

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1273 Session of
2007

INTRODUCED BY MARSICO, BOYD, CALTAGIRONE, CLYMER, COX,
DENLINGER, FABRIZIO, GINGRICH, GOODMAN, KAUFFMAN, KORTZ,
METCALFE, PICKETT, REICHLEY, SOLOBAY AND TRUE, MAY 18, 2007

REFERRED TO COMMITTEE ON EDUCATION, MAY 18, 2007

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 (g) When documentation is required by this section to be
16 submitted to [the district of residence superintendent or] the
17 hearing examiner, [the superintendent or] the hearing examiner
18 shall return, upon completion of his review, all such
19 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) The home education evaluation and an evaluator's
20 certification that an appropriate education is occurring shall
21 be provided by the supervisor to the superintendent of the
22 public school district of residence by June 30 of each year. If
23 the supervisor fails to submit the certification due on June 30
24 to the superintendent, the superintendent shall send a letter by
25 certified mail, return receipt requested, to the supervisor of
26 the home education program, stating that the certification is
27 past due and notifying the supervisor to submit the
28 certification within ten (10) days of receipt of the certified
29 letter. If the certification is not submitted within that time,
30 the board of school directors shall provide for a proper hearing

1 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 probable cause, at any time
13 during the school year, that appropriate education may not be
14 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, be submitted to the district by the supervisor
19 within thirty (30) days of the receipt of the certified letter.
20 If the tests, as required in subsection (e)(1), have not been
21 administered at the time of the receipt of the certified letter
22 by the supervisor, the supervisor shall submit the other
23 required documentation to the evaluator and the test results to
24 the evaluator with the documentation at the conclusion of the
25 school year. If the certification is not submitted to the
26 superintendent within thirty (30) days of receipt of the
27 certified letter, the board of school directors shall provide
28 for a proper hearing in accordance with subsection (k).

29 [(j) Upon receipt of the certified letter required by
30 subsection (i), the supervisor of the home education program

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

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

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

1 the supervisor of the home education program or the
2 superintendent to the Secretary of Education [or], Commonwealth
3 Court or court of common pleas.

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

13 * * *

14 Section 2. This act shall take effect immediately.