

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1971 Session of 2011

INTRODUCED BY SIMMONS, ADOLPH, AUMENT, BISHOP, BOBACK, BOYD, BROOKS, V. BROWN, CHRISTIANA, CLYMER, D. COSTA, CREIGHTON, DeLUCA, DENLINGER, FREEMAN, GABLER, GILLEN, GINGRICH, GOODMAN, GROVE, HARHART, HEFFLEY, HICKERNELL, HORNAMAN, KAUFFMAN, KNOWLES, LAWRENCE, MICOZZIE, MILLER, MURT, O'NEILL, PYLE, QUINN, RAPP, READSHAW, REESE, ROCK, SCAVELLO, SONNEY, STEPHENS, STERN, TALLMAN, TOBASH, TOOIL, TRUITT, VULAKOVICH AND WATSON, NOVEMBER 9, 2011

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 9, 2011

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," in pupils and attendance and in  
6 reimbursements by Commonwealth and between school districts,  
7 providing for consideration of the residences of registered  
8 sex offenders by the Department of Transportation in  
9 evaluating the hazards to child safety in walking to school.

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

12 Section 1. Section 1362 of the act of March 10, 1949  
13 (P.L.30, No.14), known as the Public School Code of 1949,  
14 amended November 20, 1979 (P.L.465, No.97), is amended to read:

15 Section 1362. Kinds of Transportation; Liability  
16 Insurance.--The free transportation of pupils, as required or  
17 authorized by this act, or any other act, may be furnished by  
18 using either school conveyances, private conveyances, or

1 electric railways, or other common carriers, when the total  
2 distance which any pupil must travel by the public highway to or  
3 from school, in addition to such transportation, does not exceed  
4 one and one-half (1 1/2) miles, and when stations or other  
5 proper shelters are provided for the use of such pupils where  
6 needed, and when the highway, road, or traffic conditions are  
7 not such that walking constitutes a hazard to the safety of the  
8 child, as so certified by the Department of Transportation. The  
9 Department of Transportation shall take into account the  
10 presence of sidewalks along the highway and the residences of  
11 registered sex offenders as provided by the Pennsylvania State  
12 Police, but such presence or lack thereof shall not be  
13 controlling and the department shall consider all relevant  
14 safety factors in making its determination as to whether or not  
15 walking constitutes a hazard to pupils. All private motor  
16 vehicles employed in transporting pupils for hire shall be  
17 adequately covered by public liability insurance in such amount  
18 as the board of school directors shall require.

19 Section 2. Section 2541(b)(1), (2), (4) and (7) and (c)(1),  
20 (2) and (3) of the act, amended November 20, 1979 (P.L.465,  
21 No.97), are amended and the section is amended by adding  
22 subsections to read:

23 Section 2541. Payments on Account of Pupil Transportation.--

24 \* \* \*

25 (b) Such payments for pupil transportation shall be made in  
26 the following cases:

27 (1) To school districts of the fourth class and districts of  
28 the third class which are located wholly within the boundary  
29 lines of a township, or within the boundary lines of a borough  
30 which has a population of less than five hundred (500)

1 inhabitants to the square mile, to districts of the third class  
2 operating schools jointly with districts of the fourth class or  
3 with other districts of the third class entitled to payment on  
4 account of transportation to merged or union school districts in  
5 which one or more of the component districts were heretofore  
6 eligible for reimbursement on account of transportation to new  
7 school districts composed of two or more former school districts  
8 established as a result of reorganization of school districts  
9 pursuant to Article II., subdivision (i) of this act and to  
10 school districts which were eligible heretofore for  
11 reimbursement on account of transportation, for the  
12 transportation of elementary school pupils residing within any  
13 part of the district last served by any elementary school closed  
14 since the first Monday of July, one thousand nine hundred seven,  
15 or within a district all of whose schools have been closed, or  
16 who are assigned to a training school of a State college, and in  
17 each case who reside one and one-half (1 1/2) miles or more from  
18 the school to which they are assigned or who reside in areas  
19 where the road or traffic conditions are such that walking  
20 constitutes a hazard to the safety of the child when so  
21 certified by the Department of Transportation. The Department of  
22 Transportation shall take into account the presence of sidewalks  
23 along the highway and the residences of registered sex offenders  
24 as provided by the Pennsylvania State Police, but such presence  
25 or lack thereof shall not be controlling and the department  
26 shall consider all relevant safety factors in making its  
27 determination as to whether or not walking constitutes a hazard  
28 to pupils.

29 (2) To school districts of the fourth class and districts of  
30 the third class which are located wholly within the boundary

1 lines of a township, or within the boundary lines of a borough  
2 which has a population of less than five hundred (500)  
3 inhabitants to the square mile, to merged or union school  
4 districts in which one or more of the component districts were  
5 heretofore eligible for reimbursement on account of  
6 transportation to new school districts composed of two or more  
7 former school districts established as a result of  
8 reorganization of school districts pursuant to Article II.,  
9 subdivision (i) of this act and to school districts which were  
10 eligible heretofore for reimbursement on account of  
11 transportation, for the transportation of any child living more  
12 than two (2) miles by the nearest public highway from the  
13 nearest school in session, or any child who resides in an area  
14 where the road or traffic conditions are such that walking  
15 constitutes a hazard to the safety of the child when so  
16 certified by the Bureau of Traffic Safety, and to districts of  
17 the third class operating schools jointly with districts of the  
18 fourth class or with other districts of the third class entitled  
19 to payment on account of transportation for the transportation  
20 of any child living more than two (2) miles by the nearest  
21 public highway from the nearest jointly operated school in  
22 session offering the proper grades including pupils who are  
23 attending area technical schools or any child who resides in an  
24 area where the road or traffic conditions are such that walking  
25 constitutes a hazard to the safety of the child when so  
26 certified by the Department of Transportation. The Department of  
27 Transportation shall take into account the presence of sidewalks  
28 along the highway and the residences of registered sex offenders  
29 as provided by the Pennsylvania State Police, but such presence  
30 or lack thereof shall not be controlling and the department

1 shall consider all relevant safety factors in making its  
2 determination as to whether or not walking constitutes a hazard  
3 to pupils.

4 \* \* \*

5 (4) To all third and fourth class school districts, for  
6 pupils transported to and from approved consolidated schools or  
7 approved joint consolidated schools living one and one-half  
8 miles or more from the school of attendance or residing in areas  
9 where the road or traffic conditions are such that walking  
10 constitutes a hazard to the safety of the child when so  
11 certified by the Department of Transportation. The Department of  
12 Transportation shall take into account the presence of sidewalks  
13 along the highway and the residences of registered sex offenders  
14 as provided by the Pennsylvania State Police, but such presence  
15 or lack thereof shall not be controlling and the department  
16 shall consider all relevant safety factors in making its  
17 determination as to whether or not walking constitutes a hazard  
18 to pupils.

19 Consolidated schools or joint consolidated schools shall so  
20 long as they are approved by the Secretary of Education as to  
21 organization, control, location, equipment, courses of study,  
22 qualifications of teachers, methods of instruction, condition of  
23 admission, expenditures of money, methods and means of  
24 transportation and the contracts providing therefor, constitute  
25 approved consolidated schools or approved joint consolidated  
26 schools.

27 \* \* \*

28 (7) To all school districts, for the transportation of  
29 nonresident children who are placed in the home of a resident,  
30 or who are inmates of an orphan asylum or home or a children's

1 home or other institution for the care and training of orphans  
2 or other children, and who attend the public schools, and who  
3 live two miles or more from the nearest school with the proper  
4 grades or residing in areas where the road or traffic conditions  
5 are such that walking constitutes a hazard to the safety of the  
6 child when so certified by the Department of Transportation. The  
7 Department of Transportation shall take into account the  
8 presence of sidewalks along the highway and the residences of  
9 registered sex offenders as provided by the Pennsylvania State  
10 Police, but such presence or lack thereof shall not be  
11 controlling and the department shall consider all relevant  
12 safety factors in making its determination as to whether or not  
13 walking constitutes a hazard to pupils.

14 (c) Payments for pupil transportation on account of the  
15 school year 1979-1980 and every school year thereafter shall be  
16 made only in the following cases:

17 (1) To all school districts for the transportation to and  
18 from school of elementary school pupils, including kindergarten  
19 pupils, residing one and one-half (1 1/2) miles or more by the  
20 nearest public highway from the school in which the pupils are  
21 enrolled and to which transportation is authorized under section  
22 1361 of this act or residing in areas where the road or traffic  
23 conditions are such that walking constitutes a hazard to the  
24 safety of the child when so certified by the Department of  
25 Transportation. The Department of Transportation shall take into  
26 account the presence of sidewalks along the highway and the  
27 residences of registered sex offenders as provided by the  
28 Pennsylvania State Police, but such presence or lack thereof  
29 shall not be controlling and the department shall consider all  
30 relevant safety factors in making its determination as to

whether or not walking constitutes a hazard to pupils. Such elementary school pupils shall include nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway and the residences of registered sex offenders as provided by the Pennsylvania State Police, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Such secondary school pupils shall include nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or children's home or other institution for the care and training of orphans or other children.

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1 1/2) miles or more from the school of attendance or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation

1 shall take into account the presence of sidewalks along the  
2 highway and the residences of registered sex offenders as  
3 provided by the Pennsylvania State Police, but such presence or  
4 lack thereof shall not be controlling and the department shall  
5 consider all relevant safety factors in making its determination  
6 as to whether or not walking constitutes a hazard to pupils.

7 Consolidated schools or joint consolidated schools shall so  
8 long as they are approved as to organization, control, location,  
9 equipment, courses of study, qualifications of teachers, methods  
10 of instruction, condition of admission, expenditures of money,  
11 methods and means of transportation and the contracts providing  
12 therefor, constitute approved consolidated schools or approved  
13 joint consolidated schools.

14 \* \* \*

15 (g) The Pennsylvania State Police shall provide the  
16 Department of Transportation the full home addresses of  
17 registered sex offenders kept pursuant to 42 Pa.C.S. § 9799.1  
18 (relating to duties of Pennsylvania State Police), the nature of  
19 the sex offenders' sexual offenses and their criminal history.  
20 The Department of Transportation shall use the full home  
21 addresses of registered sex offenders kept pursuant to 42  
22 Pa.C.S. § 9799.1 only for the purpose of determining whether  
23 conditions are such that walking to school presents too great a  
24 hazard to child safety under section 1362 and this section.

25 (h) In taking into account the presence of the residences of  
26 registered sex offenders as provided by the Pennsylvania State  
27 Police for the sole purpose of determining whether conditions  
28 are such that walking to school presents too great a hazard to  
29 child safety under section 1362 and this section, the Department  
30 of Transportation's consideration shall include, but not be



1 limited to, the nature of the sex offenders' sexual offenses,  
2 the sex offenders' criminal history and the proximity of the sex  
3 offenders' residences to the pupil walking route. After  
4 examining these factors and any other factors deemed necessary  
5 by the Department of Transportation, the Department of  
6 Transportation shall have the discretion to determine whether  
7 conditions are such that walking to school presents too great a  
8 hazard to child safety under section 1362 and this section.

9       Section 3. This act shall take effect immediately.