

**ALLAN EGOLF, MEMBER**

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*House of Representatives*  
**COMMONWEALTH OF PENNSYLVANIA**  
**HARRISBURG**

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VIETNAM VETERANS' HEALTH  
INITIATIVE COMMISSION  
PA INTERSTATE COMPACT COMMISSION  
FOR EDUCATION  
CHILDREN AND FAMILIES TASK FORCE

January 19, 1999

TO: All House Members

FROM: Rep. Allan Egolf *ae*

SUBJECT: Reintroduction of Legislation - **Expelled Students**

I am planning to reintroduce legislation (previously H.B. 1408) which would require parental responsibility for the cost of alternative education of their children who are expelled from the public schools of the Commonwealth. The bill further provides conditions and procedures for the possible readmission of an expelled student, as well as the education responsibilities of the school district.

If you wish to cosponsor this legislation, please contact Teri Root by Groupwise or by e-mail at [troot@pahousegov.com](mailto:troot@pahousegov.com) or call 3-1593 as soon as possible.

AE/tcr

**Prior Cosponsors:** FLICK, E. Z. TAYLOR, STEVENSON, GORDNER, CLARK, HASAY, GEIST, FICHTER, RUBLEY, WAUGH, SAYLOR, STABACK, BOSCOLA, HUTCHINSON, COY, FEESE, SCHULER, DeLUCA, MAJOR, D. W. SNYDER, STERN, ALLEN, BROWNE, READSHAW, McGILL, LYNCH, DENT, BARRAR, ZUG, FLEAGLE, ARMSTRONG, ZIMMERMAN, TRUE, MAITLAND, ROHRER, PLATTS and NAILOR.

# LEGISLATIVE POSITION



OFFICE OF  
GOVERNMENTAL  
AND MEMBER RELATIONS

**For Further Information, Contact:**

Thomas J. Gentzel, Assistant Executive Director for Governmental and Member Relations  
Timothy M. Allwein, Director of Legislative Services

Pennsylvania School Boards Association • 774 Limekiln Road • New Cumberland, PA 17070-2398 • (717) 774-2331 • FAX (717) 774-0718

TO: House of Representatives  
SUBJECT: Position Paper – House Bill 1576  
DATE: January 31, 2000

## **PSBA SUPPORTS HOUSE BILL 1576 WITH AMENDMENTS**

House Bill 1576 is a freestanding bill that establishes the Student Responsibility Law. The bill provides for procedures for students who are expelled from school and authorizes school boards to enact policies for the readmission of those students into the regular classroom. Specifically, HB 1576 provides that school entities are not required to pay for the education of any expelled student of compulsory school age during the expulsion period. The only exception is if a court of competent jurisdiction determines that the parents or guardians of an expelled student lack access to the financial resources necessary to provide for an alternative education program that is agreeable to the school entity.

If a school entity pays for an expelled student's alternative education, the student must submit a sworn affidavit stating that he or she agrees to comply with the terms and conditions of the alternative education program.

Upon completion of the expulsion period or 12 months, whichever is less, the school entity must readmit the student subject to the terms and conditions established by the board or provide the student with an alternative education program approved by the board.

Additionally, HB 1576 requires school districts to establish policies governing the readmission of expelled students. The policy must include a sworn affidavit signed by the expelled student and his parents requesting readmission to the school entity and stating that the student agrees to comply with the terms and conditions established by the board.

Under HB 1576, students who are readmitted under the school's readmission policy and who are subsequently expelled are liable for legal costs incurred by the school entity in any future expulsion proceedings. If the student is a minor, the parents of the student are responsible for those costs.

Finally, the bill expands on current law regarding the admission of students into a new school entity after having been expelled from another school entity. Current law permits exclusion from a receiving school entity only for students expelled from other school entities for weapons violations. HB 1576 expands this provision to students expelled for any reason.

PSBA supports HB 1576 with amendments. For years Chapter 12 of the State Board of Education's regulation and the School Code have been in conflict with regard to who pays for an expelled student's alternative placement. Chapter 12 provides for parent responsibility, but allows them to circumvent this duty to pay if they provide written evidence to the school that they cannot do so. This process has evolved to a point where practically no parents pay for alternative placements. Because those same regulations require a continuation of an expelled student's education, the school entity is often times left to pick up the tab. HB 1576 firmly places the responsibility on parents to pay for an expelled student's education unless they can prove to a court that they do not possess access to adequate financial resources to do so.

In addition the bill places further accountability and responsibility on the parents of expelled students to ensure that subsequent behavior meets school guidelines, a provision that is not contained in current law. Finally, provisions in the bill that permit a school entity to deny admission to a student who is expelled from another school entity will prohibit students from jumping from district to district without serving the full term of their expulsion.

PSBA also seeks support for technical amendments to be offered by Rep. Egolf and an amendment that gives school entities greater flexibility in accepting students expelled from non-public schools offered by Rep. Roebuck.

COPY

MAR 28 2000

31ST DISTRICT  
HAROLD F. MOWERY, JR.

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Senate of Pennsylvania

March 24, 2000

COMMITTEES

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CAPITOL PRESERVATION COMMITTEE  
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LONG TERM CARE  
LEGISLATIVE DATA PROCESSING COMMITTEE  
LEGISLATIVE SPORTSMEN'S CAUCUS  
PENNSYLVANIA INFRASTRUCTURE  
INVESTMENT AUTHORITY  
SENATE FIRE FIGHTERS LEGISLATIVE  
CAUCUS

*file c.o.  
HB 1576*

Senator James J. Rhoades, Chairman  
Senate Education Committee  
Senate Box 203029  
Main Capitol Building  
Harrisburg, PA 17120-3029

Dear Jim:

I am writing to respectfully request that you give due consideration to bringing House Bill 1576, sponsored by Rep. C. Allan Egolf of Perry County, before the Senate Education Committee for consideration.

As you know, House Bill 1576 passed the House on February 14, 2000 by a 186 to nine vote. The bill, referred to as the "Student Responsibility Law", would require that a student's parent or guardian become responsible for the actual cost of providing the expelled student with an alternative education.

Jim, I believe that this is a sound bill worthy of deliberation. I would very much appreciate it if you would have the Education Committee consider the bill at the earliest possible meeting. If you have any questions or concerns about this legislation, please contact me or Alan Berlin of my staff. Looking forward to your consideration of my request, I remain,

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Harold F. Mowery, Jr."

Harold F. Mowery, Jr.  
Senator, 31st District

Cc: Rep. Egolf

HFM, Jr.: adb

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Good morning Chm. Stairs and mbrs of the Ed. Com.  
- good to be back among my friends of this com.  
Thank you for allowing me to tell you about this legis  
and what it will do and why it is needed.

---

~~This~~ when I was teaching at Swartz Intern. H.S. in  
Carlisle I was appalled when I discovered that when  
disruptive, violent students were expelled  
that the school had to send a teacher to  
their home, at extra cost, to attempt to mediate  
- this was ineffective and expensive  
- students got vacation, and ~~they~~ was not  
punished, maybe even rewarded, and  
taxpayer hit again for expenses

my bill ~~will~~ should do three things:

1. teach disruptive student that there are  
consequences to actions - teach responsibility
2. save taxpayer money - not have to pay  
for bad behavior
3. (most important) Force parents to become  
more involved in their child's education,  
- which is biggest reason for child's problem  
in first place  
- if they have to pay as result of  
child's actions, they will become more  
attentive & involved.

this bill will

currently, when student is expelled, parents are  
to find or provide education if they are able  
- they say they can't, so school must assume  
the responsibility, at their expense.

this bill will require parents to do that and  
pay for it

3211 North Front Street, Suite 201  
Harrisburg, PA 17110-1337  
Phone: (717) 232-4099  
Fax: (717) 232-5184



OCT 18 1999

*Yes*



October 15, 1999

*MD  
10/19/99*

Rep. Allan C. Egolf  
153 A East Wing  
Box 202020  
Harrisburg, PA 17120-2020

Dear Representative Egolf:

The area's only regional business fair – The Capital Region Business Fair – is on November 17 and 18. Over 250 exhibitors and thousands of area business people visit this two-day event each year.

The highlight of the fair will be the opening "Break First for Business." On November 17 at 7:30 A.M. attendees of the Break First for Business will have the unique opportunity to hear national speaker, C. W. Metcalf. His lively, motivational, and interactive program will give participants tools and exercises for increasing personal productivity, stimulating the imagination and enhancing problem solving skills.

Official opening of the Business Fair to Break First for Business attendees will take place at approximately 8:30 A.M. with a ribbon cutting ceremony. Please accept this invitation to actively participate in this ceremony and join the other Break First for Business attendees for an exclusive opportunity to visit the Business Fair. Enjoy the delicious breakfast buffet which will be available throughout the exhibit hall and check out the many products and services on display.

We hope you can join us. Please RSVP via the enclosed invitation by November 10.

Sincerely,

*Barbara*

Barbara Y. Groce  
President

BYG:dms  
Enclosure

**Rep. Allan Egolf**  
**86th District**  
**Pennsylvania House of Representatives**

(717) 582-8119

(717) 783-1593

Contact: House Republican Communications

(717) 787-3993

[www.pahousegop.com](http://www.pahousegop.com)

## **FOR IMMEDIATE RELEASE**

February 16, 2000

### **House Approves Egolf's Student Responsibility Law**

**HARRISBURG** – The state House this week approved legislation that will make parents or legal guardians of school-age students expelled from school responsible to pay for the student's education for the duration of the expulsion.

Rep. Allan Egolf (R-86) sponsored the legislation known as the "Student Responsibility Law."

"With expulsion, we are not really punishing disruptive students," Egolf said. "We're not teaching them or their parents that there are consequences to their actions. This bill will do that.

"By placing the educational burden, as well as the financial burden, on the parents of a student who has been expelled, this legislation seeks to promote parental involvement in the educational development of their child. Parental involvement is extremely important in a child's education and this legislation may just save some of our most disruptive students from being lost."

Egolf said the bill also makes fiscal sense.

"By eliminating the financial burden associated with an expelled student, this legislation frees school district funds that in turn could be used in other educational areas," he said.

The bill also places responsibilities on students to act in accordance with the rules and regulations of their local school board.

Specific provisions of Egolf's legislation include:

--No school shall be required to spend money for the education of any student of compulsory school age during a period of expulsion or 12 months, whichever is less. The only exception is when the school board or the courts determine that the parent or guardian lacks the financial resources to pay for the alternate education placement program, in which case the school must pay for it. "Under this legislation, parents of expelled students who cannot afford to pay for a child's education may have to perform service to the school or the community to cover the cost of educating the child...but that is for the courts to decide," he said.

-MORE-

Page 2/Egolf

--Within 30 days of the date of expulsion, the parent or guardian shall make arrangements for the expelled student's education through placement in another school, tutorial or correspondence study, or through another educational program approved by the school board.

--Upon the expiration of the lesser of the expulsion period or 12 months, the school must either: re-admit the student subject to terms and conditions set by the board, or provide the student with an alternate education placement as approved by the board.

Schools are required to establish a policy governing the readmission of expelled students. These requirements may include: a sworn affidavit signed by the expelled student and the student's parents or guardian requesting readmission, in which the student agrees to comply with the rules and regulations of the school board; and a meeting with the student, parents and school district officials to be sure that the student is ready to return to school.

Expelled students are eligible to apply for readmission until age 21, until graduation from another public or private entity, or until acquisition of a GED.

No school shall be required to admit a student expelled from another public school until the period of expulsion has expired or 12 months has passed since the expulsion occurred, whichever occurs first. If a child is expelled from a private school and it is such a bad offense that he would be expelled from a public school, the public school could treat him as an expelled student under this legislation.

"As a former teacher, I know that disruptive students tie up educational resources, making it more difficult to educate those who want to learn," Egolf said. "Enacting House Bill 1576 helps address this problem."

The bill now goes to the Senate.

# # #

LJB/kah



# Appropriations Committee

JOHN E. BARLEY  
CHAIRMAN  
(717) 787-7477  
(717) 783-2913 FAX



MICHAEL B. ROSENSTEIN  
EXECUTIVE DIRECTOR  
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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

February 10, 2000

The Honorable Allan Egolf  
403 South Office Building  
Harrisburg, PA 17120

RE: Fiscal Note  
HB 1576 PN 2738  
Amendment #A0296

Dear Representative Egolf :

House Bill 1576 would require a student's parents or legal guardians to assume the costs of their child's education during the time they are expelled from school, unless a court of competent jurisdiction determines that the parents or legal guardians lack sufficient financial resources. In cases where the parents or legal guardians lack the financial wherewithal to provide for the cost of their child's education, the court may require the student and/or his parents or legal guardians to provide community service.

The amendment rewrites the existing legislation placing the responsibility to determine whether the parents or legal guardians can afford to pay for their child's education in the hands of the local school board of directors or their designee. It also provides for the parents or legal guardians to appeal the local school board's decision to the court in accordance with provisions of the Local Agency Law.

Furthermore, this amendment will have no adverse fiscal impact on Commonwealth funds. In fact, school districts may realize a savings to the extent the parents or legal guardians of an expelled student have the financial resources to afford to pay for their child's educational expenses and school boards, as well as the court are willing to hold them accountable.

In order to comply with the rules of the House, you should provide a copy of this fiscal note to the Amendment Clerk for distribution to the members prior to offering your amendment. This committee is not responsible for circulating the note as the decision to offer the amendment or not lies with you as sponsor.

Sincerely,

A handwritten signature in cursive script that reads "John E. Barley".

John E. Barley

JEB/RHM

TALKING POINTS: A0296 TO HB 1576

- ◆ THIS OMNIBUS AMENDMENT RELIEVES TAXPAYERS OF THE ADDED FISCAL BURDEN ASSOCIATED WITH PROVIDING AN EDUCATION PROGRAM (REFERRED TO IN THE AMENDMENT AS AN "ALTERNATE PLACEMENT PROGRAM") FOR STUDENTS WHO HAVE BEEN EXPELLED.
  
- ◆ THIS LEGISLATION ONLY APPLIES TO PUPILS **EXPELLED** FROM SCHOOL ENTITIES. ACCORDING TO THE MOST RECENTLY RELEASED ANNUAL REPORT FROM THE DEPARTMENT OF EDUCATION, ( JULY 1999 FOR THE 1996-97 SCHOOL YEAR) STATEWIDE THERE WERE: 912 EXPULSIONS FOR LESS THAN A YEAR; 335 EXPULSIONS FOR ONE YEAR; AND 86 EXPULSIONS FOR MORE THAN A YEAR...FOR A TOTAL OF ONLY 1,333 IN THE ENTIRE STATE (LESS THAN 2 STUDENTS PER DISTRICT). THUS, THIS LEGISLATION HAS A VERY LIMITED APPLICABILITY.
  
- ◆ BEFORE A STUDENT CAN BE EXPELLED THEY MUST HAVE BEEN THROUGH THE DUE PROCESS PROCEDURES OUTLINED IN 22 Pa Code Section 12.8. THEREFORE, AGAIN, THIS BILL IS VERY LIMITED IN SCOPE.
  
- ◆ AS IS THE CASE UNDER CURRENT STATE BOARD REGULATIONS (22 PA CODE , SECTION 12.6) THE INITIAL RESPONSIBILITY FOR PROVIDING THE REQUIRED EDUCATION OF AN EXPELLED STUDENT RESTS WITH THE STUDENT'S PARENTS OR GUARDIAN . IF THE PARENT OR GUARDIAN IS UNABLE TO PROVIDE FOR THE REQUIRED EDUCATION THEY MUST, WITHIN 30 DAYS, SUBMIT TO THE DISTRICT WRITTEN EVIDENCE SO STATING.

- ◆ THE CHANGES IN THE NEW OMNIBUS AMENDMENT PLACE THE INITIAL DETERMINATION OF A PARENT'S ABILITY TO PAY FOR THE ALTERNATE PLACEMENT PROGRAM FOR AN EXPELLED STUDENT WITHIN THE PURVIEW OF THE LOCAL SCHOOL BOARD ( AS OPPOSED TO THE COURTS IN THE PRIOR DRAFT). THIS REMOVES CONCERNS ABOUT THE COST OF COURT PROCEEDINGS AND LEGAL REPRESENTATION ON THE PART OF THE PARENTS. FURTHER, BY PLACING ACTION IN THE HANDS OF LOCAL BOARDS, THIS VERSION PERMITS A LOCAL BOARD TO CONSIDER EACH EXPULSION ON A CASE-BY-CASE BASIS THUS ALLOWING CONSIDERATION OF EXTENUATING CIRCUMSTANCES, AS WELL AS THE FLEXIBILITY TO REQUIRE PAYMENT OF ALL OF THE ALTERNATE PLACEMENT PROGRAM COST, PART OF THE COST, OR COMMUNITY SERVICE IN LIEU OF ANY PAYMENT.
  
- ◆ IF THE PARENTS OR GUARDIANS OF AN EXPELLED STUDENT DEMONSTRATE TO THE SCHOOL ENTITY'S BOARD-- OR THE BOARD'S DESIGNEE-- THAT AFTER A BONA FIDE EFFORT THEY ARE UNABLE TO PROVIDE FOR AN ALTERNATE PLACEMENT PROGRAM BECAUSE THEY DO NOT HAVE ACCESS TO SUFFICIENT FINANCIAL RESOURCES, THEN THE SCHOOL ENTITY SHALL PROVIDE FOR SUCH PLACEMENT AS THE BOARD DETERMINES APPROPRIATE. THE BOARD MAY THEN, AT ITS DISCRETION, REQUIRE THE STUDENT AND/OR THE PARENTS OR GUARDIANS TO PAY FOR ALL OR SUCH PART OF THE ENTITY'S COST OF PROVIDING SUCH ALTERNATE PROGRAM AS IS DETERMINED TO BE WITHIN THE FINANCIAL ABILITY OF THE STUDENTS AND/OR

PARENTS AND LEGAL GUARDIANS, OR TO PERMIT PERFORMANCE OF COMMUNITY SERVICE IN LIEU OF PAYMENT.

- ◆ THE SCHOOL ENTITY IS TO ESTABLISH PROCEDURES BY WHICH THE PARENT OR GUARDIAN MAY APPLY FOR DETERMINATION OF FINANCIAL INABILITY .
- ◆ THE BOARD OF SCHOOL DIRECTORS MAY, ON RECOMMENDATION OF THE SCHOOL SUPERINTENDENT, OR ON ITS OWN INITIATIVE, READMIT AN EXPELLED STUDENT PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE EXPULSION UNDER ADDITIONAL TERMS AND CONDITIONS AS IT MAY REQUIRE.
- ◆ AN EXPELLED STUDENT IS NOT ELIGIBLE TO APPLY FOR READMISSION IF THEY ARE 21 YEARS OF AGE OR OLDER OR HAVE GRADUATED FROM ANOTHER PUBLIC OR PRIVATE SCHOOL ENTITY , OR HAVE ACQUIRED A GED.
- ◆ UNDER THE OMNIBUS AMENDMENT A PARENT WHO DISAGREES WITH THE LOCAL BOARD'S DETERMINATION OF FINANCIAL RESPONSIBILITY CAN APPEAL TO COURT UNDER LOCAL AGENCY LAW.
- ◆ THE ISSUE OF STUDENTS TRANSFERRING INTO A DISTRICT FROM ANOTHER PUBLIC OR NONPUBLIC ENTITY (FORMERLY THE ROEBUCK AMENDMENT) IS INCORPORATED IN THIS OMNIBUS AMENDMENT. SPECIFICALLY, ADMISSION OF, AND PROVISION OF ALTERNATE PLACEMENT PROGRAMS TO, STUDENTS EXPELLED FROM A SCHOOL ENTITY OTHER THAN THE ENTITY OF CURRENT RESIDENCE OR A NONPUBLIC

SCHOOL WOULD BE SUBJECT TO THE PROVISIONS OF THIS ACT. NO SCHOOL ENTITY WOULD BE REQUIRED TO ADMIT A STUDENT EXPELLED FROM ANOTHER SCHOOL ENTITY OR NONPUBLIC SCHOOL INTO ITS REGULAR SCHOOL PROGRAM UNTIL THE PERIOD OF EXPULSION HAD EXPIRED. THIS PROVISION SHALL NOT APPLY TO A STUDENT EXPELLED OR DISMISSED FROM A NONPUBLIC SCHOOL FOR A REASON THAT WOULD NOT HAVE SUBJECTED THE STUDENT TO EXPULSION UNDER THE RECEIVING ENTITY'S RULES OF CONDUCT.

- ◆ ADDITIONALLY, A RECEIVING SCHOOL ENTITY WILL NOT BE REQUIRED TO PROVIDE AN ALTERNATE PLACEMENT PROGRAM FOR A STUDENT DURING THE 12-MONTH PERIOD SINCE EXPULSION WAS IMPOSED OR TO ENTERTAIN AN APPLICATION FOR RELIEF OF FINANCIAL RESPONSIBILITY IF THE APPLICATION HAD PREVIOUSLY BEEN DENIED BY ANOTHER SCHOOL ENTITY. THIS PROVISION IS DESIGNED TO PREVENT "SHOPPING AROUND," BY PARENTS TO AVOID THE FINANCIAL RESPONSIBILITY FOR THEIR CHILD'S EDUCATION.
  
- ◆ SCHOOL ENTITIES WOULD BE PERMITTED TO PROVISIONALLY ENROLL A STUDENT TRANSFERRING FROM ANOTHER SCHOOL ENTITY OR NONPUBLIC SCHOOL UNTIL A CERTIFIED COPY OF THE STUDENT'S DISCIPLINARY RECORD AND SWORN AFFIDAVIT FROM THE PARENT IS RECEIVED (THIS IS CURRENTLY REQUIRED IN SECTION 1304-A OF THE SCHOOL CODE). IF, WHEN RECEIVED HOWEVER, THE DISCIPLINARY RECORD INDICATES A HISTORY OF MISBEHAVIOR, THE STUDENT MAY BE PLACED IN AN ALTERNATIVE EDUCATION PROGRAM AND MAY BE RULED INELIGIBLE TO

PARTICIPATE IN EXTRACURRICULAR ACTIVITIES AT THE DISCRETION OF THE RECEIVING ENTITY.

- ◆ IF A PROVISIONALLY ENROLLED, OR OTHER TRANSFERRING STUDENT, HAS COMMITTED ACTS WHILE ENROLLED IN ANOTHER SCHOOL ENTITY OR NONPUBLIC SCHOOL WHICH WOULD SUBJECT STUDENTS IN THE RECEIVING ENTITY TO POSSIBLE EXPULSION, BUT FOR WHICH THE FORMER ENTITY DID NOT EXPEL THE STUDENT PRIOR TO TRANSFER, THE BOARD OF THE RECEIVING ENTITY MAY, AFTER THE APPROPRIATE HEARING, EXPEL OR DENY ADMISSION TO THE STUDENT OR IMPOSE OTHER DISCIPLINARY ASSIGNMENT. DENIAL OF ADMISSION IN THIS INSTANCE, WOULD BE TREATED AS AN EXPULSION AND THEREFORE, WOULD TRIGGER THE DUE PROCESS PROCEDURES AS REQUIRED BY STATE BOARD REGULATIONS.
  
- ◆ EVERY SCHOOL ENTITY IS TO FORWARD A CERTIFIED LETTER TO THE PARENTS OR GUARDIANS OF EXPELLED STUDENTS SPECIFYING ALL TERMS AND CONDITIONS IMPOSED BY THE ENTITY PURSUANT TO THIS ACT. IF AN EXPELLED STUDENT IS 18 OR OLDER, OR IF THE ENTITY HAS REASONS TO BELIEVE THE STUDENT IS AN EMANCIPATED MINOR, A CERTIFIED LETTER IS ALSO TO BE SENT TO THE STUDENT.
  
- ◆ NOTHING IN THIS ACT SHALL SUPERSEDE THE PROVISIONS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AND CORRESPONDING REGULATIONS RELATING TO THE DISCIPLINE OF SPECIAL EDUCATION STUDENTS.

- ◆ NOTHING IN THIS ACT EXEMPTS AN EXPELLED STUDENT OR THEIR PARENTS FROM COMPULSORY EDUCATION REQUIREMENTS, OR THEIR ATTENDANT PENALTIES IF THEY FAIL TO PROVIDE THE STUDENT WITH A SUFFICIENT ALTERNATE PLACEMENT PROGRAM AND HAVE NOT BEEN DETERMINED FINANCIALLY UNABLE TO DO SO.
  
- ◆ THE STATE BOARD IS AUTHORIZED TO PROMULGATE REGULATIONS TO CARRY OUT THIS ACT.

## **FACT SHEET ON HOUSE BILL 1576**

**CURRENT LAW ON EXPULSIONS** – School boards are given to authority to permanently expel students. This authority is found in section 1318 of the School Code and in 22 PA Code § 12.6. The regulations define expulsion as exclusion from school for a period of longer than 10 days. Furthermore, the regulations provide that all expulsions require a prior formal hearing.

The regulations also provide that students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and so must be provided with an education during the period of expulsion. The current regulations place the responsibility on the parents to find an acceptable method of education through placement in another school; tutorial or correspondence study or through another educational program approved by a district superintendent. If the parents are unable to provide for the required education, they must, within 30 days submit written evidence to the school district. School entities have no choice at this point other than to provide an education to the expelled student.

**WHAT HB 1576 WILL CHANGE** – House Bill 1576 seeks to make parents of expelled students more accountable for the continuing education of that child. Under HB 1576, if the parents cannot make arrangements for an alternate placement program, they would have to contact the school board after 30 days and explain why those arrangements have not been made. If the parents claim that they cannot afford the alternate placement program, the school board would have the authority to make a determination of financial inability of those parents, using financial records as evidence. If the school board or its designee finds that parents do have the financial ability to pay for all or part of the alternate program placement, it can so rule. Parents could appeal this determination by first requesting a formal hearing before the school board and ultimately, to the courts under the provisions of the Local Agency Law. If a determination is made that the parents do not have access to sufficient financial resources, the school board can permit the parents and/or the student to perform community service in lieu of payment. The school entity would then provide the alternate program placement, subject to an agreement by the student and the parents that the student agrees to conform to the rules of conduct and the rules and regulations of the program.



**LOCAL AGENCY LAW** - Unlike the current version of the bill, this amendment allows the school board to make a determination of the parents' inability to pay before it can be appealed to a court. The Local Agency Law governs the appeal process in this instance as it does in all other matters where there is an appeal from a school board's decision. This law defines which court will act as the court of appeal (typically the court of common pleas) and outlines the scope of the court's powers in such cases.

**READMISSION OF EXPELLED STUDENTS** – The amendment also provides for the readmission of expelled students. School boards would be required to enact policies governing the procedures and requirements for the readmission of expelled students upon the expiration of their expulsion period. This policy may include the signing of a sworn affidavit by the student and his parents requesting readmission and stating that the student agrees to comply with the terms and conditions established by the board, including to all applicable rules of conduct.

The policy also may include provisions for a meeting between the expelled student, the parents (if the student is a minor), and the chief school administrator. Sufficient notice of the time and place must be given to the student and parents of this meeting.

An expelled student who is readmitted and is subsequently expelled is liable for the school entity's costs in any subsequent expulsion hearing or the costs of any related court proceedings. If the student is a minor, the parents would be responsible for such costs.

School boards also could readmit an expelled student prior to the expiration of the expulsion period under the following circumstances:

- Upon recommendation of the chief school administrator
- The readmission is governed by such further terms, conditions or requirements that the board may determine in addition to those established for the readmission of students at the expiration of the expulsion date.

Students who have been expelled are not eligible to apply for readmission to the school entity if:

- They are 21 years of age or older
- Have graduated from another public or private school
- Have acquired a General Education Development (GED) certificate.

**TRANSFERRING STUDENTS** – If a child is expelled from a school, he or she should not be able to transfer into another school entity’s regular program of instruction. This amendment allows receiving school entity’s some leeway in admitting students transferred from another public or non-public school. First, it provides that any expelled student seeking a transfer is subject to the determination of financial inability and to the readmission procedures outlined previously. This provision applies to students transferred from non-public schools if they were expelled on account of acts that would also have caused him or her to be expelled from the public school entity. No school entity will be required to admit a student expelled from another school entity or non-public school (based on the criterion outlined) into its regular program until the period of expulsion has expired.

Second, a school entity will not be required to provide an alternative placement program to a student of compulsory school age (8-17) during the 12-month period from the date of expulsion. The school entity will not have to process an application of financial inability from the parents if such application has previously been denied by another school entity.

Third, a school entity may enroll a student transferring from another school entity or non-public school on a provisional basis until it receives a copy of the student’s disciplinary record from the sending school and a sworn statement from the parents concerning whether the student was previously or is currently expelled from any school. (Current law provides that both the disciplinary record and the sworn statement be made before admission into a school).

Finally, if a provisionally-enrolled student or other transferring student has committed acts while enrolled in another school or non-public school that would have caused him or her to be expelled from the school entity, the receiving school entity can may, after hearing, expel or deny

admission to the student or impose such other discipline or disciplinary assignment that is consistent with the standards and policies of the school entity. This section deals with students who are about to be expelled and transfer to another school district before their expulsion hearing.

Finally, an expelled student and his parents are still subject to the truancy laws of the Commonwealth if they are expelled and the parents do not provide for an alternate program placement, if they have not received a determination of financial inability.

**QUESTIONS AND ANSWERS – Why can't a parent choose the alternate placement program if they are paying for it?**

They are not entitled to the program because the student is expelled, meaning that the board has found the student's behavior so egregious that the only punishment is exclusion from school for a period of more than 10 days. A parent of an expelled student should not be able to have his student enrolled in another program in which other students are enrolled simply because they have adequate resources to pay for it. Parents can request that an expelled student be assigned to any program, however such assignment can be made only with the consent of the school board.

Must a school board hold a hearing before it denies admission to a transferring student?

Under this bill, no hearing must be held if a school entity denies admission to a student who is expelled from another school entity. That is because the student has already undergone an expulsion hearing. However, it is safe to assume that a school entity must hold a hearing before it can deny admission to a student expelled from a non-public school because non-public schools usually do not hold expulsion hearings. Also, the U.S. Constitution provides for due process whenever individuals' rights are denied.