

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

2013D06200DMS:AMY

No. \_\_\_\_\_

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for penalties for violation of compulsory attendance requirements.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

<b>Referred to Committee on</b>	
Date _____	20 _____
Reported _____	20 _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
<b>By Hon.</b> _____	

## 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 violations of compulsory  
7 attendance requirements.

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

10 Section 1. Section 1333(a)(1) and (3) and (b)(1), (2), (3)  
11 and (4) of the act of March 10, 1949 (P.L.30, No.14), known as  
12 the Public School Code of 1949, amended November 17, 1995 (1st  
13 Sp.Sess., P.L.1110, No.29), are 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

1 such offending person resides, not exceeding three hundred  
2 dollars (\$300) and to pay court costs or be sentenced to]  
3 complete a parenting education program offered and operated by a  
4 local 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 \* \* \*

24 (3) Upon a summary conviction, the district justice may  
25 suspend, in whole or in part, a sentence [in which a parent,  
26 guardian or person in parental relation is summoned to pay as  
27 required] under this section: Provided, That the child no longer  
28 is habitually truant from school without justification.

29 \* \* \*

30 (b) (1) If the parent, guardian or person in parental

1 relation is not convicted of a summary offense because he or she  
2 took every reasonable step to insure attendance of the child at  
3 school, a child of compulsory school age who has attained the  
4 age of thirteen (13) years and fails to comply with the  
5 provisions of this act regarding compulsory attendance or who is  
6 habitually truant from school without justification commits a  
7 summary offense and [except as provided in clause (4) shall,  
8 upon conviction, be sentenced to pay a fine not exceeding three  
9 hundred dollars (\$300) for each offense for the benefit of the  
10 school district in which such offending child resides or shall  
11 be assigned to an adjudication alternative program pursuant to  
12 42 Pa.C.S. § 1520 (relating to adjudication alternative  
13 program).] shall not be eligible for a driver's license until:

14 (i) the child presents to the Department of Transportation a  
15 certification signed by the attendance officer of the school  
16 which the child attends stating that the child is no longer  
17 habitually truant; or

18 (ii) the child completes high school, obtains a general  
19 educational development diploma, joins the military, legally  
20 withdraws from school or attains twenty-one (21) years of age.

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

29 (3) Upon a summary conviction or assignment to an  
30 adjudication alternative program, the district justice may

1 suspend, in whole or in part, a sentence or an adjudication  
2 alternative program in which a child who has attained the age of  
3 thirteen (13) years must pay or comply with the adjudication  
4 alternative program: Provided, That the child no longer is  
5 habitually truant from school without justification.]

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

18 \* \* \*

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