

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 361 Session of
2005

INTRODUCED BY REGOLA, TOMLINSON, JUBELIRER, PICCOLA, WONDERLING,
WENGER, ROBBINS, D. WHITE, ARMSTRONG, PILEGGI, EARLL, ORIE,
M. WHITE, GREENLEAF, WAUGH AND LEMMOND, MARCH 4, 2005

SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 18, 2005

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 programs. ~~for cyber charter school requirements and~~ <—
7 ~~prohibitions and for cyber charter school enrollment and~~
8 ~~notification.~~

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

11 Section 1. Section 1327.1 of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, is
13 amended by adding ~~subsections~~ A SUBSECTION to read: <—

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

15 ~~(f.1) Subject to the provisions of subsections (f.2), (f.3),~~ <—
16 ~~(f.4) and (f.5), the school district shall permit a child who is~~
17 ~~enrolled in a home education program to have the opportunity to~~
18 ~~participate in extracurricular activities, including, but not~~
19 ~~limited to, clubs, musical ensembles, sports and theatrical~~
20 ~~productions.~~

1 ~~(f.2) (1) All school districts by July 1, 2006, shall adopt~~
2 ~~a policy for the participation of resident students enrolled in~~
3 ~~a home education program in the extracurricular activities of~~
4 ~~the school district of residence.~~

5 ~~(2) The policy shall include, but not be limited to:~~

6 ~~(i) Provisions that outline how the students of home~~
7 ~~education programs can meet the same eligibility guidelines for~~
8 ~~participation in the school district's extracurricular~~
9 ~~activities as the students attending the district's public~~
10 ~~schools.~~

11 ~~(ii) Provisions that indicate the eligibility of student~~
12 ~~participation based on age, location of residence within the~~
13 ~~district and grade level or its equivalent.~~

14 ~~(iii) Requirements that participating home education~~
15 ~~students meet the same eligibility and try out criteria for~~
16 ~~positions on teams or in organizations as students attending the~~
17 ~~district's public schools.~~

18 ~~(f.3) Students enrolled in a home education program who wish~~
19 ~~to participate in the extracurricular activities of the school~~
20 ~~district of residence shall comply with the extracurricular~~
21 ~~policy, with the directions and requirements of all coaches,~~
22 ~~advisors, leaders or administrators involved with the~~
23 ~~extracurricular activity. Home education students shall also~~
24 ~~comply with all participation policies and regulations of the~~
25 ~~governing organizations of extracurricular activities,~~
26 ~~including, but not limited to, the Pennsylvania Interscholastic~~
27 ~~Athletic Association (PIAA), the Pennsylvania Music Educators~~
28 ~~Association (PMEA) and the Pennsylvania High School Speech~~
29 ~~League (PHSSL).~~

30 ~~(f.4) School districts shall publish, in a publication of~~

~~1 general circulation in the school district or its Internet
2 website, the dates and times for any physical examination or
3 medical test required for participation.~~

~~4 (f.5) For purposes of this section, the term
5 "extracurricular activity" shall mean any activity covered by
6 the provisions of section 511 which meets the following
7 requirements:~~

~~8 (1) Is sponsored or approved by the board of school
9 directors.~~

~~10 (2) Is not offered for credit toward graduation.~~

~~11 (3) Is conducted partially or entirely outside the regular
12 instructional day schedule.~~

~~13 (4) Is available to any student who voluntarily elects to
14 participate and be subject to the eligibility requirements of
15 the activity.~~

~~16 A school district's program of interscholastic athletics,
17 including varsity sports, shall be deemed to be extracurricular
18 in nature and cover all activities related to competitive sports
19 contests, games, events or exhibitions involving individual
20 students or teams of students of the school district whenever
21 such activities occur between schools within the district or
22 schools outside the district.~~

~~23 (F.1) (1) BEGINNING JANUARY 1, 2006, THE SCHOOL DISTRICT OF <—
24 RESIDENCE SHALL PERMIT A CHILD WHO IS ENROLLED IN A HOME
25 EDUCATION PROGRAM TO PARTICIPATE IN ANY ACTIVITY THAT IS SUBJECT
26 TO THE PROVISIONS OF SECTION 511 INCLUDING, BUT NOT LIMITED TO,
27 CLUBS, MUSICAL ENSEMBLES, ATHLETICS AND THEATRICAL PRODUCTIONS
28 PROVIDED THAT THE CHILD:~~

~~29 (I) MEETS THE ELIGIBILITY CRITERIA, OR THEIR EQUIVALENT, FOR
30 PARTICIPATION IN THE ACTIVITY THAT APPLY TO STUDENTS ENROLLED IN~~

1 THE SCHOOL DISTRICT;

2 (II) MEETS THE TRY-OUT CRITERIA, OR THEIR EQUIVALENT, FOR
3 PARTICIPATION IN THE ACTIVITY THAT APPLY TO STUDENTS ENROLLED IN
4 THE SCHOOL DISTRICT; AND

5 (III) COMPLIES WITH ALL POLICIES, RULES AND REGULATIONS, OR
6 THEIR EQUIVALENT, OF THE GOVERNING ORGANIZATION OF THE ACTIVITY.

7 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE SCHOOL DISTRICT
8 OF RESIDENCE'S PROGRAM OF INTERSCHOLASTIC ATHLETICS, INCLUDING
9 VARSITY SPORTS, SHALL BE CONSIDERED AN ACTIVITY AND SHALL
10 INCLUDE ALL ACTIVITIES RELATED TO COMPETITIVE SPORTS CONTESTS,
11 GAMES, EVENTS OR EXHIBITIONS INVOLVING INDIVIDUAL STUDENTS OR
12 TEAMS OF STUDENTS WHENEVER SUCH ACTIVITIES OCCUR BETWEEN SCHOOLS
13 WITHIN THE SCHOOL DISTRICT OR BETWEEN SCHOOLS OUTSIDE OF THE
14 SCHOOL DISTRICT.

15 (3) WHERE THE ACTIVITY REQUIRES COMPLETION OF A PHYSICAL
16 EXAMINATION OR MEDICAL TEST AS A CONDITION OF PARTICIPATION AND
17 THE SCHOOL DISTRICT OF RESIDENCE OFFERS SUCH PHYSICAL
18 EXAMINATION OR MEDICAL TEST TO STUDENTS ENROLLED IN THE SCHOOL
19 DISTRICT, THE SCHOOL DISTRICT SHALL PERMIT A CHILD WHO IS
20 ENROLLED IN A HOME EDUCATION PROGRAM TO ACCESS SUCH PHYSICAL
21 EXAMINATION OR MEDICAL TEST. THE SCHOOL DISTRICT SHALL PUBLISH
22 THE DATES AND TIMES OF SUCH PHYSICAL EXAMINATION OR MEDICAL TEST
23 IN A PUBLICATION OF GENERAL CIRCULATION IN THE SCHOOL DISTRICT
24 AND ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

25 (4) A BOARD OF SCHOOL DIRECTORS MAY ADOPT A POLICY TO
26 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION. SUCH POLICY SHALL
27 ONLY APPLY TO PARTICIPATION IN ACTIVITIES AND SHALL NOT CONFLICT
28 WITH ANY PROVISIONS OF THIS SECTION.

29 * * *

30 ~~Section 2. Section 1743 A of the act is amended by adding a~~ <—

1 ~~subsection to read:~~

2 ~~Section 1743 A. Cyber charter school requirements and~~
3 ~~prohibitions.~~

4 ~~* * *~~

5 ~~(a.1) Truancy. In order to enroll a student, the school~~
6 ~~district in which the student is a resident must certify to the~~
7 ~~cyber charter school that the student is in compliance with~~
8 ~~section 1327.~~

9 ~~* * *~~

10 ~~Section 3. Section 1748 A(a) of the act, added June 29, 2002~~
11 ~~(P.L.524, No.88), is amended to read:~~

12 ~~Section 1748 A. Enrollment and notification.~~

13 ~~(a) Notice to school district.—~~

14 ~~(1) Within 15 days of the enrollment of a student to a~~
15 ~~cyber charter school, the parent or guardian and the cyber~~
16 ~~charter school shall notify the student's school district of~~
17 ~~residence of the enrollment through the use of the~~
18 ~~notification form under subsection (b).~~

19 ~~(2) If a school district which has received notice under~~
20 ~~paragraph (1) determines that a student is not a resident of~~
21 ~~the school district, the following apply:~~

22 ~~(i) Within seven days of receipt of the notice under~~
23 ~~paragraph (1), the school district shall notify the cyber~~
24 ~~charter school and the department that the student is not~~
25 ~~a resident of the school district. Notification of~~
26 ~~nonresidence shall include the basis for the~~
27 ~~determination.~~

28 ~~(ii) Within seven days of notification under~~
29 ~~subparagraph (i), the cyber charter school shall review~~
30 ~~the notification of nonresidence, respond to the school~~

1 ~~district and provide a copy of the response to the~~
2 ~~department. If the cyber charter school agrees that a~~
3 ~~student is not a resident of the school district, it~~
4 ~~shall determine the proper district of residence of the~~
5 ~~student before requesting funds from another school~~
6 ~~district.~~

7 ~~(iii) Within seven days of receipt of the response~~
8 ~~under subparagraph (ii), the school district shall notify~~
9 ~~the cyber charter school that it agrees with the cyber~~
10 ~~charter school's determination or does not agree with the~~
11 ~~cyber charter school's determination.~~

12 ~~(iv) A school district that has notified the cyber~~
13 ~~charter school that it does not agree with the cyber~~
14 ~~charter school's determination under subparagraph (iii)~~
15 ~~shall appeal to the department for a final determination.~~

16 ~~(v) All decisions of the department regarding the~~
17 ~~school district of residence of a student shall be~~
18 ~~subject to review by the Commonwealth Court.~~

19 ~~(vi) A school district shall continue to make~~
20 ~~payments to a cyber charter school under section 1725 A~~
21 ~~during the time in which the school district of residence~~
22 ~~of a student is in dispute.~~

23 ~~(vii) If a final determination is made that a~~
24 ~~student is not a resident of an appealing school~~
25 ~~district, the cyber charter school shall return all funds~~
26 ~~provided on behalf of that student to the school district~~
27 ~~within 30 days.~~

28 ~~(3) When a school district has received notice under~~
29 ~~paragraph (1), the school district shall certify to the cyber~~
30 ~~charter school whether the student is in compliance with~~

1 ~~section 1327.~~

2 * * *

3 ~~Section 4. This act shall take effect in 60 days.~~

4 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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