

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 663 Session of 2023

INTRODUCED BY McNEILL, HOHENSTEIN, HILL-EVANS, MADDEN, IRVIN, SANCHEZ, KINSEY, KHAN, CEPEDA-FREYTIZ, HANBIDGE, KINKEAD, TAKAC AND RADER, MARCH 22, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 31, 2023

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.1) IF IT IS FOUND THAT THE PARENTS, GUARDIANS OR ANY <--  
8 OTHER PERSON HAVING CHARGE OR CARE OF A CHILD DESCRIBED IN  
9 SUBSECTION (A) DO NOT RESIDE IN THE SCHOOL DISTRICT AND A  
10 DETERMINATION IS MADE THAT THE CHILD IS NOT OTHERWISE ENTITLED  
11 TO FREE SCHOOL PRIVILEGES, THE CHILD MAY NOT BE DISENROLLED FROM  
12 THE SCHOOL UNTIL:

13 (1) THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING CHARGE  
14 OR CARE OF THE CHILD ARE PROVIDED AN OPPORTUNITY TO APPEAL THE  
15 DECISION THROUGH A HEARING HELD PURSUANT TO AN APPROPRIATE  
16 GRIEVANCE POLICY OF THE SCHOOL DISTRICT AND ANY APPEAL HAS BEEN  
17 EXHAUSTED;

18 (2) AFTER THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING  
19 CHARGE OR CARE OF THE CHILD HAVE BEEN PROVIDED NOTICE OF SUCH A  
20 HEARING, THE PARENTS, GUARDIANS OR OTHER PERSON HAVING CHARGE OR  
21 CARE OF THE CHILD DECLINE TO PARTICIPATE IN A HEARING PURSUANT  
22 TO THE APPROPRIATE GRIEVANCE POLICY OF THE SCHOOL DISTRICT OR  
23 APPEALS PROCESS;

24 (3) AFTER THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING  
25 CHARGE OR CARE OF THE CHILD HAVE BEEN PROVIDED INFORMATION FROM  
26 THE SCHOOL DISTRICT'S LIAISON FOR HOMELESS CHILDREN AND YOUTH  
27 REGARDING THE EDUCATIONAL RIGHTS OF HOMELESS STUDENTS UNDER 42  
28 U.S.C. § 11431 (RELATING TO STATEMENT OF POLICY). INFORMATION  
29 PROVIDED UNDER 42 U.S.C. § 11431 SHALL BE PROVIDED IN A MANNER  
30 AND FORM UNDERSTANDABLE TO THE PARENTS, GUARDIANS OR ANY OTHER

1 PERSON HAVING CHARGE OR CARE OF THE CHILD; OR

2 (4) A COURT ENTERS AN ORDER DIRECTING THE CHILD TO BE  
3 DISENROLLED AND ENROLLED IN A DIFFERENT SCHOOL.

4 (a.2) When a resident of [any] a school district keeps in  
5 his home a child of school age, not his own, supporting the  
6 child gratis as if it were his own, [such] the child shall be  
7 entitled to all free school privileges accorded to resident  
8 school children of the district, including the right to attend  
9 the public high school maintained in [such] the district or in  
10 other districts in the same manner as though [such] the child  
11 were in fact a resident school child of the district, and shall  
12 be subject to all the requirements placed upon resident school  
13 children of the district. Before [such] a child described in  
14 this subsection may be accepted as a pupil, [such] the resident  
15 shall file with the secretary of the board:

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

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

29 ~~(b) If it is found that information contained in the sworn~~ <--  
30 ~~statement is false, the child [must be removed from the school]~~

1 ~~after notice of an opportunity to appeal the removal] described~~  
2 ~~in subsection (a.2) 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 (B) IF IT IS FOUND THAT INFORMATION CONTAINED IN THE SWORN <--  
8 STATEMENT IS FALSE, THE CHILD [MUST BE REMOVED FROM THE SCHOOL  
9 AFTER NOTICE OF AN OPPORTUNITY TO APPEAL THE REMOVAL PURSUANT TO  
10 THE APPROPRIATE GRIEVANCE POLICY OF THE SCHOOL DISTRICT.]  
11 DESCRIBED IN SUBSECTION (A.2) MAY NOT BE DISENROLLED FROM THE  
12 SCHOOL UNTIL:

13 (1) THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING CHARGE  
14 OR CARE OF THE CHILD ARE PROVIDED AN OPPORTUNITY TO APPEAL THE  
15 DETERMINATION OF FALSE INFORMATION THROUGH A HEARING HELD  
16 PURSUANT TO AN APPROPRIATE GRIEVANCE POLICY OF THE SCHOOL  
17 DISTRICT AND ANY APPEAL HAS BEEN EXHAUSTED;

18 (2) AFTER THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING  
19 CHARGE OR CARE OF THE CHILD HAVE BEEN PROVIDED NOTICE OF SUCH A  
20 HEARING, THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING  
21 CHARGE OR CARE OF THE CHILD DECLINE TO PARTICIPATE IN A HEARING  
22 PURSUANT TO THE APPROPRIATE GRIEVANCE POLICY OF THE SCHOOL  
23 DISTRICT OR APPEAL;

24 (3) AFTER THE PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING  
25 CHARGE OR CARE OF THE CHILD HAVE BEEN PROVIDED INFORMATION FROM  
26 THE SCHOOL DISTRICT'S LIAISON FOR HOMELESS CHILDREN AND YOUTH  
27 REGARDING THE EDUCATIONAL RIGHTS OF HOMELESS STUDENTS UNDER 42  
28 U.S.C. § 11431. INFORMATION PROVIDED UNDER 42 U.S.C. § 11431  
29 SHALL BE PROVIDED IN A MANNER AND FORM UNDERSTANDABLE TO THE  
30 PARENTS, GUARDIANS OR ANY OTHER PERSON HAVING CHARGE OR CARE OF

1 THE CHILD; OR

2 (4) A COURT ENTERS AN ORDER DIRECTING THE CHILD TO BE  
3 DISENROLLED AND ENROLLED IN A DIFFERENT SCHOOL.

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

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

24 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFLICT <--  
25 OR BE INCONSISTENT WITH 42 U.S.C. CH. 119 (RELATING TO HOMELESS  
26 ASSISTANCE).

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