

## LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1907

Sponsor:

Printer's No. 3199

1 Amend Bill, page 1, lines 1 through 13, by striking out all  
2 of said lines and inserting  
3 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
4 act relating to the public school system, including certain  
5 provisions applicable as well to private and parochial  
6 schools; amending, revising, consolidating and changing the  
7 laws relating thereto," in pupils and attendance, providing  
8 for purpose, further providing for definitions, providing for  
9 attendance policy at charter, regional charter and cyber  
10 charter schools, further providing for excuses from attending  
11 school and for penalties for violation of compulsory  
12 attendance requirements, providing for procedure by school  
13 when child habitually truant, for procedure upon filing of  
14 citation, for penalties for violating compulsory school  
15 attendance requirements and for study of truancy procedure  
16 and repealing provisions relating to suspension of operating  
17 privilege; in charter schools, further providing for  
18 provisions applicable to charter schools and for  
19 applicability of other provisions of this act and of other  
20 acts and regulations; and, in disruptive student programs,  
21 further providing for definitions.

22 Amend Bill, page 1, lines 16 through 21; pages 2 through 17,  
23 lines 1 through 30; page 18, lines 1 through 14; by striking out  
24 all of said lines on said pages and inserting

25 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
26 as the Public School Code of 1949, is amended by adding a  
27 section after Article XIII, subdivision (b) heading to read:

28 Section 1325. Purpose.--The purpose of this subdivision is  
29 to improve school attendance and deter truancy through a  
30 comprehensive approach to consistently identify and address  
31 attendance issues as early as possible with credible  
32 intervention techniques in order to:

33 (1) Preserve the unity of the family whenever possible as  
34 the underlying issues of truancy are addressed.

35 (2) Avoid the loss of housing, the possible entry of a child

1 to foster care and other unintended consequences of disruption  
2 of an intact family unit.

3 (3) Confine a person in parental relation to a child who is  
4 habitually truant only as a last resort and for a minimum amount  
5 of time.

6 Section 2. Section 1326 of the act is amended to read:

7 Section 1326. Definitions.--[The term "compulsory school  
8 age," as hereinafter used, shall mean the period of a child's  
9 life from the time the child's parents elect to have the child  
10 enter school, which shall be not later than at the age of eight  
11 (8) years, until the age of seventeen (17) years. The term shall  
12 not include any child who holds a certificate of graduation from  
13 a regularly accredited senior high school.

14 The term "migratory child," wherever used in this subdivision  
15 of this article, shall include any child domiciled temporarily  
16 in any school district for the purpose of seasonal employment,  
17 but not acquiring residence therein, and any child accompanying  
18 his parent or guardian who is so domiciled.] When used in this  
19 article, the following words and phrases shall have the  
20 following meanings:

21 "Citation" shall mean a nontraffic citation or private  
22 criminal complaint.

23 "Compulsory school age" shall mean the period of a child's  
24 life from the time the child's parents elect to have the child  
25 enter school and which shall be no later than eight (8) years of  
26 age until the child reaches seventeen (17) years of age. The  
27 term does not include a child who holds a certificate of  
28 graduation from a regularly accredited, licensed, registered or  
29 approved high school.

30 "Conviction" shall mean a conviction under section 1333.2 for  
31 violation of the requirement for compulsory school attendance.

32 "Court" shall mean a magisterial district court, the  
33 Philadelphia Municipal Court or a court of common pleas.

34 "Department" shall mean the Department of Education of the  
35 Commonwealth.

36 "Educational entity" shall mean a public school district,  
37 nonpublic school or area vocational-technical school.

38 "Excused absence" shall mean an absence from school which is  
39 permitted under section 1329.

40 "Governing body" shall mean the board of school directors of  
41 a school district or any other governing entity of a school.

42 "Habitually truant" shall mean six (6) or more school days of  
43 unexcused absences during the current school year by a child  
44 subject to compulsory school attendance under this article.

45 "Judge" shall mean a magisterial district judge, a municipal  
46 court judge or a judge of a court of common pleas.

47 "Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63  
48 (relating to juvenile matters).

49 "Migratory child" shall mean a child domiciled temporarily in  
50 a school district for the purpose of seasonal employment, but  
51 not acquiring residence therein, and a child accompanying his or

1 her person in parental relation who is so domiciled.  
2 "Offense" shall mean each citation filed under section 1333.1  
3 for a violation of the requirement for compulsory school  
4 attendance under this article regardless of the number of  
5 unexcused absences alleged in the citation.  
6 "Person in parental relation" shall mean a:  
7 (1) Custodial biological or adoptive parent.  
8 (2) Noncustodial biological or adoptive parent.  
9 (3) Guardian of the person of a child.  
10 (4) Person with whom a child lives and who is acting in a  
11 parental role of a child.  
12 This definition shall not include any county agency or person  
13 acting as an agent of the county agency in the jurisdiction of a  
14 dependent child defined under 42 Pa.C.S. § 6302 (relating to  
15 definitions). This definition shall not expand the right of a  
16 child under any other section of this act.  
17 "School" shall mean the educational entity in which the child  
18 is enrolled.  
19 "School attendance improvement conference" shall mean a  
20 conference where the child's absences and reasons for the  
21 absences are examined in an effort to improve attendance, with  
22 or without additional services. The following individuals shall  
23 be invited to the conference:  
24 (1) The child.  
25 (2) The child's person in parental relation.  
26 (3) Other individuals identified by the person in parental  
27 relation who may be a resource.  
28 (4) Appropriate school personnel.  
29 (5) Recommended service providers.  
30 "School day" shall mean the length of time that a child  
31 subject to compulsory school attendance is expected to be  
32 receiving instruction during a calendar day, as determined by  
33 the governing body.  
34 "School-based or community-based attendance improvement  
35 program" shall mean a program designed to improve school  
36 attendance by seeking to identify and address the underlying  
37 reasons for a child's absences. The term may include an  
38 educational assignment in an alternative education program,  
39 provided the program does not include a program for disruptive  
40 youth established pursuant to Article XIX-C.  
41 "School year" shall have the same meaning as "school term" as  
42 defined in section 102, as applicable to a school district, and  
43 as further defined in section 1327(b) for a day school which is  
44 operated by a bona fide church or other religious body, section  
45 1327.1(c) for a day school or boarding school accredited by an  
46 accrediting association which is approved by the State Board of  
47 Education, section 1327.1(d) for a home education program,  
48 sections 1501 and 1504 for a public school or a school district,  
49 section 1715-A(9) for a charter school, section 1749-A(a)(1) for  
50 a cyber charter school and section 1718-A(c) for a regional  
51 charter school.

1 "Truant" shall mean having incurred three (3) or more school  
2 days of unexcused absences during the current school year by a  
3 child subject to compulsory school attendance under this  
4 article.

5 "Unexcused absence" shall mean an absence from school which  
6 is not permitted by the provisions of section 1329 and for which  
7 an approved explanation has not been submitted within the time  
8 period and in the manner prescribed by the governing body. An  
9 out-of-school suspension may not be considered an unexcused  
10 absence.

11 Section 3. The act is amended by adding a section to read:

12 Section 1327.2. Attendance Policy at Charter, Regional  
13 Charter and Cyber Charter Schools.--(a) Each charter, regional  
14 charter and cyber charter school shall establish an attendance  
15 policy designed to accurately determine when a child who is  
16 enrolled in a charter, regional charter or cyber charter school  
17 has an unexcused absence, which may differ from the policy of  
18 the school district in which the child resides. The policy must  
19 conform to the provisions of this act relating to compulsory  
20 attendance.

21 (b) Notwithstanding section 1333.2(a), in the case of a  
22 child enrolled in a cyber charter school the venue for the  
23 filing of a citation under section 1333.1 shall be based upon  
24 the residence of the child. A cyber charter school may  
25 participate in a proceeding under sections 1333.1, 1333.2 and  
26 1333.3 in person, by phone conferencing, by video conferencing  
27 or by any other electronic means.

28 (c) Charter, regional charter and cyber charter schools  
29 shall report unexcused absences directly to the department  
30 annually through the Pennsylvania Information Management System  
31 (PIMS).

32 Section 4. Section 1329 of the act is amended by adding  
33 subsections to read:

34 Section 1329. Excuses from Attending School.--\* \* \*

35 (c) If a student is dismissed from school during school  
36 hours for health-related reasons by a certified school nurse,  
37 registered nurse, licensed practical nurse or a school  
38 administrator or designee employed by the school district, the  
39 student's absence from school shall be deemed excused.

40 (d) Notwithstanding any provision of law to the contrary, a  
41 student shall be excused during school hours for the purpose of  
42 obtaining professional health care or therapy service rendered  
43 by a licensed practitioner of the healing arts in any state,  
44 commonwealth or territory.

45 (e) The Department of Education shall provide guidance,  
46 resources and strategies for families, schools and students  
47 related to students with chronic health conditions which shall  
48 be posted on the department's publicly accessible Internet  
49 website.

50 Section 5. Section 1333 of the act, amended November 17,  
51 1995 (1st Sp.Sess. P.L.1110, No.29), is amended to read:

1 Section 1333. [Penalties for Violation of Compulsory  
2 Attendance Requirements.--(a) (1) Every parent, guardian, or  
3 person in parental relation, having control or charge of any  
4 child or children of compulsory school age, who shall fail to  
5 comply with the provisions of this act regarding compulsory  
6 attendance, shall on summary conviction thereof, be sentenced to  
7 pay a fine, for the benefit of the school district in which such  
8 offending person resides, not exceeding three hundred dollars  
9 (\$300) and to pay court costs or be sentenced to complete a  
10 parenting education program offered and operated by a local  
11 school district, medical institution or other community  
12 resources, and, in default of the payment of such fine and costs  
13 or completion of the parenting program by the person so  
14 offending, shall be sentenced to the county jail for a period  
15 not exceeding five (5) days. Any person sentenced to pay any  
16 such fine may appeal to the court of common pleas of the proper  
17 county, upon entering into a recognizance, with one or more  
18 proper sureties, in double the amount of penalty and costs.  
19 Before any proceedings are instituted against any parent,  
20 guardian, or person in parental relation, for failure to comply  
21 with the provisions of this act, the district superintendent,  
22 attendance officer, or secretary of the board of school  
23 directors, shall give the offending person three (3) days'  
24 written notice of such violation. If, after such notice has been  
25 given, the provisions of this act regarding compulsory  
26 attendance are again violated by the persons so notified, at any  
27 time during the term of compulsory attendance, such person, so  
28 again offending, shall be liable under the provisions of this  
29 section without further notice.

30 (2) The child and every parent, guardian or person in  
31 parental relation must appear at a hearing established by the  
32 district justice. If the parent, guardian or person in parental  
33 relation charged with a summary offense under this subsection  
34 shows that he or she took every reasonable step to insure  
35 attendance of the child at school, he or she shall not be  
36 convicted of the summary offense.

37 (3) Upon a summary conviction, the district justice may  
38 suspend, in whole or in part, a sentence in which a parent,  
39 guardian or person in parental relation is summoned to pay as  
40 required under this section: Provided, That the child no longer  
41 is habitually truant from school without justification.

42 (4) In lieu of or in addition to any other sentence imposed  
43 under this section, the district justice may order the parent,  
44 guardian or person in parental relation to perform community  
45 service in the school district in which the offending child  
46 resides for a period not to exceed six (6) months.

47 (b) (1) If the parent, guardian or person in parental  
48 relation is not convicted of a summary offense because he or she  
49 took every reasonable step to insure attendance of the child at  
50 school, a child of compulsory school age who has attained the  
51 age of thirteen (13) years and fails to comply with the

1 provisions of this act regarding compulsory attendance or who is  
2 habitually truant from school without justification commits a  
3 summary offense and except as provided in clause (4) shall, upon  
4 conviction, be sentenced to pay a fine not exceeding three  
5 hundred dollars (\$300) for each offense for the benefit of the  
6 school district in which such offending child resides or shall  
7 be assigned to an adjudication alternative program pursuant to  
8 42 Pa.C.S. § 1520 (relating to adjudication alternative  
9 program).

10 (2) For any child who has attained the age of thirteen (13)  
11 years who fails to pay the fine under clause (1) or to comply  
12 with the adjudication alternative program, the district justice  
13 may allege the child to be dependent under 42 Pa.C.S. § 6303(a)  
14 (1) (relating to scope of chapter). The failure by the child to  
15 pay a fine or comply with the adjudication alternative program  
16 shall not constitute a delinquent act under 42 Pa.C.S. Ch. 63  
17 (relating to juvenile matters).

18 (3) Upon a summary conviction or assignment to an  
19 adjudication alternative program, the district justice may  
20 suspend, in whole or in part, a sentence or an adjudication  
21 alternative program in which a child who has attained the age of  
22 thirteen (13) years must pay or comply with the adjudication  
23 alternative program: Provided, That the child no longer is  
24 habitually truant from school without justification.

25 (4) Any child who has not attained the age of thirteen (13)  
26 years who fails to comply with the compulsory attendance  
27 provisions of this act and is habitually truant shall be  
28 referred by the school district for services or possible  
29 disposition as a dependent child as defined under 42 Pa.C.S. §  
30 6302 (relating to definitions). Any child who has attained the  
31 age of thirteen (13) years who fails to comply with the  
32 compulsory attendance provisions of this act and is habitually  
33 truant may, in lieu of a prosecution under clause (1), be  
34 referred by the school district for services or possible  
35 disposition as a dependent child as defined under 42 Pa.C.S. §  
36 6302.

37 (5) The following words, when used in this subsection, shall  
38 have the following meaning, except where the context clearly  
39 indicates or requires a different meaning:

40 "Community resources" shall mean those agencies and services  
41 for children and youth provided by the juvenile court, the  
42 county, the Department of Health, the Department of Public  
43 Welfare and other public or private institutions.

44 "District justice" shall mean such court as the court of  
45 common pleas shall direct in counties not having district  
46 justices.

47 "Habitually truant" shall mean absence for more than three  
48 (3) school days or their equivalent following the first notice  
49 of truancy given under section 1354. A person may be habitually  
50 truant after such notice.

51 "Offense" shall mean each citation which goes before a

1 district justice or court of common pleas.

2 "Person in parental relation" shall not include any county  
3 agency or person acting as an agent of the county agency in the  
4 jurisdiction of a dependent child defined under 42 Pa.C.S. §  
5 6302 (relating to definitions).

6 (c) If a child is convicted for a violation of this section,  
7 the court, including a court not of record, shall send to the  
8 Department of Transportation a certified record of the  
9 conviction or other disposition on a form prescribed by the  
10 department.

11 (d) Nothing in this section shall be construed to apply to a  
12 parent, guardian or person in parental relation whose child or  
13 children are in a home education program under section 1327.1.]  
14 Procedure When Child is Truant.--(a) When a child is truant,  
15 the school shall notify in writing the person in parental  
16 relation with the child who resides in the same household as the  
17 child of the child's violation of compulsory school attendance  
18 within ten (10) school days of the child's third unexcused  
19 absence. The notice:

20 (1) shall include a description of the consequences that  
21 will follow if the child becomes habitually truant;

22 (2) shall be in the mode and language of communication  
23 preferred by the person in parental relation;

24 (3) may include the offer of a school attendance improvement  
25 conference; or

26 (4) when transmitted to a person who is not the biological  
27 or adoptive parent, shall also be provided to the child's  
28 biological or adoptive parent if the parent's mailing address is  
29 on file with the school and the parent is not precluded from  
30 receiving the information by court order.

31 (b) If the child continues to incur unexcused absences after  
32 the school has issued the notice under subsection (a), the  
33 school shall then offer by advance written notice a school  
34 attendance improvement conference to the child and the person in  
35 parental relation, unless a conference was previously held  
36 following the notice provided under subsection (a). The  
37 following shall apply:

38 (1) This subsection does not place a legal requirement upon  
39 the child or person in parental relation to attend the  
40 conference. The conference shall occur even if the person in  
41 parental relation declines to participate or fails to attend the  
42 scheduled conference after advance written notice and attempts  
43 to communicate via telephone.

44 (2) The outcome of the conference shall be documented in a  
45 written school attendance improvement plan. The department shall  
46 develop a form to be used for this purpose, and each school  
47 shall use a form substantially similar to the form developed by  
48 the department.

49 (3) Further legal action may not be taken by the school to  
50 address unexcused absences by the child until after the date for  
51 the scheduled school attendance improvement conference has

1 passed.

2 (c) Schools shall not expel or impose out-of-school  
3 suspension, disciplinary reassignment or transfer for truant  
4 behavior.

5 (d) Nothing in this section shall be construed to apply to a  
6 parent, guardian or person in parental relation whose child or  
7 children are in a home education program under section 1327.1.

8 Section 6. The act is amended by adding sections to read:

9 Section 1333.1. Procedure By School When Child Habitually  
10 Truant.--(a) When a child is habitually truant and under  
11 fifteen (15) years of age at the time of referral, the school:

12 (1) Shall refer the child to either of the following:

13 (i) A school-based or community-based attendance improvement  
14 program.

15 (ii) The county children and youth agency for services or  
16 for possible disposition as a dependent child under the  
17 provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

18 (2) May file a citation in the office of the appropriate  
19 judge against the person in parental relation who resides in the  
20 same household as the child.

21 (b) When a child is habitually truant and fifteen (15) years  
22 of age or older at the time of referral, the school shall  
23 either:

24 (1) Refer the child to a school-based or community-based  
25 attendance improvement program or service.

26 (2) File a citation in the office of the appropriate judge  
27 against the child or the person in parental relation who resides  
28 in the same household as the child.

29 (c) If a child who is fifteen (15) years of age or older  
30 continues to incur additional unexcused absences after being  
31 referred to a school-based or community-based attendance  
32 improvement program or refuses to participate in a school-based  
33 or community-based attendance improvement program as recommended  
34 through the school attendance improvement conference, the school  
35 may refer the child to the county children and youth agency for  
36 possible disposition as a dependent child under the provisions  
37 of 42 Pa.C.S. Ch. 63.

38 (d) When referring a habitually truant child to the county  
39 children and youth agency or filing a citation with the court  
40 because a child has been habitually truant, the school shall  
41 provide verification that a school attendance improvement  
42 conference was held.

43 (e) Nothing in this section shall be construed to apply to a  
44 parent, guardian or person in parental relation whose child or  
45 children are in a home education program under section 1327.1.

46 Section 1333.2. Procedure Upon Filing of Citation.--(a) The  
47 venue for the filing of a citation under section 1333.1 shall be  
48 based on the location of the school in which the child is  
49 enrolled or shall be enrolled except where section 1327.2(b)  
50 applies.

51 (b) When a citation is filed against a child or a person in



1 parental relation who resides in the same household as the child  
2 under the provisions of section 1333.1, the judge shall provide  
3 the following notices:

4 (1) Written notice of the hearing with respect to the  
5 citation to the school, the person in parental relation, the  
6 child and the county children and youth agency.

7 (2) Notice to the child or person in parental relation who  
8 resides in the same household as the child of the availability  
9 of a preconviction diversionary program authorized under 42  
10 Pa.C.S. § 1520 (relating to adjudication alternative program).

11 (c) At the hearing with respect to the citation, the burden  
12 is on the school to prove beyond a reasonable doubt that, while  
13 subject to compulsory school attendance, the child was  
14 habitually and without justification truant from school.

15 (d) It shall be an affirmative defense to a citation filed  
16 under this subdivision of this article against a person in  
17 parental relation to the child who resides in the same household  
18 as the child if the person in parental relation to the child who  
19 resides in the same household as the child took every reasonable  
20 step to ensure attendance of the child at school.

21 (e) An affirmative defense under subsection (d) must be  
22 proven by a preponderance of the evidence.

23 (f) The court shall determine whether the evidence has  
24 established that a child or person in parental relation has  
25 violated the compulsory school attendance requirements of this  
26 article and shall enter that verdict on the record.

27 (g) The school shall, to the extent possible, inform the  
28 court of any prior conviction of the child or person in parental  
29 relation who resides in the same household as the child for a  
30 violation of the compulsory school attendance requirement of  
31 this article.

32 (h) Before entering a sentence the judge shall permit the  
33 school, person in parental relation or child to present relevant  
34 information that will assist the judge in making an informed  
35 decision regarding the appropriate sentence. The child's school  
36 attendance after the citation has been filed and while the  
37 proceeding is pending may be considered for the purpose of  
38 imposing a sentence.

39 Section 1333.3. Penalties for Violating Compulsory School  
40 Attendance Requirements.--(a) A person convicted of an offense  
41 under this article may be:

42 (1) sentenced to pay a fine for the benefit of the school  
43 that is responsible for the truancy proceedings in an amount not  
44 exceeding three hundred dollars (\$300) together with court costs  
45 except that, in the case of a second offense, the maximum fine  
46 for a person in parental relation may be a higher amount within  
47 their ability to pay not exceeding five hundred dollars (\$500)  
48 together with court costs and, in the case of a third or  
49 subsequent offense, the maximum fine for a person in parental  
50 relation may be a higher amount within their ability to pay not  
51 exceeding seven hundred and fifty dollars (\$750) together with

1 court costs;

2 (2) sentenced to perform community service; or

3 (3) required to complete an appropriate course or program  
4 designed to improve school attendance which has been approved by  
5 the president judge of the judicial district.

6 (b) The court may suspend the sentence of a person convicted  
7 of an offense and may remit or waive fines and costs if the  
8 child attends school in accordance with a plan devised by the  
9 court.

10 (c) A person convicted of an offense under this article  
11 shall have a right to appeal de novo to a court of common pleas  
12 of the proper county within thirty (30) days of the conviction.  
13 After thirty (30) days, the appeal shall proceed similar to  
14 other appeals of summary convictions.

15 (d) No citation may be filed against a child or a person in  
16 parental relation with the child who resides in the same  
17 household as the child for a subsequent violation of compulsory  
18 school attendance if any of the following circumstances apply:

19 (1) A proceeding is already pending under sections 1333.1  
20 and 1333.2 against the child or a person in parental relation  
21 with the child who resides in the same household as the child  
22 and judgment in the first proceeding has not yet been entered,  
23 unless a warrant has been issued for failure of the child or  
24 person in parental relation to appear before the court and the  
25 warrant has not yet been served.

26 (2) A referral for services has been made to the county  
27 children and youth agency under this subdivision of this article  
28 and the agency has not closed the case.

29 (3) A petition has been filed alleging the child is  
30 dependent due to being habitually truant under 42 Pa.C.S. Ch. 63  
31 (relating to juvenile matters) and the case remains under the  
32 jurisdiction of the juvenile court.

33 (e) Upon a second or subsequent conviction of a child or a  
34 person in parental relation with the child who resides in the  
35 same household as the child for a violation of the requirements  
36 of compulsory school attendance in a court within this  
37 Commonwealth within a three-year period, the court shall refer  
38 the child for services or possible disposition as a dependent  
39 child under 42 Pa.C.S. Ch. 63.

40 (f) Upon failure of a person to satisfy the penalty imposed  
41 by the court under subsection (a), the person in parental  
42 relation may be found in contempt of court and, upon conviction,  
43 may be sentenced to the county jail for a period not to exceed  
44 three (3) days in any one case. The court shall make such a  
45 determination based on specific finding that the person in  
46 parental relation had reasonable ability to comply with the  
47 penalty imposed and that noncompliance was willful. The  
48 following shall apply:

49 (1) In the case of a child, the failure to satisfy a fine or  
50 costs imposed under this section shall not be considered a  
51 delinquent act.

1       (2) The president judge of a judicial district may adopt a  
2 local policy under 42 Pa.C.S. § 6304 (relating to powers and  
3 duties of probation officers) and the Pennsylvania Rules of  
4 Juvenile Court Procedure to provide that a juvenile probation  
5 officer may receive allegations that the child who fails to  
6 satisfy a fine or costs imposed under this section is dependent  
7 for the purpose of considering the commencement of proceedings  
8 under 42 Pa.C.S. Ch. 63.

9       (g) (1) If a child is convicted of a violation of the  
10 compulsory school attendance requirements of this article, the  
11 court may send the Department of Transportation a certified  
12 record of the conviction on a form prescribed by the department  
13 only if the child fails to comply with a lawful sentence entered  
14 for the violation and is not subject to an exception to  
15 compulsory attendance under section 1330.

16       (2) The Department of Transportation shall suspend for  
17 ninety (90) days the operating privilege of a child upon  
18 receiving a certified record that the child was convicted of a  
19 summary offense under the compulsory school attendance  
20 requirements of this article. If the Department of  
21 Transportation receives a certified record of a second or  
22 subsequent conviction of a child pursuant to this section, the  
23 department shall suspend the child's operating privilege for six  
24 (6) months.

25       (3) A child whose record is received by the Department of  
26 Transportation under this section and who does not have a  
27 driver's license shall be ineligible to apply for a driver's  
28 license under 75 Pa.C.S. § 1505 (relating to learners' permits)  
29 and 1507 (relating to application for driver's license or  
30 learner's permit by minor) for the time period specified in  
31 paragraph (2). If the child is under sixteen (16) years of age  
32 when convicted, suspension of operating privileges shall  
33 commence in accordance with 75 Pa.C.S. § 1541 (relating to  
34 period of disqualification, revocation or suspension of  
35 operating privilege) for the time specified in paragraph (2).

36       (4) A child whose driving privileges have been suspended or  
37 whose eligibility for a permit or license is delayed under this  
38 section may have that license or eligibility restored by  
39 providing the Department of Transportation with a form developed  
40 by the Department of Transportation containing the following  
41 information in the form of a certified record from the child's  
42 school that the child:

43       (i) has attended school for a period of at least two (2)  
44 months after the first conviction or four (4) months after the  
45 second conviction without an unexcused absence or unexcused  
46 tardy;

47       (ii) is subject to an exception to compulsory attendance  
48 under section 1330; or

49       (iii) graduates, withdraws from school pursuant to  
50 compulsory attendance requirements under section 1327, receives  
51 a general education diploma or enlists in the military.

1 (5) An insurer may not increase premiums, impose a surcharge  
2 or rate penalty, make a driver record point assignment for  
3 automobile insurance or cancel or refuse to renew an automobile  
4 insurance policy on account of a suspension under this section.

5 (6) Nothing in this section shall prohibit a child who is  
6 convicted of a violation of the compulsory school attendance  
7 requirements of this article from being eligible for an  
8 occupational limited license under 75 Pa.C.S. § 1553 (relating  
9 to occupational limited license).

10 (h) (1) Upon application from a child who has a conviction  
11 of a summary offense under section 1333.2, the court shall grant  
12 an expungement of the conviction from the child's record if all  
13 of the following apply:

14 (i) The child has earned a high school diploma, a  
15 Commonwealth secondary school diploma or another Department of  
16 Education-approved equivalent, or is subject to an exception to  
17 compulsory attendance under section 1330.

18 (ii) The child has satisfied any sentence imposed by the  
19 court with respect to the conviction, including payment of fines  
20 and costs.

21 (2) If the court grants an expungement under paragraph (1),  
22 the court shall order the Department of Transportation to  
23 expunge all administrative records related to the convictions.

24 (i) Nothing in this section shall be construed to apply to a  
25 parent, guardian or person in parental relation whose child or  
26 children are in a home education program under section 1327.1.

27 Section 1333.4. Study of Truancy Procedure.--(a) Five (5)  
28 years after commencement of the first school year to which  
29 section 1333 applies, the Joint State Government Commission  
30 shall undertake a study of the procedures for how a school  
31 handles children who are truant and habitually truant and  
32 evaluate the effectiveness of the procedures in improving school  
33 attendance and whether the procedures should be revised,  
34 including to require court involvement sooner in certain truancy  
35 cases.

36 (b) The Joint State Government Commission shall establish an  
37 advisory committee that may include representatives of the  
38 Department of Education, educational entities and organizations,  
39 the judiciary, district attorneys, law enforcement, public  
40 organizations involved in truancy issues, representatives of  
41 county children and youth agencies and juvenile justice agencies  
42 and other organizations selected by the Joint State Government  
43 Commission to consult with the Joint State Government Commission  
44 in conducting the study.

45 (c) The Joint State Government Commission shall hold  
46 informational meetings to receive testimony from professionals  
47 or organizations with expertise in truancy and truancy  
48 prevention.

49 (d) The Joint State Government Commission shall issue a  
50 report of its findings and recommendations to the Education  
51 Committee of the Senate and the Education Committee of the House

1 of Representatives not later than twelve (12) months after  
2 undertaking the study.

3 Section 7. Section 1338.1 of the act is repealed:

4 [Section 1338.1. Suspension of Operating Privilege.--(a)  
5 The Department of Transportation shall suspend for 90 days the  
6 operating privilege of any child upon receiving a certified  
7 record that the child was convicted of violating section 1333.  
8 If the department receives a second or subsequent conviction for  
9 a child's violation of section 1333, the department shall  
10 suspend the child's operating privilege for six months.

11 (b) Any child whose record is received by the department  
12 under section 1333(c) and who does not have a driver's license  
13 shall be ineligible to apply for a driver's license under 75  
14 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507  
15 (relating to application for driver's license or learner's  
16 permit by minor) for the time periods specified in subsection  
17 (a). If the child is under sixteen (16) years of age when  
18 convicted, suspension of operating privileges shall commence in  
19 accordance with 75 Pa.C.S. § 1541 (relating to period of  
20 revocation or suspension of operating privilege) for the time  
21 specified in subsection (a).

22 (c) An insurer may not increase premiums, impose any  
23 surcharge or rate penalty or make any driver record point  
24 assignment for automobile insurance, nor shall an insurer cancel  
25 or refuse to renew an automobile insurance policy on account of  
26 a suspension under this section.]

27 Section 8. Sections 1732-A(a) and 1749-A(a)(1) of the act,  
28 amended or added June 29, 2002 (P.L.524, No.88), are amended to  
29 read:

30 Section 1732-A. Provisions Applicable to Charter Schools.--

31 (a) Charter schools shall be subject to the following:

32 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
33 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,  
34 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,  
35 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,  
36 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517, 1518,  
37 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article XIV.

38 Act of July 17, 1961 (P.L.776, No.341), known as the  
39 "Pennsylvania Fair Educational Opportunities Act."

40 Act of July 19, 1965 (P.L.215, No.116), entitled "An act  
41 providing for the use of eye protective devices by persons  
42 engaged in hazardous activities or exposed to known dangers in  
43 schools, colleges and universities."

44 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
45 No.541), entitled "An act providing scholarships and providing  
46 funds to secure Federal funds for qualified students of the  
47 Commonwealth of Pennsylvania who need financial assistance to  
48 attend postsecondary institutions of higher learning, making an  
49 appropriation, and providing for the administration of this  
50 act."

51 Act of July 12, 1972 (P.L.765, No.181), entitled "An act

1 relating to drugs and alcohol and their abuse, providing for  
2 projects and programs and grants to educational agencies, other  
3 public or private agencies, institutions or organizations."

4 Act of December 15, 1986 (P.L.1595, No.175), known as the  
5 "Antihazing Law."

6 \* \* \*

7 Section 1749-A. Applicability of other provisions of this act  
8 and of other acts and regulations.

9 (a) General requirements.--Cyber charter schools shall be  
10 subject to the following:

11 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
12 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,  
13 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,  
14 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,  
15 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1518, 1521, 1523,  
16 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A, 1719-A,  
17 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A, 1727-A,  
18 1729-A, 1730-A, 1731-A(a)(1) and (b) and 2014-A and Articles  
19 XII-A, XIII-A and XIV.

20 \* \* \*

21 Section 9. Section 1901-C(5) of the act, added June 25, 1997  
22 (P.L.297, No.30), is amended to read:

23 Section 1901-C. Definitions.--For purposes of this article,  
24 the following terms shall have the following meanings:

25 \* \* \*

26 (5) "Disruptive student." A student who poses a clear  
27 threat to the safety and welfare of other students or the school  
28 staff, who creates an unsafe school environment or whose  
29 behavior materially interferes with the learning of other  
30 students or disrupts the overall educational process. The  
31 disruptive student exhibits to a marked degree any or all of the  
32 following conditions:

33 (i) Disregard for school authority, including persistent  
34 violation of school policy and rules.

35 (ii) Display or use of controlled substances on school  
36 property or during school-affiliated activities.

37 (iii) Violent or threatening behavior on school property or  
38 during school-affiliated activities.

39 (iv) Possession of a weapon on school property, as defined  
40 under 18 Pa.C.S. § 912 (relating to possession of weapon on  
41 school property).

42 (v) Commission of a criminal act on school property or  
43 during school-affiliated activities.

44 (vi) Misconduct that would merit suspension or expulsion  
45 under school policy.

46 [(vii) Habitual truancy.]

47 No student who is eligible for special education services  
48 pursuant to the Individuals with Disabilities Education Act  
49 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a  
50 disruptive student for the purposes of this act, except as  
51 provided for in 22 Pa. Code § 14.35 (relating to discipline).

1 \* \* \*

2 Section 10. This act shall apply to the 2017-2018 school  
3 year and each school year thereafter.

4 Section 11. This act shall take effect immediately.