

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 1013

PRINTER'S NO. 4174

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 15, 2013

PRIME SPONSOR

Representative Gillen

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 1013 amends Section 1327.1 (Home Education Program) of the Public School Code.

The bill allows a home education supervisor to grant a diploma to a student after completion of the minimum course requirements prescribed in the law and the diploma is signed by the student's 12th grade home education evaluator. It provides for the supervisor issued diploma to be on a standardized form developed by the Department of Education and made available on its Internet website. It codifies the existing practice of allowing a home school diploma to be awarded though a Department of Education approved diploma granting organization. It also provides that a high school diploma awarded by a supervisor or a diploma granting organization shall have all rights and privileges afforded by the Commonwealth and be recognized by the Commonwealth, its agencies and local government entities.

The bill requires a supervisor submit an evaluator's certification stating that an appropriate education is occurring to the superintendent of schools each year by June 30th. If the certification is not submitted, the superintendent is required to send a certified letter, return receipt requested, to the supervisor stating the certification is past due and providing notice that they have 10 days to submit the certification. If the certification is not submitted after the 10 days, the board of school directors is required to provide for a hearing by a qualified impartial hearing examiner to determine whether the home education program is in compliance with the law. Provisions in current law which require a home education supervisor to submit a portfolio of the student's work to the superintendent of schools in order to demonstrate that an appropriate education is occurring an annual basis are removed.

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The bill provides that if a superintendent has a reasonable belief that an appropriate education is not occurring in a home education program, he may submit a certified letter, return receipt requested, to the supervisor, which includes the basis for the reasonable belief and requires an evaluation be conducted and the evaluator provide certification that an appropriate education is occurring. If tests required by law have not been administered at the time of receipt of the certified letter, the supervisor shall submit other required documentation to the evaluator and shall submit the test results and other completed documentation at the end of the year. If the certification is not submitted within 30 days, the board of school directors is required to provide for a hearing by a qualified impartial hearing examiner to determine whether the home education program is in compliance with the law.

The bill provides that if a superintendent has a reasonable belief that a home education program is out of compliance with any provisions of the law, he is required to submit a certified letter, return receipt requested, to the supervisor, which includes the basis for the reasonable belief and requires a certification to be submitted within 30 days stating that the program is in compliance. If the certification is not submitted within 30 days, the board of school directors is required to provide for a hearing by a qualified impartial hearing examiner to determine whether the home education program is in compliance with the law.

The bill allows any decision by a hearing examiner to be appealed to the court of common pleas in addition to the Commonwealth court which is provided for in current law. It also provides that the home education program may continue during the time of an appeal.

The bill includes language that provides nothing in law shall be construed to affect Federal or State law relating to special education for students with disabilities in home education programs.

The legislation is scheduled to take effect immediately.

FISCAL IMPACT:

The enactment of House Bill 1013 will have no adverse fiscal impact on Commonwealth funds.