

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 64

Session of
1995

INTRODUCED BY STURLA, NICKOL, ITKIN, PLATTS, COY, FAJT,
YOUNGBLOOD, TIGUE, ROBINSON, MILLER, BUXTON, M. COHEN,
ROONEY, BATTISTO, ROEBUCK, BEBKO-JONES, KAISER, PISTELLA,
MIHALICH, STABACK, HALUSKA, CAPPABIANCA, WOZNIAK, READSHAW,
MERRY, SCHULER, STEELMAN AND CIVERA, JANUARY 19, 1995

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 19, 1995

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," granting the powers of school
6 attendance officers to State, municipal, port, transit and
7 housing authority police officers.

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

10 Section 1. Section 1338 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended January 14, 1970 (1969 P.L.468, No.192), is amended to
13 read:

14 Section 1338. Delinquent Children.--In case any child of
15 compulsory school age cannot be kept in school in compliance
16 with the provisions of this act, on account of incorrigibility,
17 truancy, insubordination, or other bad conduct, or if the
18 presence of any child attending school is detrimental to the
19 welfare of such school, on account of incorrigibility, truancy,

1 insubordination, or other bad conduct, the board of school
2 directors may, by its superintendent, secretary, [or] attendance
3 officer or State, municipal, port, transit or housing authority
4 police officer, under such rules and regulations as the board
5 may adopt, proceed against said child before the juvenile court,
6 or otherwise, as is now or may hereafter be provided by law for
7 incorrigible, truant, insubordinate, or delinquent children.

8 Section 2. Section 1341 of the act, amended October 21, 1965
9 (P.L.601, No.312), is amended to read:

10 Section 1341. Duty to Employ; Power of Arrest;
11 Certification.--(a) The board of school directors of every
12 school district of the first, second, or third class, shall, and
13 in any school district of the fourth class may, employ one or
14 more persons to be known as attendance officers, or home and
15 school visitors, whose duties shall be to enforce the provisions
16 of this act regarding compulsory attendance. Such attendance
17 officers, or home and school visitors, shall, in addition to the
18 duties imposed upon them by the provisions of this act, have
19 full police power without warrant, and may arrest or apprehend
20 any child who fails to attend school in compliance with the
21 provisions of this act, or who is incorrigible, insubordinate,
22 or disorderly during attendance at school or on his way to or
23 from school. All home and school visitors shall be legally
24 certified as such by the Department of Public Instruction, upon
25 meeting such standards as shall be prescribed by the State Board
26 of Education.

27 (b) Any two or more school districts may join in the
28 appointment of an attendance officer on such terms as they may
29 mutually agree upon.

30 (c) A State, municipal, port, transit or housing authority

1 police officer shall also have the authority to enforce the
2 compulsory attendance provision of this act, and may arrest or
3 apprehend any child who fails to attend school or who is
4 incorrigible, insubordinate or disorderly during attendance at
5 school or on his way to or from school.

6 Section 3. Sections 1343 and 1344 of the act are amended to
7 read:

8 Section 1343. Arrest of Children Failing to Attend School.--
9 When an attendance officer or a State, municipal, port, transit
10 or housing authority police officer arrests or apprehends any
11 child who fails to attend school as required by the provisions
12 of this act, he shall promptly notify the parents, guardian, or
13 person in parental relation to such child, if such person can be
14 found in the district, and unless requested by such parent,
15 guardian, or person in parental relation to place said child in
16 a school other than public school, he shall place said child in
17 the public school in which the child is, or should be, enrolled.

18 Section 1344. Inspecting Places Where Children are
19 Employed.--Attendance officers and State, municipal, port,
20 transit and housing authority police officers shall have full
21 power and authority to enter, during business hours, any place
22 where any children are employed, to ascertain whether or not any
23 child is engaged therein that should attend school as herein
24 provided, and such attendance or police officer shall have the
25 right to demand and inspect the employment certificate of any
26 child engaged therein.

27 Section 4. Section 1345 of the act, amended January 14, 1970
28 (1969 P.L.468, No.192), is amended to read:

29 Section 1345. Penalty for Interfering with Inspections.--Any
30 officer, director, superintendent, manager, employe, or other

1 person, at any place where any child of compulsory school age is
2 engaged, who refuses to permit, or in any way interferes with,
3 the entrance therein of the attendance officer, State,
4 municipal, port, transit or housing authority police officer,
5 any member of the board of school directors, the secretary
6 thereof, or the district superintendent of any school district,
7 as provided for in this act, shall, on summary conviction
8 thereof, be sentenced to pay a fine of not less than five
9 dollars (\$5) or more than twenty-five dollars (\$25), and in
10 default thereof he may be sentenced to imprisonment not
11 exceeding thirty (30) days. Any person sentenced to pay any such
12 fine may, upon giving proper surety in double the amount of
13 penalty and costs, at any time within five (5) days thereafter,
14 appeal to the court of quarter sessions of the proper county.

15 Section 5. This act shall take effect in 60 days.