
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 418 Session of
2003

INTRODUCED BY EGOLF, ARMSTRONG, BARRAR, BASTIAN, BELFANTI, BUNT,
CASORIO, COLEMAN, FAIRCHILD, FEESE, FLICK, FORCIER, GEIST,
GOODMAN, GRUCELA, HARHAI, HASAY, HENNESSEY, HERSHEY, HESS,
HORSEY, HUTCHINSON, KIRKLAND, LAUGHLIN, LEH, LYNCH,
MACKERETH, MAJOR, MARSICO, MELIO, METCALFE, R. MILLER,
S. MILLER, NAILOR, PALLONE, PAYNE, PHILLIPS, PICKETT,
RAYMOND, ROHRER, SAYLOR, STERN, R. STEVENSON, E. Z. TAYLOR,
THOMAS, TURZAI, VANCE, WATSON, WILT AND WOJNAROSKI,
FEBRUARY 24, 2003

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 24, 2003

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 right of children in this Commonwealth to a
11 public education is conditioned upon their compliance with
12 the rules and regulations of the school entity they attend
13 and other requirements of law.

14 (2) The board of school directors of every public school

1 entity possesses the authority to suspend or temporarily or
2 permanently expel any student and reinstate such student upon
3 terms and conditions established by the board.

4 (3) The parents or legal guardians of school-age
5 students expelled from the school entity have the
6 responsibility to assume the costs of providing these
7 students with an education during the period of time the
8 students are expelled.

9 (4) Students in the public schools of this Commonwealth
10 have the responsibility to conduct themselves in accordance
11 with the rules and regulations established by the board of
12 school directors of every school entity. Failure by students
13 to abide by such rules and regulations may result in their
14 suspension or expulsion from the public schools or other
15 discipline.

16 (5) The taxpayers of this Commonwealth should be
17 relieved from the responsibility of paying for the education
18 of students expelled from the public schools.

19 Section 3. Definitions.

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

23 "Actual cost." The additional incremental expenditure by the
24 entity in order to provide an alternate placement program to a
25 particular expelled student, minus the amount of any subsidy,
26 reimbursement, grant moneys or other funding received by the
27 entity from nonlocal sources specifically for the purpose of
28 providing an alternate placement program to that student.

29 "Alternate placement program." Educational services provided
30 to an expelled student, such as placement in another school,

1 home tutorial or correspondence study, or other approved
2 program, or combination thereof, which satisfy compulsory
3 education requirements applicable to expelled students.

4 "Board." The board of school directors or trustees of a
5 school entity.

6 "Compulsory education requirements." The minimum educational
7 requirements for children of compulsory school age as
8 established in section 1327 of the act of March 10, 1949
9 (P.L.30, No.14), known as the Public School Code of 1949, and
10 implementing regulations thereto.

11 "Department." The Department of Education of the
12 Commonwealth.

13 "School entity." A public school district, charter school,
14 intermediate unit or area vocational-technical school.

15 "State board." The State Board of Education of the
16 Commonwealth.

17 Section 4. Education of expelled students of compulsory school
18 age.

19 (a) General rule.--Except as provided in subsection (c), no
20 school entity shall be required to expend funds for the
21 education of any student of compulsory school age who is
22 expelled from a school entity during the expulsion period or the
23 12-month period beginning with the date of expulsion, whichever
24 is less.

25 (b) Placement.--Within 30 days of the date of expulsion, the
26 parents or legal guardians of an expelled student of compulsory
27 school age shall comply with all of the following provisions:

28 (1) Make arrangements for the education of the student
29 in compliance with compulsory education requirements, at no
30 cost to the school entity, through placement in another

1 school, through tutorial or correspondence study or through
2 another approved educational program.

3 (2) Notify the school entity of the placement made.

4 (c) Financial inability to provide alternative education
5 placement.--

6 (1) If the parents or legal guardians demonstrate to the
7 school entity's board or the board's designee that after a
8 bona fide effort, they are unable to provide for an alternate
9 placement program because neither they nor the student have
10 access to sufficient financial resources, then the school
11 entity shall provide for such alternate placement program for
12 the student as the board in its sole discretion determines to
13 be appropriate. The board may, in its discretion, require an
14 expelled student and/or the parents or legal guardians of the
15 expelled student to pay for all or such part of the entity's
16 actual cost of providing such alternate placement program as
17 is determined to be within the financial ability of the
18 student and/or parents or legal guardians, or to permit the
19 student and/or the parents or legal guardians to perform a
20 given number of hours of community service during the period
21 of expulsion in lieu of such payment in accordance with such
22 procedures and conditions as the board may determine. The
23 assigned hours of community service shall not be on the
24 property of the school entity and shall not benefit the
25 school entity unless agreed to by the school entity. A board
26 may not schedule the hours of community service during a time
27 or at a location that conflicts with the paid employment of
28 the individual assigned to complete the community service.

29 (2) The school entity shall establish procedures by
30 which the parents or legal guardians may apply to the school

1 entity for a determination of financial inability to provide
2 a sufficient alternate placement program, and may require the
3 parents or legal guardians and student to submit proof in the
4 form of financial or tax documents, affidavits or other
5 evidence of such financial inability. In the event an
6 application for determination of financial inability is
7 initially denied, the parents or legal guardians shall be
8 offered the opportunity for a hearing before the board or the
9 board's designee. The parents or legal guardians may appeal
10 the determination of the board or the board's designee to
11 court in accordance with the provisions of the Local Agency
12 Law as defined in 2 Pa.C.S. § 105 (relating to Local Agency
13 Law). The court in any such appeal shall not have
14 jurisdiction to review or alter any determination of the
15 school entity's board or officials relating either to the
16 nature or extent of the alternate placement program provided
17 by the school entity, or to the board's prior decision to
18 expel or impose other discipline upon the student.

19 (3) Any student whose alternative placement program is
20 provided by the school entity shall submit a sworn affidavit
21 signed by the student and the student's parents or legal
22 guardians stating that the student agrees to comply with the
23 terms and conditions applicable to the alternate placement
24 program, including, but not limited to, all applicable rules
25 of student conduct.

26 (d) Requirements.--Upon the expiration of the expulsion
27 period or the 12-month period beginning with the date of
28 expulsion of a student of compulsory school age, whichever is
29 less, the school entity shall:

30 (1) readmit the student to the school entity subject to

1 the terms and conditions established by the board as provided
2 in section 5; or

3 (2) if the period of expulsion has not expired, provide
4 the student with an alternate placement program in another
5 school, through tutorial or correspondence study or in
6 another educational program determined by the board in its
7 sole discretion to be appropriate.

8 Section 5. Readmission policy.

9 (a) General rule.--Every school entity shall establish a
10 policy governing the procedures and requirements for expelled
11 students, whether or not of compulsory school age, to be
12 readmitted upon the expiration of the period of expulsion. This
13 policy may include:

14 (1) A sworn affidavit signed by the expelled student and
15 the student's parents or legal guardians requesting
16 readmission to the school entity stating that the student
17 agrees to comply with the terms and conditions established by
18 the board, including, but not limited to, all applicable
19 rules of student conduct.

20 (2) A meeting between the expelled student, the parents
21 or legal guardians of the expelled student, unless the
22 student is an emancipated minor, and the district
23 superintendent or chief school administrator or a designee.
24 Sufficient notice of the time and place of the meeting shall
25 be given to the expelled student and the student's parents or
26 legal guardians.

27 (3) An expelled student who has been readmitted to a
28 school entity under this section and who is expelled
29 subsequent to those procedures shall be liable for legal fees
30 and costs incurred by the school entity in such subsequent

1 expulsion proceeding or related court proceedings. If the
2 student is a minor child, the parents or legal guardians of
3 the student shall be liable for the legal fees and costs.

4 (b) Readmission prior to expiration of expulsion.--The board
5 of school directors may, upon recommendation of the district
6 superintendent or chief school administrator, or on its own
7 initiative, readmit an expelled student to school prior to the
8 expiration of the terms of expulsion, under such further terms,
9 conditions or requirements as the board may determine in
10 addition to those established pursuant to subsection (a).

11 (c) Exception to readmission.--Expelled students shall not
12 be eligible to apply for readmission to the school entity if
13 they are 21 years of age or older or have graduated from another
14 public or private school entity or have acquired a general
15 educational development (GED) certificate.

16 Section 6. Admission of transferring students.

17 (a) Expulsion from another school.--

18 (1) Admissions of, and provision of alternate placement
19 programs to, students expelled from a school entity other
20 than the entity of current residence or a nonpublic school
21 shall be subject to the provisions of sections 4 and 5. No
22 school entity shall be required to admit a student expelled
23 from another school entity or nonpublic school into its
24 regular school program until the period of expulsion has
25 expired. However, this paragraph shall not apply to a student
26 expelled or dismissed from a nonpublic school for reasons
27 that would not otherwise subject the student to expulsion
28 under the receiving entity's rules of student conduct.

29 (2) A receiving school entity shall not be required to
30 provide an alternate placement program for a student of

1 compulsory school age during the 12-month period since
2 expulsion was imposed or to entertain an application by the
3 parents or legal guardians for a determination of financial
4 inability in accordance with section 4 if such application
5 has previously been denied by another school entity.

6 (b) Provisional enrollment.--Notwithstanding any provision
7 of this act to the contrary, a receiving school entity may
8 enroll a student transferring from another school entity or non-
9 public school on a provisional basis until a certified copy of
10 the student's disciplinary record and sworn statement as
11 required in section 1304-A of the act of March 10, 1949 (P.L.30,
12 No.14), known as the Public School Code of 1949, is received by
13 the school entity. If the disciplinary record contains a history
14 of misbehavior, the student may be placed in an alternative
15 program and may be ineligible to participate in extracurricular
16 activities at the discretion of the receiving entity.

17 (c) If a provisionally enrolled or other transferring
18 student has committed acts while enrolled in another school
19 entity or nonpublic school which would subject students in the
20 receiving entity to possible expulsion, but for which the former
21 school entity or nonpublic school did not expel the student
22 prior to the transfer, the board of the receiving school entity
23 may, after hearing, expel or deny admission to the student or
24 impose such other discipline or disciplinary assignment as is
25 consistent with the standards and policies of the receiving
26 school entity. Denial of admission shall be treated as expulsion
27 for purposes of this act.

28 Section 7. Student and parent notification.

29 Every school entity shall forward a certified letter to the
30 parents or legal guardians of expelled students specifying all

1 terms and conditions imposed by the school entity pursuant to
2 this act. If an expelled student is 18 years of age or older or
3 if the school entity has reason to believe that the student is
4 an emancipated minor, a certified letter shall also be forwarded
5 directly to the student.

6 Section 8. Failure to comply.

7 Nothing in this act shall be construed to exempt an expelled
8 student or the student's parents or legal guardians from
9 compulsory education requirements or the penalties contained in
10 sections 1333, 1338 and 1338.1 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, if
12 they fail to provide the student with a sufficient alternate
13 placement program and have not been determined financially
14 unable to do so pursuant to section 4.

15 Section 9. Exemptions.

16 Nothing in this act shall supersede the provisions of the
17 Individuals with Disabilities Education Act (Public Law 91-230,
18 20 U.S.C. § 1400 et seq.) and its corresponding Federal
19 regulations relating to the discipline of challenged students.

20 Section 10. Regulations.

21 The State board shall promulgate regulations to carry out
22 this act.

23 Section 11. Repeals.

24 All acts and parts of acts are repealed insofar as they are
25 inconsistent with this act.

26 Section 12. Effective date.

27 This act shall take effect in 60 days.