

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1201 Session of 2013

INTRODUCED BY BREWSTER AND FONTANA, DECEMBER 4, 2013

REFERRED TO EDUCATION, DECEMBER 4, 2013

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 high schools, further providing
 6 for attendance in other districts.

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

9 Section 1. Section 1607(a), (b), (b.1) and (c) of the act of
 10 March 10, 1949 (P.L.30, No.14), known as the Public School Code
 11 of 1949, amended or added November 23, 2010 (P.L.1350, No.123),
 12 June 30, 2012 (P.L.684, No.82) and July 12, 2012 (P.L.1142,
 13 No.141), are amended to read:

14 Section 1607. Attendance in Other Districts.--(a) Except as
 15 set forth in subsection (b), pupils residing in a school
 16 district in which no public elementary school or high school is
 17 maintained may attend, during the entire term, at the expense of
 18 the school district of which they are residents, the nearest or
 19 most conveniently located elementary school or high school of
 20 such class as they may desire to attend, unless the board of

1 school directors of the district of residence shall have
2 assigned the pupils to [a] an elementary school or high school
3 and adequate transportation is provided thereto. Pupils who
4 reside in a school district in which no public high school,
5 other than a vocational high school is maintained, may attend,
6 during the entire term, the nearest or most conveniently located
7 academic high school. In any district which maintains a high
8 school whose program of studies terminates before the end of the
9 twelfth year, pupils who have satisfactorily completed the
10 program of studies there available in other than vocational
11 schools or departments, or have completed a program of studies
12 equivalent to said program of studies in some other school or
13 schools, may attend, at the expense of the school district in
14 which they live, and for the purpose of pursuing academic
15 studies of a higher grade, the nearest or most conveniently
16 located high school of such type as they may desire to attend
17 giving further high school work.

18 (b) If a third class school district operating under a
19 special board of control pursuant to section 692 has, with the
20 approval of the Secretary of Education, curtailed its
21 educational program by eliminating its elementary school, the
22 school district shall assign the pupils of the elementary school
23 to an elementary school in another school district that has
24 agreed to enroll such pupils on a tuition basis. If a third
25 class school district operating under a special board of control
26 pursuant to section 692 has, with the approval of the Secretary
27 of Education, curtailed its educational program by eliminating
28 its high school and has not assigned its high school pupils to
29 another school district and provided adequate transportation in
30 a manner under subsection (a), the secretary shall have the

1 following authority:

2 (1) To designate two or more school districts, which shall
3 accept on a tuition basis the high school students of the
4 distressed school district, so long as a designated school
5 district's border is no more than [three (3)] ten (10) miles
6 from the border of the distressed school district. The
7 designation under this paragraph shall occur no later than
8 thirty (30) days after receiving the approval of the secretary
9 to curtail its educational program by the elimination of its
10 high school, provided, however, that if any school district
11 meets the criteria of this subsection on the effective date of
12 this subsection, the designation of school districts shall occur
13 no later than thirty (30) days after the effective date of this
14 subsection.

15 (2) To establish a process for the distressed school
16 district to use to reassign its high school students to the
17 school districts designated under paragraph (1).

18 (3) To establish the per-pupil tuition rate that a school
19 district designated under paragraph (1) shall receive for each
20 reassigned student in a regular or special education program.
21 For the 2010-2011 and 2011-2012 school years, the tuition rate
22 established under this paragraph may not exceed the product of:

23 (i) the tuition rate established for the 2007-2008 school
24 year; and

25 (ii) the greater of:

26 (A) two percent (2%); or

27 (B) the percentage increase in total budgeted revenues
28 available to a distressed school district.

29 (4) For the 2012-2013 school year and each school year
30 thereafter, the per pupil tuition rate that a school district

1 designated under paragraph (1) shall receive for each reassigned
2 student in a regular or special education program shall be the
3 greater of ten thousand dollars (\$10,000) or the product of:

4 (i) the tuition rate established for the prior school year;
5 and

6 (ii) the greater of:

7 (A) the percentage increase in total budgeted revenues
8 available to a distressed school district; or

9 (B) the index set pursuant to the act of June 27, 2006 (1st
10 Sp.Sess., P.L.1873, No.1), known as the "Taxpayer Relief Act,"
11 for the distressed school district.

12 (b.1) (1) The following shall apply to professional and
13 temporary professional employes of a school district in which
14 pupils have been reassigned to another school district pursuant
15 to subsection (b):

16 (i) The school district that has eliminated its elementary
17 school or high school shall create a pool comprised of the
18 professional [and], temporary professional and educational
19 support professional employes who have received formal notice of
20 suspension as a result of the school district's elimination of
21 its elementary school or high school program.

22 (ii) Employes in the pool created under clause (i) shall be
23 offered employment by any school district receiving students who
24 have been reassigned pursuant to subsection (b) whenever that
25 school district has a vacancy for a position that an employe in
26 the pool is certified to fill in the case of professional and
27 temporary professional employes or qualified to fill, in the
28 case of educational support professionals, provided that no
29 employe of the school district in which the vacancy exists,
30 including a suspended or demoted employe, has a right to such

1 vacancy under this act or the collective bargaining agreement of
2 that school district.

3 (iii) No new employe shall be hired by any school district
4 receiving students who have been reassigned pursuant to
5 subsection (b) until the position has been offered, in order of
6 seniority, to all properly certified members of the pool created
7 under clause (i).

8 (2) Employes hired from the pool as provided under this
9 subsection shall be credited by the hiring school district for
10 all sick leave accumulated in the school district that has
11 eliminated its elementary school or high school program and
12 shall be credited for years of service in the school district
13 that has eliminated its elementary school or high school program
14 for purposes of salary schedule placement. Temporary
15 professional [and], professional and educational support
16 professional employes shall further be credited for their years
17 of service in the school district that has eliminated its
18 elementary school or high school program for purposes of
19 sabbatical leave eligibility, suspension and realignment rights
20 and eligibility for any retirement incentives or severance
21 payments in a hiring school district.

22 (c) A school district [designated under subsection (b)(1)]
23 into which students have been reassigned from another school
24 district pursuant to subsection (b) shall provide transportation
25 to reassigned students to [its high] the school to which they
26 are assigned and shall be eligible for transportation
27 reimbursement in a manner consistent with section 2541.

28 * * *

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