

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1786 Session of
2013

INTRODUCED BY CALTAGIRONE, BISHOP, GODSHALL, DAVIDSON, KOTIK,
ROZZI, MCNEILL, PAINTER, COHEN, DeLUCA, V. BROWN, WATSON AND
DENLINGER, OCTOBER 21, 2013

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 21, 2013

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.