

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1281 Session of 2008

INTRODUCED BY PIPPY, RHOADES, ERICKSON, ORIE, BROWNE, DINNIMAN, WONDERLING, GREENLEAF, PICCOLA, RAFFERTY, KITCHEN, WAUGH, REGOLA, A. WILLIAMS AND FERLO, FEBRUARY 26, 2008

SENATOR RHOADES, EDUCATION, AS AMENDED, MAY 6, 2008

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(a) of the act of March 10, 1949 <—~~
10 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
11 ~~amended December 23, 2003 (P.L.304, No.48), is amended to read:~~

12 SECTION 1. SECTION 1302 OF THE ACT OF MARCH 10, 1949 <—
13 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS
14 AMENDED BY ADDING A SUBSECTION TO READ:

15 Section 1302. Residence and Right to Free School
16 Privileges. ~~(a) [A] (1) Subject to the provisions of <—~~
17 ~~paragraph (2), a child shall be considered a resident of the~~
18 ~~school district in which his parents or the guardian of his~~
19 ~~person resides. Federal installations are considered a part of~~

1 ~~the school district or districts in which they are situate and~~
2 ~~the children residing on such installations shall be counted as~~
3 ~~resident pupils of the school district.~~

4 ~~(2) A child whose parents have been called or ordered to~~
5 ~~active military duty, other than training, and whose parents own~~
6 ~~a residence in the school district shall be considered a~~
7 ~~resident of the school district where the residence is located.~~

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 * * *

3 PRIVILEGES.--* * *

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4 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A), WHEN A
5 CHILD LIVES OUTSIDE OF PENNSYLVANIA AS A RESULT OF ONE OR BOTH
6 PARENTS BEING CALLED OR ORDERED TO ACTIVE MILITARY DUTY, OTHER
7 THAN ACTIVE DUTY TRAINING, THAT CHILD SHALL CONTINUE TO BE
8 CONSIDERED A RESIDENT OF THE SCHOOL DISTRICT THAT WAS THE
9 CHILD'S RESIDENT SCHOOL DISTRICT IMMEDIATELY PRIOR TO THE PARENT
10 BEING STATIONED OUTSIDE OF PENNSYLVANIA, PROVIDED THAT THE
11 PARENT MAINTAINS THE RESIDENCE.

12 Section 2. This act shall take effect ~~in 60 days~~

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13 IMMEDIATELY.

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