

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 154

Session of
1987

INTRODUCED BY MADIGAN, HESS, JUBELIRER, RHOADES, REIBMAN,
FISHER, AFFLERBACH, ANDREZESKI, ARMSTRONG, CORMAN, JONES,
LEWIS, MUSTO, ROSS, SALVATORE, STAPLETON, STOUT, WILLIAMS AND
LEMMOND, JANUARY 15, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 22, 1988

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," ~~increasing reimbursement for school~~ <—
6 ~~building construction; and making editorial changes.~~ FURTHER <—
7 PROVIDING FOR HOME EDUCATION AND TUTORIAL PROGRAMS AND FOR <—
8 THE SALE OF UNUSED AND UNNECESSARY LANDS AND BUILDINGS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 2574(c) of the act of March 10, 1949~~ <—
12 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
13 ~~amended June 12, 1968 (P.L.192, No.96), is amended and~~
14 ~~subsections (b) and (c) are amended by adding clauses to read:~~

15 ~~Section 2574. Approved Reimbursable Rental for Leases~~
16 ~~Hereafter Approved and Approved Reimbursable Sinking Fund~~
17 ~~Charges on Indebtedness. * * *~~

18 ~~(b) For new school buildings the approved building~~

1 ~~construction cost shall be the lesser of~~

2 * * *

3 ~~(3.1) For school buildings for which the general~~
4 ~~construction contract is awarded subsequent to July 1, 1984, and~~
5 ~~for approved school building projects for which the general~~
6 ~~construction contract was awarded but for which a lease or~~
7 ~~general obligation bond resolution was not approved by the~~
8 ~~Department of Education prior to July 1, 1984, the product of~~
9 ~~the rated pupil capacity as determined by the Department of~~
10 ~~Education at the time the project is approved and (i) five~~
11 ~~thousand five hundred dollars (\$5,500) in the case of elementary~~
12 ~~schools, (ii) seven thousand two hundred dollars (\$7,200) in the~~
13 ~~case of secondary schools, (iii) an amount in the case of~~
14 ~~combined elementary secondary schools obtained by multiplying~~
15 ~~the rated elementary pupil capacity by five thousand five~~
16 ~~hundred dollars (\$5,500) and the rated secondary pupil capacity~~
17 ~~by seven thousand two hundred dollars (\$7,200) and dividing the~~
18 ~~sum by the total rated pupil capacity.~~

19 ~~(c) For additions or alterations to existing buildings~~
20 ~~approved building construction cost shall be the lesser of~~

21 * * *

22 ~~(3.1) For school buildings for which the general~~
23 ~~construction contract is awarded subsequent to July 1, 1984, and~~
24 ~~for approved school building projects for which the general~~
25 ~~construction contract was awarded but for which a lease or~~
26 ~~general obligation bond resolution was not approved by the~~
27 ~~Department of Education prior to July 1, 1984, the difference~~
28 ~~obtained by subtracting the appraisal value of the existing~~
29 ~~building from the product of the rated pupil capacity of the~~
30 ~~altered or expanded building as determined by the Department of~~

1 ~~Education at the time the project is approved and (i) five~~
2 ~~thousand five hundred dollars (\$5,500) in the case of elementary~~
3 ~~schools, (ii) seven thousand two hundred dollars (\$7,200) in the~~
4 ~~case of secondary schools, (iii) an amount in the case of~~
5 ~~combined elementary secondary schools obtained by multiplying~~
6 ~~the rated elementary pupil capacity by five thousand five~~
7 ~~hundred dollars (\$5,500) and the rated secondary pupil capacity~~
8 ~~by seven thousand two hundred dollars (\$7,200) and dividing the~~
9 ~~sum by the total rated pupil capacity of the altered or expanded~~
10 ~~building.~~

11 * * *

12 ~~(c) For area vocational technical school and technical~~
13 ~~institute projects leased subsequent to July 1, 1964, by or for~~
14 ~~lease to a board of school directors authorized to operate such~~
15 ~~a school, the Department of [Public Instruction] Education shall~~
16 ~~calculate an approved reimbursable rental charge.~~

17 ~~For area vocational technical school and technical institute~~
18 ~~projects constructed or purchased subsequent to July 1, 1964, by~~
19 ~~a board of school directors authorized to operate such a school,~~
20 ~~the Department of [Public Instruction] Education may calculate~~
21 ~~an approved reimbursable sinking fund charge.~~

22 ~~Approved reimbursable rental or sinking fund charge shall~~
23 ~~consist of that part of the annual rental or sinking fund~~
24 ~~attributable to:~~

25 ~~(1) Cost of acquiring land and preparing it for use to the~~
26 ~~extent that such costs are deemed reasonable by the Department~~
27 ~~of [Public Instruction] Education and the interest on such cost~~
28 ~~of acquisition, cost of preparation and the cost of sewage~~
29 ~~treatment and the interest on such costs.~~

30 ~~(2) Machinery, apparatus, furniture and equipment and all~~

1 other necessary expenses and interest charges, but excluding
2 architects' fees in excess of six percent of the construction
3 cost.

4 The approved building construction cost and the interest on
5 such construction cost shall not exceed the product of the rated
6 full time pupil capacity, as determined by the Department of
7 ~~[Public Instruction]~~ Education at the time the project is
8 approved and two thousand two hundred dollars (\$2,200).

9 The provisions of the foregoing paragraph shall apply to all
10 school building projects for which the general construction
11 contract is awarded prior to July 1, 1966, and for approved
12 school building projects for which a lease was approved by the
13 Department of ~~[Public Instruction]~~ Education prior to July 1,
14 1966. For school buildings for which the general construction
15 contract is awarded subsequent to July 1, 1966, and for approved
16 school building projects for which the general construction
17 contract was awarded but for which a lease was not approved by
18 the Department of ~~[Public Instruction]~~ Education prior to July
19 1, 1966, the approved building construction cost and the
20 interest on such construction cost shall not exceed the product
21 of the rated full time pupil capacity, as determined by the
22 Department of ~~[Public Instruction]~~ Education at the time the
23 project is approved, and three thousand seven hundred dollars
24 (\$3700).

25 For school buildings for which the general construction
26 contract is awarded subsequent to July 1, 1984, and for approved
27 school building projects for which the general construction
28 contract was awarded but for which a lease or general obligation
29 bond resolution was not approved by the Department of Education
30 prior to July 1, 1984, the approved building construction cost

1 ~~and the interest on such construction cost shall not exceed the~~
2 ~~product of the rated full time pupil capacity, as determined by~~
3 ~~the Department of Education at the time the project is approved,~~
4 ~~and eight thousand nine hundred dollars (\$8,900).~~

5 The Department of [Public Instruction] ~~Education~~ shall not
6 approve the expenditure of any funds borrowed or obtained by the
7 sale of bonds by any authority, nonprofit corporation, profit
8 corporation, company or individual for construction of area
9 vocational technical schools or technical institutes for
10 bleachers, athletic field, lighting equipment or apparatus used
11 to promote and conduct interscholastic athletics.

12 * * *

13 Section 2. ~~The Commonwealth shall be obligated to reimburse~~
14 ~~school districts at the rates provided for in section 1 of this~~
15 ~~amendatory act only for payments due on or after July 1, 1987.~~
16 ~~In no event shall school districts be entitled to increased~~
17 ~~reimbursements as a result of this amendatory act for payments~~
18 ~~made by the Commonwealth between July 1, 1984, and June 30,~~
19 ~~1987.~~

20 Section 3. ~~This act shall take effect July 1, 1987.~~

21 SECTION 1. ~~SECTION 1327(A) OF THE ACT OF MARCH 10, 1949~~ <—
22 ~~(P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,~~

23 SECTION 1. SECTION 707(8) OF THE ACT OF MARCH 10, 1949 <—
24 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
25 AMENDED JULY 31, 1968 (P.L.796, NO.242), IS AMENDED TO READ:

26 SECTION 707. SALE OF UNUSED AND UNNECESSARY LANDS AND
27 BUILDINGS.--THE BOARD OF SCHOOL DIRECTORS OF ANY DISTRICT IS
28 HEREBY VESTED WITH THE NECESSARY POWER AND AUTHORITY TO SELL
29 UNUSED AND UNNECESSARY LANDS AND BUILDINGS, BY ANY OF THE
30 FOLLOWING METHODS AND SUBJECT TO THE FOLLOWING PROVISIONS:

1 * * *

2 (8) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS
3 SECTION, ANY SCHOOL DISTRICT OF THE SECOND, THIRD OR FOURTH
4 CLASS, UPON APPROVAL OF TWO-THIRDS (2/3) OF THE MEMBERS OF THE
5 BOARD OF SCHOOL DIRECTORS OF SUCH DISTRICT, MAY CONVEY ANY
6 UNUSED AND UNNECESSARY LANDS AND BUILDINGS OF THE DISTRICT TO
7 THE CITY, BOROUGH, TOWN OR TOWNSHIP, THE BOUNDARIES OF WHICH ARE
8 COTERMINOUS WITH OR WITHIN THOSE OF THE DISTRICT OR A VOLUNTEER
9 FIRE COMPANY, VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE
10 SQUAD LOCATED WITHIN THE DISTRICT, WITHOUT CONSIDERATION, OR FOR
11 SUCH CONSIDERATION AND ON SUCH TERMS OF EXCHANGE OR OTHERWISE AS
12 MAY BE AGREED UPON, WITHOUT FIRST COMPLYING WITH THE
13 REQUIREMENTS OF THE FOREGOING PROVISIONS OF THIS SECTION.

14 ALL SUCH CONVEYANCES TO A CITY, BOROUGH, TOWN OR TOWNSHIP
15 SHALL CONTAIN A CLAUSE WHEREBY THE LANDS AND BUILDINGS WILL
16 REVERT TO THE SCHOOL DISTRICT IF THEY ARE NO LONGER BEING USED
17 FOR MUNICIPAL OR AUTHORITY PURPOSES[.], WITH THE FOLLOWING
18 EXCEPTION. IF THE LANDS AND BUILDINGS ACQUIRED FROM A FORMER
19 SCHOOL DISTRICT ARE CONVEYED TO A CITY, BOROUGH, TOWN OR
20 TOWNSHIP, THE BOUNDARIES OF WHICH ARE COTERMINOUS WITH OR WITHIN
21 THOSE OF THE FORMER SCHOOL DISTRICT, THE CONVEYANCE NEED NOT
22 CONTAIN A REVERTER CLAUSE. HOWEVER, ALL CONVEYANCES TO A
23 VOLUNTEER FIRE COMPANY, VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER
24 RESCUE SQUAD SHALL CONTAIN A CLAUSE WHEREBY THE LANDS AND
25 BUILDINGS WILL REVERT TO THE SCHOOL DISTRICT IF THEY ARE NO
26 LONGER BEING USED FOR FIRE, AMBULANCE OR RESCUE SERVICES.

27 * * *

28 SECTION 2. SECTION 1327(A) OF THE ACT, AMENDED DECEMBER 15,
29 1986 (P.L.1602, NO.178), IS AMENDED AND THE SECTION IS AMENDED
30 BY ADDING A SUBSECTION TO READ:

1 SECTION 1327. COMPULSORY SCHOOL ATTENDANCE.--(A) EXCEPT AS
2 HEREINAFTER PROVIDED, EVERY CHILD OF COMPULSORY SCHOOL AGE
3 HAVING A LEGAL RESIDENCE IN THIS COMMONWEALTH, AS PROVIDED IN
4 THIS ARTICLE, AND EVERY MIGRATORY CHILD OF COMPULSORY SCHOOL
5 AGE, IS REQUIRED TO ATTEND A DAY SCHOOL IN WHICH THE SUBJECTS
6 AND ACTIVITIES PRESCRIBED BY THE STANDARDS OF THE STATE BOARD OF
7 EDUCATION ARE TAUGHT IN THE ENGLISH LANGUAGE. IN LIEU OF SUCH
8 SCHOOL ATTENDANCE, ANY CHILD FIFTEEN YEARS OF AGE WITH THE
9 APPROVAL OF THE DISTRICT SUPERINTENDENT AND THE APPROVAL OF THE
10 SECRETARY OF EDUCATION, AND ANY CHILD SIXTEEN YEARS OF AGE WITH
11 THE APPROVAL OF THE DISTRICT SUPERINTENDENT OF SCHOOLS, MAY
12 ENROLL AS A DAY STUDENT IN A PRIVATE TRADE SCHOOL OR IN A
13 PRIVATE BUSINESS SCHOOL LICENSED BY THE DEPARTMENT OF EDUCATION,
14 OR IN A TRADE OR BUSINESS SCHOOL, OR DEPARTMENT OPERATED BY A
15 LOCAL SCHOOL DISTRICT OR DISTRICTS. SUCH MODIFIED PROGRAM
16 OFFERED IN A PUBLIC SCHOOL MUST MEET THE STANDARDS PRESCRIBED BY
17 THE STATE BOARD OF EDUCATION OR THE STATE BOARD FOR VOCATIONAL
18 EDUCATION. EXCEPT AS HEREINAFTER PROVIDED, EVERY PARENT,
19 GUARDIAN, OR OTHER PERSON HAVING CONTROL OR CHARGE OF ANY CHILD
20 OR CHILDREN OF COMPULSORY SCHOOL AGE IS REQUIRED TO SEND SUCH
21 CHILD OR CHILDREN TO A DAY SCHOOL IN WHICH THE SUBJECTS AND
22 ACTIVITIES PRESCRIBED BY THE STANDARDS OF THE STATE BOARD OF
23 EDUCATION ARE TAUGHT IN THE ENGLISH LANGUAGE. SUCH PARENT,
24 GUARDIAN, OR OTHER PERSON HAVING CONTROL OR CHARGE OF ANY CHILD
25 OR CHILDREN, FIFTEEN OR SIXTEEN YEARS OF AGE, IN ACCORDANCE WITH
26 THE PROVISIONS OF THIS ACT, MAY SEND SUCH CHILD OR CHILDREN TO A
27 PRIVATE TRADE SCHOOL OR PRIVATE BUSINESS SCHOOL LICENSED BY THE
28 DEPARTMENT OF EDUCATION, OR TO A TRADE OR BUSINESS SCHOOL, OR
29 DEPARTMENT OPERATED BY A LOCAL SCHOOL DISTRICT OR DISTRICTS.
30 SUCH MODIFIED PROGRAM OFFERED IN A PUBLIC SCHOOL MUST MEET THE

1 STANDARDS PRESCRIBED BY THE STATE BOARD OF EDUCATION OR THE
2 STATE BOARD FOR VOCATIONAL EDUCATION. SUCH CHILD OR CHILDREN
3 SHALL ATTEND SUCH SCHOOL CONTINUOUSLY THROUGH THE ENTIRE TERM,
4 DURING WHICH THE PUBLIC SCHOOLS IN THEIR RESPECTIVE DISTRICTS
5 SHALL BE IN SESSION, OR IN CASES OF CHILDREN OF MIGRANT LABORERS
6 DURING THE TIME THE SCHOOLS ARE IN SESSION IN THE DISTRICTS IN
7 WHICH SUCH CHILDREN ARE TEMPORARILY DOMICILED. THE FINANCIAL
8 RESPONSIBILITY FOR THE EDUCATION OF SUCH CHILDREN OF MIGRANT
9 LABORERS SHALL REMAIN WITH THE SCHOOL DISTRICT IN WHICH SUCH
10 CHILDREN OF MIGRANT LABORERS ARE TEMPORARILY DOMICILED; EXCEPT
11 IN THE CASE OF SPECIAL SCHOOLS OR CLASSES CONDUCTED BY AN
12 INTERMEDIATE UNIT AND APPROVED BY THE DEPARTMENT OF EDUCATION OR
13 CONDUCTED BY THE DEPARTMENT OF EDUCATION. THE CERTIFICATE OF ANY
14 PRINCIPAL OR TEACHER OF A PRIVATE SCHOOL, OR OF ANY INSTITUTION
15 FOR THE EDUCATION OF CHILDREN, IN WHICH THE SUBJECTS AND
16 ACTIVITIES PRESCRIBED BY THE STANDARDS OF THE STATE BOARD OF
17 EDUCATION ARE TAUGHT IN THE ENGLISH LANGUAGE, SETTING FORTH THAT
18 THE WORK OF SAID SCHOOL IS IN COMPLIANCE WITH THE PROVISIONS OF
19 THIS ACT, SHALL BE SUFFICIENT AND SATISFACTORY EVIDENCE THEREOF.
20 REGULAR DAILY INSTRUCTION IN THE ENGLISH LANGUAGE, FOR THE TIME
21 HEREIN REQUIRED, BY A PROPERLY QUALIFIED PRIVATE TUTOR, SHALL BE
22 CONSIDERED AS COMPLYING WITH THE PROVISIONS OF THIS SECTION[, IF
23 SUCH INSTRUCTION IS SATISFACTORY TO THE PROPER DISTRICT
24 SUPERINTENDENT OF SCHOOLS]. FOR THE PURPOSES OF THIS SECTION,
25 "PROPERLY QUALIFIED PRIVATE TUTOR" SHALL MEAN A PERSON WHO IS
26 CERTIFIED BY THE COMMONWEALTH OF PENNSYLVANIA TO TEACH IN THE
27 PUBLIC SCHOOLS OF PENNSYLVANIA; WHO IS TEACHING ONE OR MORE
28 CHILDREN WHO ARE MEMBERS OF A SINGLE FAMILY; WHO PROVIDES THE
29 MAJORITY OF THE INSTRUCTION TO SUCH CHILD OR CHILDREN; AND WHO
30 IS RECEIVING A FEE OR OTHER CONSIDERATION FOR SUCH INSTRUCTIONAL

1 SERVICES. NO PERSON WHO WOULD BE DISQUALIFIED FROM SCHOOL
2 EMPLOYMENT BY THE PROVISIONS OF SUBSECTION (E) OF SECTION 111
3 MAY BE A PRIVATE TUTOR, AS PROVIDED FOR IN THIS SECTION. THE
4 PRIVATE TUTOR MUST FILE A COPY OF HIS PENNSYLVANIA CERTIFICATION
5 AND THE REQUIRED CRIMINAL HISTORY RECORD WITH THE STUDENT'S
6 DISTRICT OF RESIDENCE SUPERINTENDENT.

7 * * *

8 (D) INSTRUCTION TO CHILDREN OF COMPULSORY SCHOOL AGE
9 PROVIDED IN A HOME EDUCATION PROGRAM, AS PROVIDED FOR IN SECTION
10 1327.1 OF THIS ACT, SHALL BE CONSIDERED AS COMPLYING WITH THE
11 PROVISIONS OF THIS SECTION, EXCEPT THAT ANY STUDENT WHO HAS BEEN
12 IDENTIFIED PURSUANT TO THE PROVISIONS OF THE EDUCATION OF THE
13 HANDICAPPED ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1401 ET SEQ.) AS
14 NEEDING SPECIAL EDUCATION SERVICES, EXCLUDING THOSE STUDENTS
15 IDENTIFIED AS GIFTED AND/OR TALENTED, SHALL BE IN COMPLIANCE
16 WITH THE REQUIREMENTS OF COMPULSORY ATTENDANCE BY PARTICIPATING
17 IN A HOME EDUCATION PROGRAM, AS DEFINED IN SECTION 1327.1, WHEN
18 THE PROGRAM ADDRESSES THE SPECIFIC NEEDS OF THE EXCEPTIONAL
19 STUDENT AND IS APPROVED BY A TEACHER WITH A VALID CERTIFICATE
20 FROM THE COMMONWEALTH TO TEACH SPECIAL EDUCATION OR A LICENSED
21 CLINICAL OR CERTIFIED SCHOOL PSYCHOLOGIST, AND WRITTEN
22 NOTIFICATION OF SUCH APPROVAL IS SUBMITTED WITH THE NOTARIZED
23 AFFIDAVIT REQUIRED UNDER SECTION 1327.1(B). THE SUPERVISOR OF A
24 HOME EDUCATION PROGRAM MAY REQUEST THAT THE SCHOOL DISTRICT OR
25 INTERMEDIATE UNIT OF RESIDENCE PROVIDE SERVICES THAT ADDRESS THE
26 SPECIFIC NEEDS OF THE EXCEPTIONAL STUDENT IN THE HOME EDUCATION
27 PROGRAM. WHEN THE PROVISION OF SERVICES IS AGREED TO BY BOTH THE
28 SUPERVISOR AND THE SCHOOL DISTRICT OR INTERMEDIATE UNIT, ALL
29 SERVICES SHALL BE PROVIDED IN THE PUBLIC SCHOOLS OR IN A PRIVATE
30 SCHOOL LICENSED TO PROVIDE SUCH PROGRAMS AND SERVICES.

1 SECTION 2 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

2 SECTION 1327.1. HOME EDUCATION PROGRAM.--(A) THE FOLLOWING

3 WORDS AND PHRASES WHEN USED IN THIS SECTION SHALL HAVE THE

4 MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

5 "APPROPRIATE EDUCATION" SHALL MEAN A PROGRAM CONSISTING OF <—

6 INSTRUCTION IN THE REQUIRED SUBJECTS FOR THE TIME REQUIRED IN

7 THIS ACT AND IN WHICH THE STUDENT DEMONSTRATES SUSTAINED

8 PROGRESS IN EACH SUBJECT. THE OVERALL PROGRAM. <—

9 "HEARING EXAMINER" SHALL NOT BE AN OFFICER, EMPLOYE OR AGENT

10 OF THE DEPARTMENT OF EDUCATION OR OF THE SCHOOL DISTRICT OR

11 INTERMEDIATE UNIT OF RESIDENCE OF THE CHILD IN THE HOME

12 EDUCATION PROGRAM.

13 "HOME EDUCATION PROGRAM" SHALL MEAN A PROGRAM CONDUCTED, IN

14 COMPLIANCE WITH THIS SECTION, BY THE PARENT OR GUARDIAN OR SUCH

15 PERSON HAVING LEGAL CUSTODY OF THE CHILD OR CHILDREN.

16 "SUPERVISOR" SHALL MEAN THE PARENT OR GUARDIAN OR SUCH PERSON

17 HAVING LEGAL CUSTODY OF THE CHILD OR CHILDREN WHO SHALL BE

18 RESPONSIBLE FOR THE PROVISION OF INSTRUCTION, PROVIDED THAT SUCH <—

19 PERSON HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

20 (B) THE REQUIREMENTS CONTAINED IN SECTIONS 1511 AND 1511.1,

21 EXCEPT AS PROVIDED FOR IN THIS SECTION, AND SECTION 1605 SHALL

22 NOT APPLY TO HOME EDUCATION PROGRAMS. A HOME EDUCATION PROGRAM

23 SHALL NOT BE CONSIDERED A NONPUBLIC SCHOOL UNDER THE PROVISIONS

24 OF THIS ACT.

25 (1) A NOTARIZED AFFIDAVIT OF THE PARENT OR GUARDIAN OR OTHER

26 PERSON HAVING LEGAL CUSTODY OF THE CHILD OR CHILDREN, FILED

27 PRIOR TO THE COMMENCEMENT OF THE HOME EDUCATION PROGRAM AND

28 ANNUALLY THEREAFTER ON AUGUST 1 WITH THE SUPERINTENDENT OF THE

29 SCHOOL DISTRICT OF RESIDENCE AND WHICH SETS FORTH: THE NAME OF

30 THE SUPERVISOR OF THE HOME EDUCATION PROGRAM WHO SHALL BE

1 RESPONSIBLE FOR THE PROVISION OF INSTRUCTION; THE NAME AND AGE
2 OF EACH CHILD WHO SHALL PARTICIPATE IN THE HOME EDUCATION
3 PROGRAM; THE ADDRESS AND TELEPHONE NUMBER OF THE HOME EDUCATION
4 PROGRAM SITE; THAT SUCH SUBJECTS AS REQUIRED BY LAW ARE OFFERED
5 IN THE ENGLISH LANGUAGE, INCLUDING AN OUTLINE OF PROPOSED
6 EDUCATION OBJECTIVES BY SUBJECT AREA; EVIDENCE THAT THE CHILD
7 HAS BEEN IMMUNIZED IN ACCORDANCE WITH THE PROVISIONS OF SECTION
8 1303(A) AND HAS RECEIVED THE HEALTH AND MEDICAL SERVICES
9 REQUIRED FOR STUDENTS OF THE CHILD'S AGE OR GRADE LEVEL IN
10 ARTICLE XIV; AND THAT THE HOME EDUCATION PROGRAM SHALL COMPLY
11 WITH THE PROVISIONS OF THIS SECTION AND THAT THE NOTARIZED
12 AFFIDAVIT SHALL BE SATISFACTORY EVIDENCE THEREOF. THE REQUIRED
13 OUTLINE OF PROPOSED EDUCATION OBJECTIVES SHALL NOT BE UTILIZED
14 BY THE SUPERINTENDENT IN DETERMINING IF THE HOME EDUCATION
15 PROGRAM IS OUT OF COMPLIANCE WITH THIS SECTION AND SECTION 1327.
16 THE AFFIDAVIT SHALL CONTAIN A CERTIFICATION TO BE SIGNED BY THE
17 SUPERVISOR THAT THE SUPERVISOR, ALL ADULTS LIVING IN THE HOME
18 AND PERSONS HAVING LEGAL CUSTODY OF A CHILD OR CHILDREN IN A
19 HOME EDUCATION PROGRAM HAVE NOT BEEN CONVICTED OF THE CRIMINAL
20 OFFENSES ENUMERATED IN SUBSECTION (E) OF SECTION 111 WITHIN FIVE
21 YEARS IMMEDIATELY PRECEDING THE ~~EFFECTIVE DATE OF THIS ACT~~ DATE <—
22 OF THE AFFIDAVIT.

23 (2) IN THE EVENT THE HOME EDUCATION PROGRAM SITE IS
24 RELOCATING TO ANOTHER SCHOOL DISTRICT WITHIN THIS COMMONWEALTH
25 DURING THE COURSE OF THE PUBLIC SCHOOL TERM OR PRIOR TO THE
26 OPENING OF THE PUBLIC SCHOOL TERM IN THE FALL, THE SUPERVISOR OF
27 THE HOME EDUCATION PROGRAM MUST APPLY, BY REGISTERED MAIL,
28 THIRTY (30) DAYS PRIOR TO THE RELOCATION, TO THE SUPERINTENDENT
29 OF THE DISTRICT IN WHICH HE OR SHE CURRENTLY RESIDES, REQUESTING
30 A LETTER OF TRANSFER FOR THE HOME EDUCATION PROGRAM TO THE

1 DISTRICT TO WHICH THE HOME EDUCATION PROGRAM IS RELOCATING. THE
2 CURRENT SUPERINTENDENT OF RESIDENCE MUST ISSUE THE LETTER OF
3 TRANSFER THIRTY (30) DAYS AFTER RECEIPT OF THE REGISTERED MAIL
4 REQUEST OF THE HOME EDUCATION PROGRAM SUPERVISOR.

5 (I) IF THE HOME EDUCATION PROGRAM IS NOT IN COMPLIANCE WITH
6 THE PROVISIONS OF THIS SECTION, THE SUPERINTENDENT OF THE
7 CURRENT DISTRICT OF RESIDENCE MUST INFORM THE HOME EDUCATION
8 SUPERVISOR AND THE SUPERINTENDENT OF THE DISTRICT TO WHICH THE
9 HOME EDUCATION PROGRAM IS RELOCATING THE STATUS OF THE HOME
10 EDUCATION PROGRAM AND THE REASON FOR THE DENIAL OF THE LETTER OF
11 TRANSFER.

12 (II) IF THE HOME EDUCATION PROGRAM IS IN DUE PROCESS HEARING <—
13 PROCEDURES, AS CONTAINED IN THIS SECTION, THE SUPERINTENDENT OF
14 THE CURRENT DISTRICT OF RESIDENCE MUST INFORM THE HOME EDUCATION
15 SUPERVISOR, THE HEARING OFFICER, THE ASSIGNED HEARING EXAMINER <—
16 AND THE SUPERINTENDENT OF THE DISTRICT TO WHICH THE HOME
17 EDUCATION PROGRAM IS RELOCATING THE STATUS OF THE HOME EDUCATION
18 PROGRAM AND THE REASON FOR THE DENIAL OF THE LETTER OF TRANSFER.

19 (III) UPON RECEIPT OF THE LETTER FROM THE CURRENT DISTRICT <—
20 OF RESIDENCE SUPERINTENDENT, THE HEARING OFFICER WILL HAVE
21 FIFTEEN (15) DAYS TO RENDER A DECISION ON THE CURRENT PROCEEDING
22 AND NOTIFY THE HOME EDUCATION PROGRAM SUPERVISOR, THE CURRENT
23 DISTRICT OF RESIDENCE SUPERINTENDENT AND THE SUPERINTENDENT OF
24 THE DISTRICT TO WHICH THE HOME EDUCATION PROGRAM IS RELOCATING.
25 THE HEARING OFFICER MAY CLOSE THE PROCEEDINGS AND FORWARD ANY
26 FINDINGS TO THE HOME EDUCATION PROGRAM SUPERVISOR, THE CURRENT
27 DISTRICT OF RESIDENCE SUPERINTENDENT, THE SUPERINTENDENT OF THE
28 DISTRICT TO WHICH THE HOME EDUCATION PROGRAM IS RELOCATING AND
29 THE DEPARTMENT OF EDUCATION. ANY OTHER DETERMINATION BY THE
30 HEARING OFFICER MUST BE FORWARDED TO THE SAME INDIVIDUALS AND

1 ~~ORGANIZATION AS SET FORTH IN PROCEEDINGS WHICH ARE CLOSED.~~

2 (3) THE LETTER OF TRANSFER, REQUIRED BY CLAUSE (2), MUST BE
3 FILED BY THE SUPERVISOR OF THE HOME EDUCATION PROGRAM WITH THE
4 SUPERINTENDENT OF THE NEW DISTRICT OF RESIDENCE. IN THE CASE OF
5 PENDING PROCEEDINGS, THE NEW DISTRICT OF RESIDENCE
6 SUPERINTENDENT SHALL CONTINUE THE HOME EDUCATION PROGRAM UNTIL
7 THE APPEAL PROCESS IS FINALIZED.

8 (C) A CHILD WHO IS ENROLLED IN A HOME EDUCATION PROGRAM AND
9 WHOSE EDUCATION IS THEREFORE UNDER THE DIRECT SUPERVISION OF HIS
10 PARENT, GUARDIAN OR OTHER PERSON HAVING LEGAL CUSTODY SHALL BE
11 DEEMED TO HAVE MET THE REQUIREMENTS OF SECTION 1327 IF THAT HOME
12 EDUCATION PROGRAM PROVIDES A MINIMUM OF ONE HUNDRED EIGHTY (180)
13 DAYS OF INSTRUCTION OR NINE HUNDRED (900) HOURS OF INSTRUCTION
14 PER YEAR AT THE ELEMENTARY LEVEL, OR NINE HUNDRED NINETY (990)
15 HOURS PER YEAR AT THE SECONDARY LEVEL:

16 (1) AT THE ELEMENTARY SCHOOL LEVEL, THE FOLLOWING COURSES
17 SHALL BE TAUGHT: ENGLISH, TO INCLUDE SPELLING, READING AND
18 WRITING; ARITHMETIC; SCIENCE; GEOGRAPHY; HISTORY OF THE UNITED
19 STATES AND PENNSYLVANIA; CIVICS; SAFETY EDUCATION, INCLUDING
20 REGULAR AND CONTINUOUS INSTRUCTION IN THE DANGERS AND PREVENTION
21 OF FIRES; HEALTH AND PHYSIOLOGY; PHYSICAL EDUCATION; MUSIC; AND
22 ART.

23 (2) AT THE SECONDARY SCHOOL LEVEL, THE FOLLOWING COURSES
24 SHALL BE TAUGHT: ENGLISH, TO INCLUDE LANGUAGE, LITERATURE,
25 SPEECH AND COMPOSITION; SCIENCE; GEOGRAPHY; SOCIAL STUDIES, TO
26 INCLUDE CIVICS, WORLD HISTORY, HISTORY OF THE UNITED STATES AND
27 PENNSYLVANIA; MATHEMATICS, TO INCLUDE GENERAL MATHEMATICS,
28 ALGEBRA AND GEOMETRY; ART; MUSIC; PHYSICAL EDUCATION; HEALTH;
29 AND SAFETY EDUCATION, INCLUDING REGULAR AND CONTINUOUS
30 INSTRUCTION IN THE DANGERS AND PREVENTION OF FIRES. SUCH COURSES

1 OF STUDY MAY INCLUDE, AT THE DISCRETION OF THE SUPERVISOR OF THE
2 HOME EDUCATION PROGRAM, ECONOMICS; BIOLOGY; CHEMISTRY; FOREIGN
3 LANGUAGES; TRIGONOMETRY; OR OTHER AGE APPROPRIATE COURSES AS
4 CONTAINED IN CHAPTER 5 (CURRICULUM REQUIREMENTS) OF THE STATE
5 BOARD OF EDUCATION.

6 ~~(D) THE FOLLOWING MINIMUM COURSES IN GRADES NINE THROUGH~~ <—
7 ~~TWELVE ARE ESTABLISHED AS A REQUIREMENT FOR HIGH SCHOOL~~
8 ~~GRADUATION IN A HOME EDUCATION PROGRAM:~~

9 ~~(1) FOUR YEARS OF ENGLISH.~~

10 ~~(2) THREE YEARS OF MATHEMATICS.~~

11 ~~(3) THREE YEARS OF SCIENCE.~~

12 ~~(4) THREE YEARS OF SOCIAL STUDIES.~~

13 ~~(5) TWO YEARS OF ARTS AND HUMANITIES.~~

14 (D) THE FOLLOWING MINIMUM COURSES IN GRADES NINE THROUGH <—
15 TWELVE ARE ESTABLISHED AS A REQUIREMENT FOR GRADUATION IN A HOME
16 EDUCATION PROGRAM:

17 (1) FOUR YEARS OF ENGLISH.

18 (2) THREE YEARS OF MATHEMATICS.

19 (3) THREE YEARS OF SCIENCE.

20 (4) THREE YEARS OF SOCIAL STUDIES.

21 (5) TWO YEARS OF ARTS AND HUMANITIES.

22 ~~(E)~~ (D) (E) IN ORDER TO DEMONSTRATE THAT APPROPRIATE <—
23 EDUCATION IS OCCURRING, THE SUPERVISOR OF THE HOME EDUCATION
24 PROGRAM SHALL PROVIDE AND MAINTAIN ON FILE THE FOLLOWING
25 DOCUMENTATION FOR EACH STUDENT ENROLLED IN THE HOME SCHOOL <—
26 EDUCATION PROGRAM:

27 ~~(1) A PORTFOLIO OF RECORDS AND MATERIALS. THE PORTFOLIO~~ <—
28 ~~SHALL CONSIST OF A LOG, MADE CONTEMPORANEOUSLY WITH THE~~
29 ~~INSTRUCTION, WHICH DESIGNATES BY TITLE THE READING MATERIALS~~
30 ~~USED, AND SAMPLES OF ANY WRITINGS, WORKSHEETS, WORKBOOKS OR~~

1 ~~CREATIVE MATERIALS USED OR DEVELOPED BY THE STUDENT. AND EITHER~~
2 ~~(I) RESULTS OF STANDARDIZED ACHIEVEMENT TESTS, COMPLETED BY~~
3 ~~THE STUDENT WHICH THE SUPERVISOR SHALL ANNUALLY PROVIDE FOR; OR~~
4 ~~(2) RESULTS OF STANDARDIZED ACHIEVEMENT TESTS AND/OR STATE~~
5 ~~TESTS, THE SAME AS THOSE TAKEN BY STUDENTS OF THE SAME GRADE~~
6 ~~LEVEL IN THE SCHOOL DISTRICT OF RESIDENCE. THE SUPERINTENDENT OF~~
7 ~~THE SCHOOL DISTRICT OF RESIDENCE SHALL NOTIFY THE SUPERVISOR OF~~
8 ~~THE HOME EDUCATION PROGRAM OF THE DATE OF THE TESTS. THE TESTS~~
9 ~~SHALL BE ADMINISTERED BY THE SCHOOL DISTRICT OF RESIDENCE OR BY~~
10 ~~A PERSON AUTHORIZED BY THE SUPERINTENDENT OF SCHOOLS; PROVIDED,~~
11 ~~THAT THE CHILD'S PARENT OR GUARDIAN SHALL NOT ADMINISTER SUCH~~
12 ~~TESTS. IF THE SUPERVISOR SO CHOOSES, TESTS NEED NOT BE~~
13 ~~ADMINISTERED BY OR IN THE PUBLIC SCHOOLS. TEST RESULTS AND~~
14 ~~EXPLANATORY MATERIALS SHALL BE GIVEN TO THE SUPERINTENDENT OF~~
15 ~~SCHOOLS AND THE SUPERVISOR OF THE HOME EDUCATION PROGRAM.~~

16 ~~(II) AN (3) AT THE SUPERVISOR'S DISCRETION, AN ANNUAL~~ <—
17 ~~WRITTEN EVALUATION OF THE STUDENT'S EDUCATIONAL PROGRESS AS~~
18 ~~DETERMINED BY A LICENSED CLINICAL OR SCHOOL PSYCHOLOGIST.~~

19 ~~(2) THE PORTFOLIO REQUIRED IN CLAUSE (1) AND EITHER THE TEST~~
20 ~~RESULTS AS PROVIDED IN CLAUSE (1)(I) OR THE WRITTEN EVALUATION~~
21 ~~AS PROVIDED IN CLAUSE (1)(II) SHALL BE REVIEWED BY A PERSON WITH~~
22 ~~QUALIFICATIONS LISTED IN CLAUSE (1)(II), WHO SHALL CERTIFY~~
23 ~~WHETHER OR NOT AN APPROPRIATE EDUCATION IS OCCURRING. A PERSON~~
24 ~~MAKING THE WRITTEN EVALUATION UNDER CLAUSE (1)(II) MAY ALSO MAKE~~
25 ~~THIS CERTIFICATION.~~

26 ~~(1) A PORTFOLIO OF RECORDS AND MATERIALS. THE PORTFOLIO~~ <—
27 ~~SHALL CONSIST OF A LOG, MADE CONTEMPORANEOUSLY WITH THE~~
28 ~~INSTRUCTION, WHICH DESIGNATES BY TITLE THE READING MATERIALS~~
29 ~~USED, SAMPLES OF ANY WRITINGS, WORKSHEETS, WORKBOOKS OR CREATIVE~~
30 ~~MATERIALS USED OR DEVELOPED BY THE STUDENT AND IN GRADES THREE,~~

1 FIVE AND EIGHT RESULTS OF NATIONALLY NORMED STANDARDIZED
2 ACHIEVEMENT TESTS IN READING/LANGUAGE ARTS AND MATHEMATICS OR
3 THE RESULTS OF STATEWIDE TESTS ADMINISTERED IN THESE GRADE
4 LEVELS. THE DEPARTMENT SHALL ESTABLISH A LIST, WITH A MINIMUM OF
5 FIVE TESTS, OF NATIONALLY NORMED STANDARDIZED TESTS FROM WHICH
6 THE SUPERVISOR OF THE HOME EDUCATION PROGRAM SHALL SELECT A TEST
7 TO BE ADMINISTERED IF THE SUPERVISOR DOES NOT CHOOSE THE
8 STATEWIDE TESTS. AT THE DISCRETION OF THE SUPERVISOR THE
9 PORTFOLIO MAY INCLUDE THE RESULTS OF NATIONALLY NORMED
10 STANDARDIZED ACHIEVEMENT TESTS FOR OTHER SUBJECT AREAS OR GRADE
11 LEVELS. THE SUPERVISOR SHALL ENSURE THAT THE NATIONALLY NORMED
12 STANDARDIZED TESTS OR THE STATEWIDE TESTS SHALL NOT BE
13 ADMINISTERED BY THE CHILD'S PARENT OR GUARDIAN.

14 (I) A TEACHER OR ADMINISTRATOR WHO EVALUATES A PORTFOLIO AT
15 THE ELEMENTARY LEVEL (GRADES KINDERGARTEN THROUGH SIX) SHALL
16 HAVE AT LEAST TWO YEARS OF EXPERIENCE IN GRADING ANY OF THE
17 FOLLOWING SUBJECTS: ENGLISH, TO INCLUDE SPELLING, READING AND
18 WRITING; ARITHMETIC; SCIENCE; GEOGRAPHY; HISTORY OF THE UNITED
19 STATES AND PENNSYLVANIA; AND CIVICS.

20 (II) A TEACHER OR ADMINISTRATOR WHO EVALUATES A PORTFOLIO AT
21 THE SECONDARY LEVEL (GRADES SEVEN THROUGH TWELVE) SHALL HAVE AT
22 LEAST TWO YEARS OF EXPERIENCE IN GRADING ANY OF THE FOLLOWING
23 SUBJECTS: ENGLISH, TO INCLUDE LANGUAGE, LITERATURE, SPEECH,
24 READING AND COMPOSITION; SCIENCE, TO INCLUDE BIOLOGY, CHEMISTRY
25 AND PHYSICS; GEOGRAPHY; SOCIAL STUDIES, TO INCLUDE ECONOMICS,
26 CIVICS, WORLD HISTORY, HISTORY OF THE UNITED STATES AND
27 PENNSYLVANIA; FOREIGN LANGUAGE; AND MATHEMATICS, TO INCLUDE
28 GENERAL MATHEMATICS, ALGEBRA, TRIGONOMETRY, CALCULUS AND
29 GEOMETRY.

30 (III) AS USED IN THIS CLAUSE, THE TERM "GRADING" SHALL MEAN

1 EVALUATION OF CLASSWORK, HOMEWORK, QUIZZES, CLASSWORK-BASED
2 TESTS AND PREPARED TESTS RELATED TO CLASSWORK SUBJECT MATTER.

3 (2) AN ANNUAL WRITTEN EVALUATION OF THE STUDENT'S
4 EDUCATIONAL PROGRESS AS DETERMINED BY A LICENSED CLINICAL OR
5 SCHOOL PSYCHOLOGIST OR A TEACHER CERTIFIED BY THE COMMONWEALTH
6 OR BY A NONPUBLIC SCHOOL TEACHER OR ADMINISTRATOR. ANY SUCH
7 NONPUBLIC TEACHER OR ADMINISTRATOR SHALL HAVE AT LEAST TWO YEARS
8 OF TEACHING EXPERIENCE IN A PENNSYLVANIA PUBLIC OR NONPUBLIC
9 SCHOOL WITHIN THE LAST TEN YEARS. SUCH NONPUBLIC TEACHER OR
10 ADMINISTRATOR SHALL HAVE THE REQUIRED EXPERIENCE AT THE
11 ELEMENTARY LEVEL TO EVALUATE ELEMENTARY STUDENTS OR AT THE
12 SECONDARY LEVEL TO EVALUATE SECONDARY STUDENTS. THE CERTIFIED
13 TEACHER SHALL HAVE EXPERIENCE AT THE ELEMENTARY LEVEL TO
14 EVALUATE ELEMENTARY STUDENTS OR AT THE SECONDARY LEVEL TO
15 EVALUATE SECONDARY STUDENTS. THE EVALUATION SHALL ALSO BE BASED
16 ON AN INTERVIEW OF THE CHILD AND A REVIEW OF THE PORTFOLIO
17 REQUIRED IN CLAUSE (1) AND SHALL CERTIFY WHETHER OR NOT AN
18 APPROPRIATE EDUCATION IS OCCURRING. AT THE REQUEST OF THE
19 SUPERVISOR, PERSONS WITH OTHER QUALIFICATIONS MAY CONDUCT THE
20 EVALUATION WITH THE PRIOR CONSENT OF THE DISTRICT OF RESIDENCE
21 SUPERINTENDENT. IN NO EVENT SHALL THE EVALUATOR BE THE
22 SUPERVISOR OR THEIR SPOUSE.

23 ~~(3)-(E)~~ (F) THE SCHOOL DISTRICT OF RESIDENCE SHALL, AT THE <—
24 REQUEST OF THE SUPERVISOR, LEND TO THE HOME EDUCATION PROGRAM
25 COPIES OF THE SCHOOL DISTRICT'S PLANNED COURSES, TEXTBOOKS AND
26 OTHER CURRICULUM MATERIALS APPROPRIATE TO THE STUDENT'S AGE AND
27 GRADE LEVEL.

28 ~~(4)-(F)~~ (G) WHEN DOCUMENTATION IS REQUIRED BY THIS SECTION <—
29 TO BE SUBMITTED TO THE DISTRICT OF RESIDENCE SUPERINTENDENT ~~OR~~ <—
30 ~~THE HEARING OFFICER~~ OR THE HEARING EXAMINER, THE SUPERINTENDENT <—

1 ~~OR THE HEARING OFFICER OR THE HEARING EXAMINER SHALL RETURN,~~ <—
2 ~~UPON COMPLETION OF HIS REVIEW, ALL SUCH DOCUMENTATION TO THE~~
3 ~~SUPERVISOR OF THE HOME EDUCATION PROGRAM. THE SUPERINTENDENT OR~~ <—
4 ~~HEARING OFFICER OR HEARING EXAMINER MAY PHOTOCOPY ALL OR~~ <—
5 ~~PORTIONS OF THE DOCUMENTATION FOR HIS FILES.~~

6 ~~(F) THE SUPERVISOR OF THE HOME EDUCATION PROGRAM MAY APPLY~~ <—
7 ~~TO THE DISTRICT OF RESIDENCE SUPERINTENDENT FOR PARTICIPATION IN~~
8 ~~THE STATEWIDE TESTING PROGRAM AS PROVIDED FOR IN SECTION 1511.1~~
9 ~~OF THIS ACT. THE SUPERVISOR SHALL INCLUDE SUCH REQUEST OF THE~~
10 ~~AFFIDAVIT REQUIRED BY THIS SECTION OR SHALL NOTIFY THE DISTRICT~~
11 ~~OF RESIDENCE SUPERINTENDENT BY REGISTERED MAIL AT LEAST FORTY-~~
12 ~~FIVE (45) DAYS PRIOR TO THE SCHEDULED DATE OF SUCH TEST. THE~~
13 ~~SUPERINTENDENT SHALL NOTIFY THE SUPERVISOR OF THE HOME EDUCATION~~
14 ~~PROGRAM OF THE TESTING DATE, TIME AND LOCATION THIRTY (30) DAYS~~
15 ~~PRIOR TO THE SCHEDULED DATE.~~

16 ~~(G) (H) SUCH DOCUMENTATION REQUIRED BY SUBSECTION (E)(1)~~ <—
17 ~~(D)(1) (E)(1) AND (2) SHALL BE PROVIDED TO THE PUBLIC SCHOOL~~ <—
18 ~~DISTRICT OF RESIDENCE SUPERINTENDENT AT THE CONCLUSION OF EACH~~
19 ~~PUBLIC SCHOOL YEAR. IN ADDITION, IF THE SUPERINTENDENT HAS A~~
20 ~~REASONABLE BELIEF THAT, AT ANY TIME DURING THE SCHOOL YEAR,~~
21 ~~APPROPRIATE EDUCATION MAY NOT BE OCCURRING IN THE HOME EDUCATION~~ <—
22 ~~PROGRAM, HE MAY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,~~
23 ~~REQUIRE DOCUMENTATION PERTAINING TO THE PORTFOLIO OF RECORDS AND~~
24 ~~MATERIALS REQUIRED BY SUBSECTION (E)(1) (D)(1) (E)(1) TO BE~~ <—
25 ~~SUBMITTED TO THE DISTRICT WITHIN FIFTEEN (15) DAYS; AND~~
26 ~~DOCUMENTATION PERTAINING TO SUBSECTION (E)(1)(I) OR (II) (D)(1)~~ <—
27 ~~AND (2) (E)(2) TO BE SUBMITTED TO THE DISTRICT WITHIN THIRTY~~ <—
28 ~~(30) DAYS. IF THE TESTS AS REQUIRED IN SUBSECTION (E)(1) HAVE~~ <—
29 ~~NOT BEEN ADMINISTERED AT THE TIME OF THE RECEIPT OF THE~~
30 ~~CERTIFIED LETTER BY THE SUPERVISOR, THE SUPERVISOR SHALL SUBMIT~~

1 THE OTHER REQUIRED DOCUMENTATION AND SHALL SUBMIT THE TEST
2 RESULTS WITH THE DOCUMENTATION AT THE CONCLUSION OF THE SCHOOL
3 YEAR.

4 ~~(H)~~ (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 AND INDICATING THAT <—
14 THE DEPARTMENT OF EDUCATION IS BEING INFORMED BY COPY OF THE
15 LETTER.

16 ~~(I)~~ (J) UPON RECEIPT OF THE CERTIFIED LETTER REQUIRED BY <—
17 SUBSECTION (I), THE SUPERVISOR OF THE HOME EDUCATION PROGRAM
18 SHALL HAVE TWENTY (20) DAYS TO SUBMIT ADDITIONAL DOCUMENTATION
19 DEMONSTRATING THAT APPROPRIATE EDUCATION IS TAKING PLACE FOR THE <—
20 CHILD IN THE HOME EDUCATION PROGRAM. IF DOCUMENTATION IS NOT
21 SUBMITTED WITHIN THAT TIME, THE HOME EDUCATION PROGRAM FOR THE <—
22 CHILD SHALL BE OUT OF COMPLIANCE WITH THE REQUIREMENTS OF THIS
23 SECTION AND SECTION 1327, AND THE STUDENT OR STUDENTS SHALL BE <—
24 PROMPTLY ENROLLED IN THE PUBLIC SCHOOL DISTRICT OF RESIDENCE OR
25 A NONPUBLIC SCHOOL OR A LICENSED PRIVATE ACADEMIC SCHOOL.

26 ~~(J)~~ (K) IF THE SUPERINTENDENT DETERMINES THAT THE ADDITIONAL <—
27 DOCUMENTATION SUBMITTED STILL DOES NOT DEMONSTRATE THAT
28 APPROPRIATE EDUCATION IS TAKING PLACE IN THE HOME EDUCATION <—
29 PROGRAM, HE SHALL SO NOTIFY THE SUPERVISOR OF THE HOME EDUCATION
30 PROGRAM BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND EITHER <—

1 ~~SHALL ALLOW THE SUPERVISOR OF THE HOME EDUCATION PROGRAM THIRTY~~
2 ~~(30) DAYS FROM RECEIPT OF SUCH LETTER IN WHICH TO CORRECT THE~~
3 ~~DEFICIENCIES AND SUBMIT FURTHER DOCUMENTATION TO THE~~
4 ~~SUPERINTENDENT OR SHALL DECLARE THE HOME EDUCATION PROGRAM TO BE~~
5 ~~OUT OF COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION AND~~
6 ~~SECTION 1327, AND, UNLESS A DUE PROCESS HEARING IS REQUESTED AS~~
7 ~~PROVIDED IN SUBSECTION (K), THE STUDENT OR STUDENTS SHALL BE~~
8 ~~WITHIN TEN (10) DAYS ENROLLED IN THE PUBLIC SCHOOL DISTRICT OF~~
9 ~~RESIDENCE OR A NONPUBLIC SCHOOL OR A LICENSED PRIVATE ACADEMIC~~
10 ~~SCHOOL. IF THE SUPERVISOR OF THE HOME EDUCATION PROGRAM IS~~
11 ~~ALLOWED AN ADDITIONAL THIRTY (30) DAYS TO CORRECT THE~~
12 ~~DEFICIENCIES AND FAILS TO DO SO TO THE SATISFACTION OF THE~~
13 ~~SUPERINTENDENT, THE SUPERINTENDENT SHALL DECLARE THE HOME~~
14 ~~EDUCATION PROGRAM TO BE OUT OF COMPLIANCE WITH THE REQUIREMENTS~~
15 ~~OF THIS SECTION AND SECTION 1327, AND, UNLESS A DUE PROCESS~~
16 ~~HEARING IS REQUESTED AS PROVIDED IN SUBSECTION (K), THE STUDENT~~
17 ~~OR STUDENTS SHALL BE WITHIN TEN (10) DAYS ENROLLED IN THE PUBLIC~~
18 ~~SCHOOL DISTRICT OF RESIDENCE OR A NONPUBLIC SCHOOL OR A LICENSED~~
19 ~~PRIVATE ACADEMIC SCHOOL.~~

20 ~~(K) WHEN UNDER THE PROVISIONS OF SUBSECTION (J) A~~
21 ~~SUPERINTENDENT DECLARES A HOME EDUCATION PROGRAM TO BE OUT OF~~
22 ~~COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, HE SHALL SO~~
23 ~~NOTIFY THE SUPERVISOR OF THE PROGRAM, BY CERTIFIED MAIL, RETURN~~
24 ~~RECEIPT REQUESTED, OF HIS DETERMINATION AND OF THE SUPERVISOR'S~~
25 ~~RIGHT TO WITHIN TEN (10) DAYS REQUEST OF THE DEPARTMENT OF~~
26 ~~EDUCATION A DUE PROCESS HEARING IN THE PRESENCE OF AN IMPARTIAL~~
27 ~~HEARING OFFICER TO HEAR ARGUMENTS PERTAINING TO THE~~
28 ~~SUPERINTENDENT'S DECLARATION THAT THE HOME EDUCATION PROGRAM~~
29 ~~DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND~~
30 ~~SECTION 1327. A FORM THROUGH WHICH THE DUE PROCESS HEARING MAY~~

~~1 BE REQUESTED SHALL ACCOMPANY THE LETTER TO THE SUPERVISOR OF THE
2 HOME EDUCATION PROGRAM. IF, TEN (10) DAYS AFTER RECEIPT OF THIS
3 CERTIFIED LETTER, THE SUPERVISOR OF THE HOME EDUCATION PROGRAM
4 HAS NOT REQUESTED A DUE PROCESS HEARING, THE HOME EDUCATION
5 PROGRAM SHALL BE OUT OF COMPLIANCE WITH THE REQUIREMENTS OF THIS
6 SECTION AND SECTION 1327, AND THE STUDENT OR STUDENTS SHALL BE
7 PROMPTLY ENROLLED IN THE PUBLIC SCHOOL DISTRICT OF RESIDENCE OR
8 A NONPUBLIC SCHOOL OR A LICENSED PRIVATE ACADEMIC SCHOOL.~~

~~9 (L) IF THE SUPERVISOR OF THE HOME EDUCATION PROGRAM REQUESTS
10 A DUE PROCESS HEARING, IT SHALL BE SCHEDULED BY THE DEPARTMENT
11 NO SOONER THAN FIFTEEN (15) DAYS NOR LATER THAN THIRTY (30) DAYS
12 AFTER RECEIPT OF THE REQUEST BY THE DEPARTMENT: PROVIDED,
13 HOWEVER, THAT UPON SHOWING GOOD CAUSE, A REASONABLE EXTENSION OF
14 TIME MAY BE GRANTED AT THE REQUEST OF THE SUPERVISOR OF THE HOME
15 EDUCATION PROGRAM. THE HEARING SHALL BE HELD AT A PLACE
16 REASONABLY CONVENIENT TO THE SUPERVISOR OF THE HOME EDUCATION
17 PROGRAM AND MAY BE HELD IN THE EVENING IF SO SPECIFIED BY THE
18 SUPERVISOR OF THE HOME EDUCATION PROGRAM ON THE FORM REQUESTING
19 THE HEARING.~~

~~20 (M) AN IMPARTIAL HEARING OFFICER SHALL BE ASSIGNED BY THE
21 SECRETARY OF EDUCATION, OR HIS DESIGNEE. THIS HEARING OFFICER
22 SHALL NOT BE AN OFFICER, EMPLOYE OR AGENT OF THE DEPARTMENT OF
23 EDUCATION OR OF THE SCHOOL DISTRICT OR INTERMEDIATE UNIT OF
24 RESIDENCE.~~

~~25 (N) THE IMPARTIAL HEARING OFFICER MAY ORDER, AT ANY TIME
26 DURING THE DUE PROCESS HEARING, THE SUPERVISOR OF THE HOME
27 EDUCATION PROGRAM TO HAVE THE CHILD OR CHILDREN TAKE THE
28 STATEWIDE TESTS AS CONTAINED IN SECTION 1511.1, AS PART OF THE
29 EVALUATION. IF THE STUDENT RECEIVES AN UNSATISFACTORY SCORE, THE
30 HEARING OFFICER MAY REQUIRE THE SUPERINTENDENT AND HOME~~

1 ~~EDUCATION PROGRAM SUPERVISOR TO ESTABLISH A REMEDIAL EDUCATION~~
2 ~~PLAN FOR A PERIOD OF SIX (6) MONTHS. THE SUPERINTENDENT SHALL~~
3 ~~DETERMINE THE SUBJECT MATTER OF THE REMEDIATION PROGRAM AND~~
4 ~~APPROPRIATE EVALUATION OF THE PROGRAM AT SPECIFIC TIME INTERVALS~~
5 ~~DURING THE SIX (6) MONTH PERIOD. A REVIEW OF THE REMEDIAL PLAN~~
6 ~~BY THE HEARING OFFICER AFTER THE SIX (6) MONTH PERIOD SHALL BE~~
7 ~~MADE AND A DETERMINATION MUST BE SET FORTH WHICH MAY INCLUDE~~
8 ~~RETESTING OR ADDITIONAL REMEDIATION.~~

9 ~~(O) AT THE DUE PROCESS HEARING, THE SUPERINTENDENT, OR HIS~~
10 ~~DESIGNEE, SHALL BE LIMITED TO PRESENTING EVIDENCE AND TESTIMONY~~
11 ~~THAT THE DOCUMENTATION DOES NOT DEMONSTRATE THAT EDUCATION IS~~
12 ~~TAKING PLACE IN THE HOME EDUCATION PROGRAM. THE SUPERVISOR OF~~
13 ~~THE HOME EDUCATION PROGRAM, OR HIS REPRESENTATIVE, SHALL HAVE~~
14 ~~THE RIGHT TO PRESENT EVIDENCE AND TESTIMONY INDICATING THAT THE~~
15 ~~DOCUMENTATION DOES DEMONSTRATE THAT EDUCATION IS TAKING PLACE IN~~
16 ~~THE HOME EDUCATION PROGRAM.~~

17 ~~(P) AT ANY POINT DURING THE HEARING, IF THE HEARING OFFICER~~
18 ~~BELIEVES THAT EDUCATION IS TAKING PLACE IN THE HOME EDUCATION~~
19 ~~PROGRAM BUT THAT THE DOCUMENTATION IS NOT ADEQUATE, HE MAY~~
20 ~~ADJOURN THE HEARING AFTER SUGGESTING SPECIFIC WAYS IN WHICH THE~~
21 ~~DOCUMENTATION MAY BE IMPROVED AND RESUBMITTED TO THE~~
22 ~~SUPERINTENDENT, AND SPECIFYING A DATE FOR CONTINUATION OF THE~~
23 ~~HEARING IN THE EVENT THAT THE SUPERINTENDENT STILL MAINTAINS~~
24 ~~THAT THE DOCUMENTATION IS INADEQUATE.~~

25 ~~(Q) NO LATER THAN TWENTY (20) DAYS AFTER THE CONCLUSION OF~~
26 ~~THE HEARING, THE HEARING OFFICER SHALL RENDER A DECISION, IN~~
27 ~~WRITING, WHICH SHALL BE ACCOMPANIED BY WRITTEN FINDINGS OF FACT~~
28 ~~AND CONCLUSIONS, AND WHICH SHALL BE SENT BY CERTIFIED MAIL,~~
29 ~~RETURN RECEIPT REQUESTED, TO THE SUPERVISOR OF THE HOME~~
30 ~~EDUCATION PROGRAM AND THE DISTRICT OF RESIDENCE SUPERINTENDENT.~~

1 ~~IF THE HEARING OFFICER FINDS THAT THE DOCUMENTATION DEMONSTRATES~~
2 ~~THAT EDUCATION IS TAKING PLACE WITHIN THE HOME EDUCATION~~
3 ~~PROGRAM, THE PROGRAM SHALL BE IN COMPLIANCE WITH THE~~
4 ~~REQUIREMENTS OF THIS SECTION AND SECTION 1327. IF THE HEARING~~
5 ~~OFFICER THE BOARD OF SCHOOL DIRECTORS SHALL HOLD A PROPER~~ <—
6 ~~HEARING. THIS MAY BE CONDUCTED BY A DULY AUTHORIZED COMMITTEE OF~~
7 ~~THE BOARD OR A DULY QUALIFIED HEARING EXAMINER WHOSE~~
8 ~~ADJUDICATION MUST BE APPROVED BY THE BOARD. THE DECISION OF THE~~
9 ~~BOARD MAY BE APPEALED BY EITHER THE SUPERVISOR OF THE HOME~~
10 ~~EDUCATION PROGRAM OR THE SUPERINTENDENT TO THE SECRETARY OF~~
11 ~~EDUCATION OR COMMONWEALTH COURT. PROVIDE FOR A PROPER HEARING BY~~ <—
12 ~~A DULY QUALIFIED AND IMPARTIAL HEARING EXAMINER WITHIN THIRTY~~
13 ~~(30) DAYS. THE EXAMINER SHALL RENDER A DECISION WITHIN FIFTEEN~~
14 ~~(15) DAYS OF THE HEARING EXCEPT THAT HE MAY REQUIRE THE~~
15 ~~ESTABLISHMENT OF A REMEDIAL EDUCATION PLAN MUTUALLY AGREED TO BY~~
16 ~~THE SUPERINTENDENT AND SUPERVISOR OF THE HOME EDUCATION PROGRAM~~
17 ~~WHICH SHALL CONTINUE THE HOME EDUCATION PROGRAM. THE DECISION OF~~
18 ~~THE EXAMINER MAY BE APPEALED BY EITHER THE SUPERVISOR OF THE~~
19 ~~HOME EDUCATION PROGRAM OR THE SUPERINTENDENT TO THE SECRETARY OF~~
20 ~~EDUCATION OR COMMONWEALTH COURT.~~

21 ~~(K) IF THE BOARD OF SCHOOL DIRECTORS (L) IF THE HEARING~~ <—
22 ~~EXAMINER FINDS THAT THE DOCUMENTATION DOES NOT INDICATE THAT~~
23 ~~APPROPRIATE EDUCATION IS TAKING PLACE IN THE HOME EDUCATION~~ <—
24 ~~PROGRAM, THE HOME EDUCATION PROGRAM FOR THE CHILD SHALL BE~~ <—
25 ~~OUT OF COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION AND~~
26 ~~SECTION 1327, AND THE STUDENT OR STUDENTS SHALL BE PROMPTLY~~ <—
27 ~~ENROLLED IN THE PUBLIC SCHOOL DISTRICT OF RESIDENCE OR A~~
28 ~~NONPUBLIC SCHOOL OR A LICENSED PRIVATE ACADEMIC SCHOOL.~~

29 ~~(R) (L) (M) AT SUCH TIME AS THE CHILD'S HOME EDUCATION~~ <—
30 ~~PROGRAM HAS BEEN DETERMINED TO BE OUT OF COMPLIANCE WITH THE~~ <—

1 PROVISIONS OF THIS SECTION AND SECTION 1327, THE SUPERVISOR OR
2 SPOUSE OF THE SUPERVISOR OF THE HOME EDUCATION PROGRAM SHALL NOT
3 BE ELIGIBLE TO SUPERVISE A HOME EDUCATION PROGRAM FOR THAT <—
4 CHILD, AS PROVIDED FOR IN SUBSECTION (B)(1) OF THIS SECTION, FOR
5 A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF SUCH
6 DETERMINATION.

7 SECTION 3 4. A SUPERVISOR CONDUCTING A HOME EDUCATION <—
8 PROGRAM FOR THE 1988-1989 SCHOOL YEAR THAT HAS BEEN CONSIDERED
9 ACCEPTABLE BY THE DISTRICT SUPERINTENDENT FOR MEETING THE
10 REQUIREMENTS OF COMPULSORY ATTENDANCE SHALL NOT BE AFFECTED BY
11 THE PROVISIONS OF THIS AMENDATORY ACT UNTIL THE CONCLUSION OF
12 THE 1988-1989 SCHOOL YEAR.

13 SECTION 4 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—