

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 354 Session of 2015

INTRODUCED BY BREWSTER, FONTANA AND COSTA, JANUARY 28, 2015

REFERRED TO EDUCATION, JANUARY 28, 2015

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 high schools, further providing  
 6 for attendance in other districts.

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

9 Section 1. Section 1607(a), (b), (b.1) and (c) of the act of  
 10 March 10, 1949 (P.L.30, No.14), known as the Public School Code  
 11 of 1949, amended or added November 23, 2010 (P.L.1350, No.123),  
 12 June 30, 2012 (P.L.684, No.82) and July 12, 2012 (P.L.1142,  
 13 No.141), are amended to read:

14 Section 1607. Attendance in Other Districts.--(a) Except as  
 15 set forth in subsection (b), pupils residing in a school  
 16 district in which no public elementary school or high school is  
 17 maintained may attend, during the entire term, at the expense of  
 18 the school district of which they are residents, the nearest or  
 19 most conveniently located elementary school or high school of  
 20 such class as they may desire to attend, unless the board of

1 school directors of the district of residence shall have  
2 assigned the pupils to [a] an elementary school or high school  
3 and adequate transportation is provided thereto. Pupils who  
4 reside in a school district in which no public high school,  
5 other than a vocational high school is maintained, may attend,  
6 during the entire term, the nearest or most conveniently located  
7 academic high school. In any district which maintains a high  
8 school whose program of studies terminates before the end of the  
9 twelfth year, pupils who have satisfactorily completed the  
10 program of studies there available in other than vocational  
11 schools or departments, or have completed a program of studies  
12 equivalent to said program of studies in some other school or  
13 schools, may attend, at the expense of the school district in  
14 which they live, and for the purpose of pursuing academic  
15 studies of a higher grade, the nearest or most conveniently  
16 located high school of such type as they may desire to attend  
17 giving further high school work.

18 (b) If a third class school district operating under a chief  
19 recovery officer appointed pursuant to section 631-A has, with  
20 the approval of the Secretary of Education, curtailed its  
21 educational program by eliminating its elementary school, the  
22 school district shall assign the pupils of the elementary school  
23 to an elementary school in another school district that has  
24 agreed to enroll such pupils on a tuition basis. If a third  
25 class school district operating under a [special board of  
26 control] chief recovery officer appointed pursuant to section  
27 [692] 631-A has, with the approval of the Secretary of  
28 Education, curtailed its educational program by eliminating its  
29 high school and has not assigned its high school pupils to  
30 another school district and provided adequate transportation in

1 a manner under subsection (a), the secretary shall have the  
2 following authority:

3 (1) To designate two or more school districts, which shall  
4 accept on a tuition basis the high school students of the  
5 distressed school district, so long as a designated school  
6 district's border is no more than [~~three (3)~~] ten (10) miles  
7 from the border of the distressed school district. The  
8 designation under this paragraph shall occur no later than  
9 thirty (30) days after receiving the approval of the secretary  
10 to curtail its educational program by the elimination of its  
11 high school, provided, however, that if any school district  
12 meets the criteria of this subsection on the effective date of  
13 this subsection, the designation of school districts shall occur  
14 no later than thirty (30) days after the effective date of this  
15 subsection.

16 (2) To establish a process for the distressed school  
17 district to use to reassign its high school students to the  
18 school districts designated under paragraph (1).

19 (3) To establish the per-pupil tuition rate that a school  
20 district designated under paragraph (1) shall receive for each  
21 reassigned student in a regular or special education program.  
22 For the 2010-2011 and 2011-2012 school years, the tuition rate  
23 established under this paragraph may not exceed the product of:

24 (i) the tuition rate established for the 2007-2008 school  
25 year; and

26 (ii) the greater of:

27 (A) two percent (2%); or

28 (B) the percentage increase in total budgeted revenues  
29 available to a distressed school district.

30 (4) For the 2012-2013 school year and each school year

1 thereafter, the per pupil tuition rate that a school district  
2 designated under paragraph (1) shall receive for each reassigned  
3 student in a regular or special education program shall be the  
4 greater of ten thousand dollars (\$10,000) or the product of:

5 (i) the tuition rate established for the prior school year;  
6 and

7 (ii) the greater of:

8 (A) the percentage increase in total budgeted revenues  
9 available to a distressed school district; or

10 (B) the index set pursuant to the act of June 27, 2006 (1st  
11 Sp.Sess., P.L.1873, No.1), known as the "Taxpayer Relief Act,"  
12 for the distressed school district.

13 (b.1) (1) The following shall apply to professional and  
14 temporary professional employes of a school district in which  
15 pupils have been reassigned to another school district pursuant  
16 to subsection (b):

17 (i) The school district that has eliminated its elementary  
18 school or high school shall create a pool comprised of the  
19 professional [and], temporary professional and educational  
20 support professional employes who have received formal notice of  
21 suspension as a result of the school district's elimination of  
22 its elementary school or high school program.

23 (ii) Employes in the pool created under clause (i) shall be  
24 offered employment by any school district receiving students who  
25 have been reassigned pursuant to subsection (b) whenever that  
26 school district has a vacancy for a position that an employe in  
27 the pool is certified to fill in the case of professional and  
28 temporary professional employes or qualified to fill, in the  
29 case of educational support professionals, provided that no  
30 employe of the school district in which the vacancy exists,

1 including a suspended or demoted employe, has a right to such  
2 vacancy under this act or the collective bargaining agreement of  
3 that school district.

4 (iii) No new employe shall be hired by any school district  
5 receiving students who have been reassigned pursuant to  
6 subsection (b) until the position has been offered, in order of  
7 seniority, to all properly certified members of the pool created  
8 under clause (i).

9 (2) Employes hired from the pool as provided under this  
10 subsection shall be credited by the hiring school district for  
11 all sick leave accumulated in the school district that has  
12 eliminated its elementary school or high school program and  
13 shall be credited for years of service in the school district  
14 that has eliminated its elementary school or high school program  
15 for purposes of salary schedule placement. Temporary  
16 professional [and], professional and educational support  
17 professional employes shall further be credited for their years  
18 of service in the school district that has eliminated its  
19 elementary school or high school program for purposes of  
20 sabbatical leave eligibility, suspension and realignment rights  
21 and eligibility for any retirement incentives or severance  
22 payments in a hiring school district.

23 (c) A school district [designated under subsection (b)(1)]  
24 into which students have been reassigned from another school  
25 district pursuant to subsection (b) shall provide transportation  
26 to reassigned students to [its high] the school to which they  
27 are assigned and shall be eligible for transportation  
28 reimbursement in a manner consistent with section 2541.

29 \* \* \*

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