

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1602 Session of  
2009

INTRODUCED BY ROEBUCK, COHEN, GRUCELA, HARKINS, PALLONE, BISHOP,  
BROWN, CALTAGIRONE, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN,  
GOODMAN, HORNAMAN, KOTIK, MANN, MCGEEHAN, MUNDY, M. O'BRIEN,  
PARKER, PASHINSKI, PAYTON, READSHAW, SIPTROTH, K. SMITH,  
VULAKOVICH, WATERS, YOUNGBLOOD, BRADFORD, JOSEPHS, HESS,  
JOHNSON, MURT, MELIO, MILNE AND McILVAINE SMITH, JUNE 3, 2009

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 10, 2009

## 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," further providing for compulsory  
6 school attendance and for exceptions to compulsory school  
7 attendance; and requiring all public school districts in this  
8 Commonwealth to conduct interviews for all students who  
9 withdraw or are illegally absent from school.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 1327 of the act of March 10, 1949  
13 (P.L.30, No.14), known as the Public School Code of 1949, is  
14 amended by adding a subsection to read:

15 Section 1327. Compulsory School Attendance.--\* \* \*

16 (a.1) A student who is not in compliance with this section  
17 shall be required to complete an interview in accordance with  
18 section 1354.1.

19 \* \* \*

1 Section 2. Section 1330 of the act, amended May 11, 1949  
2 (P.L.1195, No.361), October 21, 1965 (P.L.601, No.312) and  
3 January 14, 1970 (1969 P.L.468, No.192), is amended to read:

4 Section 1330. Exceptions to Compulsory Attendance.--(a) The  
5 provisions of this act requiring regular attendance shall not  
6 apply to any child who--

7 (1) Has attained the age of sixteen (16) years, and who is  
8 regularly engaged in any useful and lawful employment or service  
9 during the time the public schools are in session, and who holds  
10 an employment certificate issued according to law;

11 (2) Has been examined by an approved mental clinic or by a  
12 person certified as a public school psychologist or  
13 psychological examiner, and has been found to be unable to  
14 profit from further public school attendance, and who has been  
15 reported to the board of school directors and excused, in  
16 accordance with regulations prescribed by the State Board of  
17 Education.

18 (3) Has attained the age of fifteen (15) years and is  
19 engaged in farm work or domestic service in a private home on a  
20 permit issued by the school board or the designated school  
21 official of the school district of the child's residence, in  
22 accordance with regulations which the Superintendent of Public  
23 Instruction is hereby authorized to prescribe;

24 (4) Has attained the age of fourteen (14) years and is  
25 engaged in farm work or domestic service in a private home on a  
26 permit issued as provided in clause (3) of this section, and who  
27 has satisfactorily completed, either in public or private  
28 schools, the equivalent of the highest grade of the elementary  
29 school organization prevailing in the public schools of the  
30 district in which he resides, if the issuance of such a permit

1 has first been recommended by the district superintendent of  
2 schools having supervision of the schools of the district where  
3 such child resides, or by the principal of the private school  
4 where such child is enrolled, and the reason therefor has been  
5 approved by the Superintendent of Public Instruction;

6 (5) Except in districts of the fourth class and those of the  
7 third class located wholly within the boundary lines of a  
8 township, or within the boundary lines of a borough which has a  
9 population of less than five hundred (500) inhabitants to the  
10 square mile, resides two miles or more by the nearest public  
11 highways from any public school in session and no proper free  
12 transportation is furnished to such child to and from school.

13 (b) A student who withdraws under this section shall  
14 complete an interview in accordance with section 1354.1.

15 Section 3. The act is amended by adding a section to read:

16 Section 1354.1. Interview Reports for Withdrawing and

17 Illegally Absent Students.--(a) It shall be the duty of every A ←

18 school principal of a ~~school district~~ PUBLIC SCHOOL or charter ←

19 school to conduct or assign a designee to conduct an interview

20 for each student who withdraws or is illegally absent for ten

21 (10) days or more, without lawful excuse, from that PUBLIC ←

22 school ~~district~~ or charter school. During the interview the ←

23 student shall be made aware of alternatives to withdrawing from

24 the PUBLIC school ~~district~~ or charter school. If the student is ←

25 legally withdrawing as provided in section 1330, the interview

26 must be done in conjunction with the verification of any work or

27 farm permit issued. If the student is not in compliance with the

28 compulsory school attendance provisions of this act, an

29 interview must be conducted that further inquires as to why the

30 student is illegally absent. A migratory child or a student

1 withdrawing to attend ANOTHER PUBLIC SCHOOL ENTITY, a charter ←  
2 school, cyber charter school, home education program, nonpublic  
3 nonlicensed school, private academic school or an approved  
4 institution of higher education shall not be required to  
5 complete an interview required in this section.

6 (b) If a student fails to complete the interview required  
7 under subsection (a), the school principal shall conduct an  
8 interview with a parent or guardian of the student. The  
9 principal shall send a written notice to the parent or guardian  
10 by certified mail, return receipt requested, that informs the  
11 parent or guardian of the interview required by and the penalty  
12 for failure to comply with this subsection, and shall maintain a  
13 copy of the notice and the return receipt, if any, with the  
14 records of the student. The interview may be conducted in person  
15 or via the telephone at a time most accommodating for both  
16 parties. Failure of a parent or guardian to complete an  
17 interview on behalf of the child of the parent or guardian  
18 within fifteen (15) school days after the ~~last day the child~~ ←  
19 ~~attended school~~ DATE WRITTEN NOTICE IS SENT BY CERTIFIED MAIL is ←  
20 a violation of this section and the school district or charter  
21 school may impose a civil penalty in accordance with section  
22 1333.

23 (c) The Department of Education shall establish and  
24 distribute a standard form to be completed by a school principal  
25 or a designee during an interview. The form shall require, but  
26 is not limited to, the following information: name, address,  
27 telephone number, date of birth, most current student  
28 identification number, current grade level, school name and  
29 district, reasons for withdrawing, name, address and telephone  
30 number of a parent or guardian and any other information the

1 department deems necessary. The form must be filed with the  
2 Department of Education within thirty (30) days following the  
3 interview. The data collected from the interviews, excluding  
4 specific names and addresses and identification, will be used in  
5 conjunction with the Electronic Dropout/Graduate Report (EDGR),  
6 a data reporting system or a report of equivalence compiled and  
7 distributed by the Division of Data Services of the Department  
8 of Education. In addition, the information shall be made part of  
9 the student's permanent record by the school district or charter  
10 school. The report must be made public at the end of each fiscal  
11 year.

12 (d) The provisions of sections 1356 and 1357 shall not apply  
13 to this section.

14 Section 4. This act shall take effect July 1, 2009.