



**TESTIMONY ON HB 2356, P.N. P3771
ELIMINATING INCARCERATION OF PARENTS FOR TRUANCY**

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**HOUSE EDUCATION COMMITTEE
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Good morning. My name is Sean Fields and I am deputy general counsel for government affairs for the Pennsylvania School Boards Association. The Pennsylvania School Boards Association is a nonprofit statewide association representing the 4,500 elected officials who govern the commonwealth's public school districts. PSBA is a membership-driven organization, pledged to the highest ideals of local lay leadership for public schools and working to support reform for the betterment of public education that prepares students to be productive citizens, and promote the achievements of public schools, students and local school boards.

First, I would like to thank Chairman Clymer and this committee for giving PSBA the opportunity to testify on HB 2356, as well as the opportunity to speak more broadly about the need to make some changes to the provisions of the Pennsylvania Public School Code related to the enforcement of compulsory attendance requirements. While PSBA is not directly opposed to HB 2356, PSBA does support the public policy objective of reducing excessive absenteeism and increasing attendance by taking a broader approach to the problems underlying truancy including the imposition of penalties. While it is sometimes hard to find consensus among public policy makers, legislators, and educators on many issues, we would

all agree about the importance of reducing excessive school absenteeism and improving attendance.

Before I summarize PSBA's legislative priorities on truancy legislation, I would like to say a few words about our organization's work with the Educational Success & Truancy Prevention Workgroup to address this issue. I should also add this group meets on a regular basis to discuss strategies to reduce absenteeism and other issues that might have an impact on the educational success of students who are at risk. On behalf of PSBA, it has been an honor and a privilege to work with this group consisting of judges, magisterial district justices, juvenile probation officers, court administrators, children and youth professionals, and other concerned professionals. This group with different opinions, professional backgrounds, and perspectives has found a great deal of common ground in seeking the common good for improving the lives of children by working to reduce absenteeism in school and increase educational opportunities for the children of Pennsylvania.

In addition to our participation in this workgroup, PSBA has participated in other efforts to combat truancy including participation in meetings with magisterial district justices ("MDJs"). Finally, PSBA is currently working with PDE through a committee that is reviewing and

making specific recommendations for changes to the Truancy Toolkit maintained by PDE. The Truancy Toolkit is a resource intended to provide useful information to anyone who is concerned about truancy including parents, educators, probation officers, and children and youth professionals. PSBA remains committed to this issue and is looking forward to working with this committee and the Legislature on changes that would help school entities advance the cause of reducing absenteeism.

Many times when PSBA appears before this committee we often emphasize the need to provide school districts with different options to address issues as well the avoidance of costly mandates that stretch resources and make it more difficult to effectively provide public education to all students. Fortunately, on the issue of truancy and reducing absenteeism, PSBA believes there are a number of legislative changes that would be very helpful in addressing this issue without a substantial increase in costs to school districts. Many of those changes deal with clarifying ambiguity in the School Code provisions dealing with truancy enforcement. Many issues could be remedied through definitional changes to Section

1333¹ and Section 1354² of the School Code. At this time, I would like to briefly summarize some of the changes that PSBA would support.

Under Section 1333 of the School Code, a parent, guardian, person in parental relation, or having charge of a child, may be found guilty of a summary offense and be fined \$300 plus costs, or be required to complete a parenting education program. The section then provides that if a person fails to pay such a fine and costs, or complete a parenting program, the individual “shall be sentenced to the county jail for a period not to exceed five (5) days.” An individual is not to be convicted if they can show that they took every reasonable step to insure the attendance of the child. The district justice may suspend the sentence in whole, or in part, if the child is no longer habitually truant. Children who are habitually truant who have reached the age of thirteen (13) may also be subject to prosecution and a \$300 fine or assigned to an adjudication alternative program, or referred for disposition as “dependent.”

The current School Code provisions lack the clarity and flexibility to effectively deal with truancy. While PSBA does not directly oppose some limitation on penalties like the incarceration of parents, guardians or other

¹ 24 P.S. §13-1333.

² 24 P.S. §13-1354.

individuals who fail to pay court costs or fines, PSBA respectfully recommends that this committee consider a number of other changes to the School Code that would be effective in combating truancy. Currently, pursuant to Section 1354 of the School Code, a school district is required to serve a notice upon parents, guardians, and other legally responsible individuals after the child has been absent from school “ for three days or their equivalent without lawful excuse.” Three days after this notice is provided, the child is considered “habitually truant” and the district may proceed with truancy prosecution.

Despite the School Code’s clear direction on the number of days that are required for a child to be “habitually truant”, the School Code does not explicitly state within what time frame the three days or their equivalent must occur for the district to provide a notice and subsequently proceed with other action after the subsequent three days. In other words, the School Code is not clear as to whether the three initial absences and three absences subsequent to a notice for a total of six (6) days are counted within a single school year or over the course of the student’s entire academic career. PSBA’s understanding from our members is that most school districts are simply counting absences with a specific school year. PSBA would support changes to the School Code that would clarify that absences for the

purposes of truancy enforcement should be counted within a specific school year. Along those lines, PSBA is willing to work with the Legislature to provide clarity to a number of needed definitional changes including but not limited to “school day”, “school year”, and “unexcused absence.” While these might seem like relatively small changes, such changes would go a long way in eliminating confusion for school administrators, MDJs, and other individuals who deal with truancy on a regular basis.

Because excessive absenteeism is a problem that is more effectively dealt with through a collaborative approach with a number of possible strategies based on the child and family situation, many efforts have focused on encouraging schools to take a proactive approach to addressing the problem by engaging parents and students early in the process. Several years ago, PDE issued guidance encouraging districts to use a Truancy Elimination Plan to deal with individual instances of truancy. Although not a specific legal requirement, a number of districts have adopted such an approach. After spirited discussion regarding how a Truancy Elimination Plan might fit into revisions to truancy provisions, the Truancy Workgroup developed a concept called a School Attendance Improvement Conference that incorporates some of the principles underlying the Truancy Elimination Plan.

The idea behind a School Attendance Improvement Conference is that before a school entity would pursue truancy prosecution, the school entity would offer parents or guardians the opportunity to attend a School Attendance Improvement Conference. By focusing more broadly on improving school attendance this would create the opportunity to address the root causes of truancy including medical problems, home life issues, or even social issues at school that educators might not be aware of at the time. After a conference would be held, the outcome of the conference would be documented in a written School Attendance Improvement Plan. PSBA would support the inclusion of school attendance improvement conferences and plans as long as any statutory requirements would not reduce flexibility for school entities to deal with these problems or create costly legal mandates for those school entities.

In terms of penalties, PSBA supports an approach that would provide a number of different measures to deal with truancy rather than a single approach that focuses solely on fines and/or imprisonment for parents who are convicted of under Section 1333 of the School Code. Changes to the School Code should provide school entities with a set of options to strategically deal with individual students who are habitually truant by intervening at the district level, referring a child for services or possible

disposition for dependency determinations with local children and youth agencies, or filing a citation against the parent or guardian the child resides with. Although PSBA is not taking a position on the proposed elimination of mandatory incarceration of parents for the failure to pay truancy fines or participate in parent education programs, PSBA would support efforts to make significant changes to various provisions of the School Code related to truancy. In that spirit, PSBA will continue to work closely with the Truancy Prevention and Educational Success Workgroup and we look forward to working with this committee and the rest of the Legislature on this important issue for the children of Pennsylvania.

At this time, I would be happy to answer any questions from the members of the Committee.