
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1518 Session of
2011

INTRODUCED BY BISHOP, STURLA, COHEN, V. BROWN, MCGEEHAN,
YOUNGBLOOD, WATERS, WILLIAMS, VULAKOVICH AND BROWNLEE,
MAY 10, 2011

REFERRED TO COMMITTEE ON EDUCATION, MAY 10, 2011

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 assignment of
6 pupils to schools.

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

9 Section 1. Section 1310 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended December 17, 1982 (P.L.1378, No.316), and June 29, 1984
12 (P.L.438, No.93), is amended to read:

13 Section 1310. Assignment of Pupils to Schools.--(a) The
14 board of school directors of every school district or joint
15 school shall, for the purpose of designating the schools to be
16 attended by the several pupils in the district or area served by
17 the joint board, subdivide the district or joint school in such
18 manner that all the pupils in the district shall be assigned to,
19 and reasonably accommodated in, one of the public schools in the

1 district or joint school. [The] Except in a school district of
2 the first class, the board of school directors may, upon cause
3 shown, permit any pupil or pupils in any school district to
4 attend such other school in the district as the board may deem
5 proper, or may classify and assign the pupils in the district to
6 any school or schools therein as it may deem best, in order to
7 properly educate them. In a school district of the first class,
8 the board of school directors may classify and assign the pupils
9 in the district to schools in the district as the board deems
10 best, in order to properly educate the pupils; but the board of
11 school directors shall permit any pupil in the school district
12 to attend such other school in the district as the parent or
13 guardian of the pupil requests. Whenever any child or children
14 of compulsory school age have their residence more than two (2)
15 miles by the nearest public highway from the school within the
16 district to which they have been assigned, and free
17 transportation for such child or children to a school within the
18 district is not provided, and there is a school in session in
19 some other district in the Commonwealth within two (2) miles by
20 the nearest public highway of the residence of such child or
21 children, the board of school directors shall, with the consent
22 of the board of school directors of such other district,
23 reassign such child or children to such school in the other
24 district, and shall pay to said district the tuition charge
25 provided for by this act. This provision shall include in like
26 manner assignment to high schools in the case of pupils of
27 compulsory school age who are qualified to be enrolled in such
28 high schools. It shall be unlawful for any school directors,
29 superintendent, or teacher to make any distinction whatever, on
30 account of, or by reason of, the race or color of any pupil or

1 scholar who may be in attendance upon, or seeking admission to,
2 any public school maintained wholly or in part under the school
3 laws of the Commonwealth.

4 (b) Notwithstanding anything to the contrary stated within
5 this law, the board of school directors of any school district,
6 in which a day treatment program operated under approval from
7 the Department of Public Welfare by a private children and youth
8 agency is located, may in its discretion purchase educational
9 services for children referred, pursuant to a proceeding under
10 42 Pa.C.S. Ch. 63 (relating to juvenile matters), to such an
11 agency. Before the board of school directors purchases
12 educational services from the agency for a specific child, it
13 must document that the child cannot receive appropriate
14 educational services in a regular classroom setting because of
15 behavioral or psychological reasons: Provided, however, That
16 nothing contained in this section shall be construed to alter or
17 limit the educational rights of exceptional children.

18 (c) The actual cost, not to exceed the tuition charges of
19 the school district in which such day treatment program is
20 located, shall be borne by the school district of the child's
21 residence. If the school district of residence of the child
22 cannot be determined, the costs shall be borne by the Department
23 of Education. The department shall effectuate necessary
24 procedures for the transfer of funds from the school district of
25 residence to the school district in which the day treatment
26 program is located. In effectuating the transfer of funds, the
27 department may deduct the appropriate amount from the basic
28 instructional subsidy of any school district which had resident
29 students who were provided educational services by an approved
30 children and youth agency.

1 (d) For the purpose of this section, educational services
2 shall be defined as direct expenditures for instruction and the
3 administration of the instructional program. Any expenditure not
4 pertaining directly to instruction and the administration of the
5 instructional program of the students shall be considered a cost
6 of child welfare services as provided for in sections 704.1 and
7 704.2, act of June 13, 1967 (P.L.31, No.21), known as the
8 "Public Welfare Code," and as a social service as defined in the
9 regulations promulgated pursuant to that act. Under no
10 circumstances shall a school district or the Department of
11 Education be required to provide funding for programs operated
12 in excess of one hundred eighty (180) days of instruction or
13 nine hundred (900) hours of instruction at the elementary level
14 or nine hundred ninety (990) hours of instruction at the
15 secondary level during any one school year.

16 Section 2. The amendment of section 1310 of the act shall
17 apply to school years beginning after December 31, 2011.

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