Changes to the law

This document provides an overview of the compulsory attendance and truancy laws in Pennsylvania, as amended via Act 138 of 2016 (Act 138) and Act 39 of 2018 (Act 39). The new law, 24 P.S. §§ 13-1326 – 13-1354: Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences, provides all Pennsylvania school districts, charter schools, cyber charter schools, area vocational-technical schools, and nonpublic schools guidance to implement proven truancy reduction efforts and best practices that support Pennsylvania's students and their families.

Basic Information
All schools (public/nonpublic) are responsible for enforcing compulsory attendance laws. Attendance at a school operated by a bona fide church or other religious body which provides:
a) a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level
b) and/or 990 hours per year of instruction at the secondary level.

Information that is explained in the new attendance law:
Kindergarten attendance
Commonwealth v. Kerstetter, 94 A.3d 991 (Pa. 2014)
In Kerstetter, the Supreme Court of Pennsylvania held that the Commonwealth's compulsory school attendance laws applied to children under the age of eight whose parents enrolled them in kindergarten programs. Subsequently, the State Board of Education amended its regulations to comply with the ruling.

Compulsory Age
In Pennsylvania, compulsory school age is defined as the period of a child's life from the time the child enters school, which may be no later than eight years of age, until the age of 17 or graduation from a high school, whichever occurs first.

Reports of Attendance in Schools and Nonpublic Schools
Every principal or teacher in a public or nonpublic school, including a charter school or cyber charter school, and every private tutor is required to report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the child's district of residence cases when a child of compulsory school age withdraws from school or has been absent three days, or their equivalent, without a lawful excuse, if the student is of compulsory school age.

Nonpublic School Responsibilities
-Accurate monitoring and tracking of excused and unexcused absences.24 P.S. § 13-1327.3
Primary responsibility.

-Written notification to person in parental relation of violation of compulsory attendance

at the 3rd unexcused absence. 24 P.S. § 13-1333(a) Collaborative responsibility with school district, i.e. should send notification with copy to the school district.

-Offer and convene School Attendance Improvement Conference. 24 P.S. § 13-1333(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.

-Refer child to (a) school-based or community based attendance improvement program or (b) county children and youth agency for possible disputation as a dependent child. 24 P.S. § 13-1333.1(a)(1). Collaborate with school district regarding attendance improvement programs. Nonpublic school must cooperate and participate to the extent requested by the school district. Juvenile dependency referrals should be coordinated through the school district.

-File truancy citation with appropriate MDJ. 24 P.S. § 13-1333.1(a)(2), (b). Refer to school district. Nonpublic school must cooperate and participate in the truancy citation proceeding to the extent requested by the school district.

-Following school-based or community based attendance improvement program, refer child to county children and youth agency for possible disposition as a dependent child. 24 P.S. § 13-1333.1(c). Refer to school district. Nonpublic school must cooperate and participate to the extent requested by the school district.

-Schools and nonpublic schools should document and maintain a record of all communications, including emails, telephone calls, written correspondence, and any other documents used.