
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1839 Session of
1981

INTRODUCED BY FRYER, BURNS, GALLAGHER, CLARK, LESCOVITZ AND
MARMION, SEPTEMBER 22, 1981

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 22, 1981

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, act of March 10, 1949 (P.L.30,
10 No.14), known as the "Public School Code of 1949," amended
11 February 17, 1956 (1955 P.L.1065, No.342) and January 14, 1970
12 (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. Nonresident Student Placed in Home of
29 Resident.--(a) Any nonresident student placed in the home of a
30 resident of a school district by order of the court or by

1 official arrangement with any agency or institution having
2 responsibility for the care of neglected children shall have the
3 same right to a free public education as does a resident
4 student. Before the placement has been finalized, the court,
5 agency or institution shall notify the superintendent of the
6 district of its intention and allow fifteen (15) calendar days
7 for the superintendent to object. If no objection is received,
8 the placement shall become final. If an objection is made, the
9 court, agency or institution shall consider the objections and
10 make whatever order it deems appropriate and just.

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

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

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

29 (c) The department shall establish such forms as are
30 necessary to identify the children and to determine their

1 residency.

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