

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1293

Session of  
1983

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INTRODUCED BY TRELLO, FREIND, PITTS, SEVENTY, CLYMER, KOSINSKI,  
MORRIS, BOYES, MERRY, JOHNSON, SERAFINI, CIMINI, WASS,  
ALDERETTE, STAIRS, PHILLIPS, HERSHEY, VROON, NOYE, CAWLEY,  
O'BRIEN, GAMBLE, MRKONIC, POTT, MAIALE, WOGAN, SIRIANNI,  
PERZEL, ARMSTRONG, A. C. FOSTER, JR., FLICK, GRIECO,  
DOMBROWSKI AND E. Z. TAYLOR, JUNE 29, 1983

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 29, 1984

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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," further providing requirements for  
6 attendance at religious schools; PROHIBITING CERTAIN ACTS; <—  
7 PROVIDING FOR MANDATORY TESTING; and making editorial  
8 changes.

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

11 Section 1. Section 1327 of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949,  
13 amended January 14, 1970 (1969 P.L.468, No.192), is amended to  
14 read:

15 Section 1327. Compulsory School Attendance.--[Every] Except  
16 as hereinafter provided, every child of compulsory school age  
17 having a legal residence in this Commonwealth, as provided in  
18 this article, and every migratory child of compulsory school

1 age, is required to attend a day school in which the subjects  
2 and activities prescribed by the standards of the State Board of  
3 Education are taught in the English language. In lieu of such  
4 school attendance, any child fifteen years of age with the  
5 approval of the district superintendent and the approval of the  
6 [Superintendent of Public Instruction] Secretary of Education,  
7 and any child sixteen years of age with the approval of the  
8 district superintendent of schools, may enroll as a day student  
9 in a private trade school or in a private business school  
10 licensed by the Department of [Public Instruction] Education, or  
11 in a trade or business school, or department operated by a local  
12 school district or districts. Such modified program offered in a  
13 public school must meet the standards prescribed by the State  
14 Board of Education or the State Board for Vocational Education.  
15 [Every] Except as hereinafter provided, every parent, guardian,  
16 or other person having control or charge of any child or  
17 children of compulsory school age is required to send such child  
18 or children to a day school in which the subjects and activities  
19 prescribed by the standards of the State Board of Education are  
20 taught in the English language. Such parent, guardian, or other  
21 person having control or charge of any child or children,  
22 fifteen or sixteen years of age, in accordance with the  
23 provisions of this act, may send such child or children to a  
24 private trade school or private business school licensed by the  
25 Department of [Public Instruction] Education, or to a trade or  
26 business school, or department operated by a local school  
27 district or districts. Such modified program offered in a public  
28 school must meet the standards prescribed by the State Board of  
29 Education or the State Board for Vocational Education. Such  
30 child or children shall attend such school continuously through

1 the entire term, during which the public schools in their  
2 respective districts shall be in session, or in cases of  
3 children of migrant laborers during the time the schools are in  
4 session in the districts in which such children are temporarily  
5 domiciled. The financial responsibility for the education of  
6 such children of migrant laborers shall remain with the school  
7 district in which such children of migrant laborers are  
8 temporarily domiciled; except in the case of special schools or  
9 classes conducted by an intermediate unit and approved by the  
10 Department of [Public Instruction] Education or conducted by the  
11 Department of [Public Instruction] Education. A child enrolled  
12 in a school which is operated by a bona fide church or other  
13 religious body, and the parent, guardian or other person having  
14 control or charge of any such child or children of compulsory  
15 school age shall be deemed to have met the requirements of this  
16 section if that school provides a minimum of one hundred eighty  
17 (180) days of instruction or nine hundred (900) hours of  
18 instruction per year at the elementary level, or nine hundred  
19 ninety (990) hours per year of instruction at the secondary  
20 level and offers the following subjects:

21 (1) At the elementary school level: English, to include  
22 spelling, reading and writing; arithmetic; science; geography;  
23 history of the United States and Pennsylvania; civics; safety  
24 education, including regular and continuous instruction in the  
25 dangers prevention of fires; health and physiology; physical  
26 education; music and art.

27 (2) At the secondary school level: English, to include  
28 language, literature, speech and composition; science, to  
29 include biology and chemistry; geography; social studies, to  
30 include civics, economics, world history, United States history

1 and Pennsylvania history; a foreign language; mathematics, to  
2 include general mathematics and statistics, algebra and  
3 geometry; art; music; physical education; health and physiology;  
4 and safety education, including regular and continuous  
5 instruction in the dangers and prevention of fires. The  
6 requirements contained in sections 1511 and 1605 of this act  
7 shall not apply to such schools. The notarized statement of the  
8 principal of any such school, filed with the Department of  
9 Education and setting forth that such subjects are offered in  
10 the English language in such school, whether it is a nonprofit  
11 organization, and that such school is otherwise in compliance  
12 with the provisions of this act, shall be satisfactory and  
13 sufficient evidence thereof. The certificate of any principal or  
14 teacher of [a] any other private school, or of any other  
15 institution for the education of children, in which the subjects  
16 and activities prescribed by the standards of the State Board of  
17 Education are taught in the English language, setting forth that  
18 the work of said school is in compliance with the provisions of  
19 this act, shall be sufficient and satisfactory evidence thereof.  
20 Regular daily instruction in the English language, for the time  
21 herein required, by a properly qualified private tutor, shall be  
22 considered as complying with the provisions of this section, if  
23 such instruction is satisfactory to the proper district  
24 superintendent of schools. It is the policy of the Commonwealth  
25 to preserve the primary right and the obligation of the parent  
26 or parents, or person or persons in loco parentis to a child, to  
27 choose the education and training for such child. Nothing  
28 contained in this act shall empower the Commonwealth, any of its  
29 officers, agencies or subdivisions to approve the course  
30 content, faculty, staff or disciplinary requirements of any

1 religious school referred to in this section without the consent  
2 of said school.

3 (3) The following minimum courses in grades nine through 12  
4 are established as a requirement for high school graduation:

5 (i) Four years of English.

6 (ii) Three years of mathematics.

7 (iii) Three years of science.

8 (iv) Three years of social studies.

9 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <—

10 SECTION 1521. LIMITATION ON REFUSAL TO ENROLL STUDENT.--NO  
11 PUBLIC OR PRIVATE SCHOOL SHALL REFUSE TO ENROLL ANY STUDENT  
12 BECAUSE OF RACE OR COLOR.

13 SECTION 1522. PROHIBITION AGAINST ADVOCACY OF TERRORISM OR  
14 OF FORCIBLE OVERTHROW OF GOVERNMENT.--(A) NO AGENT OR EMPLOYE  
15 OF ANY PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL SHALL:

16 (I) ADVOCATE THE USE OF POLITICAL TERRORISM OR THE  
17 TECHNIQUES OF TERRORISM TO ANY OF THE STUDENTS ENROLLED THEREIN;  
18 OR

19 (II) ADVOCATE THE FORCIBLE OVERTHROW OF THE GOVERNMENT OF  
20 THE UNITED STATES OR OF THE COMMONWEALTH TO ANY OF THE STUDENTS  
21 ENROLLED THEREIN.

22 (B) VIOLATION OF THIS SECTION CONSTITUTES A MISDEMEANOR OF  
23 THE THIRD DEGREE.

24 SECTION 1523. MANDATORY TESTING.--WHENEVER STATE LAW OR  
25 STATE REGULATION REQUIRES, AS A CONDITION FOR GRADUATION FROM A  
26 PUBLIC HIGH SCHOOL, THAT A SCHOOL DISTRICT ADMINISTER A  
27 COMMERCIALY DEVELOPED EDUCATION ASSESSMENT TEST TO PUBLIC  
28 SCHOOL CHILDREN IN GRADE ELEVEN, NO PRIVATE OR PAROCHIAL SCHOOL  
29 MAY ISSUE A HIGH SCHOOL DIPLOMA TO ANY STUDENT WHO HAS ENROLLED  
30 THEREIN AFTER HAVING TAKEN SAID TEST WHILE ENROLLED IN GRADE

ELEVEN IN PUBLIC SCHOOL AND HAVING FAILED TO ACHIEVE A PASSING  
GRADE THEREON, UNTIL SAID STUDENT ACHIEVES A PASSING GRADE ON AN  
EDUCATION ASSESSMENT TEST APPROVED BY THE DEPARTMENT AND  
ADMINISTERED BY THE SCHOOL DISTRICT. IT SHALL BE THE DUTY OF  
EACH PUBLIC SCHOOL FROM WHICH A STUDENT TRANSFERS DURING OR  
AFTER GRADE ELEVEN TO NOTIFY ANY PRIVATE OR PAROCHIAL SCHOOL TO  
WHICH THAT STUDENT TRANSFERS WHETHER THAT STUDENT HAS TAKEN AND  
FAILED AN EDUCATION ASSESSMENT TEST MANDATED BY LAW IN GRADE  
ELEVEN. IT SHALL ALSO BE THE DUTY OF EACH PUBLIC SCHOOL TO  
NOTIFY ANY SUCH TRANSFERRING STUDENT, AND HIS OR HER PARENTS OR  
GUARDIAN, OF HIS OR HER RESPONSIBILITY TO ACHIEVE A PASSING  
SCORE ON AN EDUCATION ASSESSMENT TEST PRIOR TO RECEIPT OF A  
DIPLOMA. IF THE DEPARTMENT DETERMINES, IN AN ADMINISTRATIVE  
PROCEEDING, THAT ANY PRIVATE OR PAROCHIAL SCHOOL HAS ISSUED A  
DIPLOMA IN VIOLATION OF THIS SECTION, IT SHALL ORDER SAID  
DIPLOMA TO BE WITHDRAWN, AND MAY PETITION THE COMMONWEALTH COURT  
TO ENFORCE ANY SUCH ORDER SHOULD THE SCHOOL FAIL TO COMPLY  
THEREWITH. THE COMPLAINT MAY BE INITIATED BY THE DEPARTMENT ON  
ITS OWN MOTION OR UPON RECEIPT OF A WRITTEN COMPLAINT FROM ANY  
PERSON INCLUDING THE BOARD OF ANY SCHOOL DISTRICT OR ANY PUBLIC  
SCHOOL OFFICIAL.

Section 2 3. This act shall take effect immediately.

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