

**ALLAN EGOLF, MEMBER**

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*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

July 16, 2004

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READINESS, MAJORITY CHAIRMAN

The Honorable Samuel H. Smith  
Room 121  
Main Capitol Building  
Harrisburg, PA 17120-2020

Dear Representative ~~Smith~~, *Sam*

As you are aware, I am the prime sponsor of two bills that have passed the House and are now in the Senate. I respectfully request your guidance and assistance in moving these bills from the Senate committees to the floor for a vote. Actually, they both passed the House in two different terms. They were not passed out of committee in the Senate in the prior term.

House Bill 418 provides for students expelled from school and for powers and duties of boards of school directors. In this session final passage was on May 12, 2003 with a vote of 149 to 48. It was referred to the Senate Education Committee on May 21, 2003 and remains in that committee.

House Bill 2262 provides for protection of children from obscene material, child pornography and other material that is harmful to minors on the internet in public schools and public libraries; and provides for the duties of the Secretary of Education. It was passed in the House on June 4, 2004 by a vote of 182 to 10. It is now in the Senate Judiciary Committee.

These bills were well received and moved through the House Committee system quickly. I am concerned that they seem to have stalled in the Senate.

I realize that the last weeks have been hectic for both chambers, and the issues at hand were a priority. Now that we have the budget passed, I hope we can see other important pieces of pending legislation considered. I would appreciate your help in convincing the Senate to move House Bills 418 and 2262.

I wish you a pleasant summer (what's left of it), and take this opportunity to say how much I have enjoyed working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allan Egolf'.

ALLAN EGOLF  
State Representative  
86th Legislative District

AE/lg

## HB 593 (Egolf); Student Responsibility Act

156-9

1. Passed House last session as **HB 1576**. House adopted many amendments that were incorporated into this bill.
2. Exempts a school district from having to pay for the alternative education of a student who has been expelled from the public school. A parent or guardian must, within 30 days, **enroll** the expelled student in an alternate placement and **notify** the district of the enrollment. The placement must meet the criteria for compulsory attendance. The cost for this placement is to **be borne by the parent or guardian**.
3. **Exception:** whenever the board of school directors or a court (on appeal) determines that the parents or guardians are **financially unable** to provide an alternate placement. Then, the school district must arrange for the student to enroll in an appropriate alternate placement, but the nature or **selection** of the alternate placement will be **at the sole discretion of the school district**. Parents or guardians must comply with any conditions mandated by the district, including a sworn statement to that effect. The district can ask the parent or guardian to pay all or part of the alternate placement. In lieu of payment, the **parent or guardian might request** the district to permit **community service** as an option.
4. These provisions **apply to the expulsion period** or 12 months from the expulsion date, whichever is less. After this period, the **district must readmit** the student subject to

foster parents

certain terms and conditions, or, if the expulsion period has not expired, must provide an appropriate alternate education.

5. Permits a receiving school district from **accepting a transferred student** who is expelled from a non-public school, IF the reason for expulsion from the non-public school would result in expulsion from the receiving school. Neither shall a school district be required to provide an alternate placement during expulsion or 12-month period, nor must it entertain a parental request for determination of financial ability if the expelling school district or the court has already determined that matter.
6. Requires every district to have a policy to **readmit students who have been expelled**. Such a policy may include sworn statements of compliance by both students and parents; meetings between parents, the student, and school officials; and the agreement of the parents that they will pay legal and administrative fees for future expulsion proceedings involving the student. In the event that a school district agrees to readmit an expelled student PRIOR to the conclusion of the expulsion period, it may set such conditions and terms that it deems necessary. (Readmission does not apply to students who have graduated, hold a GED certificate or are over-age.)
7. Authorizes a school district to **provisionally enroll** a transferring student, contingent upon the receipt of the student's records from his previous school. If the record contains a history of misbehavior, the district **MAY** place

the student in an alternate education program and could be denied participation in extracurricular activities.

8. Allows a school district, after a hearing, to expel or deny admission to a transferring student who committed acts at this previous school (public or nonpublic) that would have been expulsive at the receiving school, even if **the previous school took no action**. In lieu of expulsion, the school district may impose other discipline or assignment.
9. Mandates the school district to **notify the parents** and/or expelled student of all terms or conditions relevant to actions taken under this act.
10. Reaffirms the necessity of parents or guardians to **comply with the Compulsory Attendance Law**, despite the student's expulsion from the school.
11. Affirms that this legislation cannot override the provisions of **IDEA (the Individuals with Disabilities Education Act)** or its regulations.
12. Requires the State Board to promulgate necessary regulations to fulfill the legislation.

The purpose of this legislation is to send the message to students who violate school rules or commit acts of violence that actions have consequences. Every student is entitled to free school privileges, but only to the extent that they do not violate the reasonable rules and regulations for the conduct and deportment

of students granted to school authorities under Section 510 of the School Code. Court rulings have been fairly clear on this matter: When students violate the school rules, they have given up that right to free school privileges and expulsion or some other form of discipline may occur.

Expulsion is not a minor issue. Some districts spend anywhere from \$5000 to \$10,000 on the expulsion of a student. Many districts consider the money issue to be a minor cost in comparison to the benefit that comes from removal of a violent student from the general student population. It is, after all, the education of the other students that will also be affected by the violent student.

Some would argue that we should treat the problem of the students before we get to the point of expulsion. I agree with that approach. Unfortunately, it will take several years before any program, if implemented today, will show results. In the meantime, we have hundreds of students who will create problems in our schools and affect the education of thousands of other students. This bill is a solution for the problem right now.

This bill does affirm that every student has a right to an education. Where that student gets the education and who will pay for it is what this bill determines. I ask for an affirmative vote on HB 593 as amended.

# Appropriations Committee

DAVID G. ARGALL  
CHAIRMAN  
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ROBERT E. GREENWOOD  
EXECUTIVE DIRECTOR  
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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

March 30, 2004

The Honorable Allan Egolf  
401 Irvis Office Building  
Harrisburg, PA 17120

RE: Fiscal Note  
HB 1913 PN 3554  
Amendment #A0904

Dear Representative Egolf:

This amendment establishes a new Article XIII-B (Student Responsibility) in the Public School Code of 1949 and declares that parents and legal guardians are responsible to provide for the cost of their child's education if the child is expelled from school for the period of the expulsion or 12 months. Currently, the law requires our school entities to provide an educational program to students that have been expelled from school. In most instances, expelled students are placed in an alternative school or receive tutoring in their home.

The amendment would require a student's parents or legal guardians to assume the cost of their child's education for the period of the expulsion or 12 months, unless it is determined by the school entity that they lack the financial wherewithal to provide for the alternative education. If the school entity finds that the parents or legal guardians lack the financial resources to provide for the alternative placement they may be made to perform community service. The parents or legal guardians may appeal the school entity's determination of financial inability to the court in accordance with provisions of Local Agency Law.

The amendment also specifies that a school entity has the right to refuse admission to a student transferring from another public or non-public school who has been expelled until the period of expulsion has expired, unless the student was dismissed from a non-public school for reasons that would not be subject to expulsion under the receiving school entity's code of student conduct. It requires school entities to establish readmission policies for expelled students, and notify parents or legal guardians of the terms and conditions of a student's expulsion by certified mail. Finally, the amendment contains language stating that it shall not supersede the Federal Individuals with Disabilities Education Act (IDEA).

The provisions contained in the amendment will have no adverse fiscal impact on Commonwealth funds. However, it may result in a savings to school entities to the extent that the parents or legal guardians of an expelled student have the financial resources to afford to pay for an expelled child's educational expenses and the school entities and courts are willing to hold parents or legal guardians 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,

David G. Argall

DGA/rhm

**COPY** JUN 12 2003

*file*

31ST DISTRICT  
**HAROLD F. MOWERY, JR.**

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Senate of Pennsylvania

June 11, 2003

**COMMITTEES**

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INVESTMENT AUTHORITY  
SENATE FIREFIGHTERS & EMERGENCY  
SERVICES CAUCUS

The Honorable James 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 bring before the Senate Education Committee House Bill 418, the "Student Responsibility Law", sponsored by Rep. Allan Egolf. House Bill 418 passed the House of Representatives by a vote of 149-48 on May 12<sup>th</sup> and was subsequently referred to your committee on May 21<sup>st</sup>.

The bill declares that the parents or guardians of students expelled from a public, non-public, charter, or vo-tech school, must assume the "actual cost" of providing the student's alternative education for the duration of the expulsion or 12 months, whichever is less. In general, no school entity would be required to expend funds for the alternative education of any student expelled from a public, non-public, charter, or vo-tech school, during the period of expulsion of 12 months, whichever is shorter. Within 30 days of the date of expulsion, the parent/guardian must make arrangements for the expelled student's alternative education at no cost to the school entity. In addition, the parents/guardian must notify the expelling entity of such alternative education. Copies of the House bill summary and fiscal note are enclosed.

Jim, I would hope you would be able to schedule this bill as soon as is able. Please feel free to contact me if you have any questions. Thanking you in advance for consideration of my request, I remain,

Sincerely yours,

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

Enclosures

cc: Rep Egolf

HFM, Jr.: adb

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