
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 458 Session of
2021

INTRODUCED BY McNEILL, N. NELSON, CONKLIN, FREEMAN, HILL-EVANS,
NEILSON, PISCIOTTANO, SCHWEYER, HOWARD, MILLARD, KINKEAD,
DELLOSO AND LEE, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 9, 2021

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

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

12 Section 1302. Residence and Right to Free School
13 Privileges.--(a) A child shall be considered a resident of the
14 school district in which his parents or the guardian of his
15 person resides. Federal installations are considered a part of
16 the school district or districts in which they are situate and
17 the children residing on such installations shall be counted as
18 resident pupils of the school district.

19 (a.1) If it is found that the parents or guardian of a child

1 described in subsection (a) do not reside in the school
2 district, the child may not be removed from the school until all
3 possible appeals have been exhausted or, if no appeal is filed,
4 the last date upon which the final appeal could have been filed
5 pursuant to the appropriate grievance policy of the school
6 district.

7 (a.2) 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 described under this subsection may
17 be accepted as a pupil, such resident shall file with the
18 secretary of the board:

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

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

1 the sworn statement.

2 (b) If it is found that information contained in the sworn
3 statement is false, the child [must be removed from the school
4 after notice of an opportunity to appeal the removal] described
5 under subsection (a.2) may not be removed from the school until
6 all possible appeals have been exhausted or, if no appeal is
7 filed, the last date upon which the final appeal could have been
8 filed pursuant to the appropriate grievance policy of the school
9 district.

10 (c) Notwithstanding any other provision of law to the
11 contrary, a person who knowingly provides false information in
12 the sworn statement for the purpose of enrolling a child in a
13 school district for which the child is not eligible commits a
14 summary offense and shall, upon conviction for such violation,
15 be sentenced to pay a fine of no more than three hundred dollars
16 (\$300) for the benefit of the school district in which the
17 person resides or to perform up to two hundred forty (240) hours
18 of community service, or both. In addition, the person shall pay
19 all court costs and shall be liable to the school district for
20 an amount equal to the cost of tuition calculated in accordance
21 with section 2561 during the period of enrollment.

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

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