Homeschooling in Pennsylvania

How to comply with the law in 8 easy steps

UPDATED TO REFLECT ACT 196 OF 2014



By Elizabeth Phillips

To
Hannah
Luke
Kate
Mark

The best students a mom could ask for

Homeschooling
in
Pennsylvania

How to Comply With the Law in 8 Easy Steps

Revised and Updated

to Reflect the Changes of Act 196 of 2014

by Elizabeth Phillips

For more resources, including free printable forms, visit:
Pahomeschoollaw.com

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Preface

I will assume for purposes of this publication that you live or plan to live in Pennsylvania, have already decided to homeschool your children and need to know what steps to take in order to comply with the law.

If you haven't already made the decision to take the plunge into home education, I hope this guide convinces you that the filing requirements should not discourage you from doing so. Although Pennsylvania has more demands than most other states, even with the recent changes, they are not difficult to meet if you keep it SIMPLE! I'm hoping to help you do that with this ebook.

The steps in this guide apply to those parents who are proceeding under the provisions of 24 P.S. § 1327.1, where a parent or guardian who is assuming responsibility for instructing the student.

Other legal alternatives to conventional public or private school include homebound instruction (indicating a temporary circumstance which prevents the child from attending school and school personnel are responsible for planning and administering curriculum), enrolling in a brick-and-mortar or cyber charter school or proceeding under the private tutor option of the Pennsylvania School Code. You can read more about the Private Tutor Option at Pahomeschoollaw.com .

With the exception of the preceding paragraph, I will omit statutory citations and official legal writing format as much as possible (see above where I cited the title and section number of the law). For the sake of clarity, I will also omit footnotes in the text.

My goal is to wade through the legalese to present a simple and concise guide. I will include an appendix at the end of the book that includes the text of the Pennsylvania homeschool law, including the amendments which were effective as of October 31, 2014 (Act 196 of 2014) and links to other helpful resources.

While those other resources are valuable, I think they can be overwhelming to a new homeschooling parent and create as many questions as they answer, which is why I'll try to minimize referring to them in the main content of the book.

Introduction

The Pennsylvania Homeschool Law

In 1988, the Pennsylvania Legislature passed a law making it legal for parents to homeschool their children in the Commonwealth. Prior to this legislation, Pennsylvania was one of the most aggressive states in prosecuting parents for truancy if the failed to register their children at home and attempted to homeschool “underground”. Act 169 of 1988, which is the Pennsylvania Homeschool Law, is an extension of the compulsory education provision of the School Code. Both private and public schools are governed by the provisions of the school code.

The amendments that went into effect on October 31, 2014 are known as Act 196 of 2014 and shouldn’t be confused with the original version of the law with it’s similar statutory identity.

The most important thing to take away from the preceding paragraphs is that this statute gives every parent (or legal guardian) with custody of a child in Pennsylvania the right to educate the child at home. YOU DO NOT NEED THE SCHOOL’S PERMISSION!

According to the homeschool law, if you earned a high school diploma or its equivalent, you are qualified to educate your children at home. You do not need a teaching certificate or some other post-secondary degree related to education. You are not required to produce your high school diploma. A statement in your affidavit that you earned a diploma is sufficient. We’ll get to the affidavit later.

One other important restriction is that you or any other adult living at the address of the home education program must not have been convicted of the criminal offenses listed in subsection (e) of section 111 of the school code within five years immediately preceding the date of the affidavit.

You are not required to obtain official clearances, but if you or an adult living in your home has been convicted of homicide, aggravated assault, stalking, kidnapping, unlawful restraint, rape, statutory sexual assault, indecent assault, aggravated indecent assault, indecent

exposure, incest, concealing the death of a child, endangering the welfare of a child, dealing in infant children, prostitution and related offenses, possession of obscene and other sexual materials, corruption of minors or sexual abuse of children within the past 5 years, you are prohibited from homeschooling.

Assuming you meet the prerequisites above, let's get right to it.

Step 0: Decide Whether You're Required to File Anything

Compulsory Attendance Age in Pennsylvania

The compulsory education law in Pennsylvania only applies to children between the ages of 8 and 17. There are some details and a few exceptions within this broad guideline which I will discuss briefly at the end of this section and direct the reader to resources that will provide help for those situations.

It is very important to realize that if your child has never attended school, you do not have to notify the school district of your intention to homeschool until your child is eight years old. You can go ahead and teach him or let him learn in whatever way is best. Even though most people send their children to school somewhere around age five when they reach Kindergarten age, children are not legally required to attend school in Pennsylvania until the age of eight.

Many parents are ready to start a more formal learning program at home when the child is four or five (or earlier since formal preschool is so popular) and decide to file paperwork notifying the school of their intention to homeschool before they are legally required to do so. I think this is a mistake for a few reasons.

First, school administrators are notoriously misinformed about the provisions of the homeschool law, which is unfortunate since it is often the first place new homeschoolers turn for information. When parents file early, administrators expect everyone to file for children under the compulsory age.

Second, it’s a waste of resources, both on the parent’s part and school personnel. Why spend the time and energy to prepare, submit and keep a file for paperwork that isn’t required?

Finally, this pre-compulsory attendance age is better spent learning about the different methods of homeschooling. It’s far more enjoyable and valuable figuring out how your child learns best than worrying about how to prove to the school that you’re educating your child by keeping a log, collecting samples and obtaining an evaluation before you’re required to.

To give you an analogy, you would never file an income tax return for a child before they earned an income. It's simply not necessary. The law doesn't require it and the IRS has no need to process paperwork for a person who doesn't earn an income or owe any tax. Similarly, a school district has no legal interest or obligation to your child before the statutory age unless your child will be attending school. There just isn't any reason for the extra paperwork on anyone's part.

I think parents who are new to homeschooling feel like truants if they don't file something official with a person in a position of authority. They also may feel that filing legitimizes their choice to others. Regardless, I encourage you to wait until you're required to file to minimize confusion and unnecessary paperwork. Enjoy this time without the burden of paperwork and unnecessary government intrusion into your family life.

One of my goals in publishing this ebook and the website is to inform and empower parents to answer questions confidently about homeschooling, including about the legal filing requirements.

Exceptions to the Compulsory Attendance Age Rules

1. If you live in the Philadelphia School District, and your child turns six on or before September 1, you are required to file a notice with the superintendent of the school district of your intention to (eventually) enroll the student in a home education program under section 1327.1.

2. Until recently, if your child attended even one day of first grade in a brick-and-mortar school (public or private), you were required to file an affidavit of your intention to homeschool even if the child was under the age of eight. A recent court decision interpreted this provision to include Kindergarten. As a result, the Pennsylvania Department of Education is advising people that if their child attended at least one day of Kindergarten, they are required to file the paperwork. The interpretation applying the decision to

homeschoolers (in spite of the Commonwealth Court's clear admonition limiting the decision to children enrolled in public school) likely won't be clarified by legislation. If your child has attended at least a day of school (whether K or first grade), you'll want to look into this issue carefully. An in-depth discussion here is beyond the scope of this book.

3. Two provisions and regulations of the school code were previously interpreted to require parents to file an affidavit and other documents if their child turned eight within two weeks of the first day of school in their district. One of these provisions was amended in 2011. Some homeschool advocates interpret it to require parents to file an affidavit for their child when he or she turns eight. Others advise filing if the school district would admit beginners later than two weeks after the first day of school or if the school district promotes students mid-year and admits beginners two weeks after the start of the second semester.

The Pennsylvania Department of Education is advising parents to file an affidavit for a child who turns 8 later than two weeks after the first day of school only if their district promotes students on a semi-annual basis.

I agree with the PDE's interpretation but I'm not sure I would bother to file an affidavit if my child's birthday was late in the spring. Especially since the affidavit only requires the child's age.

If your child has a mid-to-late September birthday, pay close attention to the official start date in your school district. If his or her eighth birthday is later than two weeks after the first day of school, you may want to contact your school district to ask whether it promotes students on a semi-annual basis, whether it accepts late beginners or whether you should file an affidavit when your child turns eight. To be sure, this can be a confusing provision. If you have a child who will turn eight well after the school year starts, you'll want to consider this issue carefully.

If you've determined that the exceptions do not apply and your child falls within the compulsory age as explained above, you must file a notarized affidavit with a list of objectives attached. I'll explain that procedure in Steps 1 and 2. There's an additional requirement for children who have been identified as requiring special education services which will be discussed in more detail at the end of step 2.

Step 1: Prepare a List of Objectives

General Objectives

A list of objectives must be filed with your affidavit, which is the official notice to the school district that you plan to educate your child at home. I'm suggesting here that you prepare the objectives before the affidavit since they can be simple and straightforward.

The law simply requires "an outline of proposed education objectives by subject area." It's important to note two things; 1) your list of objectives may not be rejected by the school district. Also, it does not need to be "approved" by school personnel; and 2) the list of objectives may not be used by the superintendent to determine whether the home education program is out of compliance with the law.

These two caveats render the objectives legally useless (really, what's the point?) but a proposed list of objectives is required by law. Think of objectives as a basic planning tool for you to set some general goals in the beginning of the year.

It is completely up to you to decide how detailed or general to make your list of objectives. I don't advise including information such as grade levels, specific texts or books or detailed lesson plans and those details aren't required by the homeschool law.

I prefer very general objectives. If you are homeschooling more than one child, I suggest attaching one form for all children in elementary level (grades 1-6)* and one for all children at the secondary level (7-12). My district has accepted this method.

The law does not require duplicating objectives or preparing one for each child since one affidavit can list all children in the home education program. This method is appropriate if you keep the list of objectives very general.

* (As explained in "Step 0" elementary grade level will start at grade three for most students under the compulsory age requirements).

Subjects Required to Be Covered

The subjects required at the elementary school level include:

a. English, to include spelling, reading and writing;

b. arithmetic;

c. science;

d. geography;

e. history of the United States and Pennsylvania

f. civics;

g. safety education, including regular and continuous instruction in the dangers and prevention of fires;

h. health and physiology; physical education;

i. music and art.

The subjects required at the secondary level are as follows:

a. English, to include language, literature, speech and composition;

b. science;

c. geography;

d. social studies, to include civics, world history, history of the United States and Pennsylvania;

e. mathematics, to include general mathematics, algebra and geometry;

f. art and music;

g. physical education;

h. health;

i. safety education, including regular and continuous instruction in the dangers and prevention of fires.

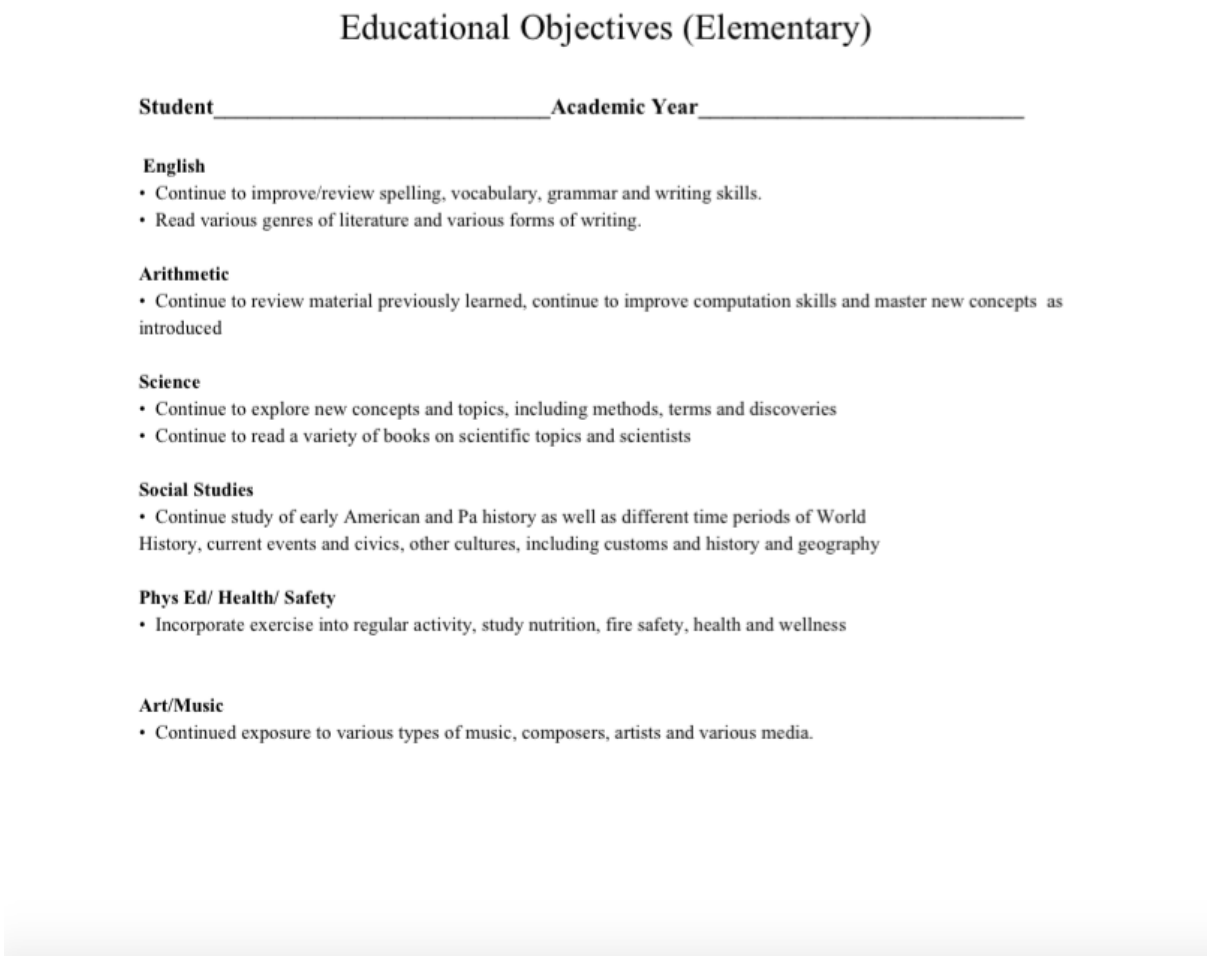
It's worth noting that not all of the "required subjects" listed for each level must be covered each year. The law requires that all subjects must be covered at least once for the

respective grade levels. Although most home education programs cover most of the subjects every year, it's perfectly legal not to.

Section (d)(1-5) sets forth the minimum courses in grades 9-12 required for graduation. Please see Appendix A to read the requirements.

At the discretion of the supervisor of the home education program, courses may include economics; biology; chemistry; foreign languages; trigonometry; or other age-appropriate courses as contained in Chapter 5 (Curriculum Requirements) of the State Board of Education.

Below is a sample of the Educational Objectives that I attach for all elementary level students. I file a slightly modified form for the secondary level since the required subjects are slightly different. Since it's general, I file the list of objectives every year. Feel free to copy my form as is or use it as a guide to prepare your own. For a free printable version of both the elementary and secondary forms, please visit pahomeschoollaw.com.



Educational Objectives (Elementary)

Student_____**Academic Year**_____

English
- Continue to improve/review spelling, vocabulary, grammar and writing skills.
- Read various genres of literature and various forms of writing.

Arithmetic
- Continue to review material previously learned, continue to improve computation skills and master new concepts as introduced

Science
- Continue to explore new concepts and topics, including methods, terms and discoveries
- Continue to read a variety of books on scientific topics and scientists

Social Studies
- Continue study of early American and Pa history as well as different time periods of World History, current events and civics, other cultures, including customs and history and geography

Phys Ed/ Health/ Safety
- Incorporate exercise into regular activity, study nutrition, fire safety, health and wellness

Art/Music
- Continued exposure to various types of music, composers, artists and various media.

Although the law doesn't require every subject every year, I include at least one objective per subject since, inevitably, we tended to cover all subjects. When you read a lot as a family, subjects tend to come up naturally. I listed each subject more for my own use as a guideline but it's fine to simplify and generalize even more than I do.

You can see that I condensed subjects like music and art; health, safety and physical education and listed history, Pennsylvania history and civics under the general heading "Social Studies".

Additional Requirement for Special Needs Students

If your child has been identified by the local public school district or a qualified professional as needing special education services, excluding those students identified as gifted and/or talented, pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230 20 U.S.C. pt. 1401 et seq.) and you plan to request special services from the school district or intermediate unit of residence that address the specific needs of the student, the objectives attached to the affidavit must be approved in writing by a Pennsylvania certified special education teacher, a certified school psychologist or a licensed clinical psychologist.

The approval letter should be attached to the notarized affidavit. It is important to note that this is the ONLY additional requirement for special needs students. The evaluator you choose for the end-of-year evaluation does not require special education certification. Any legally qualified evaluator may conduct an evaluation for a student with special needs.

Now that you have prepared your objectives, let’s move on.

Step 2: Prepare the Affidavit

Affidavit Defined

What's an affidavit? This term can be intimidating because most of us have never had to prepare an affidavit and might be under the impression that a lawyer needs to be involved.

Don't worry, an affidavit is simply a written statement confirmed by oath or affirmation before a notary. The notary verifies your signature and authenticates the document as legally binding.

I'll show you how a properly prepared affidavit can actually make some requirements less cumbersome by being included in this tidy document. You can prepare the affidavit yourself. Just be sure to include certain elements which I'll identify and explain below.

Elements of the Affidavit

The Pennsylvania homeschool law identifies the information that's required in the affidavit. The relevant provision requires the following elements:

1. Supervisor's name with statement that he or she has earned a high school diploma or its equivalent. (This can be a parent or legal guardian who has custody of the child).

2. Name and age of each child who will be participating in the home education program.

3. Address and phone number of the home education program site.

4. Statement that the subjects required will be offered in the English language and that a list of objectives is attached.

5. Statement about health/medical services.

6. Statement that the affidavit is satisfactory evidence that the program complies with the law.

7. Statement regarding absence of criminal convictions for adults living in the home.

*Please remember that the affidavit must be notarized.

A copy of the affidavit I filed each year is included below. You can go directly to pahomeschoollaw.com to print your own or you may use this as a guideline. As you can see, I like to keep the affidavit to one page, although, there is no page limit.

Many school districts have copied the PDE's sample affidavit and make it available on the district website. I don't recommend this form for two reasons; 1) It's three pages long and doesn't need to be; 2) the form lists immunizations, subjects and crimes, none of which is required to be listed on the affidavit form. Some districts have also added a crime to the form to comply with a change in the school code which only applies to school employees.

Some parents worry that if they don't use the form issued by the school district, their home education program won't be accepted. The district has no authority to reject or disapprove of your home education program as long as the supervisor meets the minimum qualifications.

As long as the affidavit includes the required elements, the school district has no basis to reject it.

You should understand each element of the affidavit thoroughly because school administrators are notoriously uninformed about the law and often request action or information that is beyond the scope of the law.

1. Name of Supervisor:

The "Supervisor" of the home education program may be a parent, guardian or anyone having legal custody of the child or children who is responsible for the instruction. The supervisor must have earned a high school diploma or its equivalent (GED). (Don't panic if you can't find this document, you do not need to attach it and the affidavit is sufficient evidence that this requirement has been met).

2. Name and Age of each child:

You may file a separate affidavit for each child but it's not necessary. The form I provide has space for up to four children and their respective ages on the same affidavit for simplicity and clarity. The law does not require a grade level or a birthdate.

3. Address and Telephone Number of Location of Home Education Program:

This requirement is self-explanatory. Some school districts ask homeschoolers to "enroll" or "register" or otherwise prove that you live in the district. Again, the affidavit is sufficient proof of residency and no other documentation is required. Some homeschool advocacy groups claim that school districts request this additional "enrollment" or "registration" information to show higher enrollment for funding purposes but I can't confirm this claim. The information on the affidavit is sufficient and you shouldn't comply with a request for additional enrollment information.

4. Required Subjects Will Be Offered in the English Language

Some sample affidavits identify a list of the subjects required. I don't include this detail in the affidavit and it's not required. Remember, your list of objectives can identify each subject that you plan to cover. Most people list all subjects listed for each level (elementary and secondary) but not all subjects are required in every year of each level. Also, the affidavit includes a statement that the program complies with the requirements of the home education law.

Please note that the home education program does not have to comply with additional state standards or "Common Core" curriculum standards. The subjects as listed in the statute are sufficient and the supervisor of the home education program has complete discretion as to the manner in which the subjects are covered.

This proposed list of objectives is listed as a requirement with this element of the affidavit. Most people attach a separate list of objectives.

5. Health Service Requirements

Some people choose to attach a list of immunizations or proof of other required health services to the affidavit. Even if you don't object to immunizations based on religious reasons, you are not required to attach medical records to your affidavit. The affidavit is sufficient evidence that you have obtained the required health services and the records are kept on file (either by you or or a physician). Although it's unlikely, you may be required to produce these records and should be prepared to do so. If you are claiming an exemption,

attach a letter to this effect to the affidavit. A medical exemption must be supported by a physician letter.

6. **"**Affidavit Sufficient Evidence that Program Complies with the Law**"**:

When you include this broad statement on the affidavit (that the **"**affidavit is sufficient evidence that the home education program complies with the law**"**), it serves as an efficient catch-all phrase in place of details on the affidavit. As I mentioned above, I like to keep the affidavit at one page for ease of filing and purposes of simplicity. I could include a statement about the number of days or hours that instruction will take place, for example, but the sworn statement that I will comply with the provisions of the homeschool law is sufficient.

7. Your affidavit should include the statement certifying that no adults living in the home have been convicted of criminal offenses in the referenced statute within five years. Although the catch-all compliance language in the statement above technically covers this requirement, it's worth stating this clearly and specifically. This statement is also specifically set forth in the statute as a requirement on the affidavit.

Affidavit of Supervisor of Home Education Program
Pursuant to § 13-1327.1 (b)(1) of Act 169 of the Pennsylvania School Code

To the Superintendent of the _____School District:_____

This notarized affidavit sets forth:
1. That _____ is the supervisor of the home education program and shall be responsible for the provision of instruction. I have earned a high school diploma or its equivalent;

2. That the following children shall participate in the home education program:
_____age_____
_____age_____
_____age_____
_____age_____

3. The address and telephone number of the home education program is:
_____
_____
_____
4. That such subjects as required by § 13-1327.1 are offered in the English language and the required outline of proposed educational objectives by subject area is attached;

5. The affidavit is evidence that the appropriate medical services have been provided and are on file or a religious or medical or ethical exemption has been claimed.

6. The home education program shall comply with the provisions of §1327.1 of the Pennsylvania School Code and this notarized affidavit shall be satisfactory evidence thereof.

Certification by Supervisor of Home Education Program:

As supervisor of the home education program, I certify that the supervisor, all adults living in the home, and persons having legal custody of the child or children in the home education program have not been convicted of the criminal offenses enumerated in subsection (e) of section 111 of the school code within five years immediately preceding the date of this affidavit.

Commonwealth of Pennsylvania)
) SS
County of _____)

_____ _____
Signature of Supervisor Date

Sworn and subscribed before me this_____day of _____, _____.

_____
Signature of Notary Notarization:

Attachments:
Outline of proposed educational objectives by subject area.

Health Services Requirements for Homeschoolers

Homeschooled children are required to obtain the same health and medical services as their conventionally-schooled counterparts. Unless you claim an exemption to any of the required services, (which I will discuss in more detail below) you have a few choices about how and where to obtain health services and to maintain health records.

Remember, the affidavit should include a statement that the appropriate medical services have been provided and are on file or a religious or medical or ethical exemption has been claimed. The affidavit is sufficient evidence of this fact.

The first option is to participate in the school district's health services program. I don't know anybody who does this but you can simply contact the school to determine when and where they provide the required health screenings. You have the right to be present during the examination. The school will then keep the records on file but you can request a copy. Parents may choose this option for convenience or financial reasons.

A second option is to keep a record of private medical, dental and vision exams for each child in the home education program. Just ask the health care provider for a copy of the report at the end of the visit, including a list of immunizations to date and keep it in a folder at home.

Finally, you can satisfy the requirement by obtaining the required health services and letting your healthcare provider(s) keep the records. If you are going to use this method, just be aware of which tests and exams are required for each grade (see table below) and understand how to obtain the records you need in order to prove that your child obtained the appropriate services. A fee may be required to obtain a copy, especially if one isn't obtained during a routine visit.

The chart below shows which exams, tests and screenings are required for each grade or year of school in Pennsylvania.

Health Services Chart

Grade/Year	Med Exam	Dental Exam	Hearing Test	Color Vision	Stereo Vision	TB*	Scoliosis
First Year of School		X		X	X		
First Year of School in PA	X						
1			X				
2			X				
3		X	X				
4							
5				X**			
6	X						X
7		X	X				X
8							
9						X	
10							
11	X		X				

*Check with your home district to determine whether a tuberculin test is required.

** Color vision test must be obtained once by the 5th grade.

In addition to the above timetable, the child's height and weight and near/distance vision must be checked annually. Anyone can perform these procedures. You can obtain a printable vision chart and the procedure for conducting a vision screening here or by contacting the Pennsylvania Department of Health

Exemptions to Health Services Requirements

The information above assumes that you won't be claiming an exemption to the health services requirements. Two types of exemptions are recognized: 1) a religious exemption and 2) a medical exemption.

First, if a physician or a physician's designee determines that immunizations would be detrimental to the health of the child, the supervisor may claim an exemption from the immunization requirement. A physician's letter attached to the affidavit is sufficient.

A religious exemption to the health services requirements may be asserted if the emancipated student, parent or guardian, object in writing to immunizations on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious ground. A statement on the affidavit or a letter to this effect prepared by the parent, guardian or supervisor and attached to the affidavit is sufficient to claim the exemption.

A student may be exempt from medical and dental examinations if they are contrary to the religious beliefs of the parent or guardian of the child. Written evidence is required under the statute but a statement to this effect or letter attached to the affidavit is sufficient.

Some homeschool advocates maintain that even if the parent does not have a religious, moral or ethical objection to immunizations or required exams or tests, they may assert a religious, ethical or moral objection to sharing this private information with the school district. I don't agree that the language of the statute would be interpreted this way. However some parents have successfully asserted this position with school districts and my cursory research indicates that the issue has not been litigated as of the publishing date of this ebook. I can't confirm whether it's been challenged by a school district.

I have never claimed an exemption on any basis. For my three older children, I attached copies of immunizations received to date in the first filing year and indicated in the affidavit that the required health services were received. I did not keep detailed records at home. They are available at the health care provider's offices. In subsequent filing years for those children, I indicated in a cover letter that the school should have immunization records on file.

I never submitted immunization records for my youngest child. Instead, I attached a short note signed by our family doctor that the required health services were provided and records are on file at the office. You can find a sample of this letter or an exemption form at Pahomeschoollaw.com

One interesting but narrow loophole in the statute governing immunization requirements in the public school code has not been litigated according to my research. Parents who do not immunize or who selectively immunize based on either of the exemptions (medical or religious) are not subject to compulsory education laws since their child would be prevented from attending school for the time that they have not received immunizations. According to the Pennsylvania Department of Education, school officials are without authority under compulsory attendance laws to initiate legal proceedings against parents whose child is not permitted to attend school for his failure to obtain the required immunizations.

If your child has not received the required immunizations and you plan to homeschool, it would be worth studying this provision of the school code closely and reading the Basic Education Circular prepared by the Pennsylvania Department of Education (PDE) on this matter. If your child has received all of the immunizations, this narrow exception does not apply to you.

Be prepared for the school district to challenge you if you are planning to assert this narrow exception. You should understand it thoroughly and may even contact an attorney to advise you on this matter. This narrow circumstance may relieve a parent of ALL filing requirements under the home education law since it is a component of the compulsory education provision of the school code.

I do not recommend asserting this narrow exemption from the compulsory education law if your child has received the required immunizations and you just don't think it's the school or government's business.

Similarly, I would not rely on this exemption to determine whether to immunize your child. Immunization is an important health consideration which should be made by each parent based on the best interests of the child and considering true religious, moral or ethical beliefs, regardless of your intention to educate your child at home.

Where to Find A Notary

You can get your affidavit notarized at the bank where you do business; at Automobile Association of America (AAA) for a fee of $5-6, if you're a member; at the office of your local state representative for free (call ahead to make sure a notary will be available) or a local title transfer or business documents store. You can also find a notary in a local yellow pages directory.

It is important to note that you should not sign the affidavit until you are in the presence of the notary since he or she is an official witness of your signature.

Step 3: File the Affidavit

When to File

For purposes of the compulsory education statute, the school year begins on July 1 and ends on June 30 of the following calendar year. You may provide instruction to meet the 180 day (or 900/990 hours) requirement at any time during this period. You are not required to follow the school district calendar and many homeschoolers choose not to.

If you are filing for the first time, you may file your affidavit and objectives at any time before commencement of the home education program and annually thereafter by August 1.

Many people choose to file early in July so they can list summer camps, library programs, participation on sports teams and other learning opportunities as part of the home education program. My school district doesn't look that closely at dates. If my child attended a library program in late July and I filed an affidavit on August 1, my district was fine with that.

There's no need to wait until August 1 to file your affidavit if it's not your first year of homeschooling. It's fine to include an affidavit for the following school year when you submit the evaluator's certification that an appropriate education has occurred (no later than June 30).

Where and How to File

You should deliver the affidavit and attached documents to the superintendent of the school district in which you reside. You can do so in person, by first-class mail or by certified mail with confirmation. You likely will not receive any acknowledgement from the school district but your receipt from the post office confirms receipt of the materials by the school district.

I always kept a copy of the affidavit and objectives for my own records. I've never needed it but I made a copy for my files and sent the original documents to the school.

Some school districts have internal policies which direct you to file the paperwork with the elementary school principal for elementary aged children or a school employee other than the superintendent (pupil services coordinator, school psychologist, assistant superintendent or other building administrator). The law only requires filing with the superintendent. It is completely up to you whether to comply with these special procedures.

My district prefers the elementary principals to handle all paperwork for elementary aged students and I have never had a problem with that.

Now that you've filed your initial documents with the school, you shouldn't have to interact with the district formally until the end of the school year.

If your child plans to participate in an extracurricular activity, Pennsylvania law requires all school districts to have a policy allowing homeschooled children to participate in extracurricular activities as long as the homeschooled student meets the same eligibility requirements as the public school students. Details of the Equal Access Law is beyond the scope of this ebook but you can find more information at Pahomeschoollaw.com

Steps 4-6: Preparing the Portfolio

What's In a Portfolio ?

If you aren't sure what a portfolio is, just think of it as a collection of information which will demonstrate that your child was educated at home.

Pennsylvania homeschool law no longer requires the supervisor to submit a portfolio to the school district but a qualified evaluator must review the student's portfolio and interview the student to certify that "an appropriate education is occurring." The evaluator's certification must be filed with the school district no later than June 30.

Preparing the portfolio for review by a qualified evaluator is comprised of 3 steps: a) preparing a "log"; b) collecting and compiling samples of the student's work and c) obtaining results of test scores in grades 3, 5 and 8. Each of these parts is explained in detail below.

The log is recorded over the course of the year. You can collect samples throughout the year or save it for the spring. Testing can be done at any time during the year but most people save it for spring. The evaluation will take place usually between March and June or anytime after you have compiled a portfolio which demonstrates that an appropriate education has occurred.

4. Keeping a Log

"The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used"-Act 169 of 1988.

There's some debate about the proper form of the log and the degree of detail required, especially as it relates to time.

In its most basic form, a log is a list of books or other materials that the student used. This element of the provision is not widely disputed.

The interpretation of "contemporaneous", however, is debatable. While the definition of "contemporaneous" is clear ("occurring during the same period of time"), the question is when (within the 180 day school year) the list of materials should be recorded...hourly, daily, weekly, or can it be generated at the end of the school year?

The methods can range from keeping a detailed calendar every day and jotting down which titles were used to simply keeping a list of materials and adding to it when the student uses a new title.

The Pennsylvania Department of Education (PDE) maintains that a list of materials must be accompanied by the corresponding dates to prove that the 180 days or 900/990 hours has been met.

The Home School Legal Defense Association (HSLDA) disagrees and suggests that numbering days (1-180) and recording materials used is sufficient but they admit that less detailed logs have been accepted.

I don't agree that either the method proposed by the PDE or by the HSLDA "proves" that the time requirement was met.

I suggest a simple, running list of titles of reading materials used. I don't agree that dates, page numbers or listing number of days is necessary to prove that the home education program is in compliance with the time requirement.

I advocate utilizing whatever method is convenient and appeals to your personality or system of organization. I wouldn't recreate a more or less detailed log to satisfy an evaluator.

A detailed calendar, for example, seems simple enough until you try to do it for multiple children. Also, many resources are utilized daily and it becomes cumbersome to record those (even using a one letter code) daily.

I prepared a simple list for each child in the home education program. I listed all materials that would likely be used repeatedly throughout the year at the top of the form just once (math book, other workbooks, subject texts, newspaper, for example). I indicated with a bracket that these materials were used daily or regularly throughout the year. Below that, I began a list of titles as they were used, including audio CDs and books read aloud. I never included dates.

Below is a blank form that I recommend to prepare a log. The form does not include dates, page numbers or any other notations related to time. Many supervisors simply write a list of resources used and books read on a sheet of notebook paper, which is also acceptable under the law.

Log

Student Name_____ **School Year**_____

This log was made contemporaneously with the instruction and designates by title the reading materials used.

Title of Reading Material Used

"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…."- Act 169 of 1988

The law does not expressly require any indication in the portfolio about the time of instruction but some argue that a dated log is the only way the evaluator can determine whether the legal time requirement for instruction has been met.

I disagree with this assertion. The samples of work, whether dated or not, will likely show progress. Although one sample page satisfies the law, I typically included a math page from the beginning of the year and one from the end of the year to demonstrate progress. This can be done for other subjects as well.

Many homeschooled students read dozens of titles throughout the year, some of which contain hundreds of pages. This is also a reliable indication that the time requirement has been met.

Regardless of whether they're recorded, most homeschooled children complete many more days and hours of instruction than the law requires.

I advocate a method that works for you and your family. If it suits you to keep a highly detailed calendar, it's acceptable to include that in the child's portfolio. Just remember that it is not necessary or required by law. You can always simplify later.

A more simple method is to keep a running list of materials, recorded daily or even weekly. While it's great to get into the habit of recording resources at the end of the day when new titles are introduced, sometimes it's not practical and doing so as soon as is practical isn't a problem.

You may decide to use software or a web-based planning tool to help you plan and record your home education program. These can help you organize the curriculum and subjects for each child for an entire year or shorter time period. I haven't used this method but if you're interested, I've listed both free and paid tools in Appendix B

5. Collecting Samples of Work

Unfortunately, there is no hard and fast rule about what or how many samples must be included in the portfolio. Also, the form of the portfolio is not dictated by the law. It can be in the form of a simple scrapbook, a three-ring binder, a CD, in a manila folder or a few pages in an envelope. Digital portfolios are becoming increasingly popular and are perfectly legal.

It's completely up to each family to decide what form works best for them. For purposes of this ebook, however, I think it's helpful to have some simple guidelines and to share what I did, which was minimal.

Keep in mind that the primary purpose of the portfolio is to demonstrate to the evaluator "sustained progress in the overall program".

The law does not require samples of work from all subjects. The language clearly states "samples of any writings, worksheets, workbooks or creative materials used or developed by the student."

One or two pages that your child has completed from most of the required subjects is more than adequate to complete the portfolio component of the evaluation.

Many homeschooled children will have one page of work which demonstrates multiple subjects. For example, if the child writes a paragraph about something he or she learned from a book about science, it will show handwriting, spelling, grammar and punctuation, language usage as well as the the science topic covered. If the child illustrates the page, it's an exercise in art.

As I mentioned above, I typically included a page or test in math from the beginning of the year and one from the end of the year. Although one sample page of math can be sufficient to show that the subject has been covered.

If your child has completed a summer reading program, activity, camp or other program for which he obtains a certificate of completion, feel free to include a copy in the portfolio. A ticket stub from a museum, local attraction or event is also appropriate. A drawing or other

art project can be included. A photo of a building or historic marker from a place your family visited or studied is appropriate.

You might be wondering, then, what constitutes an adequate "sample" of work for the portfolio to satisfy the law. I submitted a total of 13 pages of my youngest son's work for 4th grade. The list below describes the content of those pages.

- 2 math worksheets (not dated). One sheet was from lesson 1, the other from lesson 25.
- 1 cursive practice page.
- 1 "synonym" worksheet from the internet.
- 1 page demonstrating Mark's own use of synonyms.
- 1 page of handwritten sentences about things he heard and saw.
- 1 science vocabulary crossword.
- 1 illustrated page about science with three sentences about what he learned.
- 1 drawing of our house
- 1 sample of copy work (2 stanzas of "Song of Myself" by Walt Whitman)
- 1 spelling worksheet
- 1 certificate for participating in the elementary school's in-house basketball program.

As you can see, I submitted a minimalistic sample of work which showed work in math, language arts, science, art, and physical education and arguably history (study of Walt Whitman). I want to reiterate here that the law does not require all the subjects to be covered every year.

Even this minimalist sample, along with a log which can show a variety of reading material can demonstrate "sustained progress in the overall program."

If you have any questions about what to include in a portfolio, please visit pahomeschoollaw.com, click on the contact page and feel free to email me anytime. I will respond to your question as soon as I can.

6. Testing Requirements

If your child is in grade 3, 5 or 8, the portfolio must include the results of one of the standardized achievement tests for reading and math. The list of approved tests (as of the

date of publication of this ebook) can be found on the Pennsylvania Department of Education website and include:

1. California Achievement Test (CAT)
2. Comprehensive Testing Program (CTPIV)
3. Iowa Test of Basic Skills
4. Metropolitan Achievement Test
5. Peabody Achievement Individual Test
6. Stanford Achievement Test
7. Terra Nova
8. Woodcock Johnson Revised Test of Achievement III
9. Wechsler Individual Achievement Test III (WIAT-III)

For a list of suppliers for some of these tests, please see Appendix B. Some of these tests require a trained or certified administrator.

Most materials arrive within a week and scores are returned within a week or two after you mail the completed test back. If you experience a delay on either end, contact the company directly.

Be sure to make a copy of the completed answer sheet in case it gets misplaced or damaged, though I've never had a problem. I have always returned the materials via first class mail but you may want to take the extra precaution of mailing it with confirmation of some sort.

The parent (supervisor) determines the student's grade level. However, this should not be used to avoid taking the tests. I wouldn't advise promoting a second grade student to fourth grade, for example, in order to avoid testing in third grade. School administrators will be looking for standardized test scores when they are generally expected! Tests can be inconvenient but it's an important skill to learn and some students enjoy the change in routine.

The only restriction regarding testing is that the test may not be administered by a parent. Another relative, sibling, family friend or another homeschool parent may administer the test. After the test is administered, you will collect the booklet, score sheet and instructions and mail it back to the supplier from which you ordered the test and wait for the scores.

Some of the approved tests are available online. If you choose the online option, the computer administers the test to the student and no other person is required.

Some homeschool co-op groups offer testing and there are other organizations that conduct testing on certain dates all over the state for a fee.

Homeschoolers also have the option of participating in the mandatory testing at the local school district (PSSAs or Keystone Exams) but I wouldn't recommend this option for a few reasons.

First, these exams are not required for homeschoolers. Second, only reading and math are required under the homeschool law and the child would have to complete all sections tested for public school students in their grade. Finally, studies show that students perform better on tests in familiar surroundings. The most familiar environment for homeschooled students is obviously home, not a classroom or other rented space utilized by a testing service.

The results of the test should be included in the portfolio. Poor test scores do not affect parent's right to continue the home education program. There are many reasons why children do not score well on standardized tests, many of which have nothing to do with quality of the home education program.

Some evaluators consider the test results when determining whether the student has demonstrated sustained progress in the overall program. Other evaluators just want to verify that the test was taken in the appropriate grades to satisfy the requirement in the law.

Testing shouldn't be a source of stress for the supervisor or the student.

Step 7: Obtain an Evaluation

Obtaining an evaluation is actually is a 2-step process. The first step is choosing an evaluator, the second is setting up a time toward the end of the school year for the evaluator to review the portfolio and interview your child(ren).

Choosing The Evaluator

Neither the supervisor of a home education program nor a spouse may conduct the evaluation for his own student(s).

The law defines three categories of professionals who are legally qualified to conduct an evaluation of the portfolio: 1) a licensed clinical or school psychologist; 2) a Pennsylvania certified teacher; 3) a nonpublic school teacher or administrator with at least 2 years of teaching experience in a Pennsylvania public or nonpublic school within the last 10 years

A teacher or administrator who evaluates a portfolio at the elementary level (grades 1-6) must have at least two years of experience in grading any of following subjects: English; arithmetic; science; geography; history and civics.

A teacher or administrator who evaluates a portfolio at the secondary level (grades 7-12) must have at least two years of experience in grading any of the following subjects: English, including language, literature, speech, reading and composition; science, including biology, chemistry and physics; geography; social studies, including economics, civics, history; foreign language; and mathematics, including general math, algebra, trigonometry, calculus and geometry.

"Grading" as used in the clause means evaluation of class work, homework, quizzes, class work-based tests and prepared tests related to the classwork subject matter.

Finally, at the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. Some school districts accept evaluations from experienced homeschool parents who are well-informed

about the homeschool law, so long as they are not providing evaluations for their own children.

Other persons who might also get approval from the superintendent, any of whom might be a family member or friend, are; a child development specialist, a speech pathologist, a tutor-even if not certified; a coach with a degree related to one of the subjects listed above; a person with college teaching experience; a music teacher with a degree in one of the subjects listed above and who has lots of experience with your child. These are just examples.

Don't make the mistake of asking the school district for help locating or conducting your evaluation. As I mentioned above, administrators and public school teachers tend to have a narrow view of acceptable work and often apply inappropriate standards for a review of portfolios. If, for some reason, a school employee concludes that your child didn't demonstrate "sustained progress in the overall program", the superintendent might have a reasonable basis for a belief that the home education program is out of compliance.

Most people know a teacher or have a teacher in the family with the experience required by the statute. This is a great choice especially if he or she generally supports your decision to homeschool. If you don't know a teacher or administrator or would rather not have that person conduct the evaluation, other homeschoolers in your area should be able to help you find a qualified evaluator. A quick google search for homeschool groups in your city or region should generate a contact who can refer a list of evaluators. You can also try Facebook groups to find a qualified evaluator in your area. If you are having trouble locating a qualified evaluator, feel free to visit pahomeschoollaw.com for help.

Whomever you choose, it's a good idea to make sure your evaluator understands the standard of review under the law. The role of the evaluator is to certify that an appropriate education is occurring. "Appropriate eduction" is defined in the law as; 1) the required subjects were covered; 2) for the required amount of time (180 days or 900/990 hours); and 3) that the student has demonstrated "sustained progress in the overall program."

If a qualified person agrees to conduct the evaluation who doesn't have prior experience, it's fine to guide them by informing them of the simple standard of review above and pointing out the general requirements of the portfolio. I would emphasize that a sample of work from any of the listed subjects is adequate and that the log does not require dated entries.

If a potential evaluator indicates that she intends to administer an individual achievement test, expects a certain number of books in the log or anything else that isn't specified in the homeschool law, I urge you to choose someone else.

Once you've established a common understanding of the evaluator's role, next you should determine whether a fee will be charged, how she intends to conduct the evaluation and what sort of things she'll need to meet the above-listed criteria to decide whether she's a good fit for your family.

Fees can range from free to more than $100 per student, which, in my view is not warranted for the limited role of the evaluator. An evaluator may justify a high fee for a longer evaluation (1-2 hours).

Longer evaluations often include consulting, curriculum suggestions, parenting advice or other conversation and content that goes beyond what the law requires. When this extra information is initiated and requested by the parent, it's perfectly reasonable to expect to pay for the evaluator's expertise advice and time. If, however, an evaluator imposes this method as part of his routine evaluation, the parent can decide whether she's interested in paying for a service that's beyond the scope of the legal evaluation. Alternatively, you may be able to negotiate a fee based on YOUR expectations, rather than the evaluator's normal course of action.

A brief interview with the student (10-20 minutes) while an evaluator reviews the log and samples you provided is sufficient to demonstrate "sustained progress in the overall program". I would encourage you to choose someone with a lower fee and shorter process. If you have more than one child who needs an evaluation, you should ask for a family discount.

The Evaluation

The evaluation can take place in your home, in the home or office of the person conducting the evaluation or at a neutral location such as a park, library or other public place.

Although the law requires the evaluator to interview the child, the interview does not have to be in person. Technology makes it possible for an evaluator to review a digital portfolio and interview a child via webcam or telephone. Payment can even be made electronically.

Evaluators who are willing to conduct distance evaluations are hard to find but you might have a friend or family member who qualifies and is willing to do it.

The evaluation letter should state that the evaluator reviewed the portfolio, interviewed the child and should certify the following: 1) the required subjects were covered, 2) for the time required, 3) the student has demonstrated sustained progress in the overall program and 4) that "an appropriate education has taken place".

If the student is in grades 3, 5 or 8, the evaluator should indicate that the testing requirements were met.

To download a printable evaluation letter, go to Pahomeschoollaw.com Feel free to share it with your evaluator if he or she doesn't already have one.

Step 8: File The Evaluator's Certification

The Certification

The evaluator’s certification that an appropriate education has occurred must be filed with the school district no later than June 30.

You may submit the evaluator’s certification in the same manner that you filed the affidavit with the school district; by mail or in person.
If you mail the certification, I recommend paying extra for delivery confirmation.

If you submit a certification in person, it’s a good idea to obtain some form of confirmation in writing by whomever accepts it.

You Did It!

Assuming you're new at this, if you've followed the steps outlined in this ebook, not only have you completed a year (partial or full) of educating your child at home, you have satisfied all the legal requirements under Pennsylvania law.

Congratulations!

Need More Help?

For free printable forms, tips and other helpful articles related to homeschooling in Pennsylvania (or anywhere) go to Pahomeschoollaw.com.

If you know anyone who has questions about homeschooling in Pennsylvania, please refer them to the site, encourage them to purchase a copy of this publication or wait for another free promotion event. I've priced the book at an affordable rate to make it accessible to as many people as possible.

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About the Author

Beth Phillips homeschooled her children in Pennsylvania for over a decade. She wrote this ebook and publishes Pahomeschoollaw.com, to help homeschooling parents in Pennsylvania navigate the legal filing requirements. Beth also writes about raising a family and life, in general, at Beinghomeblog.com.

The author is a self-proclaimed social media dummy but you can connect with her on Google+, Twitter and sometimes Facebook. She's passionate about the benefits of homeschooling and loves to encourage new homeschoolers.

She lives with her husband and four children in Pennsylvania.

Acknowledgments

I have always wanted to write a book but never considered creating a non-fiction ebook until a few months ago. I was inspired to try it by a few bloggers and ebook authors, including Amy Lynn Andrews, Pat Flynn and Steve Scott. If you have any inclination to write, visit their sites I promise you'll be inspired, too.

Thank you to my small group of homeschooling friends who continue to inspire me by raising amazing children and being the best support a person could ask for. Alicia, Amanda, Sandee and Beth, keep on keeping on! Also included in this group is Kelly, who not only has been a constant source of encouragement for all of my writing endeavors but who took the time to proofread the book and give me her insightful comments.

To the Berringers: I couldn't have finished this project without your equipment and encouragement. Beth, I can't thank you enough for taking the time to edit the book. Hopefully, it didn't give you night terrors! Thank You!

To my four awesome children: Hannah, Luke, Kate and Mark. I've been so privileged to witness your gifts in action. Thank you for letting me neglect you in order to write this book. Hannah, thank you for lending me your graphic design talents for the cover and the website logo. Kate, thanks for letting me use your computer, I owe you a million billion dollars. Luke and Mark, thanks for encouraging me and not complaining that I was hogging the desktop.

Finally, to Mark, You've been encouraging me for 20 years to write a book. I guess this is my anniversary gift to you. Sorry it's not a best-selling novel. That surely will take another 20 years! I love you and am so grateful that you are mine.

Appendix

Appendix A

Text of the Pennsylvania Homeschool Law*

Revised and Updated**

*[Descriptions in brackets indicate my headings and do not appear in the text of the law]

**Amendments to the law made effective by Act 196 of 2014 are in blue text.

24 P.S. § 13-1327 [Private Tutor Provision]

(a)…"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."

24 P.S. § 13-1327 Compulsory School Attendance

(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

Definitions:

(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.

(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.

[The Affidavit Requirements]

(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.

[Procedures When Moving Within Pennsylvania]

(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.

[Time Requirement for Instruction]

(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:

[Courses to be Taught]

(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.

[Graduation Requirements]

(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.

[Procedures for Awarding Diploma By Supervisor or Organization]

(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.

[Portfolio Requirements]

(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.

[Qualifications of Evaluator]

(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.

[Evaluation Requirements]

(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.

[Access to Textbooks Upon Request]

(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.

[Participation in Sports and Extracurricular Activities]

(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.

*(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.

* [Section (g) was amended to omit reference to the superintendent].

(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 an 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.

Section 2. This act shall take effect immediately.

[The Following Exceptions Will Not Apply to Most Students and Should Not Be Used To Circumvent the home education law]

24 P.S. § 13-1330 Exceptions to compulsory attendance

The provisions of this act requiring regular attendance shall not apply to any child who-

(1) Has attained the age of sixteen (16) years, and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law;

[PDE note: this includes home education programs where the student works during the day]

(2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education;

(3) Has attained the age of fifteen (15) years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence, in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe;

(4) Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in clause (3) of this section, and who has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the issuance of such a permit has first been recommended by the district superintendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction;

(5) Except in districts of the fourth class and those of the third class located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, resides two miles or more by the nearest public highway from any public school in session and no proper free transportation is furnished to such child to and from school.

Appendix B

Links to record-keeping software and planners:

I have not used any of these programs or methods. You should thoroughly research them yourself to determine whether they would be helpful to you.

*Please note that Pennsylvania Homeschool Law does not require keeping track of dates. Using record-keeping software might be helpful if your student will require a transcript for post high school plans or if you prefer to be more organized. I'm offering these as a resource if it's helpful to you, not a legal requirement.

Free Planning and Tracking Software and Printable Planning Resources:

Homeschool Skedtrack

Homeschool Tracker Basic Edition

Donna Young

The Homeschool Mom

Paid Planning and Tracking Software:

Simply Charlotte Mason Organizer (free 30 day trial)

Edutracker

Homeschool Reporting (free 30 day trial)

Homeschool Tracker

Appendix C

Links to providers of standardized tests:

Pennsylvania homeschool law only requires assessment in Reading and Math. If the test you choose includes other subjects, you can ignore those sections or allow the student to complete them for practice.

Results of tests are no longer submitted to the school district. Results (or evidence that the test was taken) should be included in the student's portfolio for students in grades 3, 5 and 8.

Seton Home Study

Triangle Education Assessments

Family Learning Organization

Thurber's Educational Assessments