

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 664 Session of 2017

INTRODUCED BY LEACH, MAY 2, 2017

REFERRED TO EDUCATION, MAY 2, 2017

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, further
 6 providing for residence and right to free school privileges
 7 and for suspension and expulsion of pupils.

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

10 Section 1. Sections 1302 and 1318 of the act of March 10,
 11 1949 (P.L.30, No.14), known as the Public School Code of 1949,
 12 are amended to read:

13 Section 1302. Residence and Right to Free School
 14 Privileges.--(a) A child shall be considered a resident of the
 15 school district in which his parents or the guardian of his
 16 person resides. Federal installations are considered a part of
 17 the school district or districts in which they are situate and
 18 the children residing on such installations shall be counted as
 19 resident pupils of the school district. If it is found that a
 20 parent or guardian of a child has knowingly enrolled a child in
 21 a school district for which the child is not eligible, the child

1 must be removed from the school after notice of an opportunity
2 to appeal the removal in accordance with the appropriate
3 grievance policy of the school district, unless the affected
4 school district's board of directors agrees to grant permission
5 to attend in accordance with section 1316.

6 (a.1) When a resident of any school district keeps in his
7 home a child of school age, not his own, supporting the child
8 gratis as if it were his own, such child shall be entitled to
9 all free school privileges accorded to resident school children
10 of the district, including the right to attend the public high
11 school maintained in such district or in other districts in the
12 same manner as though such child were in fact a resident school
13 child of the district, and shall be subject to all the
14 requirements placed upon resident school children of the
15 district. Before such child may be accepted as a pupil, such
16 resident shall file with the secretary of the board:

17 (1) appropriate legal documentation to show dependency or
18 guardianship; or

19 (2) a sworn statement that he is a resident of the district,
20 that he is supporting the child gratis, that he will assume all
21 personal obligations for the child relative to school
22 requirements, and that he intends to so keep and support the
23 child continuously and not merely through the school term. The
24 school board, pursuant to guidelines issued by the Department of
25 Education, may require other reasonable information to be
26 submitted by the resident to substantiate the sworn statement.
27 The form containing the sworn statement shall include notice in
28 large print of the penalty for providing false information in
29 the sworn statement.

30 (b) If it is found that information contained in the sworn

1 statement is false, the parent or guardian of the child has
2 refused to comply with the school district administrator's
3 request to withdraw and it is determined that the affected
4 school district's board of directors does not wish to grant
5 permission to attend in accordance with section 1316, the child
6 must be removed from the school following the adjudication of an
7 expulsion hearing in accordance with section 1318 and after
8 notice of an opportunity to appeal the removal pursuant to the
9 appropriate grievance policy of the school district.

10 (c) Notwithstanding any other provision of law to the
11 contrary, [a person who knowingly provides] penalties for a
12 violation of this section are as follows:

13 (1) A parent or guardian who has been formally determined by
14 a school district's board of directors, authorized board
15 committee or designated hearing examiner to have knowingly
16 enrolled the child in a school district for which the child is
17 not eligible commits a summary offense and shall, upon
18 conviction, be sentenced to pay a fine of not more than three
19 hundred dollars (\$300) for the benefit of the affected school
20 district or to perform up to two hundred forty (240) hours of
21 community service, or both. In addition, the parent or guardian
22 shall pay all court costs and shall be liable to the affected
23 school district for an amount equal to the cost of tuition
24 calculated in accordance with section 2561 during the period of
25 enrollment.

26 (2) An individual who has been formally determined by a
27 school district's board of directors, authorized board committee
28 or designated hearing examiner to have knowingly provided false
29 information in the sworn statement for the purpose of enrolling
30 a child in a school district for which the child is not eligible

1 commits a summary offense and shall, upon conviction for such
2 violation, be sentenced to pay a fine of no more than three
3 hundred dollars (\$300) for the benefit of the school district in
4 which the person resides or to perform up to two hundred forty
5 (240) hours of community service, or both. In addition, the
6 person shall pay all court costs and shall be liable to the
7 school district for an amount equal to the cost of tuition
8 calculated in accordance with section 2561 during the period of
9 enrollment.

10 (c.1) An individual who is convicted or acknowledges guilt
11 of a second or subsequent offense pursuant to subsection (c)(1)
12 or (2) commits a misdemeanor and shall, upon conviction, be
13 sentenced to pay a fine of not more than one thousand dollars
14 (\$1,000) for the benefit of the affected school district or to
15 perform up to five hundred (500) hours of community service, or
16 both. In addition, the individual shall pay all court costs and
17 shall be liable to the affected school district for an amount
18 equal to the cost of tuition calculated in accordance with
19 section 2561 during the period of enrollment.

20 (d) Notwithstanding the provisions of subsection (a), when a
21 child lives outside of Pennsylvania as a result of one or both
22 parents being called or ordered to active military duty, other
23 than active duty training, the child shall continue to be
24 considered a resident of the school district that was the
25 child's resident school district immediately prior to the parent
26 being stationed outside of Pennsylvania, provided that the
27 parent maintains the residence.

28 Section 1318. Suspension and Expulsion of Pupils.--Every
29 principal or teacher in charge of a public school may
30 temporarily suspend any pupil on account of enrollment outside

1 of the district of residence, disobedience or misconduct, and
2 any principal or teacher suspending any pupil shall promptly
3 notify the district superintendent or secretary of the board of
4 school directors. The board may, after a proper hearing, suspend
5 such child for such time as it may determine, or may permanently
6 expel him. Such hearings, suspension, or expulsion may be
7 delegated to a duly authorized committee of the board, or to a
8 duly qualified hearing examiner, who need not be a member of the
9 board, but whose adjudication must be approved by the board.
10 Section 2. This act shall take effect in 60 days.