



Senate Education Committee

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SB359-AMENDMENT A06231

SUMMARY

The amendment guts the bill and replaces it with the following:

Clarifies truancy procedures. Establishes notice requirements. Provides for case referral to the local children and youth agency or the magisterial district judge.

Requires schools to offer families a student attendance improvement conference before beginning legal proceedings against the student or the parent.

Organizes and clarifies the compulsory attendance enforcement procedures to ensure that all potential penalties are optional and allows magisterial district judges' discretion in enforcing compliance.

Changes truancy requirements for charter and cyber charter schools and permits them to develop those policies independent of the local school district.

Adds definitions of "truant" and "habitually truant" to provide a uniform definition of truancy statewide. "Truant" is defined as three unexcused absences in a school year; "habitually truant" is defined as six or more unexcused absences in a school year.

Adds a definition of "person in parental relation" to clarify which persons having responsibility for a child are required to ensure compulsory attendance.

Adds a definition of "school," "school day," and "school year". The addition of the term "school year" is intended to clarify that the truancy provisions of the Public School Code apply to all educational entities.

Adds a new section to allow charter and cyber charter schools to develop attendance policies which may differ from the policy of the home school district of the child. Requires PDE to consult with cyber charter schools and develop guidelines for alternative methods of calculating unexcused absences to determine whether a child enrolled in cyber charter school has an unexcused absence.

Requires charter and cyber charter schools to report truancy to the Department of Education via the annual Pennsylvania Information Management System (PIMS). Requires charter and cyber charter schools to be responsible for filing citations for truancy directly with the magisterial district judge, rather than through the student's school district of residence. Clarifies that the venue for filing a citation shall be based upon the residence of the child. Permits cyber charter schools to participate in these proceedings via video conference call.

Organizes and clarifies the procedures to be followed when a student is first truant, and then additional steps if the student becomes habitually truant.

Requires that schools offer a school attendance improvement conference to the student and the person in parental relation to the child if the child continues to be truant following notification of the child's third unexcused absence. If a school attendance improvement conference is scheduled, further legal action is suspended until after the date of the conference has passed. A definition of "school attendance improvement conference" is added.

When a child is habitually truant and under the age of 15, permits the school to refer the child to either a school or community-based attendance improvement program or to the county children and youth agency for services or for possible disposition as a dependent child. Also permits the school to file against the person in parental relation to the child who resides in the same household as the child.

Organizes and clarifies the penalties for violating the compulsory attendance law. Clarifies that fines, community service, attendance at a course or program designed to improve school attendance, and loss of driving privileges are all options for a magisterial district judge to use in an attempt to enforce compliance with the compulsory attendance law.

This amendment is the result of the report of the Truancy Advisory Committee of the Joint State Government Commission and the AOPC's Educational Success and Truancy Prevention Workgroup.