

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1293 Session of
1983

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

SENATOR HESS, EDUCATION, IN SENATE, AS AMENDED, JUNE 12, 1984

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 FOR THE <—
6 ESTABLISHMENT AND MAINTENANCE OF KINDERGARTENS AND FOR
7 requirements for attendance at religious schools; prohibiting
8 certain acts; providing for mandatory testing; and making
9 editorial changes.

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

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

16 SECTION 1. SECTION 502 OF THE ACT OF MARCH 10, 1949 (P.L.30, <—
17 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AMENDED MAY 9,
18 1949 (P.L.939, NO.263), IS AMENDED TO READ:

19 SECTION 502. ADDITIONAL SCHOOLS AND DEPARTMENTS.--(A) IN

1 ADDITION TO THE ELEMENTARY PUBLIC SCHOOLS, THE BOARD OF SCHOOL
2 DIRECTORS IN ANY SCHOOL DISTRICT MAY ESTABLISH, EQUIP, FURNISH,
3 AND MAINTAIN THE FOLLOWING ADDITIONAL SCHOOLS OR DEPARTMENTS FOR
4 THE EDUCATION AND RECREATION OF PERSONS RESIDING IN SAID
5 DISTRICT, AND FOR THE PROPER OPERATION OF ITS SCHOOLS, NAMELY:--

6 HIGH SCHOOLS,
7 TRADE SCHOOLS,
8 VOCATIONAL SCHOOLS,
9 TECHNICAL SCHOOLS,
10 CAFETERIAS,
11 AGRICULTURAL SCHOOLS,
12 EVENING SCHOOLS,
13 [KINDERGARTENS,]
14 LIBRARIES,
15 MUSEUMS,
16 READING-ROOMS,
17 GYMNASIUMS,
18 PLAYGROUNDS,
19 SCHOOLS FOR PHYSICALLY AND MENTALLY HANDICAPPED,
20 TRUANT SCHOOLS,
21 PARENTAL SCHOOLS,
22 SCHOOLS FOR ADULTS,
23 PUBLIC LECTURES,

24 (B) SUCH OTHER SCHOOLS OR EDUCATIONAL DEPARTMENTS AS THE
25 DIRECTORS, IN THEIR WISDOM, MAY SEE PROPER TO ESTABLISH.

26 (C) SAID ADDITIONAL SCHOOLS OR DEPARTMENTS, WHEN
27 ESTABLISHED, SHALL BE AN INTEGRAL PART OF THE PUBLIC SCHOOL
28 SYSTEM IN SUCH SCHOOL DISTRICT AND SHALL BE SO ADMINISTERED.

29 (D) NO PUPIL SHALL BE REFUSED ADMISSION TO THE COURSES IN
30 THESE ADDITIONAL SCHOOLS OR DEPARTMENTS, BY REASON OF THE FACT

1 THAT HIS ELEMENTARY OR ACADEMIC EDUCATION IS BEING OR HAS BEEN
2 RECEIVED IN A SCHOOL OTHER THAN A PUBLIC SCHOOL.

3 SECTION 2. SECTION 503 OF THE ACT, AMENDED SEPTEMBER 21,
4 1959 (P.L.925, NO.373) AND OCTOBER 21, 1965 (P.L.601, NO.312),
5 IS AMENDED TO READ:

6 SECTION 503. KINDERGARTENS.--(A) THE BOARD OF SCHOOL
7 DIRECTORS [IN ANY SCHOOL DISTRICT MAY] SHALL ESTABLISH AND
8 MAINTAIN KINDERGARTENS FOR CHILDREN [BETWEEN THE AGES OF FOUR
9 AND SIX YEARS] FIVE YEARS OF AGE AND MAY ESTABLISH AND MAINTAIN
10 KINDERGARTENS FOR CHILDREN FOUR YEARS OF AGE. WHEN ESTABLISHED,
11 THE KINDERGARTENS SHALL BE AN INTEGRAL PART OF THE ELEMENTARY
12 SCHOOL SYSTEM OF THE DISTRICT, AND BE KEPT OPEN FOR NOT LESS
13 THAN TWO AND ONE-HALF HOURS EACH DAY FOR THE FULL SCHOOL TERM AS
14 PROVIDED IN SECTION 1501.

15 (B) THE NUMBER OF KINDERGARTENS IN ANY ONE DISTRICT SHALL BE
16 FIXED BY THE BOARD OF SCHOOL DIRECTORS, AND SHALL BE OPEN DURING
17 THE SCHOOL YEAR.

18 IF THE AVERAGE ATTENDANCE IN ANY ONE KINDERGARTEN IN ANY
19 DISTRICT IS TEN OR LESS FOR THE SCHOOL YEAR, THE SCHOOL
20 DIRECTORS SHALL, AT THE CLOSE OF THE SCHOOL YEAR, DISCONTINUE
21 THE SAME.

22 (C) THE BOARD OF SCHOOL DIRECTORS SHALL APPOINT AND ASSIGN A
23 SUFFICIENT NUMBER OF TEACHERS TO SUCH KINDERGARTENS, WHO SHALL
24 BE CERTIFIED IN ACCORDANCE WITH THE RULES AND REGULATIONS
25 PRESCRIBED BY THE COUNCIL OF BASIC EDUCATION.

26 SECTION 3. SECTION 1301 OF THE ACT IS AMENDED TO READ:

27 SECTION 1301. AGE LIMITS; TEMPORARY RESIDENCE.--EVERY CHILD,
28 BEING A RESIDENT OF ANY SCHOOL DISTRICT, BETWEEN THE AGES OF
29 [SIX (6)] FIVE (5) AND TWENTY-ONE (21) YEARS, MAY ATTEND THE
30 PUBLIC SCHOOLS IN HIS DISTRICT, SUBJECT TO THE PROVISIONS OF

1 THIS ACT. THE BOARD OF SCHOOL DIRECTORS OF ANY SCHOOL DISTRICT
2 MAY ADMIT TO THE SCHOOLS OF THE DISTRICT, WITH OR WITHOUT THE
3 PAYMENT OF TUITION, ANY NON-RESIDENT CHILD TEMPORARILY RESIDING
4 IN THE DISTRICT, AND MAY REQUIRE THE ATTENDANCE OF SUCH NON-
5 RESIDENT CHILD IN THE SAME MANNER AND ON THE SAME CONDITIONS AS
6 IT REQUIRES THE ATTENDANCE OF A RESIDENT CHILD.

7 SECTION 4. SECTION 1327 OF THE ACT, AMENDED JANUARY 14, 1970
8 (1969 P.L.468, NO.192), IS AMENDED TO READ:

9 Section 1327. Compulsory School Attendance.--[Every] (A) <—
10 Except as hereinafter provided, every child of compulsory school
11 age having a legal residence in this Commonwealth, as provided
12 in this article, and every migratory child of compulsory school
13 age, is required to attend a day school in which the subjects
14 and activities prescribed by the standards of the State Board of
15 Education are taught in the English language. In lieu of such
16 school attendance, any child fifteen years of age with the
17 approval of the district superintendent and the approval of the
18 [Superintendent of Public Instruction] Secretary of Education,
19 and any child sixteen years of age with the approval of the
20 district superintendent of schools, may enroll as a day student
21 in a private trade school or in a private business school
22 licensed by the Department of [Public Instruction] Education, or
23 in a trade or business school, or department operated by a local
24 school district or districts. Such modified program offered in a
25 public school must meet the standards prescribed by the State
26 Board of Education or the State Board for Vocational Education.
27 [Every] Except as hereinafter provided, every parent, guardian,
28 or other person having control or charge of any child or
29 children of compulsory school age is required to send such child
30 or children to a day school in which the subjects and activities

1 prescribed by the standards of the State Board of Education are
2 taught in the English language. Such parent, guardian, or other
3 person having control or charge of any child or children,
4 fifteen or sixteen years of age, in accordance with the
5 provisions of this act, may send such child or children to a
6 private trade school or private business school licensed by the
7 Department of [Public Instruction] Education, or to a trade or
8 business school, or department operated by a local school
9 district or districts. Such modified program offered in a public
10 school must meet the standards prescribed by the State Board of
11 Education or the State Board for Vocational Education. Such
12 child or children shall attend such school continuously through
13 the entire term, during which the public schools in their
14 respective districts shall be in session, or in cases of
15 children of migrant laborers during the time the schools are in
16 session in the districts in which such children are temporarily
17 domiciled. The financial responsibility for the education of
18 such children of migrant laborers shall remain with the school
19 district in which such children of migrant laborers are
20 temporarily domiciled; except in the case of special schools or
21 classes conducted by an intermediate unit and approved by the
22 Department of [Public Instruction] Education or conducted by the
23 Department of [Public Instruction] Education. A child enrolled
24 in a DAY school which is operated by a bona fide church or other <—
25 religious body, and the parent, guardian or other person having
26 control or charge of any such child or children of compulsory
27 school age shall be deemed to have met the requirements of this
28 section if that school provides a minimum of one hundred eighty
29 (180) days of instruction or nine hundred (900) hours of
30 instruction per year at the elementary level, or nine hundred

1 ninety (990) hours per year of instruction at the secondary
2 level. and offers the following subjects:

<—

3 (1) At the elementary school level THE FOLLOWING COURSES
4 SHALL BE TAUGHT: English, to include spelling, reading and
5 writing; arithmetic; science; geography; history of the United
6 States and Pennsylvania; civics; safety education, including
7 regular and continuous instruction in the dangers prevention of
8 fires; health and physiology; physical education; music and art.

<—

9 (2) At the secondary school level THE FOLLOWING COURSES
10 SHALL BE OFFERED: English, to include language, literature,
11 speech and composition; science, to include biology and
12 chemistry; geography; social studies, to include civics,
13 economics, world history, United States history and Pennsylvania
14 history; a foreign language; mathematics, to include general
15 mathematics and statistics, algebra and geometry; art; music;
16 physical education; health and physiology; and safety education,
17 including regular and continuous instruction in the dangers and
18 prevention of fires. The requirements contained in sections 1511
19 and 1605 of this act shall not apply to such schools. The

<—

<—

20 notarized statement of the principal of any such school, filed
21 with the Department of Education and setting forth that such
22 subjects are offered in the English language in such school,
23 whether it is a nonprofit organization, and that such school is
24 otherwise in compliance with the provisions of this act, shall
25 be satisfactory and sufficient evidence thereof. A NOTARIZED
26 AFFIDAVIT SHALL BE FILED WITH THE DEPARTMENT OF EDUCATION BY THE
27 PRINCIPAL OF ANY SUCH SCHOOL STATING THAT THE REQUIRED SUBJECTS
28 ARE OFFERED, IDENTIFYING WHETHER THE SCHOOL IS A NONPROFIT
29 ORGANIZATION AND THAT THE SCHOOL IS OTHERWISE IN COMPLIANCE WITH
30 THE PROVISIONS OF THIS ACT. The certificate of any principal or

<—

1 teacher of [a] any other private school, or of any other
2 institution for the education of children, in which the subjects
3 and activities prescribed by the standards of the State Board of
4 Education are taught in the English language, setting forth that
5 the work of said school is in compliance with the provisions of
6 this act, shall be sufficient and satisfactory evidence thereof.
7 Regular daily instruction in the English language, for the time
8 herein required, by a properly qualified private tutor, shall be
9 considered as complying with the provisions of this section, if
10 such instruction is satisfactory to the proper district
11 superintendent of schools. It is the policy of the Commonwealth
12 to preserve the primary right and the obligation of the parent
13 or parents, or person or persons in loco parentis to a child, to
14 choose the education and training for such child. Nothing
15 contained in this act shall empower the Commonwealth, any of its
16 officers, agencies or subdivisions to approve the course
17 content, faculty, staff or disciplinary requirements of any
18 religious school referred to in this section without the consent
19 of said school.

20 (3) The following minimum courses in grades nine through 12
21 are established as a requirement for high school graduation IN <—
22 SCHOOLS OPERATED BY A BONA FIDE CHURCH OR OTHER RELIGIOUS BODY:

23 (i) Four years of English.

24 (ii) Three years of mathematics.

25 (iii) Three years of science.

26 (iv) Three years of social studies.

27 (V) TWO YEARS OF ARTS AND HUMANITIES. <—

28 (B) THIS SECTION SHALL NOT APPLY TO ANY NONPUBLIC SCHOOL
29 ACCREDITED BY A NATIONAL OR REGIONAL ACCREDITING AGENCY APPROVED
30 BY THE UNITED STATES DEPARTMENT OF EDUCATION.

SECTION 5. SECTION 1504(A) OF THE ACT, AMENDED JULY 1, 1978
(P.L.575, NO.105), IS AMENDED TO READ:

SECTION 1504. DATES AND TIMES OF SCHOOL TERMS AND SESSIONS;
COMMENCEMENT.--(A) THE BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL
DISTRICT SHALL FIX THE DATE OF THE BEGINNING OF THE SCHOOL TERM.
UNLESS OTHERWISE DETERMINED BY THE BOARD, THE DAILY SESSION OF
SCHOOL SHALL OPEN AT NINE ANTE-MERIDIAN AND CLOSE AT FOUR POST-
MERIDIAN, WITH AN INTERMISSION OF ONE HOUR AT NOON, AND AN
INTERMISSION OF FIFTEEN MINUTES IN THE FORENOON AND IN THE
AFTERNOON. UPON REQUEST OF A BOARD OF SCHOOL DIRECTORS FOR AN
EXCEPTION TO THE AFORESAID DAILY SCHEDULE, THE SECRETARY OF
EDUCATION MAY, WHEN IN HIS OPINION A MERITORIOUS EDUCATIONAL
PROGRAM WARRANTS, APPROVE A SCHOOL WEEK CONTAINING A MINIMUM OF
TWENTY SEVEN AND ONE-HALF HOURS OF INSTRUCTION AS THE EQUIVALENT
OF FIVE (5) SCHOOL DAYS, OR A SCHOOL YEAR CONTAINING A MINIMUM
OF NINE HUNDRED NINETY HOURS OF INSTRUCTION AT THE SECONDARY
LEVEL OR NINE HUNDRED (900) HOURS OF INSTRUCTION AT THE
ELEMENTARY LEVEL OR FOUR HUNDRED FIFTY (450) HOURS OF
INSTRUCTION AT THE KINDERGARTEN LEVEL AS THE EQUIVALENT OF ONE
HUNDRED EIGHTY (180) SCHOOL DAYS. PROFESSIONAL AND TEMPORARY
PROFESSIONAL EMPLOYEES SHALL BE ALLOWED A LUNCH PERIOD FREE OF
SUPERVISORY OR OTHER DUTIES OF AT LEAST THIRTY MINUTES. THE
PROVISIONS OF THIS SUBSECTION SHALL NOT BE CONSTRUED TO REPEAL
ANY RULE OR REGULATION OF ANY BOARD OF SCHOOL DIRECTORS NOW IN
EFFECT WHICH PROVIDES FOR A LUNCH PERIOD LONGER THAN THE MINIMUM
PRESCRIBED HEREIN OR TO REPEAL ANY ACTION OF ANY BOARD OF SCHOOL
DIRECTORS TAKEN IN COMPLIANCE WITH SECTION 7 OF THE ACT OF JULY
25, 1913 (P.L.1024, NO.466), ENTITLED "AN ACT TO PROTECT THE
PUBLIC HEALTH AND WELFARE, BY REGULATING THE EMPLOYMENT OF
FEMALES IN CERTAIN ESTABLISHMENTS, WITH RESPECT TO THEIR HOURS

1 OF LABOR AND THE CONDITIONS OF THEIR EMPLOYMENT; BY ESTABLISHING
2 CERTAIN SANITARY REGULATIONS IN THE ESTABLISHMENTS IN WHICH THEY
3 WORK; BY REQUIRING CERTAIN ABSTRACTS AND NOTICES TO BE POSTED;
4 BY PROVIDING FOR THE ENFORCEMENT OF THIS ACT BY THE COMMISSIONER
5 OF LABOR AND INDUSTRY AND OTHERS; BY PRESCRIBING PENALTIES FOR
6 VIOLATIONS THEREOF; BY DEFINING THE PROCEDURE IN PROSECUTIONS;
7 AND BY REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH
8 THE PROVISIONS THEREOF," AS AMENDED.

9 * * *

10 Section 2 6. The act is amended by adding sections to read: <—

11 Section 1521. Limitation on Refusal to Enroll Student.--No
12 public or private school shall refuse to enroll any student
13 because of race or color.

14 Section 1522. Prohibition Against Advocacy of Terrorism or
15 of Forcible Overthrow of Government.--(a) No agent or employe
16 of any public or nonpublic elementary or secondary school shall:
17 (i) advocate the use of political terrorism or the
18 techniques of terrorism to any of the students enrolled therein;
19 or

20 (ii) advocate the forcible overthrow of the Government of
21 the United States or of the Commonwealth to any of the students
22 enrolled therein.

23 (b) Violation of this section constitutes a misdemeanor of
24 the third degree.

25 Section 1523. Mandatory Testing.--Whenever State law or
26 State regulation requires, as a condition for graduation from a
27 public high school, that a school district administer a
28 commercially developed education assessment test to public
29 school children in grade eleven, no private or parochial school
30 may issue a high school diploma to any student who has enrolled

1 therein after having taken said test while enrolled in grade
2 eleven in public school and having failed to achieve a passing
3 grade thereon, until said student achieves a passing grade on an
4 education assessment test approved by the department and
5 administered by the school district. It shall be the duty of
6 each public school from which a student transfers during or
7 after grade eleven to notify any private or parochial school to
8 which that student transfers whether that student has taken and
9 failed an education assessment test mandated by law in grade
10 eleven. It shall also be the duty of each public school to
11 notify any such transferring student, and his or her parents or
12 guardian, of his or her responsibility to achieve a passing
13 score on an education assessment test prior to receipt of a
14 diploma. If the department determines, in an administrative
15 proceeding, that any private or parochial school has issued a
16 diploma in violation of this section, it shall order said
17 diploma to be withdrawn, and may petition the Commonwealth Court
18 to enforce any such order should the school fail to comply
19 therewith. The complaint may be initiated by the department on
20 its own motion or upon receipt of a written complaint from any
21 person including the board of any school district or any public
22 school official.

23 SECTION 7. SECTIONS 1, 2, 3 AND 5 OF THIS ACT SHALL APPLY TO <—
24 THE SCHOOL YEAR 1984-1985 AND EACH SCHOOL YEAR THEREAFTER.

25 Section ~~3~~ 8. This act shall take effect immediately. <—