

**IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA**

IN RE: CLARION COUNTY : NO. 530 Civil 2012
TRUANCY PROTOCOL :

ADMINISTRATIVE ORDER

AND NOW, this 1st day of June 2012, the Clarion County Courts hereby adopt the attached Clarion County Truancy Protocol for use by all Clarion County Courts, Juvenile Probation and Children and Youth Services. We recommend to all of the school districts referring cases to the Clarion County Courts to apply and follow the truancy protocol, thereby bringing about a uniform truancy policy. The Clarion County Truancy Protocol will be effective on June 1, 2012.

BY THE COURT:

James G. Arner

JAMES G. ARNER, P.J.

Introduction

Truancy is a problem that affects many people, including children, parents, school officials, children and youth services workers, probation officers, and judges. When children do not attend school, they miss out on many beneficial educational and social opportunities. Parents who do not require regular school attendance may have to pay fines, complete parenting programs or perform community service. For teachers and school administrators, dealing with truancy issues takes up time that could otherwise be used to educate students who want to learn.

Over the years, our schools have taken a proactive approach in trying to impress upon students and parents alike that a formal education is beneficial and they must comply with the law. Despite the best efforts of school officials, some children and parents just do not comply. Some families even move from school district to school district to avoid their responsibilities.

To address these issues, the Clarion County Children's Roundtable, a group formed as a result of an initiative by the Pennsylvania Supreme Court and comprised of individuals who work with dependent and delinquent children, approached school superintendents in Clarion County about creating a County-wide truancy protocol. The idea was for all schools, Children and Youth Services, Juvenile Probation and the courts to work together to develop a common approach to dealing with truancy. One objective was to prevent families from moving among districts to avoid their responsibilities. Roundtable members proposed an approach similar to that used in Venango County. Through meetings and exchanges of information and ideas, a protocol for Clarion County was developed and adopted. It is now ready for use.

On behalf of the Children's Roundtable, I want to thank the Roundtable members, superintendents, principals, guidance counselors and other school officials for their input and continuing support of this project. We are most appreciative of the efforts of Union School District Superintendent Larry Bornak, CYS Director Kay Rupert, JPO Deputy Director Mike Blum, Family Group Decision Making Coordinator Janet Schreckengost, and Magisterial District Judges Long Turk, Quinn, Miller and Schill and for the assistance of the Venango County Court of Common Pleas.

James G. Arner

James G. Arner, President Judge

Dated: June 1, 2012

CLARION COUNTY TRUANCY PROTOCOL

A. References

1. Truancy Statute: 24 P.S. §13-1333, 1338, 1338.1, 1338.2, 1341, 1343
2. Dependency Statute: 42 Pa.C.S.A. §6302(5)
3. Child fails to adhere to District Judge order: 42 Pa.C.S.A. §6303(a)(1)
4. Basic Education Circular (BEC) on truancy (2006): 24 P.S. §13-1327
5. Adjudication Alternative Program (AAP): 42 Pa.C.S.A. §1520

B. Truancy Procedure

1. **As initiated by the school**

- a. An unlawful absence is, an absence:
 - (1) for which the school district has not received an authentic, valid written excuse within 3 days; or
 - (2) after 10 days cumulative lawful absences for which no physician's excuse is timely received by the school.
- b. School district shall immediately inform the parents/guardians in writing upon each incident of unlawful absence (see Attachment I).
- c. After third unlawful absence:
 - (1) School will complete a Truancy Referral Form (Attachment II) and schedule a TEP meeting, entering the date and time on Attachment I. TEP meetings will be scheduled by the school districts based on the following days:

Monday:	AM-Redbank PM-Union
Tuesday:	AM-Clarion-Limestone PM-AC Valley
Wednesday:	AM-Keystone PM-Clarion Area
Thursday:	AM-North Clarion
 - (2) School shall send the letter (Attachment I) to the parents/guardians by both regular and certified mail.
 - (3) Children and Youth Services (CYS) will be notified by forms attached (see Attachments I and II). School will not have direct contact with Clarion County's Promise Family Group Decision Making Coordinator (FGDM) until written consent has been obtained.
 - (4) If student is open with the Juvenile Probation Office (JPO), school will notify JPO, based on the monthly reports sent by JPO to the districts.
 - (5) Within 1 business day of receipt of the Truancy Referral Form and a copy of Attachment I, CIS will forward both to the FGDM.
 - (6) The TEP shall incorporate strategies to avoid further absences and shall be in writing and should be in substantially the same format as the form attached (Attachment III).
 - (7) A CIS worker and/or JPO will attend the TEP conference if the student is currently open with CIS or under the supervision of JPO.
 - (8) The TEP will be distributed by the school to:
 - a. parents/guardians,

- b. student,
 - c. CYS,
 - d. and all parties present at the TEP, with parental/student agreement.
 - e. Copy retained by the school.
 - f. School will assure the parent/guardian and student signs release for plan to go to CYS; if plan is to be distributed to parties not present at the TEP meeting, CYS or FGDM will work with family to secure the necessary releases.
- d. Three outcomes can occur after the scheduled TEP meeting:
- (1) student has no further unlawful absences this school year (the matter is concluded), or
 - (2) the school is unable to complete the TEP. If plan is not obtained, and one additional unlawful day occurs, then school will:
 - a. send a notice of excessive absences (Attachment IV), and
 - b. file a citation with the District Judge.
 - c. Copy CYS the letter (Attachment IV) and a copy of the citation.
 - (3) If the TEP is completed, but the child has further unlawful absences:
 - a. after each absence, the school will send notice when student is absent to parents/guardians and to CYS and JPO, as appropriate.
 - b. On the 1st unlawful absence after the TEP meeting has occurred, school will file citation for original truancy hearing with the District Judge and copy CYS, or JPO as appropriate, with the citation. School will also, if it has not previously done so, send CYS a copy of the TEP. School representatives will attend and may have to testify at the hearing before the District Judge.
 - c. Student and parents/guardians will attend and fully participate in the hearing before the District Judge.

2. Magisterial District Judge (MDJ) will schedule a hearing and follow 24 P.S. §13-1333:

- a. The child, parent or guardian or person in parental relation (the parent) must attend the hearing. §13-1333(a)(2).
- b. Parents: If the MDJ finds that the parent has failed to comply with the law on compulsory attendance,
 - (1) the parent will be convicted of a summary offense and be sentenced to pay a fine for the benefit of the school district not exceeding \$300 and court costs or to complete a parenting education program.
 - (2) If the parent fails to pay the fine and costs or to complete the program, he/she shall be sentenced to the County Jail for a period not exceeding five days. §13-1333(a)(1).
 - (3) The MDJ may suspend the sentence if the child is no longer habitually truant. §13-1333(a)(3) and §13-1333(b)(5).
 - (4) In lieu of or in addition to any other sentence, the MDJ may order the parent to perform community service in the school district for a period not exceeding six months. §13-1333(a)(4).
- c. Children 13 years old or older: If the MDJ does not convict the parent because he/she took every reasonable step to insure the child's attendance at school, and if

the child has failed to comply with the law on compulsory attendance or is habitually truant,

- (1) the child commits a summary offense and shall be sentenced to pay a fine not exceeding \$300 for each offense for the benefit of the school district or shall be assigned to an adjudication alternative program (AAP) as provided in 42 Pa.C.S.A. §1520. §13-1333(b)(1).
 - (2) If the child is assigned to AAP, the MDJ shall complete the form which is attached hereto as Attachment V and the child, parent and MDJ shall sign the form.
 - (3) A copy of the AAP order and release of information will be sent to CYS for monitoring and supervision.
 - (4) If a child has failed to pay the fine or to comply with AAP, the MDJ may allege the child to be dependent and contact CYS. Failure to pay a fine or to comply with AAP will not constitute a delinquent act. §13-1333(b)(2).
 - (5) Upon conviction, the court shall send to PennDOT a certified record of the conviction on the PennDOT form. The child's driver's license shall be suspended or he/she shall be ineligible for a license pursuant to §13-1338.1. §13-1333(c).
 - (6) The MDJ may suspend the sentence of a fine or AAP if the child is no longer habitually truant. §13-1333(b)(3) and §13-1333(b)(5).
 - (7) In lieu of prosecution, the school district may refer the child for services or possible disposition as a dependent child. §13-1333(b)(4).
- d. Children under age 13: As to children under age 13 who have failed to comply with compulsory attendance and are habitually truant, the school district shall refer them for services or for possible disposition as dependent children. They may not be charged with or convicted of a summary offense. §13-1333(b)(4).
- e. At the conclusion of the case, the MDJ will issue an Order of disposition and will submit copies of that Order to the home school district and CYS.

3. JPO Procedures

- a. The objective of the JPO should be to ensure that all youth open with the agency that are in school attend school every day.
- b. JPO is to keep the school informed of any student who has been adjudicated delinquent or who is under supervision and to apprise the school when supervision is terminated.
- c. If JPO receives notice of a youth on caseload who had unlawful absences, the probation office will address and correct the problem with the student.
- d. If a TEP is scheduled for a youth open with JPO, the probation office will attend and assist the school and the family in determining causes of the truancy and fashioning solutions to incorporate into the TEP.
- e. Upon notice from the school of further unlawful absences after the TEP, JPO will take appropriate steps. JPO, upon request of the school, will update the school on the status of JPO's efforts to assure attendance.
- f. Upon completion of supervision by Juvenile Probation, where a truancy notice has been received from the school, JPO will send, as part of its general closure report, a report to the school that:
 - (1) discusses what action was taken by JPO as a result of the truancy referral, and
 - (2) an evaluation of the effectiveness of any action taken.

4. CYS Procedures – on receipt of Truancy Referral (Attachments I and II)

- a. All truancy referrals and parent letter (Attachments I and II) will be faxed to the FGDM Coordinator within 1 business day of receipt from the school.
- b. If the family is open with CIS, a caseworker will attend the TEP meeting.
- c. If the family is open with CIS and the school files a citation with the District Judge, CIS caseworker will submit to the District Judge a summary of its assessment and recommendations for the District Judge at least 2 days prior to the hearing.
- d. If requested by the District Judge, the caseworker will attend truancy hearings or arrange for alternate representation when unable to attend.
- e. If the child who is 13 years of age or older is placed in the AAP program, the CIS worker will collaborate with the school district and any other services that are ordered to monitor compliance of the order and report to the court any completions or non-compliance of the order. The CIS worker will complete a truancy status report and submit to the District Judge on a monthly basis (Attachment VI).
- f. For all cases where the family is open with or monitored by CIS, the CIS worker will complete a truancy status report and submit to the school on a monthly basis (Attachment VI).
- g. If a student is adjudicated dependent based on truancy and any other issues relating to the family situation, the agency will provide a wide range of services to the family.

5. Family Group Decision Making (FGDM) Coordinator Procedures – on receipt from CIS of Truancy Referral (Attachments I and II)

- a. Within 1 business day of receipt of truancy referral, the FGDM Coordinator will attempt to contact the family.
- b. The FGDM Coordinator will make efforts to complete a home visit with the family prior to the TEP meeting to address the truancy report and assist them in preparation of the TEP meeting.
- c. The FGDM Coordinator will assess the family situation by completing a Common Information Form.
- d. The FGDM Coordinator will assist the family in identifying community resources available to support the family and the student specifically addressing truancy.
- e. The FGDM Coordinator will discuss with the family the District Court procedures.
- f. The FGDM Coordinator will discuss with the family the Adjudication Alternative Program (AAP) for children 13 years of age or older, if applicable.
- g. The FGDM Coordinator will attend the TEP meeting with the family and assist them with implementing the TEP.
- h. The FGDM Coordinator will provide additional services, as appropriate and with the agreement of the family.

Non-Compliance of Compulsory Attendance Laws
(PA School Code 1354)

Date: _____

Re: _____

Dear Parent/Guardian:

This notice is required to be sent by your school district if your child is absent any day without a legal excuse. The following dates have been determined to be illegal absences:

Rights of the School District:

- When a student has more than three (3) days of unlawful absence the school district has the right to file a citation (non-traffic) against the parent/guardian or the child at the District Magistrate’s office for **Non-compliance of Compulsory School Attendance.**
- The school district will file a complaint of Truancy referral with the **County Children and Youth Services.**
- Please be advised unlawful absences will result in disciplinary actions.

OPTIONS THE DISTRICT COURT MAY IMPOSE: The penalties for violation of compulsory school attendance may include the following:

- Sentence of a fine up to \$300 plus court costs can be imposed on the parent or child.
- Sentence of 5 days in the county jail plus court costs for the parent.
- A child’s driver’s license may be revoked or suspended up to 90 days.
- A child may be ineligible to apply for a driver’s learning permit.
- The truancy case may be referred to the County Children and Youth Services agency.
- Community service hours for the parent and/or child plus court costs may be given.
- Court ordered school attendance.
- Court ordered Parenting Classes plus court costs.
- The child, age 13 or older, may be placed in the Adjudication Alternative Program.

To prevent the above and to prevent future illegal absences we will meet with you and your child to develop a Truancy Elimination Plan (TEP). You are required to attend a TEP meeting scheduled by the school district on _____ your child, _____ must also attend.

If you have any questions please call the school district at _____.

Sincerely,

Clarion County Truancy Protocol – Attachment I

Clarion County Children and Youth Services
Truancy Referral Form

School	Address
Name/Position	Telephone

A. FACT SHEET INFORMATION

1. Child's Name: _____ DOB: _____
2. Grade: _____ Sex: _____ Race: _____
3. Information of Family Household
Father: _____ Phone: _____
Address: _____
Mother: _____ Phone: _____
Address: _____
4. Does the student have a learning problem or a behavioral problem? _____
5. Is the student in a special education program? _____ If yes, what _____
6. Has the student ever failed a grade _____
Failing now? _____
7. Dates of illegal absences: _____
8. Dates of Notices/Magistrate Hearings: _____

B. SCHOOL'S INTERVENTION TO DATE

1. What attempts have been made by the school to resolve the problem? Indicate number of contacts and type of resolution.
 - a. Direct intervention with the student _____

 - b. Direct intervention in the home _____

- c. Parent/Student conferences & outcome _____

- 2. Please list any referrals to other agencies: _____

- 3. HAVE THE PARENTS BEEN NOTIFIED OF THIS REFERRAL? _____
- 4. Is there any other pertinent information? _____

Truancy Elimination Plan (TEP)

Date: _____

Goal: Increase _____ school attendance.

Name of Student	Address	Special Needs
Date of Birth	Phone Number	Health Concerns
Gender		
Grade Level		
Name of School	Address	Principal's Name
	Phone Number	Referring Teacher's Name
Name of Parent/Guardian	Home Address	Work Address
	Home Phone Number	Work Phone Number

Date of Absence	Written Excuse Provided? (Y/N)	Reason(s) for Absence	Action Taken (e.g., Parent Letter 1 sent out on 04/01/2006, John Doe called parent, Mrs. Smith to discuss)
1.			
2.			
3.			
4.			

Assessment

Description	Solution(s)	Responsible Party
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1.		
2.		
3.		

Strengths

Description	Relevance to the Plan
1.	
2.	
3.	

Solutions

Description	Responsible Part(ies)	Completion Date
1.		
2.		
3.		

Consequences for non-compliance
1.
2.
3.

Benefits for compliance
1.
2.
3.

Pennsylvania Department of Education – Toolkit on School Attendance & Truancy Reduction
www.patrancytoolkit.info

This TEP was created collaboratively to assist the student in improving attendance, to enlist the support of parent/guardian and to document the school’s attempts to provide resources to promote student success.

Student: _____ **Date:** _____

Parent or Guardian: _____ **Date:** _____

School Official: _____ **Date:** _____

cc: student _____ (initial upon receipt)
parent/guardian _____ (initial upon receipt)
school personnel _____ (initial upon receipt)
other _____ (initial upon receipt)

Date for Follow-up Outcomes Meeting:

Outcomes: 1. 2. 3.
Next Steps: 1. 2. 3.

Student: _____ **Date:** _____

Parent or Guardian: _____ **Date:** _____

School Official: _____ **Date:** _____

In order for agencies outside of the school district to assist with this plan, your permission is needed to release the plan to the following:

Please sign below:

Parent or Guardian: _____ **Date:** _____

Pennsylvania Department of Education – Toolkit on School Attendance & Truancy Reduction
www.patrancytoolkit.info

Clarion County Truancy Protocol – Attachment III

NOTICE OF EXCESSIVE ABSENCES

Date: _____

Re: _____

Dear Parent/Guardian:

Your child has missed _____ days of school as of _____. This is an excessive number of absences in breach of the Truancy Elimination Plan (TEP) or in violation of the compulsory attendance requirements. Each day a student is absent from school, s/he missed six (6) hours of quality instruction time. This negatively impacts academic performance, and it is very difficult for the student to overcome this loss of instructional time. At _____ School, we are committed to the belief that regular attendance is conducive to proper and thorough educational programs.

Your child’s absences this year have not permitted him/her to receive the proper exposure to our educational program. Repeated communication and the attempted TEP have not brought an improvement in your child’s attendance.

Since there has been no improvement in your child’s attendance, this office will be filing a citation immediately with Magisterial District Judge _____ office.

Sincerely,

ORDER FOR ADJUDICATION ALTERNATIVE PROGRAM (AAP)

Child who is age 13 or older (called the "child"): _____

Parents, guardians or persons in parental relation (called the "parent", even if more than one person is named):

School: _____

Hearing Date: _____

Docket #: _____

Enrollment Date: _____

Completion Date: _____

- The child will comply with Compulsory School Attendance.
 - Turn in excuses within 3 days of the absence
 - No unexcused/illegal absences are accepted
 - Doctor's excuses shall be submitted for all absences

- The parent and child will contact the designated CYS worker WEEKLY at 814-226-9280 or 1-800-522-9280 to discuss and report status of AAP compliance. Failure to do so will be interpreted as non-compliance with the AAP program. If worker is unavailable, the defendant must speak with a supervisor and leave a message on status of program compliance. If there is no phone available to the parent or child, there are other options: calling from another phone, child calling from school, or reporting by mail or by making other special arrangements with the CYS caseworker.

- The child shall make every reasonable effort to improve his/her own attendance.

Reasonable efforts include:

 - abiding by the curfew of: Weeknights _____PM, Weekend _____ PM
 - awakening him/herself, preparing, and leaving for school time on time.
 - making him/herself available for the transportation to and from school.

- The child shall have no less than _____ face to face contacts with _____ (school staff). These contacts shall be made over the course of the AAP Truancy Program. These contacts are to discuss steps to be taken by both the school and the student to remedy the truancy situation.

- The child shall perform _____ hours of community service in the School District in which the child resides. The contact person/location for community service is _____.

- The child shall make a self-referral to the SAP Program at their school within 2 weeks of the date of this order. The contact person for this is _____. The child will make himself/herself available to whatever the SAP Coordinator/Guidance Department deems appropriate and necessary.

- The child will arrange for tutoring through the School District. The contact person is _____.

- The child shall enroll himself/herself into a GED program. The child shall attend all GED classes that are made available to him/her. Contact Community Action at 1-800- 997-7661 (free GED classes), the Clarion Literacy Council at 814-226-4626 (free GED tutoring), or Clarion County Career Center at 814-226-5857 (paid online classes and GED testing) (or the GED prep services provider in the county of the family's residence)

- The parent and child shall contact Center for Community Resources (CCR) at 214 South 7th Avenue Clarion at 814-226-1080 (or the Mental Health provider in the county of the family's residence) for an Intake Assessment to determine if there are any psychological or psychiatric factors contributing to the truancy. The parent and child shall follow the recommendations of the assessment and participate in the services deemed appropriate and necessary by CCR (or the Mental Health provider in the county of the family's residence). This may include, but is not limited to, case management, individual counseling, family counseling, psychological evaluation, psychiatric evaluation, psychotropic medications, in-home and/or community based services.
- The parent and child will contact Armstrong/Indiana/Clarion Drug and Alcohol Commission at 814-226-6350 or 1-800-323-1333 (or the Drug & Alcohol provider in the county of the family's residence) to schedule an assessment. The parent and child shall at their own expense follow the recommendations of the assessment and participate in all services deemed necessary and appropriate by Armstrong/Indiana/Clarion Drug and Alcohol Commission (or the Drug & Alcohol provider in the county of the family's residence).
- The parent shall enroll in and participate in parenting skills instruction through Clarion County's Promise at 814-223-1590 (or the parenting skills training provider in the county of the family's residence).
- The child shall obey all household rules.
- Other: _____

The parent/caretaker shall sign all necessary releases as requested by the appropriate agencies. Further proceedings of the Non-Traffic Citation shall be postponed during the term of the AAP Truancy Program. If this Court finds, after a hearing, that the defendant has committed a violation of any conditions of the AAP Truancy Program, this Court may add additional conditions, which may include, but are not limited to:

- *Order the child's participation in this program be terminated and the charges shall proceed as if the child had never been in the AAP.*

When the defendant has completed the program satisfactorily and complied with all the conditions of AAP, the charges against the defendant shall be dismissed. The court may impose other conditions as deemed appropriate and necessary by the MDJ.

The parent and child give permission to Children and Youth Services to release information to the Court regarding the conditions of the Order.

Magisterial District Judge: _____ Date: _____

We have read and understand the above conditions and agree to comply with them.

Child: _____ Date: _____

Parent: _____ Date: _____

Monthly Truancy Status Report

Student Name: _____ Date of this report: _____

School District: _____ Grade: _____

Defendant Name: _____

Docket #: _____

CYS Staff assigned: _____

Defendant is complying with all conditions of the AAP order.

Defendant is has **NOT YET COMPLIED** with the following conditions of the AAP order:

- ___ no unexcused/illegal absences ___ all excuses turned in
- ___ no curfew or school trans issues ___ referral to Guidance/SAP
- ___ regular contact with CYS worker ___ tutoring
- ___ regular contact with school staff (parent) ___ D&A referral
- ___ Center for Community Resources - MH referral
- ___ Community Service
- ___ parenting referral ___ GED
- ___ Other, _____

Defendant has **VIOLATED** the following conditions of the AAP order:

- ___ no unexcused/illegal absences ___ all excuses turned in
- ___ no curfew or school trans issues ___ referral to Guidance/SAP
- ___ regular contact with CYS caseworker ___ tutoring
- ___ regular contact with school staff (parent) ___ D&A referral
- ___ Center for Community Resources - MH referral
- ___ Community Service
- ___ parenting referral ___ GED
- ___ Other, _____

CASE STATUS:

- Family remains monitored by CYS
- Family remains open with CYS
- Agency will be petitioning the Court for dependency.
- Family has made sufficient progress that the case will be closed with CYS within the month

CYS staff signature

Supervisor signature

CONSENT FOR RELEASE OF INFORMATION

I/we, _____, hereby consent to the exchange of information, both verbal and written, regarding _____ (name of child) _____ (date of birth) between Clarion County Children and Youth Services and any other agencies/providers listed:

- 1. Home School District - _____
- 2. Center For Community Resources - Mental Health
- 3. ARC Manor
- 4. Armstrong-Indiana-Clarion Drug and Alcohol
- 5. Clarion County's Promise
- 6. Community Service Location _____
- 7. Other _____

I/we acknowledge that I/we have been informed that this Consent for Release of Information is for the purpose of assessment and service planning to meet the needs of the child identified above.

I/we further understand that I/we may revoke this Consent for Release of Information at any time by providing a request in writing to the agency.

Signature of Parent/Legal Guardian

Date

Signature of the Child, if 14 or over

Date

Signature of Witness

Date