

(H. B. 1659)

(No. 33)

(Approved January 23, 2006)

### **AN ACT**

To amend Section 1.03 of Act No. 149 of July 15, 1999, as amended, known as the “Organic Act of the Department of Education of Puerto Rico,” in order to prohibit students from leaving the school grounds during school hours, as well as to require that any person who takes a student out of school during school hours must be authorized by the parent holding *patria potestas* or the tutor of the student; to submit in writing the reasons for the student to leave the school grounds; to present an identification and state his/her relation to the student, and sign the daily attendance with photo record required by law; and to make technical corrections.

### **STATEMENT OF MOTIVES**

Act No. 149 of July 15, 1999, as amended, known as the “Organic Act of the Department of Education of Puerto Rico,” provides that the Secretary of Education shall be responsible for school facility planning as well as for organizing, directing, supervising, and evaluating academic and administrative activities of the Department. In addition, he/she shall be bound to adopt a set of Student Regulations for the Public Education System, in which the rights of the students to their personal safety, to study in a sound environment, to their privacy, and to their personal dignity shall be recognized.

Statistical data of the School Life Quality Program of the Puerto Rico Police showed that by 2004; 1,308 Type I and II crimes were committed in our schools, including murders, simple battery and aggravated assault, and

violations of the “Puerto Rico Controlled Substances Act,” among other offences. The information gathered by the Police indicates that this type of criminal behavior mainly occurs among minors who are victims of criminal adults.

We believe that in order to solve this problem, it is necessary to adopt effective mechanisms to prevent students from leaving the school grounds during school hours, as well as any interruption during regular school activities. Many criminals lie in wait for students while they are inside and near the school grounds they attend, to sell them drugs, or any other illegal material.

Schools, besides protecting the students, should provide the necessary physical facilities for them to gather during recess hours under the supervision of the school teaching and non-teaching personnel.

In order to recognize the right of the students to fully enjoy a safe environment for the development of their full potential, this Legislature deems it necessary to prohibit students from leaving the school grounds during school hours and to require that any person who takes a student out of school before the end of the school day shall be authorized by the parent holding *patria potestas* or the tutor of the student, to submit in writing the reasons for the student to leave the school during school hours, to present an identification with photo, to state his/her relation to the student, and sign the daily attendance record required by Law.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Section 1.03 of Act No. 149 of July 15, 1999, as amended, is hereby amended, to read as follows:

“Section 1.03.- Obligatory School Attendance.-

- a. School attendance shall be obligatory for all students between the ages of five (5) and twenty-one (21), with the exception of students with high academic performance, and students enrolled in a high-school education program for adults or other programs which prepare them for being readmitted into regular daytime schools, or students who have taken the high-school equivalency test.
- b. It is hereby absolutely prohibited for students to leave the school grounds during school hours, as well as any interruption during regular school activities, provided also, that the Secretary shall be bound to establish through Regulations the procedure to authorize students to leave during school hours.
- c. Any parent, tutor or person in charge of a student who encourages, allows or tolerates that said student be absent from school or who neglects his/her obligation to ensure that the latter attends school, shall incur a misdemeanor and be sanctioned with a fine of not more than five hundred (500) dollars or a term of imprisonment not to exceed six (6) months or both penalties at the discretion of the Court. He/she shall also incur an administrative fault which may entail the cancellation of the benefits of the Child Support Program, the public housing programs and the subsidized housing programs. The Department shall establish, through Regulations, a system for notifying absences to the parents of students so that they may comply with the obligation

imposed by this Act. The Regulations shall provide the manner in which the agencies that administer the welfare programs are to be notified about the absences so that they may take the action provided in this Section.

d. The Secretary shall establish the manner in which to implement the provisions of this Section through Regulations. The Regulations shall:

1. Make the Directors responsible for maintaining a daily attendance record for each student attending school; provided further, that said record shall include information on every person who takes a student out of school before the end of the school day. Said persons shall be bound to submit in writing the reasons for the student to leave the school grounds during school hours, present a photo identification, state his/her relation to the student, and sign the daily attendance record required by law (school register). However, the person who takes out the student shall be authorized by the parent holding *patria potestas* or the tutor of the student and his/her name shall be included in a list that shall be prepared by the School Director at the beginning of each school semester.
2. Establish the procedures the schools shall follow to handle cases concerning those students with truancy problems. Said procedures shall include visits to the homes of said students as well as guidance meetings

with their parents, tutors or persons in their charge as to how to handle such a situation.

3. ...”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 33 (H.B. 1659) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 1.03 of Act No. 149 of July 15, 1999, as amended, known as the “Organic Act of the Department of Education of Puerto Rico,” in order to prohibit students from leaving the school grounds during school hours, as well as to require that any person who takes a student out of school during school hours must be authorized by the parent holding *patria potestas* or the tutor of the student; to submit in writing the reasons for the student to leave the school grounds; to present an identification and state his/her relation to the student, and sign the daily attendance with photo record required by law; and to make technical corrections,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 11<sup>th</sup> of July of 2006.

Francisco J. Domenech  
Director