

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, TALLMAN, MAHONEY, ROCK, STERN, BENNINGHOFF, BLOOM, HELM, TOPPER, STEVENSON, BROOKS AND McGEEHAN, MARCH 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 2014

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," in pupils and attendance, further
6 providing for home education program.

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

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

14 Section 1327.1. Home Education Program.--

15 (a) The following words and phrases when used in this
16 section shall have the meanings given to them in this
17 subsection:

18 "Appropriate education" shall mean a program consisting of

1 instruction in the required subjects for the time required in
2 this act and in which the student demonstrates sustained
3 progress in the overall program.

4 "Department" SHALL MEAN the Department of Education of the
5 Commonwealth.

6 "Hearing examiner" shall not be an officer, employe or agent
7 of the Department of Education or of the school district or
8 intermediate unit of residence of the child in the home
9 education program.

10 "Home education program" shall mean a program conducted, in
11 compliance with this section, by the parent or guardian or such
12 person having legal custody of the child or children.

13 "Supervisor" shall mean the parent or guardian or such person
14 having legal custody of the child or children who shall be
15 responsible for the provision of instruction, provided that such
16 person has a high school diploma or its equivalent.

17 * * *

18 (d.1) (1) Notwithstanding any provision of this act or any <--
19 other law or regulation to the contrary, a high school diploma
20 awarded by a supervisor OR AN APPROVED DIPLOMA-GRANTING <--
21 ORGANIZATION shall be considered as having all the rights and
22 privileges afforded by the Commonwealth, a Commonwealth agency,
23 including, but not limited to, the Pennsylvania Higher Education
24 Assistance Agency, a political subdivision, a local agency and
25 an authority or instrumentality of the Commonwealth or a
26 political subdivision to a high school diploma awarded under
27 this act, if the following criteria are met SUBJECT TO <--
28 SUBPARAGRAPHS (I) AND (II):

29 (I) IN THE CASE OF A DIPLOMA AWARDED BY A SUPERVISOR THE <--
30 FOLLOWING SHALL APPLY:

1 ~~(1)~~ (A) The student ~~has~~ RECEIVING THE DIPLOMA SHALL HAVE <--
2 completed all the requirements in subsection (d) while enrolled
3 in a home education program that is in compliance with this
4 section.

5 ~~(2)~~ (B) The diploma ~~is issued~~ SHALL BE AWARDED to the <--
6 student on a standardized form to be developed by the department
7 and which shall be made available on the department's publicly
8 accessible Internet website.

9 ~~(3)~~ (C) The diploma ~~is~~ SHALL BE signed by the student's <--
10 twelfth grade evaluator in confirmation of the student's
11 suitability for graduation.

12 (II) IN THE CASE OF A DIPLOMA AWARDED BY AN APPROVED <--
13 DIPLOMA-GRANTING ORGANIZATION THE FOLLOWING SHALL APPLY:

14 (A) THE STUDENT RECEIVING THE DIPLOMA SHALL HAVE COMPLETED
15 ALL THE REQUIREMENTS IN SUBSECTION (D) WHILE ENROLLED IN A HOME
16 EDUCATION PROGRAM THAT IS IN COMPLIANCE WITH THIS SECTION.

17 (B) THE DIPLOMA SHALL BE AWARDED TO THE STUDENT ON A
18 STANDARDIZED FORM TO BE DEVELOPED BY THE ORGANIZATION.

19 (2) THE DEPARTMENT SHALL ESTABLISH ELIGIBILITY CRITERIA AND
20 AN APPLICATION PROCESS FOR APPROVING DIPLOMA-GRANTING
21 ORGANIZATIONS TO AWARD HIGH SCHOOL DIPLOMAS TO STUDENTS ENROLLED
22 IN HOME EDUCATION PROGRAMS. THE DEPARTMENT SHALL MAINTAIN A LIST
23 OF APPROVED DIPLOMA-GRANTING ORGANIZATIONS AND POST THE LIST ON
24 THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

25 * * *

26 (g) When documentation is required by this section to be
27 submitted to [the district of residence superintendent or] the
28 hearing examiner, [the superintendent or] the hearing examiner
29 shall return, upon completion of his review, all such
30 documentation to the supervisor of the home education program.

1 The [superintendent or] hearing examiner may photocopy all or
2 portions of the documentation for his files.

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

19 (h.1) An evaluator's certification stating that an
20 appropriate education is occurring for the school year under
21 review shall be provided by the supervisor to the superintendent
22 of the public school district of residence by June 30 of each
23 year. If the supervisor fails to submit the certification due on
24 June 30 to the superintendent, the superintendent shall send a
25 letter by certified mail, return receipt requested, to the
26 supervisor of the home education program, stating that the
27 certification is past due and notifying the supervisor to submit
28 the certification within ten (10) days of receipt of the
29 certified letter. If the certification is not submitted within
30 that time, the board of school directors shall provide for a

1 proper hearing in accordance with subsection (k).

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

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

30 [(j) Upon receipt of the certified letter required by

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

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

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

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

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

14 * * *

15 (n) Nothing in this section shall be construed to affect
16 Federal or State law relating to special education for students
17 with disabilities in home education programs.

18 Section 2. This act shall take effect immediately.