

(H. B. 1959)

(No. 184)

(Approved September 1, 2006)

AN ACT

To amend subsection (b) of Section 1.03 of Act No. 149 of July 15, 1999, as amended, known as the “Organic Act for the Department of Education of Puerto Rico,” in order to typify as felony the negligence of any parent, tutor or person in charge of a child who fosters, allows or tolerates a child’s truancy.

STATEMENT OF MOTIVES

The “Organic Act for the Department of Education of Puerto Rico,” Act No. 149 of July 15, 1999, as amended, provides that attendance to school is obligatory for all children between the ages of 5 and 21, with the exception of children with high academic performance, and children enrolled in a high-school education program for adults or other programs which prepare them for being readmitted into regular daytime schools, or children who have taken the high-school equivalency test.

Furthermore, said Act establishes that any parent, tutor, or person in charge of a minor who fosters, allows, or tolerates the truancy of said minor or who neglects his/her obligation to ensure that the latter attends school shall be guilty of a misdemeanor and be sanctioned with a fine not greater 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, Public Housing Programs and Subsidized Housing Programs.

This Legislature believes that the education of our children is essential to achieve a productive and healthy society. Various studies have shown that a child who does not attend school has higher probabilities of becoming a delinquent and drug-abusing adult in the future.

Education is fundamental for the development of modern societies such as ours, and for citizens to achieve an optimum quality of life. For such a reason, we must delegate to the parents, tutors or persons in charge the obligation of ensuring that our children attend school regularly and holding the former responsible with the full force of the law for failing to comply with such an obligation.

The law in effect provides that any parent who fails to comply with this obligation shall incur a misdemeanor. We believe that this penalty is too light for such a serious offense. Therefore, this Legislature deems it necessary and pertinent to amend subsection (b) of Section 1.03 of Act No. 149 of July 15, 1999, as amended, known as the “Organic Act for the Department of Education of Puerto Rico,” in order to typify as felony the negligence of any parent, tutor or person in charge of a child who fosters, allows or tolerates a child’s truancy.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (b) of 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) ...

(c) Any parent, tutor or person in charge of a minor who fosters, allows or tolerates the truancy of said minor or who neglects

his/her obligation to ensure that the latter attends school, shall be guilty of a fourth-degree felony and be sanctioned with a fine of five thousand (5,000) dollars or a term of imprisonment of one (1) year, 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, Public Housing Programs and Subsidized Housing Programs. The Department shall establish, through Regulations, a system for the notification of absences to the parents of minors 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 truancy cases so that they may take action as provided in this Section.

(d) ...”

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. 184 (H.B. 1959) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (b) of Section 1.03 of Act No. 149 of July 15, 1999, as amended, known as the “Organic Act for the Department of Education of Puerto Rico,” in order to typify as felony the negligence of any parent, tutor or person in charge of a child who fosters, allows or tolerates a child’s truancy,

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

In San Juan, Puerto Rico, today 15th of December of 2006.

Francisco J. Domenech
Director