## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## **HOUSE BILL**

No. 1013 Session of 2013

INTRODUCED BY GILLEN, AUMENT, COX, DENLINGER, GIBBONS, GINGRICH, KAUFFMAN, LAWRENCE, MASSER, METCALFE, MILLARD, READSHAW AND TALLMAN, MARCH 15, 2013

REFERRED TO COMMITEE ON EDUCATION, MARCH 15, 2013

## AN ACT

- Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in pupils and attendance, further providing for home education program.

  The General Assembly of the Commonwealth of Pennsylvania

  hereby enacts as follows:

  Section 1 Section 1327 1(g). (h). (i). (i). (k) and (l) of
- 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:
- 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 <u>in recognition of completion of the requirements under</u>
- 18 <u>subsection</u> (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.
- [(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 <u>letter by certified mail, return receipt requested, to the</u>
- 5 supervisor of the home education program, stating that the
- 6 <u>certification is past due and notifying the supervisor to submit</u>
- 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 a reasonable belief, at any
- 22 time during the school year, that appropriate education may not
- 23 be occurring in the home education program, he may, by certified
- 24 mail, return receipt requested, require that an evaluation be
- 25 conducted in accordance with subsection (e)(2) and that an
- 26 evaluator's certification stating that an appropriate education
- 27 <u>is occurring for the school year under review, be submitted to</u>
- 28 the district by the supervisor within thirty (30) days of the
- 29 receipt of the certified letter. If the tests, as required in
- 30 subsection (e)(1), have not been administered at the time of the

- 1 receipt of the certified letter by the supervisor, the
- 2 supervisor shall submit the other required documentation to the
- 3 evaluator and the test results to the evaluator with the
- 4 documentation at the conclusion of the school year. If the
- 5 certification is not submitted to the superintendent within
- 6 thirty (30) days of receipt of the certified letter, the board
- 7 of school directors shall provide for a proper hearing in
- 8 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 a reasonable belief that the
- 20 home education program is out of compliance with any other
- 21 provisions of this section, the superintendent shall notify the
- 22 supervisor by certified mail, return receipt requested, to
- 23 submit a certification within thirty (30) days indicating that
- 24 the program is in compliance. If the certification is not
- 25 submitted within that time, the board of school directors shall
- 26 provide for a proper hearing in accordance with subsection (k).
- 27 (k) [If the superintendent determines that the additional
- 28 documentation submitted still does not demonstrate that
- 29 appropriate education is taking place in the home education
- 30 program, he shall so notify the supervisor of the home education

- 1 program by certified mail, return receipt requested, and] If a
- 2 hearing is required by the provisions of subsection (q), (h.1)
- 3 or (i.1), the board of school directors shall provide for a
- 4 proper hearing by a duly qualified and impartial hearing
- 5 examiner within thirty (30) days. The examiner shall render a
- 6 decision within fifteen (15) days of the hearing except that he
- 7 may require the establishment of a remedial education plan
- 8 mutually agreed to by the superintendent and supervisor of the
- 9 home education program which shall continue the home education
- 10 program. The decision of the examiner may be appealed by either
- 11 the supervisor of the home education program or the
- 12 superintendent to the Secretary of Education [or], Commonwealth
- 13 Court or court of common pleas.
- 14 (1) If the hearing examiner finds that the [documentation]
- 15 evidence does not indicate that appropriate education is taking
- 16 place in the home education program, the home education program
- 17 for the child shall be out of compliance with the requirements
- 18 of this section and section 1327, and the student shall be
- 19 promptly enrolled in the public school district of residence or
- 20 a nonpublic school or a licensed private academic school. The
- 21 home education program may continue during the time of any
- 22 appeal.
- 23 \* \* \*
- 24 (n) Nothing in this section shall be construed to affect
- 25 Federal or State law relating to special education for students
- 26 with disabilities in home education programs.
- 27 Section 2. This act shall take effect July 1, 2013, or
- 28 immediately, whichever is later.