

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1013 Session of  
2013

INTRODUCED BY GILLEN, AUMENT, COX, DENLINGER, GIBBONS, GINGRICH,  
KAUFFMAN, LAWRENCE, MASSER, METCALFE, MILLARD, READSHAW,  
TALLMAN, MAHONEY, ROCK, STERN, BENNINGHOFF, BLOOM, HELM AND  
TOPPER, MARCH 15, 2013

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 4, 2014

## 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," in pupils and attendance, further  
6 providing for home education program.

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

9 Section 1. Section ~~1327.1(g)~~, 1327.1(A), (G), (h), (i), (j), <--  
10 (k) and (l) of the act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, added December 21, 1988  
12 (P.L.1321, No.169), are amended and the section is amended by  
13 adding subsections to 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~~

1 ~~and privileges of a high school diploma awarded under this act~~  
2 ~~by the Commonwealth, a Commonwealth agency, a political~~  
3 ~~subdivision, a local agency and an authority or instrumentality~~  
4 ~~of the Commonwealth or a political subdivision.~~ (A) THE <--

5 FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SECTION SHALL HAVE  
6 THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

7 "APPROPRIATE EDUCATION" SHALL MEAN A PROGRAM CONSISTING OF  
8 INSTRUCTION IN THE REQUIRED SUBJECTS FOR THE TIME REQUIRED IN  
9 THIS ACT AND IN WHICH THE STUDENT DEMONSTRATES SUSTAINED  
10 PROGRESS IN THE OVERALL PROGRAM.

11 "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE  
12 COMMONWEALTH.

13 "HEARING EXAMINER" SHALL NOT BE AN OFFICER, EMPLOYE OR AGENT  
14 OF THE DEPARTMENT OF EDUCATION OR OF THE SCHOOL DISTRICT OR  
15 INTERMEDIATE UNIT OF RESIDENCE OF THE CHILD IN THE HOME  
16 EDUCATION PROGRAM.

17 "HOME EDUCATION PROGRAM" SHALL MEAN A PROGRAM CONDUCTED, IN  
18 COMPLIANCE WITH THIS SECTION, BY THE PARENT OR GUARDIAN OR SUCH  
19 PERSON HAVING LEGAL CUSTODY OF THE CHILD OR CHILDREN.

20 "SUPERVISOR" SHALL MEAN THE PARENT OR GUARDIAN OR SUCH PERSON  
21 HAVING LEGAL CUSTODY OF THE CHILD OR CHILDREN WHO SHALL BE  
22 RESPONSIBLE FOR THE PROVISION OF INSTRUCTION, PROVIDED THAT SUCH  
23 PERSON HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

24 \* \* \*

25 (D.1) NOTWITHSTANDING ANY PROVISION OF THIS ACT OR ANY OTHER  
26 LAW OR REGULATION TO THE CONTRARY, A HIGH SCHOOL DIPLOMA AWARDED  
27 BY A SUPERVISOR SHALL BE CONSIDERED AS HAVING ALL THE RIGHTS AND  
28 PRIVILEGES AFFORDED BY THE COMMONWEALTH, A COMMONWEALTH AGENCY,  
29 INCLUDING, BUT NOT LIMITED TO, THE PENNSYLVANIA HIGHER EDUCATION  
30 ASSISTANCE AGENCY, A POLITICAL SUBDIVISION, A LOCAL AGENCY AND

1 AN AUTHORITY OR INSTRUMENTALITY OF THE COMMONWEALTH OR A  
2 POLITICAL SUBDIVISION TO A HIGH SCHOOL DIPLOMA AWARDED UNDER  
3 THIS ACT, IF THE FOLLOWING CRITERIA ARE MET:

4 (1) THE STUDENT HAS COMPLETED ALL THE REQUIREMENTS IN  
5 SUBSECTION (D) WHILE ENROLLED IN A HOME EDUCATION PROGRAM THAT  
6 IS IN COMPLIANCE WITH THIS SECTION.

7 (2) THE DIPLOMA IS ISSUED TO THE STUDENT ON A STANDARDIZED  
8 FORM TO BE DEVELOPED BY THE DEPARTMENT AND WHICH SHALL BE MADE  
9 AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
10 WEBSITE.

11 (3) THE DIPLOMA IS SIGNED BY THE STUDENT'S TWELFTH GRADE  
12 EVALUATOR IN CONFIRMATION OF THE STUDENT'S SUITABILITY FOR  
13 GRADUATION.

14 \* \* \*

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.  
20 The [superintendent or] hearing examiner may photocopy all or  
21 portions of the documentation for his files.

22 [(h) Such documentation required by subsection (e) (1) and  
23 (2) shall be provided to the public school district of residence  
24 superintendent at the conclusion of each public school year. In  
25 addition, if the superintendent has a reasonable belief that, at  
26 any time during the school year, appropriate education may not  
27 be occurring in the home education program, he may, by certified  
28 mail, return receipt requested, require documentation pertaining  
29 to the portfolio of records and materials required by subsection  
30 (e) (1) to be submitted to the district within fifteen (15) days;

1 and documentation pertaining to subsection (e) (2) to be  
2 submitted to the district within thirty (30) days. If the tests  
3 as required in subsection (e) (1) have not been administered at  
4 the time of the receipt of the certified letter by the  
5 supervisor, the supervisor shall submit the other required  
6 documentation and shall submit the test results with the  
7 documentation at the conclusion of the school year.]

8 (h.1) An evaluator's certification stating that an  
9 appropriate education is occurring for the school year under  
10 review shall be provided by the supervisor to the superintendent  
11 of the public school district of residence by June 30 of each  
12 year. If the supervisor fails to submit the certification due on  
13 June 30 to the superintendent, the superintendent shall send a  
14 letter by certified mail, return receipt requested, to the  
15 supervisor of the home education program, stating that the  
16 certification is past due and notifying the supervisor to submit  
17 the certification within ten (10) days of receipt of the  
18 certified letter. If the certification is not submitted within  
19 that time, the board of school directors shall provide for a  
20 proper hearing in accordance with subsection (k).

21 [(i) If the superintendent of the public school district  
22 determines, based on the documentation provided, at the end of  
23 or during the school year, that appropriate education is not  
24 taking place for the child in the home education program, the  
25 superintendent shall send a letter by certified mail, return  
26 receipt requested, to the supervisor of the home education  
27 program stating that in his opinion appropriate education is not  
28 taking place for the child in the home education program and  
29 shall return all documentation, specifying what aspect or  
30 aspects of the documentation are inadequate.]

1 (i.1) If the superintendent has a reasonable belief, at any  
2 time during the school year, that appropriate education may not  
3 be occurring in the home education program, he may, by certified  
4 mail, return receipt requested, require that an evaluation be  
5 conducted in accordance with subsection (e)(2) and that an  
6 evaluator's certification stating that an appropriate education  
7 is occurring for the school year under review, be submitted to  
8 the district by the supervisor within thirty (30) days of the  
9 receipt of the certified letter. If the tests, as required in  
10 subsection (e)(1), have not been administered at the time of the  
11 receipt of the certified letter by the supervisor, the  
12 supervisor shall submit the other required documentation to the  
13 evaluator and the test results to the evaluator with the  
14 documentation at the conclusion of the school year. If the  
15 certification is not submitted to the superintendent within  
16 thirty (30) days of receipt of the certified letter, the board  
17 of school directors shall provide for a proper hearing in  
18 accordance with subsection (k).

19 [(j) Upon receipt of the certified letter required by  
20 subsection (i), the supervisor of the home education program  
21 shall have twenty (20) days to submit additional documentation  
22 demonstrating that appropriate education is taking place for the  
23 child in the home education program. If documentation is not  
24 submitted within that time, the home education program for the  
25 child shall be out of compliance with the requirements of this  
26 section and section 1327, and the student shall be promptly  
27 enrolled in the public school district of residence or a  
28 nonpublic school or a licensed private academic school.]

29 (j.1) If the superintendent has a reasonable belief that the  
30 home education program is out of compliance with any other

1 provisions of this section, the superintendent shall notify the  
2 supervisor by certified mail, return receipt requested, to  
3 submit a certification within thirty (30) days indicating that  
4 the program is in compliance. If the certification is not  
5 submitted within that time, the board of school directors shall  
6 provide for a proper hearing in accordance with subsection (k).

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

24 (l) If the hearing examiner finds that the [documentation]  
25 evidence does not indicate that appropriate education is taking  
26 place in the home education program, the home education program  
27 for the child shall be out of compliance with the requirements  
28 of this section and section 1327, and the student shall be  
29 promptly enrolled in the public school district of residence or  
30 a nonpublic school or a licensed private academic school. The

1 home education program may continue during the time of any  
2 appeal.

3 \* \* \*

4 (n) Nothing in this section shall be construed to affect  
5 Federal or State law relating to special education for students  
6 with disabilities in home education programs.

7 Section 2. This act shall take effect ~~July 1, 2013, or~~ <--  
8 ~~immediately, whichever is later~~ IMMEDIATELY. <--