



“Obligations of School Districts to Address Truancy of Special Education Students”

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School Districts are frequently faced with the dilemma of programming for a special education student that is refusing to come to school, whereby, the student is violating compulsory attendance requirements. Filing truancy charges against a student and his/her family can lead to significant punitive consequences to the family, often resulting in no effect on the actual truant behavior. Before a school district files truancy charges against the student and his/her family, it is necessary for alternative approaches to be utilized first. This is particularly important for students that have been identified with special education needs.

As the Pennsylvania Department of Education points out in the Basic Education Circular titled “Compulsory Attendance and Truancy Elimination Plan” (24 P.S. 13-1327), students are truant for a variety of reasons. The Pennsylvania Department of Education strongly encourages school districts to gain an understanding of the reasoning behind a student’s truancy and attempt to address the issues behind the truant behaviors. School districts are further advised by the Pennsylvania Department of Education to make every effort to eliminate the truant behavior and reduce referrals to the courts in order to intervene and eliminate truant behavior. The development of a “Truancy Elimination Plan” is recommended by the Pennsylvania Department of Education. Such a plan should include a review of: 1) the appropriateness of the student’s educational placement; 2) the student’s current academic difficulties; 3) the student’s physical or behavioral health issues; and 4) and family or environment concerns. It is important to recognize that these recommendations from the Pennsylvania Department of Education are for regular education students as well.

For students identified with special education needs (or having potential special education needs), further requirements are provided by the Individuals with Disabilities Education Act (IDEA). School Districts are required to comprehensively assess a student with special education needs in all areas related to the child’s disability or suspected disability, including the student’s functional performance and social/emotional functioning. Truancy is related to the student’s functional performance and social/emotional functioning. Thus, if a student with special education needs (or suspected special education needs) is truant, the school district must conduct social/emotional assessments and a Functional Behavioral Assessment in order to determine the reason behind the truant behavior. Results of these assessments should be utilized to develop an appropriate Positive Behavior Support Plan to address the truant behavior.

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