

## CHAPTER 11. STUDENT ATTENDANCE

### GENERAL PROVISIONS

- Sec.
- 11.1. School term.
  - 11.2. School day.
  - 11.3. Minimum required hours.
  - 11.4. Early withdrawal for postsecondary institution attendance.
  - 11.5. Part-time attendance for potential graduates.
  - 11.6. Part-time enrollment of alternative education students.
  - 11.7. Religious objections.
  - 11.8. Definitions.
  - 11.9. Prekindergarten exception.

### ADMISSION TO PUBLIC SCHOOLS

- 11.11. Entitlement of resident children to attend public schools.
- 11.12. School age.
- 11.13. Compulsory school age.
- 11.14. Admission to kindergarten when provided.
- 11.15. Admission of beginners.
- 11.16. Early admission of beginners.
- 11.17. [Reserved].
- 11.18. Nonresident children living in facilities or institutions.
- 11.19. Nonresident child living with a district resident.
- 11.20. Nonimmunized children.

### ABSENCES FOR TEMPORARY PERIODS

- 11.21. Religious holidays and religious instruction.
- 11.22. Tutorial work.
- 11.23. Health care.
- 11.24. Unaccounted absences.
- 11.25. Temporary excusals due to illness or other urgent reasons.
- 11.26. Nonschool district sponsored educational tours and trips.
- 11.27. Graduation.
- 11.28. Out-of-school programs and part-time employment.
- 11.29. [Reserved].

### EXCUSALS FROM PUBLIC SCHOOL ATTENDANCE

- 11.31. Students not enrolled in public schools due to private tutoring.
- 11.31a. Students not enrolled in public schools due to participation in a home education program.
- 11.32. Students attending nonpublic or private schools.
- 11.33. Dual enrollment students enrolled part-time in the public schools.
- 11.34. Excusals from attendance for other than temporary reasons.

**APPLICABILITY**

11.41. School district policies and rules.

**EXCEPTIONS**

11.51. Exceptions.

**Authority**

The provisions of this Chapter 11 issued under section 408.1 of The Administrative Code of 1929 (71 P. S. § 118.1) (Repealed), unless otherwise noted.

**Source**

The provisions of this Chapter 11 adopted September 12, 1969; amended August 3, 1973, effective August 4, 1973, 3 Pa.B. 1470, unless otherwise noted.

**Cross References**

This chapter cited in 55 Pa. Code § 3800.229 (relating to education).

**GENERAL PROVISIONS****§ 11.1. School term.**

Public prekindergartens, when offered, and kindergartens, elementary and secondary schools shall be kept open each school year for a minimum of 180 days of instruction for students. Days may not be counted as days taught on which the schools are closed, and time may not be counted as a student session for an activity to which admission is charged. However, when a meritorious educational program warrants, the Secretary may, upon request, approve a school term containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 school days. A Prekindergarten Program may be exempted from this requirement when approval as a meritorious prekindergarten is granted as provided in § 4.20(8) (relating to prekindergarten education).

**Authority**

The provisions of this § 11.1 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of The Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.1 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7542. Immediately preceding text appears at serial page (307700).

**§ 11.2. School day.**

Instruction time for students shall be time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees.

**Authority**

The provisions of this § 11.2 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1330, 1372, 1511 and 2603-B of The Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.2 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; corrected January 2, 1987, effective December 20, 1986, 17 Pa.B. 20; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (279550) and (244451).

**§ 11.3. Minimum required hours.**

(a) Minimum hours of instruction time for students shall be as follows:

<i>Grade</i>	<i>Hours</i>
PreK—K	2 hours, 30 minutes, each day of the school term, unless exempted from the minimum hours of instructional time under § 11.1 (relating to school term)
K	2 hours, 30 minutes, each day of the school term
1—6	900 hours for the school term
7—12	990 hours for the school term

(b) Schools with grade level configurations that differ from those outlined in subsection (a) (for example, K-8), are required to meet the minimum annual hourly requirements for each specified grade level.

**Authority**

The provisions of this § 11.3 amended under section 2603-B of The Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 11.3 amended through November 3, 1978, effective November 4, 1978, 8 Pa.B. 3021; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7542. Immediately preceding text appears at serial page (307701).

**§ 11.4. Early withdrawal for postsecondary institution attendance.**

Students attending a postsecondary institution full-time prior to graduation from high school shall be dropped from the membership roll of the district at the time they stop attending school.

**Authority**

The provisions of this § 11.4 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of The Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.4 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244451).

**§ 11.5. Part-time attendance for potential graduates.**

(a) Students of school age may qualify for graduation by attending the public school part-time when lawfully employed part-time or when officially enrolled in a postsecondary institution part-time. For reimbursement purposes, membership in the public school shall be calculated by counting the time the students spend in the public school on a pro rata basis.

(b) Public schools that offer students enrollment at a postsecondary institution as part of the high school program and pay the tuition, fees, and textbooks on behalf of students may continue to include the students in their average daily membership.

**Authority**

The provisions of this § 11.5 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of The Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.5 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244451) to (244452).

**§ 11.6. Part-time enrollment of alternative education students.**

Students may be allowed to attend public school less than full-time because of participation in a Department approved alternative program operated by a public school or a private alternative education institution as provided by section 1903-E of the Public School Code of 1949 (24 P. S. § 19-1903-E). For reimbursement purposes, the students may be counted as in full membership.

**Authority**

The provisions of this § 11.6 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of The Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1351, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.6 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244452).

**§ 11.7. Religious objections.**

Students shall be excused from instruction as provided by § 4.4(d)(3) (relating to general policies).

**Authority**

The provisions of this § 11.7 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.7 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244452).

**§ 11.8. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Instructional activities*—The term includes the following:

- (i) Classroom instruction and instructional activities provided under the direction of certified school employees.
- (ii) Student services, such as guidance and counseling services, psychological services, speech pathology and audiology services and student health services.
- (iii) Opening exercises.
- (iv) Homeroom periods.
- (v) Supervised study halls.
- (vi) Assemblies.
- (vii) Clubs, student councils and similar activities conducted during school hours.
- (viii) School, group or class educational trips, to which admission is not charged to students or parents and a certified school employee accompanies the students.
- (ix) Civil defense, fire, bus evacuation and similar drills.
- (x) Prekindergarten or kindergarten orientation, snack-time and play-time if they are an integral part of the kindergarten curriculum.
- (xi) Up to 3 days for graduation preparation by students in graduating classes, so long as the preparation occurs within 60 days of the commencement ceremony and under the supervision of certified school employees.
- (xii) Early dismissal and delayed opening due to inclement weather.

*Meritorious educational program*—An educational program that, in the opinion of the Secretary, warrants an exception to the dates and times of school terms and sessions as provided in section 1504(a) of the Public School Code of 1949 (24 P. S. § 15-1504(a)).

*Out-of-school programs*—Programs conducted off school grounds, such as cooperative education, job shadowing, internships, community exploration, registered apprenticeships and community service-learning designed to provide students with real world experiences under the general supervision of professional school staff.

*Postsecondary institution*—A community college, 2-year college, college, university or other authorized degree granting institution approved by the Department in accordance with Chapters 31 and 40 (relating to higher education general provisions; and institutional approval).

*Prekindergarten*—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

#### Authority

The provisions of this § 11.8 adopted under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 11.8 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7542. Immediately preceding text appears at serial pages (307703) to (307704).

### § 11.9. Prekindergarten exception.

A school district may make individual exceptions to the age of prekindergarten students based upon local policy to permit the enrollment of children under age 3 and over age 5.

#### Source

The provisions of this § 11.9 adopted December 15, 2006, effective December 16, 2006, 36 Pa.B. 7542.

## ADMISSION TO PUBLIC SCHOOLS

### § 11.11. Entitlement of resident children to attend public schools.

#### (a) Entitlement.

(1) A school age child is entitled to attend the public schools of the child's district of residence. A child's district of residence is that in which the parents or the guardian resides. When the parents reside in different school districts due to separation, divorce or other reason, the child may attend school in the dis-

trict of residence of the parent with whom the child lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise. If the parents have joint custody and time is evenly divided, the parents may choose which of the two school districts the child will enroll for the school year. If the child is an emancipated minor, the resident school district is the one in which the child is then living. For purposes of this section, an emancipated minor is a person under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians. A minor living with a spouse is deemed emancipated.

(2) Transportation for students must be provided consistent with the policy of the school district that the students are attending.

(b) *Enrollment.* A school district or charter school shall normally enroll a child the next business day, but no later than 5 business days of application. The school district or charter school has no obligation to enroll a child until the parent, guardian or other person having control or charge of the student making the application has supplied proof of the child's age, residence, and immunizations as required by law. School districts and charter schools receiving requests for educational records from another school district or charter school shall forward the records within 10 business days of receipt of the request.

(c) *Nonresident children.* The requirement of subsection (b) applies equally to nonresident children who are children living in facilities or institutions as defined in § 11.18 (relating to nonresident child living in facilities or institutions), or foster homes, or with a district resident who is supporting the child without personal compensation as defined in § 11.19 (relating to nonresident child living with a district resident), provided that the person making the application has supplied the documentation required by law.





(d) *Immigration status.* A child's right to be admitted to school may not be conditioned on the child's immigration status. A school may not inquire regarding the immigration status of a student as part of the admission process. This provision does not relieve a student who has obtained an F-1 visa from the student's obligation to pay tuition under Federal law.

(e) *Home language survey.* A school entity shall administer a home language survey to all students seeking first time enrollment in its schools in accordance with requirements of the United States Department of Education's Office for Civil Rights.

#### Authority

The provisions of this § 11.11 amended under section 1317(a) of The Administrative Code of 1929 (71 P.S. § 367(a)) (Repealed); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P.S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### Source

The provisions of this § 11.11 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244452) and (271457).

#### Notes of Decisions

##### *Out-of-State Schools*

Order of State Board of Education disclaiming authority to decide upon continuance of school board's practice of utilizing out-of-state schools to educate some of district's children is not a regulation and does not give school district sole discretion over the assignment of students to attend out-of-state schools. *Wayne Highlands School v. Department of Education*, 488 A.2d 1172 (Pa. Cmwlth. 1985).

#### Cross References

This section cited in 22 Pa. Code § 11.18 (relating to nonresident children living in facilities or institutions); and 22 Pa. Code § 11.19 (relating to nonresident child living with a district resident).

### § 11.12. School age.

School age is the period of a child's life from the earliest admission age to a school district's kindergarten program until graduation from high school or the end of the school term in which a student reaches the age of 21 years, whichever occurs first.

#### Authority

The provisions of this § 11.12 amended under section 1317(a) of The Administrative Code of 1929 (71 P.S. § 367(a)) (Repealed); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P.S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.12 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (271457).

**Cross References**

This section cited in 22 Pa. Code § 16.1 (relating to definitions).

**§ 11.13. Compulsory school age.**

Except as otherwise provided by law, compulsory school age refers to the period of a child's life from the time the child enters school (which may be no later than at the age of 6 years), until the age of 18 or graduation from a high school, whichever occurs first.

**Authority**

The provisions of this § 11.13 amended under section 1317(a) of The Administrative Code of 1929 (71 P.S. § 367(a)) (Repealed); and sections 1326, 1327, 1330, 1372, 1511, 2103(8), 2603-B and 2604-B(b)(2)(v) of the Public School Code of 1949 (24 P.S. §§ 13-1326, 13-1327, 13-1330, 13-1372, 15-1511, 21-2103(8), 26-2603-B and 26-2604-B(b)(2)(v)).

**Source**

The provisions of this § 11.13 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended December 12, 2014, effective December 13, 2014, 44 Pa.B. 7670; amended November 4, 2022, effective November 5, 2022, 52 Pa.B. 6844. Immediately preceding text appears at serial page (375312).

**Notes of Decisions**

When a child was denied admittance to kindergarten on the basis of age after transferring to a different school district, he was not denied equal protection since compulsory attendance for "beginners" did not pertain to kindergarten students. *O'Leary v. Wisecup*, 364 A.2d 770 (Pa. Cmwlth. 1976).

**§ 11.14. Admission to kindergarten when provided.**

When kindergarten is provided, the board of school directors shall establish the district's minimum entry age to kindergarten. The minimum entry age to kindergarten may not be less than 4 years, no months, before the first day of the school term. The district's maximum entry age to kindergarten must be less than the district's entry age for beginners.

**Authority**

The provisions of this § 11.14 amended under section 1317(a) of The Administrative Code of 1929 (71 P.S. § 367(a)) (Repealed); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P.S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.14 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (271458).

#### Notes of Decisions

A child is not statutorily entitled to a kindergarten education, and enrollment in kindergarten does not, therefore, create a property interest on behalf of the student. *O'Leary v. Wisecup*, 364 A.2d 770 (Pa. Cmwlth. 1976).

Age classification established by a district is valid if grounded on some reasonable basis, and the fact that the classification made by the state is not perfect or results in inequality in practice does not offend the Constitution. *O'Leary v. Wisecup*, 364 A.2d 770 (Pa. Cmwlth. 1976).

Section 11.14 provides that the board of school directors shall establish the minimum entry age for kindergarten in the district. The term "board of school directors" in § 11.14 may not be construed to include the board of trustees at a cyber charter school. Therefore, a district is not obligated to fund a kindergarten program offered by a cyber charter school for a student who does not meet the minimum entry age requirement as set forth by the board of school directors. *Slippery Rock Area School Dist. v. Pennsylvania Cyber Charter School*, 31 A.3d 657, 665-67 (Pa. 2011).

### § 11.15. Admission of beginners.

The board of school directors shall establish the district's minimum entry age for beginners, which may not be less than a chronological age of 5 years and 7 months before September 1, nor more than 6 years, no months, before the first day of the school term of the district. The board of school directors shall permit a child of beginners' age to attend the district's first grade and may not require the child to attend kindergarten, prefirst grade, transitional class or other grade or class that is not regular first grade without parental consent.

#### Authority

The provisions of this § 11.15 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### Source

The provisions of this § 11.15 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (271458) and (279551).

#### Cross References

This section cited in 22 Pa. Code § 14.101 (relating to definitions).

### § 11.16. Early admission of beginners.

The board of school directors of a school district may, upon parental request and when recommended by a public school psychologist and approved by the district superintendent of schools, admit as a beginner a child with a chronological age of 5 years and who has demonstrated readiness for entry as of the first day of the district's school term. A board of school directors is not required to admit a child as a beginner whose chronological age is less than the district's established admission age for beginners.

#### Authority

The provisions of this § 11.16 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.16 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279551).

**§ 11.17. [Reserved].****Source**

The provisions of this § 11.17 adopted July 19, 1985, effective July 20, 1985, 15 Pa.B. 2644; reserved October 14, 1988, effective October 15, 1988, 18 Pa.B. 4662. Immediately preceding text appears at serial pages (114181) to (114184).

**§ 11.18. Nonresident children living in facilities or institutions.**

(a) The board of school directors of a school district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall admit to the district's public schools school age children who are living at or assigned to the facility or institution and who are residents of the district or another school district in this Commonwealth.

(b) The board of school directors of a school district in which a day treatment program, operated under approval from the Department of Public Welfare by a private children and youth agency, is located may purchase educational services for a child referred to the program under section 1310(b) of the Public School Code of 1949 (24 P. S. § 13-1310(b)).

(c) If the school district of residence of a child living at or assigned to a facility or institution, as described in subsection (a) or (b), cannot be determined, but it is decided by the Secretary that the child is a resident of this Commonwealth, the child shall be permitted to attend the public schools of the district. A child covered by this subsection shall include a child whom the Secretary finds to have been placed by the child's resident parents or guardian in the care or custody of a Commonwealth facility and subsequently abandoned or deserted.

(d) The enrollment requirements outlined in § 11.11 (relating to entitlement of resident children to attend public schools) also apply to nonresident children living in facilities or institutions.

**Authority**

The provisions of this § 11.18 issued under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372 and 15-1511); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 11.18 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (279551) to (279552).

**Cross References**

This section cited in 22 Pa. Code § 11.11 (relating to entitlement of resident children to attend public schools).

**§ 11.19. Nonresident child living with a district resident.**

(a) A nonresident child is entitled to attend the district's public schools if that child is fully maintained and supported in the home of a district resident as if the child were the resident's own child and if the resident receives no personal compensation for maintaining the student in the district. Before accepting the child as a student, the board of school directors of the district shall require the resident to file with the secretary of the board of school directors either appropriate legal documentation to show dependency or guardianship or a sworn statement that the child is a resident of the district, the child is supported fully without personal compensation or gain, and that the resident will assume all personal obligations for the child relative to school requirements and intends to so keep and fully support the child continuously and not merely through the school term. The resident's receipt of public payments, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), maintenance on public or private health insurance, pre-adoptive support or other payments for or on account of the child, may not be deemed to be personal compensation or gain under this section. The school board may require other reasonable information to be submitted by the resident to substantiate the sworn statement in accordance with guidelines established by the Department, as authorized by section 1302(2) of the Public School Code of 1949 (24 P. S. § 13-1302(2)).

(b) The enrollment requirements outlined in § 11.11 (relating to entitlement of resident children to attend public schools) also apply to a nonresident child living with a district resident.

**Authority**

The provisions of this § 11.19 issued under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a) (Repealed)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372 and 15-1511); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 11.19 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279552).

**Notes of Decisions***Child Support Payments*

Trial court erred in concluding that child, residing in school district with grandmother, was ineligible to enroll or receive free school privileges based on fact that grandmother received child support payments from child's mother; mother's financial contribution was court-ordered support to provide for child care expenses, not to compensate grandmother who supported child gratis, acted as child's

sole caregiver, provided all of his daily needs, and assumed all responsibilities for making education-related decisions. *Velazquez v. East Stroudsburg*, 949 A.2d 354, 359 (Pa. Cmwlth. 2008).

#### Cross References

This section cited in 22 Pa. Code § 11.11 (relating to entitlement of resident children to attend public schools).

### § 11.20. Nonimmunized children.

(a) A child may not be admitted to or permitted to attend a public, private, nonpublic, special education or vocational school unless the immunization, exemption, temporary waiver or provisional admission requirements of the Department of Health in 28 Pa. Code Chapter 23, Subchapter C (relating to immunization) have been met.

(b) A child who has been admitted to school or permitted attendance in violation of this section may not be counted toward receipt of Commonwealth reimbursement for the period of the admission or attendance.

#### Authority

The provisions of this § 11.20 issued under section 1317(a) of The Administrative Code of 1929 (71 P.S. § 367(a) (Repealed)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P.S. §§ 13-1327, 13-1330, 13-1372 and 15-1511); amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P.S. §§ 26-2603-B and 26-2604-B).

#### Source

The provisions of this § 11.20 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798; amended June 2, 2017, effective August 1, 2017, 47 Pa.B. 3091. Immediately preceding text appears at serial page (338214).

## ABSENCES FOR TEMPORARY PERIODS

### § 11.21. Religious holidays and religious instruction.

(a) Upon written parental request, and in accordance with the policies of the district's board of school directors, students may be excused from school for religious holidays observed by bona fide religious groups.

(b) Upon written parental request, a student shall be excused from school to attend classes for religious instruction under section 1546 of the Public School Code of 1949 (24 P.S. § 15-1546). The excusal shall be limited to a total of not more than 36 hours per school year.

(c) A student's absence from school for religious holidays or for religious instruction shall be recorded as an excused absence. A penalty may not be attached to an absence for religious holidays or instruction.

#### Authority

The provisions of this § 11.21 amended under section 1317(a) of The Administrative Code of 1929 (71 P.S. § 367(a) (Repealed)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P.S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.21 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244457) to (244458).

**§ 11.22. Tutorial work.**

(a) Upon written parental request, a student may be excused during school hours for the purpose of receiving tutorial instruction in a field not offered in the district's curricula only if the following requirements are met:

- (1) The excusal does not interfere with the student's regular program of studies.
- (2) The qualifications of the instructor are approved by the district superintendent.

(b) A school district may adopt additional conditions for excusal that it deems reasonable.

**Authority**

The provisions of this § 11.22 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.22 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244458).

**§ 11.23. Health care.**

Upon written parental request, a student may be excused during school hours for the purpose of obtaining professional health care or therapy service only if the following requirements are met:

- (1) The health or therapeutic services are to be rendered by Commonwealth licensed practitioners.
- (2) It is not practical or possible for the student to receive the services outside of school hours.
- (3) The time of necessary absence from school involves a minimum of interference with the student's regular program of studies.

**Authority**

The provisions of this § 11.23 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.23 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244458) and (252441).

**§ 11.24. Unaccounted absences.**

Students whose names are on the active membership roll, who are at anytime in the school term absent from school for 10 consecutive school days, shall thereafter be removed from the active membership roll unless one of the following occurs:

- (1) The district has been provided with evidence that absence may be legally excused.
- (2) Compulsory attendance prosecution has been or is being pursued.

**Authority**

The provisions of this § 11.24 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.24 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (252441).

**§ 11.25. Temporary excusals due to illness or other urgent reasons.**

(a) A principal or teacher may, upon receipt of satisfactory evidence of mental, physical or other urgent reasons, excuse a student for nonattendance during a temporary period, but the term "urgent reasons" shall be strictly construed and does not permit irregular attendance. A school district shall adopt rules and procedures governing temporary excusals that may be granted by principals and teachers under this section. Temporary excusals may not exceed 3 months.

(b) A school district, area vocational technical school, charter or independent school may provide students temporarily excused under this section with homebound instruction for a period not to exceed 3 months. A school district, area vocational technical school, charter or independent school may request approval from the Department to extend the provision of homebound instruction, which shall be reevaluated every 3 months. When a student receives homebound instruction, the student may be counted for attendance purposes as if in school. A school district shall be reimbursed for homebound instruction provided to a student under section 2510.1 of the Public School Code of 1949 (24 P. S. § 25-2510.1).

(c) A school district shall adopt policies that describe the instructional services that are available to students who have been excused under this section. The policies must include statements that define the responsibilities of both the district and the student with regard to these instructional services.



**Authority**

The provisions of this § 11.25 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.25 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (252441) to (252442).

**§ 11.26. Nonschool district sponsored educational tours and trips.**

(a) A school district may excuse a student from school attendance to participate in a non-school district sponsored educational tour or trip, if the following conditions are met:

- (1) The student's parent or guardian prior to the tour or trip submits to the school district a written request for the excusal.
- (2) The student's participation on the tour or trip has been approved by the district superintendent or a designee.
- (3) There is an adult who is directing and supervising the student during the tour or trip who is acceptable to both the parents or guardian and the district superintendent.

(b) A school district may limit the number and duration of tours or trips for which excused absences may be granted to a student during the school term.

**Authority**

The provisions of this § 11.26 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.26 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (252442).

**§ 11.27. Graduation.**

The intent of this section is to specify the effect of graduation on membership for the purpose of calculating school subsidies.

(1) A student's graduation from high school signifies both the student's fulfillment of the high school graduation requirements set forth in Chapter 4 (relating to academic standards and assessment) and the end of the student's membership in a school district for the purpose of State subsidy reimbursement. A graduating student's date of graduation shall be that of the commencement ceremony of the student's high school.

(2) This paragraph applies to a graduating high school student who is attending an area vocational technical school (AVTS). If the AVTS instructional

calendar extends beyond the student's high school commencement date, for purposes of determining whether the student has received 180 days of instruction and for purposes of determining State subsidy computation, the student may be maintained in membership at the AVTS until the end of the AVTS calendar.

(3) Graduating students may be counted as in attendance for no more than 3 days of commencement preparation. Commencement preparation may be held on Saturdays within 60 days of the commencement ceremony. During commencement preparation days, students shall be under the supervision of certificated school district employees.

(4) School districts, AVTSs and charter schools may permit students with disabilities identified under Chapter 14 (relating to special education program and services) to participate in graduation ceremonies with their graduating class, even though they will not be awarded a diploma and will continue to receive educational services under Chapter 14. The participation of those students in graduation ceremonies does not preclude the school district from counting those students in its membership for subsidy purposes.

#### Authority

The provisions of this § 11.27 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### Source

The provisions of this § 11.27 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (252442) and (244461).

### § 11.28. Out-of-school programs and part-time employment.

(a) *Out-of-school programs.* For reimbursement purposes, students engaged part-time in an out-of-school program shall be counted as if in regular school attendance. The programs must be arranged as an integral part of the school curricula and shall be properly supervised by a certificated employee. Students attending school and enrolled in supervised programs may be counted as in full membership.

(b) *Part-time employment.* A student may be excused on a part-time basis from public school attendance to pursue non-school district supervised outside employment. For reimbursement purposes, membership in the public schools shall be calculated by counting the students only for those periods while they are in school. Excusal of students to pursue non-school district supervised outside employment shall be consistent with the applicable provisions of section 1330 of the Public School Code of 1949 (24 P. S. § 13-1330) as they relate to excusals from compulsory attendance for purposes of employment and with the school

district's rules governing excusals. Students excused on a full-time basis may not be counted as in membership.

**Authority**

The provisions of this § 11.28 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.28 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244461).

**§ 11.29. [Reserved].**

**Source**

The provisions of this § 11.29 reserved December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874. Immediately preceding text appears at serial page (11180).

**EXCUSALS FROM PUBLIC SCHOOL ATTENDANCE**

**§ 11.31. Students not enrolled in public schools due to private tutoring.**

(a) *Private tutoring requirements.*

(1) The instruction of students not enrolled in public schools due to private tutoring by a qualified tutor under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327) must include for elementary school level students: English, including spelling, reading and writing; arithmetic; geography; the history of the United States and Pennsylvania; science; civics, including loyalty to the State and National government; safety education, including regular and continuous instruction in the dangers and prevention of fires; health, including physical education and physiology; music; and art.

(2) For secondary school level students, the instruction must include: art; English; health; mathematics; music; physical education; science; and social studies, including civics, world history, United States and Pennsylvania history.

(3) The instruction may include, at the discretion of the tutor, economics, biology, chemistry, foreign languages, trigonometry or other age appropriate planned instruction as contained in Chapter 4 (relating to academic standards and assessment).

(4) The instruction must be given during the school year for a minimum of 180 days of instruction or for a minimum of 900 hours of instruction for an elementary level student and a minimum of 990 hours of instruction for a secondary level student as the equivalent of 180 days of instruction.

(b) *Documentation regarding private tutoring.*

(1) School district approval is not required to commence private tutoring.

(2) The parent shall provide written assurance that the instructional requirements listed in this section have been met.

(3) When a superintendent receives a complaint that a student is not being provided instruction for the time prescribed or that a student is not making satisfactory progress in the tutoring program, the superintendent may request evidence of student academic progress and documentation that instruction is provided for the required number of days and hours.

(4) Evidence of satisfactory progress may include samples of student work, assessments, progress reports, report cards and evaluations.

(5) Documentation of instructional time may include logs maintained by the tutor or parent, attendance records or other records indicating the dates and time instruction was provided.

#### Authority

The provisions of this § 11.31 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

#### Source

The provisions of this § 11.31 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244462).

### **§ 11.31a. Students not enrolled in public schools due to participation in a home education program.**

Students of compulsory school age participating in a home education program are subject to sections 1327(d) and 1327.1 of the Public School Code of 1949 (24 P. S. §§ 13-1327(d) and 1327.1). School district approval is not required to commence home education programs.

#### Authority

The provisions of this § 11.31a issued under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 11.31a adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798.

### **§ 11.32. Students attending nonpublic or private schools.**

A child of compulsory school age regularly attending full-time a nonpublic school that is in compliance with section 1327(b) of the Public School Code of 1949 (24 P. S. § 13-1327(b)) or an accredited or licensed private school, in which the instruction prescribed by statute and this part is taught, shall be in compliance with the compulsory attendance requirements.

**Authority**

The provisions of this § 11.32 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.32 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial pages (244462) and (279553).

**§ 11.33. Dual enrollment students enrolled part-time in the public schools.**

For reimbursement purposes, membership and attendance of nonpublic school students, students in a private tutoring program under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327), and students in a home education program under section 1327.1 of the Public School Code of 1949 (24 P. S. § 13-1327.1), lawfully enrolled part-time in the public schools, shall be calculated by counting the time the students spend in the public school program on a pro rata basis.

**Authority**

The provisions of this § 11.33 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.33 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279553).

**§ 11.34. Excusals from attendance for other than temporary reasons.**

(a) A school district may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of the Secretary. The excusal, which shall be reevaluated every 3 months, may be extended upon the recommendation of the school physician and with the approval of the Secretary. Children so excused shall be entered on the inactive roll.

(b) Prior to seeking excusal and the Secretary's approval, the school district shall provide the child's parents with written notice of both the proposed excusal, including the reasons for the excusal, and an opportunity to be heard. For a child enrolled in special education, the notice and opportunity to be heard shall be governed by §§ 14.161 and 14.162 (relating to prehearing conferences; and impartial due process hearing and expedited due process hearing).

**Authority**

The provisions of this § 11.34 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.34 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279553).

**APPLICABILITY****§ 11.41. School district policies and rules.**

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.

(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.

(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. § 13-1329(b)).

**Authority**

The provisions of this § 11.41 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

**Source**

The provisions of this § 11.41 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (279554).

**EXCEPTIONS****§ 11.51. Exceptions.**

The Secretary, in conformity with authority given under statute, may grant exceptions to this chapter as are necessary to adopt them to a school district's needs.

**Authority**

The provisions of this § 11.51 issued under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372 and 1511 of the Public School Code of 1949 (24 P. S. §§ 13-1327, 13-1330, 13-1372 and 15-1511).

**Source**

The provisions of this § 11.51 adopted December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874.

[Next page is 12-1.]