

## HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

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|  | Students/Families                                                                                            | SF22-0901                                                             |
|                                                                                   | HGMICS Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences Policy | ADOPTED DATE: September 20, 2022<br><br>REVISED DATE: August 18, 2026 |

The Board of Trustees (“Board”) requires that students enrolled at the Howard Gardner Multiple Intelligence Charter School (“Charter School”) attend school daily and on time in accordance with Federal laws and the compulsory attendance laws of the Commonwealth of Pennsylvania.

The Charter School believes that good attendance is essential if students are to achieve and reach their potential. Each day is important for learning. Parents are required to ensure their child maintains good attendance.

### **Compulsory Attendance Requirement**

Under Section 1326 of the Pennsylvania Public School Code, compulsory school age is the period beginning when a child’s parent or guardian elects to have the child enter school, which must be no later than six (6) years of age, and continuing until the child reaches eighteen (18) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered, or approved high school.

A child who reaches six years of age on or before September 1 must enroll in and attend school or begin an approved home education program for that school year. Once a child is enrolled in a public school, including kindergarten, the child is subject to the applicable attendance requirements. A parent or guardian may formally withdraw a child who has not yet reached compulsory school age, consistent with Pennsylvania law and current PDE guidance.

Compulsory attendance requires every child of compulsory school age who is a legal resident of Pennsylvania to attend a day school in which the subjects and activities prescribed by the State Board of Education are taught in English, unless the child qualifies for any of the following exception found in Sections 1327, 1327.1, or 1330 of the 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:
  - a. The child is 15 and has approval from the district superintendent and the Secretary of Education, or
  - b. 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.

### **Attendance Policies**

Each school must adopt a written attendance policy that must be distributed to parents annually. The policy must comply with compulsory attendance laws and must allow the school to determine when a student who is enrolled has an unexcused absence. The policy must also comply with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA).

Copies of the attendance policy should be provided to parents at the beginning of each year and to all new enrollees upon enrollment in the Charter School. The attendance policy should also be posted on the school's publicly accessible website and written in a way that is easily understood by all parents and translated when there are large populations of non-English speaking parents/families. To ensure that parents have dedicated the time necessary to understand the attendance policies, schools should have parents sign a form acknowledging their understanding of the attendance policy.

Each school's attendance policy must address the maximum number of lawful absences verified by parental notification that will be accepted in one school term. For all absences beyond the maximum amount, the policy should state whether it will require an excuse from a physician in order for an absence to be considered lawful.

Schools must determine whether there is a possibility that a child is truant or chronically absent due to a disability or a medical condition and should consider whether to address this topic in their attendance policies. A student who is truant or chronically absent for health-related reasons may be eligible for protections under IDEA or Section 504. If a student with a disability is truant or chronically absent, the school should convene the student's IEP team to determine whether revisions to the student's IEP are necessary or appropriate. In those instances, the administrator responsible for handling truancy-related matters should be a participating member of the IEP team process. A student with a disability who is truant or chronically absent for health-related reasons must still produce a valid excuse for any absence, which may include a written excuse from a physician. However, schools must recognize that students' disabilities may present unique circumstances that might require consideration of other statutory or regulatory provisions or attendance policies. That is, students' federal and state law rights, such as those provided under IDEA, Section 504, or the ADA, may require the school to otherwise diverge from its general attendance policy to ensure that all students with a disability are provided a free and appropriate public education (FAPE).

## **Attendance Records and Lawful Absences**

HGMICS shall maintain accurate attendance records and shall apply its written attendance policy when determining whether a student is present, excused, or unexcused. All unexcused absences shall be reported to the Pennsylvania Department of Education as required for charter schools.

All absences should be treated as unlawful until the school receives a written excuse explaining the reason(s) for an absence. Pursuant to the school's attendance policy, parents and students should submit the written explanation within the defined time period delineated in the attendance policy. Schools should immediately inform parents in writing upon each incident of unlawful absence. Parents should further be informed that if a written excuse is not provided within the defined time, the absence will be permanently counted as unlawful. If a parent is neglectful in providing a written excuse for an absence or fails to provide the notification in a timely fashion, reasonable allowance should be made to accept the parent's explanation for the child's absence prior to the initiation of any compulsory attendance proceeding.

Pennsylvania law broadly defines absences as excused when a student is prevented from attendance for mental, physical, or other urgent reasons. An absence is lawful when a student is dismissed during school hours by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or designee or if the student is absent to obtain professional health care or therapy care service rendered by a licensed practitioner in the healing arts. Additionally, schools should consider illness, family emergency, death of a family member, medical or dental appointments, authorized school activities, and educational travel with prior approval as lawful absences. An absence that requires a student to leave school for the purposes of attending court hearings related to their involvement with a county children and youth agency or juvenile probation may not be categorized as unlawful.

An out-of-school suspension is recorded as an absence for attendance and chronic-absence reporting purposes, but it shall not be treated as an unexcused absence for truancy purposes. HGMICS shall not impose an out-of-school suspension, expulsion, disciplinary reassignment, or transfer as a consequence 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 that 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 711 when disenrolling a student with an IEP.

## **Reports of Attendance in Schools**

Every charter school principal or teacher in a public 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.

## **Tuancy Definitions**

**Tuant.** A child is “truant” if the child is subject to compulsory attendance and has incurred three (3) or more school days of unexcused absence during the current school year. An unexcused absence is any absence from school without an acceptable excuse (as articulated in the Charter School’s Student/Parent Handbook), or without any reason at all. This also includes any student who leaves class without the permission of the teacher. An out-of-school suspension shall be considered an excused absence.

**Habitually truant.** A child is habitually truant when the child is subject to compulsory school attendance and has incurred six (6) or more school days of unexcused absence during the current school year.

A classroom cut, leaving a class without permission, tardiness, or another partial-day attendance issue may be addressed under the Student Code of Conduct and HGMICS attendance procedures. Such conduct shall not automatically be counted as a full school day of unexcused absence unless the school’s written attendance policy lawfully defines and calculates an equivalent absence.

## **Response to Unexcused Absences**

Charter Schools are responsible for enforcing compulsory attendance laws. An intensive and timely response to truancy is critical. In accordance with applicable state law, traditional truancy prosecutions are disfavored and should be used only when other less punitive measures have proven unsuccessful.

## **First and Second Unexcused Absences**

As an HGMICS attendance-support procedure, the school shall notify the person in parental relation after the first and second unexcused absences. These early notices are intended to identify barriers, provide a school contact, and prevent continued absence. This early-notice practice is an HGMICS procedure; Pennsylvania law specifically mandates the formal written truancy notice after the third unexcused absence.

## **Third Unexcused Absence: Formal Truancy Notice**

Within ten school days of a child’s third unexcused absence, HGMICS shall provide written notice to the person in parental relation who resides in the same household as the child. The notice shall:

- Describe the consequences that will follow if the child becomes habitually truant.
- Be provided in the mode and language of communication preferred by the person in parental relation.
- Explain that a habitually truant student may not transfer during the school year to a cyber charter school unless a judge determines that the transfer is in the student’s educational best interest.
- Include state and local resources to help the student return to compliant compulsory attendance and access opportunities for academic recovery.
- **Beginning October 10, 2026, include the standardized notice developed by the Administrative Office of Pennsylvania Courts, in consultation with PDE, explaining the right to request an educational best interest hearing if the child becomes habitually truant.**
- May include an offer of a School Attendance Improvement Conference.

## **School Attendance Improvement Conference**

If the child incurs an additional unexcused absence after HGMICS issues the formal truancy notice, HGMICS shall offer the child and the person in parental relation a School Attendance Improvement Conference (SAIC), unless a conference was previously held after the notice.

The purpose of the SAIC is to examine the child's absences and the reasons for the absences and to identify supports and strategies that will improve attendance. HGMICS shall invite:

- The child.
- The child's person in parental relation.
- Other individuals identified by the person in parental relation who may be a resource. •

Appropriate school personnel.

- Recommended service providers.

Neither the child nor the person in parental relation is legally required to attend. HGMICS shall make reasonable efforts to conduct the conference with the person in parental relation present. If the person declines or fails to attend after advance written notice and reasonable telephone outreach, HGMICS shall hold the conference and proceed without that individual. The school must hold the SAIC conference even if the person in parental relation declines to participate or fails to attend after the school provides advance written notice and makes attempts to communicate with the individual via telephone. Additionally, the 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 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 must use the School Attendance Improvement Plan Form (Word) created by PDE 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

### **School Attendance Improvement Plan**

HGMICS shall document the outcome of the SAIP in a written School Attendance Improvement Plan (SAIP) using the PDE form or a substantially similar form. The SAIP should identify the causes of the absences; appropriate academic, social, behavioral, health, transportation, and community supports; the responsibilities of the student, family, and school; and a method and schedule for monitoring attendance progress.

The school should develop the plan collaboratively whenever possible. Parent or student agreement is not required for HGMICS to document, implement, and monitor the plan after providing the required notice and opportunity to participate.

Effective August 1, 2026, HGMICS shall provide a SAIP to every student who meets the definition of habitually truant and shall continue to pursue remedies to address the student's habitual truancy until the student is no longer truant or is no longer of compulsory school age. This responsibility applies even when the student accumulated some or all of the unexcused absences at another Pennsylvania school before enrolling at

HGMICS.

A SAIP may not include expulsion, out-of-school suspension, disciplinary reassignment, or transfer to an Alternative Education for Disruptive Youth (AEDY) program as a response to truant behavior. An in-school suspension is not considered a disciplinary reassignment, but it should not be used in a manner that creates an additional attendance barrier.

### **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.

### **Procedure when child is under 15 years of age:**

When a child is habitually truant and under fifteen (15) years of age at the time of referral, the Charter School:

(1) Shall refer the child to either of the following:

- (i) A school-based or community-based attendance improvement program; or
- (ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

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.

### **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.

**Ten Consecutive Days of Absence**

A student who is absent for ten consecutive school days shall be removed from the active membership roll unless HGMICS has received evidence that the absence may be legally excused or compulsory-attendance prosecution has been or is being pursued. When a student is removed, HGMICS shall notify the student's school district of residence and transmit records as required.

Standard disenrollment procedures shall not be applied mechanically to a student with an IEP. HGMICS shall comply with the Individuals with Disabilities Education Act and applicable Pennsylvania special education regulations before disenrolling a student with a disability.

**Students with Disabilities**

A student who is truant or chronically absent for health-related reasons may be eligible for protections under IDEA or Section 504. If a student with a disability is truant or chronically absent, the Charter School shall convene the student's IEP team to determine whether revisions to the student's IEP are necessary or appropriate. In those instances, the administrator responsible for handling truancy-related matters shall be a participating member of the IEP team process. A student with a disability who is truant or chronically absent for health related reasons must still produce a valid excuse for any absence, which may include a written excuse from a physician.

However, schools must recognize that students' disabilities may present unique circumstances that might require consideration of other statutory or regulatory provisions or attendance policies. That is, students' federal and state law rights, such as those provided under IDEA, Section 504, or the ADA, may require the Charter School to otherwise diverge from its general attendance policy in order to ensure that all students with a disability are provided a free and appropriate public education (FAPE).

**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.

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.

### **Homeless Students**

Under the McKinney-Vento Homeless Assistance Act, HGMICS shall remove barriers to the enrollment, attendance, retention, and educational success of children and youth experiencing homelessness. 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, the Charter School 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 Charter School should clarify which entity (school of origin, school of residence, etc.) is responsible for complying with the compulsory attendance laws.

In addition, the Charter school should consider, through inclusion of its Homeless Liaison, whether it is appropriate to file a citation 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.

### **Documentation and Confidentiality**

HGMICS shall maintain accurate records of attendance, absence notices, family communications, outreach attempts, SAIC invitations and attendance, SAIPs, referrals, and court filings. Attendance records and related student information shall be maintained and disclosed in accordance with the Family Educational Rights and Privacy Act (FERPA), Pennsylvania law, and HGMICS records policies.

### **Creating Partnerships to Keep Children in School**

Every 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 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.

School personnel designated to inform parents of truancy should do so with the primary goal of improving the child's attendance. Although information must be shared with parents about the consequences and penalties associated with violation of state law and school board attendance requirements, school attendance improvement should be the overarching theme of communication with a person in parental relation. Non-attendance information should be shared in a factual, non-threatening manner. Schools should document and maintain a record of all communications, including emails, telephone calls, written correspondence, and any other documents used.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE CHARTER SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**