

HOME EDUCATION LAW CHANGE – JULY 8, 2022

The Home Education law has been amended to include the following, beginning 2023-24 school year:

- Allow home education students equal access to cocurricular activity that merges extra-curricular activities with a required academic class, including, but not limited to, band or orchestra.
- Allow home education students to take up to ¼ school day academic courses at the public school.
- Allow home educated students to participate in a career and technical education program (CTE, previously known as Vo-Tech programs) on the same basis as other students enrolled in the school district.

Essentially, the old bill, HB 1041 (which was tabled in the Senate) was added to HB 1642 and signed by Gov. Wolf as Act 55 of 2022.

Here is the link and applicable language. <https://tinyurl.com/HB1642>

(f.2) (1) Beginning with the 2023-2024 school year and each school year thereafter, the school district of residence shall develop policies and procedures to permit a child who is enrolled in a home education program to participate, on the same basis as other students enrolled in the school district, in any cocurricular activity that merges extracurricular activities with a required academic course, including, but not limited to, band or orchestra, and must permit a child who is enrolled in a home education program to participate in academic courses equaling up to at least one quarter of the school day for full-time students, pursuant to the policies and procedures of the school district of residence, on the same basis as other students enrolled in the school district, provided that the child:

- (i) meets the eligibility criteria or their equivalent for participation in the cocurricular or academic course that apply to students enrolled full time in the school district;
- (ii) meets the prerequisite criteria or their equivalent for participation in the cocurricular or academic course that apply to students enrolled full time in the school district; and
- (iii) complies with all policies, rules and regulations or their equivalent of the school district of residence.

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

(3) The parent or legal guardian of the child shall be responsible for transportation of the child to and from school for the selected courses, except that a home education student may utilize district transportation to or from school during the times a bus is otherwise already operating and space is available.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. A policy under this paragraph may require that the cocurricular or academic courses taken under paragraph (1) be taken consecutively during the school day if the school or a child's parent or legal guardian is not able to provide adequate supervision for the child between cocurricular and academic courses. The policy shall only apply to participation in cocurricular or academic courses and shall not conflict with any provisions of this section.

(5) A home education student enrolled in a cocurricular or academic course in the student's school district of residence shall be included in the average daily membership of the school district of residence and shall be calculated by counting the time the home education student spends in the public school.

((f.2) added July 8, 2022, P.L.620, No.55)

(f.3) (1) Beginning with the 2023-2024 school year and each school year thereafter, the school district of residence shall develop policies and procedures consistent with the enrollment or seat allocation provisions of

the written agreement among the participating school districts which established the career and technical education center, or in the case of a school district-operated career and technical education program, the school district of residence shall develop policies and procedures consistent with subsection (f.2), to permit a home education student to participate in a career and technical education program on the same basis as other students enrolled in the school district, provided that the child:

- (i) meets the eligibility criteria or their equivalent for participation in the career and technical education program that applies to students enrolled full time in the school district;
- (ii) meets the prerequisite criteria or their equivalent for participation in the career and technical education program that applies to students enrolled full time in the school district; and
- (iii) complies with all policies, rules and regulations or their equivalent of the school district of residence and the career and technical education center.

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

(3) The home education students may utilize district transportation to or from the career and technical education program during the times buses are otherwise already operating and space is available.

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

(5) A home education student enrolled in the career and technical education program shall be included in the average daily membership of the school district of residence and career and technical center, if applicable, and shall be calculated by counting the time the home education student spends in the career and technical education program.

((f.3) added July 8, 2022, P.L.620, No.55)

(f.4) Nothing in subsections (f.2) and (f.3) shall prohibit a school district or a career and technical center from establishing policies that prioritize participation in courses or programs with limited seating or enrollment.

((f.4) added July 8, 2022, P.L.620, No.55)