

ACT 47: NEW REQUIREMENTS FOR ENROLLMENT, ATTENDANCE, & WELLNESS CHECKS FOR CYBER CHARTERS & VIRTUAL PROGRAMS

August 2026

Act 47, first enacted in 2025 and revised in 2026, amends multiple provisions of the Pennsylvania Public School Code.¹ This fact sheet focuses on new detailed requirements governing enrollment, attendance, and truancy in cyber charter schools. These changes include: prohibiting students who are habitually truant from transferring to cyber charters during the school year without permission from a judge; requiring specific residency verifications for children enrolling in cyber charter schools; new attendance requirements for synchronous and asynchronous learning in cyber charters; and mandated wellness checks for students in cyber charters and those attending full-time virtual programs in school districts. This fact sheet provides relevant information for families, school district staff, attorneys, children and youth agencies, and judges.

NEW ENROLLMENT PROCESS FOR CYBER CHARTER SCHOOLS

ARE THERE ANY LIMITATIONS ON ENROLLING IN A CYBER CHARTER SCHOOL?

Yes. Under Act 47, when a student seeks to enroll in a cyber charter school, the cyber charter must confirm with the student's current school that the student is not habitually truant during the current school year.² A child is habitually truant if the student is of compulsory school age (6-18, with a few exceptions) and has *six or more unexcused absences* in the current school year.³

The law requires cyber charter schools to reach out to the student's prior school to request all attendance and truancy records.⁴ Within five business days of receipt of the request, the prior school must send these records to the cyber charter school.⁵

A cyber charter school may not enroll a student who is habitually truant during the current school year unless a judge determines that the proposed transfer to a cyber charter is in the educational best interest of the student.⁶ See sections below for more information on the judicial determination process. Although school districts pay tuition for each district student who attends a cyber charter school, a cyber charter school will not receive tuition payments for a child who is habitually truant and transfers during the school year unless and until a judge determines that the transfer is in the educational best interest of the student.⁷

DO FAMILIES NEED TO PROVE WHERE THEY LIVE IN PENNSYLVANIA FOR THEIR STUDENT TO ENROLL IN A CYBER CHARTER?

Yes. Within 10 days of a student's enrollment in a cyber charter school, the cyber charter must notify the student's "school district of residence" of the student's enrollment by sending the [Cyber Charter Enrollment and Residency Verification Form](#).⁸ Subsequently, the cyber charter must notify each enrolled student's parent or guardian that they must provide continued proof of residence to the cyber charter school by September 30 of each school year using the form.⁹ A cyber charter school is responsible for collecting the Verification Form from families and sharing it with each student's school district of residence by October 15.¹⁰ If a student enrolls in cyber charter school between July 1 and September 15, the verification form the parent used to enroll the student in the cyber charter school will satisfy the September 30 verification requirement of that school year.¹¹

To complete the verification form, a parent or guardian must submit proof of the student's residency to the cyber charter school. A student's residence may be verified by **one** of the following documents that contain the name and address of the student's parent or guardian:¹²

- An active residential lease agreement.
- Mortgage statement.
- Utility bill.
- Internet bill.
- Tax bill.
- Insurance document.
- Any other document considered acceptable by the Pennsylvania Department of Education, including:
 - Valid vehicle registration.
 - Valid driver's license.
 - Sworn affidavit of landlord.
 - Mail sent by the federal or state government such as benefits information, voter registration, or tax documents.

Other than the active lease agreement or mortgage statement, these documents cannot be more than three months old.¹³ The new Act 47 residency verification requirements only apply to enrollment in cyber charter schools. The prior requirement that students provide two proofs of residency each school year has been eliminated.

DOES RACIAL BIAS PLAY A ROLE IN SCHOOL ENROLLMENT AND RESIDENCY PROCESSES?

Yes. Data show that school districts target Black and Brown students for school residency challenges, particularly in suburban white neighborhoods.¹⁴ Racial bias, systemic racism, and racist stereotypes of whether a family "belongs" in a community have caused students to be deprived of their legal right to attend school.¹⁵ This discriminatory targeting is prohibited under law. Students have the right to be free from discrimination and cannot be denied access to a public education

based on race, ethnicity, national origin, religion, immigration status, sex, or disability.¹⁶ This applies throughout the enrollment process and any school residency dispute process.

WHAT HAPPENS IF A PARENT OR GUARDIAN DOES NOT SUBMIT THE NOTIFICATION FORM AND PROOF OF RESIDENCE?

If the parent or guardian does not submit the form and proof of residence to the cyber charter by November 15, then the cyber charter may complete an [Alternate Residency Notification Form](#).¹⁷ The alternate notification form must include: (1) the student's district of residence from the prior school year, if known; (2) any additional proof of the student's school district of residence; and (3) at least five forms of evidence showing the attempts the cyber charter school made to contact the parent to complete the notification form with proof of residency.¹⁸ Notably, one of the cyber charter school's attempts to contact the parent must be through certified mail.¹⁹

If a cyber charter school does not provide a notification form or alternate notification form and proof of residence to the school district of residence, the school district can withhold tuition payments to the cyber charter school.²⁰ Any outstanding tuition payments must be made by the school district of residence within 30 days after the cyber charter school provides the notification or alternate notification form and proof of residence.²¹

WHAT HAPPENS IF A STUDENT'S SCHOOL DISTRICT CONTENDS THAT THE STUDENT IS NOT A RESIDENT AND REFUSES TO PAY TUITION FOR A CYBER CHARTER SCHOOL?

If a school district determines that a student is not a resident of their school district after its review of the [Cyber Charter Enrollment and Residency Verification Form](#), the district must notify both the cyber charter school and the Pennsylvania Department of Education of this determination, along with the basis for its decision.²² Within 10 days of receipt of the school district's notification, the cyber charter must notify the school district and the state Department of Education whether it agrees with the school district's determination.²³ If the cyber charter school disagrees, it must provide documentation establishing the student's residency.²⁴ Within 10 days of receiving the cyber charter school's response, the school district can either agree with the response or file an appeal with the Department of Education.²⁵ The appeal process is governed by Pennsylvania's General Rules of Administrative Practice and Procedure.²⁶

DOES A CHILD HAVE A LEGAL RIGHT TO CONTINUE TO ATTEND SCHOOL DURING A RESIDENCY DISPUTE?

Yes. Under Act 67, school districts and charter schools must allow a child to remain in their current school until the full resolution of any residency dispute, including the exhaustion of all appeals.²⁷ **While a child's residency is being reviewed, their education cannot be disrupted.** Even if the school district disagrees that the child is a resident, it must continue to pay the charter school. Those funds shall be returned to the district upon a final determination that the student is not a resident of the appealing school district.²⁸ For more information on the rights of students during residency disputes, see our fact sheet on [Students' Rights During Residency Disputes: Act 67 Explained](#).²⁹

CAN A PARENT OR GUARDIAN BE PENALIZED IF THEY PROVIDE FALSE INFORMATION?

Yes. It is important to know that it is a summary offense to knowingly provide false information in a sworn statement to enroll a child in school. If convicted, a person may be required to pay tuition to the school district for the time period when the child attended the school and may be subject to fines or community service.³⁰

CAN A STUDENT EXPERIENCING HOMELESSNESS ENROLL IN A CYBER CHARTER SCHOOL WITHOUT PROVIDING THE REQUIRED DOCUMENTATION?

Yes. Under the McKinney-Vento Act, all children experiencing homelessness, including those living in shelters, doubled-up due to economic circumstances, in temporary housing, unsheltered, or “couch-surfing,” must be enrolled immediately, even without documentation ordinarily required for enrollment, such as proof of residency.³¹

Students who are eligible under the McKinney-Vento Act also have the right to school stability for the entire school year after they obtain permanent housing, and they are not required to submit home address information to enroll or submit continued proof of residency information to cyber charter schools while experiencing homelessness.³² For more information, see our fact sheet on the [Rights of Students Experiencing Homelessness](#).³³

ENROLLMENT PROCESS FOR STUDENTS WHO ARE HABITUALLY TRUANT

WHEN IS A STUDENT CONSIDERED HABITUALLY TRUANT?

A student of compulsory school age is considered *truant* when they have accrued at least three unexcused absences in the current school year.³⁴ A student is *habitually truant* if the child is (1) of compulsory school age (6-18, with a few exceptions) and (2) has six or more unexcused absences in the current school year.³⁵

Before enrolling a student during the school year, the law requires cyber charter schools to reach out to the student’s prior school to request attendance records and determine whether the student is habitually truant.³⁶ Within five business days of receipt of the request for records, the prior school must send the student’s attendance and truancy records to the cyber charter.³⁷ **Once this information is shared, the cyber charter will determine whether a child was identified as habitually truant.** In addition, the new enrollment [verification form](#) for cyber charter schools includes a question for parents about whether their student has six or more absences at their school.³⁸

Under Act 47, a student may not transfer to a cyber charter school during the school year if they meet this definition unless a judge determines that the transfer is in the educational best interest of the student.³⁹ This judicial determination is also required if the student wants to transfer from one cyber charter school to another cyber charter during the school year.⁴⁰

DOES THIS RULE APPLY TO VIRTUAL PROGRAMS IN A SCHOOL DISTRICT?

No. Act 47's habitually truant prohibition does not apply to transfers to a school district's virtual or cyber program. The limitation only applies to transfers to one of the 14 cyber schools authorized by the Pennsylvania Department of Education.⁴¹

WHAT TYPE OF JUDGE DETERMINES WHETHER A TRANSFER TO A CYBER CHARTER IS IN THE EDUCATIONAL BEST INTEREST OF A CHILD?

The person making this decision will most often be a magistrate district judge, many of whom commonly adjudicate truancy matters. The decision may also be made by a family court judge who is already handling a child's case. Under Act 47, a judge is broadly defined as "a magisterial district judge, a municipal court judge or a judge of a court of common pleas."⁴²

WHAT FACTORS DOES A JUDGE CONSIDER IN DETERMINING WHETHER TO APPROVE A REQUEST TO TRANSFER A CHILD WHO IS HABITUALLY TRUANT TO A CYBER CHARTER SCHOOL?

Under Act 47, a judge must determine whether a proposed transfer to a cyber charter school during the school year will be in the "educational best interest" of the child. If a student is already convicted of truancy, a judge must make this determination at the time of conviction.⁴³ A judge may also issue a school-transfer determination without convicting the student or parent of truancy. Judges have wide discretion in making this determination and shall consider the following factors:

- "Health and well-being of the child, including anxiety and trauma.
- Attendance records.
- Grades.
- School enrollment history.
- Likelihood of success in proposed program.
- Safety concerns, including bullying.
- Academic access to programs.
- Disciplinary or criminal actions.
- Family support.
- Other relevant factors."⁴⁴

IF THERE IS NO PENDING TRUANCY CASE, HOW WILL A JUDGE BE ASSIGNED TO DETERMINE A REQUEST FOR A TRANSFER TO A CYBER CHARTER?

Schools are not required to file a truancy citation if a student is habitually truant.⁴⁵ If no truancy citation has been filed, a parent or guardian (or student who is 15 or older) has the right to request an educational best interest hearing before the magisterial district court or municipal court.⁴⁶ The Administrative Office of Pennsylvania Courts and the Pennsylvania Department of Education will develop a notice that explains this right, and schools will be required to share it with families when a student is considered truant.⁴⁷

The court location of the educational best interest hearing will depend on the physical location of the school where the child is currently enrolled. If a child is transferring from a cyber charter, the venue will depend on where the child resides.⁴⁸ A judge must hold a hearing **within 10 days** of receipt of a request for an educational best interest hearing or a truancy citation.⁴⁹ This hearing must include a representative from the school where the child is currently enrolled, a person in parental relation to the child who resides with them, and the child, if 15 years of age or older unless they are excused by the judge.⁵⁰ The hearings must be in person, unless the judge determines that “two-way simultaneous communications necessary and in compliance with court rules.”⁵¹

CAN A PARENT OR GUARDIAN CHALLENGE A JUDGE’S DECISION TO DENY THEIR CHILD PERMISSION TO TRANSFER TO A CYBER CHARTER SCHOOL?

Yes. Decisions by a magistrate judge may be appealed to the local County Court of Common Pleas.⁵² This appeal must be made **within 30 days** of the court’s order.⁵³ For more information about local courts of common pleas (which should be able to explain how to appeal a truancy fine or other penalty), visit <http://www.pacourts.us/T/CommonPleas>.

HOW LONG WILL A JUDGE RETAIN JURISDICTION OVER A CASE?

Act 47 specifies that the court retains jurisdiction over truancy matters until compliance with all court directives is achieved. This may include the payment of court-ordered fines and fees, completion of community service, and completion of classes or a program determined at sentencing. Once a parent/guardian or child complies with all requirements, the judge will mark the case closed and the judge will no longer have jurisdiction.⁵⁴ Act 47 also clarifies that Pennsylvania’s truancy laws do not limit the ability of a judge to enter a sentence after the *end* of the school year in which the student was habitually truant.⁵⁵

NEW ATTENDANCE REQUIREMENTS IN CYBER CHARTER SCHOOLS

ARE ATTENDANCE REQUIREMENTS DIFFERENT IN CYBER CHARTER SCHOOLS?

Yes. Like all school districts, every charter, regional charter, and cyber charter school must establish an attendance policy designed to accurately determine when a child who is enrolled has an unexcused or excused absence or is present for instruction, which may differ from the policy of the school district in which the child resides.⁵⁶ This policy must align with compulsory school attendance laws. In addition, for cyber charter schools, the policy must contain a prohibition on a cyber charter school administrator or chief administrator altering an attendance record taken by a teacher, except to correct an error.⁵⁷ Cyber charters are also required to provide attendance information related to the completion of weekly benchmarks to the state Department of Education; the failure to complete such benchmarks may be interpreted as an unexcused absence.⁵⁸ As part of its attendance policy, a cyber charter school must also share resources to support attendance with parents and guardians.⁵⁹

WHAT IS SYNCHRONOUS INSTRUCTION IN A CYBER CHARTER SCHOOL? HOW IS ATTENDANCE DEFINED?

Although not defined in Act 47, synchronous instruction generally refers to learning formats where the teacher and student interact in real time via a camera and students in the class are generally learning the material at the same time. To be considered “present” and “attending” school for synchronous instruction at a cyber charter school, the student “must be present and visible to the teacher on camera during each synchronous instructional period for each course.”⁶⁰

WHAT ARE THE ATTENDANCE REQUIREMENTS FOR ASYNCHRONOUS INSTRUCTION?

Asynchronous instruction generally refers to learning formats where a student independently accesses learning materials and has no real-time interaction with live instructors. Students listen to recorded lectures at their own pace and take tests on their own.

To be considered present for asynchronous instruction, a child must complete weekly benchmarks set and defined by the cyber charter school. Weekly benchmarks must be sufficient to demonstrate that the student is making adequate and consistent progress toward completion of each course in which the student is enrolled.⁶¹ Any student who fails to meet a weekly benchmark will receive an unexcused absence.⁶² The attendance policy must include the consequence for a student’s failure to make adequate and consistent progress, and cyber charter schools must submit the student’s weekly benchmarks to the state Department of Education by June 30 of each year for the following year.⁶³

WHAT HAPPENS IF A STUDENT FAILS TO COMPLETE THE REQUIRED WEEKLY BENCHMARKS?

A student in a cyber charter school who does not complete the required weekly benchmark shall receive an absence under the cyber charter school attendance policy. The prior option to impose an alternative consequence as a punishment has been removed.⁶⁴

TRUANCY AND CYBER CHARTER SCHOOLS

WHAT IS THE PROCESS FOR ADDRESSING TRUANCY?

When a child is *truant*, schools must send a written notice to the parent within 10 days of the child’s third unexcused absence.⁶⁵ This notice must be in the language and mode of communication preferred by the parent.⁶⁶ Under Act 47, this notice must also explain that a child who is *habitually truant* may not transfer during the school year to a cyber charter school unless a judge determines that the transfer is in the child’s educational best interest.⁶⁷ The notice must also include a separate notice outlining a parent, guardian or student’s right to request that the court hold an educational best interest hearing if the child becomes habitually truant.⁶⁸ Finally, the notice

sent by the school must provide resources to assist families to support improved attendance and provide opportunities for academic recovery in response to the attendance issues.

WHO IS RESPONSIBLE FOR ADDRESSING TRUANCY?

Under new Act 47 provisions, the school that is educating the child must address truancy by continuing to pursue remedies until the child is no longer truant or is no longer of compulsory school age, regardless of whether the child was enrolled at the current school or another school at the time of truancy.⁷⁵ If a student continues to accrue unexcused absences, cyber charter schools must invite the parent and student to a [Student Attendance Improvement Conference](#) (SAIC) to identify attendance barriers and develop an Attendance Improvement Plan. For more information on the responsibility of schools and best practices when students are truant or habitually truant, see our fact sheet on [School Attendance and Truancy: Understanding the Basics](#).

WHAT CAN A PARENT DO IF THEIR CHILD IS TRUANT DUE TO ATTENDANCE BARRIERS?

Factors such as poverty, the underfunding of schools, and racism can all create attendance barriers for affected students.⁷⁶ It is important for parents to identify and document any attendance barriers your child is facing and share them in writing with your school.

Attendance barriers may include school-based issues such as delays in transportation or lack of specialized transportation, unaddressed bullying or harassment in school, unmet special education needs, or the unmet need for accommodations or other services for students with disabilities or multilingual learners. In addition, some children face barriers to attending school due to housing

IS IT UNLAWFUL FOR TRUANCY POLICIES TO BE APPLIED IN A DISCRIMINATORY MANNER?

Yes. But even so, reports show that in Pennsylvania and across the country, families of color and families living in poverty are most likely to be subjected to truancy proceedings due to a variety of systemic barriers, including racism and unequal access to resources.⁶⁹

Pennsylvania schools are some of the nation's most unequal. Black and Brown children disproportionately attend schools that have been identified as being "grossly underfunded" and the least well-resourced.⁷⁰ This means that Black and Brown students have fewer opportunities and resources as compared with their white peers in Pennsylvania and across the nation,⁷¹ including limited access to school-based supports to address attendance barriers, which are typically available only in the most well-resourced schools. Importantly, when analyzing factors contributing to attendance barriers and truancy, the Pennsylvania Joint State Government Commission determined that both poverty and racism caused disparities.⁷² Despite this important finding, the fault is often inappropriately ascribed to individual families, even though racism and other systemic factors often lie at the root of attendance barriers.⁷³

Families of color may also be more likely to encounter racially hostile school environments or individual school personnel who do not permit families to correct their children's attendance records or continue to mark children absent when a known school-based barrier, such as lack of transportation, has prevented them from attending school. Schools violate federal law when they knowingly and intentionally discriminate and may also violate the law when evidence suggests that they intentionally discriminated against students on the basis of race, national origin, or color.⁷⁴

instability, family-related events, or challenges in obtaining medical excuse notes. Parents should keep track of excuses for absences and ensure that their child's attendance records are correct.

Parents also have the right to attend a Student Attendance Improvement Conference to discuss and explain barriers to attendance and work with your school to develop a "Student Attendance Improvement Plan."⁷⁷ See our fact sheet on [Addressing Attendance Barriers & School Attendance in PA](#) for information about how to work with a student's school to improve attendance.

WHAT CAN A PARENT DO IF THEIR CHILD'S TRUANCY IS DISABILITY-RELATED?

If your child has a documented disability – meaning they have an Individualized Education Program (IEP) or a disability for which they need accommodations in school (Section 504/Chapter 15 Accommodations Plan) – you may request that the school bring together the IEP Team or Section 504 Team to discuss how attendance barriers impact your child's educational program and how these barriers should be addressed.⁷⁸ The services in an IEP or Section 504 plan are legally binding and should address attendance barriers. Your school can be held accountable for failing to provide agreed-upon services to support your child. If you believe your child may have a disability, but they have not been evaluated, you should request an evaluation in writing. For more information on supporting children with disabilities in their school attendance, see our fact sheet on [Addressing Attendance Barriers and School Attendance in PA](#).

WELLNESS CHECK REQUIREMENTS IN CYBER CHARTERS AND VIRTUAL PROGRAMS

WHAT ARE "WELLNESS CHECKS"?

A wellness check is a practice of connecting with a child, either in person or via electronic means, to ensure their safety and well-being and verify their participation in an educational program. Mandatory wellness checks were first instituted for children in cyber charter schools in 2025, but under the updated law, school districts must also conduct weekly wellness checks for students enrolled exclusively in a district's virtual instruction program for the full school year.⁷⁹

Cyber charter schools and school districts must conduct weekly wellness checks for students enrolled in virtual learning during any week consisting of at least three full or partial days of academic instruction.⁸⁰

HOW ARE WELLNESS CHECKS CONDUCTED?

Wellness checks may be conducted by a teacher, administrator, or other representative of the school district or cyber charter school who is subject to Pennsylvania's child protection laws. The person conducting the check must see and communicate in real time – either in person or through electronic means – with each student to ensure their well-being and confirm participation in the virtual learning program.⁸¹ The requirement may be satisfied by visibly seeing and communicating with the student during synchronous online instruction or during the student's participation in virtual or in-person health screenings, standardized testing, advising and tutoring, or through in-person school-sponsored activities.⁸²

By March 1 of each year, each school district with a virtual program and all cyber charter schools must develop a wellness-check policy for the following school year that complies with these requirements and post the wellness-check policy on its public website.⁸³

CAN A STUDENT BE EXEMPTED FROM PARTICIPATING IN A WELLNESS CHECK?

Yes, but only in narrow circumstances. One circumstance when a child could be exempted would be if the student has an excused absence on the day or week when a wellness check is conducted or if the student's household is experiencing a documented internet or power outage when the wellness check is being conducted.⁸⁴ If this occurs, the wellness check must be completed on the first school day after the excused absence or the same week after internet or power is restored.⁸⁵ A student's parent or caregiver must also provide documentation of the internet or power outage as soon as possible.⁸⁶

WHAT HAPPENS IF A WELLNESS CHECK IS NOT COMPLETED?

If a student in a school district's virtual program or in a cyber charter school is not exempted from a weekly wellness check and did not complete a wellness check, then within one day after the incomplete wellness check, the school must document ongoing efforts to complete the wellness check and its attempts to contact the student's parent or guardian using at least two different methods of communication.⁸⁷ The school must also provide written notice to the student's parent or guardian, in their preferred language, that the wellness check was not completed.⁸⁸

If the wellness check remains incomplete **three days** after the school sends written notice to the parent or guardian, then the school must schedule a wellness review conference to take place within one school day.⁸⁹ The conference must occur even if the student or guardian does not participate.⁹⁰ The goals of the wellness review conference, which may be held in person or electronically, are to complete the wellness check through real-time visual interaction with the student and their guardian, reestablish communication with the student and guardian, and identify interventions so that the student participates in future wellness checks.⁹¹

If the student does not attend the wellness review conference, then the school must conduct an in-person wellness check within 24 hours after the conference.⁹² If the teacher, administrator, or other representative of the school district or cyber charter school who is subject to Pennsylvania's child protection laws sees any indication of abuse, neglect, or harm to a child, then they must report these concerns in accordance with child protection laws.⁹³

HOW DOES THE STATE ENFORCE A SCHOOL'S COMPLIANCE WITH WELLNESS CHECKS?

The Pennsylvania Department of Education may require school districts with virtual programs and cyber charter schools to provide proof of compliance with laws regarding wellness checks to ensure the well-being of students and verify attendance.⁹⁴ If a school does not comply with wellness-check requirements, the Department may require the school to report the date, time, and method of each wellness check for each student enrolled in its virtual program and mandate that school district educators, administrators, and staff complete annual trainings, require the school to meet in person with each student in its program at least once during the school year following the year

of non-compliance, and/or prohibit the school from receiving a competitive state grant from PDE until the school demonstrates full compliance.⁹⁵

HOW WILL FAMILIES LEARN ABOUT THESE NEW WELLNESS-CHECK REQUIREMENTS?

Prior to a student's first day of school and annually for all students, a cyber charter school must provide information to parents and guardians regarding courses, standardized testing, anticipated meetings, contact information, extracurricular activities, school policies, and the academic calendar. This information package must include the school's wellness-check policy, wellness review conference information, and resources to support compulsory school attendance.⁹⁶

The Education Law Center-PA (ELC-PA) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC-PA advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ youth, children experiencing homelessness, and children at the intersection of multiple underserved identities.

ELC-PA's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC-PA's Helpline for information and advice — visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) — or contact another attorney of your choice.

¹ Public School Code of 1949, Act of Nov. 12, 2025, P.L. 244, No. 47. Act 47 has additional provisions on topics such as educator certifications, early literacy initiatives, and cyber charter school funding. See also Pa. Dep't. Of Educ., *Act 47 of 2025 FAQs*, <https://www.pa.gov/agencies/education/programs-and-services/schools/school-services/act-47-faqs#accordion-80fb49178b-item-3e7baab506> (last visited July 1, 2026); Pa. Dep't. Of Educ., *2026-27 School Code PK-12 Implementation Guide*, <https://www.pa.gov/agencies/education/programs-and-services/schools/school-services/school-code-implementation-guide> (last visited August 4, 2026).

² 24 P.S. § 17-1748-A(A.1)(1).

³ 24 P.S. § 13-1326;

⁴ 24 P.S. § 17-1723-A(A.1)(2).

⁵ *Id.*

⁶ 24 P.S. § 17-1723-A (A.1)(3).

⁷ *Id.*

⁸ 24 P.S. § 17-1748-A(A); Pa. Dep't. of Educ., *Cyber Charter School Enrollment Form and Residency Verification Form* (2026), <https://www.pa.gov/content/dam/copapwp-pagov/en/education/documents/instruction/charter-schools/cyber-charter-school-enrollment-and-residency-verification-fillable.pdf> (last visited July 1, 2026).

⁹ 24 P.S. § 17-1748-A(A)(1.2).

¹⁰ 24 P.S. § 17-1748-A(A)(1.3).

¹¹ 24 P.S. § 17-1748-A(A)(1).

¹² 24 P.S. § 17-1748-A(a.1)(b)(6). Pa. Dep't. Of Educ., *Act 47 of 2025 FAQs*.

¹³ 24 P.S. § 17-1748-A(a.1)(b)(6)(i-v).

¹⁴ Avi Wolfman-Arent, *Suburban schools' residency enforcement mostly affects kids of color*, WHYY (May 1, 2018) <https://whyy.org/segments/suburban-schools-residency-enforcement-disproportionately-affects-kids-of-color/>.

¹⁵ See, e.g., *Whitaker-Reid v. Pottsgrove Sch. Dist.*, 160 A.3d 905, Pa. Commw. Ct. 2017, a case in which multiple children remained out of school for nearly a year due to residency challenges, even though the Commonwealth Court ultimately ruled in the family's favor due to lack of sufficient evidence.

¹⁶ Civil Rights Act of 1964, Title VI, 42 U.S.C. §§ 2000d-2000d-7.

¹⁷ 24 P.S. § 17-1748-A(A)(1.6).

- ¹⁸ *Id.*
- ¹⁹ *Id.*
- ²⁰ 24 P.S. § 17-1748-A(A)(1.4). Additionally, the Pennsylvania Department of Education may not deduct tuition payments to cyber charter schools from school districts if the cyber charter school has not provided proof of residence of the student. 24 P.S. § 1748-A(A)(1.5).
- ²¹ 24 P.S. § 17-1748-A(A)(1.4).
- ²² 24 P.S. § 17-1748-A(A)(2)(I).
- ²³ 24 P.S. § 17-1748-A(A)(2)(II).
- ²⁴ *Id.*
- ²⁵ 24 P.S. § 17-1748-A(A)(2)(III) - (IV).
- ²⁶ *Id.*; Pa. Dep't. of Educ., *Cyber Charter Student District of Residency Verification and School Entity Residency Dispute Resolution Process* (last visited July 1, 2026) <https://www.pa.gov/agencies/education/programs-and-services/instruction/elementary-and-secondary-education/charter-schools/cyber-charter-student-residency-verification>.
- ²⁷ 24 P.S. §13-1302.
- ²⁸ 24 P.S. § 17-1748-A(A)(2)(VI) - (VII).
- ²⁹ Education Law Center-PA, *Students' Rights During Residency Disputes: Act 67 Explained* (2025), <https://www.elc-pa.org/resource/students-rights-during-residency-disputes-act-67-explained/>.
- ³⁰ 24 P.S. 13-1302(c).
- ³¹ 42 U.S.C. § 11432(g)(3)(C)(i)(I).
- ³² 24 P.S. § 17-1748-A(A)(1.1); Pa. Dep't. of Educ., *Cyber Charter Student District of Residency Verification and School Entity Residency Dispute Resolution Process*.
- ³³ Education Law Center-PA, *The Rights of Students Experiencing Homelessness* (2023), <https://www.elc-pa.org/Rights-of-Students-Experiencing-Homelessness>.
- ³⁴ 24 P.S. § 13-1326.
- ³⁵ 24 P.S. § 13-1326.
- ³⁶ 24 P.S. § 1723-A(A.1)(2).
- ³⁷ *Id.*
- ³⁸ Pa. Dep't. of Educ., *Cyber Charter School Enrollment Form and Residency Verification Form*.
- ³⁹ 24 P.S. § 17-1723-A(A.1)(3).
- ⁴⁰ Pa. Dep't. Of Educ., *Act 47 of 2025 FAQs*.
- ⁴¹ *Id.*
- ⁴² 24 P.S. § 13-1326.
- ⁴³ 24 P.S. § 13-1333.3(i).
- ⁴⁴ 24 P.S. § 13-1333(C.2)(3).
- ⁴⁵ 24 P.S. § 1333.1(a). Depending on the age of the student, a school may refer a student who is habitually truant to an attendance improvement program, a county children and youth agency, or file a citation in court. *Id.*
- ⁴⁶ 24 P.S. § 1333(C.2)(1).
- ⁴⁷ 24 P.S. § 1333(a)(5).
- ⁴⁸ 24 P.S. § 1333(c.2)(2).
- ⁴⁹ *Id.* This provision will be effective on October 10, 2026.
- ⁵⁰ *Id.*
- ⁵¹ *Id.*
- ⁵² PA. R. CRIM. P. 462.
- ⁵³ PA. R. CRIM. P. 461(E).
- ⁵⁴ 24 P.S. 13-1333.3(j).
- ⁵⁵ 24 P.S. 13-1333.2(i).
- ⁵⁶ 24 P.S. § 13-1327(a).
- ⁵⁷ 24 P.S. § 13-1327(a.1).
- ⁵⁸ 24 P.S. § 13-1327(a.1)(c).
- ⁵⁹ 24 P.S. § 1743-A(D)(14).
- ⁶⁰ 24 P.S. § 13-1327.2(a.1)(1).
- ⁶¹ 24 P.S. § 13-1327.2(a.1)(1)-(3).
- ⁶² 24 P.S. § 13-1327.2(a.1)(3).
- ⁶³ *Id.*

⁶⁴ 2026-27 School Code PK-12 Implementation Guide, <https://www.pa.gov/agencies/education/programs-and-services/schools/school-services/school-code-implementation-guide>.

⁶⁵ 24 P.S. § 13-1333(a).

⁶⁶ 24 P.S. § 13-1333(a)(2).

⁶⁷ 24 P.S. § 13-1333(a)(2.1).

⁶⁸ 24 P.S. § 13-1333(a)(2.2)-(5). This notice to request an educational best interest hearing will be developed by the Administrative Office of Pennsylvania Courts and the Pennsylvania Department of Education. *Id.*

⁶⁹ Truancy Advisory Comm'n, Joint State Gov't Comm'n, Truancy and School Dropout Prevention 35 (2015), <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2015-10-27%202015%20TAC%20Final%20Report%2010-27-15%203pm.pdf>.

⁷⁰ FUND OUR SCHOOLS PA, SUMMARY OF EXPERT REPORT BY DR. MATTHEW KELLY (2021), <https://www.pubintlaw.org/wp-content/uploads/2021/02/20.10.27-Kelly-report-handout-pubintlaw.pdf> (finding that “[s]tudents of color are concentrated in deeply underfunded districts and are disproportionately impacted by Pennsylvania’s irrational and inequitable funding system” and that “[s]tatewide, Black and Latinx students are also concentrated in the lowest wealth (and therefore most underfunded) districts—50% of PA’s Black students are in the lowest quintile wealth districts.”); JUSTIS FREEMAN & DAVID BAMAT, RSCH. FOR ACTION, PERSISTENT UNEQUAL ACCESS TO EDUCATIONAL OPPORTUNITY IN PENNSYLVANIA (2022), <https://www.researchforaction.org/wp-content/uploads/2022/10/RFA-PersistentUnequalAccessToEducationalOpportunityinPennsylvaniaForK-12Students.pdf> (“Black and Hispanic students are disproportionately enrolled in high poverty schools and those schools provide less access to educational opportunity. Only 4% of enrolled students in low poverty schools are Black and 5% of enrolled students in low-poverty schools are Hispanic. In contrast, White students are disproportionately enrolled in low-poverty schools, which provide higher access to opportunity.”).

⁷¹ FREEMAN ET AL., *supra* note 34, at 2, 5.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; 34 C.F.R. §§ 100.3(a)(b)(1)(i)-(vi), (b)(2); Exec. Order No. 13985 (On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), 86 Fed. Reg. 7009 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

⁷⁵ 24 P.S. § 13-1333.1(d.1).

⁷⁶ Joint State Gov't Comm'n, TRUANCY AND SCHOOL DROPOUT PREVENTION: REPORT OF THE TRUANCY ADVISORY COMMITTEE 35 (2015).

⁷⁷ § 13-1333(b).

⁷⁸ *Id.* § 13-1326 (defining invitees to school attendance improvement conference as “appropriate school personnel”); *In re C.M.T.*, 861 A.2d 348, 356 (2004).

⁷⁹ 24 P.S. § 13-1327.4(A).

⁸⁰ 24 P.S. § 1748.1-A(A).

⁸¹ 24 P.S. § 13-1327.4(A); 24 P.S. § 1748.1-A(A).

⁸² 24 P.S. § 13-1327.4(A)(1)-(2); 24 P.S. § 1748.1-A(A)(1)-(2).

⁸³ 24 P.S. § 13-1327.4(C); 24 P.S. § 1748.1-A(C).

⁸⁴ 24 P.S. § 13-1327.4(A)(3)-(4); 24 P.S. § 1748.1-A(A)(3)-(4).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ 24 P.S. § 13-1327.4(A)(5); 24 P.S. § 1748.1-A(A)(5).

⁸⁸ *Id.*

⁸⁹ 24 P.S. § 13-1327.4(A)(6); 24 P.S. § 1748.1-A(A)(6).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² 24 P.S. § 13-1327.4(A)(7); 24 P.S. § 1748.1-A(A)(7). School administrators may not alter attendance records after a wellness check except to correct an error. 24 P.S. § 1327.4(A)(8); 24 P.S. § 1748.1-A(A)(8).

⁹³ 24 P.S. § 13-1327.4(B); 24 P.S. § 1748.1-A(B).

⁹⁴ 24 P.S. § 13-1327.4(D); 24 P.S. § 1748.1-A(D).

⁹⁵ 24 P.S. § 13-1327.4(E); 24 P.S. § 1748.1-A(E).

⁹⁶ 24 P.S. § 1743-A(D)(5) and (10).