

## **Understanding the Requirements of Home-Schooling Education Programs**

In Pennsylvania, there are over 24,000 home-schooled students, with the largest concentration in the southeastern part of the state. As a result, superintendents and other school district administrators/educators across the state are faced with the huge task of overseeing and reviewing home-schooling programs pursuant to Section 13-1327.1 of the Public School Code, which governs the requirements of home-schooling programs.

A home education program must be conducted by a “supervisor,” which only can be a child’s parent, legal guardian, or legal custodian. Also, the supervisor must have a high school diploma or GED certificate. Furthermore, no later than August 1 of each school year, the supervisor must file a sworn statement (affidavit) with the superintendent of the child’s school district of residence.

The supervisor’s affidavit must contain the name of the supervisor, the name and age of each participating child, and the address and telephone number for the home. It also must state that the required subjects will be taught and contain an outline of proposed educational objectives. Evidence also must be provided that the children participating in the program have had the required immunizations and received the required health and medical services, e.g., annual vision and hearing tests.

A home education program must provide at least 180 days of instruction per year, or 900 hours (990 hours at the secondary level) of instruction per year. At the elementary level, the child must be instructed in English (including spelling, reading and writing); arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education (including fire prevention); health; physical education; music; and art. At the secondary level, the child must receive English (including language, literature, speech and composition); science; geography; social studies (including civics, world history, history of the U.S. and Pennsylvania); mathematics (including algebra and geometry); art; music; physical education; health; and safety education. A supervisor may obtain from the school district of residence copies of the school district’s textbooks and other curriculum materials appropriate for the student’s age and grade level.

The supervisor must keep a portfolio of the child’s education, including a log showing the reading materials used, and samples of any writings, worksheets, etc. At grade levels 3, 5, and 8, students must be given standardized tests in reading/language arts and mathematics by someone other than the parent. The Pennsylvania Department of Education, in its Basic Education Circular (BEC) “Home Education Program,” has identified and listed acceptable nationally normed standardized tests. The results of these tests must be kept in the child’s portfolio.

There also must be an annual written evaluation of the child’s progress, including a review of the material kept in the child’s portfolio, by a licensed psychologist or a certified teacher or a qualified private school teacher. This information must be provided to the superintendent by June 30th of each school year. However, the superintendent may

request the portfolio of records and materials, standardized test results and evaluation at any time prior to June 30<sup>th</sup>, if the superintendent has a reasonable belief that appropriate education is not occurring.

If, after reviewing the provided materials, the superintendent believes that the child is not being properly educated, the superintendent may ask for additional documentation. In response, if the supervisor of the home education program does not submit any further documentation, the child may no longer be educated at home. If additional documentation is submitted, but the superintendent still concludes that the program is not appropriate, the school board must provide for a hearing by an impartial hearing examiner to decide whether the home education program may continue. The hearing examiner's decision may be appealed either by the supervisor of the home education program or the superintendent to the Pennsylvania Secretary of Education or the Commonwealth Court.

With some exceptions, e.g., Amish children, personal religious beliefs do not exempt children and their supervisors from the home-schooling requirements of Section 13-1327.1. As a matter of public policy, Section 13-1327.1 was enacted by the state legislature to ensure that all home-schooled children across the state receive a proper education regardless of their race, sex, religion, etc. It is clear that the First and Fourteenth Amendments of the United States Constitution and Pennsylvania's Religious Freedom Protection Act do not prohibit the state legislature from setting basic minimal requirements, such as are found in Section 13-1327.1, for home-schooling programs. Accordingly, parents may not claim that their religious beliefs allow them to ignore the requirements of Section 13-1327.1.

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.