

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 120 Session of  
2007

INTRODUCED BY ROEBUCK, STAIRS, CURRY, D. EVANS, BEYER, BISHOP,  
CALTAGIRONE, FABRIZIO, FRANKEL, HARPER, JAMES, MANDERINO,  
MANN, M. O'BRIEN, O'NEILL, YOUNGBLOOD, PAYTON, PARKER,  
WHEATLEY AND CONKLIN, JANUARY 31, 2007

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 19, 2007

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

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

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

16 SECTION 1. SECTION 1101(1) OF THE ACT OF MARCH 10, 1949 <—  
17 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,  
18 AMENDED NOVEMBER 30, 1971 (P.L.546, NO.144), IS AMENDED TO READ:

19 SECTION 1101. DEFINITIONS.--AS USED IN THIS ARTICLE,

20 (1) THE TERM "PROFESSIONAL EMPLOYE" SHALL INCLUDE THOSE WHO

1 ARE CERTIFICATED AS TEACHERS, SUPERVISORS, SUPERVISING  
2 PRINCIPALS, PRINCIPALS, ASSISTANT PRINCIPALS, VICE-PRINCIPALS,  
3 DIRECTORS OF VOCATIONAL EDUCATION, DENTAL HYGIENISTS, VISITING  
4 TEACHERS, HOME AND SCHOOL VISITORS, SCHOOL SOCIAL WORKERS,  
5 SCHOOL COUNSELORS, CHILD NUTRITION PROGRAM SPECIALISTS, SCHOOL  
6 LIBRARIANS, SCHOOL SECRETARIES THE SELECTION OF WHOM IS ON THE  
7 BASIS OF MERIT AS DETERMINED BY ELIGIBILITY LISTS AND SCHOOL  
8 NURSES.

9 \* \* \*

10 SECTION 2. SECTION 1327 OF THE ACT IS AMENDED BY ADDING A  
11 SUBSECTION TO READ:

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

13 (a.1) A student who is out of compliance with this section  
14 shall be required to complete an interview in accordance with  
15 section 1354.1.

16 \* \* \*

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

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

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

27 (2) Has been examined by an approved mental clinic or by a  
28 person certified as a public school psychologist or  
29 psychological examiner, and has been found to be unable to  
30 profit from further public school attendance, and who has been

1 reported to the board of school directors and excused, in  
2 accordance with regulations prescribed by the State Board of  
3 Education.

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

10 (4) Has attained the age of fourteen (14) years and is  
11 engaged in farm work or domestic service in a private home on a  
12 permit issued as provided in clause (3) of this section, and who  
13 has satisfactorily completed, either in public or private  
14 schools, the equivalent of the highest grade of the elementary  
15 school organization prevailing in the public schools of the  
16 district in which he resides, if the issuance of such a permit  
17 has first been recommended by the district superintendent of  
18 schools having supervision of the schools of the district where  
19 such child resides, or by the principal of the private school  
20 where such child is enrolled, and the reason therefor has been  
21 approved by the Superintendent of Public Instruction;

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

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

Section 3 4. The act is amended by adding a section to read: <—

Section 1354.1. Interview Reports for Withdrawing and

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

school principal and guidance counselor to conduct or order TO <—

CONDUCT OR ASSIGN A DESIGNATED PROFESSIONAL EMPLOYEE TO CONDUCT

an interview for each student who withdraws or is illegally

absent for ten (10) days or more, without lawful excuse, from

that school district. During the interview the student shall be

made aware of alternatives to withdrawing from the school

district. If the student is legally withdrawing as provided in

section 1330, the interview must be done in conjunction with the

verification of any work or farm permit issued. If the student

is not in compliance with the compulsory school attendance

provisions of this act, an interview must be conducted that

further inquires as to why the student is illegally absent. A

student withdrawing to attend a charter school, cyber charter

school, home education program, nonpublic nonlicensed school,

private academic school or an approved institution of higher

education shall not be required to complete an interview

required in this section.

(b) Any parent or guardian of a student of compulsory school

age who is withdrawing or illegally absent shall complete an

interview on behalf of the student if, and only if, the student

fails to complete the interview first. The interview may be

conducted in person or via the telephone at a time most

accommodating for both parties. Failure of a parent or guardian

to complete an interview on behalf of the child of the parent or

guardian within fifteen (15) school days after the last day the

child attended school is a violation of this section and the

school district may impose a civil penalty in accordance with

1 section 1333.

2 (c) The Department of Education shall establish and  
3 distribute a standard form to be completed by a school principal  
4 or ~~guidance counselor~~ DESIGNATED PROFESSIONAL EMPLOYEE during an <—  
5 interview. The form shall require, but is not limited to, the  
6 following information: name, address, telephone number, date of  
7 birth, most current student identification number, current grade  
8 level, school name and district, reasons for withdrawing, name,  
9 address and telephone number of a parent or guardian and any  
10 other information the department deems necessary. These forms  
11 must be filed with the Department of Education within thirty  
12 (30) days following the interview. The data collected from the  
13 interviews, excluding specific names and addresses and  
14 identification, will be used in conjunction with the Electronic  
15 Dropout/Graduate Report (EDGR), a data reporting system or a  
16 report of equivalence compiled and distributed by the Division  
17 of Data Services of the Department of Education. In addition,  
18 the information shall be made part of the student's permanent  
19 record. The report must be made public at the end of each fiscal  
20 year.

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

23 (E) FOR PURPOSES OF THIS SECTION: <—

24 "DESIGNATED PROFESSIONAL EMPLOYEE" SHALL MEAN A SCHOOL  
25 GUIDANCE COUNSELOR, SCHOOL SOCIAL WORKER OR HOME AND SCHOOL  
26 VISITOR.

27 "SCHOOL SOCIAL WORKER" SHALL MEAN A PROFESSIONAL EMPLOYEE OF A  
28 SCHOOL DISTRICT, EMPLOYED TO PROVIDE SOCIAL AND EMOTIONAL  
29 SUPPORT TO STUDENTS AND THEIR FAMILIES IN ORDER TO ASSESS,  
30 INTERVENE AND TREAT STUDENTS OR STUDENT GROUPS WITH BIO-

1 PSYCHOSOCIAL PROBLEMS, WHO HOLDS A LICENSE IN GOOD STANDING AS  
2 EITHER A LICENSED SOCIAL WORKER OR A LICENSED CLINICAL SOCIAL  
3 WORKER IN ACCORDANCE WITH THE ACT OF JULY 9, 1987 (P.L.220,  
4 NO.39), KNOWN AS THE "SOCIAL WORKERS, MARRIAGE AND FAMILY  
5 THERAPISTS AND PROFESSIONAL COUNSELORS ACT."

6       Section 4 5. This act shall take effect in 60 days.

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