

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 614 Session of  
2003

INTRODUCED BY DeLUCA, BEBKO-JONES, BUXTON, CRAHALLA, CREIGHTON,  
DIVEN, EACHUS, HARHAI, HENNESSEY, HERSHEY, LaGROTTA, LEWIS,  
R. MILLER, S. MILLER, PETRI, RUFFING, E. Z. TAYLOR,  
WOJNAROSKI, YOUNGBLOOD, WALKO, THOMAS, TIGUE, CIVERA,  
J. TAYLOR AND SCAVELLO, MARCH 3, 2003

REFERRED TO COMMITTEE ON EDUCATION, MARCH 3, 2003

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 residence and  
6 right to free school privileges.

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

9 Section 1. Section 1302 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended June 22, 2001 (P.L.530, No.35), is amended to read:

12 Section 1302. Residence and Right to Free School  
13 Privileges.--(a) A child shall be considered a resident of the  
14 school district in which his parents or the guardian of his  
15 person resides. Federal installations are considered a part of  
16 the school district or districts in which they are situate and  
17 the children residing on such installations shall be counted as  
18 resident pupils of the school district. When a resident of any

1 school district keeps in his home a child of school age, not his  
2 own, supporting the child gratis as if it were his own, such  
3 child shall be entitled to all free school privileges accorded  
4 to resident school children of the district, including the right  
5 to attend the public high school maintained in such district or  
6 in other districts in the same manner as though such child were  
7 in fact a resident school child of the district, and shall be  
8 subject to all the requirements placed upon resident school  
9 children of the district. Before such child may be accepted as a  
10 pupil, such resident shall file with the secretary of the board:

11 (1) appropriate legal documentation to show dependency or  
12 guardianship; or

13 (2) a sworn statement that he is a resident of the district,  
14 that he is supporting the child gratis, that he will assume all  
15 personal obligations for the child relative to school  
16 requirements, and that he intends to so keep and support the  
17 child continuously and not merely through the school term. The  
18 school board, pursuant to guidelines issued by the Department of  
19 Education, may require other reasonable information to be  
20 submitted by the resident to substantiate the sworn statement.

21 The form containing the sworn statement shall include notice in  
22 large print of the penalty for providing false information in  
23 the sworn statement.

24 (b) If it is found that information contained in the sworn  
25 statement is false, the child must be removed from the school  
26 after notice of an opportunity to appeal the removal pursuant to  
27 the appropriate grievance policy of the school district.

28 (c) A person who knowingly provides false information in the  
29 sworn statement for the purpose of enrolling a child in a school  
30 district for which the child is not eligible commits a

1 misdemeanor of the third degree and shall, upon conviction,  
2 notwithstanding any other provision of law, be sentenced to pay  
3 a fine of no more than three hundred dollars (\$300) for the  
4 benefit of the school district in which the person resides and  
5 court costs, and in default of payment thereof, may be sentenced  
6 to a term of imprisonment for not more than thirty (30) days. In  
7 addition, the person shall be liable to the school district for  
8 an amount equal to the cost to the district of educating the  
9 child during the period of enrollment.

10       Section 2. This act shall take effect in 60 days.