

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2317 Session of 2012

INTRODUCED BY ROCK, AUMENT, BLOOM, GILLEN, GODSHALL, GROVE,
KAUFFMAN, LAWRENCE, MALONEY, METCALFE, MOUL AND ROAE,
APRIL 10, 2012

REFERRED TO COMMITTEE ON EDUCATION, APRIL 10, 2012

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 (d.1) Notwithstanding any statutory provision or regulation
16 to the contrary, a high school diploma awarded by the supervisor
17 in recognition of completion of the requirements under
18 subsection (d) shall be considered as according all the rights
19 and privileges of a high school diploma awarded under this act

by the Commonwealth, a Commonwealth agency, a political subdivision, a local agency and an authority or instrumentality of the Commonwealth or a political subdivision.

* * *

(g) When documentation is required by this section to be submitted to [the district of residence superintendent or] the hearing examiner, [the superintendent or] the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The [superintendent or] hearing examiner may photocopy all or portions of the documentation for his files.

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

(h.1) An evaluator's certification that an appropriate education is occurring shall be provided by the supervisor to the superintendent of the public school district of residence by

1 June 30 of each year. If the supervisor fails to submit the
2 certification due on June 30 to the superintendent, the
3 superintendent shall send a letter by certified mail, return
4 receipt requested, to the supervisor of the home education
5 program, stating that the certification is past due and
6 notifying the supervisor to submit the certification within ten
7 (10) days of receipt of the certified letter. If the
8 certification is not submitted within that time, the board of
9 school directors shall provide for a proper hearing in
10 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 probable cause, at any time
22 during the school year, that appropriate education may not be
23 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 is occurring, be submitted to the district by the supervisor
28 within thirty (30) days of the receipt of the certified letter.
29 If the tests, as required in subsection (e)(1), have not been
30 administered at the time of the receipt of the certified letter

1 by the supervisor, the supervisor shall submit the other
2 required documentation to the evaluator and the test results to
3 the evaluator with the documentation at the conclusion of the
4 school year. If the certification is not submitted to the
5 superintendent within thirty (30) days of receipt of the
6 certified letter, the board of school directors shall provide
7 for a proper hearing in accordance with subsection (k).

8 [(j) Upon receipt of the certified letter required by
9 subsection (i), the supervisor of the home education program
10 shall have twenty (20) days to submit additional documentation
11 demonstrating that appropriate education is taking place for the
12 child in the home education program. If documentation is not
13 submitted within that time, the home education program for the
14 child shall be out of compliance with the requirements of this
15 section and section 1327, and the student shall be promptly
16 enrolled in the public school district of residence or a
17 nonpublic school or a licensed private academic school.]

18 (j.1) If the superintendent has probable cause that the home
19 education program is out of compliance with any other provisions
20 of this section, the superintendent shall notify the supervisor
21 by certified mail, return receipt requested, to submit a
22 certification within thirty (30) days indicating that the
23 program is in compliance. If the certification is not submitted
24 within that time, the board of school directors shall provide
25 for a proper hearing in accordance with subsection (k).

26 (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] If a

1 hearing is required by the provisions of subsection (g), (h.1)
2 or (i.1), the board of school directors shall provide for a
3 proper hearing by a duly qualified and impartial hearing
4 examiner within thirty (30) days. The examiner shall render a
5 decision within fifteen (15) days of the hearing except that he
6 may require the establishment of a remedial education plan
7 mutually agreed to by the superintendent and supervisor of the
8 home education program which shall continue the home education
9 program. The decision of the examiner may be appealed by either
10 the supervisor of the home education program or the
11 superintendent to the Secretary of Education [or], Commonwealth
12 Court or court of common pleas.

13 (1) If the hearing examiner finds that the [documentation]
14 evidence does not indicate that appropriate education is taking
15 place in the home education program, the home education program
16 for the child shall be out of compliance with the requirements
17 of this section and section 1327, and the student shall be
18 promptly enrolled in the public school district of residence or
19 a nonpublic school or a licensed private academic school. The
20 home education program may continue during the time of any
21 appeal.

22 * * *

23 Section 2. This act shall take effect July 1, 2012, or
24 immediately, whichever is later.