly in the School Code and PSBA would support looking
6 at those definitional changes, and we would certainly work
7 with the Committee on that.

8 We heard a lot of testimony this morning about a
9 School Attendance Improvement Conference, which was one of
10 the workgroup's key recommendations. And the fact that
11 there's already a Truancy Elimination Plan that the
12 Department of Ed recommends, and the idea behind the School
13 Attendance Improvement Conference is multiple. First of
14 all, it's an effort to be proactive, to de-stigmatize
15 truancy because, in some cases, the lack of attendance is
16 due to a number of other issues. It might be medical
17 reasons, it might be social reasons, it might be things
18 going on with home life. So the idea was to identify some
19 of these route causes, address them earlier in the process
20 before we move forward with sanctions.

21 So PSBA would certainly support the development
22 of a School Attendance Improvement Conference and
23 subsequent plan if that plan was flexible and also didn't
24 result in costly mandates.

25 In closing, if I can just sum up very briefly, we

1 continue to work with the Truancy Prevention Workgroup. As
2 a matter of fact, we are scheduled to host a meeting at
3 PSBA's headquarters this week the day after tomorrow. We
4 will continue to work with that workgroup, and we look
5 forward to working with this Committee and the rest of the
6 Legislature on changes.

7 I appreciate the fact that Representative Gillen
8 said that this is basically the opening bid in the process,
9 and we're very interested in working on this issue. This
10 gets to the heart of what we're all about and I daresay
11 what this Committee is all about, and that's enhancing
12 education for our kids and creating a brighter future for
13 them. So I thank you. I'll take any questions. I
14 understand you're under a time limit.

15 REPRESENTATIVE GILLEN: I have a comment, not a
16 question if I could.

17 MAJORITY CHAIRMAN CLYMER: The Chair recognizes
18 Representative Gillen.

19 REPRESENTATIVE GILLEN: Thank you. I'd just like
20 entered into the record Not Behind Bars: Citizens Committee
21 against Imprisonment, and Magisterial Justice Wally Scott
22 asked that his testimony also be submitted for the record.

23 Thank you, Chairman.

24 MAJORITY CHAIRMAN CLYMER: And my one question
25 would be, depending on whose clock you're looking at, from

1 the 500 school boards, has this been an issue that the
2 Pennsylvania School Board Association has heard from
3 routinely like the maybe 10 or 11 school boards that are
4 saying we need to deal with this issue, we need to redefine
5 it, it's too ambiguous? Can you share some insight on
6 that?

7 MR. FIELDS: Well, our members that constitute
8 primarily school board members, but also superintendents,
9 they deal with this through the adoption of policies. Many
10 of our districts have adopted attendance policies that
11 include a Truancy Elimination Plan, and what I hear from
12 our superintendent members and even our solicitors are two
13 things: First of all, there's too much ambiguity. The
14 current provisions of the School Code are archaic and
15 they're too hard to understand and we need to figure out a
16 way to make it more efficient and clearer.

17 The second thing that I've heard from solicitors
18 and some solicitors that are usually pretty tough in their
19 outlook on truancy is that imprisonment of parents is not
20 the panacea. It's not the magic bullet. And the notion
21 that we would interpret that particular section of the
22 School Code and we would continue to look at imprisonment
23 as a mandatory result of failure to pay a fine is an
24 archaic result and it's something that's long overdue to
25 take a look at.

1 MAJORITY CHAIRMAN CLYMER: Thank you. The Chair
2 thanks Sean Fields for being with us this afternoon. I
3 wish we had more time but maybe we'll bring you back for
4 another session. The Chair thanks all our testifiers,
5 thanks the Members of the Committee for being here,
6 Chairman Roebuck. And at this point in time we are now
7 adjourned.

8 MR. ADAMS: Thank you.

9 MINORITY CHAIRMAN ROEBUCK: If I could, I just
10 want to note for the record I understand that there's---

11 MAJORITY CHAIRMAN CLYMER: Sure.

12 MINORITY CHAIRMAN ROEBUCK: ---testimony from the
13 Education Law Center, which has been submitted for the
14 record so that will now be part of our record for today.

15 MAJORITY CHAIRMAN CLYMER: Yes, thank you.

16

17 (The hearing concluded at 1:02 p.m.)

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2 I hereby certify that the foregoing proceedings
3 are a true and accurate transcription produced from audio
4 on the said proceedings and that this is a correct
5 transcript of the same.

6
7
8 Christy Snyder

9 Transcriptionist

10 Diaz Data Services, LLC