

Farm and Domestic Service Permits: Exceptions to Compulsory Attendance

24 P.S. §13-1329 - §13-1330

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PURPOSE

This BEC will discuss two sections of the Public School Code of 1949, as amended. These sections address exceptions to the compulsory attendance provisions of the school code.

Temporary Excuses Requiring PDE Approval

Section 1329 grants authority to the School Board to excuse a child from school attendance. In all cases and for whatever reason, this action is subject to the final approval of the Pennsylvania Department of Education. Letters of request should include the date of the School Board's approval.

Note that all approved excusals under Section 1329 are for a temporary period of time and each case should be periodically reevaluated to determine if the child's condition and/or circumstance has sufficiently changed to warrant a return to school. Please note also that the phrase "urgent reasons" will be strictly construed and the Department will not approve releases for pregnant students or student parents unless there are "urgent reasons" that prohibit school attendance.

When a board of school directors has received evidence that extreme conditions exist in a minor's life and a temporary excusal from school will serve to alleviate a particular problem or hardship, then the proper course of action should be to employ Section 1329 of the School Code. The urgent reasons should be cited with proper justification when seeking approval from the Department.

Excuses Due to Employment During School Hours

Section 1330(1) allows school districts to exempt a sixteen year old from attendance if the student is "regularly engaged in any useful and lawful employment during the time public schools are in session..." The School Code does not set the minimum number of hours of employment that are necessary to be covered by this section. School Boards should have a local policy which establishes the required number of hours.

Sections 1330(3) and (4) provide for exceptions to compulsory attendance for students engaged in farm work or domestic service. The permit referenced in subsections (3) and (4) is the application -- Farm Work or Domestic Service in Private Homes, Form PDE-4503.

The short title of form PDE-4503 is "Farm and Domestic Permit." This form is issued by the Work Permit Issuing Officer of the local district in accordance with procedures identified in the Child Labor Laws and Employment of Minors publication distributed by the Department of Education. Use of the Farm or Domestic permit is strictly confined to farm work or formal

employment in domestic service. This permit may only be issued for a specific and urgent reason as stated by the parent or guardian on the permit.

Farm Work

A minor released from compulsory school attendance for farm work may work on a farm owned by his/her parents or on someone else's farm but cannot be employed in a mill, factory, store, restaurant, or any other establishment.

Domestic Service

A minor seeking a Farm or Domestic permit for reason of employment as a domestic may not work in the residence in which he/she resides. He/she can be a domestic only in another private home.

REFERENCES:

Purdon's Statutes

24 P.S. Sec. §13-1329

24 P.S. Sec. §13-1330

Other

Child Labor Laws and Employment of Minors Publications, PDE 1989

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