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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1216 Session of  
2013

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INTRODUCED BY WILLIAMS, HUGHES AND FONTANA, DECEMBER 20, 2013

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REFERRED TO EDUCATION, DECEMBER 20, 2013

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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 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 meaning given  
18 to them in this section unless the context clearly indicates  
19 otherwise:

20 "Chronically truant." The condition of being absent from  
21 school without lawful excuse after being so absent for ten (10)  
22 school days or their equivalent during a school year and after a

1 first notice of truancy is sent for that school year.

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

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

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

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

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

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

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

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

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

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

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

30 (e) The following words and phrases as used in this section

1 shall have the meanings given to them in this subsection unless  
2 the context clearly indicates otherwise:

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

5 (1) The name of the student.

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

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

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

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

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

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

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

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

21 (5) A person who:

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

25 (B) fails to participate in a community-based antitruancy  
26 program;  
27 commits a violation of 18 Pa.C.S. § 4304 (relating to  
28 endangering the welfare of children).

29 \* \* \*

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