

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 141 Session of 2015

INTRODUCED BY GILLEN, BIZZARRO, V. BROWN, CALTAGIRONE, COHEN, D. COSTA, COX, DAVIDSON, KAUFFMAN, KORTZ, MARSICO, O'NEILL, RAPP, SANTORA, SCHLOSSBERG, WATSON, GIBBONS AND ROZZI, JANUARY 21, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 24, 2015

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 (b)(5) of the act of March
11 10, 1949 (P.L.30, No.14), known as the Public School Code of
12 1949, amended November 17, 1995 (1st Sp.Sess., P.L.1110, No.29),
13 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
18 ~~intentionally~~ fail to comply with the provisions of this act <--
19 regarding compulsory attendance, shall on summary conviction

1 thereof, be sentenced to pay a fine, for the benefit of the
2 school district in which such offending person resides, not
3 exceeding three hundred dollars (\$300) and to pay court costs or
4 be sentenced to complete a parenting education program offered
5 and operated by a local school district, medical institution or
6 other community resources, or perform community service, and, in
7 default of the payment of such fine and costs or completion of
8 the parenting program or failure to complete community service
9 by the person so offending, [shall] may be sentenced to the
10 county jail for a period not exceeding five (5) days. Any person
11 sentenced to pay any such fine may appeal to the court of common
12 pleas of the proper county, upon entering into a recognizance,
13 with one or more proper sureties, in double the amount of
14 penalty and costs. Before any proceedings are instituted against
15 any parent, guardian, or person in parental relation, for
16 failure to comply with the provisions of this act, the district
17 superintendent, attendance officer, or secretary of the board of
18 school directors, shall give the offending person three (3)
19 days' written notice of such violation. If, after such notice
20 has been given, the provisions of this act regarding compulsory
21 attendance are again violated by the persons so notified, at any
22 time during the term of compulsory attendance, such person, so
23 again offending, shall be liable under the provisions of this
24 section without further notice.

25 * * *

26 (b) * * *

27 (5) The following words, when used in this subsection, shall
28 have the following meaning, except where the context clearly
29 indicates or requires a different meaning:

30 "Community resources" shall mean those agencies and services

1 for children and youth provided by the juvenile court, the
2 county, the Department of Health, the Department of Public
3 Welfare and other public or private institutions.

4 "District justice" shall mean such court as the court of
5 common pleas shall direct in counties not having district
6 justices.

7 "Habitually truant" shall mean absence for more than three
8 (3) school days or their equivalent following the first notice
9 of truancy given under section 1354 and within a twelve-month
10 period. A person may be habitually truant after such notice.

11 "Offense" shall mean each citation which goes before a
12 district justice or court of common pleas.

13 "Person in parental relation" shall not include any county
14 agency or person acting as an agent of the county agency in the
15 jurisdiction of a dependent child defined under 42 Pa.C.S. §
16 6302 (relating to definitions).

17 * * *

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