

TESTIMONY OF MICHAEL CHURCHILL

MARCH 15, 2010

Thank you for allowing me to testify today on proposed SB 99. I am a lawyer at the Public Interest Law Center of Philadelphia and have been active in protecting civil rights for more than 45 years. I want to address the part of SB99 that would impose jail terms and increased fines on parents of truant school children. As chance may have it, I have been investigating the use of courts to punish parents of truant students for the last half year at the request of the NAACPP in the real life world of Lebanon Pa. We will shortly be releasing a full report on the situation there, but I can share much of the information and conclusions with you.

Imposing large fines on poor parents and threatening or putting them in jail does not eliminate or appear to reduce truancy. In fact it allows school districts to avoid working with parents to develop truancy elimination plans, as recommended by the state Department of Education. Instead they just go to court. In Lebanon City School District, with 4500 students, the District and courts imposed almost 1500 fines for a total of \$498,000 in fines and court costs last school year. For some families the fines totaled more than \$10,000 and they will be paying them for years at a rate of \$50 per month. And when

the parent cannot pay the fines, she goes to jail. I say 'she' deliberately, for I know of three single mothers who spent more than 58 days in jail last year, including one who was there for 85 days for failure to pay her fines, and in at least one case the county had to pay for foster care to take care of her children while the mother was in jail. It should not surprise you that all of the single women who went to jail were Hispanic or African American. This is a school board which does not have a single Hispanic or African American member and a school population which is more than 55 percent Hispanic and African American.

The saddest part of this campaign of fines and jail is that it has not reduced truancy. Although the aggressive use of the courts has been going on for 5 years there is no evidence of a reduction in truancy.

You should understand that truancy fines are already used frequently outside of Philadelphia. Even though the fine is limited to \$300, for habitual truants this can become a substantial amount. According to records from the Administrative Office of Pennsylvania Courts, last year the courts outside of Philadelphia imposed fines and costs totaling \$6,790,000 in connection with 35,355 citations for truancy, and the courts heard another 34,000 truancy cases where no fines or costs were imposed or the charges withdrawn. Almost

all of these cases were against a parent, rather than the child. There just isn't any evidence in the face of all these fines already being imposed that increasing the penalty will increase attendance and decrease truancy. And goodness knows, we don't need to fill our expensive and over-crowded jails with any more non-violent offenders who will lose their jobs and have trouble paying their rent while in jail because someone thinks they can be better parents.

Finally, given the 35,000 convictions for truancy last year outside of Philadelphia, prosecutors will have 35,000 cases where a court has already decided that the parent has not acted appropriately to get their child to school and therefore they will have 35,000 decisions to make whether the parent deserves to go into a diversion program. Besides the amount of resources necessary to make these decisions in a non-arbitrary and thoughtful manner, this will move the discussions by parents of the problems they are having with their children from the school district to the prosecutor's staff. That is not as likely to be helpful in actually reducing truancy: we should be in the business of encouraging parents engaging with school personnel, not discouraging it by having districts say "go talk to the DA about it".

I do not mean to minimize the problem of habitual truancy, and the high price the student and the rest of society ends up paying when students do not attend school. But I don't think this tool will solve that problem, and I know that it will give some school administrators yet another way to harass and intimidate parents who do not look like them, parents who can ill afford to even stand up to administrators who threaten them with the possibility of the fines and imprisonment proposed in this bill.

I would urge this committee to consider incorporating into the statute the Department of Education's recommendation that districts develop Truancy Elimination Plans with parents before going to court, and requiring parents to attend such a planning conference. I would also urge the legislature require the Department to develop additional recommendations for legislation based on actual experiences of districts throughout the state.