

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2909 Session of  
1994

INTRODUCED BY VEON, LaGROTTA, TRELLO, TIGUE, MELIO,  
E. Z. TAYLOR, SURRA, TULLI, LAUGHLIN, BURNS, PETRARCA,  
BELFANTI AND YOUNGBLOOD, JUNE 14, 1994

REFERRED TO COMMITTEE ON EDUCATION, JUNE 14, 1994

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 assignment of students  
6 and for attendance in other districts.

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

9 Section 1. Section 1301 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, is  
11 amended to read:

12 Section 1301. Age Limits; Temporary Residence.--Every child,  
13 being a resident of any school district, between the ages of six  
14 (6) and twenty-one (21) years, may attend the public schools in  
15 his district and within this Commonwealth, subject to the  
16 provisions of this act. The board of school directors of any  
17 school district may admit to the schools of the district, with  
18 or without the payment of tuition, any non-resident child  
19 temporarily residing in the district, and may require the

1 attendance of such non-resident child in the same manner and on  
2 the same conditions as it requires the attendance of a resident  
3 child.

4 Section 2. Section 1310(a) of the act, amended December 17,  
5 1982 (P.L.1378, No.316), is amended to read:

6 Section 1310. Assignment of Pupils to Schools.--(a) The  
7 board of school directors of every school district or joint  
8 school shall, for the purpose of designating the schools to be  
9 attended by the several pupils in the district or area served by  
10 the joint board, subdivide the district or joint school in such  
11 manner that all the pupils in the district shall be assigned to,  
12 and reasonably accommodated in, one of the public schools in the  
13 district or joint school. The board of school directors may,  
14 upon cause shown, permit any pupil or pupils in any school  
15 district to attend such other school in the district as the  
16 board may deem proper, or may classify and assign the pupils in  
17 the district to any school or schools [therein] within this  
18 Commonwealth as it may deem best, in order to properly educate  
19 them. Whenever any child or children of compulsory school age  
20 have their residence more than two (2) miles by the nearest  
21 public highway from the school within the district to which they  
22 have been assigned, and free transportation for such child or  
23 children to a school within the district is not provided, and  
24 there is a school in session in some other district in the  
25 Commonwealth within two (2) miles by the nearest public highway  
26 of the residence of such child or children, the board of school  
27 directors shall, with the consent of the board of school  
28 directors of such other district, reassign such child or  
29 children to such school in the other district, and shall pay to  
30 said district the tuition charge provided for by this act. This

1 provision shall include in like manner assignment to high  
2 schools in the case of pupils of compulsory school age who are  
3 qualified to be enrolled in such high schools. It shall be  
4 unlawful for any school directors, superintendent, or teacher to  
5 make any distinction whatever, on account of, or by reason of,  
6 the race or color of any pupil or scholar who may be in  
7 attendance upon, or seeking admission to, any public school  
8 maintained wholly or in part under the school laws of the  
9 Commonwealth.

10 \* \* \*

11 Section 3. Sections 1311(a), 1313 and 1315 of the act are  
12 amended to read:

13 Section 1311. Closing Schools.--(a) The board of school  
14 directors of any school district may, on account of the small  
15 number of pupils in attendance, or the condition of the then  
16 existing school building, or for the purpose of better gradation  
17 and classification, or other reasons, close any one or more of  
18 the public schools in its district. Upon such school or schools  
19 being closed, the pupils who belong to the same shall be  
20 assigned to other schools, or upon cause shown, be permitted to  
21 attend schools in other districts[.] within this Commonwealth.

22 \* \* \*

23 Section 1313. Attendance in Other Districts.--Where any  
24 pupil in any school district resides one and one-half miles, or  
25 more, by the public road, from the nearest public elementary  
26 school in the district, such pupil, unless proper free  
27 transportation is furnished to a suitable school in the  
28 district, may attend any public elementary school in another  
29 school district more convenient of access, on obtaining the  
30 consent of the board of school directors of such other school

1 district, and without the consent of the board of school  
2 directors of the district where such pupil resides. The district  
3 where such pupil resides shall promptly pay, to the district  
4 where such pupil attends, the tuition charge provided for by  
5 this act. The board of school directors of any district may, on  
6 account of convenience of access, or other reasons, permit any  
7 pupils to attend the schools of another district[.] within this  
8 Commonwealth.

9 Section 1315. Assignment to School in Another State;

10 Receiving Pupils from Other States.--Where any child of school  
11 age in any school district resides one and one-half miles or  
12 more by the nearest traveled road from the nearest public  
13 elementary school or three miles or more from the nearest high  
14 school in the district, such child unless proper free  
15 transportation is furnished to a suitable school in this  
16 Commonwealth may on request of his parents or legal guardian be  
17 assigned by the board of school directors to a more convenient  
18 school in another state: Provided, That the consent of the  
19 proper school officials in charge of such school in another  
20 state to such an arrangement is permitted by the laws of such  
21 state and is agreed to by such officials. The tuition of any  
22 such pupil attending a school in another state may be paid by  
23 the board of school directors of the district in which he is a  
24 resident, as in the case of a pupil attending a public school in  
25 this Commonwealth in a district in which he is not a resident.

26 The board of school directors in any school district situate  
27 adjacent to another state may admit to the public schools in  
28 such district pupils resident in such other state and may  
29 receive tuition for such pupils, as in the case of pupils  
30 admitted from other districts in this Commonwealth.

1 Out-of-State assignment shall only be permitted in situations  
2 involving geographical advantage, special education curriculum  
3 or facilities or temporary arrangements made for medical or  
4 personal legal reasons. All pupils who reside in this  
5 Commonwealth shall be provided the opportunity for assignment to  
6 a school within this Commonwealth.

7 All assignments contrary to this section shall be void ninety  
8 (90) days after the effective date of this section.

9 Section 4. Section 1607 of the act, amended August 11, 1959  
10 (P.L.683, No.228), is amended to read:

11 Section 1607. Attendance in Other Districts.--Pupils  
12 residing in a school district in which no public high school is  
13 maintained may attend, during the entire term, at the expense of  
14 the school district of which they are residents, the nearest or  
15 most conveniently located high school within this Commonwealth  
16 of such class as they may desire to attend, unless the board of  
17 school directors of the district of residence shall have  
18 assigned the pupils to a high school within this Commonwealth  
19 and adequate transportation is provided thereto. Pupils who  
20 reside in a school district in which no public high school,  
21 other than a vocational high school is maintained, may attend,  
22 during the entire term, the nearest or most conveniently located  
23 academic high school within this Commonwealth. In any district  
24 which maintains a high school whose program of studies  
25 terminates before the end of the twelfth year, pupils who have  
26 satisfactorily completed the program of studies there available  
27 in other than vocational schools or departments, or have  
28 completed a program of studies equivalent to said program of  
29 studies in some other school or schools, may attend, at the  
30 expense of the school district in which they live, and for the

1 purpose of pursuing academic studies of a higher grade, the  
2 nearest or most conveniently located high school within this  
3 Commonwealth of such type as they may desire to attend giving  
4 further high school work. No school district shall arrange for  
5 out-of-State assignment of pupils who reside in this  
6 Commonwealth contrary to section 1315 of this act.

7 Section 5. All assignments of pupils who reside within this  
8 Commonwealth made prior to enactment of this act shall be void  
9 90 days after the effective date of this act.

10 Section 6. This act shall take effect in 60 days.