

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1041 Session of 2021

INTRODUCED BY TOPPER, R. BROWN, COX, GILLEN, HAMM, KAUFFMAN, KEEFER, KULIK, MOUL, PICKETT, ROWE, RYAN, STAATS, THOMAS, WARNER, WHEELAND, ZIMMERMAN, SCHROEDER, GLEIM AND SILVIS, MARCH 29, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 5, 2021

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

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

13 (f.2) (1) Beginning January 1, 2022, WITH THE 2021-2022 <--
14 SCHOOL YEAR and each school year thereafter, the school district
15 of residence shall develop policies and procedures to permit a
16 child who is enrolled in a home education program to
17 participate, on the same basis as other students enrolled in the
18 school district, in any cocurricular activity that merges extra-

1 curricular activities with a required academic class, including,
2 but not limited to, band or orchestra, and must permit a child
3 who is enrolled in a home education program to take up to four
4 academic courses at a time, PURSUANT TO THE POLICIES AND <--
5 PROCEDURES OF THE SCHOOL DISTRICT OF RESIDENCE, ON THE SAME
6 BASIS AS OTHER STUDENTS ENROLLED IN THE SCHOOL DISTRICT,
7 provided that the child:

8 (i) meets the eligibility criteria or their equivalent for
9 participation in the cocurricular or academic course that apply
10 to students enrolled full time in the school district;

11 (ii) meets the prerequisite criteria or their equivalent for
12 participation in the cocurricular or academic course that apply
13 to students enrolled full time in the school district; and

14 (iii) complies with all policies, rules and regulations or
15 their equivalent of the ~~ecurricular or academic course~~ SCHOOL <--
16 DISTRICT OF RESIDENCE.

17 (2) For the purposes of this subsection, the school district
18 of residence shall provide the grade for each cocurricular or
19 academic course to the home education program supervisor, who
20 shall be responsible for maintaining the material in the
21 portfolio of records.

22 (3) The parent/guardian of the child shall be responsible
23 for transportation of the child to and from school for the
24 selected courses, except that a home school student may utilize
25 district transportation to or from school during the times a bus
26 is otherwise already operating AND SPACE IS AVAILABLE. <--

27 (4) A board of school directors may adopt a policy to
28 implement the requirements of this subsection. The policy shall
29 only apply to participation in cocurricular or academic courses
30 and shall not conflict with any provisions of this section.

1 (5) A HOME EDUCATION STUDENT ENROLLED IN A COCURRICULAR <--
2 ACTIVITY OR ACADEMIC COURSE IN THE STUDENT'S SCHOOL DISTRICT OF
3 RESIDENCE SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF
4 THE SCHOOL DISTRICT OF RESIDENCE AND SHALL BE CALCULATED BY
5 COUNTING THE TIME THE HOME EDUCATION STUDENT SPENDS IN THE
6 PUBLIC SCHOOL PROGRAM ON A PRO RATA BASIS.

7 (f.3) (1) Beginning ~~January 1, 2022,~~ WITH THE 2021-2022 <--
8 SCHOOL YEAR and each school year thereafter, the school district
9 of residence shall develop policies and procedures consistent
10 with the enrollment OR SEAT ALLOCATION provisions of the written <--
11 agreement among the participating school districts which
12 established the career and technical education ~~program~~ CENTER, <--
13 OR IN THE CASE OF A SCHOOL DISTRICT OPERATED CAREER AND
14 TECHNICAL EDUCATION PROGRAM, THE SCHOOL DISTRICT OF RESIDENCE
15 SHALL DEVELOP POLICIES AND PROCEDURES CONSISTENT WITH SUBSECTION
16 (F.2), to permit a home schooled student to participate in a
17 career and technical education program on the same basis as
18 other students enrolled in the school district, provided that
19 the child:

20 (i) meets the eligibility criteria or their equivalent for
21 participation in the career and technical education program that
22 apply to students enrolled full time in the school district;

23 (ii) meets the prerequisite criteria or their equivalent for
24 participation in the career and technical education program that
25 apply to students enrolled full time in the school district; and

26 (iii) complies with all policies, rules and regulations or
27 their equivalent of THE SCHOOL DISTRICT OF RESIDENCE AND the <--
28 career and technical education ~~program~~ CENTER. <--

29 (2) For the purposes of this subsection, the SCHOOL DISTRICT <--
30 OF RESIDENCE OPERATED career and technical education program OR <--

1 THE CAREER AND TECHNICAL EDUCATION CENTER shall provide the
2 grades to the home education program supervisor, who shall be
3 responsible for maintaining the material in the portfolio of
4 records.

5 (3) The home school students may utilize district
6 transportation to or from the career and technical education
7 program during the times buses are otherwise already operating
8 AND SPACE IS AVAILABLE. <--

9 (4) A board of school directors may adopt a policy to
10 implement the requirements of this subsection. Such policy shall
11 only apply to participation in career and technical education
12 programs and shall not conflict with any provisions of this
13 section.

14 (5) A HOME EDUCATION STUDENT ENROLLED IN THE CAREER AND <--
15 TECHNICAL EDUCATION PROGRAM SHALL BE INCLUDED IN THE AVERAGE
16 DAILY MEMBERSHIP OF THE SCHOOL DISTRICT OF RESIDENCE AND CAREER
17 AND TECHNICAL CENTER, IF APPLICABLE, AND SHALL BE CALCULATED BY
18 COUNTING THE TIME THE HOME EDUCATION STUDENT SPENDS IN THE
19 CAREER AND TECHNICAL EDUCATION PROGRAM ON A PRO RATA BASIS.

20 * * *

21 Section 2. This act shall take effect immediately.