

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 359

PRINTER NO. 1642

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 6, 2016

PRIME SPONSOR

Senator Greenleaf

DESCRIPTION

Senate Bill 359 amends Article XIII (Pupils and Attendance) of the Public School Code of 1949 by making revisions to the Commonwealth's truancy laws by providing 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 the outcome of the conference must be documented in a written school attendance improvement plan. 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 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. When a school refers a child to a county children and youth agency or files a citation with a magisterial district judge it must verify that an attendance improvement conference was offered.

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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 to the school not to exceed \$300 with court costs for each violation; (2) to perform community service; or, (3) to complete an attendance improvement course which has been approved by the court. 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 three-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 charter and cyber charter schools to develop attendance policies that may differ from the policy of a child's school district of residence. Provides for the Department of Education to consult with cyber charter schools to develop guidelines and alternative methods of calculating unexcused absences. Clarifies that the venue for filing a truancy violation shall be based on the residence of the student and provides for cyber charter schools to participate in proceedings via video conferencing. Requires charter and cyber charter schools to report truancy to the Department through the Pennsylvania Information Management System. Requires charter and cyber charter schools to file a citation for truancy directly with a magisterial district judge rather than through a student's school district of residence.

FISCAL IMPACT:

The enactment of Senate Bill 359 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 by the legislation are routine and can be accomplished within the agencies' existing operating budgets.