

<p>SC 1327.1</p>	<p><u>Home Education</u></p> <p>Act 169 creates a home education category designed to permit parents, guardians and legal custodians to teach their children. The parent or guardian, called a "supervisor" must hold a high school diploma or its equivalent, and has broad responsibility for the education of the child.</p> <p>As set forth below, the district Superintendent exercises certain responsibility to approve home education programs for resident children before they begin, and to review the programs so that they may be assured that each child educated at home receives an appropriate education.</p> <p>A. AFFIDAVIT (Sample affidavits attached)</p> <p>Before the Superintendent may approve the home schooling of any child, the child's parent, guardian or legal custodian who will be providing instruction to the child must then file an affidavit with the Superintendent. The affidavit must contain the following:</p> <ol style="list-style-type: none">1. The name of the supervisor, the name and age of each child in the program and the address and phone number of the program sites.2. An outline of proposed educational objectives, by subject area, for the subjects required by law. These subjects include:<ol style="list-style-type: none">a. <u>Elementary Level</u><ol style="list-style-type: none">1) English, to include spelling, reading and writing.2) Arithmetic.3) Science.4) Geography.5) History of the United States and Pennsylvania.6) Civics.7) Safety, including regular and continuous instruction in the dangers and prevention of fires.8) Health and physiology.9) Physical education.10) Music.11) Art.
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b. Secondary Level

- 1) English, to include language, literature, speech and composition.
- 2) Science.
- 3) Geography.
- 4) Social Studies, to include Civics, World History, History of the United States and Pennsylvania.
- 5) Health and Safety education, including regular and continuous instruction in the dangers and prevention of fires.
- 6) Mathematics.

c. Such courses may include, at the discretion of the supervisor of the home education program:

- 1) Economics.
- 2) Biology.
- 3) Chemistry.
- 4) Foreign languages.
- 5) Trigonometry.
- 6) 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 (9) through twelve (12) are established as a requirement for graduation from a home education program:

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

School districts are under no obligation to award a diploma or otherwise acknowledge the completion of a home schooled student's education.

3. Evidence of the child's immunization and evidence that the child has received health services.
4. Assurance that the education program meets the requirements of this act.
5. Certify that the supervisor and all adults living in the home and other custodial adults have not been convicted of criminal offenses listed in Section III (E) of Act 34, within the last five (5) years immediately preceding the date of the affidavit. An Act 34 Criminal History Record is not required.

B. HANDICAPPED STUDENTS

Section 1327 provides that a home education program meets the compulsory attendance requirements for students identified as handicapped only when the program addresses the specific needs of the exceptional student and is approved by a licensed clinical or certified psychologist or a teacher with a valid certificate from the Commonwealth to teach special education. Written notice of such approval must be submitted with the notarized affidavit. The supervisor of a home education program may request that the school district 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 district, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

C. PORTFOLIO

After filing the affidavit and commencing home education, the parent or home education supervisor has a duty to demonstrate that appropriate education is occurring. In order to make this demonstration, the home education supervisor must provide and maintain on file a detailed portfolio of records and materials for each student in home education. The portfolio must contain the following:

1. A contemporaneous log of instructional activity which identifies by title the reading materials used by the supervisors.
2. Sample of writings, worksheets, workbooks or creative materials used or developed by each child.
3. For each child in grades three (3), five (5), and eight (8), either the results of an achievement test that public school districts administer statewide, such as TELLS, or the results obtained on a "nationally-normed standardized achievement test" approved by the Department of Education for home school supervisors to choose. The supervisor shall ensure that the nationally normed standardized tests or the statewide tests are not administered by the child's parent or guardian. The Department has approved seven (7) nationally normed standardized tests for home school use. They are:
 - a. Iowa Test of Basic Skills.
 - b. California Achievement Test.
 - c. Stanford Achievement Test.
 - d. Metropolitan Achievement Test.
 - e. Science Research Associates.
 - f. Comprehensive Test of Basic Skills.

g. Comprehensive Testing Program (CTPII).

D. REVIEW AND WRITTEN EVALUATION

At least annually, the work in the portfolio must be reviewed. One of the following persons must prepare an annual written evaluation of each student's educational progress:

1. A licensed clinical or school psychologist.
2. A teacher certified by the Commonwealth of Pennsylvania who possesses appropriate experience in evaluating student performance.
3. A nonpublic school teacher or administrator with at least two (2) years experience within the past ten (10) years in a Pennsylvania public or nonpublic school who possesses appropriate experience in evaluating student performance.

E. CERTIFICATION AFTER REVIEW AND INTERVIEW

The written evaluation must contain a certification of whether "an appropriate education is occurring" based upon an interview of the child and the results of the portfolio review. Any person selected by the supervisor can conduct the annual review and evaluation, as long as he or she satisfies the above-listed statutory requirements or has the prior approval of the Superintendent and is not the parent or guardian of the child in question.

F. SUBMISSION TO SUPERINTENDENT

The portfolio and the annual written evaluation shall be provided to the Superintendent at the conclusion of each public school year. The Superintendent must then determine whether the child is receiving an "appropriate education," defined in Section 1327.1 as "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." Any time during the school year that the Superintendent has a reasonable belief that appropriate education may not be occurring in the home education program, the Superintendent may by certified mail, return receipt requested, require submission of the portfolio within fifteen (15) days and written evaluation within thirty (30) days. The Superintendent should exercise this authority whenever there is good reason to believe that a child is not demonstrating "sustained progress in the overall program." Concern for the child's physical health and safety may also raise questions about whether the child is receiving an "appropriate education."

G. NOTICE OF HEARING

Based on the documentation provided, the Superintendent may determine that appropriate education is not taking place. If that occurs, the Superintendent shall send a certified letter, return receipt requested, to the supervisor stating his or her opinion that an appropriate education is not taking place. All documentation shall be returned to the supervisor specifying what aspect or aspects of the documentation are inadequate. The Superintendent may retain a copy of the documentation if he/she so chooses.

Upon receipt of the certified letter, the supervisor of the home education program shall have twenty (20) days to submit additional documentation demonstrating that appropriate education is taking place for the child in the home education program. If documentation is not submitted within that time, the home education program for the child shall be out of compliance with the compulsory attendance requirements, and the student shall be promptly enrolled in the district or in a nonpublic school or a licensed private academic school.

If additional documentation is submitted and the Superintendent determines that the additional documentation submitted still does not demonstrate that appropriate education is taking place in the home education program, he/she shall so notify the supervisor of the home education program by certified mail, return receipt requested, and the Board shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The hearing examiner shall not be an officer, employee or agent of the Department of Education or of the district. A solicitor or Superintendent from another district could, if impartial, carry out this function. The examiner shall render a decision within fifteen (15) days of the hearing except that he or she may require the establishment of a remedial education plan mutually agreed to by the Superintendent and supervisor of home education program. The decision of the examiner may be appealed by either the supervisor or the Superintendent to the Secretary of Education or the Commonwealth Court.

If the hearing examiner finds that the documentation does not indicate that appropriate education is taking place in the home education program and there is no appeal, 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 district or in a nonpublic school or a licensed private academic school. At such time as the child's home education program has been determined to be out of compliance, the supervisor or spouse of the supervisor of the home education program shall be ineligible to supervise a home education program for that child for a period of twelve (12) months from the date of such determination.

H. LOAN OF MATERIALS

The district shall, at the request of the supervisor, lend to the home education program copies of the district's planned courses, textbooks, and other curriculum materials, appropriate to the student's age and grade level. The opportunity to cooperate with supervisors of home study programs in the loan of materials should be welcomed by the district as a way to positively affect the home school child's education.

I. TRANSFERS

When a home education program site is relocating to another school district within this Commonwealth, 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, requesting a letter of transfer for the home education program to the district to which the home education program is relocating. The Superintendent must issue the letter of transfer no later than thirty (30) days after receipt of the registered mail request of the home education program supervisor. If the home education program is not in compliance with Section 1327.1, the Superintendent 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. If the home education program is in hearing procedures, the Superintendent 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.

The letter of transfer 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 complete.