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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 1041 Session of  
2021

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

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SENATOR MARTIN, EDUCATION, IN SENATE, AS AMENDED, MAY 24, 2022

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## 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 with the 2021-2022 2023-2024 school <--  
14 year and each school year thereafter, the school district of  
15 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~~ COURSE, <--  
2 including, but not limited to, band or orchestra, and must  
3 permit a child who is enrolled in a home education program to

4 take up to four academic courses at a time PARTICIPATE IN <--  
5 ACADEMIC COURSES EQUALING UP TO AT LEAST ONE QUARTER OF THE  
6 SCHOOL DAY FOR FULL-TIME STUDENTS, pursuant to the policies and  
7 procedures of the school district of residence, on the same  
8 basis as other students enrolled in the school district,  
9 provided that the child:

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

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

16 (iii) complies with all policies, rules and regulations or  
17 their equivalent of the school district of residence.

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

23 (3) The ~~parent/guardian~~ PARENT OR LEGAL GUARDIAN of the <--  
24 child shall be responsible for transportation of the child to  
25 and from school for the selected courses, except that a home  
26 ~~school~~ EDUCATION student may utilize district transportation to <--  
27 or from school during the times a bus is otherwise already  
28 operating and space is available.

29 (4) A board of school directors may adopt a policy to  
30 implement the requirements of this subsection. A POLICY UNDER <--

1 THIS PARAGRAPH MAY REQUIRE THAT THE COCURRICULAR OR ACADEMIC  
2 COURSES TAKEN UNDER PARAGRAPH (1) BE TAKEN CONSECUTIVELY DURING  
3 THE SCHOOL DAY IF THE SCHOOL OR A CHILD'S PARENT OR LEGAL  
4 GUARDIAN IS NOT ABLE TO PROVIDE ADEQUATE SUPERVISION FOR THE  
5 CHILD BETWEEN COCURRICULAR AND ACADEMIC COURSES. The policy  
6 shall only apply to participation in cocurricular or academic  
7 courses and shall not conflict with any provisions of this  
8 section.

9 (5) A home education student enrolled in a cocurricular  
10 activity or academic course in the student's school district of <--  
11 residence shall be included in the average daily membership of  
12 the school district of residence and shall be calculated by  
13 counting the time the home education student spends in the  
14 public school program on a pro rata basis. <--

15 (f.3) (1) Beginning with the 2021-2022 2023-2024 school <--  
16 year and each school year thereafter, the school district of  
17 residence shall develop policies and procedures consistent with  
18 the enrollment or seat allocation provisions of the written  
19 agreement among the participating school districts which  
20 established the career and technical education center, or in the  
21 case of a school district operated career and technical  
22 education program, the school district of residence shall  
23 develop policies and procedures consistent with subsection  
24 (f.2), to permit a home schooled EDUCATION student to <--  
25 participate in a career and technical education program on the  
26 same basis as other students enrolled in the school district,  
27 provided that the child:

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

1 (ii) meets the prerequisite criteria or their equivalent for  
2 participation in the career and technical education program that  
3 apply to students enrolled full time in the school district; and  
4 (iii) complies with all policies, rules and regulations or  
5 their equivalent of the school district of residence and the  
6 career and technical education center.

7 (2) For the purposes of this subsection, the school district  
8 of residence operated career and technical education program or  
9 the career and technical education center shall provide the  
10 grades to the home education program supervisor, who shall be  
11 responsible for maintaining the material in the portfolio of  
12 records.

13 (3) The home ~~school~~ EDUCATION students may utilize district <--  
14 transportation to or from the career and technical education  
15 program during the times buses are otherwise already operating  
16 and space is available.

17 (4) A board of school directors may adopt a policy to  
18 implement the requirements of this subsection. Such policy shall  
19 only apply to participation in career and technical education  
20 programs and shall not conflict with any provisions of this  
21 section.

22 (5) A home education student enrolled in the career and  
23 technical education program shall be included in the average  
24 daily membership of the school district of residence and career  
25 and technical center, if applicable, and shall be calculated by  
26 counting the time the home education student spends in the  
27 career and technical education program on a pro rata basis.

28 (F.4) NOTHING IN SUBSECTIONS (F.2) AND (F.3) SHALL PROHIBIT <--  
29 A SCHOOL DISTRICT OR A CAREER AND TECHNICAL CENTER FROM  
30 ESTABLISHING POLICIES THAT PRIORITIZE PARTICIPATION IN COURSES

1 OR PROGRAMS WITH LIMITED SEATING OR ENROLLMENT.

2 \* \* \*

3 Section 2. This act shall take effect immediately.