

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2110** Session of  
1999

INTRODUCED BY STETLER, BELARDI, BELFANTI, BROWNE, M. COHEN,  
DALLY, FRANKEL, GRUCELA, HARHAI, LaGROTTA, MASLAND,  
R. MILLER, PLATTS, RUBLEY, SCHULER, SHANER, SOLOBAY, STABACK,  
STEELMAN, STURLA, E. Z. TAYLOR, J. TAYLOR, TIGUE, VAN HORNE,  
WILLIAMS, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, COY, EVANS,  
GEIST, HALUSKA, KIRKLAND, LAUGHLIN, MELIO, NICKOL, ROONEY AND  
SAYLOR, DECEMBER 7, 1999

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 7, 1999

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," providing for police attendance  
6 officers; and further regulating arrest of truant children.

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

9 Section 1. Section 1341 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended November 17, 1995 (1st Sp.Sess., P.L.1093, No.27), is  
12 amended to read:

13 Section 1341. Duty to Employ; Power of Arrest;  
14 Certification.--(a) The board of school directors of every  
15 school district of the first, second, or third class, shall, and  
16 in any school district of the fourth class may, employ one or  
17 more persons to be known as attendance officers, or home and

1 school visitors, whose duties shall be to enforce the provisions  
2 of this act regarding compulsory attendance. Such attendance  
3 officers, or home and school visitors, shall, in addition to the  
4 duties imposed upon them by the provisions of this act, have  
5 full police power without warrant, and may arrest or apprehend  
6 any child who fails to attend school in compliance with the  
7 provisions of this act, or who is incorrigible, insubordinate,  
8 or disorderly during attendance at school or on his way to or  
9 from school. All home and school visitors shall be legally  
10 certified as such by the Department of Education, upon meeting  
11 such standards as shall be prescribed by the State Board of  
12 Education.

13 (b) Any two or more school districts may join in the  
14 appointment of an attendance officer on such terms as they may  
15 mutually agree upon. School districts may make contractual  
16 agreements with the municipality or municipalities that it  
17 serves to have its police officers provide the services as  
18 attendance officers. The board of school directors and the  
19 governing body of the municipality will have authority to  
20 negotiate the fees and the level of services.

21 (c) State, municipal, port authority, transit authority,  
22 housing authority and school police officers shall have the same  
23 arrest powers as attendance officers or home and school  
24 visitors.

25 Section 2. Section 1354 of the act, amended January 14, 1970  
26 (1969 P.L.468, No.192), is amended to read:

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

1 or secretary of the board of school directors the names of all  
2 children in the list furnished to him who have not appeared for  
3 enrollment, and he shall also properly report, from time to  
4 time, to the attendance officer, district superintendent, or  
5 secretary of the board of school directors or may properly  
6 report to the chief of police or police commissioner in the  
7 municipalities of that school district or in the case of a  
8 municipality which does not have a police department, to the  
9 Pennsylvania State Police troop or detachment with jurisdiction  
10 over that municipality, the names of all children who having  
11 enrolled have subsequently withdrawn from school, or who have  
12 been absent three (3) days, or their equivalent, without lawful  
13 excuse or who is absent from school and has been determined to  
14 be habitually truant under section 1333 of this act. Such person  
15 shall thereupon serve upon the parent, guardian, or other person  
16 in parental relation to such children unlawfully absent from  
17 school, the written notice hereinbefore provided, and if it  
18 shall appear that, within three (3) days thereafter, any child,  
19 parent, guardian, or other person in parental relation shall  
20 have failed to comply with the provisions of this act, the  
21 superintendent, attendance officer, or secretary of the board of  
22 school directors, in the name of the school district, shall  
23 proceed against the person so offending, in accordance with the  
24 provisions of this act. The chief of police or police  
25 commissioner in the municipalities of that school district or in  
26 the case of a municipality which does not have a police  
27 department, the Pennsylvania State Police troop or detachment  
28 with jurisdiction in that municipality, may serve upon the  
29 parent, guardian or other person in parental relation to  
30 children unlawfully absent from school, the written notice

1 hereinbefore provided, and if it shall appear that, within three  
2 (3) days thereafter, any child parent, guardian, or other person  
3 in parental relation shall have failed to comply with the  
4 provisions of this act, the chief of police or police  
5 commissioner in the municipalities of that school district or in  
6 the case of a municipality which does not have a police  
7 department, the Pennsylvania State Police troop or detachment  
8 with jurisdiction in that municipality, may proceed against the  
9 person so offending, in accordance with the provisions of this  
10 act.

11       Section 3. This act shall take effect in 60 days.