
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1217 Session of
2009

INTRODUCED BY MOUL, BAKER, BENNINGHOFF, BOYD, CALTAGIRONE,
CLYMER, COX, CREIGHTON, CUTLER, DENLINGER, DERMODY, FABRIZIO,
GABIG, GIBBONS, GINGRICH, GROVE, HALUSKA, HANNA, HARKINS,
HARRIS, HESS, HORNAMAN, KAUFFMAN, M. KELLER, KORTZ, KRIEGER,
MAHER, MARSICO, METCALFE, MURT, PHILLIPS, PICKETT, PYLE,
QUIGLEY, REED, REESE, REICHLEY, ROCK, ROHRER, SAYLOR,
SCHRODER, SONNEY, STERN, STEVENSON, TALLMAN, J. TAYLOR, TRUE,
TURZAI, YOUNGBLOOD AND READSHAW, APRIL 7, 2009

REFERRED TO COMMITTEE ON EDUCATION, APRIL 7, 2009

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," further providing for home education
6 program.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1327.1(g), (h), (i), (j), (k) and (l) of
10 the act of March 10, 1949 (P.L.30, No.14), known as the Public
11 School Code of 1949, added December 21, 1988 (P.L.1321, No.169),
12 are amended and the section is amended by adding subsections to
13 read:

14 Section 1327.1. Home Education Program.--* * *

15 (g) When documentation is required by this section to be
16 submitted to [the district of residence superintendent or] the
17 hearing examiner, [the superintendent or] the hearing examiner

1 shall return, upon completion of his review, all such
2 documentation to the supervisor of the home education program.
3 The [superintendent or] hearing examiner may photocopy all or
4 portions of the documentation for his files.

5 [(h) Such documentation required by subsection (e)(1) and
6 (2) shall be provided to the public school district of residence
7 superintendent at the conclusion of each public school year. In
8 addition, if the superintendent has a reasonable belief that, at
9 any time during the school year, appropriate education may not
10 be occurring in the home education program, he may, by certified
11 mail, return receipt requested, require documentation pertaining
12 to the portfolio of records and materials required by subsection
13 (e)(1) to be submitted to the district within fifteen (15) days;
14 and documentation pertaining to subsection (e)(2) to be
15 submitted to the district within thirty (30) days. If the tests
16 as required in subsection (e)(1) have not been administered at
17 the time of the receipt of the certified letter by the
18 supervisor, the supervisor shall submit the other required
19 documentation and shall submit the test results with the
20 documentation at the conclusion of the school year.]

21 (h.1) The home education evaluation and an evaluator's
22 certification that an appropriate education is occurring shall
23 be provided by the supervisor to the superintendent of the
24 public school district of residence by June 30 of each year. If
25 the supervisor fails to submit the certification due on June 30
26 to the superintendent, the superintendent shall send a letter by
27 certified mail, return receipt requested, to the supervisor of
28 the home education program, stating that the certification is
29 past due and notifying the supervisor to submit the
30 certification within ten (10) days of receipt of the certified

1 letter. If the certification is not submitted within that time,
2 the board of school directors shall provide for a proper hearing
3 in accordance with subsection (k).

4 [(i) If the superintendent of the public school district
5 determines, based on the documentation provided, at the end of
6 or during the school year, that appropriate education is not
7 taking place for the child in the home education program, the
8 superintendent shall send a letter by certified mail, return
9 receipt requested, to the supervisor of the home education
10 program stating that in his opinion appropriate education is not
11 taking place for the child in the home education program and
12 shall return all documentation, specifying what aspect or
13 aspects of the documentation are inadequate.]

14 (i.1) If the superintendent has probable cause, at any time
15 during the school year, that appropriate education may not be
16 occurring in the home education program, the superintendent may,
17 by certified mail, return receipt requested, require that an
18 evaluation be conducted in accordance with subsection (e)(2) and
19 that an evaluator's certification stating that an appropriate
20 education is occurring, be submitted to the district by the
21 supervisor within thirty (30) days of the receipt of the
22 certified letter. If the tests, as required in subsection (e)
23 (1), have not been administered at the time of the receipt of
24 the certified letter by the supervisor, the supervisor shall
25 submit the other required documentation to the evaluator and the
26 test results to the evaluator with the documentation at the
27 conclusion of the school year. If the certification is not
28 submitted to the superintendent within thirty (30) days of
29 receipt of the certified letter, the board of school directors
30 shall provide for a proper hearing in accordance with subsection

1 (k).

2 [(j) Upon receipt of the certified letter required by
3 subsection (i), the supervisor of the home education program
4 shall have twenty (20) days to submit additional documentation
5 demonstrating that appropriate education is taking place for the
6 child in the home education program. If documentation is not
7 submitted within that time, the home education program for the
8 child shall be out of compliance with the requirements of this
9 section and section 1327, and the student shall be promptly
10 enrolled in the public school district of residence or a
11 nonpublic school or a licensed private academic school.]

12 (j.1) If the superintendent has probable cause that the home
13 education program is out of compliance with any other provisions
14 of this section, the superintendent shall notify the supervisor
15 by certified mail, return receipt requested, to submit
16 documentation within thirty (30) days indicating that the
17 program is in compliance. If the documentation is not submitted
18 within that time, the board of school directors shall provide
19 for a proper hearing in accordance with subsection (k).

20 (k) [If the superintendent determines that the additional
21 documentation submitted still does not demonstrate that
22 appropriate education is taking place in the home education
23 program, he shall so notify the supervisor of the home education
24 program by certified mail, return receipt requested, and] If a
25 hearing is required under the provisions of subsection (g),
26 (h.1) or (i.1), the board of school directors shall provide for
27 a proper hearing by a duly qualified and impartial hearing
28 examiner within thirty (30) days. The examiner shall render a
29 decision within fifteen (15) days of the hearing except that he
30 may require the establishment of a remedial education plan

1 mutually agreed to by the superintendent and supervisor of the
2 home education program which shall continue the home education
3 program. The decision of the examiner may be appealed by either
4 the supervisor of the home education program or the
5 superintendent to the Secretary of Education [or], Commonwealth
6 Court or court of common pleas.

7 (1) If the hearing examiner finds that the [documentation]
8 evidence does not indicate that appropriate education is taking
9 place in the home education program, the home education program
10 for the child shall be out of compliance with the requirements
11 of this section and section 1327, and the student shall be
12 promptly enrolled in the public school district of residence or
13 a nonpublic school or a licensed private academic school. The
14 home education program may continue during the time of any
15 appeal.

16 * * *

17 Section 2. This act shall take effect immediately.