

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1364

Session of
1987

INTRODUCED BY PITTS, COY, FREIND, LIVENGOD, BIRMELIN, ITKIN,
CLYMER, VROON, HERSHEY, JOHNSON, CARLSON, GEIST, PHILLIPS,
BUNT, BARLEY, CIVERA, E. Z. TAYLOR, CAWLEY, BURD, PERZEL,
SIRIANNI, MICOZZIE, TRELLO, FLICK, HONAMAN, FARGO,
D. W. SNYDER, DISTLER, SEMMEL, GAMBLE, LANGTRY, OLASZ,
GANNON, KENNEY, WESTON, PUNT, LEH, DeLUCA AND GEORGE, MAY 12,
1987

REFERRED TO COMMITTEE ON EDUCATION, MAY 12, 1987

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 programs.

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

9 Section 1. Section 1327 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended December 15, 1986 (P.L. , No.178), is amended to
12 read:

13 Section 1327. Compulsory School Attendance.--(a) Except as
14 hereinafter provided, every child of compulsory school age
15 having a legal residence in this Commonwealth, as provided in
16 this article, and every migratory child of compulsory school
17 age, is required to attend a day school in which the subjects

1 and activities prescribed by the standards of the State Board of
2 Education are taught in the English language. In lieu of such
3 school attendance, any child fifteen years of age with the
4 approval of the district superintendent and the approval of the
5 Secretary of Education, and any child sixteen years of age with
6 the approval of the district superintendent of schools, may
7 enroll as a day student in a private trade school or in a
8 private business school licensed by the Department of Education,
9 or in a trade or business school, or department operated by a
10 local school district or districts. Such modified program
11 offered in a public school must meet the standards prescribed by
12 the State Board of Education or the State Board for Vocational
13 Education. Except as hereinafter provided, every parent,
14 guardian, or other person having control or charge of any child
15 or children of compulsory school age is required to send such
16 child or children to a day school in which the subjects and
17 activities prescribed by the standards of the State Board of
18 Education are taught in the English language. Such parent,
19 guardian, or other person having control or charge of any child
20 or children, fifteen or sixteen years of age, in accordance with
21 the provisions of this act, may send such child or children to a
22 private trade school or private business school licensed by the
23 Department of Education, or to a trade or business school, or
24 department operated by a local school district or districts.
25 Such modified program offered in a public school must meet the
26 standards prescribed by the State Board of Education or the
27 State Board for Vocational Education. Such child or children
28 shall attend such school continuously through the entire term,
29 during which the public schools in their respective districts
30 shall be in session, or in cases of children of migrant laborers

1 during the time the schools are in session in the districts in
2 which such children are temporarily domiciled. The financial
3 responsibility for the education of such children of migrant
4 laborers shall remain with the school district in which such
5 children of migrant laborers are temporarily domiciled; except
6 in the case of special schools or classes conducted by an
7 intermediate unit and approved by the Department of Education or
8 conducted by the Department of Education. A child who is
9 enrolled in a home education program and whose education is
10 therefore under the supervision of his parent, guardian or other
11 person having control or charge of such child or children of
12 compulsory school age and the parent, guardian or other person
13 having control or charge of any such child or children of
14 compulsory school age shall be deemed to have met the
15 requirements of this section if that home education program
16 provides a minimum of one hundred eighty (180) days of
17 instruction or nine hundred (900) hours of instruction per year
18 at the elementary level, or nine hundred ninety (990) hours per
19 year at the secondary level:

20 (1) At the elementary school level, the following courses
21 shall be taught: English, to include spelling, reading and
22 writing; arithmetic; science; geography; history of the United
23 States and Pennsylvania; civics; safety education, including
24 regular and continuous instruction in the dangers and prevention
25 of fires; health and physiology; physical education; music; and
26 art.

27 (2) At the secondary school level, the following courses
28 shall be offered: English, to include language, literature,
29 speech and composition; science, to include biology and
30 chemistry; geography; social studies, to include civics,

1 economics, world history, history of the United States and
2 Pennsylvania; a foreign language; mathematics, to include
3 general mathematics and statistics, algebra and geometry; art;
4 music; physical education; health and physiology; and safety
5 education, including regular and continuous instruction in the
6 dangers and prevention of fires.

7 The requirements contained in sections 1511 and 1605 of this act
8 shall not apply to home education programs. The notarized
9 affidavit of the parent or guardian or other person serving as
10 the supervisor in the home education program, filed with the
11 Department of Education and setting forth that such subjects are
12 offered in the English language in such home education program
13 and that the program is otherwise in compliance with the
14 provisions of this act, shall be satisfactory and sufficient
15 evidence thereof. The certificate of any principal or teacher of
16 a private school, or of any institution for the education of
17 children, in which the subjects and activities prescribed by the
18 standards of the State Board of Education are taught in the
19 English language, setting forth that the work of said school is
20 in compliance with the provisions of this act, shall be
21 sufficient and satisfactory evidence thereof. [Regular daily
22 instruction in the English language, for the time herein
23 required, by a properly qualified private tutor, shall be
24 considered as complying with the provisions of this section, if
25 such instruction is satisfactory to the proper district
26 superintendent of schools.] It is the policy of the Commonwealth
27 to preserve the primary right and the obligation of the parent
28 or parents, or person or persons in loco parentis to a child, to
29 choose the education and training for such child. Nothing
30 contained in this act shall empower the Commonwealth, or any of

its officers, agencies or subdivisions, to approve the course content, faculty, staff or disciplinary requirements of any home education program referred to in this section without the consent of the parent, guardian or other person having control or charge of the child enrolled in the program.

(3) The following minimum courses in grades nine through twelve are established as a requirement for high school graduation in home education programs:

(i) Four years of English.

(ii) Three years of mathematics.

(iii) Three years of science.

(iv) Three years of social studies.

(v) Two years of arts and humanities.

(4) The provisions pertaining to a home education program shall not apply to a tutorial program. Instruction by a properly qualified tutor, in the English language, in a tutorial program approved by the superintendent of the school district of residence shall be deemed to have met the compulsory attendance requirements of this section.

(b) A child enrolled in a day school which is operated by a bona fide church or other religious body, and the parent, guardian or other person having control or charge of any such child or children of compulsory school age shall be deemed to have met the requirements of this section if that school provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year of instruction at the secondary level and:

(1) At the elementary school level, the following courses are taught: English, to include spelling, reading and writing;

1 arithmetic; science; geography; history of the United States and
2 Pennsylvania; civics; safety education, including regular and
3 continuous instruction in the dangers and prevention of fires;
4 health and physiology; physical education; music; and art.

5 (2) At the secondary school level, the following courses are
6 offered: English, to include language, literature, speech and
7 composition; science, to include biology and chemistry;
8 geography; social studies, to include civics, economics, world
9 history, history of the United States and Pennsylvania; a
10 foreign language; mathematics, to include general mathematics
11 and statistics, algebra and geometry; art; music; physical
12 education; health and physiology; and safety education,
13 including regular and continuous instruction in the dangers and
14 prevention of fires.

15 The requirements contained in sections 1511 and 1605 of this act
16 shall not apply to such schools. The notarized affidavit of the
17 principal of any such school, filed with the Department of
18 Education and setting forth that such subjects are offered in
19 the English language in such school, whether it is a nonprofit
20 organization, and that such school is otherwise in compliance
21 with the provisions of this act, shall be satisfactory and
22 sufficient evidence thereof. It is the policy of the
23 Commonwealth to preserve the primary right and the obligation of
24 the parent or parents, or person or persons in loco parentis to
25 a child, to choose the education and training for such child.
26 Nothing contained in this act shall empower the Commonwealth,
27 any of its officers, agencies or subdivisions to approve the
28 course content, faculty, staff or disciplinary requirements of
29 any religious school referred to in this section without the
30 consent of said school.

(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education, and the parent, guardian or other person having designated control or charge of any child or children of compulsory school age shall be deemed to have met the requirements of subsection (a).

Section 2. The act is amended by adding a section to read:

Section 1327.1. Documentation of the Home Education Program.--The parent or guardian or other person serving as the supervisor in the home education program shall keep on file documentation that education is taking place in the home education program. The documentation shall include:

(1) standardized achievement test results; or
(2) written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by any state or commonwealth in the United States or by a private school teacher with teaching experience qualifying the teacher to make such an evaluation; or

(3) a portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used, and samples of any writings, worksheets, workbooks or creative materials used or developed by the student.

The selection of the most appropriate method of documentation is at the discretion of the parent or guardian or other person supervising the home education program.

Such documentation may be requested for review by the Department of Education in order to investigate whether education is taking place in a particular home education program. No investigation will occur unless the Department of Education receives a

1 specific complaint by a named informant that education is not
2 occurring in a specific home education program. If such a
3 complaint is received, the Department of Education shall send a
4 certified letter, return receipt requested, to the parent or
5 guardian or other person supervising the home education program
6 stating that a complaint has been received and requesting
7 educational documentation as above described for the home
8 educated student or students named in the complaint.

9 The parent or guardian or other person supervising the home
10 education program shall have thirty (30) days after the receipt
11 of the certified letter to submit documentation indicating that
12 education is taking place in the home education program. If
13 documentation is not submitted within that time, the home
14 education program shall be out of compliance with the
15 requirements of this section.

16 If the Department of Education determines that the
17 documentation submitted does not indicate that education is
18 taking place in the home education program, then, no later than
19 thirty (30) days after receipt of the documentation, the
20 department shall send a letter by certified mail, return receipt
21 requested, to the parent or guardian or other person supervising
22 the home education program stating in specific terms what aspect
23 of the documentation is inadequate. The parent or guardian or
24 other person supervising home education program shall then have
25 one (1) year in which to correct the deficiencies and submit
26 further documentation to the Department of Education. If no
27 further documentation is submitted within one (1) year after
28 receipt of the certified letter, the home education program
29 shall be out of compliance with the requirements of this
30 section.

1 Within thirty (30) days of receipt of further documentation,
2 if the Department of Education still determines that the
3 documentation does not indicate that education is taking place
4 in the home education program, the department shall send a
5 certified letter, return receipt requested, stating the specific
6 reasons that it has determined that the documentation is
7 inadequate and that the parent or guardian or other person
8 supervising the home education program has thirty (30) days in
9 which to request a due process hearing in the presence of an
10 impartial hearing officer to hear objections to the
11 documentation and to defend its merits. This letter shall be
12 accompanied by a form through which the due process hearing may
13 be requested. If, thirty (30) days after receipt of this
14 certified letter, the parent or guardian or other person
15 supervising the home education program has not requested a due
16 process hearing, the home education program shall be out of
17 compliance with the requirements of this section.

18 If the parent or guardian or other person supervising the
19 home education program requests a due process hearing, it shall
20 be scheduled, no sooner than fifteen (15) days nor later than
21 thirty (30) days, after receipt of the request by the
22 department: Provided, however, That upon showing good cause, a
23 reasonable extension of time shall be granted at the request of
24 the parent or guardian or other person supervising the home
25 education program.

26 The hearing shall be held at a place reasonably convenient to
27 the parent or guardian or other person supervising the home
28 education program and may be held in the evening if so specified
29 by the parent or guardian or other person supervising the home
30 education program on the form requesting the hearing.

1 An impartial hearing officer shall be assigned by the
2 Secretary of Education, or his designee. This hearing officer
3 shall not be an officer, employee or agent of the Department of
4 Education or of the school district or intermediate unit of
5 residence. The secretary may select as hearing officers,
6 administrators or faculty members from post secondary education
7 institutions providing approved programs for teachers,
8 administrators and supervisory personnel.

9 At the due process hearing, the department shall be limited
10 to presenting evidence that the documentation is not sufficient
11 evidence that education is taking place within the home
12 education program. The parent, guardian or other person
13 supervising the home education program, or his representative,
14 shall have the right to present evidence and testimony
15 indicating that the documentation is sufficient or that
16 education is taking place in the home education program.

17 At any point during the hearing, if the hearing officer
18 believes that education is taking place in the home education
19 program but that the documentation is not adequate, he may
20 adjourn the hearing after suggesting specific ways in which the
21 documentation may be improved and resubmitted to the Department
22 of Education, and specifying a date for continuation of the
23 hearing in the event that the Department of Education still
24 maintains that the documentation is inadequate.

25 No later than twenty (20) days after the conclusion of the
26 hearing, the hearing officer shall render a decision in writing
27 which shall be accompanied by written findings of fact and
28 conclusions, and which shall be sent by certified mail, return
29 receipt requested, to the parent or guardian or other person
30 supervising the home education program. If the hearing officer

1 finds that the documentation indicates that education is taking
2 place within the home education program, the program shall be in
3 compliance with the requirements of this section and no further
4 investigation of the home education program shall occur. If the
5 hearing officer finds that the documentation does not indicate
6 that education is taking place in the home education program,
7 the home education program shall be out of compliance with the
8 requirements of this section.

9 Section 3. This act shall take effect July 1, 1987, or
10 immediately, whichever is later.