HOME SCHOOLING INFORMATION

The compulsory school attendance laws in Pennsylvania were amended and a new section on home education was added to the School Code. This memorandum summarizes the provisions of the new law and outlines the obligations of the home-schooling parent, the school district superintendent and the school district. It has been reviewed and approved by the Office of Chief Counsel for the Department of Education. The affidavits have been endorsed by that office for use by home school supervisors.

AFFIDAVIT: Section 1327.1 of the School Code requires the parent, guardian, or legal custodian of a child being educated at home to file an affidavit with the superintendent prior to the commencement of Home Education, and annually thereafter on August 1. The statute enumerates the content of the affidavit.

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 teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist. 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 or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When both the supervisor and the school district or intermediate unit agrees the provision of services to, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

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 parent-supervisor of home education must provide and maintain on file a detailed portfolio of records and materials for each student in home education. The portfolio must contain:

1. a contemporaneous log of instructional activity which identifies by title the reading materials used by the supervisor;
2. samples of writings, worksheets, workbooks or creative materials used or developed by each child; and
3. for each child in grades three, five and eight, either the results of an achievement test that public school districts administer statewide, such as PSSA, or the results obtained on a “nationally-normed standardized achievement test” approved by the Department for home school supervisors to choose. The Supervisor shall ensure that the child’s parent or guardian does not administer the nationally normed standardized tests or the statewide tests. The Department
has identified six nationally normed standardized tests for home school use. They are:

1. Iowa Test of Basic Skills
2. California Achievement Test
3. Stanford Achievement Test
4. Metropolitan Achievement Test
5. Science Research Associates
6. Comprehensive Test of Basic Skills

This list is revised periodically, and updates may be obtained from the Pennsylvania Department of Education.

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 years experience within the past ten years in a Pennsylvania public or nonpublic school who possesses appropriate experience in evaluating student performance.

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/she satisfies the above-listed statutory requirements or has the prior approval of the superintendent of the school district of residence and is not the parent or guardian of the child in question.

SUBMISSION TO SUPERINTENDENT:

The portfolio and the annual written evaluation shall be provided to the superintendent of the school district of residence at the conclusion of each public school year. Any time 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 15 days and the written evaluation and certification within 30 days. Superintendents should exercise this authority to protect students.
NOTICE AND HEARING: If the superintendent of the public school district determines, based on the documentation provided, at the end or during the school year, that appropriate education is not taking place for the child in the home education program, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program stating that in his opinion appropriate education is not taking place for the child in the home education program and shall return all documentation, specifying what aspect or aspects of the documentation are inadequate.

Upon receipt of the certified letter, the supervisor of the home education program shall have 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 public school district of residence or 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 shall so notify the supervisor of the home education program by certified mail, return receipt requested, and provide for a proper hearing by a duly qualified and impartial hearing examiner within 30 days. The examiner shall render a decision within 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 or Commonwealth Court.

If the hearing examiner finds that the documentation 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. 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 12 months from the date of such determination.

LOAN OF MATERIALS: 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.

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, 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 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 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 denial of the letter of transfer. If the home education program is in hearing procedures, 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.

The supervisor of the home must file the letter of transfer 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.
AFFIDAVIT OF THE SUPERVISOR OF A HOME EDUCATION PROGRAM

Donna Christensen, Home School Liaison, Bloomsburg Area School District

Name of Supervisor or Home Education Program

County

Address of Home Education Site

Phone Number

E-mail Address of Parent/Guardian

Child’s Name: Age: Date of Birth:

1. I attest that I am the parent, guardian or legal custodian of the child/children listed, that I am the supervisor of the home education program and am responsible for the provision of instruction in the home education program and that I have earned a high school diploma or its equivalent.

2. I attest that the home education program will be in compliance with Section 13-1327.1 of the Pennsylvania School Code.

3. I attest that the subjects listed in paragraph four below will be offered in the English language for a minimum of 180 days of instruction or a minimum of 900 hours for elementary students and 180 days or 990 hours for secondary students.

4. I attest that the following courses shall be taught at the elementary school level: 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. I attest that the following courses shall be taught at the secondary level: 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. Other courses may be included at the discretion of the supervisor.

5. I attest that the education objectives in the home education program are by subject areas as attached to this affidavit.
6. I attest that the child/children has been immunized against the following diseases and **I have attached evidence thereof** or said student has a medical or religious exemption pursuant to Section 1303 (c) and (d) of Pennsylvania Statutes Annotated:

a. Diphtheria  
b. Tetanus  
c. Poliomyelitis  
d. Measles (Rubeola)  
e. German Measles (Rubella)  
f. Mumps

7. I attest that the child/children has received the health and medical services required by Article XIV of the Public School Code, and I have attached evidence thereof or has a religious exemption under Section 14-1419 of Pennsylvania Statutes Annotated.

   Article XIV requires that every child of school age be given by methods established by the state's Advisory Health Board, an annual vision test, a hearing test, a measurement of height and weight, tests for tuberculosis under medical supervision and other tests required by the Advisory Health Board. Children upon entry into school and in the 6th and 11th grades must have a medical examination and comprehensive appraisal of health by a physician. Children upon entry into school and in the 3rd and 7th grades must have a dental examination by a dentist. A comprehensive health record shall be maintained for each child.

8. I attest that no adult living in the home, including the undersigned supervisor, and no person having legal custody of child/children has been convicted within 5 years of today's date of any of the following offenses under Section 111 of the Pennsylvania Consolidated Statutes: Chapter 25 (relating to criminal homicide). Section 2702 (relating to aggravated assault). Section 2901 (relating to kidnapping). Section 2902 (relating to unlawful restraint). Section 3121 (relating to rape). Section 3122 (relating to statutory rape). Section 3123 (relating to involuntary deviate sexual intercourse). Section 3126 (relating to indecent assault). Section 3127 (relating to indecent exposure). Section 4303 (relating to concealing the death of a child born out of wedlock). Section 4304 (relating to endangering welfare of children). Section 4305 (relating to dealing in infant children). A felony offense under Section 4902 (b) (relating to prostitution and related offenses). Section 5903(c) or (d) (relating to obscene and other sexual materials,) Section 6301 (relating to corruption of minors). Section 6312 (relating to sexual abuse of children).

**NOTARIZATION:**

Sworn to and subscribed before me this _____ day of __________, ____.  

__________________________  
Signature of Supervisor  
__________________________  
Signature of Notary  

6/26/17