

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** House Bill 1907

**PRINTER NO.** 4045

**AMOUNT**

No Adverse Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

March 17, 2016

**PRIME SPONSOR**

Representative Benninghoff

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1907 amends Article XIII (Pupils and Attendance) of the Public School Code of 1949 by making revisions to the Commonwealth's truancy laws to provide new procedures to be followed when a child becomes truant and additional procedures if a child becomes habitually truant.

Requires the school to offer a school attendance improvement conference to a student and their parent, if a child continues to be truant after notification of a third unexcused absence. Provides that if an attendance improvement conference is scheduled, any legal action is suspended until after the conference.

Provides that if a child under 15 years of age is habitually truant, the school shall refer the child to either a school or community-based attendance program or to a county children and youth agency for services for possible disposition as a dependent child. The school may file a citation with a magisterial district judge against the parent who resides in the same household as the child.

Provides that if a child 15 years of age or older is habitually truant, the school shall refer the child to either a school or community based attendance program or file a citation with a magisterial district judge against the child or the parent who resides in the same household as the child. If the child continues to incur unexcused absences after being referred to a school or community-based attendance improvement program or refuses to participate, the school may refer the child to the county children and youth agency for services for possible disposition as a dependent child. When a school refers a child to a county children and youth agency or files a citation with the court it must verify that an attendance improvement conference was held.

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Provides that a person convicted of violating compulsory school attendance requirements commits a summary offense and may be sentenced to the following: (1) to pay a fine for the benefit of the school responsible for the truancy proceeding in amounts ranging from \$300 to \$750 and court costs; (2) to perform community service; or, (3) to complete an attendance improvement course which has been approved by the court. Provides the court may suspend the sentence of a person convicted or remit or waive fines and costs if the child attends school in accordance with the plan devised by the court. Requires the court, upon a second or subsequent conviction within a 3-year period, to refer the child for services or possible disposition as a dependent child. Provides that the court may submit a record of a conviction to the Department of Transportation if the child fails to comply with a lawful sentence and provides for the suspension of driving privileges or for the child to be ineligible to receive a permit or license. Provides for a child that has a summary offense truancy conviction to have the record expunged.

Requires the Joint State Government Commission to undertake a study of the new procedures for truancy to evaluate the effectiveness of the procedures and whether the procedures should be revised. Requires the commission to establish an advisory committee, to hold informational meetings and to issue a report of its findings within 12 months of undertaking the study.

Allows charter and cyber charter schools to develop attendance policies. Requires charter and cyber charter schools to report truancy to the Department of Education annually. Requires charter and cyber charter schools to be responsible for filing citations for truancy directly with the magisterial district judge. Provides that the venue for filing a citation for a cyber charter student shall be based upon the residence of the child and allows cyber charter schools to participate in truancy proceedings via electronic means.

### **FISCAL IMPACT:**

The enactment of House Bill 1907 will have no adverse fiscal impact on Commonwealth Funds. The administrative responsibilities delegated to the Commonwealth's Courts, the Department of Education, and the Department of Transportation and the Joint State Government Commission are routine and can be accomplished within the agencies' existing operating budgets.