

HOME SCHOOLING

Act 169 of 1988

And

24 PS 13-1327.1

GUIDELINES AND PROCEDURES

FOR PARENTS/GUARDIANS AND STAFF

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December, 2011

## **INTRODUCTION**

The Board of School Directors of the Norristown Area School District recognizes and accepts its responsibilities under Act 169 to make provisions for home schooling programs to those families who elect this method of instruction over traditional forms of public education.

It is the Board's intention that the Superintendent and his designees comply fully with the spirit of the Act and extend to interested families their full cooperation and assistance.

The following guidelines and procedures have been developed in order to expedite the home schooling process and to insure that the educational interests of the student are protected. As such, District staff are available to assist and work cooperatively with families who are interested in establishing and/or carrying out home schooling programs.

## **BACKGROUND**

In the last term of 1988, the General Assembly passed and the Governor signed into law Act 169, which amends the compulsory school attendance law relating to home schooling. Prior to Act 169, Section 1327 of the School Code created one category of home education, paid private tutoring, and education by a parent, guardian, or legal custodian. There have also been changes in the process by which superintendents approve such programs and then monitor them to ensure that each child receives an appropriate education.

### **1. Private Tutoring (Section 1327)**

Private tutoring by a properly qualified tutor is permitted. A properly qualified tutor is one who:

- Possesses Pennsylvania public school certification
- Teaches one or more children who are members of a single family
- Provides the majority of instruction to the children
- Receives a fee or other consideration
- Has not been convicted of any crime specified by the provisions of Act 34

To initiate private tutoring, the tutor must file with the local superintendent a copy of his or her teaching certificate and a processed Act 34 Request for Criminal History Record Information.

### **2. Home Education (Section 1327.1)**

Act 169 creates a home education category designed to permit parents, guardians, and legal custodians to conduct a home education program for their children. The parent or guardian, called a “supervisor”, must hold a high school diploma or its equivalent and has broad responsibility for the education of the child.

## **PROCEDURES**

The District Superintendent is responsible for approving requests for home education programs for resident children before they begin. The Superintendent must also annually review the program to determine that the child educated at home receives an appropriate education.

Before the Superintendent may approve the home schooling of any child, the parent, guardian, or legal custodian who will be providing the home schooling must provide the following information:

### **1. An Affidavit**

The affidavit must contain the following:

- The name of the supervisor
- The name of each child in the program
- The age of each child in the program
- The address of the program site
- The phone number of the program site
- An outline of proposed educational objectives, by subject area, for the subjects required by law. These subjects include:

#### **A. Elementary Level**

- English-to include spelling, reading, and writing
- Arithmetic
- Science
- Geography
- History of the United States and Pennsylvania
- Civics
- Safety-including regular and continuous instruction in the dangers and prevention of fires
- Health and Physiology
- Physical Education
- Music and Art
- 

#### **B. Secondary Level**

- English-to include language, literature, speech, and composition
- Science

- Geography
- Social Studies-to include Civics, World History, History of the United States and Pennsylvania
- Health and Safety Education-including regular and continuous instruction in the dangers and prevention of fires
- Mathematics, to include General Mathematics, Algebra, and Geometry
- Art
- Music
- Physical Education

C. Such courses 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

D. The following minimum courses in grades nine through twelve are established as a requirement for graduation from a home education program:

- Four years of English
- Three years of Mathematics
- Three years of Science
- Three years of Social Studies
- Two years of Arts and Humanities

**The school district is under no obligation to award a diploma or otherwise acknowledge the completion of a home-schooled student's education.**

E. Assurance that the education program meets the requirements of this act.

F. Certify that the supervisor and all adults living in the home and other custodial adults have not been convicted of criminal offenses listed in Section III (E) of Act 34 within the last five years immediately preceding the date of the affidavit.

- Special Note: An Act 34 Criminal History Record is not required.

## **2. Immunization Record**

Students participating in the home school program must meet the requirements of the Immunization Law, provide a copy of the Pennsylvania Department of Health Certificate of Immunization, and provide evidence that the child has received health services.

## **3. Portfolio**

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

- A. A contemporaneous log of instructional activity, which identifies by title the reading materials, used by the supervisors.
- B. Samples of writings, work sheets, workbooks, or creative materials used or developed by each child.
- C. In grades 3, 5, and 8, the results obtained on a “nationally-normed standardized achievement test” approved by the Department for home school supervisors to choose. The supervisor shall ensure that the child’s parent or guardian does not administer the nationally normed standardized tests. The Department has approved ten nationally normed standardized tests for home school use. They are:
  - California Achievement Test
  - Comprehensive Testing Program (CTPIII)
  - Comprehensive Test of Basic Skills
  - Iowa Test of Basic Skills
  - Metropolitan Achievement Test
  - Peabody Individual Test
  - Stanford Achievement Test
  - Terra Nova
  - Wide Range Achievement Test
  - Woodcock Johnson Revised Tests of Achievement

#### **4. Review and Written Evaluation**

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

- A. A licensed clinical or school psychologist
- B. A teacher certified by the Commonwealth of Pennsylvania who possesses the specific qualifications for evaluators in Section 13-1327.1(e) (2).
- C. A non-public school teacher "or administrator with at least two years" experience within the past ten years in a Pennsylvania public or non-public school who possess appropriate experience in evaluating student performance. The written evaluation must contain a certification of whether "an appropriate education is occurring" based upon an interview of the child and the results of the portfolio review. Any person selected by the supervisor can conduct the annual review and evaluation, as long as he or she satisfies the above-listed statutory requirements or has the prior approval of the superintendent of the school district of residence and is not the parent or guardian of the child in question.

#### **5. Submission to the Superintendent**

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

## 6. Notice of Hearing

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

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

If additional documentation is submitted, and the superintendent determines that the additional documentation submitted still does not demonstrate that an appropriate education is taking place in the home education program, he or she shall so notify the supervisor of the home education program by certified mail, and return receipt requested. The school board shall provide for a proper hearing by a duly qualified and impartial hearing examiner within 30 days. The "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. A solicitor or superintendent from another district could, if impartial, carry out this function. The examiner shall render a decision within 15 days of the hearing except that he may require the establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program. The decision of the examiner may be appealed by either the supervisor, the superintendent to the Secretary of Education, or the Commonwealth Court. If the hearing examiner finds that the documentation does not indicate that appropriate education is taking place in the home education program, and there is no appeal, the home education program for the child shall be out of compliance with the requirements of this section and Section 1327.1. The student should be promptly enrolled in the public school district of residence or a non-public school or a licensed private academic school. At such time as the child's home education program has been determined to be out of compliance, the supervisor, or spouse of the supervisor, of the home education program shall be *ineligible* to supervise a home education program for that child for a period of 12 months from the date of such determination.



## **7. Handicapped Students**

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

## **8 Transfers**

When a home education program site is relocating to another school district within this Commonwealth, the supervisor of the home education program must apply, by registered mail, 30 days prior to the relocation, to the superintendent of the district in which he or she currently resides, requesting a letter of transfer for the home education program to the district to which the home education program is relocating . The current superintendent of residence must issue the letter of transfer not later than 30 days after receipt of the registered mail request of the home education program supervisor. If the home education program is not in compliance with Section 1327.1, the superintendent of the current district of residence must inform the home education supervisor and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer. If the home education program is in hearing procedures, the superintendent of the current district of residence must inform the home education supervisor, the assigned hearing examiner, and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

The letter of transfer must be filed by the supervisor of the home education program with the superintendent of the new district of residence, In the case of pending proceedings, the new district of residence superintendent shall continue the home education program until the appeal process is complete.

## **9. Loan of Material**

The opportunity to cooperate with supervisors of home study programs in the loan of materials should be welcomed by the district as a way to positively effect the home-schooled child's education.

The NASD will loan copies of planned courses, textbooks, and other non-consumable curriculum materials that are appropriate to the student's age and grade level to the home school supervisor of a home schooling program upon written request.

## **10. Extra Curricular Activities**

Home education students (those being educated by private tutor or in a home schooling program) are not enrolled in the NASD; therefore, they are not eligible to participate in school district courses, programs, or co-curricular activities. Home education students are permitted to participate in extracurricular activities offered by the district. Such activities would include, but are not limited to, clubs, sports, musical ensembles and theatrical productions. Participating home education students must meet equivalent participation criteria and tryout criteria as students enrolled in the district. Through ACCESS PA, home schooled children may obtain district books through the Internet and Public Library.

## **11. Sample Forms**

- A. District's Initial Checklist Form
- B. Affidavit Form
- C. Loan of Material Form
- D. Superintendent's Annual Review Form

# **S A M P L E** **F O R M S**

**NORRISTOWN AREA SCHOOL DISTRICT**  
**Norristown, Pennsylvania 19403**

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Norristown, Pennsylvania 19403**

**DISTRICT'S INITIAL CHECKLIST FORM**

- ✓ Home Schooling Affidavit Form completed and notarized.
- ✓ Educational objectives by subject area are attached to the Affidavit.
- ✓ Copy of the Pennsylvania Department of Health Certificate of Immunization is provided.
- ✓ Report of medical examination provided:
  - \_\_\_\_\_ initial entry into school
  - \_\_\_\_\_ 6<sup>th</sup> grade
  - \_\_\_\_\_ 11<sup>th</sup> grade
- ✓ Report of dental examination provided:
  - \_\_\_\_\_ initial entry into school
  - \_\_\_\_\_ 3<sup>rd</sup> grade
  - \_\_\_\_\_ 11<sup>th</sup> grade
- ✓ Evidence of a comprehensive health record provided.

**NORRISTOWN AREA SCHOOL DISTRICT**  
**Norristown, Pennsylvania 19403**

**LOAN OF MATERIAL FORM**

The NASD shall, at the request of the home school supervisor, lend the District's planned courses, textbooks, and other curriculum materials appropriate to the student's age and grade level.

Student's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Parent/Guardian's Name: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Please list exact material borrowed:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

NORRISTOWN AREA SCHOOL DISTRICT  
Norristown, Pennsylvania 19403

**SUPERINTENDENT'S ANNUAL REVIEW FORM**  
**Home-School Education**

**Student's Name:**

**Address:**

- ☐ Detailed portfolio of records and material (instructional activity, sample writings, worksheets, and workbooks) provided.
- ☐ Provide results of an achievement test (California Achievement Test, Comprehensive Testing Program (CTPIII), Comprehensive Test of Basic Skills, Metropolitan Achievement Test, Peabody Individual Test, Stanford Achievement Test, Terra Nova, Wide Range Achievement Test, Woodcock Johnson Revised Tests of Achievement) for children in grades 3, 5, and 8.
- ☐ Annual review completed by:
  - \_\_\_\_\_ Licensed clinical or school psychologist
  - \_\_\_\_\_ Certificated teacher or school principal
  - \_\_\_\_\_ Non public school teacher or administrator
- ☐ The annual review by one of the above contains a certification that an appropriate education is occurring based upon an interview of the child and the results of the portfolio review.

Based upon a review of all the material provided, it is my opinion that Peter is receiving an "appropriate education" as defined in Section 1327.1 as a program consisting of instruction in the required subjects for the time required in this Act and in which the student demonstrates sustained progress in the overall program.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent of Schools

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Special Services

**NORRISTOWN AREA SCHOOL DISTRICT**  
**Norristown, Pennsylvania 19403**

**HOME SCHOOLING AFFIDAVIT FORM**

**AFFIDAVIT OF THE SUPERVISOR OF A HOME EDUCATION PROGRAM**

To the superintendent of the Norristown Area School District

My name is \_\_\_\_\_ and I am the parent, guardian or legal custodian  
of \_\_\_\_\_. I am the supervisor of the home education program  
and am responsible for the provision of instruction in the home education program, and I have  
earned a high school diploma or its equivalent. My child's date of birth is \_\_\_\_\_ and  
his/her age is \_\_\_\_\_.

The program will be conducted at: \_\_\_\_\_ (address)

The phone number at this site is: \_\_\_\_\_ (phone number)

- 1 I attest that the home education program will be in compliance with Section 13-1327.1 of Pennsylvania Statutes Annotated.
- 2 I attest that the subjects listed in paragraph four and five below will be offered in the English language for a minimum of 180 days of instruction or a minimum of 990 hours for secondary level and 900 hours for elementary level.
- 3 I attest that the following courses shall be taught at the **Elementary School level**: English, to include spelling, reading, and writing, arithmetic, science, geography, history of the United States and Pennsylvania, civics, safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; and art.
- 4 I attest that the following courses shall be taught at the **Secondary School level**: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics to include general mathematics, algebra, and geometry; art; music, physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires. Other courses may be included at the discretion of the supervisor.
- 5 I attest that the education objectives in the home education program are by subject area as attached to this affidavit. **(attach objectives)**
- 7 I attest that \_\_\_\_\_ has been immunized against the  
(student's name)  
following diseases and I have attached evidence there of or said student has a medical or religious exemption pursuant to section 1303 © and (d) of Pennsylvania Statutes Annotated.

Diphtheria  
Measles (Rubella)  
Hepatitis B

Tetanus  
German Measles (Rubella)

Poliomyelitis  
Mumps

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

7. Attest that no adult living in the home, including the undersigned supervisor, or any person having legal custody of \_\_\_\_\_ has been

(student name (s))

convicted within five years of today's date of any of the following offenses under Section III of the Pennsylvania Consolidated Statutes.

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape)

Section 3122 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault)

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of a child)

Section 4304 (relating to endangering the welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under Section 5902 (b) (related to prostitution and related offenses).

Section 5903 © or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.63) know as "the Controlled Substance, Drug, Device and Cosmetic Act".

An out-of-state or Federal offense similar in nature to those crimes listed above.

Signed and Notarized

\_\_\_\_\_  
Supervisor's Signature

Attachments:

Education objectives by subject matter

Evidence of immunization

Evidence of health and medical services