
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 575 Session of
2007

INTRODUCED BY GREENLEAF, RHOADES, KITCHEN, BOSCOLA, RAFFERTY,
O'PAKE, BROWNE, PIPPY, LOGAN, ARMSTRONG AND STACK,
MARCH 20, 2007

REFERRED TO EDUCATION, MARCH 20, 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," providing for consideration of the
6 residences of registered sex offenders by the Department of
7 Transportation in evaluating the hazards to child safety in
8 walking to school.

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

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

14 Section 1362. Kinds of Transportation; Liability
15 Insurance.--The free transportation of pupils, as required or
16 authorized by this act, or any other act, may be furnished by
17 using either school conveyances, private conveyances, or
18 electric railways, or other common carriers, when the total
19 distance which any pupil must travel by the public highway to or
20 from school, in addition to such transportation, does not exceed

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

16 Section 2. Section 2541(b)(1), (2), (4) and (7) and (c)(1),
17 (2) and (3) of the act are amended and the section is amended by
18 adding subsections to read:

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

20 * * *

21 (b) Such payments for pupil transportation shall be made in
22 the following cases:

23 (1) To school districts of the fourth class and districts of
24 the third class which are located wholly within the boundary
25 lines of a township, or within the boundary lines of a borough
26 which has a population of less than five hundred (500)
27 inhabitants to the square mile, to districts of the third class
28 operating schools jointly with districts of the fourth class or
29 with other districts of the third class entitled to payment on
30 account of transportation to merged or union school districts in

1 which one or more of the component districts were heretofore
2 eligible for reimbursement on account of transportation to new
3 school districts composed of two or more former school districts
4 established as a result of reorganization of school districts
5 pursuant to Article II., subdivision (i) of this act and to
6 school districts which were eligible heretofore for
7 reimbursement on account of transportation, for the
8 transportation of elementary school pupils residing within any
9 part of the district last served by any elementary school closed
10 since the first Monday of July, one thousand nine hundred seven,
11 or within a district all of whose schools have been closed, or
12 who are assigned to a training school of a State college, and in
13 each case who reside one and one-half (1 1/2) miles or more from
14 the school to which they are assigned or who reside in areas
15 where the road or traffic conditions are such that walking
16 constitutes a hazard to the safety of the child when so
17 certified by the Department of Transportation. The Department of
18 Transportation shall take into account the presence of sidewalks
19 along the highway and the residences of registered sex offenders
20 as provided by the Pennsylvania State Police, but such presence
21 or lack thereof shall not be controlling and the department
22 shall consider all relevant safety factors in making its
23 determination as to whether or not walking constitutes a hazard
24 to pupils.

25 (2) To school districts of the fourth class and districts of
26 the third class which are located wholly within the boundary
27 lines of a township, or within the boundary lines of a borough
28 which has a population of less than five hundred (500)
29 inhabitants to the square mile, to merged or union school
30 districts in which one or more of the component districts were

1 heretofore eligible for reimbursement on account of
2 transportation to new school districts composed of two or more
3 former school districts established as a result of
4 reorganization of school districts pursuant to Article II.,
5 subdivision (i) of this act and to school districts which were
6 eligible heretofore for reimbursement on account of
7 transportation, for the transportation of any child living more
8 than two (2) miles by the nearest public highway from the
9 nearest school in session, or any child who resides in an area
10 where the road or traffic conditions are such that walking
11 constitutes a hazard to the safety of the child when so
12 certified by the Bureau of Traffic Safety, and to districts of
13 the third class operating schools jointly with districts of the
14 fourth class or with other districts of the third class entitled
15 to payment on account of transportation for the transportation
16 of any child living more than two (2) miles by the nearest
17 public highway from the nearest jointly operated school in
18 session offering the proper grades including pupils who are
19 attending area technical schools or any child who resides in an
20 area where the road or traffic conditions are such that walking
21 constitutes a hazard to the safety of the child when so
22 certified by the Department of Transportation. The Department of
23 Transportation shall take into account the presence of sidewalks
24 along the highway and the residences of registered sex offenders
25 as provided by the Pennsylvania State Police, but such presence
26 or lack thereof shall not be controlling and the department
27 shall consider all relevant safety factors in making its
28 determination as to whether or not walking constitutes a hazard
29 to pupils.

30 * * *

1 (4) To all third and fourth class school districts, for
2 pupils transported to and from approved consolidated schools or
3 approved joint consolidated schools living one and one-half
4 miles or more from the school of attendance or residing in areas
5 where the road or traffic conditions are such that walking
6 constitutes a hazard to the safety of the child when so
7 certified by the Department of Transportation. The Department of
8 Transportation shall take into account the presence of sidewalks
9 along the highway and the residences of registered sex offenders
10 as provided by the Pennsylvania State Police, but such presence
11 or lack thereof shall not be controlling and the department
12 shall consider all relevant safety factors in making its
13 determination as to whether or not walking constitutes a hazard
14 to pupils.

15 Consolidated schools or joint consolidated schools shall so
16 long as they are approved by the Secretary of Education as to
17 organization, control, location, equipment, courses of study,
18 qualifications of teachers, methods of instruction, condition of
19 admission, expenditures of money, methods and means of
20 transportation and the contracts providing therefor, constitute
21 approved consolidated schools or approved joint consolidated
22 schools.

23 * * *

24 (7) To all school districts, for the transportation of
25 nonresident children who are placed in the home of a resident,
26 or who are inmates of an orphan asylum or home or a children's
27 home or other institution for the care and training of orphans
28 or other children, and who attend the public schools, and who
29 live two miles or more from the nearest school with the proper
30 grades or residing in areas where the road or traffic conditions

1 are such that walking constitutes a hazard to the safety of the
2 child when so certified by the Department of Transportation. The
3 Department of Transportation shall take into account the
4 presence of sidewalks along the highway and the residences of
5 registered sex offenders as provided by the Pennsylvania State
6 Police, but such presence or lack thereof shall not be
7 controlling and the department shall consider all relevant
8 safety factors in making its determination as to whether or not
9 walking constitutes a hazard to pupils.

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

13 (1) To all school districts for the transportation to and
14 from school of elementary school pupils, including kindergarten
15 pupils, residing one and one-half (1 1/2) miles or more by the
16 nearest public highway from the school in which the pupils are
17 enrolled and to which transportation is authorized under section
18 1361 of this act or residing in areas where the road or traffic
19 conditions are such that walking constitutes a hazard to the
20 safety of the child when so certified by the Department of
21 Transportation. The Department of Transportation shall take into
22 account the presence of sidewalks along the highway and the
23 residences of registered sex offenders as provided by the
24 Pennsylvania State Police, but such presence or lack thereof
25 shall not be controlling and the department shall consider all
26 relevant safety factors in making its determination as to
27 whether or not walking constitutes a hazard to pupils. Such
28 elementary school pupils shall include nonresident children who
29 are placed in the home of a resident, or who are residents of an
30 orphanage, or home or children's home or other institution for

1 the care and training of orphans or other children.

2 (2) To all school districts for the transportation to and
3 from school of secondary school pupils residing two (2) miles or
4 more by the nearest public highway from the school in which the
5 pupils are enrolled and to which transportation is authorized
6 under section 1361 of this act or residing in areas where the
7 road or traffic conditions are such that walking constitutes a
8 hazard to the safety of the child when so certified by the
9 Department of Transportation. The Department of Transportation
10 shall take into account the presence of sidewalks along the
11 highway and the residences of registered sex offenders as
12 provided by the Pennsylvania State Police, but such presence or
13 lack thereof shall not be controlling and the department shall
14 consider all relevant safety factors in making its determination
15 as to whether or not walking constitutes a hazard to pupils.
16 Such secondary school pupils shall include nonresident children
17 who are placed in the home of a resident, or who are inmates of
18 an orphan asylum or home or children's home or other institution
19 for the care and training of orphans or other children.

20 (3) To all school districts for pupils transported to and
21 from approved consolidated schools or approved joint
22 consolidated schools living one and one-half (1 1/2) miles or
23 more from the school of attendance or residing in areas where
24 the road or traffic conditions are such that walking constitutes
25 a hazard to the safety of the child when so certified by the
26 Department of Transportation. The Department of Transportation
27 shall take into account the presence of sidewalks along the
28 highway and the residences of registered sex offenders as
29 provided by the Pennsylvania State Police, 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 Consolidated schools or joint consolidated schools shall so
4 long as they are approved as to organization, control, location,
5 equipment, courses of study, qualifications of teachers, methods
6 of instruction, condition of admission, expenditures of money,
7 methods and means of transportation and the contracts providing
8 therefor, constitute approved consolidated schools or approved
9 joint consolidated schools.

10 * * *

11 (f) The Pennsylvania State Police shall provide the
12 Department of Transportation the full home addresses of
13 registered sex offenders kept pursuant to 42 Pa.C.S. § 9799.1
14 (relating to duties of Pennsylvania State Police), the nature of
15 the sex offenders' sexual offenses and their criminal history.
16 The Department of Transportation shall use the full home
17 addresses of registered sex offenders kept pursuant to 42
18 Pa.C.S. § 9799.1 only for the purpose of determining whether
19 conditions are such that walking to school presents too great a
20 hazard to child safety under section 1362 and this section.

21 (g) In taking into account the presence of the residences of
22 registered sex offenders as provided by the Pennsylvania State
23 Police for the sole purpose of determining whether conditions
24 are such that walking to school presents too great a hazard to
25 child safety under section 1362 and this section, the Department
26 of Transportation's consideration shall include, but not be
27 limited to, the nature of the sex offenders' sexual offenses,
28 the sex offenders' criminal history and the proximity of the sex
29 offenders' residences to the pupil walking route. After
30 examining these factors and any other factors deemed necessary

1 by the Department of Transportation, the Department of
2 Transportation shall have the discretion to determine whether
3 conditions are such that walking to school presents too great a
4 hazard to child safety under section 1362 and this section.

5 Section 3. This act shall take effect immediately.