

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 952 Session of 2015

INTRODUCED BY ROEBUCK, TRUITT, GAINNEY, KINSEY, MILLARD,
 V. BROWN, SCHREIBER, YOUNGBLOOD, COHEN, McNEILL, DeLUCA,
 McCARTER AND GIBBONS, APRIL 10, 2015

REFERRED TO COMMITTEE ON EDUCATION, APRIL 10, 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 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. Section 1302 of the act of March 10, 1949
 11 (P.L.30, No.14), known as the Public School Code of 1949,
 12 amended or added December 23, 2003 (P.L.304, No.48) and November
 13 17, 2010 (P.L.996, No.104), is amended to read:

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

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

8 (a.1) When a resident of any school district keeps in his
9 home a child of school age, not his own, supporting the child
10 gratis as if it were his own, such child shall be entitled to
11 all free school privileges accorded to resident school children
12 of the district, including the right to attend the public high
13 school maintained in such district or in other districts in the
14 same manner as though such child were in fact a resident school
15 child of the district, and shall be subject to all the
16 requirements placed upon resident school children of the
17 district. Before such child may be accepted as a pupil, such
18 resident shall file with the 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 parent or guardian of the child has
4 refused to comply with the school district administrator's
5 request to withdraw and it is determined that the affected
6 school district's board of directors does not wish to grant
7 permission to attend pursuant to section 1316, the child must be
8 removed from the school following the adjudication of an
9 expulsion hearing pursuant to section 1318 and after notice of
10 an opportunity to appeal the removal pursuant to the appropriate
11 grievance policy of the school district.

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

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

28 (2) An individual who has been formally determined by a
29 school district's board of directors, authorized board committee
30 or designated hearing examiner to have knowingly provided false

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

12 (c.1) An individual who is convicted or acknowledges guilt
13 of a second or subsequent offense pursuant to subsection (c) (1)
14 or (2) shall be guilty of a misdemeanor and shall, upon
15 conviction, be sentenced to pay a fine of not more than one
16 thousand dollars (\$1,000) for the benefit of the affected school
17 district or to perform up to five hundred (500) hours of
18 community service, or both. In addition, the individual shall
19 pay all court costs and shall be liable to the affected school
20 district for an amount equal to the cost of tuition calculated
21 in accordance 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. Section 1318 of the act, amended February 8, 1980

1 (P.L.3, No.2), is amended to read:

2 Section 1318. Suspension and Expulsion of Pupils.--Every
3 principal or teacher in charge of a public school may
4 temporarily suspend any pupil on account of enrollment outside
5 of the district of residence, disobedience or misconduct, and
6 any principal or teacher suspending any pupil shall promptly
7 notify the district superintendent or secretary of the board of
8 school directors. The board may, after a proper hearing, suspend
9 such child for such time as it may determine, or may permanently
10 expel him. Such hearings, suspension, or expulsion may be
11 delegated to a duly authorized committee of the board, or to a
12 duly qualified hearing examiner, who need not be a member of the
13 board, but whose adjudication must be approved by the board.

14 Section 3. This act shall take effect in 60 days.