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

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for home education programs, for cyber charter school requirements and prohibitions and for cyber charter school enrollment and notification.

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

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

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

(f.1) Subject to the provisions of subsections (f.2), (f.3), (f.4) and (f.5), the school district shall permit a child who is enrolled in a home education program to have the opportunity to participate in extracurricular activities, including, but not limited to, clubs, musical ensembles, sports and theatrical productions.
(f.3) (1) All school districts by July 1, 2006, shall adopt a policy for the participation of resident students enrolled in a home education program in the extracurricular activities of the school district of residence.

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

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

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

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

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

(f.4) School districts shall publish, in a publication of 20050S0361B1240 - 2 -
general circulation in the school district or its Internet
website, the dates and times for any physical examination or
medical test required for participation.

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

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

(2) Is not offered for credit toward graduation.

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

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

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

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

(I) MEETS THE ELIGIBILITY CRITERIA, OR THEIR EQUIVALENT, FOR
PARTICIPATION IN THE ACTIVITY THAT APPLY TO STUDENTS ENROLLED IN
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THE SCHOOL DISTRICT;

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

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

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

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

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

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Section 2. Section 1743-A of the act is amended by adding a
subsection to read:

Section 1743-A. Cyber charter school requirements and
prohibitions.

* * *

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

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

Section 1748-A. Enrollment and notification.

(a) Notice to school district.--

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

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

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

(ii) Within seven days of notification under
subparagraph (i), the cyber charter school shall review
the notification of nonresidence, respond to the school
district and provide a copy of the response to the department. If the cyber charter school agrees that a student is not a resident of the school district, it shall determine the proper district of residence of the student before requesting funds from another school district.

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

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

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

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

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

(3) When a school district has received notice under paragraph (1), the school district shall certify to the cyber charter school whether the student is in compliance with
section 1327.

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

SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.