



West Mifflin Area School District
ATTENDANCE HANDBOOK
2022 - 2023

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Compulsory School Attendance, Unlawful Absences, & School Attendance Improvement

A primary goal of education is for every child in the Commonwealth to graduate from high school ready for college or employment regardless of their individual background or circumstance. Truancy is a barrier to the achievement of that goal and is often a precursor to a student's decision to drop out. The purpose of this Basic Education Circular (BEC) is to provide an overview of the compulsory attendance and truancy laws in Pennsylvania, as amended via Act 138 of 2016 (Act 138), Act 39 of 2018 (Act 39), and Act 16 of 2019 (Act 16). This BEC provides 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.

The term "school" as used throughout this BEC refers to school districts, charter schools, cyber charter schools, and area vocational-technical schools. When a certain provision of this BEC applies to a nonpublic school or other school entity, it is specifically noted.

General Requirements

Effective with the 2020-2021 school year, a child must comply with compulsory attendance requirements from age 6 to age 18. Specifically, a child who has attained the age of 6 on or before September 1 must enroll and attend school or begin a home school program that year. Additionally, any student less than 18 years of age must comply with compulsory school age requirements. The term "compulsory attendance" refers to the mandate that all children of compulsory school age having a legal residence in Pennsylvania must attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, except in the following situations found in sections 1327, 1327.1, and 1330 of Pennsylvania's Public School Code (School Code):

1. Attendance at a private trade school or private business school continuously through the entire term congruent with the school term of the resident school district and that meets the requirements set forth by the State Board of Education or the State Board of Career and Technical Education when:
 - The child is 15 and has approval from the district superintendent and the Secretary of Education, or
 - The child is 16 and has approval from the district superintendent.
2. Attendance at a school operated by a bona fide church or other religious body which provides a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.
3. Privately tutored or home-schooled students provided a minimum of 180 days of instruction or 900 hours of instruction per year at the elementary level or 990 hours per year of instruction at the secondary level.

4. Enrollment in a day or boarding school which is accredited by an accrediting association approved by the State Board of Education.
5. Children who are 16 and regularly engaged in useful and lawful employment during the school session with a valid employment certificate. Regularly engaged means 35 or more hours per week of employment.
6. Children who have been examined by an approved psychological professional and identified to be unable to profit from further public school attendance and excused by the school board.
7. Children who are 15 who hold a permit approved by the school district to engage in farm work or domestic service in a private home.
8. Children who are 14 and satisfactorily completed the equivalent of the highest grade of elementary school in their district who hold a permit recommended by the district and approved by the Secretary of Education to engage in farm work or domestic service in a private home.

Address Confidentiality Program (ACP)

Some families may enroll a student using an ACP card which lists a post office box as their address. This is their legal address and school districts shall not require additional information about their residence. School records from the student's former school will be forwarded through the ACP. If there are questions about the family's eligibility for enrollment, contact the ACP at 1-800-563-6399.

Age

Children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21. The local school board has the right and responsibility to establish the age at which a child can begin the kindergarten program. Once the age requirement is established, districts cannot refuse admission to a child who meets the age requirement. See BEC 24 P.S. §05-503 Admission to Kindergarten and Beginners.

During the time a child is of school age, the child or student is entitled to attend the public schools of the resident school district or a charter school, or to attend other school districts as an eligible nonresident. Students who turn 21 during the school term are entitled to finish that school term. If a student is under age 21 and has a Graduation Equivalency Diploma (GED), the student can enroll in school and work towards a diploma. For subsidy purposes, students who reach age 21 after the school term begins are eligible to be counted for the entire school term. The Department will accept requests to allow students to be counted in membership for subsidy purposes for an extended school program beyond age 21 if the request includes a hearing officer decision or court order.

Kindergarten Withdraw (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 public kindergarten programs made available by school districts. Subsequently, the State Board of Education amended its regulations to comply with the ruling.

Kerstetter also raised the issue of whether a parent can withdraw his or her child from kindergarten without being subject to truancy charges. Notably, the court acknowledged but did not offer an opinion on this issue. The State Board of Education recommends that parents or guardians who formally withdraw their child from kindergarten prior to reaching compulsory school age not be subject to compulsory attendance requirements. The Pennsylvania Department of Education (PDE) adopted and supports the State Board of Education's recommendation. Beginning with the 2020-2021 school year, this provision will apply to children under the age of six.

Attendance Policy 204

The Board recognizes that attendance is an important factor in educational success, and supports a comprehensive approach to identify and address attendance issues.

Authority

The Board requires the attendance of all students during the days and hours that school is in session, except that temporary student absences may be excused by authorized district staff in accordance with applicable laws and regulations, Board policy and administrative regulations.

Definitions

Compulsory school age shall mean the period of a student's life from the time the student's person in parental relation elects to have the student enter school, which shall be no later than eight (8) years of age, until the student reaches seventeen (17) years of age. Beginning with the academic year 2020-2021, compulsory school age shall mean no later than age six (6) until age eighteen (18). The term does not include a student who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

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

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

Person in parental relation shall mean a:

1. Custodial biological or adoptive parent.
2. Noncustodial biological or adoptive parent.
3. Guardian of the person of a student.
4. Person with whom a student lives and who is acting in a parental role of a student.

This term shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child as defined by law.

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

Delegation of Responsibility

The Superintendent or designee shall annually notify students, persons in parental relation, staff, local children and youth agency, and local magisterial district judges about the district's attendance policy by publishing such policy in student handbooks and newsletters, on the district website and through other efficient communication methods.

The Superintendent shall require the signature of the person in parental relation confirming that the policy has been reviewed and that the person in parental relation understands the compulsory school attendance requirements.

The Superintendent or designee, in coordination with the building principal, Attendance Officer, and Home and School Visitor, shall be responsible for the implementation and enforcement of this policy.

The Superintendent or designee shall develop administrative regulations for the attendance of students which:

1. Govern the maintenance of attendance records in accordance with law.
2. Detail the process for submission of requests and excuses for student absences.
3. Detail the process for written notices, School Attendance Improvement Conferences, School Attendance Improvement Plans, and referrals to a school-based or community-based attendance improvement program, the local children and youth agency, or the appropriate magisterial district judge.
4. Clarify the district's responsibility for collaboration with nonpublic schools in the enforcement of compulsory school attendance requirements.
5. Ensure that students legally absent have an opportunity to make up work.

Guidelines

Compulsory School Attendance Requirements

All students of compulsory school age who reside in the district shall be subject to the compulsory school attendance requirements.

A student shall be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction; or the student's placement is instruction in the home.

The following students shall be excused from the requirements of attendance at district schools, upon request and with the required approval:

1. On certification by a physician or submission of other satisfactory evidence and on approval of the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.
2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught.
3. Students attending college who are also enrolled part-time in district schools.
4. Students attending a home education program or private tutoring in accordance with law.
5. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved.
6. Students fifteen (15) years of age, as well as students fourteen (14) years of age who have completed the highest elementary grade, engaged in farm work or private domestic service under duly issued permits.
7. Students sixteen (16) years of age regularly engaged in useful and lawful employment during the school session and holding a valid employment certificate. Regularly engaged means thirty-five (35) or more hours per week of employment.

Excused/Lawful Absence

For purposes of this policy, the following conditions or situations constitute reasonable cause for absence from school:

1. Illness, including if a student is dismissed by designated district staff during school hours for health-related reasons.
2. Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.
3. Quarantine.
4. Family emergency.
5. Recovery from accident.
6. Required court attendance.

7. Death in family.
8. Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request.
9. Participation in a musical performance in conjunction with a national veterans' organization or incorporated unit, as defined in law, for an event or funeral.
 - a. The national veterans' organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location, and time of the event or funeral.
 - b. The student shall furnish the signed excuse to the district prior to being excused from school.
10. Observance of a religious holiday observed by a bona fide religious group, upon prior written request from the person in parental relation.
11. Non-school-sponsored educational tours or trips, if the following conditions are met:
 - a. The person in parental relation submits the required documentation for excusal prior to the absence, within the appropriate timeframe.
 - b. The student's participation has been approved by the Superintendent or designee.
12. College or postsecondary institution visit, with prior approval.
13. Other urgent reasons that may reasonably cause a student's absence, as well as circumstances related to homelessness and foster care.

The district may limit the number and duration of all absences to eighteen (**18**) days. These are the sum of all students' absences in all categories. State expectation for the Future Ready Index is a student should not miss more than ten percent (10%) or more of a school year. Once a student reaches eighteen (18) absences, no request for excusal will be approved by the principal or Superintendent.

Temporary Excusals

The following students may be temporarily excused from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies.
2. Students participating in a religious instruction program, if the following conditions are met:

- a. The person in parental relation submits a written request for excusal. The request shall identify and describe the instruction, and the dates and hours of instruction.
 - b. The student shall not miss more than thirty-six (36) hours per school year in order to attend classes for religious instruction.
 - c. Following each absence, the person in parental relation shall submit a statement attesting that the student attended the instruction, and the dates and hours of attendance.
3. School age children unable to attend school upon recommendation of the school physician and a psychiatrist or school psychologist, or both, and with approval of the Secretary of Education.

Parental Notice of Absence

Absences shall be treated as unexcused until the district receives a written excuse explaining the absence, to be submitted within three **(3)** days of the absence.

A maximum of ten **(10)** days of cumulative lawful absences verified by parental notification shall be permitted during a school year. All absences beyond ten **(10)** cumulative days shall require an excuse from a licensed practitioner of the healing arts.

Family Educational Trips

The Board may excuse a student from school attendance to participate in an educational tour or trip not sponsored by the district if the following conditions are met:

1. The parent/guardian submits a written request for excusal five **(5)** school days prior to the absence.
2. The student's participation has been approved by the Superintendent or designee.
3. The adult directing and supervising the tour or trip is acceptable to the parents/guardians and the Superintendent.
4. Requests in excess of five **(5)** days, not school-sponsored will be determined based upon the student's attendance and academic record.
5. Unless some emergency exists, such trips shall not be approved during standardized tests and final exams.
6. The student is required to write a summary of the educational trip, and give it to the principal upon his/her return. [\(Optional for elementary students.\)](#)

The Board may limit the number and duration of tours or trips for which excused absences may be granted to a student during the school term.

Unexcused/Unlawful Absence

For purposes of this policy, absences which do not meet the criteria indicated above shall be permanently considered unexcused. An out-of-school suspension may not be considered an unexcused absence. District staff shall provide prompt notice to the person in parental relation upon each incident of unexcused absence.

Enforcement of Compulsory Attendance Requirements

Student is Truant

When a student has been absent for three (3) days during the current school year without a lawful excuse, district staff shall provide notice to the person in parental relation who resides in the same household as the student within ten (10) school days of the student's third unexcused absence.

The notice shall:

1. Be in the mode and language of communication preferred by the person in parental relation;
2. Include a description of the consequences if the student becomes habitually truant; and
3. When transmitted to a person who is not the biological or adoptive parent, also be provided to the student's biological or adoptive parent, if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.
4. The notice may include the offer of a School Attendance Improvement Conference.

If the student incurs additional unexcused absences after issuance of the notice and a School Attendance Improvement Conference was not previously held, district staff shall offer a School Attendance Improvement Conference.

Student is Habitually Truant

When a student under fifteen (15) years of age is habitually truant, district staff:

1. Shall refer the student to:
 - a. A school-based or community-based attendance improvement program; or
 - b. The local children and youth agency.
2. May file a citation in the office of the appropriate magisterial district judge against the person in parental relation who resides in the same household as the student.

When a student fifteen (15) years of age or older is habitually truant, district staff shall:

1. Refer the student to a school-based or community-based attendance improvement program; or
2. File a citation in the office of the appropriate magisterial district judge against the student or the person in parental relation who resides in the same household as the student.

District staff may refer a student who is fifteen (15) years of age or older to the local children and youth agency, if the student continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program, or if the student refuses to participate in such program.

Regardless of age, when district staff refer a habitually truant student to the local children and youth agency or file a citation with the appropriate magisterial district judge, district staff shall provide verification that the school held a SAIC.

Filing a Citation

A citation shall be filed in the office of the appropriate magisterial district judge whose jurisdiction includes the school in which the student is or should be enrolled, against the student or person in parental relation to the student.

Additional citations for subsequent violations of the compulsory school attendance requirements may only be filed against a student or person in parental relation in accordance with the specific provisions of the law.

Special Needs and Accommodations

If a truant or habitually truant student may qualify as a student with a disability, and require special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.

For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.

Discipline

The district shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

Cumulative, Consecutive Lawful Absences

Students who are absent from a school for 10 consecutive school days shall be dropped from the active membership roll unless the school is provided with evidence the absence is legal or compulsory attendance prosecution is being pursued.

Charter schools or cyber charter schools that drop students from their membership rolls must immediately inform the student's school district of residence.

Standard disenrollment procedures do not apply when a student with an IEP has been absent for 10 consecutive days. Instead, schools must comply with the procedures required by IDEA and 22 Pa Code Chapter 14 when dis-enrolling a student with an IEP.

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.

Home and School Visitor

A Home School and Visitor Certification, issued by the Pennsylvania Department of Education (PDE), is required for all individuals employed as home and school visitors. Individuals employed as attendance officers may also hold this certification, but it is not mandatory. Home and school visitors and attendance officers have police powers and may arrest or apprehend any child who fails to attend school in violation of compulsory attendance laws. Many schools have personnel with the title of school resource officer or security officer; however, these individuals are not empowered to arrest students who violate compulsory attendance laws.

In cases where students are arrested or apprehended, the apprehending or arresting officer is required to promptly notify the parents, guardian, or person in parental relation, and to place the child in the public school in which the child is, or should be, enrolled unless the parent, guardian, or person in parental relation requests placement in a school other than a public school.

Whenever an attendance officer or home and school visitor discovers that any child of compulsory school age is unable to attend school because they lack the necessary clothing or food, the case must be reported to any suitable relief agency operating within the school district. If a proper relief agency does not operate within the school district, the matter should be referred to the proper county agency.

Tuant and Habitually Tuant Students

Definitions

A child is "truant" if the child is subject to compulsory school laws and has incurred three or more school days of unexcused absences during the current school year. A child is "habitually truant" if the child is subject to compulsory school laws and has incurred six or more school days of unexcused absences during the current school year.

Every principal or teacher in a public or nonpublic school and every private tutor is required to timely report unexcused absences of three days or their equivalent (i.e., when a student is truant) to the appropriate person(s) (superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the student's district of residence) in a timely manner. Because nonpublic school employees are not authorized to exercise police powers, including law enforcement powers for filing citations, making arrests, and inspecting places of employment, nonpublic schools must coordinate with and report students' unexcused absences to the student's relevant resident school district(s) throughout the school year so that the district may properly enforce the attendance and truancy requirements.

This reporting practice is intended to alert and actively engage all stakeholders involved with the child about the child's unlawful absences and to create an appropriate and early response to this problem.

Implementation in Nonpublic Schools

For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws. However, nonpublic schools do retain certain responsibilities for ensuring that students and parents/guardians comply with compulsory attendance laws, and that truancy prevention and elimination efforts required by those laws are implemented. For example, nonpublic schools must develop an attendance policy that addresses monitoring student attendance and accurately tracking and reporting excused and unexcused absences; providing timely and clear notification to the person in parental relation to the student concerning accumulated unexcused absences; convening the School Attendance Improvement

Conference; and working with the student's resident school district for referral of the student to a school-based or community-based attendance improvement program or county child and youth agency for the filing a truancy citation.

Although a nonpublic school's attendance policy may differ from that of the student's resident school district, the nonpublic school's policy must provide for timely and accurate communication and collaboration with a student's resident school district so that powers and responsibilities are properly exercised under the authority granted to the district by the General Assembly.

Responding to Unlawful Absences

Habitual truancy negatively impacts a child's school performance and increases the likelihood of juvenile delinquency. An intensive and timely response to truancy is critical. Schools and nonpublic schools should not wait until a child has missed an excessive number of days before initiating a response. However, in revising Pennsylvania's compulsory attendance and truancy laws through Act 138 of 2016, the General Assembly clearly announced a policy that traditional truancy prosecutions are disfavored and should be used only when other less punitive measures have proven unsuccessful. Accordingly, schools and nonpublic schools should exercise caution and reason when utilizing punitive measures and initiating compulsory attendance proceedings.

Schools are responsible for enforcing compulsory attendance laws. For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws and nonpublic schools must continually report unexcused absences to resident school districts throughout the school year to allow districts to properly enforce attendance and truancy requirements.

Although schools and nonpublic schools should notify the person in parental relation to a child after each unexcused absence, schools and nonpublic schools must notify, in writing, the person in parental relation to the child within 10 school days of the child's third unexcused absence. The parental notice must contain a description of the consequences that will follow if the child becomes habitually truant, must be in the parent's preferred language, and may include the offer of a School Attendance Improvement Conference (SAIC). When this notice is sent to an individual who is not the child's biological or adoptive parent, the school or nonpublic must also provide the notice to the child's biological or adoptive parent if the address is on file with the school and that person is not precluded by a court order from receiving the information.

If the child continues to incur additional unexcused absences after the school or nonpublic school has issued the notice, the school or nonpublic must, if not already offered, offer the student and parent a SAIC.

For a student enrolled in a nonpublic school, the student's school district of residence remains responsible for complying with the authorities and obligations related to enforcing compulsory attendance laws; however, nonpublic schools must cooperate with students' school district of residence by providing necessary documentation for the truancy filings, and attending the hearings to provide testimony, if necessary. A nonpublic school may participate in a proceeding in person, by phone conferencing, by video conferencing, or another other electronic means. PDE's recommendations for how nonpublic schools and school districts should collaborate for efficient and effective implementation of compulsory attendance and truancy requirements are as follows:

NONPUBLIC SCHOOL	SCHOOL DISTRICT
<p>Offer and convene School Attendance Improvement Conference.</p> <p>24 P.S. § 13-1333(b)</p> <p><i>Collaborative responsibility with school district, i.e. should send notification with copy to the school district; convene conference with school district as optional participant.</i></p>	<p>Offer and convene School Attendance Improvement Conference.</p> <p>24 P.S. § 13-1333(b)</p> <p><i>Collaborative responsibility with nonpublic school, i.e. may defer to notification sent and conference convened by nonpublic school, and participant at its option.</i></p>
<p>Refer child to (a) school-based or community-based attendance improvement program or (b) county children and youth agency for possible disposition as a dependent child.</p> <p>24 P.S. § 13-1333.1(a)(1).</p> <p><i>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.</i></p>	<p>Refer child to (a) school-based or community-based attendance improvement program or (b) county children and youth agency for possible disposition as a dependent child.</p> <p>24 P.S. § 13-1333.1(a)(1).</p> <p><i>Primary responsibility for attendance improvement program and juvenile dependency referrals. Nonpublic school must cooperate and participate to the extent requested by the school district.</i></p>
<p>File truancy citation with appropriate MDJ.</p> <p>24 P.S. § 13-1333.1(a)(2), (b).</p> <p><i>Refer to school district. Nonpublic school must cooperate and participate in the truancy citation proceeding to the extent requested by the school district.</i></p>	<p>File truancy citation with appropriate MDJ.</p> <p>24 P.S. §§ 13-1333.1(a)(2), (b); 24 P.S. § 131341.</p> <p><i>Primary responsibility. Nonpublic school must cooperate and participate in the truancy citation proceeding to the extent requested by the school district.</i></p>
<p>Following school-based or community-based attendance improvement program, refer child to county children and youth agency for possible disposition as a dependent child.</p> <p>24 P.S. § 13-1333.1(c).</p>	<p>Following school-based or community-based attendance improvement program, refer child to county children and youth agency for possible disposition as a dependent child.</p>

<p><i>Refer to school district. Nonpublic school must cooperate and participate to the extent requested by the school district.</i></p>	<p>24 P.S. § 13-1333.1(c).</p> <p><i>Primary responsibility. Nonpublic school must cooperate and participate to the extent requested by the school district.</i></p>
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1. School Attendance Improvement Conference (SAIC)

A SAIC is a conference where the child's absences and reasons for the absences are examined in order to improve attendance, with or without additional services. All of the following individuals must be invited to the conference:

1. The child
2. The child's person in parental relation
3. Other individuals identified by the person in parental relation who may be a resource
4. Appropriate school personnel
5. Recommended service providers

There is no legal requirement for either the child or person in parental relation to attend a SAIC. However, schools and nonpublic schools should make every attempt to conduct the SAIC with the person in parental relationship present. The school or nonpublic school must hold the SAIC conference even if the person in parental relation declines to participate or fails to attend after the school or nonpublic school provides advance written notice and makes attempts to communicate with the individual via telephone. Additionally, the school or nonpublic school must invite recommended service providers to the SAIC. However, the SAIC shall not be delayed pending a response from the service provider(s).

The school or nonpublic school must document the outcome of any SAIC in a written school attendance improvement plan (SAIP). The SAIP should include accessing academic and social/health supports from the school and community organizations, an outline of family/parent and student responsibilities, and levels of performance monitoring that include rewards and consequences. School and nonpublic schools must use the [School Attendance Improvement Plan Form](#) created by PDE or a similar form to document the SAIP.

Schools may not expel or suspend (out-of-school) a student, or reassign or transfer a student to an alternative education for disruptive youth (AEDY) program, for truant behavior and these actions may not be included in a SAIP. An in-school suspension is not considered a disciplinary reassignment. Additionally, schools may not initiate truancy proceedings (e.g., the filing of a truancy citation) until after a SAIC is held.

Nonpublic schools may expel a student for truant or habitually truant behavior if expulsion is included in the nonpublic school's attendance policy as a potential consequence in response to a determination that the student is truant or habitually truant.

2. Subsequent Unlawful Absences

When the SAIP is in place, if a child is subsequently, unlawfully absent, at any point within the school year, an official notice of the unexcused absence should be sent to person in parental relation. The purpose of this correspondence is to inform the person in parental relation that the SAIP has been violated and that further action will be initiated. To ensure the person in parental relation receives the notice, such notice should be sent through certified mail.

3. Children Under 15 Years of Age

If a habitually truant child is under age 15, the school must refer the child to either (1) a school-based or community-based attendance improvement program or (2) the county children and youth agency for services or possible disposition as a dependent child. A school-based or community-based attendance program is a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. A school-based or community-based attendance program may include an educational assignment in an alternative education program, but may not include an assignment in an AEDY program.

Additionally, the school may, but is not required to, file a truancy citation against the person in parental relation to the child.

When referring a habitually truant child of any age to the county children and youth agency or filing a citation, the school must provide verification that a SAIC was held.

4. Children 15 Years of Age and Older

If a habitually truant child is 15 or older, the school must either (1) refer the child to a school-based or community-based attendance improvement program or (2) file a citation against the student or person in parental relation to the child. If a habitually truant child 15 or older incurs additional absences after a school refers the child to a school or community based improvement program or the child refuses to participate in an attendance improvement program, the school may refer the child to the county children and youth agency for possible disposition as a dependent child.

When referring a habitually truant child of any age to the county children and youth agency or filing a citation, the school must provide verification that a SAIC was held.

5. Filing a Truancy Citation: Proceedings and Penalties for Violation of Compulsory Attendance Requirements

Generally, a truancy citation is filed with the magisterial district judge (MDJ) where the child attends school or would attend school in the child's school district of residence. For children attending cyber charter schools, the cyber charter school must file truancy citations with the MDJ where the child resides. For children attending nonpublic schools, the child's school district of residence must file truancy citations with the MDJ where the nonpublic school student resides.

When a citation is filed against a child or person in parental relation to a child, the judge shall: (1) provide written notice of the hearing to the school, parent, child, and county children and youth agency and (2) provide notice to the child or person in parental relation as to the availability of a pre-conviction diversionary program. At the hearing, the burden is on the school to prove beyond a reasonable doubt that the child was subject to compulsory attendance law, and was without justification, habitually truant. However, a person in parental relation to the child may demonstrate, by a preponderance of the evidence, that they took every reasonable step to ensure the attendance of the child at school. And, before entering a sentence, the judge shall permit the school, person in parental relation to the child, or child to present relevant information to assist the judge in making an informed decision regarding an appropriate sentence. For example, evidence of the child's attendance after the filing of the citation may be presented to and considered by the judge.

A person convicted of a violation of compulsory attendance laws may be: (1) sentenced to pay a fine for the benefit of the school, (2) sentenced to perform community service, or (3) required to complete an appropriate course or program designed to improve school attendance. The judge imposing the sentence has discretion to make an informed decision regarding the appropriate sentence. However, if, within a three-year period, a child or parent is convicted of a second or subsequent offense, the court must refer the child for services or possible disposition as a dependent child under the Juvenile Act.

A citation for a subsequent violation of compulsory school attendance may not be filed if: (1) a proceeding is already pending under a prior citation and a judgment in the first proceeding has not been entered, unless a warrant has been issued for failure to appear and the warrant as not been served; (2) a referral for services has been made to the county children and youth agency and the case has not been closed, unless the school consulted with the agency; or (3) a petition has been filed alleging the child is dependent due to being habitually truant and the case remains under the jurisdiction of the juvenile court.

For the first offense, the fine may not exceed \$300, together with court costs. For the second offense, a person in parental relation may not be fined more than \$500, together with court costs. For a third and any subsequent offense, a person in parental relation may not be fined more than \$750, together with court costs.

If a person in parental relation does comply with the penalties imposed, that person may be sentenced to jail for up to three days, but only if the court determines that the person had reasonable ability to comply with the penalty and that noncompliance was willful. If a child fails to satisfy the penalties imposed, it shall not be considered a delinquent act, but may result in a dependency determination under the Juvenile Act. Additionally, if a child is convicted and fails to comply with the penalty imposed, the judge may send the record of conviction to the Pennsylvania Department of Transportation (PennDOT). If PennDOT receives such record, PennDOT is required to take action against the child's operating privileges. For example, for a first offense, PennDOT must suspend the child's operating privileges for 90 days; for a second or subsequent conviction, PennDOT must suspend the child's operating privileges for six months. For a child who does not have a driver's license, the child will be ineligible to apply for a driver's license for 90 days or six months, depending on the offense. The period of ineligibility will begin to run when the child turns 16.

Where a child's license has been suspended, he or she may seek to have his or her operating privileges restored by providing PennDOT with a form that indicates that the child (1) has attended school for a period of at least two months after the first conviction or four months after the second conviction without an unexcused absence or tardy, (2) is subject to exception to the compulsory school attendance law, or (3) has graduated, withdrawn from school, has received a GED, or enlists in the military. Additionally, a child whose operating privileges have been revoked remains eligible for an occupational limited license.

A child who has been convicted of compulsory attendance laws may apply for an expungement.

The court must grant a child's application if (1) the child has earned a high school diploma, a Commonwealth secondary diploma, or another PDE-approved equivalent, or is subject to an exception to compulsory school attendance and (2) the child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs. If such an expungement is granted, the court must order PennDOT to expunge all administrative records related to the convictions.

6. Homeless Students

The McKinney-Vento Homeless Assistance Act requires states and schools to work to remove barriers to the education of homeless children and youth, including barriers to enrollment and retention due to absences. Compulsory attendance laws can be such barriers, particularly when they result in court involvement. Frequently, students in homeless situations will miss school due to their living situations. However, absences caused by homelessness must not be counted as unexcused absences, as this would create a barrier to enrollment and retention in school.

As part of a SAIC, schools and nonpublic schools should work to identify the root cause of students' absenteeism and the SAIP should address those issues, which may include homelessness and lack of transportation to and from school.

If a student is a homeless student, the school should clarify which entity (school of origin, school of residence, etc.) is responsible for complying with the compulsory attendance laws.

In addition, schools should consider whether it is appropriate to file citations against a person that may merely be "acting as a parent" or hosting an unaccompanied youth. These individuals often agree to provide a temporary place for a youth to sleep and may not have control over whether the child is attending school. Instead, the school could contact the county children and youth agency and attempt to eliminate barriers to attendance through that route.

7. Creating Partnerships to Keep Children in School

Every school and nonpublic school should have truancy reduction partners (e.g., magisterial district judges, juvenile probation departments, and county children and youth agencies) and should develop with those partners' comprehensive policies regarding attendance, absenteeism, and truancy reduction. Additionally, family involvement is essential to keeping children in school. Establishing positive and proactive contact with families from the time the school year begins is critical to developing a working partnership.

Teachers often serve as the first line of defense against habitual absenteeism and are an integral part of the process to improve student attendance. Teachers and school-level administrators typically create and maintain the primary relationship with the person in parental relation. Schools and nonpublic schools should require teachers to take an active role by meeting with students individually and contacting the parent or guardian to encourage better attendance. In addition, Student Assistant Program (SAP) teams should be made aware of all instances of unlawful absences. Often, truancy is a symptom of a larger underlying problem. Issues of bullying, family health, substance abuse, homelessness or mental health problems are causes of non-attendance and should be addressed.

Education for Homeless Youth

In 1987, Congress passed the Stewart B. McKinney Homeless Assistance Act, (subsequently renamed the McKinney-Vento Homeless Assistance Act) to aid homeless persons. The Act defines the term "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence. On December 10, 2015, the Every Student Succeeds Act (ESSA) was enacted, amending McKinney-Vento.

Homeless Students Policy 251

The Board recognizes the need to promptly identify homeless children and youths within the district, facilitate their immediate enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.

The Board shall ensure that homeless children and youths have equal access to the same educational programs and services provided to other district students.

The Board authorizes the Superintendent to waive district policies, procedures and administrative regulations that create barriers to the identification, enrollment, attendance, transportation, school stability and success in school of homeless children and youths.

It is the policy of the Board that no student shall be discriminated against, segregated or stigmatized based on his/her homeless status.

Definitions

Enroll or Enrollment means attending classes and participating fully in school activities.

Homeless children and youths means individuals who lack a fixed, regular and adequate nighttime residence, and includes:

1. Children and youths who are:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
 - c. Living in emergency, transitional or domestic violence shelters; or
 - d. Abandoned in hospitals.
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;
4. Migratory children who qualify as homeless because they are living in circumstances described above; and
5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

School of origin is the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. When the child or youth completes the final grade level served by the school of origin, the school of origin shall include the designated receiving school at the next grade level for all feeder schools.

Unaccompanied youth means a homeless child or youth not in the physical custody of a parent or guardian. This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.

Delegation of Responsibility

The Board designates the Home and School Visitor to serve as the district's liaison for homeless children and youths.

The district's liaison shall ensure outreach and coordination with:

1. Local social service agencies and other entities that provide services to homeless children and youths and families.
2. Other school districts on issues of prompt identification, transfer of records, transportation and other inter-district activities.
3. District staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.
4. State and local housing agencies responsible for comprehensive housing affordability strategies.

The district's liaison shall ensure that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents/guardians of homeless children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens. Such notice shall be provided in a manner and form understandable to the parents/guardians of homeless children and youths, and unaccompanied youths.

The district's liaison shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program in accordance with federal and state laws and regulations.

Guidelines

Enrollment/Placement

Best Interest Determination

In determining the best interest of a child or youth, the district shall:

1. Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth.
2. Consider student-centered factors related to impact of mobility on achievement, education, health and safety, giving priority to the request of the parent/guardian or unaccompanied youth.
3. If, after such consideration, the district determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the district shall provide the parent/guardian or unaccompanied youth with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal.

Placement

In accordance with the child's or youth's best interest, the district shall continue to enroll a homeless student in his/her school of origin while s/he remains homeless and through the end of the academic year in which s/he obtains permanent housing.

Parents/Guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools.

The district's liaison shall assist an unaccompanied youth in placement or enrollment decisions, giving priority to the views of the student in determining where s/he will be enrolled.

The district shall provide the parent/guardian or unaccompanied youth with a written explanation of any district decision related to school selection or placement, including the right to appeal.

Enrollment

The selected school shall immediately enroll the student and begin instruction, even if:

1. The student is unable to produce records normally required for enrollment.
2. The application or enrollment deadline has passed during any period of homelessness.

The district's liaison shall immediately contact the school last attended by the child or youth to obtain relevant academics or other records.

The district may require a parent/guardian to submit contact information.

Assignment

If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's assignment within the school.

Dispute Resolution

If a dispute arises over eligibility, enrollment or school selection:

1. The parent/guardian or unaccompanied youth shall be referred to the district's liaison, who shall assist in the dispute resolution process.
2. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
3. The district's liaison shall issue a written decision of the dispute within twenty (20) business days of being notified of the dispute.

A parent/guardian or unaccompanied youth may appeal a district's written decision or file a complaint with the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

Education Records

Information about a homeless child's or youth's living situation shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information.

Comparable Services

Homeless students shall be provided services comparable to those offered to other district students including, but not limited to:

1. Transportation services.
2. School nutrition programs.
3. Career and technical education.
4. Preschool programs.
5. Educational programs for which the homeless student meets the eligibility criteria, such as:
 - a. Services provided under Title I or similar state or local programs.
 - b. Programs for English Language Learners.
 - c. Programs for students with disabilities.
 - d. Programs for gifted and talented students.

Transportation

The district shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district.

If the school of origin is outside district boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.

Training

The district's liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

The district's liaison shall arrange professional development programs for school staff, including office staff.

School personnel providing services to homeless children and youths, including school enrollment staff, shall receive professional development and support to:

1. Improve identification of homeless children and youths and unaccompanied youths;
2. Understand the rights of such children, including requirements for immediate enrollment and transportation; and
3. Heighten the awareness of, and capacity to respond to, the educational needs of such children.

Communication and collaboration among education and child welfare professionals is critical to support school stability and continuity for children in out-of-home care. The law requires child welfare and local education agencies to work together to promote school stability and continuity including trying to ensure children remain in the school in which they were enrolled at the time of placement when it is in their best interest. Best practice would suggest that decisions be made collaboratively between school personnel, child welfare agencies and any other individual involved in the child's case including the child, resource parent, child advocate and attorney. It is imperative that caseworkers and school district administration and staff work together to help ensure the educational progress of all students.

Under the Pennsylvania Education for Homeless Children and Youth State Plan, homeless children are defined as "children living with a parent in a domestic violence shelter; runaway children and children, and youth who have been abandoned or forced out of their home by parents or other caretakers; and school-aged parents living in houses for school-aged parents if they have no other available living accommodations."

The McKinney-Vento Act states that it is the policy of Congress that state educational agencies shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths 42 U.S.C. § 11431. Specifically, 42 U.S.C. § 11432(g) (3) (A) indicates that the local educational agency (LEA) shall, according to the child's best interest: In accordance with Section 722 (g) (3) (B) (ii), the local educational agency:

1. must presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
2. must consider student-centered factors related to a child's or youth's best interest, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth; or
3. if the LEA determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied

youth, it must provide a written explanation of the reasons for its determination, in a manner and form that is understandable.

According to the McKinney-Vento Act the term "school of origin" means the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

Homeless Students Residing in Shelters, Facilities or Institutions

Section 1306 of the Pennsylvania Public School Code (24 P.S. §13-1306) deals with the public school admission of nonresident students living in shelters, facilities or institutions.

Implementing regulations for Section 1306 are found in Section 11.18 of the State Board of Education regulations. 22 Pa. Code § 11.18 (a) addresses the public school admission of nonresident children who live in an institution, shelter or custodial care facility:

1. *The board of school directors of a school district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall admit to the district's public schools school age children who are living at or assigned to the facility or institution and who are residents of the district or another school district in this Commonwealth.*

22 Pa. Code § 11.18, as it applies to homeless children and youth, includes within the definition of "licensed shelter" those facilities which provide temporary shelter for a specified, limited period of time. Therefore, children in temporary shelters and children who "lack a fixed, regular, adequate night time residence" – homeless children – are entitled to free school privileges from either the school district in which their person or the shelter is located or the school district of origin.

Homeless Students Not Residing in a Shelter, Facility or Institution

Homeless students may reside in hotels, motels, cars, tents or temporarily doubled-up with a resident family because of lack of housing. In determining residence and in the case of homeless children, equating "residence" and "domicile" (home) does not apply. They are presently unable to establish "homes" on a permanent basis. Homeless families are not required to prove residency regarding school enrollment. These students should be enrolled without delay, in the district where they are presently residing or continue their education in the district of prior attendance.

Children experiencing homelessness are often highly mobile and may not stay in the same school district each night or each week. This is particularly true regarding children who stay overnight in vehicles, those who stay with different family members or friends, or those who receive services from agencies, organizations or networks which facilitate overnight accommodations in multiple school districts. These children should not be forced to change school districts every time their overnight accommodations change. Rather, these children are

entitled to attend school in any school district where a parent, guardian, an adult caring for them or where an unaccompanied child:

- Spends the greatest percentage of his or her time; or
- Has a substantial connection such as where he or she is;
 - regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C. 11433(d)) for individuals who are homeless;
 - conducting daily living activities; or
 - staying overnight on a recurring basis.

This policy helps maintain continuity and school stability for homeless children in compliance with the McKinney-Vento Act.

The child or youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is fully resolved by a McKinney-Vento coordinator, state coordinator, through mediation or in court.

School Placement

The McKinney-Vento Act requires that, "local educational agencies will designate an appropriate staff person, who may also be a coordinator for other federal programs, as a local educational agency liaison for homeless children and youth." This person has the following responsibilities:

1. Identify homeless children and youths with assistance by school personnel and through coordination activities with other entities and agencies.
2. Inform parents or guardians of educational rights and related opportunities available to their children, including Head Start programs (including Early Head Start programs), early intervention services under Part C of the IDEA, other preschool programs administered by the LEA, and provide them with meaningful opportunities to participate in the education of their children.
3. Disseminate public notice of the educational rights of homeless students where children and youths receive services under the McKinney-Vento Act (such as schools, family shelters and food pantries).
4. Mediate enrollment disputes in accordance with the Enrollment Dispute section.
5. Inform the parent or guardian of a homeless child, youth and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services.
6. Liaisons are required to ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.
7. Liaisons are required to assist children and youths who do not have documentation of immunizations or medical records to obtain necessary immunizations or necessary medical documentation.

8. Understand the guidance issued by the Pennsylvania Department of Education (PDE) for the education of homeless students and be ready to explain the BEC related to homeless education to school district staff.
9. Get to know the best resources in their community to assist families with referrals for things such as shelter, counseling, food and transportation.
10. Distribute information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff.
11. Provide standard forms and information about enrollment procedures and key school programs to each shelter in their district.
12. Become familiar with the various program materials that are available from PDE.
13. Ensure that public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchen, in a manner and form understandable to the parents and guardians and unaccompanied youth.
14. Liaisons must collaborate with a school district's special education program to ensure that homeless children who are in need of special education and related services are located, identified and evaluated. This is a requirement under the Individual with Disabilities Education Act (IDEA), which mandates that highly mobile children with disabilities, including homeless children, be identified and served. Liaisons should also ensure that homeless youths who have or may have disabilities have a parent or a surrogate parent to make special education or early intervention decisions. In the case of unaccompanied homeless youth, if a student is disabled or may be disabled and the youth does not have a person authorized to make special education decisions, the following people can be temporary surrogate parents: staff in emergency shelters; transitional shelters; independent living programs; street outreach programs; and state, local educational agency or child welfare agency staff involved in the education or care of the child. This rule applies only to unaccompanied homeless youth.
15. Liaisons should also identify preschool-aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should inquire, at the time they are enrolling homeless children and youths in school, whether the family has preschool-aged children.
16. Liaisons can identify unaccompanied homeless youth while respecting their privacy and dignity by providing specific outreach to areas where eligible students who are out of school may congregate.
17. Liaisons ensure that unaccompanied youths are enrolled in school, and have opportunities to meet the same challenging state academic standards as the state establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965, and their right to receive verification of this status from the local liaison.

Appropriate school placement arrangements, based on the child's best interest, should be implemented through the cooperative efforts of the respective chief school administrators. Each case presents a unique set of circumstances and, therefore, requires an individualized

response. In all cases, the LEA shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection, shall attempt to minimize disruptions and shall maintain the highest possible degree of continuity in programs for all homeless students. The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

Homelessness alone is not a reason to separate students from the mainstream school environment. Homeless children and youths should have access to education and other services that they need to ensure that they have an opportunity to meet the same challenging state student performance standards to which all students are held.

In determining the *best interest* of the child or youth under McKinney-Vento Act, the LEA shall:

1. Continue the child's or youth's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
2. Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

The selected school shall immediately enroll the child or youth in school, *even if the child or youth lacks records normally required for enrollment*, such as previous academic records, medical records, proof of residency or other documentation. Section 722 requires that a school selected based on a homeless child's or youth's best interest must immediately enroll such child or youth even if he or she has missed application or enrollment deadlines during any period of homelessness.

The terms "enroll" and "enrollment" are defined as attending classes and participating fully in school activities. The enrolling school must immediately contact the last school attended to obtain relevant records.

In order to ensure immediate enrollment, the LEA liaison is required to: train school enrollment staff about the legal requirement that homeless children and youths be immediately enrolled and provided transportation; review school regulations and policies to ensure that they comply with the McKinney-Vento Act requirements; inform families and youth, in a language they can understand, of their rights; develop clear, understandable and accessible written explanations of decisions and the right to appeal; and expeditiously follow up on any special education or language assistance needs presented by a student.

School/Health Records

The educating district should immediately enroll and begin to provide instruction. The receiving school district may contact the district of origin for oral confirmation that the child has been immunized. Oral confirmation between professionals is a sufficient basis to verify immunization

with written confirmation to follow within 30 days. The instructional program should begin as soon as possible after the enrollment process is initiated and should not be delayed until the procedure is completed. The law specifies that information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information.

According to federal law, "If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison shall assist in obtaining necessary immunizations, or immunization or medical records.

Title I

Title I of the Elementary and Secondary Education Act (reauthorized December 2015 by the Every Student Succeeds Act) mandates that funds be reserved to serve homeless children. Title I states, "A local educational agency shall reserve such funds as are necessary to provide services comparable to those provided to children in schools funded under this part to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live." Under Title I, homeless children are eligible for services if they are attending schools served by an LEA.

Transportation

The state and its LEAs are required to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin. If the homeless student continues to live in the area served by the LEA, that LEA must provide or arrange transportation. If the homeless student moves to an area served by another LEA, though continuing his or her education at the school of origin, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion responsibility and costs for transportation to the school of origin. This includes students enrolled in public school Head Start and Early Head Start education programs. If the LEAs cannot agree upon such a method, the responsibility and costs must be shared equally. Distance, time of year, options available, the effects of a transfer, etc., should all be addressed.

The provision of transportation to the school of origin is based on a students' status as homeless. The provision to remain in the school of origin during the remainder of the academic year is offered to provide for school stability. Local education agencies must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

Fiscal Responsibilities

Fiscal responsibilities apply to all homeless students, whether in regular or special education classes.

The educating district should apply the following criteria when determining fiscal responsibility:

- A. The procedures outlined below will be followed in cases when the education of the child is provided by the district where the homeless student is temporarily living (doubled up, motel, shelter). The procedures shall also apply in cases when the district of prior attendance, where that is not the district the child attended when permanently housed, will educate the child.
 1. Homeless individuals not in facilities (shelters) or institutions, as well as homeless individuals living in hotels, motels, cars, tents, doubled-up with a resident family, shall be reported and reimbursed as resident students;
 2. For homeless individuals in temporary shelters, the educating school district will send a PDE-4605 Determination of District of Residence for Student in Facilities or Institutions in Accordance with Section 1306 of the Pennsylvania Public School Code to the presumed district of residence;
 3. If PDE-4605 is acknowledged by the resident district, the educating district will enter the child on its rolls as a nonresident student from the acknowledging resident school district. The educating district will bill the resident district for tuition and will report membership data according to PDE child accounting procedures; and
 4. If PDE-4605 is disclaimed and a school district of residence cannot be determined, the educating school district should submit a written request to PDE's School Services Office to make a determination regarding the student's "ward of the state" status.
- B. In cases when the education of the child is provided by the district of origin, including preschool children, where that is the district the child attended when permanently housed, that district will continue to educate a homeless student for the period of temporary displacement and should maintain the homeless student on its role as a resident student. When a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. (Section 722(g)(3)(I)).
- C. In cases when the student becomes permanently housed during the academic year and continues in the school of origin, which is not in the district of new residence, the educating district will continue to educate the formerly homeless student, if requested by the student's parent or guardian, until the end of the academic year and should maintain the homeless student on its role as a non-resident student. The educating district should advise the new district of residence of its financial responsibility for this student and send a tuition bill.

Eligibility under the National School Lunch and Breakfast Programs

Effective July 1, 2004, Section 107 of the Child Nutrition and WIC Reauthorization Act of 2004 amended Section 9(b) of the Richard B. Russell National School Lunch Act to make runaway, homeless and migrant children categorically eligible for free meal benefits under the National School Lunch and School Breakfast Programs. The following are guidelines set out by PDE for implementation of this amendment.

1. Homeless, runaway or migratory children are automatically certified as eligible for free meal benefits and can begin receiving free meal benefits upon proper documentation for meals. Please note that documentation as runaway, homeless, or migratory can only be provided by a school district migrant education or homeless education staff.
2. School district migrant education or homeless education staff are responsible for providing proper documentation of a child's status to the food service directors in each school district.

Dispute Resolution Process

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C §11432(g)(1)(C). The state must ensure that LEAs comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A).

PDE has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

Level 1 – A dispute may be raised with a LEA.

If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C.§11432(g)(3)(E)(i). PDE recommends that the parent, guardian or unaccompanied youth who initiates the dispute contact the LEA liaison for individuals experiencing homelessness as soon as possible after receiving notice of the dispute. If the person initiating the dispute does not contact the LEA liaison directly, the LEA shall be responsible for contacting the LEA liaison regarding the dispute as soon as possible and referring the family or youth involved to the liaison.

The LEA liaison shall ensure that the child or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it 42 U.S.C. §11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or

unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. §11432(g)(3)(E)(i).

NOTE: The LEA should use and maintain copies of PDE's "Notice of Procedural Safeguards" form (see attached) which ensures that all LEAs (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute and (c) explains the procedures for challenging the decision of the LEA.

Level 2 – A complaint may be filed with a McKinney-Vento coordinator.

If the parent, guardian or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator. (See attached list which contains contact information for all of the McKinney-Vento coordinators in Pennsylvania). In lieu of filing an appeal with a McKinney-Vento coordinator, a parent, guardian or unaccompanied youth may elect to appeal the LEA decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to taking legal action.

A regional or site coordinator with whom a complaint or appeal is filed must notify the state coordinator immediately. Upon being notified, the state coordinator will review the complaint or appeal and assign it to a site or regional coordinator for disposition. The coordinator to whom the appeal is assigned may contact, interview and accept documentation from any individual or LEA involved, and shall issue a written disposition within 20 business days after the complaint or appeal has been assigned. The disposition shall be provided to the LEA and the parent, guardian or unaccompanied youth involved. The child or youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is resolved or until a disposition from a McKinney-Vento coordinator is received.

The state coordinator may assist in the mediation of disputes directly and may also invite those involved to have the dispute mediated at any time in the process through the Dispute Resolution Program operated by the Commonwealth Office of General Counsel (OGC). The [OGC Dispute Resolution Program](#) is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.

Participating in mediation is not a waiver of the right to file a lawsuit nor is participation in mediation required prior to taking legal action.

Family Resources

United Way
Dial 211
Pa211sw.org

Greater Pittsburgh Community Food Bank
<https://www.pittsburghfoodbank.org/get-help/>
1 N. Linden St.
Duquesne, PA 15110
412-460-3663

Allegheny County Housing Authority
<https://www.achsng.com>
Central Office - 301 Chartiers Avenue, McKees Rocks, PA 15136
HCVP Satellite Office - 500 Amity Street, Homestead, PA 15120

Housing Authority of Pittsburgh
412-456-5000
<https://hacp.org/>
100 Ross Street, 4th Floor Pittsburgh, PA 15219

McKeesport Housing Authority
www.mckha.org
2901 Brownlee Avenue, 2nd Floor McKeesport, PA 15132
412-673-6942

PA Housing Search
<https://www.pahousingsearch.com/>

Housing and Urban Development
<https://www.hud.gov/>

PA Department of Human Services (Formerly Department of Public Welfare)
www.compass.state.pa.us
Emergency Assistance Fund 412-565-2146 Must currently receive assistance from PA DHS (DPW) Examples: SNAP, Medical Assistance, TANF, etc.

Salvation Army
<https://easternusa.salvationarmy.org/western-pennsylvania/>
412-446-1500

FAMILY RESOURCES
www.familyresourcesofpa.org

1425 Forbes Avenue, Suite 500, Pittsburgh, PA 15219
412-363-1702

Customer Assistance Programs Most utility companies have Customer Assistance (CAP) or Customer Assistance Referral and Evaluation Services (CARES) programs that will assist low-income or otherwise needy households with either temporary or long-term reduction in budget payments. Contact your utility company for information:

Peoples Gas: 1-800-400-WARM (9276)

Duquesne Light Company: 1-888-393-7600

Columbia: 1-800-537-7431

Peoples TWP: 1-800-222-5101

First Energy: 1-888-862-6816 (Penelec, Penn Power, West Penn)

PA American Water: 1-888-282-6816

Pittsburgh Water & Sewer Authority: 1-866-762-2348

Low-Income Home Energy Assistance Program (LIHEAP)

<https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx>

412-562-0330 or 1-866-857-7095

24-HOUR CRISIS HOTLINES:

Resolve Crisis Network 1-888-7-YOU-CAN (1-888-796-8226)

333 N. Braddock Ave. Pittsburgh, PA 15208

FAMILY SERVICES OF WESTERN PENNSYLVANIA, INC.

www.fswp.org

3230 William Pitt Way, Pittsburgh, PA 15238

1-888-222-4200

FAMILYLINKS

www.familylinks.org

401 N. Highland Avenue, Pittsburgh, PA 15206 (412) 343-7166

250 Shady Avenue, Pittsburgh, PA 15206 (412) 661-1800

2644 Banksville Road, Pittsburgh, PA 15216 (412) 343-7166

Women's Center and Shelter

www.wcspittsburgh.org

412-687-8005

Womanspace East, Inc.

www.wseinc.org

2000 5th Ave. Pittsburgh, PA 15219

412-765-2661