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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1231 Session of  
2015

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INTRODUCED BY D. COSTA, DeLUCA, BARBIN, YOUNGBLOOD, PASHINSKI,  
THOMAS, MULLERY, McNEILL, O'BRIEN, D. MILLER, GERGELY,  
RAVENSTAHL, COHEN AND MAHONEY, MAY 18, 2015

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REFERRED TO COMMITTEE ON EDUCATION, MAY 18, 2015

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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 violation of compulsory  
7 attendance requirements; and, in charter schools, providing  
8 for attendance and enforcement.

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

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

15 Section 1333. Penalties for Violation of Compulsory  
16 Attendance Requirements.--(a) (1) Every parent, guardian, or  
17 person in parental relation, having control or charge of any  
18 child or children of compulsory school age, who shall fail to  
19 comply with the provisions of this act regarding compulsory  
20 attendance, shall on summary conviction thereof, be sentenced to

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

26 \* \* \*

27 (b) \* \* \*

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. This paragraph shall not apply to a child enrolled in a  
10 charter school or cyber charter school.

11 \* \* \*

12 Section 2. The act is amended by adding sections to read:

13 Section 1723.1-A. Attendance and Enforcement.--(a)

14 Notwithstanding any other duty imposed under section 1332, a  
15 principal or teacher in a charter school shall report at once to  
16 the administrator of the charter school any child between six  
17 (6) and eighteen (18) years of age enrolled in the charter  
18 school who has been absent three (3) days, or their equivalent,  
19 during the term of compulsory attendance without lawful excuse.

20 (b) (1) Before any proceedings are instituted under section  
21 1333 against any parent, guardian or person in parental  
22 relation, having control or charge of any child or children of  
23 compulsory school age enrolled in a charter school, who shall  
24 fail to comply with the provisions of this act regarding  
25 compulsory attendance, the administrator of the charter school  
26 shall give the offending person three (3) days' written notice  
27 of such violation. If, after such notice has been given, the  
28 provisions of this act regarding compulsory attendance are again  
29 violated by the persons so notified, at any time during the term  
30 of compulsory attendance, such person, so again offending, shall

1 be liable under the provisions of section 1333 without further  
2 notice.

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

16 (3) Except as otherwise provided in this section, the  
17 provisions of section 1333 shall apply to any parent, guardian  
18 or person in parental relation having control or charge of any  
19 child or children of compulsory school age enrolled in a charter  
20 school and any child enrolled in a charter school.

21 Section 1748.1-A. Attendance and enforcement.

22 (a) General rule.--Notwithstanding any other duty imposed  
23 under section 1332, a principal or teacher in a cyber charter  
24 school shall report at once to the administrator of the cyber  
25 charter school any child between 6 and 18 years of age enrolled  
26 in the cyber charter school who has been absent three days, or  
27 their equivalent, during the term of compulsory attendance  
28 without lawful excuse.

29 (b) Notice and referral for services or dependency  
30 disposition.--

1           (1) Before any proceedings are instituted under section  
2 1333 against any parent, guardian or person in parental  
3 relation, having control or charge of any child or children  
4 of compulsory school age enrolled in a cyber charter school,  
5 who shall fail to comply with the provisions of this act  
6 regarding compulsory attendance, the administrator of the  
7 cyber charter school shall give the offending person three  
8 days' written notice of such violation. If, after such notice  
9 has been given, the provisions of this act regarding  
10 compulsory attendance are again violated by the persons so  
11 notified, at any time during the term of compulsory  
12 attendance, such person, so again offending, shall be liable  
13 under the provisions of section 1333 without further notice.

14           (2) Any child enrolled in a cyber charter school who has  
15 not attained the age of 13 years who fails to comply with the  
16 compulsory attendance provisions of this act and is  
17 habitually truant shall be referred by the administrator of  
18 the cyber charter school for services or possible disposition  
19 as a dependent child as defined under 42 Pa.C.S. § 6302  
20 (relating to definitions). Any child enrolled in a cyber  
21 charter school who has attained the age of 13 years who fails  
22 to comply with the compulsory attendance provisions of this  
23 act and is habitually truant may, in lieu of a prosecution  
24 under paragraph (1), be referred by the administrator of the  
25 cyber charter school for services or possible disposition as  
26 a dependent child as defined under 42 Pa.C.S. § 6302.

27           (3) Except as otherwise provided in this section, the  
28 provisions of section 1333 shall apply to any parent,  
29 guardian or person in parental relation, having control or  
30 charge of any child or children of compulsory school age

1 enrolled in a cyber charter school and any child enrolled in  
2 a cyber charter school.

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