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July 10, 2015

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Mr. Seth Williams
Philadelphia District Attorney's Office
3 South Penn Square
Philadelphia, PA 19107
Sent Via Fax: (215) 686-8028

Ms. Karyn Lynch, Director of Student Services
School District of Philadelphia
440 Broad Street
Philadelphia, PA 19130
Sent Via Fax: (215) 400-4181

RE: Truancy

Dear Mr. Williams and Ms. Lynch:

We write to address the recently publicized plan of the District Attorney's office to become involved in truancy matters and the Philadelphia School District's response concerning privacy laws that prevent such involvement. We agree with both entities that students should be in school but we disagree on how that is best accomplished. Our view, based on considerable research, is that positive support strategies are more likely to reduce truancy than punitive measures.

Truancy has been a concern in many states for many years. Most states have moved towards the use of positive behavioral supports, and away from punishment of the student and/or parent. Why? It doesn't work, particularly for students with disabilities. See, e.g. Dakota County, Minnesota (use of diversion programming and dialogues with positive approaches). In the Comeback States Reportⁱ, six states (California, Connecticut, Illinois, Ohio, Mississippi, New York, Texas, Washington, Wisconsin) have reduced incarceration of juveniles by adopting positive principles that are focused on avoiding jail time and improving services. Texas, which has tried the harsh, punitive approach is moving away from that; as a former Texas Superintendent, Gerry House explained: “

“It's important to get to the root of why students aren't coming to school and be able to align the solution with the problem. If you take the punitive approach, more than likely you're not going to see any improvement in the attendance.”

Indeed, the current trend seems away from punitive measures. Some states have sought to put a larger gap between truancy referrals and penalties for parents and students; instead, Texasⁱⁱ, Arizonaⁱⁱⁱ, Connecticut^{iv} and other states who are steadily walking back on criminalization of truant students and their families, have seen promising increases in

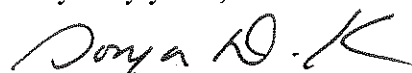
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truancy referrals to positive programs, such as parenting classes, counseling, and food banks, and decreases in poor attendance.

We would be happy to assist in the beginning of a meaningful dialogue with the District and the District Attorney's office to work towards positive strategies to reach our shared goal: increasing student attendance.

We enclose the Comeback States Report for your convenience and we look forward to hearing from you.

Very truly yours,



Sonja D. Kerr
Director, Disability Rights

¹ National Juvenile Justice Network, "The Comeback States Report," December 18, 2013; accessed at www.njjn.org/uploads/digital-library/Comeback-States-Report_FINAL.pdf

¹Thottam, Jyoti. "How San Antonio is solving the truancy problem," June 2, 2015; accessed at <http://america.aljazeera.com/articles/2015/6/2/how-san-antonio-is-solving-the-truancy-problem.html>

¹ The ACT Now program. Juvenile Justice Bulletin. September 2001; accessed at https://www.ncjrs.gov/html/ojjdp/jjbul2001_9_1/page2.html

¹ Analysis of school absences by district between the 2011-2012 and 2012-2013 school years showed a decrease in chronic absences in 64 of 169 districts in Connecticut.