

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1197 Session of
2006

INTRODUCED BY MELLOW, LAVALLE, FONTANA, MUSTO, EARLL, STACK,
BOSCOLA, KITCHEN, WASHINGTON, C. WILLIAMS, GREENLEAF AND
FERLO, APRIL 17, 2006

REFERRED TO EDUCATION, APRIL 17, 2006

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 kindergartens,
6 for age limits, temporary residence, for admission of
7 beginners, for compulsory school age and for dates and times
8 of school terms and sessions.

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

11 Section 1. Section 502 of the act of March 10, 1949 (P.L.30,
12 No.14), known as the Public School Code of 1949, amended May 9,
13 1949 (P.L.939, NO.263), is amended to read:

14 Section 502. Additional Schools and Departments.--In
15 addition to the elementary public schools, the board of school
16 directors in any school district may establish, equip, furnish,
17 and maintain the following additional schools or departments for
18 the education and recreation of persons residing in said
19 district, and for the proper operation of its schools, namely:--

20 High schools,

1 Trade schools,
2 Vocational schools,
3 Technical schools,
4 Cafeterias,
5 Agricultural schools,
6 Evening schools,
7 [Kindergartens,]
8 Libraries,
9 Museums,
10 Reading-rooms,
11 Gymnasiums,
12 Playgrounds,
13 Schools for physically and mentally handicapped,
14 Truant schools,
15 Parental schools,
16 Schools for adults,
17 Public lectures,

18 Such other schools or educational departments as the
19 directors, in their wisdom, may see proper to establish.

20 Said additional schools or departments, when established,
21 shall be an integral part of the public school system in such
22 school district and shall be so administered.

23 No pupil shall be refused admission to the courses in these
24 additional schools or departments, by reason of the fact that
25 his elementary or academic education is being or has been
26 received in a school other than a public school.

27 Section 2. Section 503 of the act, amended September 21,
28 1959 (P.L.925, No.373) and October 21, 1965 (P.L.601, No.312),
29 is amended to read:

30 Section 503. Kindergartens.--(a) The board of school

1 directors in [any] every school district [may] shall establish
2 and maintain kindergartens [for children between the ages of
3 four and six years. When established, the]. Districts shall
4 establish an age policy, but may not deny enrollment in
5 kindergarten to any child who is five years of age or older on
6 the first day of the school year. The kindergartens shall be an
7 integral part of the elementary school system of the district,
8 and be kept open for not less than two and one-half hours each
9 day for the full school term as provided in section 1501.

10 (b) The number of kindergartens in any one district shall be
11 fixed by the board of school directors, and shall be open during
12 the school year. Kindergartens shall be made available to all
13 children in residence within the school district who are of the
14 age determined by the board of school directors pursuant to
15 subsection (a).

16 [If the average attendance in any one kindergarten in any
17 district is ten or less for the school year, the school
18 directors shall, at the close of the school year, discontinue
19 the same.]

20 (c) The board of school directors shall appoint and assign a
21 sufficient number of teachers to such kindergartens, who shall
22 be certified in accordance with the rules and regulations
23 prescribed by the [Council of Basic Education] State Board of
24 Education.

25 Section 3. Section 1301 of the act, amended June 29, 2002
26 (P.L.524, No.88), is amended to read:

27 Section 1301. Age Limits; Temporary Residence.--Every child,
28 being a resident of any school district, between the ages of
29 [six (6)] five (5) and twenty-one (21) years, may attend the
30 public schools in his district, subject to the provisions of

1 this act. Notwithstanding any other provision of law to the
2 contrary, a child who attains the age of twenty-one (21) years
3 during the school term and who has not graduated from high
4 school may continue to attend the public schools in his district
5 free of charge until the end of the school term. The board of
6 school directors of any school district may admit to the schools
7 of the district, with or without the payment of tuition, any
8 non-resident child temporarily residing in the district, and may
9 require the attendance of such non-resident child in the same
10 manner and on the same conditions as it requires the attendance
11 of a resident child.

12 Section 4. Section 1304 of the act, amended January 14, 1970
13 (1969, P.L.468, No.192), is amended to read:

14 Section 1304. Admission of Beginners.--The admission of
15 beginners to the public schools shall be confined to the first
16 two weeks of the annual school term in districts operating on an
17 annual promotion basis, and to the first two weeks of either the
18 first or the second semester of the school term in districts
19 operating on a semi-annual promotion basis. Admission shall be
20 limited to beginners who have attained the age [of five years
21 and seven months] as determined by the board of school directors
22 for enrollment of children in kindergarten as provided in
23 section 503 before the first day of September if they are to be
24 admitted in the fall, and to those who have attained the age [of
25 five years and seven months] as determined by the board of
26 school directors for enrollment of children in kindergarten as
27 provided in section 503 before the first day of February if they
28 are to be admitted at the beginning of the second semester. The
29 board of school directors of any school district may admit
30 beginners who are less than five years [and seven months] of

1 age, in accordance with standards prescribed by the State Board
2 of Education. The board of school directors may refuse to accept
3 or retain beginners who have not attained a mental age of [five]
4 four years, as determined by the supervisor of special education
5 or a properly certificated public school psychologist in
6 accordance with standards prescribed by the State Board of
7 Education.

8 The term "beginners," as used in this section, shall mean any
9 child that should enter [the lowest grade of the primary school
10 or the lowest primary class above] the level of kindergarten
11 [level].

12 Section 5. Section 1326 of the act is amended to read:

13 Section 1326. Definitions.--The term "compulsory school
14 age," as hereinafter used, shall mean the period of a child's
15 life from the time the child's parents elect to have the child
16 enter school, which shall be not later than at the age of [eight
17 (8)] six (6) years, until the age of seventeen (17) years. The
18 term shall not include any child who holds a certificate of
19 graduation from a regularly accredited senior high school.

20 The term "migratory child," wherever used in this subdivision
21 of this article, shall include any child domiciled temporarily
22 in any school district for the purpose of seasonal employment,
23 but not acquiring residence therein, and any child accompanying
24 his parent or guardian who is so domiciled.

25 Section 6. Section 1504(a) of the act, amended July 1, 1978
26 (P.L.575, No.105), is amended to read:

27 Section 1504. Dates and Times of School Terms and Sessions;
28 Commencement.--(a) The board of school directors of each school
29 district shall fix the date of the beginning of the school term.
30 Unless otherwise determined by the board, the daily session of

1 school shall open at nine ante-meridian and close at four post-
2 meridian, with an intermission of one hour at noon, and an
3 intermission of fifteen minutes in the forenoon and in the
4 afternoon. Upon request of a board of school directors for an
5 exception to the aforesaid daily schedule, the Secretary of
6 Education may, when in his opinion a meritorious educational
7 program warrants, approve a school week containing a minimum of
8 twenty seven and one-half hours of instruction as the equivalent
9 of five (5) school days, or a school year containing a minimum
10 of nine hundred ninety (990) hours of instruction at the
11 secondary level or nine hundred (900) hours of instruction at
12 the elementary level or four hundred fifty (450) hours of
13 instruction at the kindergarten level as the equivalent of one
14 hundred eighty (180) school days. Professional and temporary
15 professional employes shall be allowed a lunch period free of
16 supervisory or other duties of at least thirty minutes. The
17 provisions of this subsection shall not be construed to repeal
18 any rule or regulation of any board of school directors now in
19 effect which provides for a lunch period longer than the minimum
20 prescribed herein or to repeal any action of any board of school
21 directors taken in compliance with section 7 of the act of July
22 25, 1913 (P.L.1024, No.466), entitled "An act to protect the
23 public health and welfare, by regulating the employment of
24 females in certain establishments, with respect to their hours
25 of labor and the conditions of their employment; by establishing
26 certain sanitary regulations in the establishments in which they
27 work; by requiring certain abstracts and notices to be posted;
28 by providing for the enforcement of this act by the Commissioner
29 of Labor and Industry and others; by prescribing penalties for
30 violations thereof; by defining the procedure in prosecutions;

1 and by repealing all acts and parts of acts inconsistent with
2 the provisions thereof," as amended.

3 * * *

4 Section 7. This act shall apply to the 2006-2007 school
5 year.

6 Section 8. This act shall take effect immediately.