

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1455 Session of  
2014

INTRODUCED BY GREENLEAF, SCHWANK, RAFFERTY, FONTANA, KITCHEN,  
BAKER AND ERICKSON, JULY 8, 2014

REFERRED TO EDUCATION, JULY 8, 2014

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," in pupils and attendance, further  
6 providing for penalties for violation of compulsory  
7 attendance requirements.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 1333 of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended November 17, 1995 (1st Sp.Sess., P.L.1110, No.29), is  
13 amended to read:

14 Section 1333. Penalties for Violation of Compulsory  
15 Attendance Requirements.--(a) (1) Every parent, guardian, or  
16 person in parental relation, having control or charge of any  
17 child or children of compulsory school age, who shall fail to  
18 comply with the provisions of this act regarding compulsory  
19 attendance, shall on summary conviction thereof, be sentenced to  
20 pay a fine, for the benefit of the school district in which such

1 offending person resides, not exceeding three hundred dollars  
2 (\$300) and to pay court costs or be sentenced to complete a  
3 parenting education program offered and operated by a local  
4 school district, medical institution or other community  
5 resources[, and, in default of the payment of such fine and  
6 costs or completion of the parenting program by the person so  
7 offending, shall be sentenced to the county jail for a period  
8 not exceeding five (5) days]. Any person sentenced to pay any  
9 such fine may appeal to the court of common pleas of the proper  
10 county, upon entering into a recognizance, with one or more  
11 proper sureties, in double the amount of penalty and costs.  
12 Before any proceedings are instituted against any parent,  
13 guardian, or person in parental relation, for failure to comply  
14 with the provisions of this act, the district superintendent,  
15 attendance officer, or secretary of the board of school  
16 directors, shall give the offending person three (3) days'  
17 written notice of such violation. If, after such notice has been  
18 given, the provisions of this act regarding compulsory  
19 attendance are again violated by the persons so notified, at any  
20 time during the term of compulsory attendance, such person, so  
21 again offending, shall be liable under the provisions of this  
22 section without further notice.

23 (2) The child and every parent, guardian or person in  
24 parental relation must appear at a hearing established by the  
25 magisterial district [justice] judge. If the parent, guardian or  
26 person in parental relation charged with a summary offense under  
27 this subsection shows that he or she took every reasonable step  
28 to insure attendance of the child at school, he or she shall not  
29 be convicted of the summary offense.

30 (3) Upon a summary conviction, the magisterial district

1 [justice] judge may suspend, in whole or in part, a sentence in  
2 which a parent, guardian or person in parental relation is  
3 summoned to pay as required under this section: Provided, That  
4 the child no longer is habitually truant from school without  
5 justification.

6 (4) In lieu of or in addition to any other sentence imposed  
7 under this section, the magisterial district [justice] judge may  
8 order the parent, guardian or person in parental relation to  
9 perform community service in the school district in which the  
10 offending child resides for a period not to exceed six (6)  
11 months.

12 (5) (i) Except as part of an individualized truancy  
13 elimination plan provided for in this paragraph, a school  
14 district shall not refer a child for services or possible  
15 disposition as a dependent child under 42 Pa.C.S. § 6302  
16 (relating to definitions) unless the school district has  
17 exercised due diligence in its attempts to compel the child's  
18 compliance with the compulsory attendance provisions of this  
19 act, and shall not refer a case to a magisterial district judge  
20 under this section unless it has exercised such due diligence.  
21 Due diligence shall include development of an individualized  
22 truancy elimination plan developed cooperatively with teachers  
23 and appropriate school personnel through a conference with the  
24 child's family following the first notice of truancy given under  
25 section 1354.

26 (ii) The truancy elimination plan developed through the  
27 conference with the child's family shall assess and identify the  
28 causes of truancy and include a mutually agreed-upon plan to  
29 assure regular school attendance. The truancy elimination plan  
30 shall include best practices in truancy prevention. The plan may

1 include referring the child and family to evidence-based  
2 intervention programs for at-risk children and families.

3 (iii) If the child's family refuses to participate in the  
4 development of a truancy elimination plan, due diligence shall  
5 include the development of a truancy elimination plan for the  
6 child by the school district and documentation of the school  
7 district's efforts to include the family in the development of  
8 the plan.

9 (b) (1) If the parent, guardian or person in parental  
10 relation is not convicted of a summary offense because he or she  
11 took every reasonable step to insure attendance of the child at  
12 school, a child of compulsory school age who has attained the  
13 age of thirteen (13) years and fails to comply with the  
14 provisions of this act regarding compulsory attendance or who is  
15 habitually truant from school without justification commits a  
16 summary offense and except as provided in clause (4) shall, upon  
17 conviction, be sentenced to pay a fine not exceeding three  
18 hundred dollars (\$300) for each offense for the benefit of the  
19 school district in which such offending child resides or shall  
20 be assigned to an adjudication alternative program pursuant to  
21 42 Pa.C.S. § 1520 (relating to adjudication alternative  
22 program).

23 (2) For any child who has attained the age of thirteen (13)  
24 years who fails to pay the fine under clause (1) or to comply  
25 with the adjudication alternative program, the magisterial  
26 district [justice] judge may allege the child to be dependent  
27 under 42 Pa.C.S. § 6303(a)(1) (relating to scope of chapter).  
28 The failure by the child to pay a fine or comply with the  
29 adjudication alternative program shall not constitute a  
30 delinquent act under 42 Pa.C.S. Ch. 63 (relating to juvenile

1 matters).

2 (3) Upon a summary conviction or assignment to an  
3 adjudication alternative program, the magisterial district  
4 [justice] judge may suspend, in whole or in part, a sentence or  
5 an adjudication alternative program in which a child who has  
6 attained the age of thirteen (13) years must pay or comply with  
7 the adjudication alternative program: Provided, That the child  
8 no longer is habitually truant from school without  
9 justification.

10 (4) Any child who has not attained the age of thirteen (13)  
11 years who fails to comply with the compulsory attendance  
12 provisions of this act and is habitually truant shall be  
13 referred by the school district for services or possible  
14 disposition as a dependent child as defined under 42 Pa.C.S. §  
15 6302 (relating to definitions). Any child who has attained the  
16 age of thirteen (13) years who fails to comply with the  
17 compulsory attendance provisions of this act and is habitually  
18 truant may, in lieu of a prosecution under clause (1), be  
19 referred by the school district for services or possible  
20 disposition as a dependent child as defined under 42 Pa.C.S. §  
21 6302.

22 (5) The following words, when used in this subsection, shall  
23 have the following meaning, except where the context clearly  
24 indicates or requires a different meaning:

25 "Community resources" shall mean those agencies and services  
26 for children and youth provided by the juvenile court, the  
27 county, the Department of Health, the Department of Public  
28 Welfare and other public or private institutions.

29 ["District justice" shall mean such court as the court of  
30 common pleas shall direct in counties not having district

1 justices.]

2 "Habitually truant" shall mean absence for more than three  
3 (3) school days or their equivalent following the first notice  
4 of truancy given under section 1354. A person may be habitually  
5 truant after such notice.

6 "Magisterial district judge" shall mean such court as the  
7 court of common pleas shall direct in counties not having  
8 magisterial district judges.

9 "Offense" shall mean each citation which goes before a  
10 magisterial district [justice] judge or court of common pleas.

11 "Person in parental relation" shall not include any county  
12 agency or person acting as an agent of the county agency in the  
13 jurisdiction of a dependent child defined under 42 Pa.C.S. §  
14 6302 (relating to definitions).

15 (c) If a child is convicted for a violation of this section,  
16 the court, including a court not of record, shall send to the  
17 Department of Transportation a certified record of the  
18 conviction or other disposition on a form prescribed by the  
19 department.

20 (d) Nothing in this section shall be construed to apply to a  
21 parent, guardian or person in parental relation whose child or  
22 children are in a home education program under section 1327.1.

23 Section 2. This act shall take effect in 60 days.