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AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

NAACP and PILCOP Report Dramatic Reduction in Lebanon Truancy Fines

The Public Interest Law Center of Philadelphia and the Lebanon NAACP announce that an analysis of court records for truancy fines in the Lebanon School District in the last 2010-11 school year shows that the Magistrate Judges have stopped issuing fines in excess of \$300, and have reduced 91% of the excessive fines originally imposed that were still outstanding, wiping out more than \$450,000 in truancy fines owed by parents. In addition the total fines imposed last year are less than 43% of the fines imposed two years ago. Although the School District has made a significant reduction in the number of trancies taken to court, it has continued to oppose repaying any of the excessive fines paid over to them, totaling about \$108,000.

“We welcome the actions of the district judges. It is clear that they are attempting to fix the consequences of their prior improper fines. In light of that action we think it is particularly deplorable that the School District is continuing to hold on to the excessive fines which were paid over to them. This merely punishes the people who were able to promptly pay their fines,” said Jerome Mondesire, president of the NAACP Statewide Conference.

Following the protest of the Lebanon NAACP in November 2009 and a federal class action filed in January 2011 the School District has reduced the number of truancy summons it filed in court by 25%, from 1630 summons for offenses for the school year 2008-09 to 1231 summons for truancy during the 2010-11 school year. The NAACP continues to note that despite recommendations by the state Department of Education that schools arrange conferences with parents before turning to the courts to reduce truancy, in the Lebanon district that rarely if ever happens. According to the district’s truancy officers they routinely file truancy summons whether or not the school has scheduled any meeting with the parents of the absent student.

The reduction in the amount of fines imposed by the courts has been even more dramatic. Fines imposed by District Magistrate Judges Dissinger and Capello in 2008-09 for truancy totaled more than \$300,000 according to court records provided to the Law Center. Fines imposed during this last school year only totaled \$128,595, less than 43% of the previous amount. These reductions reflect both the fact that the judges are imposing lower fines as well as fewer cases. No parents were subjected to a fine in excess of \$300 in the last school year.

In the most dramatic development, review of the court records show that the two District Judges continued to adjust the fines previously imposed for amounts in excess of \$300 in violation of state law. It appears that out of the 1052 fines identified by the Law Center in excess of \$300 since 2004, the courts



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reduced 91% of the fines which were still outstanding, wiping out more than \$450,000 in truancy fines. There has been no explanation of why the remaining 9%, being 62 fines involving 30 persons, have not been reduced.

Total fines in excess of \$300	1,052
Fines paid off in whole	328
Fines with some outstanding balance due	724
Fines reduced by courts	662
Remaining fines in excess of \$300	62

Although the courts have clearly indicated by their actions that the fines above \$300 were not in accordance with the state truancy law, the Lebanon School District continues to fight the class action brought by the NAACP and the Law Center seeking refunds from the District of the 350 fines with payments in excess of \$300 paid by parents before the courts started reducing the improper fines. The Law Center estimates that the Lebanon School District has received \$108,000 in payments which exceeded the maximum \$300 that the District was entitled to collect under state truancy law. A federal magistrate judge has denied the school district's motion to dismiss the class action filed by the NAACP and four parents and the District has appealed that decision to the federal District Court. The matter is pending before Chief Judge Yvette Kane.

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