



## HOMESCHOOLING IN PENNSYLVANIA: A FACT SHEET

**IMPORTANT:** ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

### **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. A copy of this law is online at [www.pde.state.pa.us/home\\_education/site/default.asp](http://www.pde.state.pa.us/home_education/site/default.asp) (click on "Documents" and then "Home Education Law). 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 1<sup>st</sup>** 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 [www.pde.state.pa.us/k12/cwp/view.asp?A=11&QUESTION\\_ID=54281](http://www.pde.state.pa.us/k12/cwp/view.asp?A=11&QUESTION_ID=54281) (click on "Basic Education Circulars"). 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.

For more information about homeschooling a child with a disability, please consult *The WhatzUp Book: A Guide to the Pennsylvania Homeschool Law for Special Needs Students*. This manual was written by Barbara D. McMillan, a special education teacher and a certified school psychologist. It explains the requirements of the

homeschooling law, provides sample formats for learning objectives, and discusses testing options. It also provides information about where to find adapted curriculum materials, and explains how to adapt teaching methods and materials for a child with a disability. To order this manual, please send a check for \$21.20 plus \$5.00 for shipping and handling to Barbara D. McMillan at 334 Clay Pike, Herminie, PA 15637.

**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 [www.pahomeschoolers.com](http://www.pahomeschoolers.com));
- 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. The address for this web site is [www.pde.state.pa.us/home\\_education/site/default.asp](http://www.pde.state.pa.us/home_education/site/default.asp). We have attached the Department's *Frequently Asked Questions and Answers* to this fact sheet. You can also contact the Pennsylvania Department of Education's School Services Unit at (717) 783-3750.

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 [www.pahomeschoolers.com](http://www.pahomeschoolers.com), operated by the Pennsylvania Homeschoolers, and [www.phen.org](http://www.phen.org), operated by the Pennsylvania Home Education Network. Pennsylvania Homeschoolers can also be contacted at (724)783-6512.

. Some school districts in Pennsylvania have also approved "cyber" charter schools. These are charter schools that operate only over a computer network. Parents who are interested in homeschooling might consider these "cyber" charter schools as a substitute to a home education program. (However, cyber charter schools have their own curriculum that students must follow.) For more information about charter schools in Pennsylvania, please see the Department of Education's web site at [www.pde.state.pa.us/charter\\_schools/site/default.asp](http://www.pde.state.pa.us/charter_schools/site/default.asp)

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.7/08)*  
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## Home Education

### Updated- Frequently Asked Questions [written by the PA Department of Education]

#### **When do I need to file an affidavit?**

You must file an affidavit for each child you will be homeschooling when he or she is between the ages of 8 to 17. ([24 P. S. 13-1326 - compulsory school age](#)) You must file an affidavit when you begin the home education program and annually thereafter by August 1.

If your child turns eight before or during the first two weeks of the annual school term, or within the first two weeks of the second semester, if the school district in which you reside promotes students semi-annually, the affidavit needs to be filed by the child's birth date. If the child turns 8 during the school term, the affidavit should be filed prior to the beginning of the next school year. ([24 P.S. 13-1304 - admission of beginners](#)). If the child has attended any school in grade 1 or above, you must file an affidavit whenever you begin homeschooling, regardless of the child's age. ([24 P.S. 24 13-1326](#))

#### **May I begin homeschooling anytime during the school year?**

Yes. The law allows a supervisor to file an affidavit at any time during the school year and annually thereafter by August 1 as long as the home education program continues.

#### **Do I have to file a portfolio the year my child turns age 17?**

Home education is a way of fulfilling the requirements for compulsory attendance, and students must attend school until the day of their 17<sup>th</sup> birthday. Therefore, the supervisor of the home education program must provide a portfolio and evaluator's report for at least the period of time the student is age 16 up to and including the day before the student's seventeenth birthday to ensure that there is no question as to whether the student has fulfilled compulsory education requirements.

#### **Where can I get an affidavit form?**

Affidavit forms may be found attached to the PDE Basic Education Circular ([BEC 24 P.S 13-1327.1](#)). Also, your school district may have a form, or you may create your own affidavit, following the requirements in the home education law. ([24 P.S.13-1327.1\(b1\)](#)). In the case of students identified as needing special education under the federal Individuals with Disabilities Education Improvement Act (IDEIA), you will also need to refer to [24 P.S. 13-1327\(d\)](#) which lists an additional requirement for the affidavit.

#### **What should I attach to the affidavit?**

Attachments to the affidavit must include an outline of the proposed educational objectives arranged by subject matter, evidence that the child has been immunized in accordance with the provisions of law and evidence that the child has received the health and medical services required for students of the child's age or grade level. ([Article 14 of the Pennsylvania School Code](#)) Evidence of receipt of health and medical services consists of records or official results of services or written confirmation, from the child's doctor, that the child has received all of the health and medical services required for a child of his or her age. Evidence of immunizations consists of written confirmation from the child's doctor that the child has received specific, listed immunizations or all of the immunizations required for a child of his or her age.

#### **What are the health requirements for homeschooled students?**

Students in home education programs are required to be immunized in accordance with law and regulations of the Secretary of Health. ([24 P. 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, a hearing 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 <http://www.dsf.health.state.pa.us/health/lib/health/schoolhealth/SchoolHealthRecord.pdf>) Each child must also have a medical examination and a comprehensive appraisal of his or her health at the following times:

When beginning the home school program

While enrolled in sixth grade

While enrolled in eleventh grade

When he/she is issued a farm or domestic service permit (A medical examination is not necessary at the above points in time if an examination was obtained within the previous four months.)

Also, each child must have a dental examination at the following times:

When beginning the home school program

While enrolled in third grade While enrolled in seventh grade

When he/she is issued a farm or domestic service permit

See here for a chart of the above information:

<http://www.dsf.health.state.pa.us/health/lib/health/schoolhealth/MandatedSchoolHealthServices.pdf>

### **What are the Section 111 (Criminal History or Act 34) Requirements for the Affidavit?**

The supervisor of the home education program must certify on the affidavit that the supervisor, all adults living in the home and persons having legal custody of the child have not been convicted of the criminal offenses listed in section 111(e) of the School Code [24 P.S. § 1-111\(e\)](#).

### **What are the Curriculum Requirements?**

The home education law specifies the subjects that must be taught at elementary and secondary grade levels. See (24 P.S. § 13-1327.1(c - d)).

However, Chapter 5 (Curriculum Requirements of the State Board of Education), mentioned in 24 P.S. § 13-1327.1(c - d) as a resource to find other age-appropriate courses, has been repealed and replaced with Chapter 4 ([22 Pa. Code Chapter 4](#)). Therefore, supervisors should consult 22 Pa. Code §§ 4.20 – 4.28 for information regarding age-appropriate courses.

### **Where do I get curriculum and materials?**

At the request of the supervisor, the school district must 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 ([24 P. S. 13-1327. 1 \(f\)](#)). The law does not require that the requested materials be provided within a particular period of time. However, PDE encourages school districts to work cooperatively with their homeschooling families in this regard in order to assist these families in providing a good educational experience to their children, and to provide the texts and materials within a week of the request if possible. In addition, some state and regional home education organizations hold curriculum fairs periodically so families can see and buy other materials. Many materials are available through teacher supply shops and directly from publishers.

### **When does my child need standardized tests?**

Students in grades 3, 5 or 8 must be given a nationally normed standardized achievement test or the Pennsylvania state test, PSSA, in reading/language arts and mathematics. The results of these tests must be in their portfolios.

### **What standardized tests fulfill that requirement?**

PDE has established a list of nationally normed standardized tests which fulfill this requirement, per the law. See [BEC 24 P.S.13-1327.1](#) for the list; ([24 P.S.13-1327.1\(e\)\(1\)](#)) for the law. Please note: a student may take the PSSA test through his or her resident school to fulfill the standardized test requirement. The supervisor should notify the school district early in the school year if the PSSA is to be taken so the school can order the extra tests and arrange for where the test will be administered. The calendar for the PSSA is available on the PDE website, here: [http://www.pde.state.pa.us/a\\_and\\_t/site/default.asp?g=0&a\\_and\\_tNav=|630|&k12Nav=|1141|](http://www.pde.state.pa.us/a_and_t/site/default.asp?g=0&a_and_tNav=|630|&k12Nav=|1141|)

### **Can my child have special accommodations when taking the nationally normed or state tests?**

The supervisor is responsible for determining whether the test publisher allows for accommodations on the particular test you've chosen and to ensure that the publisher's policies are followed. Information on PSSA accommodations is available on the PDE website,

[http://www.pde.state.pa.us/a\\_and\\_t/site/default.asp?g=0&a\\_and\\_tNav=|630|&k12Nav=|1141|](http://www.pde.state.pa.us/a_and_t/site/default.asp?g=0&a_and_tNav=|630|&k12Nav=|1141|)

### **When is the portfolio due?**

Each student's portfolio of records and materials, log of instructional time, standardized test results (when required or if otherwise desired), and annual written evaluation of educational progress must be provided to the superintendent of the public school district of residence by June 30th of each school year. ([24 P.S. 1-102](#)) The superintendent may request the portfolio of records and materials, log, standardized test results and evaluation any time prior to June 30th if the superintendent has a reasonable belief that appropriate education is not occurring. ([24 P.S. 13-1327.1\(h\)](#)).

### **What are the qualifications and duties of an evaluator?**

An evaluator of the home education program is to be a teacher certified to teach in the public schools of Pennsylvania, a certified school psychologist, a licensed psychologist or a nonpublic school administrator or teacher with particular experience. Please see this sheet for Evaluator's Qualifications:

[http://www.pde.state.pa.us/home\\_education/cwp/view.asp?a=148&q=139723&home\\_educationNav=|10880|&home\\_educationNav=|606|](http://www.pde.state.pa.us/home_education/cwp/view.asp?a=148&q=139723&home_educationNav=|10880|&home_educationNav=|606|). The evaluator is to interview the student, review the log, portfolio and test results, and write a report. Please see this sheet for Evaluator's Duties:

[http://www.pde.state.pa.us/home\\_education/cwp/view.asp?a=148&q=139730&home\\_educationNav=|10879|&home\\_educationNav=|606|](http://www.pde.state.pa.us/home_education/cwp/view.asp?a=148&q=139730&home_educationNav=|10879|&home_educationNav=|606|)

### **What are the home education requirements for students with disabilities?**

The supervisor of a home education student who has been identified as needing special education services pursuant to the Individuals with Disabilities Education Act (IDEA), must have a certified special education teacher or licensed clinical or certified school psychologist's approval of the home education program. This requirement does not apply to students who have been identified as gifted or talented. ([24 P.S. 13-1327\(d\)](#)).

### **What responsibilities does the school district have for students with special needs?**

If you believe your child is disabled and in need of special education services, but has not been evaluated, the school district in which you reside is required to evaluate the child, without charge, when you make such a request in writing. The district must explain the results of the evaluation to you.

If you desire special education services, you may enroll your child in the public school to receive a free, appropriate

public education, or you may ask the school district to provide service(s) as a part of the home education program. If you ask for services, then you and the school district may come to an agreement as to what services will be provided and where. The school district is not obligated to provide special education services if you do not enroll your child part-time, however. Any services which are agreed to may be provided in a public school or private school which is licensed to provide such programs and services; these services will not be provided in your home. ([24 P.S. 13-1327\(d\)](#)).

### **Are there any organizations of homeschooling families that serve my area?**

PDE has developed a list of [Home Education Organizations Serving Pennsylvania Families](#). These are regional, statewide and national associations and agencies which provide a variety of services to homeschooling families. These statewide and regional organizations often keep a list of support groups which serve a smaller geographic area, such as a city or township.

### **How does a homeschooled child receive a high school diploma?**

School districts do not issue diplomas to students in home education programs. Other diplomas are available:

A student may fulfill the necessary requirements of a home school organization to receive a home school diploma. The list of organizations recognized by PDE to issue diplomas is here:

[http://www.pde.state.pa.us/home\\_education/cwp/view.asp?a=150&Q=46560&home\\_educationNav=|3376|&home\\_educationNav=|](http://www.pde.state.pa.us/home_education/cwp/view.asp?a=150&Q=46560&home_educationNav=|3376|&home_educationNav=|)

A student may successfully complete the GED test and receive the Commonwealth Secondary Diploma. Information is here:

<http://www.able.state.pa.us/able/cwp/view.asp?a=5&Q=39791&g=176&ableNav=%7C2620%7C2786%7C&ableNav=%7C2766%7C&ableNav=%7C2759%7C>

A student may successfully complete 1 year or 30 semester hours at an accredited postsecondary institution and submit that information to PDE and receive a Commonwealth Secondary Diploma. See the regulation:

<http://www.pacode.com/secure/data/022/chapter4/s4.72.html>

Although not a high school diploma, for PHEAA grant and loan purposes, a student may request the Superintendent of his or her school district of residence to sign a PHEAA form or a letter on school district letterhead indicating the student has completed the requirements in the home education law for graduation per 24 P.S. Sec. 13-1327.1(d).

### **How does an organization become recognized by PDE to issue homeschool diplomas?**

An organization serving homeschooling families may apply for PDE recognition by completing the [Home Education Association Application for Recognition](#). Instructions for completion of this material and necessary attachments are included on that website.

### **If a child is enrolled in a public or private school after home schooling, how is it determined to which grade level the child is assigned, and/or what high school credits will be awarded?**

The law does not speak to this question. The school district of residence, or the private school in which the child is enrolled, will determine the grade to which the student will be assigned and/or the high school credits earned for home education work, pursuant to district or school policy.

### **Can my child participate in curricular (instructional) activities at the school district where we live?**

The school district where you reside has the discretion to make school curricular courses available to home-educated students. Many school districts have established a written policy on participation of homeschooled students in curricular programs, such as science classes, computer labs, and foreign language courses. Please contact your local school district for this information. Please remember, however, that school districts are not required to allow home-educated students to participate in curricular courses.

**Can my child participate in extra-curricular activities at the school district where we live?**

Yes. Act 67 of 2005 amended the home education law to allow a student in a home education program per Sec. 13-1327.1 to participate in the types of activities referenced in [24 P.S. § 5-511](#) in the school district where the student lives. These activities may include: clubs, musical ensembles, athletics and theatrical productions, interscholastic athletics, varsity sports and intramural sports, with certain qualifications. School districts have established policies which identify what programs are Sec. 511 activities and are therefore, available for home education students' participation.

**Is the parent required to do all the teaching?**

The supervisor of the program, the parent or guardian or such person having legal custody of the child or children, shall be responsible for the provision of instruction. That person is not required to provide all of the instruction. ([24 P. S. 13-1327.1\(a\)](#)).

**May I enroll my child in a school and still homeschool him or her?**

This type of private school has a variety of names: umbrella schools, extension schools, satellite schools, etc. Pennsylvania law does not allow for this type of home education program. A parent may use a school's curriculum at home or the student may attend the private school for a course or two after the parent has filed the affidavit as supervisor of the home education program. Alternatively, the student may enroll in and attend the private school full-time; however, if this option is elected, the student is no longer eligible for a home-education program. A student may not simultaneously enroll in a private school and receive instruction at home.

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