

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1907 Session of
2015

INTRODUCED BY BENNINGHOFF, SAYLOR, ADOLPH, BAKER, V. BROWN,
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ZIMMERMAN, MOUL AND MICCARELLI, MARCH 17, 2016

SENATOR SMUCKER, EDUCATION, IN SENATE, AS AMENDED, OCTOBER 18,
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 pupils and attendance, further~~
6 ~~providing for definitions, providing for attendance policy at~~
7 ~~charter, regional charter and cyber charter schools, further~~
8 ~~providing for penalties for violation of compulsory~~
9 ~~attendance requirements, providing for procedure by school~~
10 ~~when child habitually truant, for procedure upon filing of~~
11 ~~citation and for penalties for violating compulsory school~~
12 ~~attendance requirements and further providing for suspension~~
13 ~~of operating privilege.~~

14 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <--
15 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
16 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
17 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
18 LAWS RELATING THERETO," IN PUPILS AND ATTENDANCE, PROVIDING
19 FOR PURPOSE, FURTHER PROVIDING FOR DEFINITIONS, PROVIDING FOR
20 ATTENDANCE POLICY AT CHARTER, REGIONAL CHARTER AND CYBER
21 CHARTER SCHOOLS, FURTHER PROVIDING FOR EXCUSES FROM ATTENDING
22 SCHOOL AND FOR PENALTIES FOR VIOLATION OF COMPULSORY
23 ATTENDANCE REQUIREMENTS, PROVIDING FOR PROCEDURE BY SCHOOL
24 WHEN CHILD HABITUALLY TRUANT, FOR PROCEDURE UPON FILING OF
25 CITATION, FOR PENALTIES FOR VIOLATING COMPULSORY SCHOOL
26 ATTENDANCE REQUIREMENTS AND FOR STUDY OF TRUANCY PROCEDURE
27 AND REPEALING PROVISIONS RELATING TO SUSPENSION OF OPERATING
28 PRIVILEGE; IN CHARTER SCHOOLS, FURTHER PROVIDING FOR
29 PROVISIONS APPLICABLE TO CHARTER SCHOOLS AND FOR

1 APPLICABILITY OF OTHER PROVISIONS OF THIS ACT AND OF OTHER
2 ACTS AND REGULATIONS; AND, IN DISRUPTIVE STUDENT PROGRAMS,
3 FURTHER PROVIDING FOR DEFINITIONS.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

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

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

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

23 ~~"Citation" shall mean a nontraffic citation or private~~
24 ~~criminal complaint.~~

25 ~~"Compulsory school age" shall mean the period of a child's~~
26 ~~life between eight (8) and seventeen (17) years of age. The term~~
27 ~~does not include a child who holds a certificate of graduation~~
28 ~~from a regularly accredited, licensed, registered or approved~~
29 ~~high school.~~

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

1 ~~"Court" shall mean a magisterial district court or a court of~~
2 ~~common pleas.~~

3 ~~"Department" shall mean the Department of Education of the~~
4 ~~Commonwealth.~~

5 ~~"Excused absence" shall mean an absence from school which is~~
6 ~~permitted under section 1329.~~

7 ~~"Governing body" shall mean the board of school directors of~~
8 ~~a school district or any other governing entity of a school.~~

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

12 ~~"Judge" shall mean a magisterial district judge or a judge of~~
13 ~~a court of common pleas.~~

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

16 ~~"Migratory child" shall mean a child domiciled temporarily in~~
17 ~~a school district for the purpose of seasonal employment, but~~
18 ~~not acquiring residence therein, and a child accompanying his or~~
19 ~~her person in parental relation who is so domiciled.~~

20 ~~"Offense" shall mean each citation filed under section 1333.1~~
21 ~~for a violation of the requirement for compulsory school~~
22 ~~attendance under this article regardless of the number of~~
23 ~~unexcused absences alleged in the citation.~~

24 ~~"Person in parental relation" shall mean a:~~

25 ~~(1) Custodial biological or adoptive parent.~~

26 ~~(2) Noncustodial biological or adoptive parent.~~

27 ~~(3) Guardian of the person of a child.~~

28 ~~(4) Person with whom a child lives and who is acting in a~~
29 ~~parental role of a child.~~

30 ~~This definition shall not include any county agency or person~~

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

5 ~~"School" shall mean the educational entity in which the child~~
6 ~~is enrolled and at which a resident of this Commonwealth may~~
7 ~~legally fulfill the compulsory school attendance requirements of~~
8 ~~this article.~~

9 ~~"School attendance improvement conference" shall mean a~~
10 ~~conference where the child's absences and reasons therefore are~~
11 ~~examined in an effort to improve attendance, with or without~~
12 ~~additional services, and to which the child, the child's person~~
13 ~~in parental relation, other individuals identified by the person~~
14 ~~in parental relation who may be a resource, appropriate school~~
15 ~~personnel and recommended service providers shall be invited.~~

16 ~~"School day" shall mean the length of time that a child~~
17 ~~subject to compulsory school attendance is expected to be~~
18 ~~receiving instruction during a calendar day, as determined by~~
19 ~~the governing body.~~

20 ~~"School year" shall have the same meaning as "school term" as~~
21 ~~defined in section 102, as applicable to a school district, and~~
22 ~~as further defined in section 1327(b) for a day school which is~~
23 ~~operated by a bona fide church or other religious body, section~~
24 ~~1327.1(c) for a day school or boarding school accredited by an~~
25 ~~accrediting association which is approved by the State Board of~~
26 ~~Education, section 1327.1(d) for a home education program, and~~
27 ~~sections 1501 and 1504 for a public kindergarten, elementary or~~
28 ~~secondary school or a school district.~~

29 ~~"Truant" shall mean three (3) or more school days of~~
30 ~~unexcused absences during the current school year by a child~~

1 ~~subject to compulsory school attendance under this article.~~

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

8 Section 2. The act is amended by adding a section to read:

9 ~~Section 1327.2. Attendance Policy at Charter, Regional~~
10 ~~Charter and Cyber Charter Schools. (a) Each charter, regional~~
11 ~~charter and cyber charter school shall establish an attendance~~
12 ~~policy designed to determine when a child who is enrolled in a~~
13 ~~charter, regional charter or cyber charter school has an~~
14 ~~unexcused absence, which may differ from the policy of the~~
15 ~~school district in which the child resides. The policy must~~
16 ~~conform to the provisions of this act relating to compulsory~~
17 ~~attendance. Each cyber charter school may develop guidelines~~
18 ~~setting forth alternative methods of calculating unexcused~~
19 ~~absences for the purposes of determining whether a child~~
20 ~~enrolled in a cyber charter school has an unexcused absence,~~
21 ~~subject to approval by the department.~~

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

29 ~~(c) Charter, regional charter and cyber charter schools shall~~
30 ~~report unexcused absences directly to the department annually~~

1 ~~through the Pennsylvania Information Management System (PIMS).~~

2 ~~Section 2.1. Section 1333 of the act, amended November 17,~~
3 ~~1995 (1st Sp.Sess. P.L.1110, No.29), is amended to read:~~

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

1 ~~again offending, shall be liable under the provisions of this~~
2 ~~section without further notice.~~

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

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

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

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

1 ~~be assigned to an adjudication alternative program pursuant to~~
2 ~~42 Pa.C.S. § 1520 (relating to adjudication alternative~~
3 ~~program).~~

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

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

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

1 ~~(5) The following words, when used in this subsection, shall~~
2 ~~have the following meaning, except where the context clearly~~
3 ~~indicates or requires a different meaning:~~

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

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

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

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

17 ~~"Person in parental relation" shall not include any county~~
18 ~~agency or person acting as an agent of the county agency in the~~
19 ~~jurisdiction of a dependent child defined under 42 Pa.C.S. §~~
20 ~~6302 (relating to definitions).~~

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

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

29 Procedure When Child is Truant. ~~(a) (1) When a child is~~
30 truant the school shall provide written notice to the person in

~~1 parental relation who resides in the same household as the child
2 of the child's violation of compulsory school attendance within
3 ten (10) school days of the child's third unexcused absence.~~

~~4 (2) The notice required under paragraph (1):~~

~~5 (i) Shall include a description of the consequences that
6 will follow if the child becomes habitually truant.~~

~~7 (ii) Shall be in a form and use language that would be
8 considered reasonably understandable by the person in parental
9 relation.~~

~~10 (iii) May include the offer of a school attendance
11 improvement conference.~~

~~12 (3) If the individual receiving notification under paragraph
13 (1) is not the biological or adoptive parent, written notice
14 shall also be provided to the child's biological or adoptive
15 parents if their mailing addresses are on file with the school
16 and they are not precluded to receive the information by a court
17 order.~~

~~18 (b) (1) If unexcused absences continue after the school has
19 issued the notice required under subsection (a), the school
20 shall offer, by advance written notice, a school attendance
21 improvement conference to the child and person in parental
22 relation unless such a conference was previously held following
23 the notice provided under subsection (a) (1). This subsection
24 shall not be construed to place a legal obligation on the child
25 or the person in parental relation to attend the conference. The
26 conference may occur if the person in parental relation declines
27 to participate.~~

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

1 ~~shall use a form substantially similar to the form developed by~~
2 ~~the department.~~

3 ~~(3) The school may not take further legal action to address~~
4 ~~unexcused absences by the child until after the date for the~~
5 ~~scheduled school attendance improvement conference has passed.~~

6 Section 3. The act is amended by adding sections to read:

7 ~~Section 1333.1. Procedure By School When Child Habitually~~

8 ~~Truant. (a) When a child is habitually truant and under~~

9 ~~fifteen (15) years of age at the time of referral, the school:~~

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

11 ~~(i) A school based or community based attendance improvement~~
12 ~~program.~~

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

16 ~~(2) May file a citation in the office of the appropriate~~
17 ~~magisterial district judge against the person in parental~~
18 ~~relation who resides in the same household as the child.~~

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

22 ~~(1) Refer the child to a school based or community based~~
23 ~~attendance improvement program or service.~~

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

28 ~~(c) If a child who is fifteen (15) years of age or older~~
29 ~~continues to incur additional unexcused absences after being~~
30 ~~referred to a school based or community based attendance~~

~~1 improvement program or refuses to participate in a school based
2 or community based attendance improvement program as recommended
3 through the school attendance improvement conference, the school
4 may refer the child to the county children and youth agency for
5 possible disposition as a dependent child under the provisions
6 of 42 Pa.C.S. Ch. 63.~~

~~7 (d) When referring a habitually truant child to the county
8 children and youth agency or filing a citation with the
9 magisterial district court because a child has been habitually
10 truant, the school shall provide verification that a school
11 attendance improvement conference was offered.~~

~~12 Section 1333.2. Procedure Upon Filing of Citation. (a) The
13 venue for the filing of a citation under section 1333.1 shall be
14 based on the location of the school in which the child is
15 enrolled.~~

~~16 (b) When a citation is filed against a child or a person in
17 parental relation who resides in the same household as the child
18 under the provisions of section 1333.1, the magisterial district
19 judge shall provide the following notices:~~

~~20 (1) Written notice of the hearing with respect to the
21 citation to the school, the person in parental relation, the
22 child and the county children and youth agency.~~

~~23 (2) Notice to the child or person in parental relation who
24 resides in the same household as the child of the availability
25 of a preconviction diversionary program authorized under 42
26 Pa.C.S. § 1520 (relating to adjudication alternative program).~~

~~27 (c) At the hearing with respect to the citation, the burden
28 is upon the school to prove beyond a reasonable doubt that the
29 child was habitually truant in noncompliance with the compulsory
30 school attendance requirements of this article.~~

~~(d) If the citation is filed against the person in parental relation who resides in the same household as the child, it is a defense if the person in parental relation can prove by a preponderance of the evidence that every reasonable step to ensure attendance of the child at school was taken.~~

~~(e) Before entering a sentence, the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The judge may consider the child's school attendance after the citation was filed and while the proceeding was pending for the purpose of imposing a sentence.~~

~~Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements. (a) A person convicted of a summary offense under section 1333.2 may be sentenced:~~

~~(1) To pay a fine for the benefit of the school in an amount not exceeding three hundred dollars (\$300) for each citation, together with court costs.~~

~~(2) To perform community service.~~

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

~~(b) The court may suspend the sentence of a person convicted under the provisions of sections 1333, 1333.1 and 1333.2 and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.~~

~~(c) A person convicted of a summary offense under this section by a magisterial district judge shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days after conviction. Thereafter, the appeal~~

1 ~~shall proceed as any other appeal of a summary conviction.~~

2 ~~(d) No citation shall be filed against a child or a person~~
3 ~~in parental relation who resides in the same household as the~~
4 ~~child for a subsequent violation of compulsory school attendance~~
5 ~~if any of the following circumstances apply:~~

6 ~~(1) A proceeding under sections 1333.1 and 1333.2 is already~~
7 ~~pending against the child or the person in parental relation who~~
8 ~~resides in the same household as the child until the judgment~~
9 ~~has been entered in such proceeding unless a warrant has been~~
10 ~~issued for failure of that parent or child to appear before the~~
11 ~~court and the warrant has not yet been served.~~

12 ~~(2) A referral for services has been made to the county's~~
13 ~~children and youth agency under section 1333.1 and the agency~~
14 ~~has not closed the case.~~

15 ~~(3) A petition has been filed alleging the child is~~
16 ~~dependent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters)~~
17 ~~due to being habitually truant and the case remains under the~~
18 ~~jurisdiction of the juvenile court.~~

19 ~~(e) Upon a second or subsequent conviction of a child or a~~
20 ~~person in parental relation who resides in the same household as~~
21 ~~the child for a violation of the compulsory school attendance~~
22 ~~requirements of this article in a court within this Commonwealth~~
23 ~~within a period of three (3) years, the court shall refer the~~
24 ~~child for services or possible disposition as a dependent child~~
25 ~~under 42 Pa.C.S. Ch. 63.~~

26 ~~(f) Upon the willful failure of a person to satisfy a fine~~
27 ~~or costs imposed under this section and a finding by the court~~
28 ~~that the person has the ability to pay the financial obligation~~
29 ~~imposed, the willful failure to comply with a payment plan or~~
30 ~~the willful failure to comply with any other part of the~~

1 ~~sentence imposed by the court under subsection (a), the~~
2 ~~following shall apply:~~

3 ~~(1) The court may:~~

4 ~~(i) In the case of a person in parental relation who resides~~
5 ~~in the same household as the child, impose a period of~~
6 ~~incarceration not to exceed five (5) days.~~

7 ~~(ii) Impose community service.~~

8 ~~(2) In the case of a child, the failure shall not be~~
9 ~~considered a delinquent act, provided that the president judge~~
10 ~~of the judicial district may adopt a local policy pursuant to 42-~~
11 ~~Pa.C.S. § 6304 (relating to powers and duties of probation~~
12 ~~officers) and the Pennsylvania Rules of Juvenile Court Procedure~~
13 ~~to provide that a juvenile probation officer may receive~~
14 ~~allegations that the child is dependent for the purpose of~~
15 ~~considering the commencement of proceedings under 42 Pa.C.S. Ch.~~
16 ~~63.~~

17 ~~(g) (1) If a child is convicted of a violation of the~~
18 ~~compulsory school attendance requirements of this article, the~~
19 ~~court may send the Department of Transportation a certified~~
20 ~~record of the conviction on a form prescribed by the department~~
21 ~~only if the child fails to comply with a lawful sentence entered~~
22 ~~for the violation and is not subject to an exception to~~
23 ~~compulsory attendance under section 1330.~~

24 ~~(2) The Department of Transportation shall suspend for~~
25 ~~ninety (90) days the operating privilege of a child upon~~
26 ~~receiving a certified record that the child was convicted of a~~
27 ~~summary offense under the compulsory school attendance~~
28 ~~requirements of this article. If the Department of~~
29 ~~Transportation receives a certified record of a second or~~
30 ~~subsequent conviction of a child pursuant to this section, the~~

1 ~~department shall suspend the child's operating privilege for six~~
2 ~~(6) months.~~

3 ~~(3) A child whose record is received by the Department of~~
4 ~~Transportation under this section and who does not have a~~
5 ~~driver's license shall be ineligible to apply for a driver's~~
6 ~~license under 75 Pa.C.S. § 1505 (relating to learners' permits)~~
7 ~~and 1507 (relating to application for driver's license or~~
8 ~~learner's permit by minor) for the time period specified in~~
9 ~~paragraph (2). If the child is under sixteen (16) years of age~~
10 ~~when convicted, suspension of operating privileges shall~~
11 ~~commence in accordance with 75 Pa.C.S. § 1541 (relating to~~
12 ~~period of disqualification, revocation or suspension of~~
13 ~~operating privilege) for the time specified in paragraph (2).~~

14 ~~(4) A child whose driving privileges have been suspended or~~
15 ~~whose eligibility for a permit or license is delayed under this~~
16 ~~section may have that license or eligibility restored by~~
17 ~~providing the Department of Transportation with a form developed~~
18 ~~by the Department of Transportation containing the following~~
19 ~~information in the form of a certified record from the child's~~
20 ~~school that either of the following applies:~~

21 ~~(i) The child:~~

22 ~~(A) Has attended school for a period of at least two (2)~~
23 ~~months after the first conviction or four (4) months after the~~
24 ~~second conviction without an unexcused absence or unexcused~~
25 ~~tardy.~~

26 ~~(B) Has no school disciplinary actions pending or has not~~
27 ~~served a disciplinary sanction during the period of the~~
28 ~~suspension or delay.~~

29 ~~(C) Is attending and passing all classes.~~

30 ~~(ii) The child is subject to an exception to compulsory~~

1 ~~attendance under section 1330.~~

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

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

11 ~~(h) (1) Upon application from a child who has no more than~~
12 ~~two (2) convictions of a summary offense under section 1333.2,~~
13 ~~the court shall grant an expungement of the convictions from the~~
14 ~~child's record if all of the following apply:~~

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

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

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

25 Section 4. Section 1338.1 of the act, added November 17,
26 1995 (1st Sp.Sess. P.L.1110, No.29), is repealed:

27 {Section 1338.1. Suspension of Operating Privilege. (a)
28 The Department of Transportation shall suspend for 90 days the
29 operating privilege of any child upon receiving a certified
30 record that the child was convicted of violating section 1333.

1 ~~If the department receives a second or subsequent conviction for~~
2 ~~a child's violation of section 1333, the department shall~~
3 ~~suspend the child's operating privilege for six months.~~

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

15 ~~(c) An insurer may not increase premiums, impose any~~
16 ~~surcharge or rate penalty or make any driver record point~~
17 ~~assignment for automobile insurance, nor shall an insurer cancel~~
18 ~~or refuse to renew an automobile insurance policy on account of~~
19 ~~a suspension under this section.]~~

20 ~~Section 5. The amendment or addition of sections 1326,~~
21 ~~1327.2, 1333, 1333.1, 1333.2, 1333.3 and 1338.1 of the act shall~~
22 ~~apply to school years beginning with the 2017-2018 school year~~
23 ~~and each school year thereafter.~~

24 ~~Section 6. This act shall take effect immediately.~~

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

1 ATTENDANCE ISSUES AS EARLY AS POSSIBLE WITH CREDIBLE

2 INTERVENTION TECHNIQUES IN ORDER TO:

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

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

8 (3) CONFINE A PERSON IN PARENTAL RELATION TO A CHILD WHO IS
9 HABITUALLY TRUANT ONLY AS A LAST RESORT AND FOR A MINIMUM AMOUNT
10 OF TIME.

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

12 SECTION 1326. DEFINITIONS.--[THE TERM "COMPULSORY SCHOOL
13 AGE," AS HEREINAFTER USED, SHALL MEAN THE PERIOD OF A CHILD'S
14 LIFE FROM THE TIME THE CHILD'S PARENTS ELECT TO HAVE THE CHILD
15 ENTER SCHOOL, WHICH SHALL BE NOT LATER THAN AT THE AGE OF EIGHT
16 (8) YEARS, UNTIL THE AGE OF SEVENTEEN (17) YEARS. THE TERM SHALL
17 NOT INCLUDE ANY CHILD WHO HOLDS A CERTIFICATE OF GRADUATION FROM
18 A REGULARLY ACCREDITED SENIOR HIGH SCHOOL.

19 THE TERM "MIGRATORY CHILD," WHEREVER USED IN THIS SUBDIVISION
20 OF THIS ARTICLE, SHALL INCLUDE ANY CHILD DOMICILED TEMPORARILY
21 IN ANY SCHOOL DISTRICT FOR THE PURPOSE OF SEASONAL EMPLOYMENT,
22 BUT NOT ACQUIRING RESIDENCE THEREIN, AND ANY CHILD ACCOMPANYING
23 HIS PARENT OR GUARDIAN WHO IS SO DOMICILED.] WHEN USED IN THIS
24 ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE
25 FOLLOWING MEANINGS:

26 "CITATION" SHALL MEAN A NONTRAFFIC CITATION OR PRIVATE
27 CRIMINAL COMPLAINT.

28 "COMPULSORY SCHOOL AGE" SHALL MEAN THE PERIOD OF A CHILD'S
29 LIFE FROM THE TIME THE CHILD'S PARENTS ELECT TO HAVE THE CHILD
30 ENTER SCHOOL AND WHICH SHALL BE NO LATER THAN EIGHT (8) YEARS OF

1 AGE UNTIL THE CHILD REACHES SEVENTEEN (17) YEARS OF AGE. THE
2 TERM DOES NOT INCLUDE A CHILD WHO HOLDS A CERTIFICATE OF
3 GRADUATION FROM A REGULARLY ACCREDITED, LICENSED, REGISTERED OR
4 APPROVED HIGH SCHOOL.

5 "CONVICTION" SHALL MEAN A CONVICTION UNDER SECTION 1333.2 FOR
6 VIOLATION OF THE REQUIREMENT FOR COMPULSORY SCHOOL ATTENDANCE.

7 "COURT" SHALL MEAN A MAGISTERIAL DISTRICT COURT, THE
8 PHILADELPHIA MUNICIPAL COURT OR A COURT OF COMMON PLEAS.

9 "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE
10 COMMONWEALTH.

11 "EDUCATIONAL ENTITY" SHALL MEAN A PUBLIC SCHOOL DISTRICT,
12 NONPUBLIC SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

13 "EXCUSED ABSENCE" SHALL MEAN AN ABSENCE FROM SCHOOL WHICH IS
14 PERMITTED UNDER SECTION 1329.

15 "GOVERNING BODY" SHALL MEAN THE BOARD OF SCHOOL DIRECTORS OF
16 A SCHOOL DISTRICT OR ANY OTHER GOVERNING ENTITY OF A SCHOOL.

17 "HABITUALLY TRUANT" SHALL MEAN SIX (6) OR MORE SCHOOL DAYS OF
18 UNEXCUSED ABSENCES DURING THE CURRENT SCHOOL YEAR BY A CHILD
19 SUBJECT TO COMPULSORY SCHOOL ATTENDANCE UNDER THIS ARTICLE.

20 "JUDGE" SHALL MEAN A MAGISTERIAL DISTRICT JUDGE, A MUNICIPAL
21 COURT JUDGE OR A JUDGE OF A COURT OF COMMON PLEAS.

22 "JUVENILE ACT" SHALL MEAN THE PROVISIONS OF 42 PA.C.S. CH. 63
23 (RELATING TO JUVENILE MATTERS).

24 "MIGRATORY CHILD" SHALL MEAN A CHILD DOMICILED TEMPORARILY IN
25 A SCHOOL DISTRICT FOR THE PURPOSE OF SEASONAL EMPLOYMENT, BUT
26 NOT ACQUIRING RESIDENCE THEREIN, AND A CHILD ACCOMPANYING HIS OR
27 HER PERSON IN PARENTAL RELATION WHO IS SO DOMICILED.

28 "OFFENSE" SHALL MEAN EACH CITATION FILED UNDER SECTION 1333.1
29 FOR A VIOLATION OF THE REQUIREMENT FOR COMPULSORY SCHOOL
30 ATTENDANCE UNDER THIS ARTICLE REGARDLESS OF THE NUMBER OF

1 UNEXCUSED ABSENCES ALLEGED IN THE CITATION.

2 "PERSON IN PARENTAL RELATION" SHALL MEAN A:

3 (1) CUSTODIAL BIOLOGICAL OR ADOPTIVE PARENT.

4 (2) NONCUSTODIAL BIOLOGICAL OR ADOPTIVE PARENT.

5 (3) GUARDIAN OF THE PERSON OF A CHILD.

6 (4) PERSON WITH WHOM A CHILD LIVES AND WHO IS ACTING IN A
7 PARENTAL ROLE OF A CHILD.

8 THIS DEFINITION SHALL NOT INCLUDE ANY COUNTY AGENCY OR PERSON
9 ACTING AS AN AGENT OF THE COUNTY AGENCY IN THE JURISDICTION OF A
10 DEPENDENT CHILD DEFINED UNDER 42 PA.C.S. § 6302 (RELATING TO
11 DEFINITIONS). THIS DEFINITION SHALL NOT EXPAND THE RIGHT OF A
12 CHILD UNDER ANY OTHER SECTION OF THIS ACT.

13 "SCHOOL" SHALL MEAN THE EDUCATIONAL ENTITY IN WHICH THE CHILD
14 IS ENROLLED.

15 "SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE" SHALL MEAN A
16 CONFERENCE WHERE THE CHILD'S ABSENCES AND REASONS FOR THE
17 ABSENCES ARE EXAMINED IN AN EFFORT TO IMPROVE ATTENDANCE, WITH
18 OR WITHOUT ADDITIONAL SERVICES. THE FOLLOWING INDIVIDUALS SHALL
19 BE INVITED TO THE CONFERENCE:

20 (1) THE CHILD.

21 (2) THE CHILD'S PERSON IN PARENTAL RELATION.

22 (3) OTHER INDIVIDUALS IDENTIFIED BY THE PERSON IN PARENTAL
23 RELATION WHO MAY BE A RESOURCE.

24 (4) APPROPRIATE SCHOOL PERSONNEL.

25 (5) RECOMMENDED SERVICE PROVIDERS.

26 "SCHOOL DAY" SHALL MEAN THE LENGTH OF TIME THAT A CHILD
27 SUBJECT TO COMPULSORY SCHOOL ATTENDANCE IS EXPECTED TO BE
28 RECEIVING INSTRUCTION DURING A CALENDAR DAY, AS DETERMINED BY
29 THE GOVERNING BODY.

30 "SCHOOL YEAR" SHALL HAVE THE SAME MEANING AS "SCHOOL TERM" AS

1 DEFINED IN SECTION 102, AS APPLICABLE TO A SCHOOL DISTRICT, AND
2 AS FURTHER DEFINED IN SECTION 1327(B) FOR A DAY SCHOOL WHICH IS
3 OPERATED BY A BONA FIDE CHURCH OR OTHER RELIGIOUS BODY, SECTION
4 1327.1(C) FOR A DAY SCHOOL OR BOARDING SCHOOL ACCREDITED BY AN
5 ACCREDITING ASSOCIATION WHICH IS APPROVED BY THE STATE BOARD OF
6 EDUCATION, SECTION 1327.1(D) FOR A HOME EDUCATION PROGRAM,
7 SECTIONS 1501 AND 1504 FOR A PUBLIC SCHOOL OR A SCHOOL DISTRICT,
8 SECTION 1715-A(9) FOR A CHARTER SCHOOL, SECTION 1749-A(A) (1) FOR
9 A CYBER CHARTER SCHOOL AND SECTION 1718-A(C) FOR A REGIONAL
10 CHARTER SCHOOL.

11 "SCHOOL-BASED OR COMMUNITY-BASED ATTENDANCE IMPROVEMENT
12 PROGRAM" SHALL MEAN A PROGRAM DESIGNED TO IMPROVE SCHOOL
13 ATTENDANCE BY SEEKING TO IDENTIFY AND ADDRESS THE UNDERLYING
14 REASONS FOR A CHILD'S ABSENCES. THE TERM MAY INCLUDE AN
15 EDUCATIONAL ASSIGNMENT IN AN ALTERNATIVE EDUCATION PROGRAM,
16 PROVIDED THE PROGRAM DOES NOT INCLUDE A PROGRAM FOR DISRUPTIVE
17 YOUTH ESTABLISHED PURSUANT TO ARTICLE XIX-C.

18 "TRUANT" SHALL MEAN HAVING INCURRED THREE (3) OR MORE SCHOOL
19 DAYS OF UNEXCUSED ABSENCES DURING THE CURRENT SCHOOL YEAR BY A
20 CHILD SUBJECT TO COMPULSORY SCHOOL ATTENDANCE UNDER THIS
21 ARTICLE.

22 "UNEXCUSED ABSENCE" SHALL MEAN AN ABSENCE FROM SCHOOL WHICH
23 IS NOT PERMITTED BY THE PROVISIONS OF SECTION 1329 AND FOR WHICH
24 AN APPROVED EXPLANATION HAS NOT BEEN SUBMITTED WITHIN THE TIME
25 PERIOD AND IN THE MANNER PRESCRIBED BY THE GOVERNING BODY. AN
26 OUT-OF-SCHOOL SUSPENSION MAY NOT BE CONSIDERED AN UNEXCUSED
27 ABSENCE.

28 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

29 SECTION 1327.2. ATTENDANCE POLICY AT CHARTER, REGIONAL
30 CHARTER AND CYBER CHARTER SCHOOLS.-- (A) EACH CHARTER, REGIONAL

1 CHARTER AND CYBER CHARTER SCHOOL SHALL ESTABLISH AN ATTENDANCE
2 POLICY DESIGNED TO ACCURATELY DETERMINE WHEN A CHILD WHO IS
3 ENROLLED IN A CHARTER, REGIONAL CHARTER OR CYBER CHARTER SCHOOL
4 HAS AN UNEXCUSED ABSENCE, WHICH MAY DIFFER FROM THE POLICY OF
5 THE SCHOOL DISTRICT IN WHICH THE CHILD RESIDES. THE POLICY MUST
6 CONFORM TO THE PROVISIONS OF THIS ACT RELATING TO COMPULSORY
7 ATTENDANCE.

8 (B) NOTWITHSTANDING SECTION 1333.2(A), IN THE CASE OF A
9 CHILD ENROLLED IN A CYBER CHARTER SCHOOL THE VENUE FOR THE
10 FILING OF A CITATION UNDER SECTION 1333.1 SHALL BE BASED UPON
11 THE RESIDENCE OF THE CHILD. A CYBER CHARTER SCHOOL MAY
12 PARTICIPATE IN A PROCEEDING UNDER SECTIONS 1333.1, 1333.2 AND
13 1333.3 IN PERSON, BY PHONE CONFERENCING, BY VIDEO CONFERENCING
14 OR BY ANY OTHER ELECTRONIC MEANS.

15 (C) CHARTER, REGIONAL CHARTER AND CYBER CHARTER SCHOOLS
16 SHALL REPORT UNEXCUSED ABSENCES DIRECTLY TO THE DEPARTMENT
17 ANNUALLY THROUGH THE PENNSYLVANIA INFORMATION MANAGEMENT SYSTEM
18 (PIMS).

19 SECTION 4. SECTION 1329 OF THE ACT IS AMENDED BY ADDING
20 SUBSECTIONS TO READ:

21 SECTION 1329. EXCUSES FROM ATTENDING SCHOOL.--* * *

22 (C) IF A STUDENT IS DISMISSED FROM SCHOOL DURING SCHOOL
23 HOURS FOR HEALTH-RELATED REASONS BY A CERTIFIED SCHOOL NURSE,
24 REGISTERED NURSE, LICENSED PRACTICAL NURSE OR A SCHOOL
25 ADMINISTRATOR OR DESIGNEE EMPLOYED BY THE SCHOOL DISTRICT, THE
26 STUDENT'S ABSENCE FROM SCHOOL SHALL BE DEEMED EXCUSED.

27 (D) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A
28 STUDENT SHALL BE EXCUSED DURING SCHOOL HOURS FOR THE PURPOSE OF
29 OBTAINING PROFESSIONAL HEALTH CARE OR THERAPY SERVICE RENDERED
30 BY A LICENSED PRACTITIONER OF THE HEALING ARTS IN ANY STATE,

1 COMMONWEALTH OR TERRITORY.

2 (E) THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE,
3 RESOURCES AND STRATEGIES FOR FAMILIES, SCHOOLS AND STUDENTS
4 RELATED TO STUDENTS WITH CHRONIC HEALTH CONDITIONS WHICH SHALL
5 BE POSTED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET
6 WEBSITE.

7 SECTION 5. SECTION 1333 OF THE ACT, AMENDED NOVEMBER 17,
8 1995 (1ST SP.SESS. P.L.1110, NO.29), IS AMENDED TO READ:

9 SECTION 1333. [PENALTIES FOR VIOLATION OF COMPULSORY
10 ATTENDANCE REQUIREMENTS.-- (A) (1) EVERY PARENT, GUARDIAN, OR
11 PERSON IN PARENTAL RELATION, HAVING CONTROL OR CHARGE OF ANY
12 CHILD OR CHILDREN OF COMPULSORY SCHOOL AGE, WHO SHALL FAIL TO
13 COMPLY WITH THE PROVISIONS OF THIS ACT REGARDING COMPULSORY
14 ATTENDANCE, SHALL ON SUMMARY CONVICTION THEREOF, BE SENTENCED TO
15 PAY A FINE, FOR THE BENEFIT OF THE SCHOOL DISTRICT IN WHICH SUCH
16 OFFENDING PERSON RESIDES, NOT EXCEEDING THREE HUNDRED DOLLARS
17 (\$300) AND TO PAY COURT COSTS OR BE SENTENCED TO COMPLETE A
18 PARENTING EDUCATION PROGRAM OFFERED AND OPERATED BY A LOCAL
19 SCHOOL DISTRICT, MEDICAL INSTITUTION OR OTHER COMMUNITY
20 RESOURCES, AND, IN DEFAULT OF THE PAYMENT OF SUCH FINE AND COSTS
21 OR COMPLETION OF THE PARENTING PROGRAM BY THE PERSON SO
22 OFFENDING, SHALL BE SENTENCED TO THE COUNTY JAIL FOR A PERIOD
23 NOT EXCEEDING FIVE (5) DAYS. ANY PERSON SENTENCED TO PAY ANY
24 SUCH FINE MAY APPEAL TO THE COURT OF COMMON PLEAS OF THE PROPER
25 COUNTY, UPON ENTERING INTO A RECOGNIZANCE, WITH ONE OR MORE
26 PROPER SURETIES, IN DOUBLE THE AMOUNT OF PENALTY AND COSTS.
27 BEFORE ANY PROCEEDINGS ARE INSTITUTED AGAINST ANY PARENT,
28 GUARDIAN, OR PERSON IN PARENTAL RELATION, FOR FAILURE TO COMPLY
29 WITH THE PROVISIONS OF THIS ACT, THE DISTRICT SUPERINTENDENT,
30 ATTENDANCE OFFICER, OR SECRETARY OF THE BOARD OF SCHOOL

1 DIRECTORS, SHALL GIVE THE OFFENDING PERSON THREE (3) DAYS'
2 WRITTEN NOTICE OF SUCH VIOLATION. IF, AFTER SUCH NOTICE HAS BEEN
3 GIVEN, THE PROVISIONS OF THIS ACT REGARDING COMPULSORY
4 ATTENDANCE ARE AGAIN VIOLATED BY THE PERSONS SO NOTIFIED, AT ANY
5 TIME DURING THE TERM OF COMPULSORY ATTENDANCE, SUCH PERSON, SO
6 AGAIN OFFENDING, SHALL BE LIABLE UNDER THE PROVISIONS OF THIS
7 SECTION WITHOUT FURTHER NOTICE.

8 (2) THE CHILD AND EVERY PARENT, GUARDIAN OR PERSON IN
9 PARENTAL RELATION MUST APPEAR AT A HEARING ESTABLISHED BY THE
10 DISTRICT JUSTICE. IF THE PARENT, GUARDIAN OR PERSON IN PARENTAL
11 RELATION CHARGED WITH A SUMMARY OFFENSE UNDER THIS SUBSECTION
12 SHOWS THAT HE OR SHE TOOK EVERY REASONABLE STEP TO INSURE
13 ATTENDANCE OF THE CHILD AT SCHOOL, HE OR SHE SHALL NOT BE
14 CONVICTED OF THE SUMMARY OFFENSE.

15 (3) UPON A SUMMARY CONVICTION, THE DISTRICT JUSTICE MAY
16 SUSPEND, IN WHOLE OR IN PART, A SENTENCE IN WHICH A PARENT,
17 GUARDIAN OR PERSON IN PARENTAL RELATION IS SUMMONED TO PAY AS
18 REQUIRED UNDER THIS SECTION: PROVIDED, THAT THE CHILD NO LONGER
19 IS HABITUALLY TRUANT FROM SCHOOL WITHOUT JUSTIFICATION.

20 (4) IN LIEU OF OR IN ADDITION TO ANY OTHER SENTENCE IMPOSED
21 UNDER THIS SECTION, THE DISTRICT JUSTICE MAY ORDER THE PARENT,
22 GUARDIAN OR PERSON IN PARENTAL RELATION TO PERFORM COMMUNITY
23 SERVICE IN THE SCHOOL DISTRICT IN WHICH THE OFFENDING CHILD
24 RESIDES FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS.

25 (B) (1) IF THE PARENT, GUARDIAN OR PERSON IN PARENTAL
26 RELATION IS NOT CONVICTED OF A SUMMARY OFFENSE BECAUSE HE OR SHE
27 TOOK EVERY REASONABLE STEP TO INSURE ATTENDANCE OF THE CHILD AT
28 SCHOOL, A CHILD OF COMPULSORY SCHOOL AGE WHO HAS ATTAINED THE
29 AGE OF THIRTEEN (13) YEARS AND FAILS TO COMPLY WITH THE
30 PROVISIONS OF THIS ACT REGARDING COMPULSORY ATTENDANCE OR WHO IS

1 HABITUALLY TRUANT FROM SCHOOL WITHOUT JUSTIFICATION COMMITS A
2 SUMMARY OFFENSE AND EXCEPT AS PROVIDED IN CLAUSE (4) SHALL, UPON
3 CONVICTION, BE SENTENCED TO PAY A FINE NOT EXCEEDING THREE
4 HUNDRED DOLLARS (\$300) FOR EACH OFFENSE FOR THE BENEFIT OF THE
5 SCHOOL DISTRICT IN WHICH SUCH OFFENDING CHILD RESIDES OR SHALL
6 BE ASSIGNED TO AN ADJUDICATION ALTERNATIVE PROGRAM PURSUANT TO
7 42 PA.C.S. § 1520 (RELATING TO ADJUDICATION ALTERNATIVE
8 PROGRAM) .

9 (2) FOR ANY CHILD WHO HAS ATTAINED THE AGE OF THIRTEEN (13)
10 YEARS WHO FAILS TO PAY THE FINE UNDER CLAUSE (1) OR TO COMPLY
11 WITH THE ADJUDICATION ALTERNATIVE PROGRAM, THE DISTRICT JUSTICE
12 MAY ALLEGE THE CHILD TO BE DEPENDENT UNDER 42 PA.C.S. § 6303(A)
13 (1) (RELATING TO SCOPE OF CHAPTER) . THE FAILURE BY THE CHILD TO
14 PAY A FINE OR COMPLY WITH THE ADJUDICATION ALTERNATIVE PROGRAM
15 SHALL NOT CONSTITUTE A DELINQUENT ACT UNDER 42 PA.C.S. CH. 63
16 (RELATING TO JUVENILE MATTERS) .

17 (3) UPON A SUMMARY CONVICTION OR ASSIGNMENT TO AN
18 ADJUDICATION ALTERNATIVE PROGRAM, THE DISTRICT JUSTICE MAY
19 SUSPEND, IN WHOLE OR IN PART, A SENTENCE OR AN ADJUDICATION
20 ALTERNATIVE PROGRAM IN WHICH A CHILD WHO HAS ATTAINED THE AGE OF
21 THIRTEEN (13) YEARS MUST PAY OR COMPLY WITH THE ADJUDICATION
22 ALTERNATIVE PROGRAM: PROVIDED, THAT THE CHILD NO LONGER IS
23 HABITUALLY TRUANT FROM SCHOOL WITHOUT JUSTIFICATION.

24 (4) ANY CHILD WHO HAS NOT ATTAINED THE AGE OF THIRTEEN (13)
25 YEARS WHO FAILS TO COMPLY WITH THE COMPULSORY ATTENDANCE
26 PROVISIONS OF THIS ACT AND IS HABITUALLY TRUANT SHALL 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 (RELATING TO DEFINITIONS) . ANY CHILD WHO HAS ATTAINED THE
30 AGE OF THIRTEEN (13) YEARS WHO FAILS TO COMPLY WITH THE

1 COMPULSORY ATTENDANCE PROVISIONS OF THIS ACT AND IS HABITUALLY
2 TRUANT MAY, IN LIEU OF A PROSECUTION UNDER CLAUSE (1), BE
3 REFERRED BY THE SCHOOL DISTRICT FOR SERVICES OR POSSIBLE
4 DISPOSITION AS A DEPENDENT CHILD AS DEFINED UNDER 42 PA.C.S. §
5 6302.

6 (5) THE FOLLOWING WORDS, WHEN USED IN THIS SUBSECTION, SHALL
7 HAVE THE FOLLOWING MEANING, EXCEPT WHERE THE CONTEXT CLEARLY
8 INDICATES OR REQUIRES A DIFFERENT MEANING:

9 "COMMUNITY RESOURCES" SHALL MEAN THOSE AGENCIES AND SERVICES
10 FOR CHILDREN AND YOUTH PROVIDED BY THE JUVENILE COURT, THE
11 COUNTY, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF PUBLIC
12 WELFARE AND OTHER PUBLIC OR PRIVATE INSTITUTIONS.

13 "DISTRICT JUSTICE" SHALL MEAN SUCH COURT AS THE COURT OF
14 COMMON PLEAS SHALL DIRECT IN COUNTIES NOT HAVING DISTRICT
15 JUSTICES.

16 "HABITUALLY TRUANT" SHALL MEAN ABSENCE FOR MORE THAN THREE
17 (3) SCHOOL DAYS OR THEIR EQUIVALENT FOLLOWING THE FIRST NOTICE
18 OF TRUANCY GIVEN UNDER SECTION 1354. A PERSON MAY BE HABITUALLY
19 TRUANT AFTER SUCH NOTICE.

20 "OFFENSE" SHALL MEAN EACH CITATION WHICH GOES BEFORE A
21 DISTRICT JUSTICE OR COURT OF COMMON PLEAS.

22 "PERSON IN PARENTAL RELATION" SHALL NOT INCLUDE ANY COUNTY
23 AGENCY OR PERSON ACTING AS AN AGENT OF THE COUNTY AGENCY IN THE
24 JURISDICTION OF A DEPENDENT CHILD DEFINED UNDER 42 PA.C.S. §
25 6302 (RELATING TO DEFINITIONS).

26 (C) IF A CHILD IS CONVICTED FOR A VIOLATION OF THIS SECTION,
27 THE COURT, INCLUDING A COURT NOT OF RECORD, SHALL SEND TO THE
28 DEPARTMENT OF TRANSPORTATION A CERTIFIED RECORD OF THE
29 CONVICTION OR OTHER DISPOSITION ON A FORM PRESCRIBED BY THE
30 DEPARTMENT.

1 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO A
2 PARENT, GUARDIAN OR PERSON IN PARENTAL RELATION WHOSE CHILD OR
3 CHILDREN ARE IN A HOME EDUCATION PROGRAM UNDER SECTION 1327.1.]
4 PROCEDURE WHEN CHILD IS TRUANT.--(A) WHEN A CHILD IS TRUANT,
5 THE SCHOOL SHALL NOTIFY IN WRITING THE PERSON IN PARENTAL
6 RELATION WITH THE CHILD WHO RESIDES IN THE SAME HOUSEHOLD AS THE
7 CHILD OF THE CHILD'S VIOLATION OF COMPULSORY SCHOOL ATTENDANCE
8 WITHIN TEN (10) SCHOOL DAYS OF THE CHILD'S THIRD UNEXCUSED
9 ABSENCE. THE NOTICE:

10 (1) SHALL INCLUDE A DESCRIPTION OF THE CONSEQUENCES THAT
11 WILL FOLLOW IF THE CHILD BECOMES HABITUALLY TRUANT;

12 (2) SHALL BE IN THE MODE AND LANGUAGE OF COMMUNICATION
13 PREFERRED BY THE PERSON IN PARENTAL RELATION;

14 (3) MAY INCLUDE THE OFFER OF A SCHOOL ATTENDANCE IMPROVEMENT
15 CONFERENCE; OR

16 (4) WHEN TRANSMITTED TO A PERSON WHO IS NOT THE BIOLOGICAL
17 OR ADOPTIVE PARENT, SHALL ALSO BE PROVIDED TO THE CHILD'S
18 BIOLOGICAL OR ADOPTIVE PARENT IF THE PARENT'S MAILING ADDRESS IS
19 ON FILE WITH THE SCHOOL AND THE PARENT IS NOT PRECLUDED FROM
20 RECEIVING THE INFORMATION BY COURT ORDER.

21 (B) IF THE CHILD CONTINUES TO INCUR UNEXCUSED ABSENCES AFTER
22 THE SCHOOL HAS ISSUED THE NOTICE UNDER SUBSECTION (A), THE
23 SCHOOL SHALL THEN OFFER BY ADVANCE WRITTEN NOTICE A SCHOOL
24 ATTENDANCE IMPROVEMENT CONFERENCE TO THE CHILD AND THE PERSON IN
25 PARENTAL RELATION, UNLESS A CONFERENCE WAS PREVIOUSLY HELD
26 FOLLOWING THE NOTICE PROVIDED UNDER SUBSECTION (A). THE
27 FOLLOWING SHALL APPLY:

28 (1) THIS SUBSECTION DOES NOT PLACE A LEGAL REQUIREMENT UPON
29 THE CHILD OR PERSON IN PARENTAL RELATION TO ATTEND THE
30 CONFERENCE. THE CONFERENCE SHALL OCCUR EVEN IF THE PERSON IN

1 PARENTAL RELATION DECLINES TO PARTICIPATE OR FAILS TO ATTEND THE
2 SCHEDULED CONFERENCE AFTER ADVANCE WRITTEN NOTICE AND ATTEMPTS
3 TO COMMUNICATE VIA TELEPHONE.

4 (2) THE OUTCOME OF THE CONFERENCE SHALL BE DOCUMENTED IN A
5 WRITTEN SCHOOL ATTENDANCE IMPROVEMENT PLAN. THE DEPARTMENT SHALL
6 DEVELOP A FORM TO BE USED FOR THIS PURPOSE, AND EACH SCHOOL
7 SHALL USE A FORM SUBSTANTIALLY SIMILAR TO THE FORM DEVELOPED BY
8 THE DEPARTMENT.

9 (3) FURTHER LEGAL ACTION MAY NOT BE TAKEN BY THE SCHOOL TO
10 ADDRESS UNEXCUSED ABSENCES BY THE CHILD UNTIL AFTER THE DATE FOR
11 THE SCHEDULED SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE HAS
12 PASSED.

13 (C) SCHOOLS SHALL NOT EXPEL OR IMPOSE OUT-OF-SCHOOL
14 SUSPENSION, DISCIPLINARY REASSIGNMENT OR TRANSFER FOR TRUANT
15 BEHAVIOR.

16 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO A
17 PARENT, GUARDIAN OR PERSON IN PARENTAL RELATION WHOSE CHILD OR
18 CHILDREN ARE IN A HOME EDUCATION PROGRAM UNDER SECTION 1327.1.

19 SECTION 6. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
20 SECTION 1333.1. PROCEDURE BY SCHOOL WHEN CHILD HABITUALLY
21 TRUANT.--(A) WHEN A CHILD IS HABITUALLY TRUANT AND UNDER
22 FIFTEEN (15) YEARS OF AGE AT THE TIME OF REFERRAL, THE SCHOOL:

23 (1) SHALL REFER THE CHILD TO EITHER OF THE FOLLOWING:

24 (I) A SCHOOL-BASED OR COMMUNITY-BASED ATTENDANCE IMPROVEMENT
25 PROGRAM.

26 (II) THE COUNTY CHILDREN AND YOUTH AGENCY FOR SERVICES OR
27 FOR POSSIBLE DISPOSITION AS A DEPENDENT CHILD UNDER THE
28 PROVISIONS OF 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS).

29 (2) MAY FILE A CITATION IN THE OFFICE OF THE APPROPRIATE
30 JUDGE AGAINST THE PERSON IN PARENTAL RELATION WHO RESIDES IN THE

1 SAME HOUSEHOLD AS THE CHILD.

2 (B) WHEN A CHILD IS HABITUALLY TRUANT AND FIFTEEN (15) YEARS
3 OF AGE OR OLDER AT THE TIME OF REFERRAL, THE SCHOOL SHALL
4 EITHER:

5 (1) REFER THE CHILD TO A SCHOOL-BASED OR COMMUNITY-BASED
6 ATTENDANCE IMPROVEMENT PROGRAM OR SERVICE.

7 (2) FILE A CITATION IN THE OFFICE OF THE APPROPRIATE JUDGE
8 AGAINST THE CHILD OR THE PERSON IN PARENTAL RELATION WHO RESIDES
9 IN THE SAME HOUSEHOLD AS THE CHILD.

10 (C) IF A CHILD WHO IS FIFTEEN (15) YEARS OF AGE OR OLDER
11 CONTINUES TO INCUR ADDITIONAL UNEXCUSED ABSENCES AFTER BEING
12 REFERRED TO A SCHOOL-BASED OR COMMUNITY-BASED ATTENDANCE
13 IMPROVEMENT PROGRAM OR REFUSES TO PARTICIPATE IN A SCHOOL-BASED
14 OR COMMUNITY-BASED ATTENDANCE IMPROVEMENT PROGRAM AS RECOMMENDED
15 THROUGH THE SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE, THE SCHOOL
16 MAY REFER THE CHILD TO THE COUNTY CHILDREN AND YOUTH AGENCY FOR
17 POSSIBLE DISPOSITION AS A DEPENDENT CHILD UNDER THE PROVISIONS
18 OF 42 PA.C.S. CH. 63.

19 (D) WHEN REFERRING A HABITUALLY TRUANT CHILD TO THE COUNTY
20 CHILDREN AND YOUTH AGENCY OR FILING A CITATION WITH THE COURT
21 BECAUSE A CHILD HAS BEEN HABITUALLY TRUANT, THE SCHOOL SHALL
22 PROVIDE VERIFICATION THAT A SCHOOL ATTENDANCE IMPROVEMENT
23 CONFERENCE WAS HELD.

24 (E) 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 1333.2. PROCEDURE UPON FILING OF CITATION.-- (A) THE
28 VENUE FOR THE FILING OF A CITATION UNDER SECTION 1333.1 SHALL BE
29 BASED ON THE LOCATION OF THE SCHOOL IN WHICH THE CHILD IS
30 ENROLLED OR SHALL BE ENROLLED EXCEPT WHERE SECTION 1327.2(B)

1 APPLIES.

2 (B) WHEN A CITATION IS FILED AGAINST A CHILD OR A PERSON IN
3 PARENTAL RELATION WHO RESIDES IN THE SAME HOUSEHOLD AS THE CHILD
4 UNDER THE PROVISIONS OF SECTION 1333.1, THE JUDGE SHALL PROVIDE
5 THE FOLLOWING NOTICES:

6 (1) WRITTEN NOTICE OF THE HEARING WITH RESPECT TO THE
7 CITATION TO THE SCHOOL, THE PERSON IN PARENTAL RELATION, THE
8 CHILD AND THE COUNTY CHILDREN AND YOUTH AGENCY.

9 (2) NOTICE TO THE CHILD OR PERSON IN PARENTAL RELATION WHO
10 RESIDES IN THE SAME HOUSEHOLD AS THE CHILD OF THE AVAILABILITY
11 OF A PRECONVICTION DIVERSIONARY PROGRAM AUTHORIZED UNDER 42
12 PA.C.S. § 1520 (RELATING TO ADJUDICATION ALTERNATIVE PROGRAM).

13 (C) AT THE HEARING WITH RESPECT TO THE CITATION, THE BURDEN
14 IS ON THE SCHOOL TO PROVE BEYOND A REASONABLE DOUBT THAT, WHILE
15 SUBJECT TO COMPULSORY SCHOOL ATTENDANCE, THE CHILD WAS
16 HABITUALLY AND WITHOUT JUSTIFICATION TRUANT FROM SCHOOL.

17 (D) IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CITATION FILED
18 UNDER THIS SUBDIVISION OF THIS ARTICLE AGAINST A PERSON IN
19 PARENTAL RELATION TO THE CHILD WHO RESIDES IN THE SAME HOUSEHOLD
20 AS THE CHILD IF THE PERSON IN PARENTAL RELATION TO THE CHILD WHO
21 RESIDES IN THE SAME HOUSEHOLD AS THE CHILD TOOK EVERY REASONABLE
22 STEP TO ENSURE ATTENDANCE OF THE CHILD AT SCHOOL.

23 (E) AN AFFIRMATIVE DEFENSE UNDER SUBSECTION (D) MUST BE
24 PROVEN BY A PREPONDERANCE OF THE EVIDENCE.

25 (F) THE COURT SHALL DETERMINE WHETHER THE EVIDENCE HAS
26 ESTABLISHED THAT A CHILD OR PERSON IN PARENTAL RELATION HAS
27 VIOLATED THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS OF THIS
28 ARTICLE AND SHALL ENTER THAT VERDICT ON THE RECORD.

29 (G) THE SCHOOL SHALL, TO THE EXTENT POSSIBLE, INFORM THE
30 COURT OF ANY PRIOR CONVICTION OF THE CHILD OR PERSON IN PARENTAL

1 RELATION WHO RESIDES IN THE SAME HOUSEHOLD AS THE CHILD FOR A
2 VIOLATION OF THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENT OF
3 THIS ARTICLE.

4 (H) BEFORE ENTERING A SENTENCE THE JUDGE SHALL PERMIT THE
5 SCHOOL, PERSON IN PARENTAL RELATION OR CHILD TO PRESENT RELEVANT
6 INFORMATION THAT WILL ASSIST THE JUDGE IN MAKING AN INFORMED
7 DECISION REGARDING THE APPROPRIATE SENTENCE. THE CHILD'S SCHOOL
8 ATTENDANCE AFTER THE CITATION HAS BEEN FILED AND WHILE THE
9 PROCEEDING IS PENDING MAY BE CONSIDERED FOR THE PURPOSE OF
10 IMPOSING A SENTENCE.

11 SECTION 1333.3. PENALTIES FOR VIOLATING COMPULSORY SCHOOL
12 ATTENDANCE REQUIREMENTS.-- (A) A PERSON CONVICTED OF AN OFFENSE
13 UNDER THIS ARTICLE MAY BE:

14 (1) SENTENCED TO PAY A FINE FOR THE BENEFIT OF THE SCHOOL
15 THAT IS RESPONSIBLE FOR THE TRUANCY PROCEEDINGS IN AN AMOUNT NOT
16 EXCEEDING THREE HUNDRED DOLLARS (\$300) TOGETHER WITH COURT COSTS
17 EXCEPT THAT, IN THE CASE OF A SECOND OFFENSE, THE MAXIMUM FINE
18 FOR A PERSON IN PARENTAL RELATION MAY BE A HIGHER AMOUNT WITHIN
19 THEIR ABILITY TO PAY NOT EXCEEDING FIVE HUNDRED DOLLARS (\$500)
20 TOGETHER WITH COURT COSTS AND, IN THE CASE OF A THIRD OR
21 SUBSEQUENT OFFENSE, THE MAXIMUM FINE FOR A PERSON IN PARENTAL
22 RELATION MAY BE A HIGHER AMOUNT WITHIN THEIR ABILITY TO PAY NOT
23 EXCEEDING SEVEN HUNDRED AND FIFTY DOLLARS (\$750) TOGETHER WITH
24 COURT COSTS;

25 (2) SENTENCED TO PERFORM COMMUNITY SERVICE; OR

26 (3) REQUIRED TO COMPLETE AN APPROPRIATE COURSE OR PROGRAM
27 DESIGNED TO IMPROVE SCHOOL ATTENDANCE WHICH HAS BEEN APPROVED BY
28 THE PRESIDENT JUDGE OF THE JUDICIAL DISTRICT.

29 (B) THE COURT MAY SUSPEND THE SENTENCE OF A PERSON CONVICTED
30 OF AN OFFENSE AND MAY REMIT OR WAIVE FINES AND COSTS IF THE

1 CHILD ATTENDS SCHOOL IN ACCORDANCE WITH A PLAN DEvised BY THE
2 COURT.

3 (C) A PERSON CONVICTED OF AN OFFENSE UNDER THIS ARTICLE
4 SHALL HAVE A RIGHT TO APPEAL DE NOVO TO A COURT OF COMMON PLEAS
5 OF THE PROPER COUNTY WITHIN THIRTY (30) DAYS OF THE CONVICTION.
6 AFTER THIRTY (30) DAYS, THE APPEAL SHALL PROCEED SIMILAR TO
7 OTHER APPEALS OF SUMMARY CONVICTIONS.

8 (D) NO CITATION MAY BE FILED AGAINST A CHILD OR A PERSON IN
9 PARENTAL RELATION WITH THE CHILD WHO RESIDES IN THE SAME
10 HOUSEHOLD AS THE CHILD FOR A SUBSEQUENT VIOLATION OF COMPULSORY
11 SCHOOL ATTENDANCE IF ANY OF THE FOLLOWING CIRCUMSTANCES APPLY:

12 (1) A PROCEEDING IS ALREADY PENDING UNDER SECTIONS 1333.1
13 AND 1333.2 AGAINST THE CHILD OR A PERSON IN PARENTAL RELATION
14 WITH THE CHILD WHO RESIDES IN THE SAME HOUSEHOLD AS THE CHILD
15 AND JUDGMENT IN THE FIRST PROCEEDING HAS NOT YET BEEN ENTERED,
16 UNLESS A WARRANT HAS BEEN ISSUED FOR FAILURE OF THE CHILD OR
17 PERSON IN PARENTAL RELATION TO APPEAR BEFORE THE COURT AND THE
18 WARRANT HAS NOT YET BEEN SERVED.

19 (2) A REFERRAL FOR SERVICES HAS BEEN MADE TO THE COUNTY
20 CHILDREN AND YOUTH AGENCY UNDER THIS SUBDIVISION OF THIS ARTICLE
21 AND THE AGENCY HAS NOT CLOSED THE CASE.

22 (3) A PETITION HAS BEEN FILED ALLEGING THE CHILD IS
23 DEPENDENT DUE TO BEING HABITUALLY TRUANT UNDER 42 PA.C.S. CH. 63
24 (RELATING TO JUVENILE MATTERS) AND THE CASE REMAINS UNDER THE
25 JURISDICTION OF THE JUVENILE COURT.

26 (E) UPON A SECOND OR SUBSEQUENT CONVICTION OF A CHILD OR A
27 PERSON IN PARENTAL RELATION WITH THE CHILD WHO RESIDES IN THE
28 SAME HOUSEHOLD AS THE CHILD FOR A VIOLATION OF THE REQUIREMENTS
29 OF COMPULSORY SCHOOL ATTENDANCE IN A COURT WITHIN THIS
30 COMMONWEALTH WITHIN A THREE-YEAR PERIOD, THE COURT SHALL REFER

1 THE CHILD FOR SERVICES OR POSSIBLE DISPOSITION AS A DEPENDENT
2 CHILD UNDER 42 PA.C.S. CH. 63.

3 (F) UPON FAILURE OF A PERSON TO SATISFY THE PENALTY IMPOSED
4 BY THE COURT UNDER SUBSECTION (A), THE PERSON IN PARENTAL
5 RELATION MAY BE FOUND IN CONTEMPT OF COURT AND, UPON CONVICTION,
6 MAY BE SENTENCED TO THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED
7 THREE (3) DAYS IN ANY ONE CASE. THE COURT SHALL MAKE SUCH A
8 DETERMINATION BASED ON SPECIFIC FINDING THAT THE PERSON IN
9 PARENTAL RELATION HAD REASONABLE ABILITY TO COMPLY WITH THE
10 PENALTY IMPOSED AND THAT NONCOMPLIANCE WAS WILLFUL. THE
11 FOLLOWING SHALL APPLY:

12 (1) IN THE CASE OF A CHILD, THE FAILURE TO SATISFY A FINE OR
13 COSTS IMPOSED UNDER THIS SECTION SHALL NOT BE CONSIDERED A
14 DELINQUENT ACT.

15 (2) THE PRESIDENT JUDGE OF A JUDICIAL DISTRICT MAY ADOPT A
16 LOCAL POLICY UNDER 42 PA.C.S. § 6304 (RELATING TO POWERS AND
17 DUTIES OF PROBATION OFFICERS) AND THE PENNSYLVANIA RULES OF
18 JUVENILE COURT PROCEDURE TO PROVIDE THAT A JUVENILE PROBATION
19 OFFICER MAY RECEIVE ALLEGATIONS THAT THE CHILD WHO FAILS TO
20 SATISFY A FINE OR COSTS IMPOSED UNDER THIS SECTION IS DEPENDENT
21 FOR THE PURPOSE OF CONSIDERING THE COMMENCEMENT OF PROCEEDINGS
22 UNDER 42 PA.C.S. CH. 63.

23 (G) (1) IF A CHILD IS CONVICTED OF A VIOLATION OF THE
24 COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS OF THIS ARTICLE, THE
25 COURT MAY SEND THE DEPARTMENT OF TRANSPORTATION A CERTIFIED
26 RECORD OF THE CONVICTION ON A FORM PRESCRIBED BY THE DEPARTMENT
27 ONLY IF THE CHILD FAILS TO COMPLY WITH A LAWFUL SENTENCE ENTERED
28 FOR THE VIOLATION AND IS NOT SUBJECT TO AN EXCEPTION TO
29 COMPULSORY ATTENDANCE UNDER SECTION 1330.

30 (2) THE DEPARTMENT OF TRANSPORTATION SHALL SUSPEND FOR

1 NINETY (90) DAYS THE OPERATING PRIVILEGE OF A CHILD UPON
2 RECEIVING A CERTIFIED RECORD THAT THE CHILD WAS CONVICTED OF A
3 SUMMARY OFFENSE UNDER THE COMPULSORY SCHOOL ATTENDANCE
4 REQUIREMENTS OF THIS ARTICLE. IF THE DEPARTMENT OF
5 TRANSPORTATION RECEIVES A CERTIFIED RECORD OF A SECOND OR
6 SUBSEQUENT CONVICTION OF A CHILD PURSUANT TO THIS SECTION, THE
7 DEPARTMENT SHALL SUSPEND THE CHILD'S OPERATING PRIVILEGE FOR SIX
8 (6) MONTHS.

9 (3) A CHILD WHOSE RECORD IS RECEIVED BY THE DEPARTMENT OF
10 TRANSPORTATION UNDER THIS SECTION AND WHO DOES NOT HAVE A
11 DRIVER'S LICENSE SHALL BE INELIGIBLE TO APPLY FOR A DRIVER'S
12 LICENSE UNDER 75 PA.C.S. § 1505 (RELATING TO LEARNERS' PERMITS)
13 AND 1507 (RELATING TO APPLICATION FOR DRIVER'S LICENSE OR
14 LEARNER'S PERMIT BY MINOR) FOR THE TIME PERIOD SPECIFIED IN
15 PARAGRAPH (2). IF THE CHILD IS UNDER SIXTEEN (16) YEARS OF AGE
16 WHEN CONVICTED, SUSPENSION OF OPERATING PRIVILEGES SHALL
17 COMMENCE IN ACCORDANCE WITH 75 PA.C.S. § 1541 (RELATING TO
18 PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF
19 OPERATING PRIVILEGE) FOR THE TIME SPECIFIED IN PARAGRAPH (2).

20 (4) A CHILD WHOSE DRIVING PRIVILEGES HAVE BEEN SUSPENDED OR
21 WHOSE ELIGIBILITY FOR A PERMIT OR LICENSE IS DELAYED UNDER THIS
22 SECTION MAY HAVE THAT LICENSE OR ELIGIBILITY RESTORED BY
23 PROVIDING THE DEPARTMENT OF TRANSPORTATION WITH A FORM DEVELOPED
24 BY THE DEPARTMENT OF TRANSPORTATION CONTAINING THE FOLLOWING
25 INFORMATION IN THE FORM OF A CERTIFIED RECORD FROM THE CHILD'S
26 SCHOOL THAT THE CHILD:

27 (I) HAS ATTENDED SCHOOL FOR A PERIOD OF AT LEAST TWO (2)
28 MONTHS AFTER THE FIRST CONVICTION OR FOUR (4) MONTHS AFTER THE
29 SECOND CONVICTION WITHOUT AN UNEXCUSED ABSENCE OR UNEXCUSED
30 TARDY;

1 (II) IS SUBJECT TO AN EXCEPTION TO COMPULSORY ATTENDANCE
2 UNDER SECTION 1330; OR

3 (III) GRADUATES, WITHDRAWS FROM SCHOOL PURSUANT TO
4 COMPULSORY ATTENDANCE REQUIREMENTS UNDER SECTION 1327, RECEIVES
5 A GENERAL EDUCATION DIPLOMA OR ENLISTS IN THE MILITARY.

6 (5) AN INSURER MAY NOT INCREASE PREMIUMS, IMPOSE A SURCHARGE
7 OR RATE PENALTY, MAKE A DRIVER RECORD POINT ASSIGNMENT FOR
8 AUTOMOBILE INSURANCE OR CANCEL OR REFUSE TO RENEW AN AUTOMOBILE
9 INSURANCE POLICY ON ACCOUNT OF A SUSPENSION UNDER THIS SECTION.

10 (6) NOTHING IN THIS SECTION SHALL PROHIBIT A CHILD WHO IS
11 CONVICTED OF A VIOLATION OF THE COMPULSORY SCHOOL ATTENDANCE
12 REQUIREMENTS OF THIS ARTICLE FROM BEING ELIGIBLE FOR AN
13 OCCUPATIONAL LIMITED LICENSE UNDER 75 PA.C.S. § 1553 (RELATING
14 TO OCCUPATIONAL LIMITED LICENSE).

15 (H) (1) UPON APPLICATION FROM A CHILD WHO HAS A CONVICTION
16 OF A SUMMARY OFFENSE UNDER SECTION 1333.2, THE COURT SHALL GRANT
17 AN EXPUNGEMENT OF THE CONVICTION FROM THE CHILD'S RECORD IF ALL
18 OF THE FOLLOWING APPLY:

19 (I) THE CHILD HAS EARNED A HIGH SCHOOL DIPLOMA, A
20 COMMONWEALTH SECONDARY SCHOOL DIPLOMA OR ANOTHER DEPARTMENT OF
21 EDUCATION-APPROVED EQUIVALENT, OR IS SUBJECT TO AN EXCEPTION TO
22 COMPULSORY ATTENDANCE UNDER SECTION 1330.

23 (II) THE CHILD HAS SATISFIED ANY SENTENCE IMPOSED BY THE
24 COURT WITH RESPECT TO THE CONVICTION, INCLUDING PAYMENT OF FINES
25 AND COSTS.

26 (2) IF THE COURT GRANTS AN EXPUNGEMENT UNDER PARAGRAPH (1),
27 THE COURT SHALL ORDER THE DEPARTMENT OF TRANSPORTATION TO
28 EXPUNGE ALL ADMINISTRATIVE RECORDS RELATED TO THE CONVICTIONS.

29 (I) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO A
30 PARENT, GUARDIAN OR PERSON IN PARENTAL RELATION WHOSE CHILD OR

1 CHILDREN ARE IN A HOME EDUCATION PROGRAM UNDER SECTION 1327.1.

2 SECTION 1333.4. STUDY OF TRUANCY PROCEDURE.--(A) FIVE (5)

3 YEARS AFTER COMMENCEMENT OF THE FIRST SCHOOL YEAR TO WHICH

4 SECTION 1333 APPLIES, THE JOINT STATE GOVERNMENT COMMISSION

5 SHALL UNDERTAKE A STUDY OF THE PROCEDURES FOR HOW A SCHOOL

6 HANDLES CHILDREN WHO ARE TRUANT AND HABITUALLY TRUANT AND

7 EVALUATE THE EFFECTIVENESS OF THE PROCEDURES IN IMPROVING SCHOOL

8 ATTENDANCE AND WHETHER THE PROCEDURES SHOULD BE REVISED,

9 INCLUDING TO REQUIRE COURT INVOLVEMENT SOONER IN CERTAIN TRUANCY

10 CASES.

11 (B) THE JOINT STATE GOVERNMENT COMMISSION SHALL ESTABLISH AN

12 ADVISORY COMMITTEE THAT MAY INCLUDE REPRESENTATIVES OF THE

13 DEPARTMENT OF EDUCATION, EDUCATIONAL ENTITIES AND ORGANIZATIONS,

14 THE JUDICIARY, DISTRICT ATTORNEYS, LAW ENFORCEMENT, PUBLIC

15 ORGANIZATIONS INVOLVED IN TRUANCY ISSUES, REPRESENTATIVES OF

16 COUNTY CHILDREN AND YOUTH AGENCIES AND JUVENILE JUSTICE AGENCIES

17 AND OTHER ORGANIZATIONS SELECTED BY THE JOINT STATE GOVERNMENT

18 COMMISSION TO CONSULT WITH THE JOINT STATE GOVERNMENT COMMISSION

19 IN CONDUCTING THE STUDY.

20 (C) THE JOINT STATE GOVERNMENT COMMISSION SHALL HOLD

21 INFORMATIONAL MEETINGS TO RECEIVE TESTIMONY FROM PROFESSIONALS

22 OR ORGANIZATIONS WITH EXPERTISE IN TRUANCY AND TRUANCY

23 PREVENTION.

24 (D) THE JOINT STATE GOVERNMENT COMMISSION SHALL ISSUE A

25 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE EDUCATION

26 COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE

27 OF REPRESENTATIVES NOT LATER THAN TWELVE (12) MONTHS AFTER

28 UNDERTAKING THE STUDY.

29 SECTION 7. SECTION 1338.1 OF THE ACT IS REPEALED:

30 [SECTION 1338.1. SUSPENSION OF OPERATING PRIVILEGE.--(A)

1 THE DEPARTMENT OF TRANSPORTATION SHALL SUSPEND FOR 90 DAYS THE
2 OPERATING PRIVILEGE OF ANY CHILD UPON RECEIVING A CERTIFIED
3 RECORD THAT THE CHILD WAS CONVICTED OF VIOLATING SECTION 1333.
4 IF THE DEPARTMENT RECEIVES A SECOND OR SUBSEQUENT CONVICTION FOR
5 A CHILD'S VIOLATION OF SECTION 1333, THE DEPARTMENT SHALL
6 SUSPEND THE CHILD'S OPERATING PRIVILEGE FOR SIX MONTHS.

7 (B) ANY CHILD WHOSE RECORD IS RECEIVED BY THE DEPARTMENT
8 UNDER SECTION 1333(C) AND WHO DOES NOT HAVE A DRIVER'S LICENSE
9 SHALL BE INELIGIBLE TO APPLY FOR A DRIVER'S LICENSE UNDER 75
10 PA.C.S. §§ 1505 (RELATING TO LEARNERS' PERMITS) AND 1507
11 (RELATING TO APPLICATION FOR DRIVER'S LICENSE OR LEARNER'S
12 PERMIT BY MINOR) FOR THE TIME PERIODS SPECIFIED IN SUBSECTION
13 (A). IF THE CHILD IS UNDER SIXTEEN (16) YEARS OF AGE WHEN
14 CONVICTED, SUSPENSION OF OPERATING PRIVILEGES SHALL COMMENCE IN
15 ACCORDANCE WITH 75 PA.C.S. § 1541 (RELATING TO PERIOD OF
16 REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE) FOR THE TIME
17 SPECIFIED IN SUBSECTION (A).

18 (C) AN INSURER MAY NOT INCREASE PREMIUMS, IMPOSE ANY
19 SURCHARGE OR RATE PENALTY OR MAKE ANY DRIVER RECORD POINT
20 ASSIGNMENT FOR AUTOMOBILE INSURANCE, NOR SHALL AN INSURER CANCEL
21 OR REFUSE TO RENEW AN AUTOMOBILE INSURANCE POLICY ON ACCOUNT OF
22 A SUSPENSION UNDER THIS SECTION.]

23 SECTION 8. SECTIONS 1732-A(A) AND 1749-A(A)(1) OF THE ACT,
24 AMENDED OR ADDED JUNE 29, 2002 (P.L.524, NO.88), ARE AMENDED TO
25 READ:

26 SECTION 1732-A. PROVISIONS APPLICABLE TO CHARTER SCHOOLS.--

27 (A) CHARTER SCHOOLS SHALL BE SUBJECT TO THE FOLLOWING:

28 SECTIONS 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
29 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,
30 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(A), 1301, 1310,

1 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
2 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517, 1518,
3 1521, 1523, 1531, 1547, 2014-A, ARTICLE XIII-A AND ARTICLE XIV.

4 ACT OF JULY 17, 1961 (P.L.776, NO.341), KNOWN AS THE
5 "PENNSYLVANIA FAIR EDUCATIONAL OPPORTUNITIES ACT."

6 ACT OF JULY 19, 1965 (P.L.215, NO.116), ENTITLED "AN ACT
7 PROVIDING FOR THE USE OF EYE PROTECTIVE DEVICES BY PERSONS
8 ENGAGED IN HAZARDOUS ACTIVITIES OR EXPOSED TO KNOWN DANGERS IN
9 SCHOOLS, COLLEGES AND UNIVERSITIES."

10 SECTION 4 OF THE ACT OF JANUARY 25, 1966 (1965 P.L.1546,
11 NO.541), ENTITLED "AN ACT PROVIDING SCHOLARSHIPS AND PROVIDING
12 FUNDS TO SECURE FEDERAL FUNDS FOR QUALIFIED STUDENTS OF THE
13 COMMONWEALTH OF PENNSYLVANIA WHO NEED FINANCIAL ASSISTANCE TO
14 ATTEND POSTSECONDARY INSTITUTIONS OF HIGHER LEARNING, MAKING AN
15 APPROPRIATION, AND PROVIDING FOR THE ADMINISTRATION OF THIS
16 ACT."

17 ACT OF JULY 12, 1972 (P.L.765, NO.181), ENTITLED "AN ACT
18 RELATING TO DRUGS AND ALCOHOL AND THEIR ABUSE, PROVIDING FOR
19 PROJECTS AND PROGRAMS AND GRANTS TO EDUCATIONAL AGENCIES, OTHER
20 PUBLIC OR PRIVATE AGENCIES, INSTITUTIONS OR ORGANIZATIONS."

21 ACT OF DECEMBER 15, 1986 (P.L.1595, NO.175), KNOWN AS THE
22 "ANTIHAZING LAW."

23 * * *

24 SECTION 1749-A. APPLICABILITY OF OTHER PROVISIONS OF THIS ACT
25 AND OF OTHER ACTS AND REGULATIONS.

26 (A) GENERAL REQUIREMENTS.--CYBER CHARTER SCHOOLS SHALL BE
27 SUBJECT TO THE FOLLOWING:

28 (1) SECTIONS 108, 110, 111, 321, 325, 326, 327, 431,
29 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777,
30 808, 809, 810, 1109, 1111, 1112(A), 1205.1, 1205.2, 1301,

1 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
2 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1518, 1521, 1523,
3 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A, 1719-A,
4 1721-A, 1722-A, 1723-A(A) AND (B), 1724-A, 1725-A, 1727-A,
5 1729-A, 1730-A, 1731-A(A) (1) AND (B) AND 2014-A AND ARTICLES
6 XII-A, XIII-A AND XIV.

7 * * *

8 SECTION 9. SECTION 1901-C(5) OF THE ACT, ADDED JUNE 25, 1997
9 (P.L.297, NO.30), IS AMENDED TO READ:

10 SECTION 1901-C. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE,
11 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

12 * * *

13 (5) "DISRUPTIVE STUDENT." A STUDENT WHO POSES A CLEAR
14 THREAT TO THE SAFETY AND WELFARE OF OTHER STUDENTS OR THE SCHOOL
15 STAFF, WHO CREATES AN UNSAFE SCHOOL ENVIRONMENT OR WHOSE
16 BEHAVIOR MATERIALLY INTERFERES WITH THE LEARNING OF OTHER
17 STUDENTS OR DISRUPTS THE OVERALL EDUCATIONAL PROCESS. THE
18 DISRUPTIVE STUDENT EXHIBITS TO A MARKED DEGREE ANY OR ALL OF THE
19 FOLLOWING CONDITIONS:

20 (I) DISREGARD FOR SCHOOL AUTHORITY, INCLUDING PERSISTENT
21 VIOLATION OF SCHOOL POLICY AND RULES.

22 (II) DISPLAY OR USE OF CONTROLLED SUBSTANCES ON SCHOOL
23 PROPERTY OR DURING SCHOOL-AFFILIATED ACTIVITIES.

24 (III) VIOLENT OR THREATENING BEHAVIOR ON SCHOOL PROPERTY OR
25 DURING SCHOOL-AFFILIATED ACTIVITIES.

26 (IV) POSSESSION OF A WEAPON ON SCHOOL PROPERTY, AS DEFINED
27 UNDER 18 PA.C.S. § 912 (RELATING TO POSSESSION OF WEAPON ON
28 SCHOOL PROPERTY).

29 (V) COMMISSION OF A CRIMINAL ACT ON SCHOOL PROPERTY OR
30 DURING SCHOOL-AFFILIATED ACTIVITIES.

1 (VI) MISCONDUCT THAT WOULD MERIT SUSPENSION OR EXPULSION
2 UNDER SCHOOL POLICY.

3 [(VII) HABITUAL TRUANCY.]

4 NO STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES
5 PURSUANT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
6 (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) SHALL BE DEEMED A
7 DISRUPTIVE STUDENT FOR THE PURPOSES OF THIS ACT, EXCEPT AS
8 PROVIDED FOR IN 22 PA. CODE § 14.35 (RELATING TO DISCIPLINE).

9 * * *

10 SECTION 10. THIS ACT SHALL APPLY TO THE 2017-2018 SCHOOL
11 YEAR AND EACH SCHOOL YEAR THEREAFTER.

12 SECTION 11. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.