

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

2014D09858SFL:JMT

No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for residence and right to free school privileges and for suspension and expulsion of pupils.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

<b>Referred to Committee on</b>	
Date _____	20 _____
Reported _____	20 _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
<b>By Hon.</b> _____	



## 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 residence and right to free school privileges  
7 and for suspension and expulsion of pupils.

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

10 Section 1. Section 1302 of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended or added December 23, 2003 (P.L.304, No.48) and November  
13 17, 2010 (P.L.996, No.104), is amended to read:

14 Section 1302. Residence and Right to Free School  
15 Privileges.--(a) [A child shall be considered a resident of the  
16 school district in which his parents or the guardian of his  
17 person resides. Federal installations are considered a part of  
18 the school district or districts in which they are situate and  
19 the children residing on such installations shall be counted as  
20 resident pupils of the school district.] When a resident of any

1 school district keeps in his home a child of school age, not his  
2 own, supporting the child gratis as if it were his own, such  
3 child shall be entitled to all free school privileges accorded  
4 to resident school children of the district, including the right  
5 to attend the public high school maintained in such district or  
6 in other districts in the same manner as though such child were  
7 in fact a resident school child of the district, and shall be  
8 subject to all the requirements placed upon resident school  
9 children of the district. Before such child may be accepted as a  
10 pupil, such resident shall file with the secretary of the board:

11 (1) appropriate legal documentation to show dependency or  
12 guardianship; or

13 (2) a sworn statement that he is a resident of the district,  
14 that he is supporting the child gratis, that he will assume all  
15 personal obligations for the child relative to school  
16 requirements, and that he intends to so keep and support the  
17 child continuously and not merely through the school term. The  
18 school board, pursuant to guidelines issued by the Department of  
19 Education, may require other reasonable information to be  
20 submitted by the resident to substantiate the sworn statement.  
21 The form containing the sworn statement shall include notice in  
22 large print of the penalty for providing false information in  
23 the sworn statement.

24 (b) If it is found that information contained in the sworn  
25 statement is false, the parent or guardian of the child has  
26 refused to comply with the school district administrator's  
27 request to withdraw and it is determined that the affected  
28 school district's board of directors does not wish to grant  
29 permission to attend pursuant to section 1316, the child must be  
30 removed from the school following the adjudication of an

1 expulsion hearing pursuant to section 1318 and after notice of  
2 an opportunity to appeal the removal pursuant to the appropriate  
3 grievance policy of the school district.

4 (b.1) A child shall be considered a resident of the school  
5 district in which the child's parents or the guardian of the  
6 child resides. Federal installations are considered a part of  
7 the school district or districts in which they are situate and  
8 the children residing on such installations shall be counted as  
9 resident pupils of the school district.

10 (b.2) If it is found that a parent or guardian of a child  
11 has knowingly enrolled a child in a school district that is  
12 wholly outside of the school district of their primary  
13 residence, has refused to comply with the school district  
14 administrator's request to withdraw and it has been determined  
15 that the affected school district's board of directors does not  
16 wish to grant permission pursuant to section 1316, the child  
17 must be removed from the school following the adjudication of an  
18 expulsion hearing pursuant to section 1318 and after notice of  
19 an opportunity to appeal the removal pursuant to the appropriate  
20 grievance policy of the school district.

21 (c) Notwithstanding any other provision of law to the  
22 contrary relating to the offense of theft of services, a person  
23 who [knowingly provides] has been formally determined by a  
24 school district's board of directors, authorized board committee  
25 or designated hearing examiner to have knowingly provided false  
26 information in the sworn statement for the purpose of enrolling  
27 a child in a school district for which the child is not  
28 eligible, or a parent or guardian who has been formally  
29 determined by a school district's board of directors, authorized  
30 board committee or designated hearing examiner to have knowingly

1 enrolled their child in a school district that is wholly outside  
2 of the school district of their primary residence commits a  
3 summary offense and shall, upon conviction for such violation,  
4 be sentenced to pay a fine of no more than three hundred dollars  
5 (\$300) for the benefit of the school district in which the  
6 person resides or to perform up to two hundred forty (240) hours  
7 of community service, or both. In addition, the person shall pay  
8 all court costs and shall be liable to the school district for  
9 an amount equal to the cost of tuition calculated in accordance  
10 with section 2561 during the period of enrollment.

11 (d) Except as provided in subsection (c), a person who is  
12 convicted or acknowledges guilt of a second or subsequent  
13 offense shall be guilty of a misdemeanor and shall, upon  
14 conviction, be sentenced to pay a fine of not more than one  
15 thousand dollars (\$1,000) for the benefit of the school district  
16 in which the person resides or to perform up to five hundred  
17 (500) hours of community service, or both. In addition, the  
18 person shall pay all court costs and shall be liable to the  
19 school district for an amount equal to the cost of tuition  
20 calculated in accordance with section 2561 during the period of  
21 enrollment.

22 (e) Notwithstanding the provisions of subsection (a), when a  
23 child lives outside of Pennsylvania as a result of one or both  
24 parents being called or ordered to active military duty, other  
25 than active duty training, the child shall continue to be  
26 considered a resident of the school district that was the  
27 child's resident school district immediately prior to the parent  
28 being stationed outside of Pennsylvania, provided that the  
29 parent maintains the residence.

30 Section 2. Section 1318 of the act, amended February 8, 1980

1 (P.L.3, No.2), is amended to read:

2 Section 1318. Suspension and Expulsion of Pupils.--Every  
3 principal or teacher in charge of a public school may  
4 temporarily suspend any pupil on account of enrollment outside  
5 of the district of residence, disobedience or misconduct, and  
6 any principal or teacher suspending any pupil shall promptly  
7 notify the district superintendent or secretary of the board of  
8 school directors. The board may, after a proper hearing, suspend  
9 such child for such time as it may determine, or may permanently  
10 expel him. Such hearings, suspension, or expulsion may be  
11 delegated to a duly authorized committee of the board, or to a  
12 duly qualified hearing examiner, who need not be a member of the  
13 board, but whose adjudication must be approved by the board.

14 Section 3. This act shall take effect in 60 days.

