

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 36 Session of 2015

INTRODUCED BY WILLIAMS, HUGHES, COSTA, FONTANA AND FARNESE,  
JANUARY 14, 2015

REFERRED TO EDUCATION, JANUARY 14, 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 definitions, for reports of enrollments,  
7 attendance and withdrawals and public and private schools and  
8 for penalties for violation of compulsory attendance  
9 requirements.

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

12 Section 1. Section 1326 of the act of March 10, 1949  
13 (P.L.30, No.14), known as the Public School Code of 1949, is  
14 amended to read:

15 Section 1326. Definitions.--The [term "compulsory school  
16 age," as hereinafter used, shall mean the] following words and  
17 phrases as used in this subdivision shall have the meanings  
18 given to them in this section unless the context clearly  
19 indicates otherwise:

20 "Chronically truant" shall mean the condition of being absent  
21 from school without lawful excuse after being so absent for ten

1 (10) school days or their equivalent during a school year and  
2 after a first notice of truancy is sent for that school year.

3 "Compulsory school age" shall mean the period of a child's  
4 life from the time the child's parents elect to have the child  
5 enter school, which shall be not later than at the age of eight  
6 (8) years, until the age of seventeen (17) years. The term shall  
7 not include any child who holds a certificate of graduation from  
8 a regularly accredited senior high school.

9 [The term "migratory child," wherever used in this  
10 subdivision of this article,] "Migratory child" shall include  
11 any child domiciled temporarily in any school district for the  
12 purpose of seasonal employment, but not acquiring residence  
13 therein, and any child accompanying his parent or guardian who  
14 is so domiciled.

15 Section 2. Section 1332 of the act, amended January 14, 1970  
16 (1969 P.L.468, No.192), is amended to read:

17 Section 1332. Reports of Enrollments; Attendance and  
18 Withdrawals; Public and Private Schools.--(a) Every principal  
19 or teacher in every public school, and every principal, teacher  
20 or tutor in every school other than a public school, and in  
21 every institution for children, and every private teacher in  
22 every school district, shall, immediately after their admission  
23 to such school or institution, or at the beginning of such  
24 private teaching, furnish to the district superintendents,  
25 attendance officers, home and school visitors, or secretaries of  
26 the boards of school directors of the districts wherein the  
27 parents or guardians of such children reside, lists of the names  
28 and residences of all children between six (6) and eighteen (18)  
29 years of age enrolled in such school or institution, or taught  
30 by such private teachers; and shall further report at once to

1 such district superintendent, or secretary of the board of  
2 school directors, the name and date of withdrawal of any such  
3 pupil withdrawing from any such school or institution, or from  
4 such private instruction, if such withdrawal occurs during the  
5 period of compulsory attendance in said district.

6 (b) Every principal or teacher in a school other than a  
7 public school, and every private teacher, shall also report at  
8 once to the superintendent, attendance officer, home and school  
9 visitor, or secretary of the board of school directors of the  
10 district, any such child who has been absent three (3) days, or  
11 their equivalent, during the term of compulsory attendance,  
12 without lawful excuse.

13 (c) Pursuant to the Family Educational Rights and Privacy  
14 Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR §  
15 99.31 (relating to under what conditions is prior consent not  
16 required to disclose information?), if a district attorney  
17 requests records from a school entity for use in a community-  
18 based antitruancy program, the school entity shall provide the  
19 district attorney with any of the following:

20 (1) Attendance records of any student under its  
21 jurisdiction.

22 (2) Truancy records of any student under its jurisdiction.

23 (3) A list of all chronically truant students under its  
24 jurisdiction.

25 (d) A district attorney who obtains records or other  
26 information under this section may keep the records or other  
27 information through the end of the current school year and for  
28 two (2) consecutive school years thereafter. A district attorney  
29 shall destroy the records or other information after two (2)  
30 consecutive school years.

1 (e) The following words and phrases as used in this section  
2 shall have the meanings given to them in this subsection unless  
3 the context clearly indicates otherwise:

4 "Records." A record that includes any of the following  
5 information relating to a student:

6 (1) The name of the student.

7 (2) The name of the student's parent, guardian or person in  
8 parental relation.

9 (3) The telephone numbers of the student and the student's  
10 parent, guardian or person in parental relation.

11 (4) The address of the student and the student's parent,  
12 guardian or person in parental relation.

13 (5) The student's date of birth.

14 "School entity." A public school, charter school, cyber  
15 charter school or private school.

16 "Students." A child who has not attained the age of fourteen  
17 (14) years and is subject to compulsory attendance requirements.

18 Section 3. Section 1333(a) of the act is amended by adding a  
19 clause to read:

20 Section 1333. Penalties for Violation of Compulsory  
21 Attendance Requirements.--(a) \* \* \*

22 (5) A person who:

23 (i) is a parent, guardian or person in parental relation to  
24 a child who has not attained the age of fourteen (14) years and  
25 is chronically truant; and

26 (ii) fails to participate in a community-based antitruancy  
27 program;

28 commits a violation of 18 Pa.C.S. § 4304 (relating to  
29 endangering the welfare of children).

30 \* \* \*

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