



Pennsylvania School Boards Association

legislative report

November 4, 2016

Next Tuesday, Nov. 8 is Election Day. All 203 seats in the House of Representatives and half of the seats (25) in the Senate are up for election. Legislators will return after the elections to select their leaders for each chamber for the upcoming 2018-18 session that begins in January. All bills introduced in the 2015-16 legislative session will die after the official end of the session on Nov. 30.

**PSBA
Victory**

Truancy reform bill signed by the governor

Truancy reform legislation under [House Bill 1907](#) (Rep. Benninghoff, R-Centre) was signed into law this week and is now **Act 138 of 2016**. Act 138 represents a major accomplishment for PSBA who took the lead to bring the recommendations of the statewide Educational Success and Truancy Prevention Workgroup to the Hill and push them through the General Assembly.

Among other changes, Act 138 modernizes the definitions of Section 1326 of the School Code by:

- Clarifying that a student is "habitually truant" when the student has six or more unexcused absences within a school year;
- Providing specific definitions for "school year" and "school day"; and
- Adding a definition for a "School attendance improvement conference" to encourage school districts to take a proactive approach to unexcused absences by offering the student and their parents/guardians an opportunity to address the underlying cause(s) of the student's absences.

Act 138 also makes changes to the intervention and penalty provisions by:

- Requiring that schools offer and hold a school attendance improvement conference before a truancy citation is filed in order to: examine the reasons for the child's absences and develop a written school attendance improvement plan. In addition to the appropriate school officials, both the child and the person in parental relation shall be invited to the conference.
- Providing schools with the discretion to refer children to a school or community based program, make a referral to children and youth services, or file citation against a parent or child depending on the age of the child.
- Enabling the courts to exercise the discretion to suspend sentences for truancy convictions and waive fines if the child is attending school in compliance with the court's plan.
- Precluding additional citations for truancy violations from being filed while a truancy proceeding is already pending.
- Organizing and clarifying the penalties for violating the compulsory attendance law. Clarifies that

either fines, community service, attendance at a course or program designed to improve school attendance shall be the first penalty imposed for a violation of the compulsory attendance law.

- Permitting a child who has a summary offense conviction for violations of the compulsory school attendance requirements to have the record expunged if specified requirements are met.

Loss of driving privileges has always been an option for a child who fails to comply with a lawful sentence for a judge to use in an attempt to enforce compliance with the compulsory attendance law. Act 138 clarifies the law and ensures the restoration of driving privileges under certain circumstances and permits a child to receive an occupational limited license.

In addition, the law adds provisions addressing students with chronic health conditions who are dismissed during school hours for health-related reasons. The law also requires charter and cyber charter schools to: develop attendance policies that address unexcused absences; report unexcused absences directly to the PA Department of Education annually; take steps to address unexcused absences; and, file citations for truancy directly with the appropriate court.



New law extends Act 48 deadlines for professional education requirements

This week Gov. Wolf signed into law [House Bill 1734](#) (Rep. Wentling, R-Mercer), now **Act 118 of 2016**, which extends the Act 48 deadlines for professional education requirements. The act is effective immediately.

The new law provides school entities with an additional year to submit their three-year professional education plans to the Department of Education. During that year the entity's current plan will remain in effect. Act 118 also extends the current professional education compliance period for one year for professional educators and uncertified teachers or administrators who are employed full-time by a charter school. All these extensions will expire in one year.



Expedited teacher certification bill signed into law

This week Gov. Wolf also signed into law [House Bill 2078](#) (Rep. Hill, R-York), now **Act 143 of 2016**, which requires the Department of Education (PDE) to process applications for permanent college certification from members of the United States Armed Forces, veterans, or their spouses within 14 days of the date the department received the completed application. The law goes into effect in 60 days.

This new law also permits a professional educator whose certification has been placed on voluntary inactive status but subsequently applies to PDE for removal of inactive certification to have the application granted immediately if the professional educator holds a valid professional certificate issued by another state, provides evidence of current compliance with the continuing education requirements of the other state, and was employed on the certificate in the other state within the two-year period prior to the application.

This act codifies a new policy implemented by PDE in May of 2016 to allow active duty military members, veterans, and their spouses to receive preferential application handling and a reduced application fee when applying for any educator certification.

Vetoed by the governor

- [Expanded earned income tax crediting](#)

Other News

- [PA Departments of Health, Education issue medical marijuana guidance for schools](#)

Vetoed by the governor

Expanded earned income tax crediting

Gov. Wolf vetoed [House Bill 245](#) (Rep. Dunbar, R-Westmoreland), which amends the Local Tax Enabling Act to expand credits for earned income tax (EIT) payments to other states. Under House Bill 245, changes in EIT rates and or any other earned income or net profits tax assessed under any other state law would be credited and allowed as a deduction from EIT liabilities. Districts that had years ago converted their occupation tax to EIT will lose money because taxpayers will be able to credit their out-of-state earned income tax liabilities against the base EIT rate in the district as well as any additional percentage of earned income tax due to conversion of the occupation tax. As a result, the conversion is no longer revenue-neutral, and some districts could lose significant amounts of revenue annually.

For this reason, PSBA had raised concerns about the bill. The governor agreed, saying in his veto message that he could not support a provision that would cause even a limited number of school districts to lose revenue.

[Top](#)

Other News

PA Departments of Health, Education issue medical marijuana guidance for schools

This week the state Departments of Health and Education issued guidance for schools and school districts regarding the administration of medical marijuana under a Safe Harbor Letter to students with serious medical conditions. The guidance also addresses the maintenance of a safe environment for other students while on school property. The guidance provides information to school administrators to assist them in developing policies for the administration of medical marijuana on school property.

Under the state's recommended guidance: A parent, legal guardian or caregiver may administer medical marijuana to their child/student on school premises provided that the parent, legal guardian or caregiver: (1) provides the school

principal with a copy of the Safe Harbor Letter; and (2) notifies the school principal, in advance, of each instance on which the parent or caregiver will administer the medical marijuana to the child/student. The parent/caregiver shall follow all school protocols applicable to visitors to the school during the school day.

A parent, legal guardian or caregiver shall bring to the school and administer the medical marijuana to their child/student without creating a distraction, and shall promptly remove any excess medical marijuana and related materials from the school premises after the administration of medical marijuana is complete. The school shall provide a secure and private location for the parent/legal guardian/caregiver to administer the medical marijuana to the student.

Students themselves shall not be permitted to possess any form of medical marijuana at any time on school property or during any school activities on school property.

Expiration: The recommended guidance will remain in effect until the Pennsylvania Department of Education promulgates regulations regarding the possession and use of medical marijuana in the Commonwealth's schools.

[Click here for information regarding the Safe Harbor Letter.](#)

[Top](#)

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