

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 80

Session of
2003

INTRODUCED BY MOWERY, GREENLEAF, WOZNIAK, THOMPSON, CORMAN,
KITCHEN, SCHWARTZ, WAUGH, EARLL, M. WHITE, C. WILLIAMS,
RHOADES, D. WHITE, KASUNIC AND ORIE, JANUARY 27, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 17, 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; adding definitions;
7 providing for State System of Higher Education campus police
8 powers and duties; and making a repeal.

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

11 ~~Section 1. Section 2001 A of the act of March 10, 1949~~ <—
12 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~
13 ~~amended by adding clauses to read:~~

14 SECTION 1. SECTION 1302 OF THE ACT OF MARCH 10, 1949 <—
15 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
16 AMENDED JUNE 22, 2001 (P.L.530, NO.35), IS AMENDED TO READ:

17 SECTION 1302. RESIDENCE AND RIGHT TO FREE SCHOOL
18 PRIVILEGES.--(A) A CHILD SHALL BE CONSIDERED A RESIDENT OF THE
19 SCHOOL DISTRICT IN WHICH HIS PARENTS OR THE GUARDIAN OF HIS

1 PERSON RESIDES. FEDERAL INSTALLATIONS ARE CONSIDERED A PART OF
2 THE SCHOOL DISTRICT OR DISTRICTS IN WHICH THEY ARE SITUATE AND
3 THE CHILDREN RESIDING ON SUCH INSTALLATIONS SHALL BE COUNTED AS
4 RESIDENT PUPILS OF THE SCHOOL DISTRICT. WHEN A RESIDENT OF ANY
5 SCHOOL DISTRICT KEEPS IN HIS HOME A CHILD OF SCHOOL AGE, NOT HIS
6 OWN, SUPPORTING THE CHILD GRATIS AS IF IT WERE HIS OWN, SUCH
7 CHILD SHALL BE ENTITLED TO ALL FREE SCHOOL PRIVILEGES ACCORDED
8 TO RESIDENT SCHOOL CHILDREN OF THE DISTRICT, INCLUDING THE RIGHT
9 TO ATTEND THE PUBLIC HIGH SCHOOL MAINTAINED IN SUCH DISTRICT OR
10 IN OTHER DISTRICTS IN THE SAME MANNER AS THOUGH SUCH CHILD WERE
11 IN FACT A RESIDENT SCHOOL CHILD OF THE DISTRICT, AND SHALL BE
12 SUBJECT TO ALL THE REQUIREMENTS PLACED UPON RESIDENT SCHOOL
13 CHILDREN OF THE DISTRICT. BEFORE SUCH CHILD MAY BE ACCEPTED AS A
14 PUPIL, SUCH RESIDENT SHALL FILE WITH THE SECRETARY OF THE BOARD:

15 (1) APPROPRIATE LEGAL DOCUMENTATION TO SHOW DEPENDENCY OR
16 GUARDIANSHIP; OR

17 (2) A SWORN STATEMENT THAT HE IS A RESIDENT OF THE DISTRICT,
18 THAT HE IS SUPPORTING THE CHILD GRATIS, THAT HE WILL ASSUME ALL
19 PERSONAL OBLIGATIONS FOR THE CHILD RELATIVE TO SCHOOL
20 REQUIREMENTS, AND THAT HE INTENDS TO SO KEEP AND SUPPORT THE
21 CHILD CONTINUOUSLY AND NOT MERELY THROUGH THE SCHOOL TERM. THE
22 SCHOOL BOARD, PURSUANT TO GUIDELINES ISSUED BY THE DEPARTMENT OF
23 EDUCATION, MAY REQUIRE OTHER REASONABLE INFORMATION TO BE
24 SUBMITTED BY THE RESIDENT TO SUBSTANTIATE THE SWORN STATEMENT.
25 THE FORM CONTAINING THE SWORN STATEMENT SHALL INCLUDE NOTICE IN
26 LARGE PRINT OF THE PENALTY FOR PROVIDING FALSE INFORMATION IN
27 THE SWORN STATEMENT.

28 (B) IF IT IS FOUND THAT INFORMATION CONTAINED IN THE SWORN
29 STATEMENT IS FALSE, THE CHILD MUST BE REMOVED FROM THE SCHOOL
30 AFTER NOTICE OF AN OPPORTUNITY TO APPEAL THE REMOVAL PURSUANT TO

1 THE APPROPRIATE GRIEVANCE POLICY OF THE SCHOOL DISTRICT.

2 (C) A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION IN THE
3 SWORN STATEMENT FOR THE PURPOSE OF ENROLLING A CHILD IN A SCHOOL
4 DISTRICT FOR WHICH THE CHILD IS NOT ELIGIBLE COMMITS A
5 MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION,
6 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BE SENTENCED TO PAY
7 A FINE OF NO MORE THAN THREE HUNDRED DOLLARS (\$300) FOR THE
8 BENEFIT OF THE SCHOOL DISTRICT IN WHICH THE PERSON RESIDES AND
9 COURT COSTS, AND IN DEFAULT OF PAYMENT THEREOF, MAY BE SENTENCED
10 TO A TERM OF IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS. IN
11 ADDITION, THE PERSON SHALL BE LIABLE TO THE SCHOOL DISTRICT FOR
12 AN AMOUNT EQUAL TO THE COST TO THE DISTRICT OF EDUCATING THE
13 CHILD DURING THE PERIOD OF ENROLLMENT.

14 SECTION 2. SECTION 2001-A OF THE ACT IS AMENDED BY ADDING
15 CLAUSES TO READ:

16 Section 2001-A. Definitions.--The following words and
17 phrases when used in this article shall, for the purpose of this
18 article, have the following meanings, respectively, except in
19 those instances where the context clearly indicates a different
20 meaning:

21 * * *

22 (20) "Campus police" shall mean all law enforcement
23 personnel employed by the system who have successfully completed
24 a campus police course of training approved under 53 Pa.C.S. Ch.
25 21 Subch. D (relating to municipal police education and
26 training).

27 (21) "Grounds" shall mean all lands and buildings owned,
28 controlled, leased or managed by the system.

29 Section ~~2~~ 3. The act is amended by adding a section to read: <—

30 Section 2019-A. Campus Police Powers and Duties.--(a)

Campus police of an institution shall have the power and their duty shall be:

(1) to enforce good order on the grounds and in the buildings of the institution;

(2) to protect the grounds and buildings of the institution;

(3) to exclude all disorderly persons from the grounds and buildings of the institution;

(4) to adopt means necessary for the performance of their duties;

(5) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the institution is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);

(6) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds of the institution and carry the criminal offenders before the proper district justice and prefer charges against them under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, campus police shall exercise these powers and perform these duties only on the grounds of the institution. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D, the grounds of the institution shall constitute the primary jurisdiction of the campus police.

(7) to order off the grounds and out of the buildings of the institution all trespassers and persons under the influence of alcohol or controlled substances and, if necessary, remove them by force and, in case of resistance, carry them before a

district justice; and

(8) to arrest any person who damages, mutilates or destroys the property of the institution or commits any other offense, including threats or acts of terrorism, on the grounds and in the buildings of the institution and carry that person before the proper district justice and prefer charges against that person under the laws of this Commonwealth.

(b) An institution is authorized to enter into an agreement with the municipalities overlain by or abutting its campus to exercise concurrently those powers and to perform those duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the campus police of the institution shall have the same powers, immunities and benefits granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D. All such agreements shall be consistent with the mission and purpose of the system.

(c) When acting within the scope of the authority of this section, campus police are at all times employees of the institution and shall be entitled to all of the rights accruing therefrom.

Section 3 4. Section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed insofar as it is inconsistent with this act.

Section 4 5. This act shall take effect in 30 days.

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