

## **SCHOOL DISTRICT RESPONSIBILITIES**

School districts are responsible to ensure all students living within their district borders comply with compulsory school attendance.

Charter, cyber charter, private and nonpublic schools all are responsible to provide the school district with a list of the students enrolled in their schools; private tutors also are responsible to provide the list of their students ([24 P.S. § 13-1332](#)).

Homeschooled students are reported to the school district via an affidavit submitted each year by the supervisor of the program ([24 P.S. § 13-1327.1\(b\)](#)).

### ***Brief Tour of School District Responsibilities***

These topics are covered more fully in other sections of this guide.

#### ***Tracking home education programs***

Home education programs are to submit to the superintendent of the school district of residency the yearly affidavits by August 1 and evaluations by June 30 for each student in a home education program ([24 P.S. § 13-1327.1\(b\),\(h.1\)](#)).

School districts are required to maintain records for home education students in their district. These are important for such things as letters of transfer, outbreaks of communicable disease, and proof of completion of a home education program.

#### ***Private tutoring programs***

The law provides for an alternative to homeschooling in the private tutoring laws and regulations. In this option, parents hire a PA certified teacher to provide instruction and oversight of their children's education rather than the parents providing the instruction and oversight through a home education program. If a parent is a PA certified teacher, they may privately tutor their own children.

The usual background checks for teachers must be submitted to the school district by the private tutor.

#### ***Tracking private tutoring programs***

Rather than an affidavit, private tutors are to submit to the school district a list of all students they are privately tutoring. Parents are to provide written assurance to the school district that the legal instructional requirements have been met and immunization and medical services records.

#### ***Transferring to another district***

When a homeschool family moves from one school district to another in PA, an official letter of transfer is required. This letter substantiates that the home education program is in compliance with the home education law.

#### ***Transferring into public or private school***

If a child enrolls in a public or private school after homeschooling, there must be a determination of the grade level to which the child is assigned and/or the high school credits that will be awarded. The grade to which the supervisor of the home education program may have assigned their child may not be the same grade in the school to which the child is enrolling. The school will determine the appropriate grade.

*Truancy*

Homeschooled are not bound by the days and hours that public school is in session and may not be considered truant during those times. The supervisor of the home education program sets the periods of time for studies, which may be defined as evenings and weekends.

*Challenges to an appropriate education*

There are instances in which a school district may convene a proper hearing regarding whether an appropriate education has occurred. These may include such things as an end-of-year or mid-year evaluation that has not been submitted after a 30-day notice by certified letter from the superintendent to the supervisor of the program.

The hearing may result in a remedial program or the loss of the right to homeschool for 12 months for that student.

*Age versus grade*

Since the affidavit is based on age, not grade, many districts are concerned about fulfilling their obligation for such things as tracking immunizations and health and medical services when a parent chooses to declare only the age of the student and not a grade.

Comparing the age of the child listed on the affidavit with the expectations in the laws and regulations regarding the age of a child in a given grade may help the school district reasonably infer when certain information is due. See the *Age versus Grade* section of this guide for further details.

*School Year*

The school year is defined as July 1 to June 30 of the following year. These dates are the boundaries for reporting completed work and time spent in homeschooling.

*Dual and concurrent enrollment*

Districts determine whether they will allow homeschooled students to participate in curricular subjects at the school district (dual enrollment).

If a school district has a concurrent enrollment program (enrollment in an institution of higher learning), homeschooled students must be allowed to participate. These are reimbursable costs. See [24 P.S. § 16-1602-B](#) and [22 Pa. Code § 11.33](#).

*Work permits*

The school districts are responsible to issue and track permits for homeschooled students. These students are allowed to work during the day.

Homeschooled students who are 16 and 17 may work during the time school is in session as long as they do not work more than 6 consecutive days in one week, more than 8 hours per day, or more than 44 hours per week. Those students may not work after midnight (Sunday through Thursday) during the school year.

*Written policies*

School districts should have written policies on attendance. This would include whether Dual Enrollment is allowed and how support for students with special needs will be handled, if allowed. See [22 Pa. Code § 11.41](#).



*Home education programs above compulsory age*

Act 196 of 2014 provides that supervisors of home education programs and approved diploma-granting organizations may award state-recognized high school diplomas. In keeping with this provision, any student of school age may begin or complete a home education program.

School age is defined as “the period of a child’s life from the earliest admission age to a school district’s kindergarten program until graduation from high school or the end of the school term in which a student reaches the age of 21 years, whichever occurs first,” ([22 Pa. Code § 11.12](#)).

*Home Education & Private Tutoring Report*

The Home Education and Private Tutoring Report (PDE 4097) is due as part of the October 1 PIMS reports, and covers the home education and private tutoring enrollments of the previous school year.

*Graduation and the PHEAA Form*

With the passage of Act 196 of 2014, school districts no longer review home education portfolios. However, for those students who graduated from home education programs prior to the passage of Act 196, the school district continues to be responsible to verify the completion of the home education program for any student seeking PHEAA funding.

The home education law defines what is required for a homeschooled student to graduate from a home education program. The superintendent must comply with verifying to PHEAA that the student has completed the home education law’s requirements.

***Tracking Home Education Programs****Affidavits*

Home education programs are to submit yearly affidavits to the school district for each student in a home education program. These are due to the district at the commencement of any new home education program or by August 1 for subsequent years of a home education program ([24 P.S. § 13-1327.1 \(b\)](#)).

Through submission of homeschool affidavits, school districts ensure students of compulsory school age are enrolled in a legally-recognized educational program.

*Evaluations*

Evaluations are due to the superintendent’s office by June 30 of each school year stating whether an appropriate education has occurred for each student ([24 P.S. § 13-1327.1 \(h.1\)](#)).

If the evaluation is missing, the superintendent must send a certified letter, return receipt requested, to the supervisor of the home education program stating that the certification is past due and notify the supervisor that they must submit the certification within 10 days of receipt of the letter. If the certification is not submitted within that time, the school directors provide for a proper hearing.

The school district calling supervisors on the phone regarding missing evaluations does not replace the legal requirement for the certified letter. Until the legal process is followed by the school district, the supervisor has the right to continue to homeschool.

### ***Tracking Private Tutoring Programs***

Private tutors are to submit a list of the names and residences of all children between six (6) and eighteen (18) years to the school district of their student's district of residence. Students are to be reported immediately after their admission to the program. If a student leaves a private tutoring program, the private tutor must at once report it to the school district ([24 P.S. § 13-1332](#)).

Through submission of the list of privately tutored students, school districts can ensure students of compulsory school age are enrolled in an educational program.

School districts must ensure all private tutors have current background checks. The same background checks are required of private tutors as for school district teachers, even if the private tutor has only their own children as students.

### ***Tracking the Immunizations and Medical Services***

The school district is given the responsibility of tracking the immunizations and medical services that have been provided to the children in a community.

In [24 P.S. § 13-1327.1\(b\)](#), which delineates the contents of the home education affidavit, there are two medical references in the home education law to other laws. These legal references make clear that these additional laws also apply to homeschool students, even though those laws themselves do not specifically mention homeschooled or privately tutored students. They also ensure there was no confusion over whether homeschooled students were exempt.

- Section 1303(a) [[24 P.S. 13-1303\(a\) Immunization required; penalty](#)]
- Article XIV (all) [[Article XIV School Health Services](#) (Act 14 of 1949)]

The records are kept for at least two years after transferring or graduation ([24 P.S. § 14-1409](#)).

[24 P.S. § 13-1327.1\(b\)](#) requires evidence that homeschooled students have been immunized in accordance with [24 P.S. § 13-1303\(a\)](#) and the medical services of Article XIV have been received. These are the only items in the list of contents of the affidavit that requests "evidence" beyond the notarized affidavit.

### ***Proper Hearings***

Home education programs are required to submit their portfolios for evaluation to their home education evaluator each school year. The evaluation then must be submitted by the supervisor of the home education program to the superintendent of the student's district of residence by June 30 of each school year. See the *Home Education Evaluators* section for further details.

#### ***When a hearing is appropriate***

##### **1. End-of-year evaluation**

If the supervisor fails to submit the evaluation by June 30, 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 ([24 P.S. § 13-1327.1\(h.1\)](#)).

## 2. Mid-year evaluation

If the superintendent has a reasonable belief, at *any* time during the school year, that 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 and including the basis for the reasonable belief. The evaluator's certification stating that an appropriate education is occurring for the school year under review must be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. 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). See [24 P.S. § 13-1327.1\(i.1\)](#).

A mid-year evaluation may provide timely feedback for correction to the home education program, if any deficiencies are discovered. The outcome of the hearing may be the establishment of a remedial education plan.

## 3. Non-compliance for any other provision

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). See [24 P.S. § 13-1327.1\(j.1\)](#).

The certified letter is sent to the supervisor of the home education program, return receipt requested, to the address listed on the affidavit. If the letter is returned to the school district, not having been accepted by the supervisor, the hearing is scheduled and proceeds with or without the supervisor's presence.

Any hearing as a result of subsections (h.1), (i.1) or (j.1) must be scheduled within 30 days and the examiner must render a decision with 15 days of the hearing. Beginning and completing the process in a timely fashion enables resolution before the next school year begins.

### *The hearing examiner*

The Hearing Examiner may 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 ([24 P.S. § 13-1327.1\(a\)](#)).

Since the hearing examiner must be impartial and must know how to conduct a proper hearing, one possibility may be to contact the county bar association for the names of attorneys who may be interested in serving as a hearing examiner ([24 P.S. § 13-1327.1\(k\)](#)).

Documentation required by this section to be submitted to the hearing examiner must be returned the supervisor of the home education program upon completion of the hearing examiner's review. The hearing examiner may photocopy all or portions of the documentation for his files ([24 P.S. § 13-1327.1\(q\)](#)).



*Outcomes of a hearing*

While the outcome of a hearing may be that the student may not be homeschooled for the next 12 months from the date of the determination of the hearing, another option is the establishment of a remedial education plan, mutually agreed to by the superintendent and supervisor of the home education program ([24 P.S. § 13-1327.1\(k\),\(l\),\(m\)](#)).

The remedial plan may be particularly useful in a mid-year evaluation when corrections to the program may help the home education program to complete the year successfully. A remedial plan might include periodic evaluations during the school year so that the supervisor may receive timely guidance for their home education program.

A hearing for a home education program is specific to a student, not to all students in a family, and the results of the hearing are specific to the student whose education is challenged.

*Appealing the hearing outcome*

The decision of a hearing 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. The home education program may continue during the time of any appeal ([24 P.S. § 13-1327.1 \(k\),\(l\)](#)).

***Truancy***

In the course of the school year, students that are homeschooled are not considered truant if they are not schooling during the times that the public school is in session ([24 P.S. § 13-1333\(d\)](#)). In other words, students that are homeschooled are not limited to 8 AM – 3 PM from Monday through Friday; homeschool supervisors are free to set very different schooling hours for their children.

The portfolio, for which an evaluation must be submitted June 30, must contain the evidence that the student has met the compulsory attendance requirements for homeschooled students. This may be accomplished through the option of either days or hours; both are not required ([24 P.S. § 13-1327.1\(c\)](#)). Questions regarding students who do not complete the attendance requirements are handled through a proper hearing ([24 P.S. § 13-1327.1\(j.1\)](#)).

**Attendance Option: Days (K-12)**

- 180 days of instruction, regardless of the number of hours spent each day

**Attendance Option: Hours for Elementary Level (K-6)**

- 900 hours of instruction, regardless of the number of days

**Attendance Option: Hours for Secondary Level (7-12)**

- 990 hours of instruction, regardless of the number of days

***Letters of Transfer***

When a homeschool family moves from one school district to another in PA, an official letter of transfer is required ([24 P.S. § 13-1327.1\(b\)\(2\),\(b\)\(3\)](#)). This letter substantiates that the current home education program is in compliance with the home education law.

*Programs in compliance with the law*

As a result of [Act 196 of 2014](#), school districts no longer collect the portfolio, but only the affidavit and evaluation. If a notarized affidavit was submitted, as required by law, and the last required evaluation affirmed that the student had an “appropriate education,” then the school district would issue the letter of transfer unless a complaint has been filed against the home education program ([24 P.S. § 13-1327.1\(j.1\)](#)).

*Issuing the Letter of Transfer*

The supervisor of the home education program must apply, by registered mail, thirty (30) days prior to the relocation, to the current superintendent of residence, 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. The law does not stipulate what the letter must contain, but it must indicate the home education program is in compliance with the law.

The letter of transfer must be filed by the supervisor of the home education program with the superintendent of the new district of residence.

*Programs not in compliance*

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.

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.

In the case of pending proceedings, the new district of residence superintendent shall continue the home education program until the appeal process is finalized.

***Transferring from Public School to Homeschooling***

Any student who switches from public school to homeschooling is treated as a transfer and no longer counted in the graduation cohort. It is the same as if the student transferred to another school; they are not counted as a dropout.

However, for homeschooling to be an official change in status, the supervisor must submit the required affidavit and accompanying documentation.

***Transferring from Homeschooling to Public School***

With the passage of Act 196, school districts no longer review portfolios and evaluators do not necessarily list on the evaluation the courses that have been completed in the previous year. Thus, school districts may not have any indication of the course credits that could be accepted.



School districts may ask to see the portfolios they have not reviewed as a condition for credit or ask for a formal evaluation that lists the completed courses so that the school district can accept credit for them. Otherwise, they no longer have anything to go on.

Additionally, there is nothing in the law or regulations that require a school district to accept any credits from homeschooling. School districts handle the integration of former homeschoolers in various ways.

*Some options in transfer of course credits*

- Compare the school's courses to the courses completed in the home education program and give credit where they intersect; work with the student to make up any deficiencies toward graduation requirements.
- Accept all home education credits, giving "elective" credits for those courses the school district does not offer.
- Accept the student into the grade which the home education program has placed the student, especially in grade school.
- Do not accept any credits from a home education program

Students enrolling in high school must complete all the school district's graduation requirements in order to graduate from that district. There may be many requirements beyond the requirements for a home education graduation.

***Dual Enrollment for Homeschooled and Privately Tutored Students***

See the *Home Education Curriculum* section in this guide, where dual enrollment of homeschooled students (students participating in curricular subjects at the school) is discussed.

Students taking a class with the school district by dual enrollment will be assigned a PAsecureID so that they can be counted in the Pennsylvania Information Management System (PIMS).

School districts are reimbursed on a pro rata basis for those classes taken by dual enrollment. See [22 Pa. Code § 11.33](#).

***Standardized Testing***

In grades three, five and eight, homeschooled students are required to report the result of PDE-approved nationally normed standardized achievement tests in reading/language arts and mathematics or the results of Statewide tests administered in these grade levels. The approved alternative tests are listed on the [Home Education and Private Tutoring](#) homepage.

Homeschool students have a right to take the Statewide tests (PSSA or Keystone exams) with the school district but they are not required to do so ([24 P.S. § 13-1327.1\(e\)\(1\)](#)).

The Data Recognition Corporation (DRC) tracks student scores; they can advise schools how to handle homeschool testing and results. Call 800-451-7849.

***Labeling Instructions***

- Put a "District Label" on the student's test booklet; this will ensure that the results are sent to the correct school district.



- Do not assign a PaSecureID – leave that blank (unless this is for a class in which the student is dually-enrolled).
- Fill in the student's name on the test.
- Mark the bubble "Student is home-schooled and assessed at parental request." This will ensure that the student's results are not included in the district's/school's results.

### ***Enrollment in a post-secondary institution***

#### *Concurrent enrollment programs*

See the *Home Education Curriculum* section in this guide, where concurrent enrollment for homeschooled students (enrollment in an institution of higher learning) is discussed.

A school district must allow homeschooled students to participate in a concurrent enrollment program if it is offered to the students in their public school. See [24 P.S. § 16-1602-B](#) and [22 Pa. Code § 11.33](#).

Concurrent enrollment programs have not been funded by the state for a number of years. However, [24 P.S. § 15-1525](#) and [22 Pa. Code § 11.5](#) are not the same as a concurrent enrollment program and participation by homeschooled students is at the discretion of the school district for this option.

#### *Agreements with institutions of higher education*

School districts may enter into agreements, other than concurrent enrollment agreements, with institutions of higher education. Nothing in the law requires a school district to allow homeschooled or privately tutored students to participate in these agreements. See [24 P.S. § 15-1525](#).

### ***Work Permits***

The Pennsylvania Child Labor Law (CLL) was enacted to "provide for the health, safety, and welfare of minors by forbidding their employment or work in certain establishments and occupations, and under certain specified ages." The CLL requires minors to obtain work permits prior to beginning work. This law, with the exception of farm work or domestic service in a private home, covers work in any establishment other than the minor's residence.

While homeschool students are allowed to work during the day, as is discussed in the following FAQ, school districts also are responsible to track and issue permits for these students.

Documentation and [Frequently Asked Questions](#) are provided online, as in the following home education question.

Question: If a student is being home schooled, do all of the child labor laws apply?

Answer: The U.S. Department of Labor has ruled that home schooling is not grounds for an exception to the federal Fair Labor Standards Act (FLSA) and thus all work by 14- and 15-year-olds is prohibited during the time the local public school is in session. Since the FLSA does not cover 16- and 17-year-olds, the Pennsylvania Department of Education has ruled that home schooled students who are 16 and 17 may work during the time school is in session as long as they do not work more than 6 consecutive days in one week, or work more than 8 hours per day or more than 44 hours per week. Those students may not work after midnight (Sunday through

Thursday) during the school year. It would be helpful if the parent provides the employer with written verification that the student is being schooled at home.

## **Records**

School districts are required to maintain records for home education students in their district. These records are important for such things as proof of compulsory attendance and letters of transfer.

School districts are required to accept the affidavit (and its accompanying documentation) and the evaluation each school year for students of school age ([24 P.S. § 13-1327.1\(b\)\(1\),\(h.1\)](#)).

Prior to Act 196 of 2014 (October 31, 2014), school districts were required to maintain a record of the completed mandatory courses and courses completed toward graduation requirements. These transcripts provided the documentation as to whether a student was making sustained progress in the overall program and provided documentation for signing the PHEAA form for students who did not associate with one of the authorized diploma-granting organizations.

School districts should continue to maintain historical transcripts for future reference for those cases where a student graduated prior to Act 196 but who may desire state funding for higher education. However, the school district no longer has the responsibility for maintaining these detailed transcripts for students since Act 196 was signed.

Nevertheless, the school district should maintain a base record for all homeschooled students indefinitely, including:

- dates for which affidavits and evaluations were submitted for each student,
- name of the supervisor of the home education program,
- address of the home education program,
- the name of the twelfth grade (graduating year) evaluator,
- immunization and medical services (for a minimum of two years following graduation), and
- a notation of evidence of graduation, when provided by the parent.

The awarding of a supervisor-issued diploma is dependent upon the student being compliant with Section 1327.1 of the law; the diploma must be signed by the twelfth grade evaluator ([24 P.S. § 13-1327.1\(d.1\)](#)).

The *Diplomas* section of this guide offers detailed information.

## **Residency**

Home education supervisors must file a notarized affidavit with the superintendent of the school in the district of residence ([24 P.S. § 13-1327.1\(b\)\(1\)](#)). The affidavit must contain "the address and telephone number of the home education program *site*," which may be different than the child's *residence*.

The definitions of habitation, residence and domicile were decided by PA Supreme Court decision (January 20, 2000) [IN RE: RESIDENCE HEARING BEFORE the BOARD OF SCHOOL DIRECTORS](#):



*"Domicile [is] that place where [people have their] true, fixed and permanent home and principal establishment, and to which whenever [they are] absent [they have] the intention of returning." Id. "Residence," in contrast, is "a factual place of abode" evidenced by a person's physical presence in a particular place. Id.*

*[As] we stated in Lesker Case, 377 Pa. 411, 418, 105 A.2d 376, 380 (1954), "in strict technical terminology a habitation may be defined as an abode for the moment, residence a tarrying place for some specific purpose of business or pleasure, and domicile the fixed, permanent, final home to which one always intends to return." (Emphasis in original).*

This sometimes is rephrased simply as "where the parent(s) lay their head at night."

Residency is important because the school district of residence has obligations to homeschooled students for a number of things, such as tracking the affidavits and evaluations; lending copies of the school district's planned courses, textbooks and other curriculum materials appropriate to the student's age and grade level; allowing participation in extracurricular activities; and allowing concurrent enrollment, if the district has a concurrent enrollment program. Additionally, districts may provide dual enrollment and provide support for IDEA students, at their discretion.

Families that travel continue to maintain a residence in PA, for purposes of educational accountability, as long as they do not stay in any one location for an extended period of time but are moving around ("habitation"). Otherwise, for educational accountability, they are considered residents of the other location, even if they maintain a domicile in PA.

If someone moves into a school district from another school district within PA, they are required to submit a letter of transfer from the former school district. If the family is from out-of-state, the letter of transfer is not required but the school district may reasonably ask for proof of residency, since the affidavit is to be presented to the superintendent of the district of residence.

### ***Written Policies***

School districts are required to have written policies on attendance ([22 Pa. Code § 11.41](#)). This would include such things as whether dual enrollment is allowed and how support for students with special needs will be handled, if allowed.

### ***Reporting Home Education & Private Tutoring Enrollments***

The *Home Education and Private Tutoring Report* (PDE 4097) has been incorporated into the October 1 PIMS report.

To gather the information, a *Sample Statistics Report* is provided as a link on the [Home Education and Private Tutoring](#) homepage. Complete the Sample Report and provide the collected information to the PIMS coordinator.

### ***Graduation and the PHEAA Form***

The home education law defines graduation requirements from a home education program ([24 P.S. § 13-1327.1\(d\)](#)).

Completion of these requirements is a prerequisite for obtaining state financing for higher education from the Pennsylvania Higher Education Assistance Agency (PHEAA) unless the student has been awarded a Commonwealth Secondary School Diploma.

For students who completed their home education graduation requirements before Act 196 of 2014 was signed (October 31, 2014), but were not affiliated with one of the organizations that are authorized to grant a diploma recognized by the Department of Education, they may request that the superintendent sign the *PHEAA form* as proof that they have completed all that the home education law requires. The superintendent must comply with verifying to PHEAA that the student has completed the home education law's requirements. See [22 Pa. Code § 121.21\(c\)](#).

See the *Diplomas* section.