

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, YOUNGBLOOD, PAYTON, PARKER, WHEATLEY,
CONKLIN, MURT, BRENNAN, HORNAMAN, MELIO AND KORTZ,
JANUARY 31, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 17, 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 ~~employee"~~; 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 1101(1) of the act of March 10, 1949~~ <—
14 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
15 ~~amended November 30, 1971 (P.L.546, No.144), is amended to read:~~

16 ~~Section 1101. Definitions. As used in this article,~~
17 ~~(1) The term "professional employee" shall include those who~~
18 ~~are certificated as teachers, supervisors, supervising~~
19 ~~principals, principals, assistant principals, vice principals,~~
20 ~~directors of vocational education, dental hygienists, visiting~~

1 ~~teachers, home and school visitors, school social workers,~~
2 ~~school counselors, child nutrition program specialists, school~~
3 ~~librarians, school secretaries the selection of whom is on the~~
4 ~~basis of merit as determined by eligibility lists and school~~
5 ~~nurses.~~

6 * * *

7 ~~Section 2. Section 1327 of the act is amended by adding a~~
8 ~~subsection to read:~~

9 SECTION 1. SECTION 1327 OF THE ACT OF MARCH 10, 1949 <—
10 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS
11 AMENDED BY ADDING A 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 3 2. 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 4 3. 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 to conduct or assign a designated professional <—
employe to conduct SCHOOL PRINCIPAL OF A SCHOOL DISTRICT OR <—
CHARTER SCHOOL TO CONDUCT OR ASSIGN A DESIGNEE 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 OR CHARTER SCHOOL. During the interview the <—
student shall be made aware of alternatives to withdrawing from
the school district OR CHARTER SCHOOL. 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.

(B) IF A STUDENT FAILS TO COMPLETE THE INTERVIEW REQUIRED <—
UNDER SUBSECTION (A), THE SCHOOL PRINCIPAL SHALL CONDUCT AN
INTERVIEW WITH A PARENT OR GUARDIAN OF THE STUDENT. THE
PRINCIPAL SHALL SEND A WRITTEN NOTICE TO THE PARENT OR GUARDIAN
BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT INFORMS THE

1 PARENT OR GUARDIAN OF THE INTERVIEW REQUIRED BY AND THE PENALTY
2 FOR FAILURE TO COMPLY WITH THIS SUBSECTION, AND SHALL MAINTAIN A
3 COPY OF THE NOTICE AND THE RETURN RECEIPT, IF ANY, WITH THE
4 RECORDS OF THE STUDENT. The interview may be conducted in person
5 or via the telephone at a time most accommodating for both
6 parties. Failure of a parent or guardian to complete an
7 interview on behalf of the child of the parent or guardian
8 within fifteen (15) school days after the last day the child
9 attended school is a violation of this section and the school
10 district OR CHARTER SCHOOL may impose a civil penalty in <—
11 accordance with section 1333.

12 (c) The Department of Education shall establish and
13 distribute a standard form to be completed by a school principal
14 ~~or designated professional employee during an~~ OR A DESIGNEE <—
15 DURING AN interview. The form shall require, but is not limited
16 to, the following information: name, address, telephone number,
17 date of birth, most current student identification number,
18 current grade level, school name and district, reasons for
19 withdrawing, name, address and telephone number of a parent or
20 guardian and any other information the department deems
21 necessary. These forms must be filed with the Department of
22 Education within thirty (30) days following the interview. The
23 data collected from the interviews, excluding specific names and
24 addresses and identification, will be used in conjunction with
25 the Electronic Dropout/Graduate Report (EDGR), a data reporting
26 system or a report of equivalence compiled and distributed by
27 the Division of Data Services of the Department of Education. In
28 addition, the information shall be made part of the student's
29 permanent record BY THE SCHOOL DISTRICT OR CHARTER SCHOOL. The <—
30 report must be made public at the end of each fiscal year.

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

3 ~~(c) For purposes of this section:~~ <—

4 ~~"Designated professional employe" shall mean a school~~
5 ~~guidance counselor, school social worker or home and school~~
6 ~~visitor.~~

7 ~~"School social worker" shall mean a professional employe of a~~
8 ~~school district, employed to provide social and emotional~~
9 ~~support to students and their families in order to assess,~~
10 ~~intervene and treat students or student groups with bio-~~
11 ~~psychosocial problems, who holds a license in good standing as~~
12 ~~either a licensed social worker or a licensed clinical social~~
13 ~~worker in accordance with the act of July 9, 1987 (P.L.220,~~
14 ~~No.39), known as the "Social Workers, Marriage and Family~~
15 ~~Therapists and Professional Counselors Act."~~

16 Section 5 4. This act shall take effect in 60 days. <—