

WHAT IS ACT 38?

Quick Facts on Act 138

On November 3, 2016, Governor Tom Wolf signed into effect **Act 138 of 2016**, which provides further clarification on key terms related to truancy. Act 138 of 2016 went into effect immediately, and applies to the 2017-2018 school year and all subsequent school years.

Act 138 of 2016 was signed into law for the purpose of improving school attendance and deterring truancy by utilizing a comprehensive approach to identify and address attendance issues as early as possible utilizing credible intervention techniques. The intent of the act is to preserve the unity of the family whenever possible as the underlying issues of truancy are addressed, as well as to avoid the loss of housing, the possible entry of a child to foster care and other unintended consequences of disruption of an intact family unit (The Pennsylvania Public School Code of 1949 Article 13, Section 1325, amended by Act 138 of 2016).

Key Truancy Terms:

Truant: The first notice of Truancy is given after a **child's third unexcused absence**. It is defined as, "having incurred three or more school days of unexcused absences during the **current** school year by a child subject to compulsory school attendance."

Habitually Truant: "**Six (6) or more** school days of unexcused absences during the **current** school year by the child subject to compulsory school attendance under the article." (PA Public School code of 1949 Section 1333, amended by Act 138 of 2016*)

- It is important to emphasize that each school district in Pennsylvania is responsible for determining the validity of excuses and developing clear written policies regarding absences.