

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 359 Session of 2015

INTRODUCED BY GREENLEAF, SCHWANK, KITCHEN, AUMENT, VANCE, COSTA, HUGHES, RAFFERTY, BAKER, FONTANA, MENSCH AND VOGEL, JANUARY 30, 2015

AS AMENDED ON SECOND CONSIDERATION, MAY 9, 2016

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in enforcing attendance, further
6 providing for definitions; providing for attendance policy at
7 charter and cyber charter schools; further providing for
8 reports of enrollments, attendance and withdrawals and public
9 and private schools, and for penalties for violation of
10 compulsory attendance requirements; providing for procedure
11 by school when child habitually truant, for procedure upon
12 filing of citation and, for penalties for violating <--
13 compulsory school attendance requirements AND FOR STUDY OF <--
14 TRUANCY PROCEDURE; repealing provisions relating to
15 suspension of operating privilege; in charter schools,
16 further providing for provisions applicable to charter
17 schools and for applicability of other provisions of this act
18 and of other acts and regulations; and, in disruptive student
19 programs, further providing for definitions.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. ~~Section 1326 of the act of March 10, 1949~~ <--
23 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~
24 ~~amended to read:~~

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

1 SECTION AFTER ARTICLE XIII, SUBDIVISION (B) HEADING TO READ:

2 SECTION 1325. PURPOSE.--THE PURPOSE OF THIS SUBDIVISION IS  
3 TO IMPROVE SCHOOL ATTENDANCE AND DETER TRUANCY THROUGH A  
4 COMPREHENSIVE APPROACH TO CONSISTENTLY AND EFFECTIVELY IDENTIFY  
5 AND ADDRESS ATTENDANCE ISSUES AS EARLY AS POSSIBLE WITH CREDIBLE  
6 INTERVENTION TECHNIQUES, INCLUDING A SCHOOL ATTENDANCE  
7 IMPROVEMENT CONFERENCE, AND WITH CONFINEMENT OF A PERSON IN  
8 PARENTAL RELATION TO A HABITUALLY TRUANT CHILD ONLY AS A LAST  
9 RESORT AND FOR A MINIMUM AMOUNT OF TIME, IN ORDER TO:

10 (1) PRESERVE THE UNITY OF THE FAMILY WHENEVER POSSIBLE AS  
11 THE UNDERLYING ISSUES OF TRUANCY ARE ADDRESSED.

12 (2) AVOID THE LOSS OF HOUSING, THE POSSIBLE ENTRY OF A CHILD  
13 TO FOSTER CARE AND OTHER UNINTENDED CONSEQUENCES OF DISRUPTION  
14 OF AN INTACT FAMILY UNIT.

15 SECTION 2. SECTION 1326 OF THE ACT IS AMENDED TO READ:

16 Section 1326. Definitions.--When used in this subdivision,  
17 the following words and phrases shall have the following  
18 meanings:

19 The term "citation" shall mean a non-traffic citation or  
20 private criminal complaint.

21 The term ["compulsory school age," as hereinafter used,]  
22 "compulsory school age" shall mean the period of a child's life  
23 from the time the child's parents elect to have the child enter  
24 school, which shall be not later than at the age of eight (8)  
25 years, until the age of seventeen (17) years. The term shall not  
26 include any child who holds a certificate of graduation from a  
27 regularly accredited licensed, registered or approved senior  
28 high school.

29 The term "conviction" shall mean a conviction under section  
30 1333, 1333.1, 1333.2 or 1333.3 for violation of the compulsory

1 school attendance requirements.

2 The term "court" shall mean a magisterial district court, a  
3 municipal court of Philadelphia or a court of common pleas.

4 The term "educational entity" shall mean a public school  
5 district, charter school, regional charter school, cyber charter  
6 school, nonpublic school or area vocational-technical school.

7 The term "excused absence" shall mean an absence from school  
8 which is permitted under section 1329.

9 The term "habitually truant" shall mean having incurred  
10 unexcused absences for six (6) or more days during the current  
11 school year by a child subject to compulsory school attendance.

12 The term "judge" shall mean a magisterial district judge, a  
13 municipal court judge or judge of a court of common pleas.

14 The term ["migratory child," wherever used in this  
15 subdivision of this article,] "migratory child" shall include  
16 any child domiciled temporarily in any school district for the  
17 purpose of seasonal employment, but not acquiring residence  
18 therein, and any child accompanying his [parent or guardian] or  
19 her person in parental relation who is so domiciled.

20 The term "offense" shall mean each citation filed under  
21 section 1333, 1333.1, 1333.2 or 1333.3 for a violation of the  
22 compulsory school attendance requirement regardless of the  
23 number of unexcused absences averred in the citation.

24 The term "person in parental relation" shall mean a:

25 (1) biological or adoptive parent;

26 (2) noncustodial biological or adoptive parent;

27 (3) guardian of the person of the child; or

28 (4) person with whom the child lives and who is acting  
29 in a parental role for a child of compulsory school age.

30 The term does not include a county agency or person acting as

1 an agent of the county agency in the jurisdiction of a dependent  
2 child as defined under 42 Pa.C.S. § 6302 (relating to  
3 definitions). This definition shall not be construed to expand  
4 the right of a child under any other provision of this act.

5 The term "school" shall mean the educational entity in which  
6 the child is enrolled.

7 The term "school attendance improvement conference" shall  
8 mean a conference where the child's absences and the reasons for  
9 the absences are examined in an effort to improve attendance,  
10 with or without additional services. The following individuals  
11 shall be invited:

12 (1) The child.

13 (2) The child's person in parental relation.

14 (3) Other individuals identified by the person in parental  
15 relation who may be a resource.

16 (4) Appropriate school personnel.

17 (5) Recommended service providers.

18 The term "school day" shall mean the length of time that a  
19 child subject to compulsory attendance is expected to be  
20 receiving instruction during a calendar day, as determined by  
21 the school.

22 The term "school or community-based attendance improvement  
23 program" shall mean any program designed to improve school  
24 attendance by seeking to identify and address the underlying  
25 reasons for a child's absences.

26 The term "school year" shall have the same meaning as the  
27 term "school year" as defined in section 102 and as further  
28 defined in section 1327(b) for parochial schools, section  
29 1327.1(c) for home education programs, sections 1501 and 1504  
30 for all public schools, section 1715-A(9) for charter schools

1 and section 1749-(A) (a) (1) for cyber charter schools.

2 The term "truant" shall mean having incurred unexcused  
3 absences of three (3) or more school days during the current  
4 school year by a child subject to compulsory school attendance.

5 The term "unexcused absence" shall mean an absence from  
6 school which is not permitted under section 1329 and where an  
7 approved explanation has not been submitted within the time  
8 period specified. An out-of-school suspension may not be  
9 considered an unexcused absence.

10 Section 2 3. The act is amended by adding a section to read: <--

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

19 (b) The department shall, in consultation with cyber charter  
20 schools, develop guidelines setting forth alternative methods of  
21 calculating unexcused absences for the purposes of determining  
22 whether a child enrolled in a cyber charter school has an  
23 unexcused absence.

24 (c) When proceeding under section 1333.2 for the filing of a  
25 citation, venue shall be based upon the residence of the child.  
26 Participation by any cyber charter school in the proceedings may  
27 be conducted in person, via phone conferencing or via video  
28 conferencing.

29 Section 3 4. Section 1332 of the act, amended January 14, <--  
30 1970 (1969 P.L.468, No.192), is amended to read:

1 Section 1332. Reports of Enrollments; Attendance and  
2 Withdrawals; Public and Private Schools.--Every principal or  
3 teacher in every public school, and every principal, teacher or  
4 tutor in every school other than a public school, and in every  
5 institution for children, and every private teacher in every  
6 school district, shall, immediately after their admission to  
7 such school or institution, or at the beginning of such private  
8 teaching, furnish to the district superintendents, attendance  
9 officers, home and school visitors, or secretaries of the boards  
10 of school directors of the districts wherein the parents or  
11 guardians of such children reside, lists of the names and  
12 residences of all children between six (6) and eighteen (18)  
13 years of age enrolled in such school or institution, or taught  
14 by such private teachers; and shall further report at once to  
15 such district superintendent, or secretary of the board of  
16 school directors, the name and date of withdrawal of any such  
17 pupil withdrawing from any such school or institution, or from  
18 such private instruction, if such withdrawal occurs during the  
19 period of compulsory attendance in said district. Every  
20 principal or teacher in a school other than a public school, and  
21 every private teacher, shall also report at once to the  
22 superintendent, attendance officer, home and school visitor, or  
23 secretary of the board of school directors of the district, any  
24 such child who has been absent three (3) days, or their  
25 equivalent, during the term of compulsory attendance, without  
26 lawful excuse. Charter and cyber charter schools shall report  
27 unexcused absences directly to the Department of Education via  
28 the annual Pennsylvania Information Management System (PIMS) in  
29 accordance with policies and guidelines established under  
30 section 1327.2.

1 Section 4 5. Section 1333 of the act, amended November 17,  
2 1995 (1st Sp.Sess., P.L.1110, No.29), is amended to read:

3 Section 1333. [Penalties for Violation of Compulsory  
4 Attendance Requirements.--(a) (1) Every parent, guardian, or  
5 person in parental relation, having control or charge of any  
6 child or children of compulsory school age, who shall fail to  
7 comply with the provisions of this act regarding compulsory  
8 attendance, shall on summary conviction thereof, be sentenced to  
9 pay a fine, for the benefit of the school district in which such  
10 offending person resides, not exceeding three hundred dollars  
11 (\$300) and to pay court costs or be sentenced to complete a  
12 parenting education program offered and operated by a local  
13 school district, medical institution or other community  
14 resources, and, in default of the payment of such fine and costs  
15 or completion of the parenting program by the person so  
16 offending, shall be sentenced to the county jail for a period  
17 not exceeding five (5) days. Any person sentenced to pay any  
18 such fine may appeal to the court of common pleas of the proper  
19 county, upon entering into a recognizance, with one or more  
20 proper sureties, in double the amount of penalty and costs.  
21 Before any proceedings are instituted against any parent,  
22 guardian, or person in parental relation, for failure to comply  
23 with the provisions of this act, the district superintendent,  
24 attendance officer, or secretary of the board of school  
25 directors, shall give the offending person three (3) days'  
26 written notice of such violation. If, after such notice has been  
27 given, the provisions of this act regarding compulsory  
28 attendance are again violated by the persons so notified, at any  
29 time during the term of compulsory attendance, such person, so  
30 again offending, shall be liable under the provisions of this

1 section without further notice.

2 (2) The child and every parent, guardian or person in  
3 parental relation must appear at a hearing established by the  
4 district justice. If the parent, guardian or person in parental  
5 relation charged with a summary offense under this subsection  
6 shows that he or she took every reasonable step to insure  
7 attendance of the child at school, he or she shall not be  
8 convicted of the summary offense.

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

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

19 (b) (1) If the parent, guardian or person in parental  
20 relation is not convicted of a summary offense because he or she  
21 took every reasonable step to insure attendance of the child at  
22 school, a child of compulsory school age who has attained the  
23 age of thirteen (13) years and fails to comply with the  
24 provisions of this act regarding compulsory attendance or who is  
25 habitually truant from school without justification commits a  
26 summary offense and except as provided in clause (4) shall, upon  
27 conviction, be sentenced to pay a fine not exceeding three  
28 hundred dollars (\$300) for each offense for the benefit of the  
29 school district in which such offending child resides or shall  
30 be assigned to an adjudication alternative program pursuant to

1 42 Pa.C.S. § 1520 (relating to adjudication alternative  
2 program).

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

11 (3) Upon a summary conviction or assignment to an  
12 adjudication alternative program, the district justice may  
13 suspend, in whole or in part, a sentence or an adjudication  
14 alternative program in which a child who has attained the age of  
15 thirteen (13) years must pay or comply with the adjudication  
16 alternative program: Provided, That the child no longer is  
17 habitually truant from school without justification.

18 (4) Any child who has not attained the age of thirteen (13)  
19 years who fails to comply with the compulsory attendance  
20 provisions of this act and is habitually truant shall be  
21 referred by the school district for services or possible  
22 disposition as a dependent child as defined under 42 Pa.C.S. §  
23 6302 (relating to definitions). Any child who has attained the  
24 age of thirteen (13) years who fails to comply with the  
25 compulsory attendance provisions of this act and is habitually  
26 truant may, in lieu of a prosecution under clause (1), be  
27 referred by the school district for services or possible  
28 disposition as a dependent child as defined under 42 Pa.C.S. §  
29 6302.

30 (5) The following words, when used in this subsection, shall

1 have the following meaning, except where the context clearly  
2 indicates or requires a different meaning:

3 "Community resources" shall mean those agencies and services  
4 for children and youth provided by the juvenile court, the  
5 county, the Department of Health, the Department of Public  
6 Welfare and other public or private institutions.

7 "District justice" shall mean such court as the court of  
8 common pleas shall direct in counties not having district  
9 justices.

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

14 "Offense" shall mean each citation which goes before a  
15 district justice or court of common pleas.

16 "Person in parental relation" shall not include any county  
17 agency or person acting as an agent of the county agency in the  
18 jurisdiction of a dependent child defined under 42 Pa.C.S. §  
19 6302 (relating to definitions).

20 (c) If a child is convicted for a violation of this section,  
21 the court, including a court not of record, shall send to the  
22 Department of Transportation a certified record of the  
23 conviction or other disposition on a form prescribed by the  
24 department.

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

28 Procedure When Child is Truant.--(a) When a child is truant,  
29 the school shall notify in writing the person in parental  
30 relation with the child who resides in the same household as the

1 child of the child's violation of compulsory school attendance  
2 within ten (10) school days of the child's third unexcused  
3 absence. The notice:

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

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

8 (3) may include the offer of a school attendance improvement  
9 conference; or

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

15 (b) If the child continues to incur unexcused absences after  
16 the school has issued the notice under subsection (a), the  
17 school shall then offer by advance written notice a school  
18 attendance improvement conference, unless previously held  
19 following the notice provided under subsection (a). The  
20 following shall apply:

21 (1) This subsection does not place a legal requirement upon  
22 the child or person in parental relation to attend the  
23 conference. The conference shall occur if the person in parental  
24 relation declines to participate or fails to attend the  
25 scheduled conference after advance written notice and attempts  
26 to communicate via telephone.

27 (2) The outcome of the conference shall be documented in a  
28 written school attendance improvement plan. The department shall  
29 develop a form to be used for this purpose, and each school  
30 shall use a form substantially similar to the form developed by

1 the department.

2 (3) Further legal action may not be taken by the school to  
3 address unexcused absences by the child until after the date for  
4 the scheduled school attendance improvement conference has  
5 passed.

6 (c) Schools shall not expel or impose out-of-school  
7 suspension, disciplinary reassignment or transfer for truant  
8 behavior.

9 Section 5 6. The act is amended by adding sections to read: <--

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

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

14 (i) a school or community-based attendance improvement  
15 program; or

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

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

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

25 (1) refer the child to a school or community-based  
26 attendance improvement program; or

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

30 Jurisdiction shall be based on the residence of the child. <--

1 (c) If a child continues to incur additional unexcused  
2 absences after being referred to a school or community-based  
3 attendance improvement program or refuses to participate in a  
4 school or community-based attendance improvement program as  
5 recommended through the school attendance improvement  
6 conference, the school may refer the child to the county  
7 children and youth agency for possible disposition as a  
8 dependent child under the provisions of 42 Pa.C.S. Ch. 63 if the  
9 child is fifteen (15) years of age or older.

10 (d) When referring a case to the county children and youth  
11 agency or the office of the appropriate judge because the child  
12 has been habitually truant, the school shall provide  
13 verification that a school attendance improvement conference was  
14 held.

15 Section 1333.2. Procedure Upon Filing of Citation.--(a) The  
16 venue for the filing of a citation shall be the location of the  
17 school in which the child is enrolled or should be enrolled  
18 except where section 1327.2(c) applies.

19 (b) When a citation is filed against a child or a person in  
20 parental relation with the child who resides in the same  
21 household as the child under section 1333.1, the judge shall  
22 provide the following notices:

23 (1) notice of the hearing in writing to the school, the  
24 person in parental relation, the child and the county children  
25 and youth agency; and

26 (2) notice to the child or person in parental relation with  
27 the child who resides in the same household as the child of the  
28 availability of a preconviction diversionary program authorized  
29 under 42 Pa.C.S. § 1520 (relating to adjudication alternative  
30 program).

1 (c) At the hearing the burden is on the school to prove  
2 beyond a reasonable doubt that, while subject to compulsory  
3 school attendance, the child was habitually and without  
4 justification truant from school.

5 (d) The following affirmative defense to a citation filed  
6 under this subdivision of this article against a person in  
7 parental relation to the child who resides in the same household  
8 as the child is available:

9 (1) The person in parental relation to the child who resides  
10 in the same household as the child took every reasonable step to  
11 ensure attendance of the child at school.

12 (2) An affirmative defense under this subsection must be  
13 proven by a preponderance of the evidence.

14 (e) The court shall determine whether the evidence has  
15 established that a child or person in parental relation has  
16 violated the compulsory school attendance requirements of this  
17 article and shall enter that verdict on the record.

18 (f) Before entering a sentence the judge shall permit the  
19 school, person in parental relation or child to present relevant  
20 information that will assist the judge in making an informed  
21 decision regarding the appropriate sentence. The child's school  
22 attendance after the citation has been filed and while the  
23 proceeding is pending may be considered for the purpose of  
24 imposing a sentence.

25 Section 1333.3. Penalties for Violating Compulsory School  
26 Attendance Requirements.--(a) A person convicted of an offense  
27 may be:

28 (1) sentenced to pay a fine for the benefit of the school  
29 that is responsible for the truancy proceedings in an amount not  
30 exceeding three hundred dollars (\$300) for each citation

<--

1 together with court costs; EXCEPT THAT, IN THE CASE OF A SECOND <--  
2 OFFENSE, THE MAXIMUM FINE FOR A PERSON IN PARENTAL RELATION MAY  
3 BE A HIGHER AMOUNT WITHIN THEIR ABILITY TO PAY NOT EXCEEDING  
4 FIVE HUNDRED DOLLARS (\$500) TOGETHER WITH COURT COSTS AND, IN  
5 THE CASE OF A THIRD OR SUBSEQUENT OFFENSE, THE MAXIMUM FINE FOR  
6 A PERSON IN PARENTAL RELATION MAY BE A HIGHER AMOUNT WITHIN  
7 THEIR ABILITY TO PAY NOT EXCEEDING SEVEN HUNDRED AND FIFTY  
8 DOLLARS (\$750) TOGETHER WITH COURT COSTS;

9 (2) sentenced to perform community service; or

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

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

17 (c) A person convicted of an offense shall have a right to  
18 appeal de novo to a court of common pleas of the proper county  
19 within thirty (30) days of the conviction. After thirty (30)  
20 days, the appeal shall proceed as any other appeal of a summary  
21 conviction.

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

26 (1) A proceeding is already pending under sections 1333.1  
27 and 1333.2 against the child or a person in parental relation  
28 with the child who resides in the same household as the child  
29 and judgment in the first proceeding has not yet been entered,  
30 unless a warrant has been issued for failure of the child or

1 person in parental relation to appear before the court and the  
2 warrant has not yet been served.

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

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

10 (e) Upon a second or subsequent conviction of a child or a  
11 person in parental relation with the child who resides in the  
12 same household as the child for a violation of the requirements  
13 of compulsory school attendance in a court within this  
14 Commonwealth within a three year period, the court shall refer  
15 the child for services or possible disposition as a dependent  
16 child under 42 Pa.C.S. Ch. 63.

17 (f) Upon the willful failure of a person to satisfy a fine  
18 or costs imposed under this section or upon willful failure to  
19 comply with a payment plan, the court may, after finding that  
20 the person has the ability to pay the financial obligation  
21 imposed, impose community service. The following shall apply:

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

25 (2) The president judge of a judicial district may adopt a  
26 local policy under 42 Pa.C.S. § 6304 (relating to powers and  
27 duties of probation officers) and the Pennsylvania Rules of  
28 Juvenile Court Procedure to provide that a juvenile probation  
29 officer may receive allegations that the child who fails to  
30 satisfy a fine or costs imposed under this section is dependent

1 for the purpose of considering the commencement of proceedings  
2 under 42 Pa.C.S. Ch. 63.

3 (G) UPON THE WILLFUL FAILURE OF A PERSON IN PARENTAL <--  
4 RELATION TO COMPLY WITH COMMUNITY SERVICE ORDERED UNDER  
5 SUBSECTION (F), THE PERSON IN PARENTAL RELATION MAY BE FOUND IN  
6 CONTEMPT OF COURT AND, UPON CONVICTION, MAY BE SENTENCED TO THE  
7 COUNTY JAIL FOR A PERIOD NOT TO EXCEED TWO (2) DAYS.

8 ~~(g)~~ (H) If a child is convicted of a violation of this <--  
9 section, the following may occur:

10 (1) The court may transmit to the Department of  
11 Transportation a certified record of the conviction on a form  
12 prescribed by the department only if the child fails to comply  
13 with a lawful sentence entered for the violation.

14 (2) The Department of Transportation shall suspend for  
15 ninety (90) days the operating privilege of a child upon  
16 receiving a certified record that the child was convicted of an  
17 offense under this section. The Department of Transportation  
18 shall suspend the child's operating privileges for six (6)  
19 months upon receiving a certified record that the child was  
20 convicted of a second or subsequent offense under this section.

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

1 privilege) for the time specified in clause (2).

2 (4) The Department of Transportation may restore the license  
3 or eligibility of a child whose driving privilege has been  
4 suspended or whose eligibility for a permit or license is  
5 delayed under this section. The Department of Transportation  
6 shall make this restoration with a form that it develops. The  
7 form shall contain certifications provided by the child's school  
8 in the form of a certified record that the child has attended  
9 school without an unexcused absence or an unexcused tardy for a  
10 period of at least two (2) months after the first conviction or  
11 four (4) months after the second or subsequent conviction.

12 (5) An insurer may not increase premiums, impose a surcharge  
13 or rate penalty, make a driver record point assignment for  
14 automobile insurance or cancel or refuse to renew an automobile  
15 insurance policy because of a suspension under this section.

16 ~~(h)~~(I) Nothing in this section shall be construed to apply <--  
17 to a parent, guardian or person in parental relation whose child  
18 or children are in a home education program under section  
19 1327.1.

20 SECTION 1333.4. STUDY OF TRUANCY PROCEDURE.--(A) THIRTY-SIX <--  
21 (36) MONTHS AFTER COMMENCEMENT OF THE FIRST SCHOOL YEAR TO WHICH  
22 SECTION 1333 APPLIES, THE JOINT STATE GOVERNMENT COMMISSION  
23 SHALL UNDERTAKE A STUDY OF THE PROCEDURES FOR HOW A SCHOOL  
24 HANDLES CHILDREN WHO ARE TRUANT AND HABITUALLY TRUANT AND  
25 EVALUATE THE EFFECTIVENESS OF THE PROCEDURES IN IMPROVING SCHOOL  
26 ATTENDANCE AND WHETHER THE PROCEDURES SHOULD BE REVISED,  
27 INCLUDING TO REQUIRE COURT INVOLVEMENT SOONER IN CERTAIN TRUANCY  
28 CASES.

29 (B) THE JOINT STATE GOVERNMENT COMMISSION MAY ESTABLISH AN  
30 ADVISORY COMMITTEE THAT MAY INCLUDE REPRESENTATIVES OF THE

1 DEPARTMENT OF EDUCATION, EDUCATIONAL ENTITIES AND ORGANIZATIONS,  
2 MEMBERS OF THE GENERAL ASSEMBLY, THE JUDICIARY, DISTRICT  
3 ATTORNEYS, LAW ENFORCEMENT, PUBLIC ORGANIZATIONS INVOLVED IN  
4 TRUANCY ISSUES, REPRESENTATIVES OF COUNTY CHILDREN AND YOUTH  
5 AGENCIES AND JUVENILE JUSTICE AGENCIES AND OTHER ORGANIZATIONS  
6 SELECTED BY THE JOINT STATE GOVERNMENT COMMISSION TO CONSULT  
7 WITH THE JOINT STATE GOVERNMENT COMMISSION IN CONDUCTING THE  
8 STUDY.

9 (C) THE JOINT STATE GOVERNMENT COMMISSION MAY HOLD  
10 INFORMATIONAL MEETINGS TO RECEIVE TESTIMONY FROM PROFESSIONALS  
11 OR ORGANIZATIONS WITH EXPERTISE IN TRUANCY AND TRUANCY  
12 PREVENTION.

13 (D) THE JOINT STATE GOVERNMENT COMMISSION SHALL ISSUE A  
14 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE EDUCATION  
15 COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE  
16 OF REPRESENTATIVES NOT LATER THAN SIX (6) MONTHS AFTER  
17 UNDERTAKING THE STUDY.

18 Section 6 7. Section 1338.1 of the act is repealed: <--

19 [Section 1338.1. Suspension of Operating Privilege.--(a)  
20 The Department of Transportation shall suspend for 90 days the  
21 operating privilege of any child upon receiving a certified  
22 record that the child was convicted of violating section 1333.

23 If the department receives a second or subsequent conviction for  
24 a child's violation of section 1333, the department shall  
25 suspend the child's operating privilege for six months.

26 (b) Any child whose record is received by the department  
27 under section 1333(c) and who does not have a driver's license  
28 shall be ineligible to apply for a driver's license under 75  
29 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507  
30 (relating to application for driver's license or learner's

1 permit by minor) for the time periods specified in subsection  
2 (a). If the child is under sixteen (16) years of age when  
3 convicted, suspension of operating privileges shall commence in  
4 accordance with 75 Pa.C.S. § 1541 (relating to period of  
5 revocation or suspension of operating privilege) for the time  
6 specified in subsection (a).

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

12 Section 7 8. Sections 1732-A(a) and 1749-A(a)(1) of the act, <--  
13 amended or added June 29, 2002 (P.L.524, No.88), are amended to  
14 read:

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

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

17 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
18 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,  
19 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,  
20 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1330, 1332,  
21 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517, 1518, 1521,  
22 1523, 1531, 1547, 2014-A, Article XIII-A and Article XIV.

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

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

29 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
30 No.541), entitled "An act providing scholarships and providing

1 funds to secure Federal funds for qualified students of the  
2 Commonwealth of Pennsylvania who need financial assistance to  
3 attend postsecondary institutions of higher learning, making an  
4 appropriation, and providing for the administration of this  
5 act."

6 Act of July 12, 1972 (P.L.765, No.181), entitled "An act  
7 relating to drugs and alcohol and their abuse, providing for  
8 projects and programs and grants to educational agencies, other  
9 public or private agencies, institutions or organizations."

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

12 \* \* \*

13 Section 1749-A. Applicability of other provisions of this act  
14 and of other acts and regulations.

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

17 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
18 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,  
19 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,  
20 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1330, 1332,  
21 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1518, 1521, 1523, 1531,  
22 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A, 1719-A, 1721-A,  
23 1722-A, 1723-A(a) and (b), 1724-A, 1725-A, 1727-A, 1729-A,  
24 1730-A, 1731-A(a)(1) and (b) and 2014-A and Articles XII-A,  
25 XIII-A and XIV.

26 \* \* \*

27 Section ~~8~~ 9. The definition of "disruptive student" in <--  
28 section 1901-C of the act, added June 25, 1997 (P.L.297, No.30),  
29 is amended to read:

30 Section 1901-C. Definitions.--For purposes of this article,

1 the following terms shall have the following meanings:

2 \* \* \*

3 (5) "Disruptive student." A student who poses a clear  
4 threat to the safety and welfare of other students or the school  
5 staff, who creates an unsafe school environment or whose  
6 behavior materially interferes with the learning of other  
7 students or disrupts the overall educational process. The  
8 disruptive student exhibits to a marked degree any or all of the  
9 following conditions:

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

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

14 (iii) Violent or threatening behavior on school property or  
15 during school-affiliated activities.

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

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

21 (vi) Misconduct that would merit suspension or expulsion  
22 under school policy.

23 [(vii) Habitual truancy.]

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

29 \* \* \*

30 Section 9 10. The amendment, addition or repeal of the

<--

1 following provisions shall apply to school years which begin at  
2 least nine months following the effective date of this section:

- 3 (1) Section 1326 of the act.
- 4 (2) Section 1327.2 of the act.
- 5 (3) Section 1332 of the act.
- 6 (4) Section 1333 of the act.
- 7 (5) Section 1333.1 of the act.
- 8 (6) Section 1333.2 of the act.
- 9 (7) Section 1338.1 of the act.

10 Section ~~10~~ 11. This act shall take effect immediately. <--