

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 36 Session of 2011

INTRODUCED BY GREENLEAF, BROWNE, RAFFERTY, KITCHEN, TARTAGLIONE
AND LEACH, JANUARY 12, 2011

REFERRED TO EDUCATION, JANUARY 12, 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," in pupils and attendance and in
6 reimbursements by Commonwealth and between school districts,
7 providing for consideration of the residences of registered
8 sex offenders by the Department of Transportation in
9 evaluating the hazards to child safety in walking to school.

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

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

15 Section 1362. Kinds of Transportation; Liability
16 Insurance.--The free transportation of pupils, as required or
17 authorized by this act, or any other act, may be furnished by
18 using either school conveyances, private conveyances, or
19 electric railways, or other common carriers, when the total
20 distance which any pupil must travel by the public highway to or
21 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, amended November 20, 1979 (P.L.465,
18 No.97), are amended and the section is amended by adding
19 subsections to read:

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

21 * * *

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

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

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

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

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

1 * * *

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

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

24 * * *

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

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

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

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

orphanage, or home or children's home or other institution for the care and training of orphans or other children.

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

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1 1/2) miles or more from the school of attendance or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway and the residences of registered sex offenders as provided by the Pennsylvania State Police, but such presence or

1 lack thereof shall not be controlling and the department shall
2 consider all relevant safety factors in making its determination
3 as to whether or not walking constitutes a hazard to pupils.

4 Consolidated schools or joint consolidated schools shall so
5 long as they are approved as to organization, control, location,
6 equipment, courses of study, qualifications of teachers, methods
7 of instruction, condition of admission, expenditures of money,
8 methods and means of transportation and the contracts providing
9 therefor, constitute approved consolidated schools or approved
10 joint consolidated schools.

11 * * *

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

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

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

6 Section 3. This act shall take effect immediately.