

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 327 Session of 2017

INTRODUCED BY D. COSTA, IRVIN, SCHLOSSBERG, JAMES, D. MILLER,
NEILSON, READSHAW, MILLARD, DeLUCA AND KORTZ,
FEBRUARY 3, 2017

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 3, 2017

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 procedure when child is truant; and, in charter
7 schools, providing for attendance and enforcement.

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

10 Section 1. Section 1333(d) of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended November 3, 2016 (P.L.1061, No.138), is amended to read:

13 Section 1333. Procedure When Child is Truant.--* * *

14 (d) Nothing in this section shall be construed to apply to a
15 parent, guardian or person in parental relation whose child or
16 children are in a home education program under section 1327.1 or
17 enrolled in a charter school or cyber charter school.

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

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

20 Notwithstanding any other duty imposed under section 1332, a

principal or teacher in a charter school shall report at once to
the administrator of the charter school any child between six
(6) and eighteen (18) years of age enrolled in the charter
school who has been absent three (3) days, or their equivalent,
during the term of compulsory attendance without lawful excuse.

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

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

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

6 Section 1748.1-A. Attendance and Enforcement.

7 (a) General rule.--Notwithstanding any other duty imposed
8 under section 1332, a principal or teacher in a cyber charter
9 school shall report at once to the administrator of the cyber
10 charter school any child between six (6) and eighteen (18) years
11 of age enrolled in the cyber charter school who has been absent
12 three (3) days, or their equivalent, during the term of
13 compulsory attendance without lawful excuse.

14 (b) Notice and referral for services or dependency
15 disposition.--

16 (1) Before any proceedings are instituted under section
17 1333 against any parent, guardian or person in parental
18 relation having control or charge of any child or children of
19 compulsory school age enrolled in a cyber charter school who
20 shall fail to comply with the provisions of this act
21 regarding compulsory attendance, the administrator of the
22 cyber charter school shall give the offending person three
23 (3) days' written notice of the violation. If, after notice
24 has been given, the provisions of this act regarding
25 compulsory attendance are again violated by the persons so
26 notified, at any time during the term of compulsory
27 attendance the person shall be liable under the provisions of
28 section 1333 without further notice.

29 (2) Any child enrolled in a cyber charter school who has
30 not attained the age of thirteen (13) years who fails to

1 comply with the compulsory attendance provisions of this act
2 and is habitually truant shall be referred by the
3 administrator of the cyber charter school for services or
4 possible disposition as a dependent child as defined under 42
5 Pa.C.S. § 6302 (relating to definitions). Any child enrolled
6 in a cyber charter school who has attained the age of
7 thirteen (13) years who fails to comply with the compulsory
8 attendance provisions of this act and is habitually truant
9 may, in lieu of a prosecution under paragraph (1), be
10 referred by the administrator of the cyber charter school for
11 services or possible disposition as a dependent child as
12 defined under 42 Pa.C.S. § 6302.

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

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