

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 24

Session of  
1983

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INTRODUCED BY FRYER, GALLAGHER, BURNS, BROUJOS, LESCOVITZ,  
CLARK, DUFFY AND MARMION, JANUARY 24, 1983

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AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 14, 1983

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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," providing for the enrollment of non-  
6 resident students placed in the homes of residents.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 1305 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended February 17, 1956 (1955 P.L.1065, No.342) and January  
12 14, 1970 (1969 P.L.468, No.192), is amended to read:

13 [Section 1305. Non-resident Child Placed in Home of  
14 Resident.--(a) When a non-resident child is placed in the home  
15 of a resident of any school district by order of court or by  
16 arrangement with an association, agency, or institution having  
17 the care of neglected and dependent children, such resident  
18 being compensated for keeping the child, any child of school age  
19 so placed shall be entitled to all free school privileges

1 accorded to resident school children of the district, including  
2 the right to attend the public high school maintained in such  
3 district or in other districts in the same manner as though such  
4 child were in fact a resident school child of the district.

5 (b) Any resident of any school district, before accepting  
6 custody of a non-resident child of school age for compensation  
7 by order of court or by arrangement with an association, agency,  
8 or institution having the care of dependent or neglected  
9 children, must secure, from the superintendent of schools or  
10 school board in that district, a statement in writing that the  
11 child can be accommodated in the schools of the district or that  
12 the child can not be accommodated and the reasons therefor. If  
13 such statements are not furnished within two weeks after a  
14 request in writing has been made to the board's secretary, the  
15 superintendent of schools, the board's assent shall be assumed,  
16 and the child shall be admitted to the schools of the district  
17 as a pupil. If such statement sets forth conditions such as to  
18 exempt the district under this section from accepting the child  
19 as a pupil, and if such exemption is not disapproved on appeal  
20 by the Superintendent of Public Instruction, and if other  
21 arrangement for the child's schooling satisfactory to the  
22 district superintendent is not made, the child may not be placed  
23 in the district.

24 Appeal from the claim of any school district for exemption,  
25 as provided in this section, may be taken to the Superintendent  
26 of Public Instruction, and his decision thereon after  
27 investigation shall be final.]

28 Section 1305. Non-resident Student Placed in Home of  
29 Resident.--(a) Any IN-STATE non-resident student placed in the <—  
30 home of a resident of a school district by order of the court or <—

1 ~~by official arrangement with any agency or institution having~~  
2 ~~responsibility for the care of neglected children~~ PURSUANT TO A <—  
3 PROCEEDING UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE  
4 MATTERS) shall have the same right to a free public education as  
5 does a resident student. Before the placement has been  
6 ~~finalized, the court, agency or institution~~ WHICH ORDERED OR <—  
7 AUTHORIZED SUCH PLACEMENT OR THE AGENCY HAVING LEGAL OR PHYSICAL  
8 CUSTODY OF THE CHILD shall notify the superintendent of the  
9 district of its intention and allow fifteen (15) calendar days  
10 for the superintendent to object. If no objection is received,  
11 the placement shall become final. If an objection is made, the  
12 ~~court, agency or institution~~ WHICH ORDERED OR AUTHORIZED SUCH <—  
13 PLACEMENT shall consider the objections and make whatever order  
14 it deems appropriate and just.

15 (b) The payment of tuition for students under this section  
16 shall be as follows:

17 (1) The Commonwealth shall advance the tuition for students  
18 who are residents of this Commonwealth. If the district of  
19 residence can be determined, that district shall be charged for  
20 the tuition and the tuition deducted from the annual  
21 reimbursement due to that district. If the district of residence  
22 cannot be determined, the Commonwealth shall bear the entire  
23 cost.

24 (2) The tuition for students who have been received from  
25 outside this Commonwealth shall be the actual cost of  
26 instruction for the program in which the out-of-state student is  
27 enrolled. The court, agency or institution placing the student  
28 shall pay the tuition. No out-of-state student placed in the  
29 home of a resident of the school district shall be admitted to  
30 the public schools of the school district until the court,

1 agency or institution placing the student guarantees the payment  
2 of tuition to the school district.

3 (c) The department shall establish such forms as are  
4 necessary to identify the children and to determine their  
5 residency.

6 Section 2. This act shall take effect ~~in 60 days~~ JULY 1,  
7 1983.

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