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SUPERINTENDENTS RELIEVED OF THEIR DUTIES TO REVIEW PORTFOLIOS FOR HOME SCHOOLED STUDENTS

Oversight of homeschool students has been severely eroded. Recently signed into law, House Bill 1013 significantly changes the public school's obligation and ability to monitor home education programs and directly involves the Pennsylvania Department of Education (PDE) in the issuance of diplomas. Superintendents are no longer permitted to directly review and consider the quality or efficacy of the education that resident home schooled students are receiving.

Under the new law, PDE must make available a standardized form of diploma that shall be recognized as a regular high school diploma. None of the actual academic requirements to be completed are modified in the new law. The diploma is signed by the student's twelfth grade evaluator.

Parents or guardians operating a home education program must provide to the superintendent of schools an evaluator's certificate that an appropriate home education program is taking place no later than June 30th of each school year. Eliminated is the requirement to present documentation and a portfolio to the superintendent or designee. If the certificate is not received timely, an operator of home education program will have 10 days after receipt of the notice from the superintendent or designee to provide the certificate. Failure to comply shall trigger a hearing to be conducted by a hearing examiner. The superintendent may, but is not obligated, at any point in the school year to require that an evaluator's certificate be presented within 30 days. When taking this initiative, a superintendent or designees must include in the demand notice the basis for a reasonable belief that appropriate education is not occurring. Even with a reasonable belief that an appropriate home education program is not occurring, the superintendent is limited to requesting only a certification from an evaluator. Failure to comply does trigger a hearing with a hearing examiner.

A hearing examiner shall not be an employee or agent of PDE, or a public school or intermediate unit of the residence of the child. The hearing examiner must consider the evidence, which is not required to include documentation of work, plans, logs or portfolios. Under existing administrative law practice, it is likely that a sworn affidavit by an evaluator endorsing the certificate that they issued would be sufficient proof for a hearing examiner to rule in favor of the parent or guardian unless the superintendent could produce a preponderance of evidence to refute the sworn affidavit. Appeals can be taken by either party to the Secretary of Education, Commonwealth Court or county court of common pleas. Unlike in the prior law wherein a student was required to promptly enroll in public or private school upon a finding that the home education program was inappropriate, under the revised law, the student can continue with the homeschool program during any appeal period.

The revised law amends Section 1327.1 of the Pennsylvania Public School Code and is effective immediately.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.



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