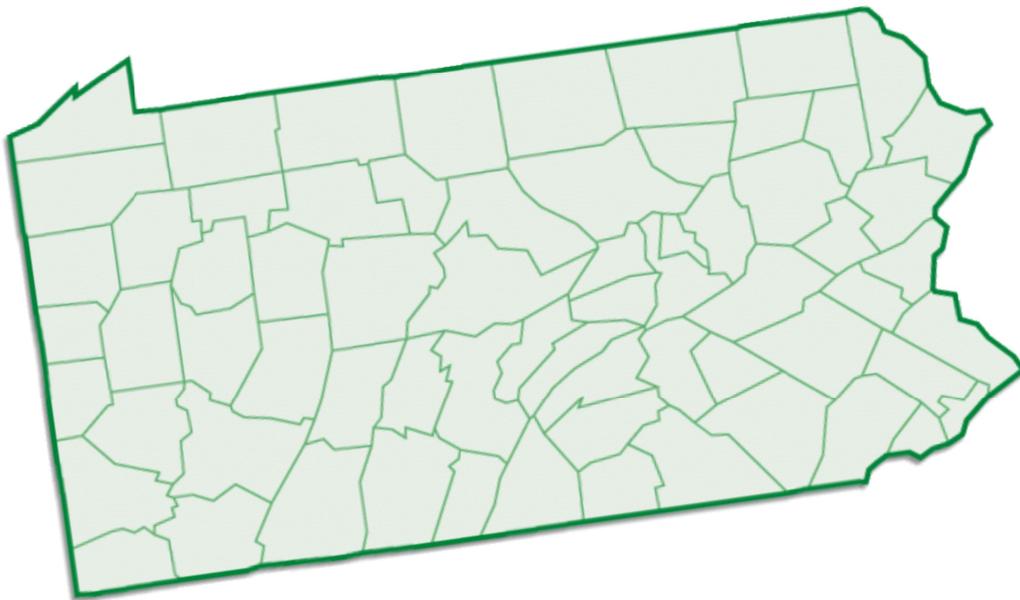


# Homeschooling and the Law

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How to comply with  
Pennsylvania Act 169-1988  
without losing your mind

Revised August 2020

## Introduction

Prior to the implementation of what is known as the Home Education Law in 1989, families choosing to educate their children at home were required to seek the approval of their school district superintendents. Many were denied this approval. Some families chose to homeschool without notifying the school district, “underground”, while others challenged the districts openly. As a result of a class action suit, filed on behalf of home educating families harassed by local school district administrators, the PA State Legislature enacted Act 169-1988. It became effective immediately for those who did not have a pre-existing agreement with their school districts and for the 1989 school year for those already operating with an agreement. **Act 196 of 2014 was signed into law on October 31, 2014. This made significant changes to the PA home education law. These changes are explained within this revision.** The purpose of this publication is to explain the requirements and pitfalls of the PA Home Education law. The advice in this publication is intended to assist parents and is based on years of experience in working with a number of school districts in Pennsylvania. It is not a substitute for reading the Home Education Law, which can be found in this booklet. It is not intended to constitute legal advice.

**Law Summarized:** The PA Home Education Law requires that when a child reaches compulsory attendance age or at the commencement of homeschooling an older child and thereafter on August 1 of each year, that a parent or guardian (“supervisor”) submits an affidavit and educational objectives to the local school superintendent. The supervisor must have a high school diploma or equivalent and must “conduct school” either 180 days for all students **OR** 900 hours for elementary or 990 hours for secondary students. A family may not homeschool if any person over the age of 18 living in the home has been convicted of certain criminal offenses in the previous 5 years. At the end of the school year the supervisor must obtain an evaluation of a portfolio of materials from an evaluator who must also interview the student, review the portfolio, and provide a written evaluation certifying that the student is receiving an appropriate education, defined as “sustained progress in the overall program for the required amount of time.” The supervisor then submits a copy of the evaluation to the school district by June 30.

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## Quick Start Guide

### You have determined that it is imperative to remove your child from school tomorrow, if not today. What do you do?

1. Copy the Affidavit in the *Appendix* section of this booklet. **Complete the Affidavit, except for the signature.**
2. Copy the appropriate Objectives. If your child is in 1<sup>st</sup> through 6<sup>th</sup> grades, use the Elementary Objectives in the *Appendix*. For other students, use the Secondary Objectives in the *Appendix*. Fill in the student's name and the school year in the blanks. Attach this to the Affidavit.
3. If your child has an IEP in school, approval of the Objectives must be obtained and attached to the Affidavit. See *Students with an IEP*.
4. Write a letter to the superintendent using standard business format. The letter should include this language: "I am withdrawing my student, <student's name> from the <name of school>. His/her medical records are on file at that school's nurse's office." Attach this to the Affidavit.
5. Take the assembled documents to a notary public; one may be found at your local bank, a travel agency such as AAA, or an independent office. Have the Affidavit notarized. The notary may charge a nominal fee for this service.
6. You can find the name of the local superintendent by calling the school district administrative offices or searching for your school district on a search engine such as Google. Obtain this information and take the notarized Affidavit and the attached documents to the post office. Mail them to the superintendent of the school district in which you live via **certified mail, return receipt requested.**
7. If you anticipate resistance from the school your child attended, you may be able to avoid difficulty by writing a letter in standard business format to the principal of the school that states, "My student, <child's name>, is being withdrawn to be privately educated." Mail this letter at the same time that you mail the Affidavit and related documents. Be sure to mail it to the school principal, however, **not** the superintendent.
8. Keep your child home from school the next day. If you receive any phone calls requesting information from the superintendent's office, ask the caller to put the request in writing. If you receive a phone call from your child's school wondering where your child is, tell the caller that the child has been removed from the public school to be privately educated.
9. If you desire to borrow the books from the local school district, which is your right under the home education law, have your child bring his books home with him the night before you plan to keep him home. You will also have to write a letter to the school district advising them of the texts that you have (be sure to list them each individually). If you need a textbook for a specific subject from the school district, request one in writing from the superintendent's office.
10. Be sure to read the *Portfolio* section, to ensure that your record keeping is in compliance with the law.

# Timeline

The following timeline outlines the normal course followed by parents who are removing their children from school or who are home educating a child who has reached compulsory attendance age. Compulsory attendance age is attained when:

- A child is six (6) years old before September 1 of the current school year. See Compulsory Attendance section, beginning on page 28.
- A child has been enrolled in Kindergarten in a Pennsylvania public school (not private school).
- A child has been enrolled in First Grade in a Pennsylvania Public OR private school

If a child is 6 years of age and has never attended school in Pennsylvania, he is not considered to be of compulsory attendance age, even if he attended school in another state or was homeschooled. Please read the *Compulsory Attendance Age Requirements* section for more information.

Notes about the timeline:

- File the Affidavit (in the *Appendix*) before you begin homeschooling. This can be the morning you choose to keep your child(ren) out of school or a day or so before. It is not recommended that this be filed more than two to three days prior to beginning the home education program in order to avoid any potentially uncomfortable situations. Be sure to include Objectives (see the *Appendix*) and an approval letter where necessary (Students with an IEP see *Filing with the School District*).
- If you are starting a new home education program at the beginning of the school year, paperwork must be filed by the first day of school in your district and before you begin your home education program.
- If you are removing a student from a public or private school in Pennsylvania, you can mail the document one day and begin the home education program by keeping the child home the next day. If this is your situation, it is advisable, but not required, to write a letter to the principal of the school your child attends advising him that the student is being removed to be privately educated. See *Filing with the School District* section for suggested language.
- If you are continuing a home education program into a new school year, the Affidavit must be filed by August 1 preceding the start of the new school year.
- If you had decided to enroll your child in school and change your mind between August 1 and the first day of the public school year, simply file an Affidavit as though you were beginning a new home education program.
- Record keeping for students removed from school after the first day of school should take into account the number of days already completed in the public-school calendar. For example, if you remove your child in December and the school is on day 70, you need only document 110 days to complete the school year.

## Timeline (continued)

- **Important: If you are using a correspondence program or an umbrella school within or without PA, you MUST file an Affidavit, keep a portfolio, have an evaluation and submit the evaluation to the local public-school superintendent, regardless of what the school district tells you! The PA Department of Education is firm on this. If you fail to do so, you are out of compliance with the home education law!**

Prior to beginning the home education program:	During the school year:	When you have completed or nearly completed 180 days or 900/990 hours:	By June 30:	By August 1:
<i>File an Affidavit. Include Objectives and pre-approval where necessary. Request any text-books you may want from the school district.</i>	<i>Keep booklist and attendance record. Complete any medical or dental exams.</i>	<i>Obtain an evaluation and any required testing (3<sup>rd</sup>, 5<sup>th</sup>, &amp; 8<sup>th</sup> grades only). Testing may be done in the spring or fall.</i>	<i>Submit the evaluation to the superintendent's office</i>	<i>Submit Affidavit and Objectives for the coming school year.</i>

<sup>1</sup>Portfolio consists of the log<sup>2</sup>, samples of your child's work, and standardized test results, if required<sup>3</sup>.

<sup>2</sup>Log may be interpreted in several ways. Some believe the law to require only a book list. Others include an attendance record. Some believe it to be a list of materials and activities used on a daily basis. Read the law and determine what you believe it requires of you.

<sup>3</sup>Standardized testing is required in 3rd, 5th, and 8th grades ONLY. Only Reading / Language Arts and Math must be tested.

## Filing with the School District

Homeschooling in Pennsylvania may begin after an Affidavit with accompanying Objectives is filed with the superintendent of the school district of residence. Parents who hold a high school diploma or its equivalent are qualified to file an Affidavit and supervise a home education program. If a family desires to continue homeschooling into the next school year, the Affidavit and Objectives are due by August 1.

Before beginning your home education program, complete an Affidavit and Objectives (see samples in the *Appendix*). The Affidavit must be notarized. If the student has an IEP, an approval letter must be obtained and included with the Affidavit. The information for obtaining the necessary letter may be found below.

## Where to Find a Notary

Notary Publics can be found in a variety of places. To ensure notary services are available, please call the selected location to see if this service is offered.

- District justices' offices
- Most lawyers' offices (nominal fee charged)
- Local bank (nominal fee charged)
- AAA office (for its members)
- Motor Vehicle Title services

## Students with an IEP

If your child has been identified as needing special education services, in other words, your child has an Individualized Educational Program (IEP), you must also obtain a letter from a qualified person stating that your Objectives meet the educational needs of your child. Those qualified to provide an approval letter are PA certified special education teachers whether or not the teaching certificate is active, licensed clinical psychologists, and certified school psychologists. Some school districts forbid qualified personnel employed by the school district to provide these letters for families choosing to educate their special needs children at home, so be prepared to find someone else who is qualified. An approval letter should be in standard business format and include the following or similar language:

"I have reviewed the Objectives for the student, <child's name>, and these Objectives meet the specific educational needs of this student."

This letter should be signed by the person who holds the qualifications stipulated above. Please be prepared to compensate the person who provides this letter for you. This letter should be attached to the Affidavit and Objectives prior to having the Affidavit notarized.

If your child has an IEP and returning to a classroom setting is unlikely in the foreseeable future, then the parent may terminate the IEP by writing a letter so stipulating. The United States Department of Education issued amendments to regulations governing Part B of the Individuals with Disabilities Education Act (IDEA) on December 1, 2008, taking effect on December 31, 2008. Because of this change, parents may revoke an IEP by writing a letter to the school superintendent. Be careful in taking this step because if, at some future point, special services are needed or the child is re-enrolled in the public school, the school may decline to provide the services.

***You must choose the proper qualified person, as stated above, to pre-approve your child's Objectives. However, you may choose any qualified evaluator to evaluate that same student at the end of the year.***

# Medical Requirements

The law also requires that parents provide certain medical services to their children. In the **Medical Records** section of this booklet is a chart from the Division of School Health of the PA Department of Health and Welfare. Please consult this chart to determine what services your child will require each year. Some school districts interpret the law to mean that the health records must be included with the Affidavit. You should read the law and determine how you are compelled to act. The medical information is considered by some to be personal and private and object to its dissemination to the school district. Furthermore, these individuals believe that Act 169-1988 stipulates that the Affidavit is sufficient evidence that the health services have been provided. Due to a change in the school code not related to home education, some school districts are demanding immunization records. There are two options available. The first is to provide the immunization records requested, or an exemption letter. The second is to write a letter to the school district stating that the child's immunization records are on file at your doctor's office. Have your clinician sign and date the letter.

The home education law requires periodic hearing checks (upon entry into a home education program and in 2nd, 3rd, 7th, and 11th grades). You can do the hearing online at:

<http://www.hearingscreeners.com/onlineTest.html>

**OR**

<https://www.resound.com/en-us/online-hearing-test>. Some software may need to be downloaded.

If you determine that you can provide the health services but do not believe that the school district is a proper recipient of that information, you may include a statement such as this:

To Whom It May Concern:

I am the parent or guardian of \_\_\_\_\_ and I certify that I have provided the required medical and/or dental services for my child.

\_\_\_\_\_ Immunizations  
\_\_\_\_\_ Medical Examinations  
\_\_\_\_\_ Dental Examinations

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Medical Requirements (continued)

Some parents have a medical exemption or religious objection to providing some or all of the required services. If you determine that you cannot provide the health services due to a religious conviction or a belief similar to a religious conviction, you can attach a statement to your Affidavit which looks like this:

To Whom It May Concern:

I am the parent or guardian of \_\_\_\_\_ and I object to the following procedures for my children on religious grounds or on the basis of strong moral or ethical conviction similar to a religious belief.

\_\_\_\_\_ Immunizations  
\_\_\_\_\_ Medical Examinations  
\_\_\_\_\_ Dental Examinations

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The Affidavit and Objectives, along with a pre-approval letter when necessary, may be submitted to the school district via certified mail, return receipt requested and homeschooling may begin the day that the documents are mailed. You may include health records or one of the statements above, or you may choose to allow the Affidavit to be sufficient evidence that the health services have been provided. Please note that due to a change in the public-school code unrelated to home education, some districts are requiring immunization records. Submit the records or a letter from your clinician that states that the records are on file at the clinician's office. If your child has a medical exemption, the child's physician should provide a statement so stating. Please read Act 169-1988 and determine what you believe it to require of you and act accordingly.

# Portfolios

While homeschooling, certain records must be maintained in your student's portfolio and shown to your evaluator. You must show samples of the child's work that demonstrates sustained progress in the overall educational program. This can be a sample from various times during the school year in different subjects. The law states, "samples of any writings, worksheets, workbooks or creative materials used or developed by the student".

- If your child is in 3rd, 5th, or 8th grade, standardized test results must also be included in the portfolio. ***The supervisor determines grade level for the student, not the district.*** The law simply stipulates that testing must be administered by someone other than the parent or supervisor of the home education program. There is no requirement that the test administered correspond to the grade level of the student. Testing may be completed at any time during the year, and the results included in the portfolio. The results should be ready in time to take them to the evaluator. See the testing section for more information.
- You must also maintain a reading list "kept contemporaneously with instruction". This means that as you use a book in your program (or your student uses a book!) you add it to the list. As the year progresses, you will add to the list books you read to your child, or that your child reads or uses in any way. You may, but are not required to, include in this list other resources used, such as videos, games, discussions, field trips, audio tapes, etc. There may be days on which you do not use any books (a field trip day, for example). This is certainly acceptable. You should also list ANY book whether you were the primary user (as in a teacher's manual) or the student was the primary user (as in a book read for pleasure).
- Some families choose to code the booklist and record the codes on a calendar of the school days. Some families choose to provide an attendance sheet (either a list of dates or a list of check off boxes labeled from 1-180, see the *Appendix*) and a separate list of books and materials used. Some families believe that the sworn Affidavit sufficiently attests to the provision of education for the required amount of time. Read the law and determine what you believe it to require of you.
- The law was modified in December 2014 and now the supervisor of the home education program must only submit the evaluation to the school district superintendent. For this reason, please be sure that your portfolio is complete, including any required test results, at the time of your evaluation. If some required element is missing, the evaluator may request to review the missing element before issuing an evaluation.
- **The superintendent of the school district is prohibited by the home education law from using your Objectives to determine whether or not you have provided an appropriate education for your child, therefore that evaluator is likewise prohibited from using the Objectives to determine whether your child made sustained progress. See the definitions section.**

## Evaluations

When you are close to the end of your school year (and you are NOT required to keep the school calendar year!) you should schedule an evaluation. It is best to have chosen your evaluator early in the year and do so carefully. Call your home schooling friends and ask for referrals. You may also consult the MDHSA website for a list of evaluators (<https://masondixonhomeschoolers.org/home/pa-evaluators/>). MDHSA does not endorse any of the evaluators listed.

- REMEMBER that the evaluator works for YOU! You will be paying this person and YOU should be comfortable with his or her approach to your program. If you are not satisfied with the evaluation, you may throw it away and get another one. This can be expensive, however, so it is better to choose your evaluator carefully.
- Evaluators perform a service and most charge a fee. Treat your evaluator's time as you would treat your own time. Schedule an appointment in early spring. It is imperative not to wait until June to find an evaluator or to try to obtain an evaluation. If you decide to change evaluators at some point, it would be considerate to drop a note to the evaluator you have used in the past to let him or her know that you will not be scheduling an appointment for the coming year.
- Evaluators are free to impose whatever requirements they choose. If an evaluator requires something that the law does not require, you do not need to comply. However, it would be best if you chose a different evaluator under those circumstances. Ask questions, such as "What are your requirements?" If an evaluator requires that which is not required by the law, reconsider whether this evaluator will meet your needs and those of your child. However, if you desire more from the evaluator than the law requires, you should also make that known to your evaluator in order to determine suitability and fees.
- During the evaluation, the evaluator is required to review your documentation and interview your child. You have the right to remain for the interview, although do allow your student to do the talking!
- Later, you will receive a written evaluation from your evaluator. Read it carefully to be certain that it is accurate and that you are in agreement with it. It should say something like, "I have interviewed and reviewed the portfolio of <name of child> and certify that <name of program supervisor> has provided an appropriate education for the required amount of time and in the required subjects. <Name of child> has made sustained progress in the overall educational program." It should be signed and dated. It may also include a list of the evaluator's qualifications.
- All qualified evaluators may provide evaluations for students with IEPs.

## Evaluators

The law requires that an evaluator interview your child and review your documentation. After doing so, the evaluator is to write a document certifying that an appropriate education has been provided for the student and that sustained progress was made in the overall educational program. For a sample evaluation, see the *Appendix* section. Under no circumstances may the evaluator be the supervisor (parent or guardian) of the home education program or the spouse of the supervisor. People with the following qualifications are able to provide evaluations for all students, including those with IEPs:

- A licensed clinical or school psychologist
- A person certified to teach in the state of Pennsylvania with two years of grading experience in English, arithmetic, mathematics, science, geography, history, civics, social studies, and foreign languages. Elementary evaluators must have experience at the elementary level and secondary evaluators must have experience at the secondary level.
- A nonpublic school teacher or administrator with two years of teaching experience in a PA public or non-public school within the last 10 years. The non-public school teacher must have the same experience as that of PA certified teachers.
- Persons *with other qualifications than those listed above*. The parent must write a letter requesting to have this person be his family's evaluator. **See below.**

## To Request an Evaluator who has Other Qualifications

- The parent/supervisor should submit a letter, making the request, to the superintendent. The parent should mention in the letter that she is enclosing a letter and qualifications from this person.
- The evaluator should write a letter to the superintendent, to be enclosed with the above letter, quoting the text from the homeschool law that allows for persons with other qualifications to evaluate. Most superintendents do not know this is in the law, so she has to graciously let them know! The evaluator should enclose a copy of her qualifications.

*These qualifications should include any formal education achieved or life experience achieved including volunteer experience with children. She should include homeschooling experience, teaching her own children, leading homeschooling workshops, teaching at home school co-ops, attending specific workshops, being a support group leader, being heavily involved in a support group, even listing books read on education and homeschooling may be helpful. DO NOT MENTION whether you wish to evaluate elementary or high school unless absolutely necessary, so that you can make that choice as needed or desired.*

*The evaluator should conclude the letter with a paragraph similar to the following, "I am requesting a written response for my records. However, if I do not receive a response by <insert date about 2 weeks after mailing date>, I will assume that my request has been granted." This puts the burden on the superintendent to respond to you and you will not be left eternally wondering if your request has been approved.*

- If you get a "yes", great. If you get a "no, you don't meet the qualifications in the law", simply write back, in a gracious manner, that you are aware of that, but that you are requesting permission based on your other experience and qualifications and quote the "other" part of the law again. It has been successfully used.
- If the evaluator has credentials to evaluate elementary children and when they enter 7<sup>th</sup> grade or up the parent desires to keep that evaluator, the parent should simply send a letter requesting to retain this evaluator for sake of continuity.

## Evaluator Responsibilities

### Evaluators are responsible:

- To interview the child
- To review the portfolio
- To write a letter with the following language, “I have interviewed <name of child> and certify that <name of the supervisor of the home education program> has provided an appropriate education for the required amount of time and that <name of child> has made sustained progress in the overall educational program.”
- To provide this letter to you in a timely fashion
- To treat your educational information confidentially. It should not be shared with anyone besides you and your child without your specific written permission. This prohibits the evaluator from providing the school district administrator with any information about your home education program without your knowledge or permission.
- To assist you in any due process procedure. This would include being available to testify on your behalf should you be called to a due process hearing (see the section on Due Process Procedures).

## Submitting Information to the School District

Put the evaluation in an envelope, being certain to keep a copy for your files, and deliver it to your superintendent. You should get a receipt for it as they are occasionally lost. The best method of delivery is to mail the documentation via certified mail, return receipt requested. This documentation should be submitted (mailed) by June 30th of the current school year. You may also wish to prepare your Affidavit and Objectives for the coming school year and submit them at the same time as you submit your evaluation for the current year. Otherwise, the Affidavit and Objectives for a home education program continuing into a new school year must be submitted by August 1.

The public-school calendar runs from July 1 through June 30. Homeschoolers are not bound by the public-school calendar and may conduct school whenever and wherever is appropriate for the family. There is no legal requirement to teach every subject every day. And, when you have completed the 180 days or 900/990 hours required for the current school year, you may begin counting towards the next school year.

**NOTE WELL!!!!** The school district **MAY NOT** impose additional requirements on a home educating family. The law regulates what home education supervisors are required to do in order to homeschool legally. It therefore concomitantly limits the school district administrators in what they may require of home educating parents. Furthermore, the law forbids the school district from using the Objectives to assess the end of year documentation. There is nothing in Act 169-1988 that prohibits school districts from requesting additional information. However, the family may decline to provide information not required by Act 169-1988. Therefore, **it is incumbent upon homeschooling families to know the law and what is required of them.**

## Delivering Paperwork to the School District Administration Offices

Act 169-1988 came out of a court decision compelling the PA legislature to write a new law governing homeschooling families. From the very beginning some, although certainly not all, school district administrators have had an adversarial relationship with homeschoolers. Furthermore, many school district administrative personnel, like secretaries, are not familiar with the law's finer points. Therefore, when a homeschooling dad or mom drops in at the superintendent's office to submit paperwork, he or she may be asked for information that is not actually required by Act 169-1988 or Act 196-2014. Being put on the spot is uncomfortable. Therefore, it is recommended that you deliver the paperwork via certified mail, return receipt requested. This further provides you with evidence that you have submitted the paperwork in the time frame required as it is occasionally lost in the administrative offices.

If you choose to hand-deliver the paperwork to your school district offices, be sure to obtain a receipt! Review the home education law's requirements before visiting the school district office and be prepared with a noncommittal answer for any request for additional information or documentation. And remember that it was crucial to those who lobbied for this bill that parents would not be required to submit their children to review by school district officials. To avoid any impromptu interviews, it is not advisable to take your children to the school district offices when you deliver the paperwork.

**However you choose to deliver your paperwork, be sure to keep a copy for your files at home.**

## More Helpful Hints

From the Pennsylvania Home Educator's Association web page ([www.phea.net](http://www.phea.net), specifically located at <http://www.phea.net/NewToPAHomeSchooling.html>). If you have any questions about this section or need copies of the documents mentioned below, please consult the PHEA website.

After you have read Act 169-1988, as amended by Act 196-2014, carefully consider how you are to comply with the law. The Constitution guarantees us the right to live without fear and compels law makers to write laws that the reasonable person can understand and, therefore, obey. Home education in PA is a political hot potato because there is conflict between many school district administrators and home educating parents. The administrators subscribe to the idea that the control of a child's education resides in their hands while home educating parents believe that their children's education is the parents' responsibility and that there is Constitutional protection from excessive state interference in that education.

### **Some cautions:**

1. You may be asked for a copy of your high school diploma. You need not supply it. The PA Department of Education has published a letter stating that the Affidavit is sufficient evidence that the person who signed it possesses a high school diploma. A copy of the letter can be obtained if you need it.\*
2. You may be asked to provide copies of the children's medical records. You have the right to object but should do so in a notarized letter. Samples of such letters, if you need or want them, are available.
3. Compulsory attendance begins at age SIX in PA and kindergarten is optional. However, enrolling a child in kindergarten requires specific withdrawal (see below).
4. School districts may request, or even demand, information that Act 169 does not require you to submit, for example: SSNs, birth dates, grades, etc. The PA Department of Education is willing to provide a letter to anyone confronted with these extralegal demands.
5. **You** decide what grade your child/ren is/are in, not the school district.
6. Your school district may make every effort to force you to over-comply ("All the other Homeschoolers in our district do this...") but be advised that no good will come of this kind of over compliance. The law is there to delineate what is required of you and what is required of the school district. Obeying it and expecting the district to obey it is your very best protection from any trouble in the future.

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*\*[MDHSA note: From the PDE website: "24 P.S. § 13-1327.1 (b)(1), which delineates the contents of the Affidavit, does not ask for evidence of the diploma; therefore, the notarized Affidavit is sufficient "proof" of a diploma or its equivalent. The home education supervisor is not required to submit or show to the school district their diploma or its equivalent in order to supervise a home education program".]*

## Medical Records and Required Health Services

Families who homeschool their children are required to see that a comprehensive medical record is maintained for each child of compulsory school age. You may maintain the record, you may ask the school district to perform the services and maintain the record, or you may obtain the services from a physician or dentist and allow the professional to maintain the record. Some children may be exempted from some services for medical reasons. **You may also exempt your child from these exams on religious grounds or a strong moral or ethical conviction similar to a religious belief.** The Affidavit at the end of this booklet recognizes these options and does not require inclusion of any medical records or exemption statements.

Students in home education programs are required to be immunized in accordance with law and regulations of the Secretary of Health. (24P.S.13-1303a and 23 Pa. Code 23.83 - 84) Students in home education programs are also required to receive the health and medical services required for students of the child's age or grade level. Each child of school age must be given an annual vision test, and shall be measured and weighed. (Article 14 of the Pennsylvania School Code) Home education families may use the Department of Health's form to document the child's receipt of those services (Department of Health School Health Record).

The following chart is compiled from the Division of School Health of the Pennsylvania Department of Health and Welfare. It shows what services are required and when.

Service	K or 1*	2	3	4	5	6	7	8	9	10	11	12	Special Education
Medical Examination	X					X					X		As Needed
Dental Examination	X		X				X						As Needed
Height and Weight	X	X	X	X	X	X	X	X	X	X	X	X	X
Vision Screen	X	X	X	X	X	X	X	X	X	X	X	X	X
Hearing Screen	X	X	X				X				X		As Needed
Scoliosis Screen	X					X	X						
Tuberculin Test (unless approved to discontinue)	X								X				Age Appropriate

\*These services are also required upon entry into a Pennsylvania public or private school for the first time or on beginning a home education program for a child who has not been in a Pennsylvania public or private school.

## Medical Records and Required Health Services (continued)

The immunization requirements are subject to change so for accurate, up-to-date information regarding required immunizations, call your family physician or pediatrician.

Home hearing tests can be found on the links listed in the “Medical Requirements” section of this book.

There is a School Health Record available on the PDE website that may be useful in maintaining the required medical records. It can be found here:

[https://www.aimpa.org/uploaded/pdfs/School\\_Pers\\_Health\\_Record.pdf](https://www.aimpa.org/uploaded/pdfs/School_Pers_Health_Record.pdf).

If you have further questions regarding the medical requirements you may visit the Pennsylvania Department of Education home page and click on frequently asked questions. This link will provide general enrollment information. Required health care and immunizations are also discussed.

[http://www.portal.state.pa.us/portal/server.pt/community/purdon27s\\_statutes/7503/enrollment\\_q\\_a/610931](http://www.portal.state.pa.us/portal/server.pt/community/purdon27s_statutes/7503/enrollment_q_a/610931)

### These are your options for providing medical services:

- Obtain the required health services and submit all reports to the superintendent with your Affidavit or with the evaluation at the end of the school year.
- Obtain the services and file a statement with your Affidavit that the services have been provided and that the medical records are on file. These may be kept at the doctor’s and dentist’s offices or you may maintain these records at home.
- Obtain the services and stipulate in the Affidavit that the services have been provided.
- Complete and submit to the school district a religious exemption to some or all of the required services.
- Complete and keep on file a religious exemption to some or all of the required services.

Please see the earlier section on Filing with the School District for statements to include with the Affidavit if you are:

- Providing the health services, but do not believe that the school district is a proper recipient of that information.
- Or you are submitting a religious objection

## Medical Exemption

If you choose to exempt your child from some or all medical examinations and procedures on medical grounds you may include a statement of your exemption with your Affidavit, or you may keep it on file. A medical exemption may be authorized in writing by your physician.

*PA 28§ 23.84. Exemption for immunization.*

*(a) Medical exemption. Children need not be immunized if a physician or designee provides a written statement that immunization may be detrimental to the health of the child. When the physician determines that immunization is no longer detrimental to the health of the child, the child shall be immunized according to this subchapter.*

*(b) Religious exemption. Children need not be immunized if the parent, guardian or emancipated child objects in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.*

# Standardized Testing

## Who must be tested?

According to the PA Home Education Law, students in grades three, five and eight must be tested. Test scores should be available at the evaluation interview and should be included in the portfolio. **The supervisor of the home education program, generally the parent, determines the grade level for the child, and what level test is appropriate for the child.** For example, a fifth grader may be tested with a 3<sup>rd</sup> grade test.

A child who may not test well in a group setting can be tested individually. The law does not require that the test be administered by a professional nor does it require that the test be administered in any particular setting.

## In what subjects must a child be tested?

The law requires that students be tested for reading/language arts and mathematics. Any other subject area is optional and test results for the optional portions of the test need not be included in the portfolio.

## Who can administer the test?

Anyone other than the child's parent or guardian may administer the test, including an older sibling, trusted friend, or grandparent.

## What happens if a child does not score well?

Remember there are no "acceptable" test scores. The law only requires that the tests must be taken and scores be included with the student's portfolio. If you are uncomfortable including the test results for your child you have several options.

- Withhold the test results and retest the following year.
- Test again with a different grade level test (for example, the third grader bombed the third grade test, you could retest with a first grade test).
- Test again with a different test (retest with an individually administered test)
- Include the test results and plan to deal with any fallout if and when it occurs. Since only the evaluator sees the results, the fallout should be minimal.

As with any dealings with the school district administrator, it is recommended that you comply with the law by providing only that which is required by law. Over compliance, providing more than the law requires, helps no one; it is similar to paying more taxes than you owe, just because it seems like a good idea or a way to keep the IRS from hassling you. There is no need, under the revised law, for the school district superintendent to know what the student's test scores actually were/are. The only documentation that must be submitted to the school district superintendent is the evaluation.

## Standardized Testing (continued)

### What is fall testing and is there any advantage to it?

Fall testing is administering the standardized test required for your child in the fall instead of waiting until the end of the school year to administer required testing. There are some benefits to fall testing:

- Test scores are known in plenty of time and there will be another testing opportunity before the evaluation.
- Test scores can be rebutted (without additional testing) by providing substantial documentation of instruction through the school year. If your child tests poorly in math, the portfolio can be shaped to include multitudinous examples of math activities used in the home education program. This should reduce the impact of the test results substantially without having to retest.
- Testing is out of the way while everyone is still pretty excited about the new school year and spring fever won't affect the test results.

The tests taken in the fall are normed differently than the tests taken in the spring, thereby recognizing that the student has not had an entire year's instruction at the grade level being tested.

### How will standardized testing help in providing the best education possible for my child?

Standardized testing was developed to enable administrators to determine if a particular educational approach was effective. It is a very useful tool when used to assess methods and materials used with large numbers of children. It is far less useful, even deceptive, when applied to a particular child in a non-traditional setting. The information that a standardized test can provide is to demonstrate how a child compares to a group of children who have used similar textbooks, had similar experiences, and been evaluated (tested) under similar (controlled) circumstances. The individually administered tests are somewhat different and the results are somewhat (but not much!) more useful.

## Standardized Testing (continued)

### What tests can students take and what are the differences?

The Pennsylvania Department of Education has approved the following tests. Some tests may be better suited to your child than others. Ordering information is provided for some of the tests. You may also contact local private schools or educational consultants for possible local sources of these tests. Your evaluator or homeschooling friends may be able to point you to additional sources. While it is not generally recommended that home educating families use the state generated and administered tests, for general information about home educated students and state administered tests (such as the PSSA), check [http://www.portal.state.pa.us/portal/server.pt/community/overview\\_of\\_homeschooling/20312/standardized\\_testing/973993](http://www.portal.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312/standardized_testing/973993).

#### Tests on the PDE list:

- |  |   |
|--|---|
| 1. California Achievement Test                           | 8. Woodcock-Johnson Revised Tests of Achievement III    |
| 2. Comprehensive Testing Program (CTPIV)                 | 9. Woodcock-Johnson IV                                  |
| 3. Iowa Test of Basic Skills                             | 10. Wechsler Individual Achievement Test III (WIAT-III) |
| 4. Metropolitan Achievement Test                         | 11. Measures of Academic Progress (MAP)                 |
| 5. Peabody Achievement Individual Test – Revised Version |   |
| 6. Stanford Achievement Test                             |   |
| 7. Terra Nova  |   |

NOTE: Students with an IEP may be able to opt-out of a timed test.

### How to Purchase the Test:

**Christian Liberty Academy** provides the California Achievement Test online (or a paper test, for those who do not have Internet access). The parent would simply sign-up his student, pay the fee, and the computer will automatically time the test. A printout that can be included in the portfolio is generated. For the on-line version of the test, visit [www.christianlibertypress.com](http://www.christianlibertypress.com) - Test is \$30.

To order a paper copy of the test for \$25 call 1-800-832-2741.

Because the timing on the on-line version of the test cannot be turned off, it is recommended that students whose IEPs require untimed tests be administered the paper test.

**Seton Home Study School** offers a variety of tests for homeschoolers. These are paper tests and are shorter versions, as they test only each specific grade level. They also use current tests, which are not as difficult as the older, harder tests.

Visit [www.setontesting.com](http://www.setontesting.com) for a complete list of the tests that they offer and the cost. Phone: 540-636-1250; Toll-Free Phone: 800-542-1066 E-mail: [testing@setontesting.com](mailto:testing@setontesting.com)

### Here is an online option for untimed testing for students with special needs:

<http://www.academicexcellence.com/untimed-achievement-tests/>

# Moving

**If you are moving into Pennsylvania from another state**, an Affidavit must be filed within five business days of taking up residence within the Commonwealth. You may be asked to provide proof of residence within the district. It is not recommended that paperwork be filed in person at the school district offices, but that paperwork be submitted via **certified mail, return receipt requested**. This approach allows the person filing the documentation to have a record of providing the material and avoids putting him into a potentially uncomfortable situation. If additional documentation is requested by the school district, the supervisor of the home education program has the right to ask for the request to be submitted in writing. It is entirely possible that immunization records and health forms have not been completed. You are advised to obtain the necessary health services as quickly as possible and keep the records on file at home or at the doctor’s office.

**If you are moving into a different school district within Pennsylvania**, you must request a letter of transfer by **registered mail** from your current school district’s superintendent **30 days prior to your move**. The superintendent of your current school district should address the letter of transfer to the superintendent of the district to which you are moving. The law stipulates that the letter must be issued by 30 days after the receipt of the registered mail request made by the home education supervisor. Since many families do not have 30 days notice of a move, complete the request for a letter of transfer as soon as you are reasonably certain that you have a new address.

**If you are moving from Pennsylvania into another state or out of the country** and do not anticipate a return to the school district in which you currently reside, you may leave without supplying any documentation. The school district may send you a certified letter, return receipt requested, at the end of the public school year requesting documentation for the school year. If this happens, you may do one or both of the following:

- Send a letter informing them of your move and the date you left the state.
- Send an evaluation for the time you lived in Pennsylvania.

Although no school district to date has charged a family with truancy that has moved from the state, it is a possibility that should not be ignored. If the district requests documentation for the period of time of your residence in PA via a certified letter, return receipt requested, be sure to submit the documentation within 15 days via certified mail, return receipt requested.

**If you are moving from one address to another within a school district after filing an Affidavit and before submitting end of year paperwork**, send a change of address form certified mail, return receipt requested, to the superintendent with a note stating that you are updating your Affidavit. **If your move is within the school district during a school break and prior to filing an Affidavit for the new school year, no action needs to be taken.**

Into PA from another state	Into a different school district within PA	From PA to another state or country	From one address to another within a PA school district
<p><i>An Affidavit must be filed within five days of taking up residence. It is best to mail the paperwork via certified mail, return receipt requested. See <b>Quick Start Guide</b> on page 4. Health services may be required and should be procured as soon as reasonably possible after the move.</i></p>	<p><i>Request a letter of transfer by <b>registered mail</b> of your current superintendent 30 days prior to your move.</i></p>	<p><i>Maintain portfolio for the time period of PA residency. You may or may not choose to get an evaluation.</i></p>	<p><i>If this move occurs after an Affidavit has been filed and before you have submitted the evaluation for the current school year, submit a change of address form via <b>certified mail, return receipt requested</b> to the superintendent.</i></p>

## Due Process Procedures

In Pennsylvania, the superintendent of the local school district is legally responsible for the education of the children who reside in the school district. While this concept is not consistent with the tradition of the American Republic in which parents have traditionally been responsible for educating their children, it is a fact of life for Pennsylvania families. If at any time during the school year, the superintendent has “a reasonable belief” that appropriate education may not be occurring, he may request an evaluation from a home educating family. The request **must** stipulate the reason for requesting a mid-year evaluation.

It is imperative that you do not ignore any communication from the school district. While many requests are extra-legal and you can legitimately ignore them, some superintendents exceed their authority under the law. If you are uncomfortable with a request made by a school district administrator, write a letter and include a copy of the law. Ask the official where in the law the information requested is stipulated as your responsibility. If the request is for documentation as outlined in this section, make the documentation available as soon as possible but certainly within the time frame that the law requires. It is often helpful to obtain support from the broader homeschooling community such as MDHSA. If you are unable to find support within your local area, contact Pennsylvania Home Educators Association ([www.phea.net](http://www.phea.net)) for a referral. It is often helpful to contact your state representative and it is certainly appropriate, even advisable, to send a courtesy copy of any correspondence in which you disagree with extra-legal requests made by school district administrators to your state representative.

The superintendent may request that an evaluation be submitted within 30 days of the receipt of a certified letter. If the child is in 3<sup>rd</sup>, 5<sup>th</sup>, or 8<sup>th</sup> grades, test results are not required until the end of the school year in any circumstances. The superintendent must stipulate in the letter why this request is being made.

If the supervisor of the home education program fails to submit an evaluation by June 30 of the school year, the superintendent of the school district will notify the supervisor via certified mail, return receipt requested. The supervisor of the home education program has only 10 days from the receipt of this letter to provide the evaluation to the school district superintendent or a due process hearing will be initiated.

If the superintendent does not receive an evaluation within the time frames specified above, or determines that an appropriate education has not occurred based on the documentation received, he may request that the board of school directors hire a qualified and impartial hearing officer and convene a hearing within 30 days. The decision of the hearing officer will be rendered within 15 days of the hearing. The hearing officer may require the enrollment of the child in a public or non-public school immediately, may determine that the home education program may continue without change, or may establish a mutually agreeable remedial educational plan for the child. If the hearing officer determines that an appropriate education did not take place, the decision may be appealed. The student may continue in the home education program while the appeals process is exhausted. The appeal may be filed with any of the following: The Secretary of Education, The Commonwealth Court, or the Court of Common Pleas. Note that the superintendent of the school district may also appeal the decision!

Any documentation submitted by the supervisor to the school district must be returned to the supervisor upon completion of the hearing examiner’s review. The hearing examiner may make such copies as are deemed necessary.

## Private Tutor Provision

The Pennsylvania School Code includes provision for satisfying the compulsory attendance law by hiring a private tutor. A private tutor is defined as someone who is certified to teach in the state of Pennsylvania and who provides the majority of the instruction to the children of one family for payment. There is no stipulation that the tutor teach only that for which he is certified, so, for example, a certified elementary teacher may tutor high school students. The key components of this provision are:

1. The tutor is a certified teacher in Pennsylvania. Inactive certificates appear to be acceptable in many districts, as are active certificates. However, each school district may have its own policy.
2. The tutor provides the majority of the instruction. This provision would permit participation in local homeschool co-ops, music lessons by other qualified individuals, or lessons of any other nature by someone more qualified than the tutor.
3. The tutor receives payment for his labors.
4. The tutor instructs the children of ONLY one family.

The question arises: Can a stay-at-home mom who is certified to teach in the state of Pennsylvania comply with the compulsory attendance laws for her children through the private tutor provision? There is an appeal to using this provision as the extensive paperwork required by the home education law is not required, nor is the family compelled to hire an evaluator each year. Some school districts permit an individual to privately tutor her own children at home. Others have objected to this arrangement. Most districts that permit parents to privately tutor their own children still require an Act 33 clearance of the certified parent, something not required of home educating parents. For a more detailed discussion of this topic, consult [www.phea.net/PrivateTutorOption.html](http://www.phea.net/PrivateTutorOption.html)

## Home Educating the Elementary-Aged Student *(Children beginner to 6<sup>th</sup> grades)*

Some points to consider when home educating an elementary school aged child:

It is up to the parent or guardian to decide what constitutes a school day. There is no legally mandated minimum number of hours or subjects to be taught in a “school day”. It is not required that you teach every subject every day. Neither is it required that every subject be taught every school year.

You may choose to record days or hours. If you record days, you must have 180 days. If you record hours, you must have 900 hours.

You do not have to use a textbook to teach a subject. You do not have to use a book at all. You may choose to instruct your child from your knowledge base, by experience (as in nature walks or hands on science activities), or you may choose to use a game or video. Any method that you find that increases your child’s knowledge or understanding of a subject is a legitimate educational tool and may be used in the home education program to meet the requirements of Act 169-1988. Printed educational materials are not limited to textbooks but may include books you have in your personal library, or from the local public library, magazines, newspapers, letters from pen pals and relatives, or something that you write specifically for your child’s use. Do not overlook community resources such as 4H publications, Boy Scout merit badge hand books, museum flyers, and more. There is no limit to where you can obtain information that your child may find useful.

Instruction must be in the English language and every subject in the list that follows must be taught at least one time before the child finishes 6<sup>th</sup> grade with the exception of the dangers and prevention of fires, which must be taught annually.

### Subjects to be taught at the elementary level include:

- English, to include spelling, reading, and writing;
- Arithmetic;
- Science;
- Geography;
- History of the United States and Pennsylvania;
- Civics;
- Safety education, including regular and continuous instruction in the dangers and prevention of fires;
- Health and physiology;
- Physical education;
- Music;
- Art.

## **Home Educating the Secondary-Level Student** *(Those who are 7<sup>th</sup> through 12<sup>th</sup> grades)*

High school at home presents two issues: compliance with the compulsory attendance portion of the law (180 days OR 990 hours) and accumulating credits that are necessary to complete graduation requirements. A home education program for a high school student may be in compliance with the home education law and the student may not have completed any credits towards graduation. The parent or guardian who is the home education supervisor must determine how a credit for each subject will be earned.

DIPLOMAS - Two types recognized by the Commonwealth per Act 196 of 2014:

### 1) Parent Issued Diplomas:

The biggest change to the home education provision of the public school code (Act 196-2014) is the recognition of parent issued diplomas. The recipients are entitled to all of the rights and privileges of a public high school graduate. There are some stipulations to this change:

- The student must be in compliance with the home education provision of the public school code, which means that an Affidavit was filed at the beginning of the school year, and an evaluation was obtained and submitted to the school superintendent at the end of the school year (June 30)
- The diploma form developed by the PDE must be used.
- The student's 12th grade evaluator must sign the diploma form.

Many parents elect to award a parent-issued diploma. These parents are then responsible for determining how they will know that credits have been earned. Since many parents do not rely entirely on textbooks for home educated students, other criteria may be developed. For example, a parent might award credit for any of the following: completing a substantial research paper; planning and executing a major project that involved little composition; apprenticing in an office or with someone with skills the student desires to learn; or taking responsibility for meal planning and shopping for the family for a specified period of time. It is helpful to create a document that briefly outlines the manner in which credits were determined to have been earned. This would be particularly helpful for coursework completed through means other than textbooks. It would be used to support the information on the transcript.

### 2) Diploma Programs:

Diploma recognition has now been written into the home education law. These diplomas are issued by homeschooling organizations that are recognized by the PA Department of Education. These organizations provide the guidelines necessary for earning credits and a diploma within their programs.

NOTE: Students are ineligible for a parent issued or a diploma program diploma after they turn 21, according to the PDE referring to state law.

## Home Educating the Secondary-Level Student (continued)

Without addressing completely the issues of homeschooling a high school student, it is important to note several points raised by the home education law.

Secondary level students are those who are 7<sup>th</sup> through 12<sup>th</sup> grades. Certain subjects must be studied at the secondary level (sometime between 7<sup>th</sup> and 12<sup>th</sup> grades) and instruction must be in the English language.

Every subject in the list that follows must be taught at least one time after the student has begun 7<sup>th</sup> grade and before the child finishes 12<sup>th</sup> grade with the exception of the dangers and prevention of fires, which must be taught annually. This applies regardless of what diploma the student is receiving.

- English, to include language, literature, speech and composition;
- Science,
- Geography,
- Social studies to include civics, world history, history of the US & Pennsylvania;
- Mathematics, to include general math, algebra, and geometry;
- Art;
- Music;
- Physical education;
- Health and safety education, including regular and continuous instruction in the dangers and prevention of fire.

There are course requirements for graduation. These requirements may only be met by students who are in 9<sup>th</sup> through 12<sup>th</sup> grades and include:

- four years of English,
- three years of mathematics,
- three years of science,
- three years of social studies,
- two years of arts and humanities

According to the PA Department of Education, if a student was in public or private school for some of these grade levels, for example, 9<sup>th</sup> grade, then the 9<sup>th</sup> grade public or private school courses in the above subject areas should be entered onto a transcript with the 10-12<sup>th</sup> grade home schooling courses regardless of what diploma will be awarded.

These are minimum requirements. All students are encouraged to include additional work in the high school course of study. College bound students should investigate the requirements for incoming students at the colleges in which there is an interest and include the additional courses, such as foreign language, that are required for admission.

You do not have to use a textbook to teach a subject. You do not have to use a book at all. You may choose to instruct your child from your knowledge base, by experience (for example: designing and executing a project, participating in a theatrical production, or working as an apprentice), or you may choose to use a game or video. Any method that you find that increases your child's knowledge or understanding of a subject is a legitimate educational tool and may be used in the home education program to meet the requirements of the home education law. Printed educational materials are not limited to textbooks but may include books you have in your personal library, or from the local public library, magazines, newspapers, letters from pen pals and relatives, or something that you write specifically for your child's use. Do not overlook community resources such as 4H publications, Boy Scout merit badge hand books, museum flyers, and more. There is no limit to where you can obtain information that your child may find useful.

## Home Educating the Secondary-Level Student (continued)

### Reentering public high school:

Should you decide to return your child to the public-school setting at some point during high school, he may be required to start at ninth grade regardless of what he has accomplished at home. Therefore, ask the superintendent of your school district of residence if and under what circumstances credits awarded in a home education program will be accepted towards public high school graduation requirements **before beginning** a home education program for a high school student.

Public schools are not required to accept credits awarded in a home education program, whether or not those credits are awarded by a third party (such as a correspondence school or an umbrella school). When considering removing a student from 9th grade or up, it is imperative to consider that your school district may not permit the student to receive credit for work done at home. If he is re-entered into the public school, he may have to pick up from the point at which he left the school, not advancing onto the next grade.

Neither the state nor the public school in the school district of residence is required to award a diploma to students completing graduation requirements in a home education program. Recognizing completion of graduation requirements can be accomplished in a variety of ways:

- A parent-issued diploma
- A diploma from an organization which is recognized the Pennsylvania Department of Education as being substantially equivalent to a public high school diploma. A list of these organizations may be found at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=508213&mode=2>
- Taking and passing the GED
- Completing 30 college credits and requesting a Commonwealth Diploma from the Pennsylvania Department of Education. When this option is chosen, some school districts award a diploma from the local high school, others award a GED.
- A diploma from an umbrella or correspondence school-Please note that this diploma is not recognized by PA state agencies, and will not allow the student to receive state financial assistance for college. PLEASE NOTE that if a family uses ANY correspondence program, whether earning a diploma or not, the family MUST file an Affidavit, keep a portfolio, have an evaluation and submit the evaluation to the local school district. Keeping appropriate documentation and filing it with the superintendent allows the student to self-certify as to high school graduation, which is all that is necessary to receive federal student aid for post high school educational programs.

For these reasons, please carefully consider the decision to home educate at the high school level. It is a challenging and rewarding endeavor which has been shown to adequately prepare students for entry into the workforce and college. Many colleges, even Ivy League colleges, are actively recruiting home educated students for their student bodies. However, unlike home education of elementary students where the local public and private schools are frequently more than willing to place a student in an age and accomplishment appropriate classroom, the same flexibility does not always exist for high school students.

## Parent Issued Diploma Information

A copy of the PDE parent issued diploma form is in the appendix. **The 12<sup>th</sup> grade evaluator must sign it.** You may **not** use a form you created or one you purchase from a school supply company.

## Equal Access for Home School Students

Effective January, 2006. This legislation gives homeschoolers equal access to all extracurricular activities subject to the provisions of Section 511 of the PA School Code. These activities include, but are not limited to: athletics, clubs, musical activities, drama productions, etc. This part of the law is integrated into the home education law. See the Appendix.

## Compulsory Attendance

### Overview:

Compulsory attendance age is attained when:

- A child reaches his 6<sup>th</sup> birthday, prior to September 1<sup>st</sup> of the current school year
- A child has been enrolled in Kindergarten in a Pennsylvania public school (not private school)
- A child has been enrolled in First Grade in a Pennsylvania Public OR private school

And continues until a student attains the age of 18 or has received a state recognized diploma.

If a child is not yet 6 years of age and has never attended school in Pennsylvania, he is not considered to be of compulsory attendance age, even if he attended school in another state or was homeschooled. Please read the Compulsory Attendance Age Requirements section for more information.

If a child has been enrolled, even if school has not yet begun, in kindergarten, a formal letter of withdrawal is required. This letter **must** state that the student is being withdrawn in order to delay the beginning of formal education. The PDE recognizes “withdraw and wait” language.

If a child has been enrolled, even if school has not yet begun, in kindergarten, a formal letter of withdrawal is required.

## Compulsory Attendance Age

The compulsory attendance age was lowered from age 8 to age 6 by September 1 of the current school year and was raised from age 17 to age 18. All students are entitled to a free, public education until the student is 21 years old or the end of the school year in which the student turns 21.

# Compulsory Attendance (continued)

## Compulsory attendance in the Philadelphia School District

Compulsory attendance in the Philadelphia school district is 6 years old by September 1. Parents who will be home educating their beginner child in this school district may file a “Letter of Intent to Home Educate” when the child is 6 years old with the superintendent of the school district. When the child celebrates his 8<sup>th</sup> birthday, an affidavit must then be filed. This allows formal education to be delayed.

## Kindergarten and First Grade Considerations

Compulsory attendance is required of students who have reached the age of 6 and are not yet 18 years old. If a child has attended a Pennsylvania PUBLIC kindergarten or public or private first grade, he is considered to be of compulsory attendance age. See the previous Timeline at the beginning of the booklet. Consider the following situations:

- Your child is in a PRIVATE school kindergarten and you have decided to homeschool him for the remainder of the school year. He is not yet 6 years old. You may withdraw him by writing a letter with the following wording: My child, <name of child>, is being withdrawn from <name of school> kindergarten class to be privately educated.
- Your child is attending a PUBLIC school/cyber charter school kindergarten\* OR a PUBLIC or PRIVATE school first grade in Pennsylvania and you decide to homeschool him for the remainder of the school year. Compliance with the home education law is required. Refer to this handbook for the information needed to comply, including filing an affidavit and keeping records.

**Remember that three unexcused absences by a child who has begun compulsory attendance age and has not yet attained the age of 18 years subjects a parent and student to truancy charges and subsequent prosecution. Do not ignore the compulsory attendance law by simply not sending your child to school! While compliance with the Pennsylvania Home Education Law (also known as both Act 169-1988, Act 196-2014, and Section 1327.1 of the Pennsylvania School Code) can be challenging, the efforts are less costly than a truancy conviction. Parents of a child who has been charged with truancy may be fined or be put in jail if a child does not go to school (including home school).**

## Compulsory Attendance and 18 Year Olds

This text is taken directly from the PDE’s Word document, “Home Education and Private Tutoring.”

*“As a result of Act 196 of 2014, a high school diploma awarded by a home education supervisor or an approved diploma-granting organization has the same legal rights and privileges as a diploma awarded by any school in Pennsylvania.” And “Compulsory attendance is required until a child is 18 years old, with some exceptions. An affidavit must be submitted for any student who is of compulsory attendance age and an evaluation is due to the superintendent for any time spent in homeschooling until the student is 18 or they have graduated from the home education program.”*

Regardless of the student’s age, it is advantageous to continue to submit an affidavit and evaluation until graduation. Unless an affidavit and evaluation are submitted for the senior year, the student cannot be awarded a state-recognized diploma. Based on this interpretation of the changes to the home education law, any student who has completed graduation requirements and has been awarded either a state recognized diploma (either parent issued or issued by a state recognized diploma program) is beyond compulsory attendance age regardless of chronological age.

## Child Labor Law information\*

➤ **Q: May a 16-year-old drop out of school to hold a job?**

**A:** A 16-year-old who has a job during school hours, and holds an employment certificate, may also drop out of school.

➤ **Q: Who is considered to be a minor?**

**A:** A minor, as defined in the Pennsylvania child labor act, is an individual under 18 years of age.

➤ **Q: I am a minor and reside in Pennsylvania, where do I get a work permit?**

**A:** Each school district is responsible for issuing work permits to all minors who reside in the district including those who attend non-public schools, cyber charter schools, or are participating in a home education program. Contact your school district to find out which building you should go to and what hours the issuing officer is available.

*\*The above information was taken from the PDE Website.*

For more information, visit [http://www.education.state.pa.us/portal/server.pt/community/child\\_labor\\_law/7508](http://www.education.state.pa.us/portal/server.pt/community/child_labor_law/7508)

## Cyber and Charter Schools and Cyber Charter Schools

Pennsylvania's school code currently permits school districts to establish charter schools. Many of these charter schools are brick-and-mortar schools which children attend instead of attending the local public school. A variation on public schools recently offered by some school districts is cyber charter schools. Cyber charter schools are available in several varieties. Some, like the Pennsylvania Virtual Charter School or Western Pennsylvania Cyber Charter School, are complete programs administered over the internet by employees of the school. Students are typically provided with a computer and internet access, all textbooks and a supervising teacher to whom the parents and students must periodically report. There may be a requirement to be logged onto the internet and the cyber charter system for a specified period of time each school day or each school week. Others, such as Blended Schools, provide instruction only in specific subjects and parents provide instruction in the other required subjects.

These schools are PUBLIC schools at home. Participants are subject to all of the rules and regulations regarding public schooled students including state and standardized testing requirements as well as No Child Left Behind requirements.

While these programs provide options for families who use the public schools, under no circumstances are these programs homeschooling or home education programs. Families who are homeschooling in Pennsylvania are subject to the requirements of Act 169-1988 also known as Section 1327.1 of the Pennsylvania Public School Code or the Home Education law. Families who are home educating are not subject to the state and standardized testing requirements applied to public schooled students since Act 169-1988 limits testing for home educated students to ONLY in 3<sup>rd</sup>, 5<sup>th</sup>, and 8<sup>th</sup> grades. Furthermore, the No Child Left Behind legislation specifically exempts home educated students from standardized testing and the need to meet state standards in their educational programs.

**Caution is urged upon those who are homeschooling to carefully consider before switching to a cyber charter program. The appeal is strong: state funded computers and curriculum materials, but the cost is exorbitant: lost freedom and flexibility.**

# Appendix

## Private Tutoring Provision Of The Pennsylvania School Code

Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section. For the purposes of this section, "properly qualified private tutor" shall mean a person who is certified by the Commonwealth of Pennsylvania to teach in the public schools of Pennsylvania; who is teaching one or more children who are members of a single family; who provides the majority of the instruction to such child or children; and who is receiving a fee or other consideration for such instructional services. No person who would be disqualified from school employment by the provisions of subsection (E) of section 111 may be a private tutor, as provided for in this section. The private tutor must file a copy of his Pennsylvania certification and the required criminal history record with the student's district of residence superintendent.

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## Pennsylvania Home Education Law

Following are the combined Acts/laws that make up the PA Home Education Law  
***Bold and Italics*** have been added to make the law easier to read and locate information.  
Additional notes have been put in [ brackets] to highlight specific items.

### Act 169 of 1988, and Act 196 of 2014 and Equal Access law effective January 1, 2006 (Section 1327.1 PA Public School Code)

(d) Instruction to children of compulsory school age provided in a home education program, as provided for in section 1327.1 of this act, shall be considered as complying with the provisions of this section, except that any student who has been identified pursuant to the ***provisions of the Education of the Handicapped Act*** (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the ***program addresses the specific needs of the exceptional*** student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized Affidavit required under section 1327.1(b). The supervisor of a home education program may request that the school district or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

### 24 P.S. § 13-1327.1 Home education program

Section 1327.1. Home Education Program.--(a) The following words and phrases when used in this section shall have the meanings given to them in this subsection:

"Appropriate education" shall mean a program consisting of instruction in the required subjects for the time required in this act and in which the student demonstrates sustained progress in the overall program.

"Department" shall mean the Department of Education of the Commonwealth.

"Hearing examiner" shall not be an officer, employee or agent of the Department of Education or of the school district or intermediate unit of residence of the child in the home education program.

"Home education program" shall mean a program conducted, in compliance with this section, by the parent or guardian or such person having legal custody of the child or children.

"Supervisor" shall mean the parent or guardian or such person having legal custody of the child or children who shall be responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent.

((a) amended Oct. 31, 2014, P.L.2967, No.196)

(b) The requirements contained in sections 1511 and 1511.1, except as provided for in this section, and section 1605 shall not apply to home education programs. A home education program shall not be considered a nonpublic school under the provisions of this act.

(1) A notarized affidavit of the parent or guardian or other person having legal custody of the child or children, filed prior to the commencement of the home education program and annually thereafter on August 1 with the superintendent of the school district of residence and which sets forth: the name of the supervisor of the home education program who shall be responsible for the provision of instruction; the name and age of each child who shall participate in the home education program; the address and telephone number of the home education program site; that such subjects as required by law are offered in the English language, including an outline of proposed education objectives by subject area; evidence that the child has been immunized in accordance with the provisions of section 1303(a) and has received the health and medical services required for students of the child's age or grade level in Article XIV; and that the home education program shall comply with the provisions of this section and that the notarized affidavit shall be satisfactory evidence thereof. The required outline of proposed education objectives shall not be utilized by the superintendent in determining if the home education program is out of compliance with this section and section 1327. The affidavit shall contain a certification to be signed by the supervisor that the supervisor, all adults living in the home and persons having legal custody of a child or children in a home education program have not been convicted of the criminal offenses enumerated in subsection (e) of section 111 within five years immediately preceding the date of the affidavit.

(2) In the event the home education program site is relocating to another school district within this Commonwealth during the course of the public school term or prior to the opening of the public school term in the fall, the supervisor of the home education program must apply, by registered mail, thirty (30) days prior to the relocation, to the superintendent of the district in which he or she currently resides, requesting a letter of transfer for the home education program to the district to which the home education program is relocating. The current superintendent of residence must issue the letter of transfer thirty (30) days after receipt of the registered mail request of the home education program supervisor.

(i) If the home education program is not in compliance with the provisions of this section, the superintendent of the current district of residence must inform the home education supervisor and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

(ii) If the home education program is in hearing procedures, as contained in this section, the superintendent of the current district of residence must inform the home education supervisor, the assigned hearing examiner and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

(3) The letter of transfer, required by clause (2), must be filed by the supervisor of the home education program with the superintendent of the new district of residence. In the case of pending proceedings, the new district of residence superintendent shall continue the home education program until the appeal process is finalized.

(c) A child who is enrolled in a home education program and whose education is therefore under the direct supervision of his parent, guardian or other person having legal custody shall be deemed to have met the requirements of section 1327 if that home education program provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level:

(1) At the elementary school level, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

(2) At the secondary school level, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires. Such courses of study may include, at the discretion of the supervisor of the home education program, economics; biology; chemistry; foreign languages; trigonometry; or other age-appropriate courses as contained in Chapter 5 (Curriculum Requirements) of the State Board of Education.

(d) The following minimum courses in grades nine through twelve are established as a requirement for graduation in a home education program:

- (1) Four years of English.
- (2) Three years of mathematics.
- (3) Three years of science.
- (4) Three years of social studies.
- (5) Two years of arts and humanities.

(d.1) (1) Notwithstanding any provision of this act or any other law or regulation to the contrary, a high school diploma awarded by a supervisor or an approved diploma-granting organization shall be considered as having all the rights and privileges afforded by the Commonwealth, a Commonwealth agency, including, but not limited to, the Pennsylvania Higher Education Assistance Agency, a political subdivision, a local agency and an authority or instrumentality of the Commonwealth or a political subdivision to a high school diploma awarded under this act, subject to subparagraphs (i) and (ii):

(i) In the case of a diploma awarded by a supervisor the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the department and which shall be made available on the department's publicly accessible Internet website.

(C) The diploma shall be signed by the student's twelfth grade evaluator in confirmation of the student's suitability for graduation.

(ii) In the case of a diploma awarded by an approved diploma-granting organization the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the organization.

(2) The department shall establish eligibility criteria and an application process for approving diploma-granting organizations to award high school diplomas to students enrolled in home education programs. The department shall maintain a list of approved diploma-granting organizations and post the list on the department's publicly accessible Internet website.

((d.1) added Oct. 31, 2014, P.L.2967, No.196)

(e) In order to demonstrate that appropriate education is occurring, the supervisor of the home education program shall provide and maintain on file the following documentation for each student enrolled in the home education program:

(1) A portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used, samples of any writings, worksheets, workbooks or creative materials used or developed by the student and in grades three, five and eight results of nationally normed standardized achievement tests in reading/language arts and mathematics or the results of Statewide tests administered in these grade levels. The department shall establish a list, with a minimum of five tests, of nationally normed standardized tests from which the supervisor of the home education program shall select a test to be administered if the supervisor does not choose the Statewide tests. At the discretion of the supervisor, the portfolio may include the results of nationally normed standardized achievement tests for other subject areas or grade levels. The supervisor shall ensure that the nationally normed standardized tests or the Statewide tests shall not be administered by the child's parent or guardian.

(i) A teacher or administrator who evaluates a portfolio at the elementary level (grades kindergarten through six) shall have at least two years of experience in grading any of the following subjects: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; and civics.

(ii) A teacher or administrator who evaluates a portfolio at the secondary level (grades seven through twelve) shall have at least two years of experience in grading any of the following subjects: English, to include language, literature, speech, reading and composition; science, to include biology, chemistry and physics; geography; social studies, to include economics, civics, world history, history of the United States and Pennsylvania; foreign language; and mathematics, to include general mathematics, algebra, trigonometry, calculus and geometry.

(iii) As used in this clause, the term "grading" shall mean evaluation of classwork, homework, quizzes, classwork-based tests and prepared tests related to classwork subject matter.

(2) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator. Any such nonpublic teacher or administrator shall have at least two years of teaching experience in a Pennsylvania public or nonpublic school within the last ten years. Such nonpublic teacher or administrator shall have the required experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The certified teacher shall have experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The evaluation shall also be based on an interview of the child and a review of the portfolio required in clause (1) and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. In no event shall the evaluator be the supervisor or their spouse.

(f) The school district of residence shall, at the request of the supervisor, lend to the home education program copies of the school district's planned courses, textbooks and other curriculum materials appropriate to the student's age and grade level.

(f.1) (1) Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of section 511, including, but not limited to, clubs, musical ensembles, athletics and theatrical productions, provided that the child:

(i) Meets the eligibility criteria or their equivalent for participation in the activity that apply to students enrolled in the school district;

(ii) Meets the tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district;

and

(iii) Complies with all policies, rules and regulations or their equivalent of the governing organization of the activity.

(2) For the purposes of this subsection, the school district of residence's program of interscholastic athletics, including varsity sports, shall be considered an activity and shall include all activities related to competitive sports contests, games, events or exhibitions involving

individual students or teams of students whenever such activities occur between schools within the school district or between schools outside of the school district.

(3) Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test to students enrolled in the school district, the school district shall permit a child who is enrolled in a home education program to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test in a publication of general circulation in the school district and on its publicly accessible Internet website.

(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 activities and shall not conflict with any provisions of this section.

((f.1) added Nov. 10, 2005, P.L.374, No.67)

(g) When documentation is required by this section to be submitted to the hearing examiner, the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The hearing examiner may photocopy all or portions of the documentation for his files.

((g) amended Oct. 31, 2014, P.L.2967, No.196)

(h) ((h) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

(h.1) An evaluator's certification stating that an appropriate education is occurring for the school year under review shall be provided by the supervisor to the superintendent of the public school district of residence by June 30 of each year. If the supervisor fails to submit the certification due on June 30 to the superintendent, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program, stating that the certification is past due and notifying the supervisor to submit the certification within ten (10) days of receipt of the certified letter. If the certification is not submitted within that time, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

((h.1) added Oct. 31, 2014, P.L.2967, No.196)

(i) ((i) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

(i.1) If the superintendent has a reasonable belief, at any time during the school year, that appropriate education may not be occurring in the home education program, he may submit a letter to the supervisor, by certified mail, return receipt requested, requiring that an evaluation be conducted in accordance with subsection (e)(2) and that an evaluator's certification stating that an appropriate education is occurring for the school year under review, be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. The certified letter shall include the basis for the superintendent's reasonable belief. If the tests, as required in subsection (e)(1), have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation to the evaluator and shall submit the test results to the evaluator with the completed documentation at the conclusion of the school year. If the certification is not submitted to the superintendent within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

((i.1) added Oct. 31, 2014, P.L.2967, No.196)

(j) ((j) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

(j.1) If the superintendent has a reasonable belief that the home education program is out of compliance with any other provisions of this section, the superintendent shall submit a letter to the supervisor by certified mail, return receipt requested, requiring a certification to be submitted within thirty (30) days indicating that the program is in compliance. The certified letter shall include the basis for the superintendent's reasonable belief. If the certification is not submitted within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

((j.1) added Oct. 31, 2014, P.L.2967, No.196)

(k) If a hearing is required by the provisions of subsection (h.1), (i.1) or (j.1), the board of school directors shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing except that he may require the establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor of the home education program or the superintendent to the Secretary of Education, Commonwealth Court or court of common pleas.

((k) amended Oct. 31, 2014, P.L.2967, No.196)

(l) If the hearing examiner finds that the evidence does not indicate that appropriate education is taking place in the home education program, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school. The home education program may continue during the time of any appeal.

((l) amended Oct. 31, 2014, P.L.2967, No.196)

(m) At such time as the child's home education program has been determined to be out of compliance with the provisions of this section and section 1327, the supervisor or spouse of the supervisor of the home education program shall not be eligible to supervise a home education program for that child, as provided for in subsection (b)(1) of this section, for a period of twelve (12) months from the date of such determination.

(n) Nothing in this section shall be construed to affect Federal or State law relating to special education for students with disabilities in home education programs.

((n) added Oct. 31, 2014, P.L.2967, No.196)

(1327.1 added Dec. 21, 1988, P.L.1321, No.169)

[Editor's note: The following section (1-4) is known as the *Equal Access Law*]

(f.1)

(1) Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of section 511, including, but not limited to, clubs, musical ensembles, athletics and theatrical productions provided that the child:

(i) Meets the eligibility criteria or their equivalent for participation in the activity that apply to students enrolled in the school district;

(ii) Meets the tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district; and

(iii) Complies with all policies, rules and regulations or their equivalent of the governing organization of the activity.

(2) For the purposes of this subsection, the school district of residence's program of interscholastic athletics, including varsity sports, shall be considered an activity and shall include all activities related to competitive sports contests, games, events or exhibitions involving individual students or teams of students whenever such activities occur between schools within the school district or between schools outside of the school district.

(3) Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test to students enrolled in the school district, the school district shall permit a child who is enrolled in a home education program to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test in a publication of general circulation in the school district and on its publicly accessible Internet website.

(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 activities and shall not conflict with any provisions of this section.

**[Documentation deadline; Procedures required if out of compliance]**

(g) When documentation is required by this section to be submitted to the hearing examiner, the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The hearing examiner may photocopy all or portions of the documentation for his files.

(h.1) An *evaluator's certification* stating that an appropriate education is occurring for the school year under review shall be provided by the supervisor to the superintendent of the public school district of residence **by June 30 of each year**. If the supervisor fails to submit the certification due on June 30 to the superintendent, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program, stating that the certification is past due and notifying the supervisor to submit the certification within ten (10) days of receipt of the certified letter. If the certification is not submitted within that time, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(i.1) If the superintendent has a reasonable belief, at any time during the school year, that appropriate education may not be occurring in the home education program, he may submit a letter to the supervisor, by certified mail, return receipt requested, requiring that an evaluation be conducted in accordance with subsection (e)(2) and that an evaluator's certification stating that an appropriate education is occurring for the school year under review, be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. The certified letter shall include the basis for the superintendent's reasonable belief. If the tests, as required in subsection (e)(1), have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation to the evaluator and shall submit the test results to the evaluator with the completed documentation at the conclusion of the school year. If the certification is not submitted to the superintendent within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(j.1) If the superintendent has a reasonable belief that the home education program is out of compliance with any other provisions of this section, the superintendent shall submit a letter to the supervisor by certified mail, return receipt requested, requiring a certification to be submitted within thirty (30) days indicating that the program is in compliance. The certified letter shall include the basis for the superintendent's reasonable belief. If the certification is not submitted within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(k) If a hearing is required by the provisions of subsection (h.1), (i.1) or (j.1), the board of school directors shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing except that he may require the establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor of the home education program or the superintendent to the Secretary of Education, Commonwealth Court or court of common pleas.

(l) If the hearing examiner finds that the evidence does not indicate that appropriate education is taking place in the home education program, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school. The home education program may continue during the time of any appeal.

(m) At such time as the child's home education program has been determined to be out of compliance with the provisions of this section and section 1327, the supervisor or spouse of the supervisor of the home education program shall not be eligible to supervise a home education program for that child, as provided for in subsection (b)(1) of this section, for a period of twelve (12) months from the date of such determination.

(n) Nothing in this section shall be construed to affect Federal or State law relating to special education for students with disabilities in home education programs.

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# Home Education Diploma Definitions

## **SUPERVISOR**

24 P.S. § 13-1327.1 Home education program

(a) The following words and phrases when used in this section shall have the meanings given to them in this subsection: "Supervisor" shall mean the parent or guardian or such person having legal custody of the child or children who shall be responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent.

## **EVALUATOR**

The evaluator is certifying that (1) they are the twelfth grade evaluator for the referenced student and that (2) the student has completed all the graduation requirements of 24 P.S. § 13-1327.1 (d) while enrolled in a home education program in compliance with 24 P.S. § 13-1327.1.

24 P.S. § 13-1327.1 (d) The following minimum courses in grades nine through twelve are established as a requirement for graduation in a home education program:

- (1) Four years of English.
- (2) Three years of mathematics.
- (3) Three years of science.
- (4) Three years of social studies.
- (5) Two years of arts and humanities.

## **EVALUATOR CREDENTIALS**

24 P.S. § 13-1327.1 Home education program (d)(1)(i)(c) The diploma shall be signed by the student's twelfth grade evaluator in confirmation of the student's suitability for graduation.

(e)(1)(ii) A teacher or administrator who evaluates a portfolio at the secondary level (grades seven through twelve) shall have at least two years of experience in grading any of the following subjects:

English, to include language, literature, speech, reading and composition; science, to include biology, chemistry and physics; geography; social studies, to include economics, civics, world history, history of the United States and Pennsylvania; foreign language; and mathematics, to include general mathematics, algebra, trigonometry, calculus and geometry.

(e)(2) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator. Any such nonpublic teacher or administrator shall have at least two years of teaching experience in a Pennsylvania public or nonpublic school within the last ten years. Such nonpublic teacher or administrator shall have the required experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The certified teacher shall have experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The evaluation shall also be based on an interview of the child and a review of the portfolio required in clause (1) and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. In no event shall the evaluator be the supervisor or their spouse.

## **SCHOOL DISTRICT OF RESIDENCE**

The school district of residence is where the affidavit and evaluation was to be submitted for the student's twelfth grade year. Verification can be obtained by calling the school district of residence. The school district then will verify the student's home education program was in compliance with the law in that (1) the supervisor submitted an affidavit for the graduation year of the named student and that (2) the named evaluator fulfills the legal requirements as a secondary level Home Education Evaluator and that (3) the evaluator's twelfth grade evaluation for the student was submitted to the school district.

## **APPROPRIATE EDUCATION**

Appropriate education shall mean a program consisting of instruction in the required subjects for the time required in this act and in which the student demonstrates sustained progress in the overall program.

*For more information and a guide published by the PDE, please visit*

<http://www.education.pa.gov/K-12/Home%20Education%20and%20Private%20Tutoring/Pages/default.aspx#.Vwa90aOrKhc>

**Elementary Education Objectives for:** \_\_\_\_\_ **School Year:** \_\_\_\_\_

**English:**

Read wide variety of books and other types of literature  
Utilize library  
Improve spelling  
Improve knowledge of grammar  
Continue to improve writing skills  
Continue to improve reading skills

**Arithmetic:**

Improve computation skills  
Master new topics as introduced

**History:**

Increase knowledge of American / Pennsylvania history  
Study historical topics of interest

**Geography:**

Improve map skills  
Increase knowledge of US geography  
Increase knowledge of world geography

**Civics:**

Continue to explain the rights and responsibilities of citizens to students

**Science:**

Continue to expose student to concepts in science  
Read interesting books/ articles on scientific topics  
Continue to instruct student how to study scientific topics

**Safety Education:**

Continue to instruct student regarding safety issues including fire safety

**Health:**

Continue to instruct student in areas relating to health and hygiene

**Physical Education:**

Incorporate exercise into daily routine  
Continue to allow student freedom to exercise out-of-doors, weather permitting

**Music:**

Increase appreciation for music as a form of expression  
Utilize music as a form of expression

**Art:**

Increase appreciation for art as a form of expression  
Utilize art as a form of expression

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**Secondary Education Objectives for:** \_\_\_\_\_ **School Year:** \_\_\_\_\_

English, to include language, literature, speech and composition:

Continue to develop ability to express himself orally and in the written word.

Continue to develop ability to read critically.

Continue to develop appreciation for the written word.

Continue to develop listening skills.

Science:

Continue to develop an understanding of the world and its workings.

Engage in studies of various topics of interest.

Geography:

Continue to develop an understanding of the impact of the physical world on the social and economic worlds.

Social Studies, to include civics, world history, history of the US & PA:

Engage in studies of political, economic, civil, and social relationships.

Continue to study world history.

Continue to study the history of the US & PA.

Continue to develop an understanding of the responsibilities of a citizen of the US.

Mathematics, to include general mathematics, algebra, and geometry:

Consolidate mastery of general mathematics.

Engage in studies of algebra and geometry using texts, real life situations, and other resources as available.

Art:

Continue to develop an understanding of art as an expression of culture and a source of commentary on life.

Music:

Continue to develop an understanding of the role of music in our society and culture.

Physical Education:

Continue to develop habits of physical activity that will contribute to good health as an adult.

Health & Safety Education, including regular and continuous instruction in the dangers and prevention of fires:

Develop the ability to provide for his own healthcare, as well as an awareness of various health issues affecting us today, and the impact of life choices on health.

Continue to understand the safe use of fire.

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## Sample Evaluation

Evaluator Name: \_\_\_\_\_

Evaluator Address: \_\_\_\_\_

\_\_\_\_\_

Student Name: \_\_\_\_\_

Name of the Supervisor of the Home Education Program: \_\_\_\_\_

Address of the Home Education Program: \_\_\_\_\_

\_\_\_\_\_

School Year: \_\_\_\_\_

I have interviewed the student, \_\_\_\_\_, and reviewed the portfolio. I  
certify that \_\_\_\_\_ has provided an appropriate education for the  
required amount of time and that \_\_\_\_\_ has made sustained progress in the  
overall educational program.

(name of student)

(name of supervisor)

(name of student)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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## Attendance Record

Day #									
1		37		73		109		145	
2		38		74		110		146	
3		39		75		111		147	
4		40		76		112		148	
5		41		77		113		149	
6		42		78		114		150	
7		43		79		115		151	
8		44		80		116		152	
9		45		81		117		153	
10		46		82		118		154	
11		47		83		119		155	
12		48		84		120		156	
13		49		85		121		157	
14		50		86		122		158	
15		51		87		123		159	
16		52		88		124		160	
17		53		89		125		161	
18		54		90		126		162	
19		55		91		127		163	
20		56		92		128		164	
21		57		93		129		165	
22		58		94		130		166	
23		59		95		131		167	
24		60		96		132		168	
25		61		97		133		169	
26		62		98		134		170	
27		63		99		135		171	
28		64		100		136		172	
29		65		101		137		173	
30		66		102		138		174	
31		67		103		139		175	
32		68		104		140		176	
33		69		105		141		177	
34		70		106		142		178	
35		71		107		143		179	
36		72		108		144		180	

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## Hourly Log

**900 hours for elementary, 990 hours for secondary completes one school year.**  
Each block represents one hour, each section within the block represents on-quarter hour.

Blacken the appropriate number of blocks for time spent each day.

For secondary students, this log may also be used to log hours by subject, if desired.

























**Total Hours this page:** \_\_\_\_\_ **Apply to subject:** \_\_\_\_\_

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# Attendance Calendar for Academic Year \_\_\_\_\_

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
July																																
August																																
September																																
October																																
November																																
December																																
January																																
February																																
March																																
April																																
May																																
June																																

**Student Name:** \_\_\_\_\_

**Total Days Attended:** \_\_\_\_\_

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## Logged Entries / Hours Chart

Name: \_\_\_\_\_ Subject: \_\_\_\_\_

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	51	52	53	54
55	56	57	58	59	60
61	62	63	64	65	66
67	68	69	70	71	72
73	74	75	76	77	78
79	80	81	82	83	84
85	86	87	88	89	90
91	92	93	94	95	96
97	98	99	100	101	102
103	104	105	106	107	108
109	110	111	112	113	114
115	116	117	118	119	120

List your Abbreviations and meanings here to use in above chart (ie., BJB= BJ Biology, MT-Material World –book name)

### Logged Entries / Hours Chart –Example for each hour/entry

1 BJ biology- pgs 1-10 cells	2 Smithsonian nat. hist. museum- invertebrates	3 Smithsonian- same	4 pg 11-15 protozoa	5 work on cell report	6 cell report
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**pennsylvania**  
DEPARTMENT OF EDUCATION

This certifies that

\_\_\_\_\_

Has completed the course of study prescribed by Act 196 of 2014,  
Section 1327.1 Home Education Program of the Pennsylvania School Code  
and is entitled to this

# High School Diploma

And has earned all the rights and privileges afforded by the Commonwealth

This \_\_\_ Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Twelfth Grade Evaluator

\_\_\_\_\_  
School District of Residence

The school district can verify compliance with the law in that

- (1) the supervisor submitted an affidavit for the graduation year of the above named student and that
- (2) the named evaluator fulfills the legal requirements as a secondary level Home Education Evaluator and that
- (3) the evaluator's twelfth grade evaluation for the student was submitted to the school district.

## What is Mason-Dixon Homeschoolers Association?

Mason Dixon Homeschoolers Association is a Christian, non-profit, mostly volunteer organization, founded in 1986, in Franklin County, PA. MDHSA exists to provide support for all homeschooling families, disseminate legislative information about issues of interest to homeschoolers and educators, and promote excellence in homeschooling. Parents volunteer their time and skills to coordinate our programs and activities. MDHSA offers its services to families in PA, MD and surrounding areas. Member benefits include the following as long as volunteers are available: co-operative schools, a newsletter, insurance coverage for group activities, discounts on MDHSA activities and booklets, a graduation ceremony, resource library, high school banquet, free law guide and more. For information on membership in the local organization, call 717-749-5767 or visit [www.masondixonhomeschoolers.org](http://www.masondixonhomeschoolers.org). Membership registration is done online on the website.

## Booklets and Workshops available

MDHSA Booklets and Workshops are available to everyone. The Law and Fine Art of Homeschooling booklets are great handouts to mail to or give to inexperienced homeschoolers. All booklets are 27-30 pages, except An Introduction to the Fine Art of Homeschooling, which is 64 pages.

### **Homeschooling and the Law: How to comply with PA Act 169-1988 Without Losing your Mind.**

To help you know how to comply with the Pennsylvania home education law and how to avoid over compliance. Includes a copy of the law and forms needed to comply with the law.

**An Introduction to the Fine Art of Homeschooling:** Why homeschool? How to homeschool; Approaches to homeschooling; Teaching methods and more; elementary, high school. Includes resources to direct your homeschooling journey. This is useful to new and veteran homeschoolers.

**Addressing Learning Challenges:** Dyslexia, Symmetry and balance, Choosing and using professionals, Children who have trouble using paper, pencils and books; Children who have 20-20 vision but have visual problems that are often misdiagnosed as ADHD an/or have reading problems

**The Mason Dixon Homeschoolers Diploma Guide:** MDHSA offers a state recognized high school diploma for homeschooled students who are PA residents and non-PA residents. This guide gives complete information on participating in the MDHSA high school diploma program. Students across the US and in other countries have received the MDHSA diploma. Families participating in the MDHSA diploma program are NOT required to become members of the local MDHSA Support Group located in Franklin County, PA. Questions should be directed to [diploma@masondixonhomeschoolers.org](mailto:diploma@masondixonhomeschoolers.org).

Mason Dixon Homeschoolers Association  
39 Chambers Lane  
Greencastle, PA 17225  
717-749-5767  
[office@masondixonhomeschoolers.org](mailto:office@masondixonhomeschoolers.org)  
[www.masondixonhomeschoolers.org](http://www.masondixonhomeschoolers.org)

Make checks payable to MDHSA.  
These booklets may also be purchased using PayPal on the MDHSA website.  
Click on the Items Available for Purchase link

An Introduction to the Fine Art of Homeschooling – \$9.50 Includes sales tax, shipping and handling.

MDHSA Law Guide: Homeschooling and the Law – \$7.50 Includes sales tax, shipping and handling.

Addressing Learning Challenges – \$7.50 Includes sales tax, shipping and handling.

MDHSA Diploma Guide - \$9.50 Includes sales tax, shipping and handling.



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**[www.masondixonhomeschoolers.org](http://www.masondixonhomeschoolers.org)**