



Report to the Pennsylvania State Roundtable



Educational Success & Truancy Prevention

May 2012

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Court of Common Pleas of Adams County

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Introduction

The Truancy Workgroup began its work in December 2009. Created by the Pennsylvania State Roundtable upon its recognition of the urgency to address school attendance issues, the Workgroup's mission was to gather information about critical systemic issues in Pennsylvania regarding truancy, identify nationally recognized and Pennsylvania best practices, and outline both an approach and a series of recommendations for reducing truancy in Pennsylvania. The Workgroup was comprised of relevant stakeholders from the courts, child welfare, education, and others, who engaged in robust dialogue on the troubling issue of truancy. In May 2010, the Truancy Workgroup issued its report and recommendations, *Truancy: A Call to Action*, which was adopted by the Pennsylvania State Roundtable and supported by stakeholder leaders and professional organizations across the Commonwealth.

Over the course of the next year, the Workgroup continued its work, focusing on reform of key legislation, implementation efforts, and engagement of medical community stakeholders. In May 2011, the Workgroup issued an updated report to the Pennsylvania State Roundtable, which was also adopted. The recommendations included an examination of existing laws governing school attendance, to support stakeholders in the implementation of the recommendations outlined in the *Truancy: A Call to Action* report and partner with stakeholders to enhance educational materials about truancy. Most importantly, the Pennsylvania Children's Roundtable expanded the mission of the Workgroup to include educational stability and success for children in foster care and successful implementation of the Fostering Connections to Success and Increasing Adoptions Act in Pennsylvania. The name of the Workgroup was changed to reflect its new mission and the Educational Success and Truancy Prevention Workgroup (ESTP) was launched.

The 2012 report outlines the progress of the newly 'reformed' Educational Success and Truancy Prevention Workgroup. A number of new members joined the Workgroup in order to provide the additional expertise and stakeholder participation relative to the group's expanded mission and ambitious charge. The report presents the information in two sections; *Educational Success* and *Truancy Prevention* to better organize the information. The Workgroup anticipates its efforts on truancy initiatives will diminish over the next several months other than to address the few remaining issues noted herein and to be available to support counties with implementation efforts. The Workgroup further anticipates assuming intensive efforts focusing on education stability and success for children in the dependency system will be in full swing. Based upon the information contained in this report, the Educational Success and Truancy Prevention Workgroup respectfully requests the following recommendations be adopted.

Education Success and Truancy Prevention Workgroup Recommendations

1. Adopt 8 Education Goals for Pennsylvania's Youth in Out-of-Home Care (*Blue Print for Change*, Legal Center for Foster Care and Education).

Education Goals for Youth in Out-of-Home Care

1. Youth are entitled to remain in their same school when feasible.
 2. Youth are guaranteed seamless transitions between schools and school districts when school moves occur.
 3. Young children enter school ready to learn.
 4. Youth have the opportunity and support to fully participate in all aspects of the school experience.
 5. Youth have supports to prevent school dropout, truancy, and disciplinary actions.
 6. Youth are involved and engaged in all aspects of their education and educational planning and are empowered to be advocates for their education needs and pursuits.
 7. Youth have an adult who is invested in his or her education during and after his or her time in out-of-home care.
 8. Youth have supports to enter into, and complete, postsecondary education.
2. Champion Pennsylvania's Action Plan through the Pennsylvania State Roundtables' Education Success and Truancy Prevention Workgroup to strengthen education success for children and youth in foster care.
 3. Provide practical tools, including reference guides and benchcards, for judges and judicial officers that enhance their ability to address education issues.
 4. Adopt court performance measures for children in foster care regarding educational well-being.
 5. Collaborate with national leaders to develop a data action plan (including model policies, MOU's) for collecting and sharing education data between the court, child welfare and education.
 6. Approval of the amendment revisions (Attachment 1) to truancy laws governing school attendance and identified best practices.
 7. Support Workgroup's efforts to continue to partner with the Pennsylvania Department of Education and other stakeholders on enhancements to the Pennsylvania Toolkit for School Attendance and Truancy Reduction.
 8. Support Workgroup's efforts to examine the issue of truancy in Pennsylvania cyber schools and provide further recommendations to the Pennsylvania State Roundtable in 2013.

Education Success Subgroup Progress Report

In accordance with the charge of the ESTP Workgroup following the 2011 Pennsylvania State Roundtable, the Education Success Subgroup began its consideration of education issues by reviewing the national data on educational outcomes for children in foster care. Concluding that both the data and the forces at work in Pennsylvania suggested an environment ripe for change, the Workgroup then focused its attention in the following three areas: barriers and best practices regarding education success and stability, court competencies, and data collection/sharing.

The National Picture on Education: A Bleak Outlook for Foster Youth

The National research overwhelmingly indicates that children in foster care are not succeeding in school. The following very briefly highlights some key findings:

- ❖ School age children in foster care experience multiple placements -- an average of 3.039 moves per child in 2009.
- ❖ School changes have a negative impact on academic achievement and increase the likelihood of dropping out.
- ❖ Youth entering foster care often have significant truancy issues and, once in care, have higher rates of absence than non-foster care youth.
- ❖ Foster children experience delays in school enrollment, often caused by the failure to transfer records timely. These delays negatively impact attendance and result in children and youth repeating courses.
- ❖ Significant percentages of foster children have been identified as having special needs. These children tend to be placed in more restrictive settings and have poorer quality education plans.

-- source compiling the research and data -- Education is the Lifeline for Youth in Foster Care, National Working Group on Foster Care and Education, July 2011.

A Perfect Storm: Time for Change in Pennsylvania

The compelling national data has created 'urgency' around the educational needs of foster youth at the national and local level, resulting in the convergence of powerful forces to drive system change – a perfect storm. In Pennsylvania no statewide data exists on measuring educational outcomes for children in foster care. While there is a need for additional data for Pennsylvania and local communities, Pennsylvania is well positioned to thoughtfully articulate and implement a *comprehensive plan* to improve education outcomes. Consider:

- ❖ federal legislation requires it;
- ❖ national leaders have prioritized and offered assistance to implement it;
- ❖ Pennsylvania Procedural Rules provide a roadmap for it;
- ❖ Pennsylvania's *Truancy: Call to Action Report* lays the groundwork for it; and
- ❖ Pennsylvania's Children's Roundtable structure supports it.

The ESTP Workgroup, in partnership with the Pennsylvania Department of Public Welfare (DPW), Office of Children Youth and Families (OCYF) and the Pennsylvania Department

of Education, will provide the visionary leadership to engage stakeholders to actively support proposals for change.

Mapping the Plan to Improve Education Outcomes for Pennsylvania's Foster Children

When the Pennsylvania State Roundtable voted to expand the mission of the Truancy Workgroup to include education success and stability (and changed its name accordingly), it also provided guidance on the Workgroup's tasks for the coming year. Specifically, regarding education success matters, the Workgroup was charged with the responsibility of addressing three primary areas: barriers and best practices regarding education success and stability, court competencies, and data collection/sharing.

The following paragraphs summarize the efforts of the Workgroup in these areas over the past ten months, outline a series of recommendations, and chart a course for the ESTP Workgroup for the coming year.

A. Barriers and Best Practices Regarding Education Success and Stability

The Workgroup began its work in this area with a comprehensive review of the relevant laws and regulations, including: Child Abuse and Prevention Treatment Act (CAPTA), Family Educational Rights and Privacy Act (FERPA), Adoption Assistance and Child Welfare Act (AACWA), McKinney Vento Act and Fostering Connections to Success and Increasing Adoptions Act.

Workgroup members considered barriers to education success including relevant national data, some of which is referred to above, and national best practices. [Due to the limitations of this report, a complete listing of resources and references is not included here, but will be available on the OCFC website ESTP Workgroup tab]. In so doing, the Workgroup engaged national experts, including Kathleen McNaught, from the American Bar Association's (ABA) Center on Children and the Law, National Resource Center on Legal and Judicial Issues (with the support of Casey Family Programs), who participated in Workgroup discussions during the Fall, 2011.

The Workgroup also engaged Pennsylvania experts to lead discussions and review one of two publications identified as central to Workgroup goals. The first publication, *The Blueprint for Change: Educational Success for Children in Foster Care* (2nd edition) was developed by the Legal Center for Foster Care and Education, a collaboration between Casey Family Programs, the ABA Center on Children and the Law in conjunction with the Education Law Center – Pennsylvania (ELC) and Juvenile Law Center (JLC). Representatives from ELC and JLC advanced the work of the Workgroup through their competent leadership in guiding group discussion and review of the *Blueprint for Change* as well as its application to Pennsylvania. Workgroup members identified strengths, challenges and priority areas unique to Pennsylvania throughout the course of these discussions.

Finally, ESTP Workgroup members were invited to participate as part of Pennsylvania's 'team' (consisting of three representatives from Education, three from DPW/OCYF and two from the Court) to attend the first national summit on educational needs of foster youth in November 2011. The two day summit convened by the Children's Bureau and the US Department of Education, *Child Welfare, Education and the Court: A Collaboration to Strengthen Educational Success of Children and Youth in Foster Care*, included teams from all 50 states. The purpose of the Summit was to showcase collaborative projects and facilitate the development of actions plans by each state that set forth strategies for improving educational outcomes. Since the Summit, Pennsylvania's team has continued to meet, refine Pennsylvania's Action Plan and remain involved with national leadership for additional resource and training materials, technical assistance, and implementation guidance.

Based on the above, the Workgroup makes the following recommendations to the Pennsylvania Roundtable:

Recommendation 1: Adopt 8 Education Goals for Pennsylvania's Children and Youth in Out-Of-Home Care (Blueprint for Change, Legal Center for Foster Care and Education).

The Workgroup would like to continue its work on addressing best practices relevant to Pennsylvania's specific challenges, using the Blueprint goals to provide a foundation and framework for further specific recommendations.

Recommendation 2: The Pennsylvania State Roundtable, through its Education Success and Truancy Prevention Workgroup, must Champion Pennsylvania's Action Plan to Strengthen Educational Success for Children and Youth in Foster Care.

The strong collaborative partnership of the Pennsylvania DPW OCYF, PDE and the Court toward a statewide plan is unprecedented, and has the support of national leaders (HHS Children's Bureau, US Department of Education, National Center for State Courts). The Pennsylvania Roundtable structure, which includes the relevant stakeholders, provides a vehicle for supporting the Pennsylvania Action Plan and ensuring successful implementation, accountability and evaluation around practices that can produce desired results. ESTP Court leaders serve as *conveners*, while Child Welfare and Department of Education key leaders have and will continue to provide competent and committed *overall leadership* to further refine and implement Pennsylvania's Plan.

B. Court Competencies

Workgroup members strongly believe that successful development of Court competencies around educational issues affecting children in foster care should include: 1) practical tools for judges/judicial officers and attorneys, and 2) a clear set of court performance measures addressing children's educational well-being.

Recommendation 3: Provide Practical Tools, including Reference Guides and Benchcards, for Judges and judicial officers that Enhance their Ability to Address Education Issues.

In the coming year, the Workgroup will draft a Judicial Benchcard – a practical 1-page checklist for use by judges and judicial officers in court proceedings to assist the court inquiry around school stability, progress and outcomes. The Workgroup will also supplement the Benchcard with detailed, comprehensive information for consideration by the Pennsylvania State Roundtable Benchbook Committee to incorporate into the Benchbook and Science Companion. This project will be led by the ESTP judge chair (a member of the Benchbook Committee), working together with dependency judges and relevant education experts. Following the Benchbook model, materials will address the relevant law, rules and best practices, as well as the current research on the challenges of foster children, development and emotional issues impacting academic success, and strategies/educational services and supports available to Pennsylvania’s dependent children.

Recommendation 4: Adopt Court Performance Measures for Children and Youth in Foster Care regarding Educational Well-being.

The ASFA identifies well-being as a dimension of performance measurement and includes children’s educational needs as part of well-being measures. Courts have the responsibility to ensure that the state is providing appropriate care and services to children and that a child’s unique educational needs are being addressed. Courts can effectively use child well-being measures to evaluate these areas of performance and should adopt appropriate outcomes measures.

Pennsylvania has a mechanism, through the Common Pleas Case Management System (CPMS) to track data and performance, which should be explored as a possible means of assessing educational measures. Through the good work of the National Center for State Courts, in collaboration with the ABA and others, education well-being court outcome measures for children in foster care have been articulated. These include 14 specific measurements in six outcomes areas: school placement stability, academic performance, early education, special education, social behavior, and post-secondary education. The Workgroup will partner with the National Center for State Courts, Casey Family Programs and others to determine how to best incorporate these performance measures into Pennsylvania’s court improvement efforts making recommendations to 2013 Pennsylvania State Roundtable.

C. Collecting and Sharing Educational Data

Finally, the Workgroup turned its attention to education data as key to identifying systemic challenges, highlighting priorities, informing decision-makers about effective policies, and facilitating cross-systems collaboration to improve efficiencies and outcomes. In February 2012, select ESTP Workgroup members were invited to participate along with other state

court, education and child welfare leaders in a meeting convened by the Children's Bureau National Resource Center for Child Welfare Data and Technology and the National Center for State Courts. The purpose of the meeting was to discuss the highest priority information sharing capabilities for improving K-12 educational outcomes for children in foster care.

In addition, the Workgroup engaged Pennsylvania experts, including Erin Dalton, Department of Human Services Data Manager/Analyst in Allegheny County, to share innovative uses of technology for collecting and sharing student level and systems data.

The Workgroup intends to continue its work on concrete strategies to improve system capabilities around data, in accordance with the following specific recommendation:

Recommendation 5: Collaborate with National Leaders to develop a Data Action Plan (including model policies and MOUs) for Collecting and Sharing Data between the Court, Child Welfare and Education Partners.

The Workgroup will develop, with the technical assistance provided by national Summit partners, a Data Action Plan, which will include systems and individual student level data. The plan will identify existing data, will propose additional necessary data elements, as well as practical and technical solutions to overcome the obstacles to sharing data.

One Final Note

Raising the Bar: Pennsylvania's Summit on the Educational Needs of Children in Care

Although the Workgroup was not tasked to specifically consider it, a recurring thread spanning many Workgroup discussions highlighted the need to make educational issues a priority, and to provide a venue and/or series of venues to focus on educational issues. Indeed, in Pennsylvania a number of counties have engaged entire communities around day-long education/truancy summits with similar successes. A number of states have also engaged in similar summits with great success. The Workgroup, through its Pennsylvania Collaborative Planning Team, has begun discussions to hold a statewide Education Summit. The Workgroup commends the passion and vision of the Pennsylvania Department of Education leadership team around this effort, and recommends that this effort have the continued support of Pennsylvania's State Roundtable.

Truancy Prevention Subgroup Progress Report

The Truancy Prevention Subgroup focused their efforts primarily in the following two areas during the past year: (1) continuing to support stakeholders on the implementation of the initial recommendations of the *2010 Truancy: A Call to Action Report* and (2) drafting proposed amendments to identified truancy laws governing school attendance.

Accomplishments:

- ✓ In an effort to raise truancy awareness, educate stakeholders and promote positive school attendance with students, families, schools and communities, the Educational Success and Truancy Prevention Workgroup sponsored an **Art Logo Contest**, entitled “Awake. Attend. Achieve.” for middle school students in 2011. Local Children’s Roundtables collaborated with school districts on the project and responded with hundreds of entries submitted to the Workgroup for consideration. The three winning contestants were honored at the 2011 Pennsylvania State Roundtable. The first place logo, prominently displayed on the front of this report, is now the insignia of the Educational Success and Truancy Prevention Workgroup and the efforts the group supports. The logo was reproduced on posters along with the slogan “*A Community Commitment to School Attendance. Our Children. Our Future. Together we make a Difference.*” Posters were distributed to Permanency Practice Initiative Dependency Judges and Child Welfare Administrators and approximately 500 Magisterial District Judges across the state. In addition, several counties hosted local truancy summits and used the logo on educational materials developed to increase community awareness. Posters were also given to some school districts at the request of Local Children’s Roundtables. The logo is available through the Office of Children and Families in the Courts for use by Local Children Roundtables.
- ✓ In 2011, Workgroup members met with The Special Court Judges Association of Pennsylvania members and the Director of the Minor Judiciary Education Board to enhance the truancy training offered to Magisterial District Judges. As a result of those efforts the truancy curriculum was lengthened from one hour to three hours and amended to include information from the *Truancy: A Call to Action Report* including best practices supported by the Educational Success and Truancy Prevention Workgroup. As part of the revised training, **Magisterial District Judges** are now given truancy data specific to their county broken down by school district to gain a better understanding of the impact of truancy in their district. Since September of 2011, 575 magisterial district judges attended mandatory education sessions, many of which attended the truancy workshop. Initial training evaluations from September 2011-January 2012 indicate the majority of those who attended the truancy workshop found the training worthwhile and information presented helpful.
- ✓ Since the release of the *2010 Truancy: A Call to Action Report*, Workgroup members felt strongly about raising the level of truancy awareness and promoting collaborative responses to truancy on the local level. During the 2012 Spring Leadership Roundtables, the Workgroup prepared a survey asking Leadership Roundtable members for **feedback on truancy prevention efforts**. An overwhelming 36 counties reported either having a truancy subgroup of their roundtable or meeting more frequently with school officials and magisterial district judges about solutions to

truancy and truancy prevention. Several judges and child welfare agencies reported meeting directly with school superintendents or inviting school officials to participate in roundtable meetings. As a result of this collaboration, some counties have sponsored community truancy summits and developed collaborative truancy protocols focusing on early intervention and prevention.

- ✓ The Pennsylvania Department of Education has agreed to partner with the Office of Children and Families in the Courts and the Educational Success and Truancy Prevention Workgroup to enhance the **Toolkit for School Attendance and Truancy Reduction**. Initial discussions have occurred with partners to include the following in the revised Toolkit: an electronic school attendance improvement plan template, discipline specific information for professionals, information for families and students, highlighted best practices and truancy data. It is anticipated that enhancements to the Toolkit will be completed by 2013.

Proposed Changes to Existing Truancy Legislation

In May 2010, The Workgroup reported to the Pennsylvania State Roundtable that the Pennsylvania Public School Code, enacted in 1949, was in some ways outdated and was not particularly helpful in giving schools, child welfare agencies and courts clear guidance concerning truancy. The current law allows for various interpretations and inconsistent application of the compulsory school attendance requirements across the Commonwealth. For example, the term “truancy” itself is not expressly defined and the period of time over which unexcused absences could be accumulated is unnecessarily expansive.

By May, 2011 the Workgroup had identified a number of concerns with the statutory provisions related to school attendance and requested the opportunity to propose specific amendments to the Public School Code. During the past year, workgroup members participated in robust discussions and worked tirelessly reviewing multiple drafts of proposed amendments, at times with differing opinions. The rigorous dialogue over these issues demonstrated once again, the true strength of the Educational Success and Truancy Prevention Workgroup, which lies in the expertise, commitment and diversity of its membership. Throughout the process of debating challenging issues, Workgroup members shared their knowledge, passionately articulated their concerns, and modeled respect for each other.

Workgroup members were united in their goal to recommend legislative reform and improve clarity in the relevant code provisions. The following recommendations address key issues that have created barriers to success for improving school attendance. Workgroup members recognized some of the recommendations go beyond the initial goal of improving school attendance. Workgroup members also recognized that education stakeholders can differ based on their unique roles (ie. advocates, educators, judicial decision makers). Even so, Workgroup members believe the following recommendations do represent an important step in the right direction and represent members’ collective best

efforts around a common goal. Ultimately, the following recommendations flowed from the kind of collaboration and compromise that communities and their education stakeholder should strive as they work to improve school attendance. Below is a list of the more significant recommended amendments. A complete listing of amendments can be found in Attachment 1.

Highlighted Amendments and Suggested Best Practices

1. Bringing most of the compulsory attendance provisions together into two major statutory sections. The first, Section 1326, contains an expansive list of definitional terms. The second, Section 1333, sets forth the procedural guidelines and consequences for violation of the compulsory attendance provisions.
2. Important recommendations under the definitional section addressed:
 - a. Lowering the age which a child must begin attending school **from 8 to 6 years of age**. After review of other state compulsory school ages, Pennsylvania is in the minority as the majority of states begin school attendance at age six. Compulsory school age also begins at age six in Philadelphia.
 - b. Clarifying the **meaning of “truant” and “habitually truant.”** Workgroup suggested definitions are:

Truant – unexcused absences of three (3) or more school days or six (6) or more unexcused tardiness during the current school year by a child subject to compulsory school attendance. However, an out-of-school suspension may not be considered an unexcused absence.

Habitually truant – unexcused absence six (6) or more days or unexcused tardy twelve (12) or more times during the current school year by a child subject to compulsory school attendance.
 - c. Recognizing the impact of an unexcused **absence from school for part of the school day** (not currently addressed in the law).
 - d. Including the definition for a **School Attendance Improvement Conference** - formerly known by many as a Truancy Elimination Conference (not currently addressed in the law).
3. Significant recommendations under the procedural section included:
 - a. Requiring schools to **offer a School Attendance Improvement Conference before referring a case to a Magisterial District Court** or Juvenile Court for truancy related concerns.

- b. **Raising the age a child may be convicted by a Magisterial District Court for truancy from age 13 to 15 years** of age so the focus is on improving school attendance and not summary conviction – especially for children who are unlikely to pay fines.
- c. Requiring **notice** of the summary proceeding to be given to the county children and youth agency.
- d. Requiring **notice of any local pre-conviction diversion** program be given to any person cited for violation of the compulsory attendance provisions.
- e. Establishing burdens of proof.
- f. Defining appeal rights.
- g. Addressing repeat offenders.
- h. Addressing non-payment of fines.
- i. Addressing suspension of driving privileges.

During our study over the past year, several **best practices** and **discussion points** have been raised which should be shared and/or further analyzed. These include:

1. There was consensus among the Workgroup that children should begin school upon reaching the age of 6 years. The Workgroup discussed whether **compulsory school attendance should continue until age 18** instead of the current age of 17 and thereby discourage drop out before graduation. Consensus was not reached on this issue but the Workgroup believes further study is warranted.
2. The current Public School Code does not offer guidance to schools regarding how to deal with a **student who is tardy**. The Workgroup believes that multiple tardies can signal a serious educational concern. We have recommended a specific number of tardies that would constitute the child being habitually truant, however, the Workgroup could reach no consensus on whether there should be a uniform standard defining when a student is tardy or what that standard should be. Therefore, the Workgroup has recommended that local standards apply for the time being but that a potential uniform standard receive further study.
3. The idea of the school convening a **School Attendance Improvement Conference** is not a new concept. The plan which is expected to follow such a conference is similar to what has previously been known as a Truancy Elimination Plan (TEP). TEPs have been encouraged for years by the Department of Education but are not required. Several courts around the Commonwealth will not accept a truancy case unless a TEP has been attempted. Legislatively mandating such a conference provides legal authority for that practice. The goal behind bringing all interested

parties together for a conference is to develop a plan which improves the child's attendance and success. The complete elimination of truancy, may not be realistic but, improving attendance is certainly an achievable goal. Therefore, the Workgroup recommends the more positive and practical monikers, School Attendance Improvement Conference and School Attendance Improvement Plan (SAIP).

- The Workgroup recognizes that a child may have a **combination of excused and unexcused absences that, when combined, can lead to academic failure if not effectively addressed.** Best practices suggest that whenever a child is absent 10 or more days, whether medically excused or not, during a school year that the school invite the parent(s) and child to appear for a School Attendance Improvement Conference (SAIC), unless prior arrangements have been made between the family and the school to address the child's educational needs during the period of absence. Additionally, if the school is able to track a child's absences from prior years and there is a noticeable pattern that the child has been truant or excessively tardy a School Attendance Improvement Conference could prove to be a helpful and valuable tool to address the underlying cause(s) for the absences.
 - It is suggested that the **notice scheduling the conference set forth the purpose of the conference and a specific date, time and location to meet, together with a reply form for the family to return to the school prior to the meeting date.** If no reply is received, the school should try to verify receipt of the notice and the family's reply with a telephone call or email. If the family does not reply or wishes not to participate the school would then have time to notify those who would have otherwise been in attendance that the meeting is cancelled.
4. The recommended language in Section 1333.3 a.i and b.i **requires a referral to the county children and youth agency for services.** The Workgroup is not aware of any requirement that the agency accepts the referral, assess the need, take appropriate action and report back to the referral source within a reasonable time of the action taken. **Best practices suggest that the schools and the agency work collaboratively to address habitually truant students.** However, an amendment to the Juvenile Act or the Department of Public Welfare regulations may be required to assure cooperation once a referral is made.
 5. There is **no limit to the maximum number of unexcused absences or tardies** that may be included in a single citation however it is recommended that regardless of the number they be treated as one offense for purposes of prosecution. Best practices suggest that the citation contain all unexcused absences/tardies since the beginning of the school year or since the filing of the most recent citation, whichever is later.
 6. It is recommended that a **court not accept a guilty plea in advance of the summary hearing scheduled on a truancy citation.** The Workgroup recognizes that some courts

receive so many truancy citations that such a practice would be logistically impracticable. However, if a guilty plea is accepted without further input there is no opportunity for the court to bring the child, parents, school personnel, county children and youth agency, or other service providers together to develop strategies to improve the child's school attendance. Furthermore, the family might not be aware of possible pre-conviction diversionary programs being offered.

7. **Incarceration of parents for failure to pay a truancy fine is discouraged** and should only be used when all other efforts have been exhausted. However, the Workgroup recognizes that there are a certain number of recalcitrant parents who otherwise will fail to comply with court imposed sanctions unless incarceration is threatened. Unless fines are discarded entirely as a sanction, there must be a method to compel payment. Otherwise, non-compliance and contempt of court will be encouraged.
8. The consensus of the Workgroup is that the threat of the **suspension of driving privileges has little or no deterrent effect on 13-15 year old children**. This is one of the reasons the minimum age for conviction is being recommended to be raised to age 15. Furthermore, it may be questionable whether the threat even has a deterrent effect for students eligible to obtain a license. The Workgroup recognizes that the right to operate a vehicle on a public highway is a privilege and school attendance is a governmental requirement. Educating children to understand that the failure to do what society requires can lead to the loss of privileges may have long-term benefit. However, whether consequences unrelated to the underlying conduct have the desired effect is unclear. Therefore, to the extent suspension is imposed the Workgroup believes suspension should only be imposed at the discretion of the court when other sanctions fail and not automatically upon conviction.
9. One of the **definitions for a dependent child in the Juvenile Act** is a child who “while subject to compulsory school attendance is habitually and without justification truant from school.” 42 Pa.C.S.A. Sec. 6302. If the term “truant” and “habitually truant” are more clearly defined in the Public School Code, the dependency definition will also be more understandable. A reference should be included in the Juvenile Act making the dependency definition match the definitions used in the School Code.
10. Section 13-1328 of the Public School Code addresses “**compulsory education of physical defectives**.” When making statutory amendments it is recommended that this section be examined because the language used therein is insensitive and not contemporary.
11. Section 13-1329 of the Public School Code allows the school to excuse a child from attending school “upon certification by any licensed practitioner of the healing arts.” The Workgroup **recommends that the term-licensed practitioner of the healing arts be given definition**.

12. 22 Pa. Code Section 11.24 permits a school to **remove a child from the active membership roll** who has been absent from school for 10 consecutive school days unless the school has been provided with evidence that the absence may be legally excused or compulsory attendance prosecution is being pursued. The Workgroup has raised a number of concerns about this regulation but has not reached any consensus that would support recommended change except to agree **that the school should not remove a child from enrollment until after reasonable notice has been given by mail to the last known address for the child's parent(s) or guardian(s) noted on the school record.** Concerns raised include a) whether this regulation should apply to all students regardless of age, b) whether the number of consecutive days of absence is appropriate, and c) whether there should be more guidelines for the school to follow before disenrolling a child.
13. The Workgroup is concerned that the attendance of children who are enrolled in **cyber schools is not being properly monitored and reported.** It is recommended that some mechanism be put in place to hold these programs more accountable for monitoring and reporting and addressing violations in a timely manner.

Based on the information above; the Educational Success and Truancy Prevention Workgroup makes the following recommendations to the Pennsylvania State Roundtable:

Recommendation 6: Approval of the amendment revisions (Attachment 1) to truancy laws governing school attendance and identified best practices.

Recommendation 7: Support Workgroup's efforts to continue to partner with the Pennsylvania Department of Education and other stakeholders on enhancements to the Pennsylvania Toolkit for School Attendance and Truancy Reduction.

Recommendation 8: Support Workgroup's efforts to address the issue of truancy in Pennsylvania cyber schools and provide further recommendations to the Pennsylvania State Roundtable in 2013.

Truancy Data Notable Observations:

Comparisons from School Year 2009/2010 to School Year 2010/2011

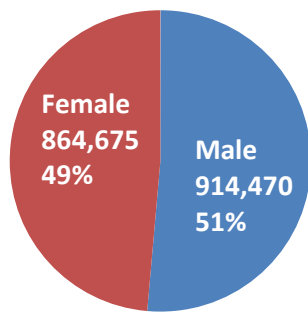
- Pennsylvania experienced a **2.5% increase** in overall truancy rates from SY 09/10 to SY 10/11. This equates to a reported **44,785 more** truant students.
- Pennsylvania experienced a **5% increase** in the number of truant students in grades 1-5 from SY 09/10 to SY 10/11. This equates to a reported **11,580 more** truant students in grades 1-5.
- Pennsylvania experienced a **3% decrease** in the number of **truant students in high school** from SY 09/10 to SY 10/11 even though the total number of truant students in this category increased overall. This is attributed to a larger total student enrollment in this category.
- **45 counties** experienced some increase in truancy.
- **23 counties** reported over a **40% increase in truancy** from SY 09/10 to SY 10/11. Among the highest increases include: Adams, Beaver, Butler, Fayette, Indiana, Lackawanna, Mifflin, Tioga and Wyoming with over **100% increase** in the number of truant students from SY09/10 to SY 10/11.
- **Philadelphia** reported a **41% truancy rate** in SY 10/11 which equates to **62% more truant students** (17,343) than SY 09/10.
- **Allegheny** reported a **9.7% truancy rate** in SY 10/11 which equates to **22% more truant students** (2,001) than in SY 09/10.
- **20 counties** experienced some decrease in truancy.
- **6 counties** reported over a **40% decrease in truancy** from SY 09/10 to SY 10/11. Among the highest decreases include: Greene, Huntingdon, Lawrence, Montour, Potter, and Schuylkill.
- **Disproportionality** exists between those enrolled in school and those reported habitually truant. Sixteen percent (16%) of total enrollment in SY 10/11 were African American. African American students represented 43% of the total truant population. Eight percent (8%) of total enrollment in SY 10/11 were Hispanic and Hispanic students represented 18% of the truant population. Conversely, Caucasians represented 71% of the total enrollment but only 35% of truant students.

PA State Habitually Truant* SY 2008-2011

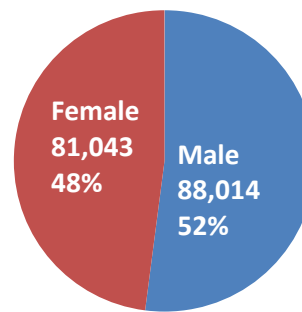
Year	Total PA School Population (Grades Pre K-12)	Total PA Habitually Truant (Grades Pre K-12)	Percent of School Population Habitually Truant
2008	1,801,760	137,009	7.6%
2009	1,787,351	142,281	8.0%
2010	1,780,413	124,272	7.0%
2011	1,779,145	169,057	9.5%

*Habitually Truant is defined as six or more unexcused absences during a school year.

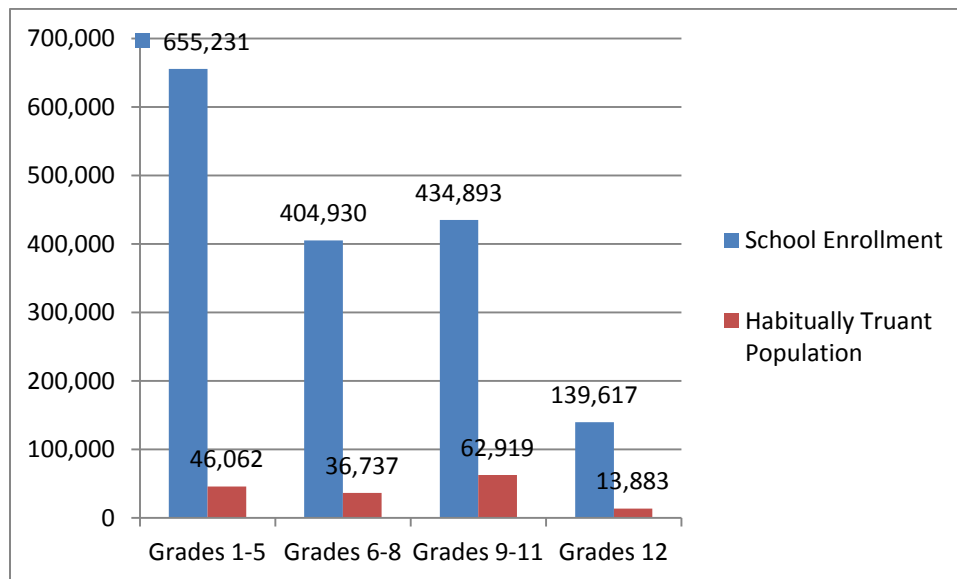
SY 10-11 School Enrollment by Gender



SY 10-11 Habitually Truant by Gender



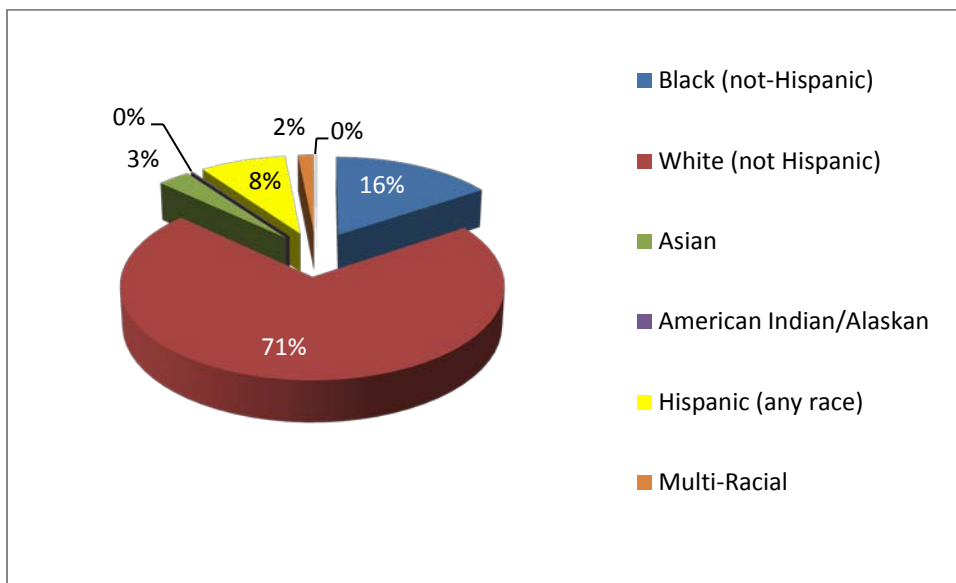
SY 09-10 Total School Enrollment vs. Total Habitually Truant Population



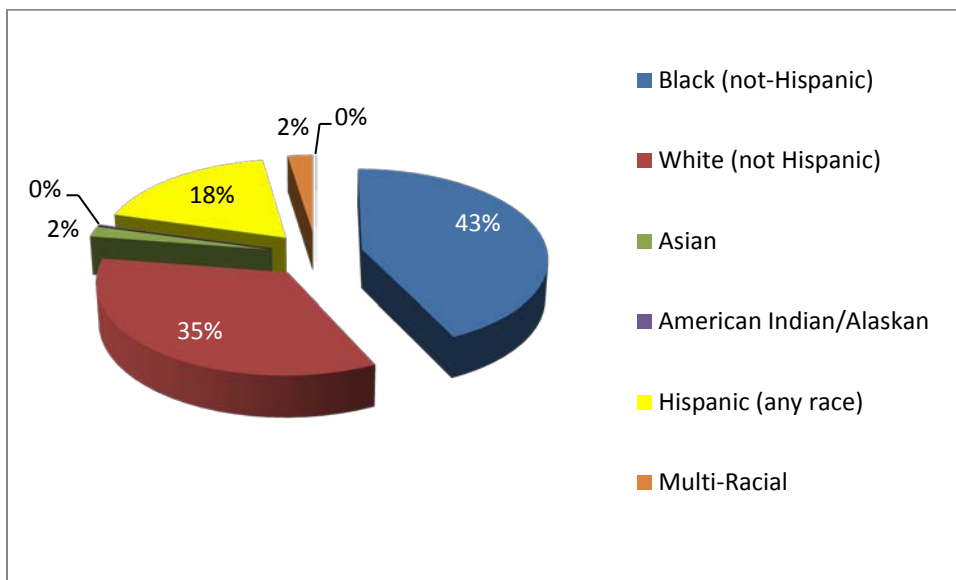
PA State Habitually Truant by Grade Level for SY 09/10 and SY 10/11

Grade Level	Habitually Truant during SY 09/10	Percent Truant by Grade Level during SY 09/10	Habitually Truant during SY 10/11	Percent Truant by Grade Level during SY 10/11	Percent Change between SY 09/10 and SY 10/11
Grade 1-5	34,482	24%	46,062	29%	+5%
Grade 6-8	30,235	21%	36,737	23%	+2%
Grade 9-11	59,369	42%	62,919	39%	-3%
Grade 12	16,903	12%	13,883	9%	-3%

Total School Enrollment SY 10-11 Grades Pre K-12



Total Truant Population SY 10-11 Grades Pre K-12



SY 2010-2011 Total Truancy Rate by County

County	Total Enrolled	Total Truant	Truancy Rate
Adams	14213	733	5.16%
Allegheny	148255	14335	9.67%
Armstrong	9763	108	1.11%
Beaver	23247	1955	8.41%
Bedford	7612	307	4.03%
Berks	70220	4534	6.46%
Blair	17884	625	3.49%
Bradford	9904	1306	13.19%
Bucks	88237	2727	3.09%
Butler	26065	1365	5.24%
Cambria	18113	823	4.54%
Cameron	731	20	2.74%
Carbon	8913	400	4.49%
Centre	13176	177	1.34%
Chester	69442	1790	2.58%
Clarion	6069	41	0.68%
Clearfield	12847	338	2.63%
Clinton	4394	144	3.28%
Columbia	9457	300	3.17%
Crawford	9887	83	0.84%
Cumberland	28722	425	1.48%
Dauphin	36060	3695	10.25%
Delaware	70461	5360	7.61%
Elk	3898	192	4.93%
Erie	39436	4073	10.33%
Fayette	17920	1928	10.76%
Forest	558	0	0.00%
Franklin	18909	551	2.91%
Fulton	2353	27	1.15%
Greene	5387	181	3.36%
Huntingdon	5697	6	0.11%
Indiana	10269	255	2.48%
Jefferson	5022	78	1.55%
Juniata	3092	64	2.07%
Lackawanna	28028	3889	13.88%

County	Total Enrolled	Total Truant	Truancy Rate
Lancaster	67834	6482	9.56%
Lawrence	12920	693	5.36%
Lebanon	18884	516	2.73%
Lehigh	49697	1753	3.53%
Luzerne	41370	1840	4.45%
Lycoming	16481	140	0.85%
McKean	6429	82	1.28%
Mercer	16442	896	5.45%
Mifflin	5472	492	8.99%
Monroe	29898	2741	9.17%
Montgomery	104159	4288	4.12%
Montour	2431	56	2.30%
Northampton	44005	1623	3.69%
Northumberland	12279	305	2.48%
Perry	6542	151	2.31%
Philadelphia	166272	67977	40.88%
Pike	8913	327	3.67%
Potter	2573	7	0.27%
Schuylkill	18847	280	1.49%
Snyder	4919	27	0.55%
Somerset	10151	338	3.33%
Sullivan	630	2	0.32%
Susquehanna	7023	402	5.72%
Tioga	5671	216	3.81%
Union	4061	28	0.69%
Venango	8466	587	6.93%
Warren	4928	117	2.37%
Washington	28892	1721	5.96%
Wayne	5234	9	0.17%
Westmoreland	49631	1787	3.60%
Wyoming	3991	129	3.23%
York	65851	3120	4.74%

Data Provided by the PA Department of Education – May 2012

Truancy Percent Difference SY09/10 to SY10/11

County	Total Truant SY 09/10	Truancy Rate SY 09/10	Total Truant SY 10/11	Truancy Rate SY 10/11	Percent Difference SY 09/10 to SY 10/11
Adams	281	1.9	733	5.2	171.6
Allegheny	12334	7.9	14335	9.7	22.4
Armstrong	3.4	3.4	108	1.1	-67.4
Beaver	599	3.9	1955	8.4	115.6
Bedford	181	2.4	307	4.0	67.9
Berks	4840	6.9	4534	6.5	-6.4
Blair	700	3.8	625	3.5	-8.2
Bradford	960	9.6	1306	13.2	37.4
Bucks	1911	2.1	2727	3.1	47.1
Butler	599	2.2	1365	5.2	138.2
Cambria	603	3.3	823	4.5	37.6
Cameron	21	2.8	20	2.7	-2.1
Carbon	322	3.5	400	4.5	28.3
Centre	92	0.7	177	1.3	91.4
Chester	3968	4.9	1790	2.6	-47.3
Clarion	41	1.5	41	0.7	-54.7
Clearfield	201	1.5	338	2.6	75.3
Clinton	109	2.3	144	3.3	42.6
Columbia	211	2	300	3.2	58.5
Crawford	101	1	83	0.8	-16.0
Cumberland	401	1.4	425	1.5	5.7
Dauphin	4532	11	3695	10.3	-6.8
Delaware	5760	7.8	5360	7.6	-2.4
Elk	121	3.1	192	4.9	59.0
Erie	3370	8.3	4073	10.3	24.5
Fayette	947	5.1	1928	10.8	111.0
Forest	0	0	0	0.0	0.0
Franklin	439	2.3	551	2.9	26.5
Fulton	14	0.6	27	1.2	91.7
Greene	335	6.2	181	3.4	-45.8
Huntingdon	105	1.7	6	0.1	-93.5
Indiana	115	1.1	255	2.5	125.5
Jefferson	87	1.6	78	1.6	-3.1
Juniata	66	2.2	64	2.1	-5.9
Lackawanna	347	1.2	3889	13.9	1056.7
Lancaster	6006	8.7	6482	9.6	9.9
Lawrence	1,712	12.5	693	5.4	-57.1
Lebanon	460	2.4	516	2.7	13.8
Lehigh	1775	3.5	1753	3.5	0.9
Luzerne	1506	3.5	1840	4.5	27.1

County	Total Truant SY 09/10	Truancy Rate SY 09/10	Total Truant SY 10/11	Truancy Rate SY 10/11	Percent Difference SY 09/10 to SY 10/11
Lycoming	126	0.8	140	0.9	6.3
McKean	81	1.2	82	1.3	6.7
Mercer	773	4.5	896	5.5	21.1
Mifflin		2.6	492	9.0	245.8
Monroe	1717	5.5	2741	9.2	66.7
Montgomery	3539	3.3	4288	4.1	24.8
Montour	198	7.8	56	2.3	-70.5
Northampton	1350	2.9	1623	3.7	27.2
Northumberland	203	1.7	305	2.5	45.9
Perry	139	2.1	151	2.3	10.0
Philadelphia	50634	25.3	67977	40.9	61.6
Pike	189	2	327	3.7	83.5
Potter	17	0.6	7	0.3	-55.0
Schuylkill	513	2.7	280	1.5	-44.8
Snyder	1	0	27	0.6	0.0
Somerset	215	2.1	338	3.3	58.6
Sullivan	2	0.2	2	0.3	60.0
Susquehanna	211	2.9	402	5.7	97.2
Tioga	103	1.8	216	3.8	111.7
Union	143	1	28	0.7	-31.0
Venango	486	5.5	587	6.9	26.0
Warren	114	2.1	117	2.4	12.9
Washington	1395	4.8	1721	6.0	24.2
Wayne	9	0.2	9	0.2	-15.0
Westmoreland	1614	3.1	1787	3.6	16.1
Wyoming	20	0.5	129	3.2	546.0
York	3244	4.7	3120	4.7	0.9

Data Provided by the PA Department of Education – May 2012

**RECOMMENDED LEGISLATIVE AMENDMENTS
TO THE PENNSYLVANIA PUBLIC SCHOOL CODE
BY THE PA STATE ROUNDTABLE’S EDUCATIONAL SUCCESS
AND TRUANCY PREVENTION WORKGROUP**

Section 1326. Definitions. These definitions shall apply only to provisions related to compulsory school attendance and consequences arising therefrom.

Citation – shall mean a non-traffic citation or private criminal complaint.

Compulsory school age – shall mean the period of a child’s life between the age of six (6) and until the age of seventeen (17) years of age. A child reaching age six (6) after September 1 of any calendar year is not compelled to attend school until the following school year. The term compulsory school age shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

Conviction – a conviction under Section 1333 for violation of the requirement for compulsory school attendance shall be considered a summary conviction.

Court – a magisterial district court or a court of common pleas.

Excused absence – an absence from school which is permitted by the provisions of Section 13-1329.

Excused tardy – a tardy which is permitted by the provisions of Section 13-1329.

Habitually truant – unexcused absence six (6) or more days or unexcused tardy twelve (12) or more times during the current school year by a child subject to compulsory school attendance.

Judge – a magisterial district judge or a judge of the court of common pleas.

Juvenile Act – shall mean the provisions of Chapter 63 of Title 42.

Migratory child – this term, wherever used in this subdivision of this article, shall include any child domiciled temporarily in any school district for the purpose of seasonal employment, but not acquiring residence therein, and any child accompanying his/her parent or guardian who is so domiciled.

Offense – an offense under Section 1333 for violation of the requirement for compulsory school attendance shall mean each citation filed before the court regardless of the number of unexcused absences or unexcused tardies averred therein.

Parent – shall mean biological or adoptive parent, guardian, person in parental relationship, or person with whom the child lives and who is acting in a parental role of any child of compulsory school age. This definition shall not expand the right of any child under any other section of the Public School Code.

School Attendance Improvement Conference – a conference consisting of the child, parent(s), appropriate school personnel and recommended service providers where the child’s absences and reasons therefore are examined in an effort to improve attendance, with or without additional services. The outcome of the conference shall be documented in a written School Attendance Improvement Plan. The Department shall develop a form to be used for this purpose. Each school shall use a form substantially in compliance with the form developed by the Department.

School day – the length of time, as determined by the local school board, that a child subject to compulsory attendance is expected to be receiving instruction during any calendar day. The local school board shall

establish policy defining how portions of a school day can be accumulated to determine the equivalent of a school day.

School year – shall have the same meaning as school year or school term as used in Section 102 of the Public School Code, as applicable to the particular school district in question.

Tardy – the failure of a child to arrive at school by the beginning of the school day, a failure to attend a class of instruction, or a departure from the school prior to the end of the school day as defined in policy established by the local school board.

Truant – unexcused absences of three (3) or more school days or six (6) or more unexcused tardies during the current school year by a child subject to compulsory school attendance. However, an out-of-school suspension may not be considered an unexcused absence.

Unexcused absence or unexcused tardy – an absence or tardy from school which is not permitted by the provisions of Section 13-1329 and where an approved explanation has not been submitted within the time period and in the manner prescribed by the local school board.

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Section 1333. Consequences for failure to attend school. Procedures.

1. Whenever a child is truant the school shall notify the parent(s) in writing of the child's violation of compulsory attendance and of the consequences that will follow if the child becomes habitually truant. The notice shall be in such form and use such language that would be considered reasonably understandable by the parent(s).
2. If unexcused absences or unexcused tardies continues after the school has issued the notice provided for in subsection (1), above, the school shall then offer a school attendance improvement conference to the child and parent(s). No further legal action may be taken by the school to address unexcused absences by the child until after the date for the scheduled conference has passed. This provision does not place any legal requirement upon the child or parent(s) to attend the conference.
3. Whenever a child is habitually truant and:
 - a. The child is under the age of fifteen (15) years the school:
 - i. Shall refer the child to the county children and youth agency for services or for possible disposition as a dependent child under the provisions of the Juvenile Act, or
 - ii. May file a citation in the office of the appropriate magisterial district judge against the parent(s) with whom the child resides or who shares custody of the child.
 - b. The child is age fifteen (15) years or older the school shall either:
 - i. Refer the child to the county children and youth agency for services or for possible disposition as a dependent child under the provisions of the Juvenile Act, or
 - ii. File a citation in the office of the appropriate magisterial district judge against the child and/or the parent(s) with whom the child resides or who shares physical custody of the child.
 - c. When referring a case to the County Children and Youth agency or the magisterial district court because of the child has been habitually truant the school shall provide verification that a school attendance improvement conference was offered.

4. Citation proceedings. Whenever a citation is filed against a parent or child under the provisions of this section:
- a. Notice of hearing – the magisterial district judge shall provide notice of the hearing in writing to the school, the parent(s), the child and the county children and youth agency.
 - b. Prior to the commencement of the summary trial the magisterial district judge shall notify the parent and/or child of the availability of any pre-conviction diversionary program authorized under 42 Pa. C.S.A. Sec. 1520.
 - c. Burden of proof – at the hearing the burden is upon the school to prove beyond a reasonable doubt noncompliance with the compulsory school attendance requirements in that the child was habitually truant.
 - d. Defense – if the citation is filed against the parent(s) it is a defense if the parent(s) can prove by a preponderance of the evidence that every reasonable step to insure attendance of the child at school was taken.
 - e. Sentence – before entering a sentence the judge shall permit the school, parent(s) and/or child to present any relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. Any person convicted of a summary offense under this section may be sentenced to:
 - i. Pay a fine for the benefit of the school district in an amount not exceeding three hundred dollars (\$300.00) for each citation together with court costs.
 - ii. If a parent – complete an appropriate parenting course or its equivalent, or program approved by the President Judge of the judicial district, which may include community service.
 - f. Suspended sentence – the court may suspend the sentence of any person convicted under the provisions of this section and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.
 - g. Appeal – any person convicted of a summary offense under this section by a magisterial district judge shall have a right to appeal de novo to the court of common pleas of the proper county within thirty (30) days after conviction. Thereafter the appeal shall proceed as any other appeal of a summary conviction.
 - h. Subsequent proceedings – no citation shall be filed against a parent or child for violation of compulsory school attendance while (i) a proceeding is pending under this section against said parent or child unless a warrant has been issued for failure of the parent or child to appear before the court and the warrant has not been served, (ii) a referral for services has been made to the county’s children and youth agency and the agency has not closed the case, or (iii) a petition has been filed alleging the child is dependent due to being habitually truant under provisions of the Juvenile Act and the case remains under the jurisdiction of the Juvenile Court. A proceeding is pending after the citation is filed and until judgment has been entered. The child’s school attendance while the proceeding is pending can be considered in imposing sentence.
 - i. Repeat offenders – upon a second conviction of a parent or child for violation of the provisions of compulsory school attendance in any court within this Commonwealth within a three (3) year period the court shall refer the child for services or possible disposition as a dependent child under provisions of the Juvenile Act.

- j. Failure to pay fine – upon the failure of any person to satisfy a fine and/or costs imposed under this section or upon failure to comply with a payment plan the court may, after finding that the person has the ability to pay the financial obligation imposed:
 - i. In the case of a parent impose a period of incarceration not to exceed five (5) days.
 - ii. In the case of a child such failure shall not be considered a delinquent act, however, the President Judge of the judicial district may adopt a local policy pursuant to 42 Pa. C.S.A. Sec. 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that such child is dependent for the purpose of considering the commencement of proceedings under the Juvenile Act.

5. Suspension of driving privileges –

- a. If a child is convicted for violation of this section the court shall, at its discretion, send to the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with any lawful sentence entered for such violation.
- b. The Department of Transportation shall suspend for ninety (90) days the operational privilege of any child upon receiving a certified record that the child was convicted of a summary offense under this section. If the department receives a second or subsequent conviction for a child's summary conviction under this section the department shall suspend the child's operating privilege for six (6) months.
- c. Any child whose record is received by the department under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. Section 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in subsection (b). 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. Section 1541 (relating to period of revocation or suspension of operating privilege) for the time specified in subsection (b).
- d. A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed pursuant to this section may have that license or eligibility restored by providing the department with a form containing the following information: a certified record from the child's school that the child has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy, has no school disciplinary actions pending or served any disciplinary sanction during that period, and is participating in and passing all classes. The department shall develop the form to be used for this purpose.