

HOMESCHOOLING IN PENNSYLVANIA: A FACT SHEET

DOES PENNSYLVANIA ALLOW PARENTS TO TEACH THEIR CHILDREN AT HOME?

Yes. Parents in Pennsylvania can teach their children at home. Pennsylvania's law on home education (also called "homeschooling") is called Act 169. Information about this law is online at:

http://www.education.state.pa.us/portal/server.pt/community/home_education_and_private_tutoring/20311.

In Pennsylvania, children between the ages of eight and seventeen must attend school. Educating a child at home is one way to comply with compulsory school attendance laws.

WHEN CAN I HOMESCHOOL MY CHILD?

You can homeschool your child if: (1) the person teaching the child is a "properly qualified private tutor," or (2) if a child's parent or guardian conducts a "home education program" for the child. Each of these options has certain requirements.

WHAT ARE THE MAIN REQUIREMENTS FOR A "PROPERLY QUALIFIED PRIVATE TUTOR?"

The tutor: (1) must have a Pennsylvania teacher's certificate; (2) must be teaching "one or more children who are members of a single family;" (3) must be providing the child or children with the majority of their instruction; and (4) must be receiving some form of payment for his or her services.

A private tutor must file a copy of his/her Pennsylvania teacher's certificate and a criminal background check with the superintendent of the student's district of residence. Private tutoring is subject to the annual approval of the superintendent.

The tutoring must provide at least 180 days of instruction per year, or a minimum of 900 hours (990 hours at the secondary level) of instruction per year. If these requirements are met, home instruction should be allowed.

Even if a private tutoring situation does not meet these requirements, a parent or guardian may be able to set up a “home education program” for their child.

WHAT ARE THE REQUIREMENTS FOR A “HOME EDUCATION PROGRAM?”

NOTE: The requirements for a home education program are complex. This is only a summary.

In a home education program, the child is taught by his or her parent, legal guardian, or legal custodian. The person teaching the child is called the “supervisor” of the child's home education program. He or she must have a high school diploma or GED certificate.

1. The affidavit

Before beginning the home education program, the supervisor of the child’s program must file a sworn statement - known as an “affidavit” - with the superintendent of the school district of residence. The supervisor must also file an affidavit by August 1st. every year after the program has begun.

- The affidavit must contain the supervisor’s name, the name and age of each participating child, and the address and phone number of the home education program site.
- The affidavit must also state that the required subjects will be taught and must contain an outline of proposed educational objectives.
- The supervisor must supply evidence that the child has had the legally required immunizations. The supervisor must also provide evidence that the child has received the required health and medical services (such as annual vision and hearing tests).

The Pennsylvania Department of Education (PDE) has issued a policy statement, known as a Basic Education Circular (BEC), about home education programs. It includes a sample affidavit of a supervisor of a home education program. This BEC, called “Home Education Program,” can be found at:

http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/home_education_program/507313

Many school districts also provide a form to file for a home education program. In the School District of Philadelphia, for example, the Regional Offices provide information about homeschooling.

2. Instruction

Each year, the home education program must provide at least 180 days of instruction, or 900 hours of instruction at the elementary level and 990 hours at the secondary level.

- At the elementary level, the child must be taught English (including spelling, reading and writing); arithmetic; science; geography; history of the United States

and Pennsylvania; civics; safety education (including fire prevention); health; physical education; music; and art.

- At the secondary level, the child must receive English (including language, literature, speech and composition); science; geography; social studies (including civics, world history, history of the United States and Pennsylvania); mathematics (including algebra and geometry); art; music; physical education; health; and safety education.

Upon a supervisor's request, the school district of residence must lend the supervisor copies of the school district's textbooks and other curriculum materials.

3. Student Portfolio of Records and Materials

The supervisor must keep a portfolio of the child's education program, including a log showing the reading materials used, and samples of any writings, worksheets, etc. At grade levels 3, 5, and 8, students must be given standardized tests in reading/language arts and mathematics by someone other than the parent. PDE has identified a list of acceptable standardized tests. The Home Education Program BEC lists the tests that are acceptable. The results of these tests must be kept in the child's portfolio.

4. Annual Written Evaluation

There must also be an annual written evaluation of the child's progress. This must include a review of the material in the child's portfolio by a licensed psychologist, a certified teacher or a qualified private school teacher. This information must be provided to the superintendent by June 30th of each school year, or upon request. After looking over these materials, if the superintendent believes that the child is not being properly educated, he or she may ask for additional documentation or not allow the program to continue. A parent can challenge a school district's decision to discontinue a home education program at a hearing in front of an impartial hearing examiner appointed by the school board and then, if necessary, in state court.

ARE THERE ANY SPECIAL REQUIREMENTS TO HOMESCHOOL A CHILD WITH A DISABILITY?

Yes, there are special requirements if a child has a disability and a school district has identified the child as in need of special education. In this situation, the proposed home education program must be approved by a certified special education teacher or a licensed clinical or certified school psychologist. This requirement does not apply to students who have been identified as gifted or talented.

CAN CHILDREN WHO ARE HOMESCHOOLED PARTICIPATE IN SPORTS AND OTHER ACTIVITIES OFFERED BY THE SCHOOL DISTRICT WHERE THEY LIVE?

Yes. A student in a home education program may participate in certain school activities in the school district where the child lives. These extra-curricular activities, referred to

as Section 511 activities, may include sports, band, and clubs. You should contact your local school district for information about what program are Section 511 activities and open to home education students.

CAN A CHILD WHO IS HOMESCHOOLED RECEIVE A DIPLOMA?

School districts do not issue diplomas to students who complete home education programs. However, there are several ways for a child who is homeschooled to receive a diploma:

- A student can fulfill the requirements to receive a diploma from a homeschooling organization. The Pennsylvania Department of Education has approved several homeschooling organizations to issue homeschooling diplomas. Pennsylvania Homeschoolers Accreditation Agency (PHAA) is an example of one such organization. (More information about PHAA can be found at <http://www.phaa.org/>);
- A student can successfully complete the GED test and receive a Commonwealth Secondary Diploma; or
- A student can successfully complete one year or 30 semester hours at an accredited postsecondary institution and submit that information to the PA Department of Education and receive a Commonwealth Secondary Diploma.

WHAT HAPPENS IF I DECIDE TO RE-ENROLL MY CHILD IN PUBLIC SCHOOL AFTER I HAVE HOMESCHOOLED HIM/HER?

Parents can choose to re-enroll their child at any time (as long as the child hasn't graduated from high school or turned 21). A question often arises about what grade the child should be in. No rule requires public schools to place the child in the grade the parent requests. However, schools cannot make arbitrary placement decisions. To help determine an appropriate placement, parents can provide the school with copies of coursework the child completed during the time he/she was homeschooled. The school can also use objective testing measures to determine the appropriate grade and/or courses for the child.

IS HOMESCHOOLING THE SAME AS HOMEBOUND INSTRUCTION OR INSTRUCTION IN THE HOME?

Homeschooling is NOT the same as homebound instruction or instruction in the home.

- Homeschooling is a home education program developed and provided by a child's parent and/or guardian. A child who is homeschooled is NOT enrolled in the school district.

- Homebound instruction is instruction the school district provides to an enrolled student who cannot attend school for a short period of time due to a medical problem (such as a broken leg).
- Instruction in the home is provided by a school district to a student with a disability who needs special education services and who is enrolled in the district. It is provided when the student requires services that cannot be provided appropriately to the student in a school setting. Instruction in the home is restricted to students whose needs require full-time special education services and programs outside the school setting for the entire school day.

WHERE CAN I FIND MORE INFORMATION ABOUT HOMESCHOOLING?

Many websites provide information about homeschooling in Pennsylvania. The Pennsylvania Department of Education's website is a good source of information about home education and private tutoring in Pennsylvania. It includes frequently asked questions about home education. It also has copies of the laws about home education and private tutoring. Additionally, it has a full list of home education organizations serving Pennsylvania families.

http://www.portal.state.pa.us/portal/server.pt/community/home_education_and_private_tutoring/20311

You can also contact the Pennsylvania Department of Education's School Services Unit at (717) 214-8212.

Two other excellent websites provide information about the laws on homeschooling in Pennsylvania and materials, such as curricula, to help families in home education. These were developed by parents' organizations. These sites are <http://www.pahomeschoolers.com/>, operated by the Pennsylvania Homeschoolers, and <http://www.phen.org/>, operated by the Pennsylvania Home Education Network.

If you have more detailed questions about the laws related to home education, you may want to contact a local attorney. The Education Law Center is unable to provide specific advice to parents about homeschooling questions.

Prepared by:

Education Law Center (Rev. 07/08) (215) 238-6970 (Philadelphia) (412) 258-2120 (Pittsburgh)

IMPORTANT: ELC's publications provide a general idea of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact us for a referral or contact an attorney of your choice.