Pennsylvania School Boards Association

ADMINISTRATIVE REGULATION

APPROVED: January 15, 2026

REVISED:

204-AR-0. COMPULSORY ATTENDANCE/UNEXCUSED ABSENCES

The following words, when used in this administrative regulation, have the following meaning, except where the context clearly indicates or requires a different meaning:

Citation means a nontraffic citation or private criminal complaint.

Compulsory school age means the period of a student's life from the time the student's person in parental relation elects to have the student enter school, which will be no later than six (6) years of age until the student reaches eighteen (18) years of age. The term does not include a student who holds a certificate of graduation from a regularly accredited, licensed, registered, or approved high school.

Habitually truant means six (6) or more school days of unexcused absences during the current school year by a student subject to compulsory school attendance.

Offense means each citation filed with a magisterial district judge for a violation of the requirement for compulsory school attendance, regardless of the number of unexcused absences alleged in the citation.

Person in parental relation means a:

1. Custodial biological or adoptive parent.

2. Noncustodial biological or adoptive parent.

3. Guardian of the person of a student.

4. Person with whom a student lives and who is acting in a parental role of a student.

The term does not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa. C.S. §6302 (relating to definitions).

School attendance improvement conference (SAIC) means a conference where the student's absences and the reasons for the absences are examined in an effort to improve attendance, with or without additional services. This conference must be held prior to initiating truancy proceedings against a student and person in parental relation.

School attendance improvement plan means the form created by the Pennsylvania Department of Education (PDE), or a similar form, to document the outcome and next steps of the school attendance improvement conference.

School-based or community-based attendance improvement program means a program designed to improve school attendance by seeking to identify and address the underlying reasons for a student's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C of the Pennsylvania Public School Code.

School day means the length of time that a student subject to compulsory school attendance is expected to be receiving instruction during a calendar day, as determined by the Joint Operating Committee.

Truant means having incurred three (3) or more school days of unexcused absences during the current school year by a student subject to compulsory school attendance.

Unexcused absence means an absence from school which is not permitted by state law or Joint Operating Committee policy and for which an approved explanation has not been submitted within the time period and in the matter prescribed by the Joint Operating Committee. An out-of-school suspension will not be considered an unexcused absence.

It is mandatory for all students of compulsory school age residing in the state to attend a school in which all required subjects and activities are taught.

Attendance

All students of compulsory school age who are enrolled in this center (school) are required to comply with the adopted Joint Operating Committee policy governing attendance.

Designated staff will be responsible for monitoring and maintaining records of each student's attendance and coordinating with the student's school district of residence.

Response to Absences

The center (school) is a critical part of a student's support system, and center (school) staff have a significant opportunity to assist students and their families to comply with attendance requirements.

Staff will treat all absences as unexcused until a written excuse explaining the absence is submitted within

{ } three (3)

{ } five (5)

{ } (other) _____

days of the absence.

The person in parental relation and student will be informed that if a written excuse is not provided within

{ } three (3)

{ } five (5)

{ } (other) _____

days of the absence, the absence will be permanently recorded as unexcused. Center (School) staff will provide written notice to the person in parental relation upon each incident of unexcused absence.

Each building administrator or teacher will report to a designated employee when a student has been absent for three (3) days, or their equivalent, without a lawful excuse.

If the designated employee discovers that a student is unable to attend school because of a lack of clothing or food, they will report the case to the appropriate county agency for investigation and relief.

Teachers can be the first line of defense for compulsory attendance, as they are the first to recognize students with possible attendance issues. Teachers will implement a plan of action that includes, but is not limited to:

1. Distributing and reviewing with students and families the adopted Joint Operating Committee policies governing attendance and student responsibilities.

2. Meeting individually with students to discuss reasons for absence.

3. Providing feedback to designated staff.

4. Making referrals to guidance counselors.

5. Cooperating with the Student Assistance Program, as appropriate.

6. Attending the school attendance improvement conference, as necessary.

7. Contributing, as necessary, to the development of the school attendance improvement plan.

<u>Response to Unexcused Absences</u>

The person in parental relation of a compulsory school age student is subject to penalties if compulsory attendance requirements are not met.

The designated employee will make every effort to work collaboratively with the person in parental relation to address the truancy of a student and will not initiate formal action until an SAIC has been held and the student is habitually truant.

First Unexcused Absence –

Designated staff will send to the person in parental relation a notice about the unexcused absence. The notice will be in the preferred language of the person in parental relation, will contain a description of the consequences that will follow if the student becomes habitually truant, and the name and telephone number of the employee that the person in parental relation can contact to request assistance in resolving the student's truant behavior.

Second Unexcused Absence –

Designated staff will send to the person in parental relation a notice of a second unexcused absence. The notice will contain a description of the consequences that will follow if the student becomes habitually truant, and the name and telephone number of the contact at the center (school). The second notice will include another offer of assistance from the center (school) and will be in the preferred language of the person in parental relation.

Third Unexcused Absence –

Designated staff will send notice to the person in parental relation, in writing, within ten (10) school days of the student's third unexcused absence, that contains a description of the consequences that will follow if the student becomes habitually truant, and the name and telephone number of the center's (school's) contact. The third notice will include another offer of assistance from the center (school)**; including resources available to assist the student and person in parental relation with returning the student to compliant center (school) attendance and opportunities for further academic recovery;** and will be in the preferred language of the person in parental relation. **The notice will also state that habitually truant students are prohibited from transferring to a cyber charter school during the school year, unless a judge determines that it is in the best interest of the student.**

{ } The center (school) will also send to the person in parental relation an invitation to attend an SAIC at which the student's absences and reasons for the absences are to be examined in order to improve attendance, with or without additional services.

If a student continues to incur additional unexcused absences after the center (school) has issued the notice of the student's third unexcused absence, the center (school) will send to the person in parental relation an invitation to attend an SAIC at which the student's absences and reasons for the absences are to be examined in order to improve attendance, with or without additional services.

Participants invited to the conference must include, but not be limited to:

1. The student.

2. The student's person in parental relation.

3. Other individuals as identified by the person in parental relation who may be a resource.

4. Appropriate center (school) personnel.

5. Recommended service providers.

While active participation by the student and family members is an integral component of this conference, there is no legal requirement for either the student or person in parental relation to attend the school attendance improvement conference. The center (school) should make every attempt to conduct the SAIC with the person in parental relation present, to identify and resolve the root causes of truancy, and contribute to the group discussion their unique knowledge about the student and the student's environment.

In an attempt to encourage participation, the (center) school should provide written notice, sent via certified mail, and communicate with the person in parental relation via telephone. The center (school) will hold the SAIC even if the person in parental relation declines to participate or fails to attend.

Issues that should be addressed in the SAIC include, but are not limited to:

1. Appropriateness of the student's educational environment.

2. Possible elements of the school environment that inhibit student success.

3. Student's current academic level and needs.

4. Social, emotional, physical, mental and behavioral issues.

5. Issues concerning family and home environment.

6. Any other issues affecting the student's attendance.

The center (school) will document the outcome of the SAIC in a written school attendance improvement plan which can include: access to academic and social/health supports from the center (school) and/or the school district of residence and community organizations; an outline of family/parental and student responsibilities; and levels of performance monitoring that include rewards and consequences.

{ } The School Attendance Improvement Plan Form, created by PDE, will be used to document the school attendance improvement conference.

{ } A form similar to the School Attendance Improvement Plan Form, created by PDE, will be used to document the school attendance improvement conference.

At the end of the school attendance improvement conference, all parties present should sign the school attendance improvement plan. The student and person in parental relation will be provided a copy of the school attendance improvement plan, regardless of whether they attended.

When the student and/or person in parental relation is/are in attendance at the school attendance improvement conference, the designated staff member will ensure that the student and the person in parental relation clearly understand the consequences that follow a violation of the compulsory attendance requirements.

Subsequent Unexcused Absence –

When a school attendance improvement plan is in place for a student who is not yet habitually truant, and the student is subsequently unlawfully absent at any point within the school year, meaning four (4) to five (5) unexcused absences, the designated staff will send to the person in parental relation, by certified mail and via any additional mode of communication previously successful with the person in parental relation, an official notice of unexcused absence. The notice will inform the person in parental relation that the school attendance improvement plan has been violated and that once the student reaches six (6) unexcused absences, formal truancy proceedings will be initiated.

When a school attendance improvement plan is in place and the student is subsequently unlawfully absent at any point within the school year, thus amounting to six (6) or more unexcused absences, the designated staff will send to the person in parental relation, by certified mail and via any additional mode of communication previously successful with the person in parental relation, an official notice to inform the person in parental relation that the school attendance improvement plan has been violated and formal truancy proceedings will be initiated.

At any time when a school attendance improvement plan has been violated, notice has been sent to the person in parental relation that formal action will be initiated, and the student is habitually truant, the designated staff will initiate truancy proceedings.

The school attendance improvement plan will remain in place, and the center (school) will continue to pursue remedies to the student's habitual truancy until the student is no longer truant or is no longer of compulsory school age, regardless of whether the student was enrolled at the current center (school) or another school entity at the time of truancy.

Penalties for Violations

When referring a habitually truant student of any age to the county children and youth agency or filing a citation, the center (school) must provide verification that the SAIC was held, generally by submitting the school attendance improvement plan.

Habitually truant students under fifteen (15) years of age -

1. The designated staff will refer the student to either:

    a. A school-based or community-based attendance improvement program, or

    b. The county children and youth agency for:

        1) Services, or

        2) Possible disposition as a dependent child.

2. The designated staff may, but are not required to, file a truancy citation against the person in parental relation to the student who resides in the same household as the student.

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

1. The designated staff will either:

    a. Refer the student to a school-based or community-based attendance improvement program, or

    b. File a citation against the student or person in parental relation to the student who resides in the same household as the student.

2. If a student fifteen (15) years of age or older continues to accrue additional absences after the center (school) refers the student to a school-based or community-based attendance improvement program or refuses to participate in an attendance improvement program, the center (school) may refer the student to the county children and youth agency for possible disposition as a dependent child.

Citations and Proceedings

The designated staff will file a truancy citation with the magisterial district judge whose jurisdiction includes the school where the student is or should be enrolled.

When a citation is filed against a student or person in parental relation to the student who resides in the same household as the student, the magisterial district judge will provide notice of the hearing to the center (school), person in parental relation, the student, and the county children and youth agency.

At the hearing, the center (school) must prove beyond a reasonable doubt that the student was subject to the compulsory attendance law and was, without legal justification, habitually truant. The person in parental relation may demonstrate, by a preponderance of the evidence, that they took every reasonable step to ensure the attendance of the student at school.

Before entering a sentence, the magisterial district judge will permit the center (school), person in parental relation to the student, or student to present relevant information, such as the student's attendance since the citation was filed, to assist the judge in making an informed decision regarding an appropriate sentence.

A person convicted of a violation of the compulsory attendance laws may be sentenced to pay a fine for the benefit of the center (school), sentenced to perform community service, or required to complete an appropriate course or program designed to improve school attendance.

The judge is authorized to assign a sentence, with penalties in compliance with law, even after the completion of the school year in which the student was habitually truant.

The judge, at the time of conviction, will determine whether it is in the student's best interest to be able to transfer to a cyber charter school, or not.

If within a three-year period a student or person in parental relation is convicted of a second or subsequent offense, the court must refer the student to the county children and youth agency for services or possible disposition as a dependent child under the Juvenile Act.

The designated staff will not file a citation against a student or person in parental relation for a subsequent violation of compulsory school attendance if:

1. A proceeding is already pending against the student or person in parental relation and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the student or person in parental relation to appear before the court and the warrant has not yet been served.

2. A referral for services has been made to the county children and youth agency under this subdivision, the agency has not closed the case, and the educational entity has not consulted with the county children and youth agency prior to filing the petition.

3. A petition has been filed alleging the student is dependent due to being habitually truant, relative to juvenile matters, and the case remains under the jurisdiction of the juvenile court.

Fines

For the first offense, the fine may not exceed $300, together with court costs.

For the second offense, a person in parental relation may not be fined more than $500, together with court costs.

For a third and any subsequent offense, a person in parental relation may not be fined more than $750, together with court costs.

Failure to Comply with Penalties

If a person in parental relation fails to comply with the penalties imposed, that person may be sentenced to jail for up to three (3) days if the court determines that the person in parental relation had reasonable ability to comply with the penalty and that noncompliance was willful.

If a student fails to satisfy the penalties imposed:

1. Such act will not be considered delinquent but may result in a dependency determination under the Juvenile Act.

2. The magisterial district judge may send the record of conviction to the Pennsylvania Department of Transportation.

    a. If the Department of Transportation receives such a record, it is required to take action against the student's operating privileges. The Department will suspend for ninety (90) days the operating privilege of any student upon receiving a certified record that the student was convicted of violating the compulsory attendance requirements. If the

Department receives a second or subsequent conviction for a student's violation, the Department will suspend the student's operating privilege for six (6) months.

b. Any student whose record is received by the Department and who does not have a driver's license will be ineligible to apply for a driver's license for the time periods specified above. If the student is under sixteen (16) years of age when convicted, suspension of operating privileges will commence for the time specified above.

Nothing in this section will be construed to apply to a person in parental relation whose child or children are in a home education program.

Homeless and Unaccompanied Youth/Children in Foster Care

The Every Student Succeeds Act, the McKinney-Vento Homeless Assistance Act, and the Fostering Connections to Success and Increasing Adoptions Act require that states, local education agencies, and schools work to remove barriers to the education of homeless students, unaccompanied youth, and children in foster care. Such barriers include those related to enrollment and retention due to absences.

Designated staff will not count as unexcused those absences that occur due to homelessness, the transience of unaccompanied youth, or the fluctuation of foster care placements.

Designated staff should use the school attendance improvement conferences as a means to identify the root causes of students' absenteeism, such as homelessness, frequent household shifts, absence of consistency and stability, and a lack of transportation, which should all be captured in the school attendance improvement plan. The school attendance improvement plan should clearly delineate the school responsible for complying with the compulsory attendance laws (school of origin, school of residence, etc.) as well as the school(s) responsible for implementing various portions of the school attendance improvement plan.

The center (school) must consider the living situation of each unaccompanied youth to determine whether it is appropriate to file citations against the person in parental relation. The center (school) may consider contacting the children and youth agency to link the youth with services.

 © 2025 PSBA