

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1227 Session of
2005

INTRODUCED BY O'NEILL, ARMSTRONG, BOYD, CALTAGIRONE, CORRIGAN,
CRAHALLA, CREIGHTON, GEIST, HARHART, HARRIS, HENNESSEY,
HERSHEY, KAUFFMAN, LEH, R. MILLER, NAILOR, PHILLIPS,
REICHLEY, STAIRS AND R. STEVENSON, MARCH 30, 2005

REFERRED TO COMMITTEE ON EDUCATION, MARCH 30, 2005

AN ACT

1 Providing for procedures for students expelled from school and
2 for powers and duties of boards of school directors.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Student
7 Responsibility Law.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) The right of children in this Commonwealth to a
11 public education is conditioned upon their compliance with
12 the rules and regulations of the school entity they attend
13 and other requirements of law.

14 (2) The board of school directors of every public school
15 entity possesses the authority to suspend or temporarily or
16 permanently expel any student and reinstate such student upon
17 terms and conditions established by the board.

1 (3) The parents or legal guardians of school-age
2 students expelled from the school entity have the
3 responsibility to assume the costs of providing these
4 students with an education during the period of time the
5 students are expelled.

6 (4) Students in the public schools of this Commonwealth
7 have the responsibility to conduct themselves in accordance
8 with the rules and regulations established by the board of
9 school directors of every school entity. Failure by students
10 to abide by such rules and regulations may result in their
11 suspension or expulsion from the public schools or other
12 discipline.

13 (5) The taxpayers of this Commonwealth should be
14 relieved from the responsibility of paying for the education
15 of students expelled from the public schools.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Actual cost." The additional incremental expenditure by the
21 entity in order to provide an alternate placement program to a
22 particular expelled student, minus the amount of any subsidy,
23 reimbursement, grant moneys or other funding received by the
24 entity from nonlocal sources specifically for the purpose of
25 providing an alternate placement program to that student.

26 "Alternate placement program." Educational services provided
27 to an expelled student, such as placement in another school,
28 home tutorial or correspondence study, or other approved
29 program, or combination thereof, which satisfy compulsory
30 education requirements applicable to expelled students.

1 "Board." The board of school directors or trustees of a
2 school entity.

3 "Compulsory education requirements." The minimum educational
4 requirements for children of compulsory school age as
5 established in section 1327 of the act of March 10, 1949
6 (P.L.30, No.14), known as the Public School Code of 1949, and
7 implementing regulations thereto.

8 "Department." The Department of Education of the
9 Commonwealth.

10 "School entity." A public school district, charter school,
11 intermediate unit or area vocational-technical school.

12 "State board." The State Board of Education of the
13 Commonwealth.

14 Section 4. Education of expelled students of compulsory school
15 age.

16 (a) General rule.--Except as provided in subsection (c), no
17 school entity shall be required to expend funds for the
18 education of any student of compulsory school age who is
19 expelled from a school entity during the expulsion period or the
20 12-month period beginning with the date of expulsion, whichever
21 is less.

22 (b) Placement.--Within 30 days of the date of expulsion, the
23 parents or legal guardians of an expelled student of compulsory
24 school age shall comply with all of the following provisions:

25 (1) Make arrangements for the education of the student
26 in compliance with compulsory education requirements, at no
27 cost to the school entity, through placement in another
28 school, through tutorial or correspondence study or through
29 another approved educational program.

30 (2) Notify the school entity of the placement made.

(c) Financial inability to provide alternative education placement.--

(1) If the parents or legal guardians demonstrate to the school entity's board or the board's designee that after a bona fide effort, they are unable to provide for an alternate placement program because neither they nor the student have access to sufficient financial resources, then the school entity shall provide for such alternate placement program for the student as the board in its sole discretion determines to be appropriate. The board may, in its discretion, require an expelled student and/or the parents or legal guardians of the expelled student to pay for all or such part of the entity's actual cost of providing such alternate placement program as is determined to be within the financial ability of the student and/or parents or legal guardians, or to permit the student and/or the parents or legal guardians to perform a given number of hours of community service during the period of expulsion in lieu of such payment in accordance with such procedures and conditions as the board may determine. The assigned hours of community service shall not be on the property of the school entity and shall not benefit the school entity unless agreed to by the school entity. A board may not schedule the hours of community service during a time or at a location that conflicts with the paid employment of the individual assigned to complete the community service.

(2) The school entity shall establish procedures by which the parents or legal guardians may apply to the school entity for a determination of financial inability to provide a sufficient alternate placement program, and may require the parents or legal guardians and student to submit proof in the

1 form of financial or tax documents, affidavits or other
2 evidence of such financial inability. In the event an
3 application for determination of financial inability is
4 initially denied, the parents or legal guardians shall be
5 offered the opportunity for a hearing before the board or the
6 board's designee. The parents or legal guardians may appeal
7 the determination of the board or the board's designee to
8 court in accordance with the provisions of the Local Agency
9 Law as defined in 2 Pa.C.S. § 105 (relating to Local Agency
10 Law). The court in any such appeal shall not have
11 jurisdiction to review or alter any determination of the
12 school entity's board or officials relating either to the
13 nature or extent of the alternate placement program provided
14 by the school entity, or to the board's prior decision to
15 expel or impose other discipline upon the student.

16 (3) Any student whose alternative placement program is
17 provided by the school entity shall submit a sworn affidavit
18 signed by the student and the student's parents or legal
19 guardians stating that the student agrees to comply with the
20 terms and conditions applicable to the alternate placement
21 program, including, but not limited to, all applicable rules
22 of student conduct.

23 (d) Requirements.--Upon the expiration of the expulsion
24 period or the 12-month period beginning with the date of
25 expulsion of a student of compulsory school age, whichever is
26 less, the school entity shall:

27 (1) readmit the student to the school entity subject to
28 the terms and conditions established by the board as provided
29 in section 5 (relating to readmission policy); or

30 (2) if the period of expulsion has not expired, provide

1 the student with an alternate placement program in another
2 school, through tutorial or correspondence study or in
3 another educational program determined by the board in its
4 sole discretion to be appropriate.

5 Section 5. Readmission policy.

6 (a) General rule.--Every school entity shall establish a
7 policy governing the procedures and requirements for expelled
8 students, whether or not of compulsory school age, to be
9 readmitted upon the expiration of the period of expulsion. This
10 policy may include:

11 (1) A sworn affidavit signed by the expelled student and
12 the student's parents or legal guardians requesting
13 readmission to the school entity stating that the student
14 agrees to comply with the terms and conditions established by
15 the board, including, but not limited to, all applicable
16 rules of student conduct.

17 (2) A meeting between the expelled student, the parents
18 or legal guardians of the expelled student, unless the
19 student is an emancipated minor, and the district
20 superintendent or chief school administrator or a designee.
21 Sufficient notice of the time and place of the meeting shall
22 be given to the expelled student and the student's parents or
23 legal guardians.

24 (3) An expelled student who has been readmitted to a
25 school entity under this section and who is expelled
26 subsequent to those procedures shall be liable for legal fees
27 and costs incurred by the school entity in such subsequent
28 expulsion proceeding or related court proceedings. If the
29 student is a minor child, the parents or legal guardians of
30 the student shall be liable for the legal fees and costs.

1 (b) Readmission prior to expiration of expulsion.--The board
2 of school directors may, upon recommendation of the district
3 superintendent or chief school administrator, or on its own
4 initiative, readmit an expelled student to school prior to the
5 expiration of the terms of expulsion, under such further terms,
6 conditions or requirements as the board may determine in
7 addition to those established pursuant to subsection (a).

8 (c) Exception to readmission.--Expelled students shall not
9 be eligible to apply for readmission to the school entity if
10 they are 21 years of age or older or have graduated from another
11 public or private school entity or have acquired a general
12 educational development (GED) certificate.

13 Section 6. Admission of transferring students.

14 (a) Expulsion from another school.--

15 (1) Admissions of, and provision of alternate placement
16 programs to, students expelled from a school entity other
17 than the entity of current residence or a nonpublic school
18 shall be subject to the provisions of sections 4 (relating to
19 education of expelled students of compulsory school age) and
20 5 (relating to readmission policy). No school entity shall be
21 required to admit a student expelled from another school
22 entity or nonpublic school into its regular school program
23 until the period of expulsion has expired. However, this
24 paragraph shall not apply to a student expelled or dismissed
25 from a nonpublic school for reasons that would not otherwise
26 subject the student to expulsion under the receiving entity's
27 rules of student conduct.

28 (2) A receiving school entity shall not be required to
29 provide an alternate placement program for a student of
30 compulsory school age during the 12-month period since

1 expulsion was imposed or to entertain an application by the
2 parents or legal guardians for a determination of financial
3 inability in accordance with section 4 if such application
4 has previously been denied by another school entity.

5 (b) Provisional enrollment.--Notwithstanding any provision
6 of this act to the contrary, a receiving school entity may
7 enroll a student transferring from another school entity or non-
8 public school on a provisional basis until a certified copy of
9 the student's disciplinary record and sworn statement as
10 required in section 1304-A of the act of March 10, 1949 (P.L.30,
11 No.14), known as the Public School Code of 1949, is received by
12 the school entity. If the disciplinary record contains a history
13 of misbehavior, the student may be placed in an alternative
14 program and may be ineligible to participate in extracurricular
15 activities at the discretion of the receiving entity.

16 (c) If a provisionally enrolled or other transferring
17 student has committed acts while enrolled in another school
18 entity or nonpublic school which would subject students in the
19 receiving entity to possible expulsion, but for which the former
20 school entity or nonpublic school did not expel the student
21 prior to the transfer, the board of the receiving school entity
22 may, after hearing, expel or deny admission to the student or
23 impose such other discipline or disciplinary assignment as is
24 consistent with the standards and policies of the receiving
25 school entity. Denial of admission shall be treated as expulsion
26 for purposes of this act.

27 Section 7. Student and parent notification.

28 Every school entity shall forward a certified letter to the
29 parents or legal guardians of expelled students specifying all
30 terms and conditions imposed by the school entity pursuant to

1 this act. If an expelled student is 18 years of age or older or
2 if the school entity has reason to believe that the student is
3 an emancipated minor, a certified letter shall also be forwarded
4 directly to the student.

5 Section 8. Failure to comply.

6 Nothing in this act shall be construed to exempt an expelled
7 student or the student's parents or legal guardians from
8 compulsory education requirements or the penalties contained in
9 sections 1333, 1338 and 1338.1 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, if
11 they fail to provide the student with a sufficient alternate
12 placement program and have not been determined financially
13 unable to do so pursuant to section 4 (relating to education of
14 expelled students of compulsory school age).

15 Section 9. Exemptions.

16 Nothing in this act shall supersede the provisions of the
17 Individuals with Disabilities Education Act (Public Law 91-230,
18 20 U.S.C. § 1400 et seq.) and its corresponding Federal
19 regulations relating to the discipline of challenged students.

20 Section 10. Regulations.

21 The State board shall promulgate regulations to carry out
22 this act.

23 Section 11. Repeals.

24 All acts and parts of acts are repealed insofar as they are
25 inconsistent with this act.

26 Section 12. Effective date.

27 This act shall take effect in 60 days.