

## 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 penalties for  
6 violation of compulsory attendance requirements and for  
7 report of children not enrolling, or withdrawing, or being  
8 illegally absent.

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

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

15 Section 1333. Penalties for Violation of Compulsory  
16 Attendance Requirements.--\* \* \*

17 (b) (1) If the parent, guardian or person in parental  
18 relation is not convicted of a summary offense because he or she  
19 took every reasonable step to insure attendance of the child at  
20 school, a child of compulsory school age who has attained the

1 age of thirteen (13) years and fails to comply with the  
2 provisions of this act regarding compulsory attendance or who is  
3 habitually truant from school without justification commits a  
4 summary offense and except as provided in clause (4) shall, upon  
5 conviction, be sentenced to pay a fine not exceeding three  
6 hundred dollars (\$300) for each offense for the benefit of the  
7 school district in which such offending child resides or shall  
8 be assigned to an adjudication alternative program pursuant to  
9 42 Pa.C.S. § 1520 (relating to adjudication alternative  
10 program).

11 (2) For any child who has attained the age of thirteen (13)  
12 years who fails to pay the fine under clause (1) or to comply  
13 with the adjudication alternative program, the [district  
14 justice] magisterial district judge may allege the child to be  
15 dependent under 42 Pa.C.S. § 6303(a)(1) (relating to scope of  
16 chapter). The failure by the child to pay a fine or comply with  
17 the adjudication alternative program shall not constitute a  
18 delinquent act under 42 Pa.C.S. Ch. 63 (relating to juvenile  
19 matters).

20 (3) Upon a summary conviction or assignment to an  
21 adjudication alternative program, the [district justice]  
22 magisterial district judge may suspend, in whole or in part, a  
23 sentence or an adjudication alternative program in which a child  
24 who has attained the age of thirteen (13) years must pay or  
25 comply with the adjudication alternative program: Provided, That  
26 the child no longer is habitually truant from school without  
27 justification.

28 (4) Any child who has not attained the age of thirteen (13)  
29 years who fails to comply with the compulsory attendance  
30 provisions of this act and is habitually truant shall be

1 referred by the school district for services or possible  
2 disposition as a dependent child as defined under 42 Pa.C.S. §  
3 6302 (relating to definitions). Any child who has attained the  
4 age of thirteen (13) years who fails to comply with the  
5 compulsory attendance provisions of this act and is habitually  
6 truant may, in lieu of a prosecution under clause (1), be  
7 referred by the school district for services or possible  
8 disposition as a dependent child as defined under 42 Pa.C.S. §  
9 6302.

10 (5) A school district shall not refer a case to a  
11 magisterial district judge or refer a child for services or  
12 possible disposition as a dependent child under 42 Pa.C.S. §  
13 6302 unless the school district has exercised due diligence in  
14 its attempts to compel the child's compliance with the  
15 compulsory attendance provisions of this act. Such due diligence  
16 shall include development of an individualized truancy  
17 elimination plan developed cooperatively with teachers and  
18 appropriate school personnel through a conference with the  
19 child's family following the first notice of truancy given under  
20 section 1354. The truancy elimination plan developed through the  
21 conference with a child's family shall assess and identify the  
22 causes of truancy and include a mutually agreed-upon plan to  
23 assure regular school attendance. If the child's family refuses  
24 to participate in the development of a truancy elimination plan,  
25 due diligence shall include the development of a truancy  
26 elimination plan for the child by the school district and  
27 documentation of the school district's efforts to include the  
28 family in the development of the plan.

29 [(5)] (6) The following words, when used in this subsection,  
30 shall have the following meaning, except where the context

1 clearly indicates or requires a different meaning:

2 "Community resources" shall mean those agencies and services  
3 for children and youth provided by the juvenile court, the  
4 county, the Department of Health, the Department of Public  
5 Welfare and other public or private institutions.

6 ["District justice" shall mean such court as the court of  
7 common pleas shall direct in counties not having district  
8 justices.]

9 "Habitually truant" shall mean absence for more than three  
10 (3) school days or their equivalent within a single school year  
11 following the first notice of truancy given under section 1354.  
12 A person may be habitually truant after such notice.

13 "Magisterial district judge" shall mean such court as the  
14 court of common pleas shall direct in counties not having  
15 magisterial district judges.

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

19 "Person in parental relation" shall not include any county  
20 agency or person acting as an agent of the county agency in the  
21 jurisdiction of a dependent child defined under 42 Pa.C.S. §  
22 6302 (relating to definitions).

23 \* \* \*

24 Section 2. Section 1354 of the act, amended January 14, 1970  
25 (1969 P.L.468, No.192), is amended to read:

26 Section 1354. Report of Children not Enrolling, or  
27 Withdrawing, or Being Illegally Absent.--It shall be the duty of  
28 every principal or teacher of a public school to report  
29 immediately to the attendance officer, district superintendent,  
30 or secretary of the board of school directors, the names of all

1 children in the list furnished to him who have not appeared for  
2 enrollment, and he shall also properly report, from time to  
3 time, to the attendance officer, district superintendent, or  
4 secretary of the board of school directors, the names of all  
5 children who having enrolled have subsequently withdrawn from  
6 school, or who have been absent three (3) days within a single  
7 school year, or their equivalent, without lawful excuse. Such  
8 person shall thereupon serve upon the parent, guardian, or other  
9 person in parental relation to such children unlawfully absent  
10 from school, the written notice hereinbefore provided, and if it  
11 shall appear that, within three (3) days thereafter, any child,  
12 parent, guardian, or other person in parental relation shall  
13 have failed to comply with the provisions of this act, the  
14 superintendent, attendance officer, or secretary of the board of  
15 school directors, in the name of the school district, shall  
16 proceed against the person so offending, in accordance with the  
17 provisions of this act.

18 Section 3. The Department of Education, in the manner  
19 provided by law and in consultation with the Department of  
20 Public Welfare, shall promulgate regulations necessary to carry  
21 out the amendment of section 1333(b) of the act. The regulations  
22 shall provide for the creation and format of truancy elimination  
23 plans pursuant to section 1333(b) of the act.

24 Section 4. This act shall take effect in 60 days.