

Sample Letters to Parent of Absent/Truant Student (all letters should be on school district letterhead, and dated):

First Unlawful Absence

Parent/Guardian Name
Address
City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

<STUDENT NAME> was absent unlawfully on <DATE>. This letter is sent to make you aware of this absence. Regular attendance at school is an important part of every student's success and is necessary in order to gain the greatest benefit from the educational experience. Students who are frequently absent from school miss direct instruction and regular contact with their teachers. Commonwealth of Pennsylvania law and school policy require regular daily attendance. When absences accumulate, it may ultimately result in academic difficulty for <STUDENT NAME>.

Our district has an active Student Assistance Team and additional services that are available to you and your family. We share a common goal to ensure that your child reaches <HIS/HER> full potential. All absences are counted as unlawful until the <DISTRICT NAME> School District receives a written excuse explaining the reason for the absence. If a written excuse is not received within three days, the absence will permanently be added to the student's file as unlawful. This letter serves as our first communication regarding <STUDENT NAME>'s unlawful absences. If <STUDENT NAME> accumulates three additional days of unlawful absences or the equivalent, the district must notify the magisterial district judge.

In addition, any absences of ten cumulative days will require a written excuse that indicates <STUDENT NAME> was seen a doctor or medical practitioner. Enclosed are the penalties for violation of compulsory attendance requirements.

If you have any questions, please call my office at <PHONE> or the guidance office at <PHONE> so that we may work together to ensure <STUDENT NAME>'s educational success.

Sincerely,

<Principal, Assistant Principal, or Attendance Officer>

c: Student Assistance Team
Attendance Officer/Home School Visitor
Guidance Counselor
Student File

(Enclosures: Law and SAP brochure)

NOTE: The Department of Education recognizes that a best practice would include sending a similar letter to any student over the age of 13 years old to reinforce the importance of regular attendance and their academic success. See this section for a sample letter.

Second Unlawful Absence

Parent/Guardian Name

Address

City, PA Zip Code

Dear <PARENT'S (OR GUARDIAN'S) NAME>,

This letter is to inform you that <STUDENT NAME> was absent unlawfully from school on <DATE>. This is the second unlawful absence recorded this year. Attendance requirements are meant to benefit your child's educational experience. I appreciate your cooperation in trying to improve your child's school attendance and in helping <STUDENT NAME> complete missed assignments on those occasions when <STUDENT NAME> must be absent.

If <STUDENT NAME> accumulates two additional days of unlawful absences or the equivalent, the district must notify the magisterial district judge. Commonwealth of Pennsylvania law and school policy require that every child of compulsory school age attend school daily. A child must present a written excuse from the parent/guardian or medical practitioner within three days of an absence or the absence will be counted as illegal. Mental, physical or other urgent reasons are the only lawful excuses for absences. Enclosed are penalties for violation of compulsory attendance requirements.

I strongly encourage you to contact the guidance office or the student assistance team to discuss ways to ensure your child's school attendance. Continued unlawful absences could lead to notification of the magisterial district judge, as well as a referral to the County Children and Youth Agency. You may request a school-family conference at this time to explore possible solutions to your child's unlawful absences. If you have any questions, please call my office at <PHONE>.

Sincerely,

<Principal, Assistant Principal, or Attendance Officer>

(Enclosures: Law and SAP brochure)

c: Student Assistance Team
Attendance Officer/Home School Visitor
Guidance Counselor
Student File

Third Unlawful Absence (sent via certified mail and return receipt requested)

Parent/Guardian Name
Address
City, PA Zip Code

OFFICIAL NOTICE OF CHILD'S ILLEGAL ABSENCE

Dear <PARENT'S (OR GUARDIAN'S) NAME>:

This letter is to officially notify you that <STUDENT NAME> has been absent from school without a lawful excuse on the following dates: <DATE 1, DATE2, and DATE 3 (add subsequent dates as appropriate)>. These absences are unlawful and, therefore, constitute a violation of the compulsory attendance provision of the Pennsylvania Public School Code (24 P.S. 13-1327).

You are therefore notified of your child's repeated unlawful absences and strongly encouraged to ensure that your child receives no subsequent unlawful absences. The series of unexcused absences constitute a summary offense under the Public School Code for which penalties may be imposed against you as parent or guardian. Act 29 of 1995 provides for a \$300 fine and allows the court to impose parent education classes with your daughter or son and community service sentences for parents of a truant child who do not show that they took reasonable steps to ensure the child's school attendance. Act 29 also provides that truant students lose their driver's license for ninety (90) days for the first offense, and six (6) months for the second offense.

Be advised that the process for development of a Truancy Elimination Plan for your child has now begun, which requires your participation in a school-family conference. If your child is unlawfully absent again, a proceeding will be initiated against you before a magisterial district judge, and a referral for general protective services made to the county children and youth agency, without further notice from school authorities. Please refer to the enclosed sections in the Pennsylvania School Code for specific penalties for violation of compulsory attendance requirements for both you and your child.

Sincerely,

<Superintendent>

(Enclosures: Law and SAP Brochure)

c: Student Assistance Team
Attendance Officer/Home School Visitor
Principal
Assistant Principal
Guidance Counselor

Student File
(Enclosure)

24 PA Statute

Section 1333- Penalties for Violation of Compulsory Attendance Requirements

“(a) (1)- Every parent, guardian, or person in parental relation, having control or charge of any child or children of compulsory school age, who shall fail to comply with the provisions of this act regarding compulsory attendance, shall on summary conviction thereof, be sentenced to pay a fine, for the benefit of the school district in which such offending person resides, not exceeding three hundred dollars (\$300) and to pay court costs or be sentenced to complete a parenting education program offered and operated by a local school district, medical institution or other community resources, and, in default of the payment of such fine and costs or completion of the parenting program by the person so offending, shall be sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may appeal to the court of common pleas of the proper county, upon entering into a recognizance, with one or more proper sureties, in double the amount of penalty and costs. Before any proceedings are instituted against any parent, guardian, or person in parental relation, for failure to comply with the provisions of this act, the district superintendent, attendance officer, or secretary of the board of school directors shall give the offending person three (3) days' written notice of such violation. If, after such notice has been given, the provisions of this act regarding compulsory attendance are again violated by the persons so notified, at any time during the term of compulsory attendance, such person, so again offending, shall be liable under the provisions of this section without further notice.

(2) The child and every parent, guardian or person in parental relation must appear at a hearing established by the district justice. If the parent, guardian or person in parental relation charged with a summary offense under this subsection shows that he or she took every reasonable step to insure attendance of the child at school, he or she shall not be convicted of the summary offense.

(3) Upon a summary conviction, the district justice may suspend, in whole or in part, a sentence in which a parent, guardian or person in parental relation is summoned to pay as required under this section: Provided, That the child no longer is habitually truant from school without jurisdiction.

(4) In lieu of or in addition to any other sentence imposed under this section, the district justice may order the parent, guardian or person in parental relation to perform community service in the school district in which the offending child resides for a period not to exceed six (6) months.

(b) (1) If the parent, guardian or person in parental relation is not convicted of a summary offense because he or she took every reasonable step to insure attendance of the child at school, a child of compulsory school age who has attained the age of thirteen (13) years and fails to comply with the provisions of this act regarding compulsory attendance or who is habitually truant from school without justification commits a summary offense and except as provided in clause (4) shall, upon conviction, be sentenced to pay a fine not exceeding three hundred dollars (\$300) for each offense for the benefit of the school

district in which such offending child resides or shall be assigned to an adjudication alternative program pursuant to 42 Pa.C.S. § 1520 (relating to adjudicative alternative program).

(2) For any child who has attained the age of thirteen (13) years who fails to pay the fine under clause (1) or to comply with the adjudication alternative program, the district justice may allege the child to be dependent under 42 Pa.C.S. § 6303(a)(1) (relating to scope of chapter). The failure by the child to pay a fine or comply with the adjudication alternative program shall not constitute a delinquent act under 42 Pa.C.S. Ch.63 (relating to juvenile matters).

(3) Upon a summary conviction or assignment to an adjudication alternative program, the district justice may suspend, in whole or in part, a sentence or an adjudication alternative program in which a child who has attained the age of thirteen (13) years must pay or comply with the adjudication alternative program: Provided, That the child no longer is habitually truant from school without justification.

(4) Any child who has not attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions of this act and is habitually truant shall be referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302 (relating to definitions). Any child who has attained the age of thirteen (13) years who fails to comply with the compulsory attendance provisions of this act and is habitually truant may, in lieu of a prosecution under clause (1), be referred by the school district for services or possible disposition as a dependent child as defined under 42 Pa.C.S. § 6302 (relating to definitions).

(5) The following words, when used in this subsection, shall have the following meaning, except where the context clearly indicates or requires a different meaning:

"Community resources" shall mean those agencies and services for children and youth provided by the juvenile court, the county, the Department of Health, the Department of Public Welfare and other public or private institutions.

"District justice" shall mean such court as the court of common pleas shall direct in counties not having district justices.

"Habitually truant" shall mean absence for more than three (3) school days or their equivalent following the first notice of truancy given under section 1354. A person may be habitually truant after such notice.

"Offense" shall mean each citation which goes before a district justice or court of common pleas.

"Person in parental relation" shall 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).

(c) If a child is convicted for a violation of this section, the court, including a court not of record, shall send to the Department of Transportation a certified record of the conviction or other disposition on a form prescribed by the department.

(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

Section 1338.1- Suspension of Operating Privilege

“(a) The Department of Transportation shall suspend for 90 days the operating privilege of any child upon receiving a certified record that the child was convicted of violating section 1333. If the department receives a second or subsequent conviction for a child’s violation of section 1333, the department shall suspend the child’s operating privilege for six months. (b) Any child whose record is received by the department under section 1333(c) and who does not have a driver’s license shall be ineligible to apply for a driver’s license under 75 Pa.C.S. §§ 1505 (relating to learners’ permits) and 1507 (relating to application for driver’s license or learner’s permit by minor) for the time periods specified in subsection (a). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of revocation or suspension of operating privilege) for the time specified in subsection (a).”

Private Criminal Complaint (AOPC 411) – A current form may be obtained on the Internet at: <http://forms.lp.findlaw.com/form/courtforms/state/pa/pa000003.pdf>

Sample Letter to Truant Student Over the Age of 13

Student Name
Address
City, State, Zip Code

CERTIFIED AND RETURN SERVICE FIRST CLASS MAIL

Dear Mr./Ms. Name:

Based upon your attendance history, while a student in the Sample Name School District, it has become necessary to formally notify you of key components of the PA School Code and Sample Name School District policies dealing with attendance. As a student over the age of 13 this letter shall serve as official notification that you are aware of the following:

- You are required by School Code and District Policy to attend school every day it is in session, unless illness or injury prevents you from attendance and signed notice that you were absence with parental permission is submitted to the school within 3 days of the absence. If you are absent 3 or more consecutive days a note that you were seen by a physician must be submitted to the school, also within the 3 day time period.
- Should you acquire too many unlawful/unexcused absences you may be denied credit for courses, regardless of your current grade in the class.
- Failure to attend school each day it is in session can result in:
 - Revocation of any work permits (working papers) issued to you by the District.
 - Prosecution before a District Justice. Such prosecution may result in you, as the student, not your parent/guardian being fined up to \$300.00 per day that you fail to attend school.
 - Additionally the District Justice may:
 - Assign you to an alternative adjudication program
 - Suspend your privilege to possess or apply for a PA driver's license
- Continued failure to attend school may result in a referral to other County agencies for additional actions and/or placements.
- Leaving campus prior to dismissal time is considered truancy and subject to prosecution.

I certainly hope that your attendance record improves and you have a successful school year. It is my desire that we do not need to resort to any of the above actions.

Respectfully,

Signature and Name of
Attendance Officer for District

c: Parents via regular mail
Truancy File