

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1408 Session of  
1997

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DENT, BARRAR, ZUG, FLEAGLE, ARMSTRONG, ZIMMERMAN, TRUE,  
MAITLAND, ROHRER AND PLATTS, APRIL 30, 1997

REFERRED TO COMMITTEE ON EDUCATION, APRIL 30, 1997

AN ACT

1 Providing for procedures for students expelled from school and  
2 for powers and duties of boards of school directors.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Student  
7 Responsibility Law.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) The board of school directors of every public school  
11 entity possesses the authority to temporarily or permanently  
12 expel any student and reinstate such student upon terms and  
13 conditions established by the board.

14 (2) The parents or legal guardians of school-age  
15 students expelled from the school entity have the  
16 responsibility to assume the costs of providing these

1 students with an education during the period of time the  
2 students are expelled.

3 (3) School-age students in the public schools of this  
4 Commonwealth have the responsibility to conduct themselves in  
5 accordance with the rules and regulations established by the  
6 board of school directors of every school entity. Failure by  
7 students to abide by such rules and regulations may result in  
8 their expulsion from the public schools.

9 (4) The taxpayers of this Commonwealth should be  
10 relieved from the responsibility of paying for the education  
11 of students expelled from the public schools.

#### 12 Section 3. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Board." The board of school directors of any school entity.

17 "Department." The Department of Education of the  
18 Commonwealth.

19 "School entity." Any public school district, intermediate  
20 unit or area vocational-technical school.

#### 21 Section 4. Education of expelled students.

22 (a) General rule.--No school entity shall be required to  
23 expend funds for the education of any student of compulsory  
24 school age expelled from the public schools during the expulsion  
25 period or 12 months, whichever is less. When a court of  
26 competent jurisdiction determines a parent or legal guardian  
27 lacks the financial resources to provide for the alternative  
28 education program agreeable to the school entity, then the  
29 school entity shall provide for the education of the student.

30 (b) Placement.--Within 30 days of the date of expulsion, the

1 parents or legal guardians of expelled students of compulsory  
2 school age shall make arrangements for the education of the  
3 student through placement in another school, through tutorial or  
4 correspondence study or through another educational program  
5 approved by the board.

6 (c) Requirements.--Upon the expiration of the expulsion  
7 period or 12 months, whichever is less, the school entity shall:

8 (1) readmit the student to the school entity subject to  
9 the terms and conditions established by the board; or

10 (2) provide the student with an alternative education  
11 placement in another school, through tutorial or  
12 correspondence study or in another educational program  
13 approved by the board.

14 Section 5. Readmission policy.

15 (a) General rule.--Every school entity shall establish a  
16 policy governing the procedures for expelled students to be  
17 readmitted. This policy shall include, but not be limited to,  
18 the following:

19 (1) A signed letter from the expelled student requesting  
20 readmission to the school entity stating that the student  
21 agrees to comply with the terms and conditions established by  
22 the board.

23 (2) An informal hearing between the expelled student and  
24 the district superintendent or chief school administrator, or  
25 a designee.

26 (b) Readmission.--

27 (1) The board of school directors may, upon  
28 recommendation of the district superintendent or chief school  
29 administrator, or on its own initiative, readmit an expelled  
30 student to school prior to the expiration of the terms of

1       expulsion.

2           (2) Expelled students shall be eligible to apply for  
3       readmission to the school entity until 21 years of age, until  
4       graduation from another public or private school entity or  
5       until acquisition of a General Education Development (GED)  
6       certificate.

7       (c) Expulsion from other school.--No school entity shall be  
8       required to admit a student expelled from another school entity  
9       into its regular school program until the period of expulsion  
10      has expired or 12 months has elapsed since the expulsion  
11      occurred, whichever first occurs.

12      Section 6. Student and parent notification.

13      Every school entity shall forward a certified letter to the  
14      parents or legal guardians of expelled students specifying all  
15      terms and conditions pursuant to this act. If an expelled  
16      student is 18 years of age or older or if the school entity has  
17      reason to believe that the student is an emancipated minor, a  
18      certified letter shall also be forwarded directly to the  
19      student.

20      Section 7. Failure to comply.

21      Unless a court of competent jurisdiction determines that the  
22      parent or legal guardian lacks the financial resources to  
23      provide for an alternate education program agreeable to the  
24      school entity, every parent or legal guardian of an expelled  
25      student of compulsory school age who shall fail to comply with  
26      the provisions of this act shall be subject to the penalties  
27      contained in section 1333 of the act of March 10, 1949 (P.L.30,  
28      No.14), known as the Public School Code of 1949.

29      Section 8. Exemptions.

30      This act shall not apply to students who are entitled to a

1 free and appropriate education under the Individuals with  
2 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400  
3 et seq.).

4 Section 9. Regulations.

5 The department shall promulgate regulations to carry out this  
6 act.

7 Section 10. Repeals.

8 All acts and parts of acts are repealed insofar as they are  
9 inconsistent with this act.

10 Section 11. Effective date.

11 This act shall take effect in 60 days.