

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 64 Session of 2011

INTRODUCED BY GREENLEAF, JANUARY 12, 2011

REFERRED TO EDUCATION, JANUARY 12, 2011

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 pupils and attendance, further  
6 providing for pupil transportation and liability insurance;  
7 and, in reimbursements by Commonwealth and between school  
8 districts, further providing for payments on account of pupil  
9 transportation.

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

12 Section 1. Sections 1362 and 2541(c) of the act of March 10,  
13 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
14 amended November 20, 1979 (P.L.465, No.97), are amended to read:

15 Section 1362. Kinds of Transportation; Liability  
16 Insurance.--The free transportation of pupils, as required or  
17 authorized by this act, or any other act, may be furnished by  
18 using either school conveyances, private conveyances, or  
19 electric railways, or other common carriers, when the total  
20 distance which any pupil must travel by the public highway to or  
21 from school, in addition to such transportation, does not exceed  
22 [one and one-half (1 1/2) miles] three-quarters of a mile, and

1 when stations or other proper shelters are provided for the use  
2 of such pupils where needed, and when the highway, road, or  
3 traffic conditions are not such that walking constitutes a  
4 hazard to the safety of the child, as so certified by the  
5 Department of Transportation. The Department of Transportation  
6 shall take into account the presence of sidewalks along the  
7 highway, but such presence or lack thereof shall not be  
8 controlling and the department shall consider all relevant  
9 safety factors in making its determination as to whether or not  
10 walking constitutes a hazard to pupils. All private motor  
11 vehicles employed in transporting pupils for hire shall be  
12 adequately covered by public liability insurance in such amount  
13 as the board of school directors shall require.

14 Section 2541. Payments on Account of Pupil Transportation.--

15 \* \* \*

16 (c) Payments for pupil transportation on account of the  
17 school year 1979-1980 and every school year thereafter shall be  
18 made only in the following cases:

19 (1) To all school districts for the transportation to and  
20 from school of elementary school pupils, including kindergarten  
21 pupils, residing [one and one-half (1 1/2) miles] three-quarters  
22 (3/4) of a mile or more by the nearest public highway from the  
23 school in which the pupils are enrolled and to which  
24 transportation is authorized under section 1361 of this act or  
25 residing in areas where the road or traffic conditions are such  
26 that walking constitutes a hazard to the safety of the child  
27 when so certified by the Department of Transportation. The  
28 Department of Transportation shall take into account the  
29 presence of sidewalks along the highway, but such presence or  
30 lack thereof shall not be controlling and the department shall

1 consider all relevant safety factors in making its determination  
2 as to whether or not walking constitutes a hazard to pupils.  
3 Such elementary school pupils shall include nonresident children  
4 who are placed in the home of a resident, or who are residents  
5 of an orphanage, or home or children's home or other institution  
6 for the care and training of orphans or other children.

7 (2) To all school districts for the transportation to and  
8 from school of secondary school pupils residing [two (2)] one  
9 and one-half (1 1/2) miles or more by the nearest public highway  
10 from the school in which the pupils are enrolled and to which  
11 transportation is authorized under section 1361 of this act or  
12 residing in areas where the road or traffic conditions are such  
13 that walking constitutes a hazard to the safety of the child  
14 when so certified by the Department of Transportation. The  
15 Department of Transportation shall take into account the  
16 presence of sidewalks along the highway, but such presence or  
17 lack thereof shall not be controlling and the department shall  
18 consider all relevant safety factors in making its determination  
19 as to whether or not walking constitutes a hazard to pupils.

20 Such secondary school pupils shall include nonresident children  
21 who are placed in the home of a resident, or who are inmates of  
22 an orphan asylum or home or children's home or other institution  
23 for the care and training of orphans or other children.

24 (3) To all school districts for pupils transported to and  
25 from approved consolidated schools or approved joint  
26 consolidated schools living one and one-half (1 1/2) miles or  
27 more from the school of attendance or residing in areas where  
28 the road or traffic conditions are such that walking constitutes  
29 a hazard to the safety of the child when so certified by the  
30 Department of Transportation. The Department of Transportation

1 shall take into account the presence of sidewalks along the  
2 highway, but such presence or lack thereof shall not be  
3 controlling and the department shall consider all relevant  
4 safety factors in making its determination as to whether or not  
5 walking constitutes a hazard to pupils.

6 Consolidated schools or joint consolidated schools shall so  
7 long as they are approved as to organization, control, location,  
8 equipment, courses of study, qualifications of teachers, methods  
9 of instruction, condition of admission, expenditures of money,  
10 methods and means of transportation and the contracts providing  
11 therefor, constitute approved consolidated schools or approved  
12 joint consolidated schools.

13 (4) To all school districts for the transportation of  
14 exceptional children regularly enrolled in special classes  
15 approved by the Department of Education or enrolled in a regular  
16 class in which approved educational provisions are made for  
17 them.

18 (5) To all school districts for pupils transported to and  
19 from area technical schools.

20 \* \* \*

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