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**VIA ELECTRONIC MAIL**  
July 27, 2020

Ms. Susan Keller  
SKeller@cvschools.org  
Cumberland Valley School District  
6746 Carlisle Pike  
Mechanicsburg, PA 17050

**Re:** Nonpublic School Transportation

Dear Ms. Keller:

We represent the Pennsylvania Catholic Conference (PCC), the public affairs agency of the ten Catholic Dioceses situated in the Commonwealth of Pennsylvania. The Catholic Diocese of Harrisburg is a constituent member of the PCC. The Diocese has contacted us and has asked that we communicate with your District regarding its plans to provide transportation for students residing in your District who are attending Trinity High School, St. Patrick School in Carlisle and St. Joseph School in Mechanicsburg.

We understand that you have corresponded with each of these Catholic schools and have notified them of various limitations and restrictions your District plans to impose on its transportation options for these students, including *inter alia*: refusal to provide transportation on days when the Catholic schools are in session but District schools are not (but rather are operating online); limiting the number of students being transported to 50% of bus capacity (rather than offering additional buses); restricting transportation to certain days each week for a portion of the eligible students; and requiring Catholic school students to board their buses prior to the end of their school day (thus depriving them of instructional time).

Section 1361 of the Public School Code (24 P.S. §13-1361) prescribes the obligations of public school districts with respect to the transportation of nonpublic school students. That Section states, in pertinent part:

24 P.S. § 13-1361

**§ 13-1361. When provided**

(1) The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway, except that such ten-mile limit shall not apply to area career and technical schools which regularly serve eligible district pupils or to special schools and

classes approved by the Department of Education, and to and from any points within or without the Commonwealth in order to provide field trips for any purpose connected with the educational pursuits of the pupils. **When provision is made by a board of school directors for the transportation of public school pupils to and from such schools** or to and from any points within or without the Commonwealth in order to provide field trips as herein provided, **the board of school directors shall also make identical provision for the free transportation of pupils who regularly attend nonpublic kindergarten, elementary and high schools not operated for profit to and from such schools** or to and from any points within or without the Commonwealth in order to provide field trips as herein provided. **Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law.** The board of school directors shall provide such transportation whenever so required by any of the provisions of this act or of any other act of Assembly. (Emphasis supplied).

Each of the Catholic schools in question is entitled to establish its own regular school calendar, irrespective of the calendar adopted by the Cumberland Valley School District. Once the Catholic school calendars are established, §1361 of the School Code obligates the district to defer to those calendars in making transportation arrangements.

The arrangements currently proposed by your District do not meet its obligations under 24 P.S. §13-1361 and are not acceptable to these Catholic schools.

The Catholic schools are willing to work on a collaborative basis with the District during a difficult period, but the current proposed arrangements are too burdensome, too discriminatory, too impractical and altogether out of compliance with controlling law.

The opening of the school year is rapidly approaching. If litigation is to be avoided, it is imperative that the Diocese and the District immediately enter into substantive discussions regarding appropriate transportation arrangements.

Very truly yours,

*Philip J. Murren*

Philip J. Murren

cc: Dr. David E. Christopher  
Mr. Daniel Breen  
Mr. Sean P. McAleer