

**Testimony of**

**John T. Adams  
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**Before the House Education Committee**

**Regarding Solutions on Truancy**

**Harrisburg, PA**

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Good morning Chairman Clymer and members of the House Education Committee. My name is John T. Adams and I am the District Attorney of Berks County. I would like to thank you for the opportunity to come before you today to discuss the problem of truancy in our Commonwealth and offer my insight into the legislation before you.

Before I begin, I think it is very important that everyone here has a clear understanding behind the story of Eileen Dinino. First of all, Ms. Dinino died of natural causes at Berks County Jail.

While my office had absolutely no involvement in the prosecution of this case or of her incarceration, the investigation into her death indicated that she died of natural causes while in Berks County Jail. Her incarceration was not the cause of her death.

Ms. Dinino had received seventy-seven (77) separate citations for violations of compulsory attendance from the year 2000-2014. In 2011 and 2013 alone, she received 20 citations each year for compulsory attendance violations. Needless to say, school attendance was a problem in the Dinino household.

Pennsylvania state law mandates that children attend school. From the ages of 8 to 17, all children need to be enrolled in school and attend each and every day. Since this is the law of our state, it makes sense that we should have means to enforce this law. When a 16 year old misses school, we recognize that it may reasonably be the fault of the student. Our compulsory attendance statute addresses this issue. Our school districts and the Magisterial District Justices that hear these cases should be trained that if the parent shows that he or she took every reasonable step to ensure attendance of the child at school, he or she shall not be convicted of the summary offense. 24 P.S. §1330(2). But when a 6 year old is missing school, it is no one's fault but the parent or guardian. And if our laws change so that the most we can do is order community service or parenting classes, we are going to witness truancy rates erupt. The fact that there are already thousands of habitually truant elementary school students in our state is a tragedy. We need a law that acts as a deterrent from allowing our children to be habitually truant.

In the 2010-2011 school year, there were 169,057 students across Pennsylvania that were habitually truant, almost 10% of our school population.<sup>1</sup> I recognize that a majority of our truancy problem is with students in grades 9-11, but we must not overlook the 29% of students in grades 1-5 and 23% of students in grades 6-8 who are habitually truant.<sup>2</sup> These are students missing 10, 20, sometimes even 30 or more days of school. I include these statistics because opponents of our current truancy policy would like you to believe that it is only the older

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<sup>1</sup> Educational Success and Truancy Prevention Workgroup, Report to the Pennsylvania State Roundtable (May 2012).

<sup>2</sup> *Id.*

students, many of whom outside of their parent's control, are the students with attendance problems. But what about the student in 2<sup>nd</sup> grade, who is fully reliant on her parent or guardian to get her to school so she can learn how to read and write? During the 2010-2011 school year, over 46, 062 students in grades 1-5 were habitually truant in our state.<sup>3</sup>

Anti-truancy means anti-crime. When these students are not in school, where do we think they are? One thing is certain: when kids are not in school, trouble will follow.

In January 2012, in Berks County, three (3) young men decided to skip school. What did they do? Well, they robbed two (2) pedestrians in West Reading before attacking a 65 year-old man from the City of Reading who was riding his bicycle on the Thun Trail in Cumru Township. Unfortunately, for these young men that skipped school, one teen was fatally shot and another teen was seriously wounded when the victim of the assault used justifiable force in thwarting the attack on him. That's what happens when students are truant.

There is a wealth of literature showing that truancy is one of the strongest indicators of educational failure, suspension, expulsion, delinquency, and future adult crime. One study showed that among prison inmates, 90% had a history of school truancy or had dropped out of school.<sup>4</sup> There is also a strong correlation between students who are chronically truant and social isolation, gang involvement, drug and alcohol abuse, teen pregnancy, and school dropout. A 2008 study found that truancy is the most significant risk factor for predicting first-time marijuana use and the greater number of days absent from school, the greater the drug use.<sup>5</sup> Other studies have documented that between 75% and 85% of serious juvenile offenders were truant or chronically absent from school.<sup>6</sup> Truancy does not just bring negative consequences for the students. Truancy leads to crimes in our communities as it has in our community in Berks County. There is also a link between school districts with high truancy rates and daytime burglaries and vandalism.<sup>7</sup>

There is no doubt that a strong majority of parents want to see their children go to school and succeed. We understand the challenges many of our parents are facing. We believe that many parents in the Commonwealth do not want their child to be truant. And we do not want to put parents in jail. We don't want to see parents being fined. That is not our goal. Our goal is to see children having a chance to succeed and that chance starts with being in school.

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<sup>3</sup> *Id.*

<sup>4</sup> Chester County Truancy Task Force, Attendance Guide (2006)

<http://www.chesco.org/DocumentCenter/View/12493>

<sup>5</sup> Office of Juvenile Justice and Delinquency Prevention, Truancy Prevention (2008)

<http://www.ojjdp.gov/mpg/litreviews/Truancyprevention>

<sup>6</sup> Colorado Foundation for Families and Children, Youth Out of School: Linking Absence to Delinquency (2002)

<sup>7</sup> ABA Commission on Youth at Risk, Executive Summary: Report on Truancy and Prevention (2013)

One of the most significant factors playing a role in truancy is parental views on education. And, unfortunately, there are some parents who do not feel education should be a priority for their children. These are the parents that need some sort of impetus for behavior change. These parents need to know sending your kid to school is not an option. It is the law. And if you do not follow the law, there are consequences.

Many school districts throughout the state and many counties including Berks County, offer either a truancy remediation program or parenting education program. However, the present act leaves participation in these types of programs as optional. Mandating participation prior to a court being given the ability to impose a jail sentence may remedy some of these concerns that have been raised. In this type of scenario, only those who fail to comply with a remedial program could face the consequences of jail.

Parents and students may not be pleased with having to pay a fine and attend a truancy remediation program or parenting classes, but in doing so, we are protecting students from an incalculable cost they will pay if they do not make education a priority.

A model for cooperation between schools and law enforcement comes from the work of Philadelphia District Attorney Seth Williams. District Attorney Williams has worked extensively with the Charter Schools in Philadelphia to come up with a system to intervene prior to truancy escalating to the point of fines or incarceration. After the schools put forth effort to make parents aware of their child's unexcused absences, the District Attorney's Office sends out a letter to the parents or guardian, informing them of the penalties they may face if they do not make sure their children are in school. The DA's office encourages parents to reach out to the school and helps guide families to services or assistance that may be necessary. In the past three years, their office has sent out about 3,800 letters, conducted about 500 meetings with parents and they have not had to make even one prosecution. The point is: the back bone of law enforcement is effective and necessary and serves as a deterrent to continually truant children. In Berks County, we have a truancy remediation program. However, some of our Magisterial District Courts do not mandate participation in this program. If we need to make some changes, the changes need to be that we mandate participation in these programs and failure to do so will be met with effective consequences.

In conclusion, I urge you Mr. Chairman and members of the Education Committee, to very carefully consider the lasting effects of any legislation that would take away the power of our judicial system to intervene on behalf of students. We may be the last line of defense for some of these children and I would ask you to strongly consider the views of the professional educators who are involved in these cases day in and day out.

Thank you for your time and consideration.