

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 736 Session of 2019

INTRODUCED BY ROEBUCK, RABB, KINSEY, YOUNGBLOOD, HILL-EVANS,
LONGIETTI AND NEILSON, MARCH 18, 2019

REFERRED TO COMMITTEE ON EDUCATION, MARCH 18, 2019

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

1 a school district for which the child is not eligible, the child
2 must be removed from the school after notice of an opportunity
3 to appeal the removal in accordance with the appropriate
4 grievance policy of the school district, unless the affected
5 school district's board of directors agrees to grant permission
6 to attend in accordance with section 1316.

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

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

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

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

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

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

27 (2) An individual who has been formally determined by a
28 school district's board of directors, authorized board committee
29 or designated hearing examiner to have knowingly provided false
30 information in the sworn statement for the purpose of enrolling

1 a child in a school district for which the child is not eligible
2 commits a summary offense and shall, upon conviction for such
3 violation, be sentenced to pay a fine of no more than three
4 hundred dollars (\$300) for the benefit of the school district in
5 which the person resides or to perform up to two hundred forty
6 (240) hours of community service, or both. In addition, the
7 person shall pay all court costs and shall be liable to the
8 school district for an amount equal to the cost of tuition
9 calculated in accordance with section 2561 during the period of
10 enrollment.

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

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

29 Section 1318. Suspension and Expulsion of Pupils.--Every
30 principal or teacher in charge of a public school may

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

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