

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 46 Session of
2025

INTRODUCED BY KHAN, DOUGHERTY, McNEILL, CURRY, N. NELSON,
NEILSON, PROBST, GIRAL, WARREN, HANBIDGE, KENYATTA, PIELLI,
SANCHEZ, HILL-EVANS, CIRESI, CEPEDA-FREYTIZ, SHUSTERMAN,
DONAHUE, FLEMING AND OTTEN, JANUARY 10, 2025

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 10, 2025

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 duties and powers of boards of
6 school directors, further providing for kindergartens and
7 providing for pre-kindergarten programs; and, in pupils and
8 attendance, further providing for age limits and temporary
9 residence and for definitions.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 503 of the act of March 10, 1949 (P.L.30,
13 No.14), known as the Public School Code of 1949, is amended to
14 read:

15 Section 503. Kindergartens.--(a) The board of school
16 directors in [any school district may] all school districts
17 shall establish and maintain kindergartens [for children between
18 the ages of four and six years. When established, the].
19 Districts may establish an age policy, and shall not deny
20 kindergarten to a child who is five years of age or older on the

1 first day of the school year. The kindergartens shall be an
2 integral part of the elementary school system of the district,
3 and be kept open for not less than two and one-half hours each
4 day for the full school term as provided in section 1501.

5 [The number of kindergartens in any one district shall be
6 fixed by the board of school directors, and shall be open during
7 the school year.]

8 If the average attendance in any one kindergarten in any
9 district is ten or less for the school year, the school
10 directors shall, at the close of the school year, discontinue
11 the same.]

12 (b) The number of kindergartens in any one district shall be
13 fixed by the board of school directors and shall be open during
14 the school year. Kindergartens shall be available to all
15 children residing in the school district who are of the age
16 fixed under subsection (a).

17 (c) The board of school directors shall appoint and assign a
18 sufficient number of teachers to such kindergartens, who shall
19 be certified in accordance with the rules and regulations
20 prescribed by the [Council of Basic Education] State Board of
21 Education.

22 Section 2. The act is amended by adding a section to read:

23 Section 503.1. Pre-Kindergarten Programs.--(a) The board of
24 school directors in all school districts shall establish and
25 maintain pre-kindergarten programs. The pre-kindergarten
26 programs shall be an integral part of the elementary school
27 system of the district and be kept open for not less than two
28 and one-half hours each day for the full school term as provided
29 in section 1501.

30 (b) The number of pre-kindergarten programs in any one

1 district shall be fixed by the board of school directors and
2 shall be open during the school year.

3 (c) The board of school directors shall appoint and assign a
4 sufficient number of teachers to the pre-kindergarten programs
5 who shall be certified in accordance with the regulations
6 promulgated by the State Board of Education.

7 Section 3. Section 1301 of the act is amended to read:

8 Section 1301. Age Limits; Temporary Residence.--Every child,
9 being a resident of any school district, between the ages of
10 [~~six (6)~~] five (5) and twenty-one (21) years, may attend the
11 public schools in his district, subject to the provisions of
12 this act. Notwithstanding any other provision of law to the
13 contrary, a child who attains the age of twenty-one (21) years
14 during the school term and who has not graduated from high
15 school may continue to attend the public schools in [~~his~~] the
16 district free of charge until the end of the school term. The
17 board of school directors of any school district may admit to
18 the schools of the district, with or without the payment of
19 tuition, any non-resident child temporarily residing in the
20 district, and may require the attendance of such non-resident
21 child in the same manner and on the same conditions as it
22 requires the attendance of a resident child.

23 Section 4. The definition of "compulsory school age" in
24 section 1326 of the act is amended to read:

25 Section 1326. Definitions.--When used in this article, the
26 following words and phrases shall have the following meanings:

27 * * *

28 "Compulsory school age" shall mean the period of a child's
29 life from the time the child's parents elect to have the child
30 enter school and which shall be no later than [~~six (6)~~] five (5)

1 years of age until the child reaches [~~eighteen (18)~~] seventeen
2 (17) years of age. The term does not include a child who holds a
3 certificate of graduation from a regularly accredited, licensed,
4 registered or approved high school.

5 * * *

6 Section 5. The amendment or addition of sections 503, 503.1
7 and 1301 and the definition of "compulsory school age" in
8 section 1326 of the act shall apply to the academic year
9 following the effective date of this section and each academic
10 year thereafter.

11 Section 6. This act shall take effect in 90 days.