



Senate Education Committee

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HOUSE BILL 1907-REPRESENTATIVE BENNINGHOFF

SYNOPSIS:

Amends the Public School Code to clarify 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.

SUMMARY:

Amends the Public School Code to require a school district to develop an individualized truancy elimination plan for a student who is truant before any referral to a magisterial district judge.

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 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 for a cyber charter student shall be based upon the residence of the child. Permits cyber charter schools to participate in these proceedings via video conference call.

Clarifies that if a student is dismissed from school during school hours for health-related reasons by a certified school nurse, registered nurse, licensed practical nurse or school administrator or designee, the student's absence shall be deemed excused. Permits a student to receive health care from any licensed practitioner and not just one located in the Commonwealth for the purposes of an excused absence. Requires PDE to provide guidance, resources and strategies for families, schools and students related to students with chronic health conditions and to post these on PDE's website.

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-based 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 either fines, community service, attendance at a course or program designed to improve school attendance shall be the first penalty imposed for a violation of the compulsory attendance law. Upon failure of a person to satisfy the first penalty imposed, a court may sentence the person to county jail for a period not to exceed three days. The court shall only make this determination based on a specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. Loss of driving privileges for a student is an option for a child who fails to comply with a lawful sentence for a judge to use in an attempt to enforce compliance with the compulsory attendance law. Permits restoration of driving privileges under certain circumstances and permits a child to receive an occupational limited license.

Permits a child who has a summary offense conviction to have the record expunged.

Five years after the first school year that the changes apply, requires the Joint State Government Commission to undertake a study of the new procedures for truancy to evaluate the effectiveness of the procedures and whether the procedures should be revised. Requires the commission to establish an advisory committee, to hold informational meetings and to issue a report of its findings within twelve months of undertaking the study.

The changes shall apply to the 2017-18 school year.

Effective Date: Immediately

BILL HISTORY:

Passed 5/2/16 (197-3)

This legislation 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.

Prepared by: Phenicie 10/14/16