

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1643 Session of
2007

INTRODUCED BY BENNINGTON, PARKER, MUNDY, LEACH, WHEATLEY,
FRANKEL, BELFANTI, BRENNAN, CALTAGIRONE, HERSHEY, JAMES,
KORTZ, PETRONE, READSHAW, SCHRODER, SHIMKUS, SIPTROTH, SURRA,
WANSACZ AND YOUNGBLOOD, JUNE 27, 2007

REFERRED TO COMMITTEE ON EDUCATION, JUNE 27, 2007

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.

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

9 Section 1. Section 1302(a) of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended December 23, 2003 (P.L.304, No.48), is amended and the
12 section is amended by adding a subsection to read:

13 Section 1302. Residence and Right to Free School
14 Privileges.--(a) (1) A child shall be considered a resident of
15 the school district in which his parents or the guardian of his
16 person resides. When a child's parents reside in different
17 school districts, the child may be considered a resident of
18 either of the school districts in which his parents reside,
19 regardless of which parent has primary physical custody of the

1 child, provided that the parents agree or a court order so
2 directs.

3 (2) Federal installations are considered a part of the
4 school district or districts in which they are situate and the
5 children residing on such installations shall be counted as
6 resident pupils of the school district.

7 (3) Nothing in this subsection shall be construed to require
8 a school district to transport a child to or from a residence
9 outside of the school district.

10 (a.1) When a resident of any school district keeps in his
11 home a child of school age, not his own, supporting the child
12 gratis as if it were his own, such child shall be entitled to
13 all free school privileges accorded to resident school children
14 of the district, including the right to attend the public high
15 school maintained in such district or in other districts in the
16 same manner as though such child were in fact a resident school
17 child of the district, and shall be subject to all the
18 requirements placed upon resident school children of the
19 district. Before such child may be accepted as a pupil, such
20 resident shall file with the secretary of the board:

21 (1) appropriate legal documentation to show dependency or
22 guardianship; or

23 (2) a sworn statement that he is a resident of the district,
24 that he is supporting the child gratis, that he will assume all
25 personal obligations for the child relative to school
26 requirements, and that he intends to so keep and support the
27 child continuously and not merely through the school term. The
28 school board, pursuant to guidelines issued by the Department of
29 Education, may require other reasonable information to be
30 submitted by the resident to substantiate the sworn statement.

1 The form containing the sworn statement shall include notice in
2 large print of the penalty for providing false information in
3 the sworn statement.

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