

To: ALL LEAS

From: Matthew S. Stem, Deputy Secretary  
Office of Elementary and Secondary Education

Date: November 28, 2017

Re: Act 138 of 2016 - Truancy

This March, the Pennsylvania Department of Education (PDE) issued a Penn\*Link containing initial guidance concerning the applicability and implementation of Act 138 of 2016 (Act 138). The Department has received many inquiries related to that guidance, particularly around the authority and responsibility of “schools” under Act 138.

This Penn\*Link is intended to clarify that charter schools do retain certain responsibilities for ensuring that students and parents/guardians comply with compulsory attendance laws, and that truancy prevention and elimination efforts required by those laws are implemented.

A charter school must develop an attendance policy that includes: monitoring student attendance and accurately tracking and reporting excused and unexcused absences; providing timely and clear notification to the person in parental relation to the student concerning accumulated unexcused absences; convening the School Attendance Improvement Conference; working with the student’s resident school district for referral of the student to a school-based or community-based attendance improvement program or county child and youth agency; or filing a truancy citation.

Although a charter school’s policy may differ from that of the school district, the charter school must develop a policy that provides communication and collaboration with a student’s resident school district so that the powers and responsibilities are properly exercised under the authority granted to the district by the General Assembly.

To assist with development of policies and procedures that will comply with the School Code and to provide a means for collaborative exercise of the respective responsibilities, PDE provides the following chart. The chart outlines PDE’s recommendations on how charter schools and school districts should collaborate for efficient and effective implementation of compulsory attendance and truancy requirements. Final determinations concerning these responsibilities should be made between the charter school and school district. The Department notes, however, that charter school employees are not authorized to exercise the “police powers” available to school district employees, including law enforcement powers for filing citations, making arrests, and inspecting places of employment.

PDE will soon issue additional guidance relating to Pennsylvania’s compulsory attendance and truancy laws through a Basic Education Circular. If you have any questions relating to this Penn\*Link or Pennsylvania’s compulsory attendance and truancy laws, please contact Carol Kuntz, Director for the Office for Safe Schools at (717)783-6469.

**RESPONSIBILITIES OF A CHARTER SCHOOL AND RESIDENT SCHOOL DISTRICT  
FOR IMPLEMENTATION OF COMPULSORY ATTENDANCE AND TRUANCY REQUIREMENTS  
RELATED TO A STUDENT ENROLLED IN A CHARTER SCHOOL**

<u><b>CHARTER SCHOOL</b></u>	<u><b>SCHOOL DISTRICT</b></u>
<p>Accurate monitoring and tracking of excused and unexcused absences. 22 Pa. Code § 11.41 <b>Primary responsibility.</b></p>	<p>Accurate monitoring and tracking of excused and unexcused absences. 22 Pa. Code § 11.41 <b>Defer to charter school.</b></p>
<p>Written notification to person in parental relation of violation of compulsory attendance at the third unexcused absence. 24 P.S. § 13-1333(a) <b>Collaborative responsibility with school district, i.e. should send notification with copy to the school district.</b></p>	<p>Written notification to person in parental relation of violation of compulsory attendance at the third unexcused absence. 24 P.S. § 13-1333(a) <b>Collaborative responsibility with charter school, i.e. may consider notification sent by charter school as sufficient.</b></p>
<p>Offer and convene School Attendance Improvement Conference. 24 P.S. § 13-1333(b) <b>Collaborative responsibility with school district, i.e. should send notification with copy to the school district; convene conference with school district as optional participant.</b></p>	<p>Offer and convene School Attendance Improvement Conference. 24 P.S. § 13-1333(b) <b>Collaborative responsibility with charter school, i.e. may defer to notification sent and conference convened by charter school, and participant at its option.</b></p>
<p>Refer child to (a) school-based or community-based attendance improvement program or (b) county child and youth agency for possible disputation as a dependent child. 24 P.S. § 13-1333.1(a)(1). <b>Collaborate with school district regarding attendance improvement programs. The charter school should work with the school district to establish the record of unexcused absences and notices provided and actions taken by the charter school. Juvenile dependency referrals should be coordinated through the school district.</b></p>	<p>Refer child to (a) school-based or community-based attendance improvement program or (b) county child and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(a)(1). <b>Primary responsibility for attendance improvement program and juvenile dependency referrals. The school district should work with the charter school to establish the record of unexcused absences and notices provided and actions taken by the charter school.</b></p>
<p>File truancy citation with appropriate MDJ. 24 P.S. § 13-1333.1(a)(2), (b). <b>Refer to school district. The charter school should work with the school district to establish the record of unexcused absences and notices provided and actions taken by the charter school.</b></p>	<p>File truancy citation with appropriate MDJ. 24 P.S. §§ 13-1333.1(a)(2), (b); 24 P.S. § 13-1341. <b>Primary responsibility. The school district should work with the charter school to establish the record of unexcused absences and notices provided and actions taken by the charter school.</b></p>
<p>Following school-based or community-based attendance improvement program, refer child to county child and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(c). <b>Refer to school district. The charter school should work with the school district to establish the record of unexcused absences and notices provided and actions taken by the charter school.</b></p>	<p>Following school-based or community-based attendance improvement program, refer child to county child and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(c). <b>Primary responsibility. The school district should work with the charter school to establish the record of unexcused absences and notices provided and actions taken by the charter school.</b></p>