

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, YOUNGBLOOD AND PAYTON, JUNE 27, 2007

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 17, 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 ATTEND either of the school districts in which his parents

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1 reside, regardless of which parent has primary physical custody  
2 of the child, provided that the parents agree or a court order <—  
3 so directs. CHILD. THE PARENTS MUST CHOOSE AND SO STATE AND <—  
4 AGREE IN WRITING WHICH OF THE TWO SCHOOL DISTRICTS SHALL BE THE  
5 CHILD'S SCHOOL DISTRICT OF RESIDENCE FOR THE SCHOOL YEAR, UNLESS  
6 THERE IS A COURT ORDER THAT DIRECTS WHICH OF THE TWO DISTRICTS  
7 SHALL BE THE CHILD'S SCHOOL DISTRICT OF RESIDENCE.

8 (2) Federal installations are considered a part of the  
9 school district or districts in which they are situate and the  
10 children residing on such installations shall be counted as  
11 resident pupils of the school district.

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

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

26 (1) appropriate legal documentation to show dependency or  
27 guardianship; or

28 (2) a sworn statement that he is a resident of the district,  
29 that he is supporting the child gratis, that he will assume all  
30 personal obligations for the child relative to school

1 requirements, and that he intends to so keep and support the  
2 child continuously and not merely through the school term. The  
3 school board, pursuant to guidelines issued by the Department of  
4 Education, may require other reasonable information to be  
5 submitted by the resident to substantiate the sworn statement.  
6 The form containing the sworn statement shall include notice in  
7 large print of the penalty for providing false information in  
8 the sworn statement.

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