

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2317 Session of
2012

INTRODUCED BY ROCK, AUMENT, BLOOM, GILLEN, GODSHALL, GROVE,
KAUFFMAN, LAWRENCE, MALONEY, METCALFE, MOUL, ROAE AND
TALLMAN, APRIL 10, 2012

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 2012

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 (d.1) Notwithstanding any statutory provision or regulation
16 to the contrary, a high school diploma awarded by the supervisor
17 in recognition of completion of the requirements under
18 subsection (d) shall be considered as according all the rights
19 and privileges of a high school diploma awarded under this act

1 by the Commonwealth, a Commonwealth agency, a political
2 subdivision, a local agency and an authority or instrumentality
3 of the Commonwealth or a political subdivision.

4 * * *

5 (g) When documentation is required by this section to be
6 submitted to [the district of residence superintendent or] the
7 hearing examiner, [the superintendent or] the hearing examiner
8 shall return, upon completion of his review, all such
9 documentation to the supervisor of the home education program.
10 The [superintendent or] hearing examiner may photocopy all or
11 portions of the documentation for his files.

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

28 (h.1) An evaluator's certification STATING that an ←
29 appropriate education is occurring FOR THE SCHOOL YEAR UNDER ←
30 REVIEW shall be provided by the supervisor to the superintendent

1 of the public school district of residence by June 30 of each
2 year. If the supervisor fails to submit the certification due on
3 June 30 to the superintendent, the superintendent shall send a
4 letter by certified mail, return receipt requested, to the
5 supervisor of the home education program, stating that the
6 certification is past due and notifying the supervisor to submit
7 the certification within ten (10) days of receipt of the
8 certified letter. If the certification is not submitted within
9 that time, the board of school directors shall provide for a
10 proper hearing in accordance with subsection (k).

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

21 (i.1) If the superintendent has ~~probable cause~~ A REASONABLE ←
22 BELIEF, at any time during the school year, that appropriate
23 education may not be occurring in the home education program, he
24 may, by certified mail, return receipt requested, require that
25 an evaluation be conducted in accordance with subsection (e) (2)
26 and that an evaluator's certification stating that an
27 appropriate education is occurring FOR THE SCHOOL YEAR UNDER ←
28 REVIEW, be submitted to the district by the supervisor within
29 thirty (30) days of the receipt of the certified letter. If the
30 tests, as required in subsection (e) (1), have not been

1 administered at the time of the receipt of the certified letter
2 by the supervisor, the supervisor shall submit the other
3 required documentation to the evaluator and the test results to
4 the evaluator with the documentation at the conclusion of the
5 school year. If the certification is not submitted to the
6 superintendent within thirty (30) days of receipt of the
7 certified letter, the board of school directors shall provide
8 for a proper hearing in accordance with subsection (k).

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

19 (j.1) If the superintendent has ~~probable cause~~ A REASONABLE ←
20 BELIEF that the home education program is out of compliance with
21 any other provisions of this section, the superintendent shall
22 notify the supervisor by certified mail, return receipt
23 requested, to submit a certification within thirty (30) days
24 indicating that the program is in compliance. If the
25 certification is not submitted within that time, the board of
26 school directors shall provide for a proper hearing in
27 accordance with subsection (k).

28 (k) [If the superintendent determines that the additional
29 documentation submitted still does not demonstrate that
30 appropriate education is taking place in the home education

1 program, he shall so notify the supervisor of the home education
2 program by certified mail, return receipt requested, and] If a
3 hearing is required by the provisions of subsection (g), (h.1)
4 or (i.1), the board of school directors shall provide for a
5 proper hearing by a duly qualified and impartial hearing
6 examiner within thirty (30) days. The examiner shall render a
7 decision within fifteen (15) days of the hearing except that he
8 may require the establishment of a remedial education plan
9 mutually agreed to by the superintendent and supervisor of the
10 home education program which shall continue the home education
11 program. The decision of the examiner may be appealed by either
12 the supervisor of the home education program or the
13 superintendent to the Secretary of Education [or], Commonwealth
14 Court or court of common pleas.

15 (1) If the hearing examiner finds that the [documentation]
16 evidence does not indicate that appropriate education is taking
17 place in the home education program, the home education program
18 for the child shall be out of compliance with the requirements
19 of this section and section 1327, and the student shall be
20 promptly enrolled in the public school district of residence or
21 a nonpublic school or a licensed private academic school. The
22 home education program may continue during the time of any
23 appeal.

24 * * *

25 (N) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
26 FEDERAL OR STATE LAW RELATING TO SPECIAL EDUCATION FOR STUDENTS
27 WITH DISABILITIES IN HOME EDUCATION PROGRAMS. ←

28 Section 2. This act shall take effect July 1, 2012, or
29 immediately, whichever is later.