

NATIONAL CENTER FOR LIFE AND LIBERTY
HOMESCHOOL CENTER
Alabama

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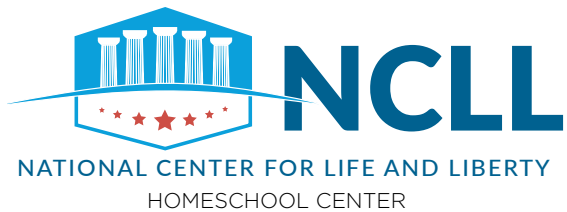
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The National Center for Life and Liberty is a nonprofit legal ministry dedicated to protecting and defending the Bible-based values upon which our nation was founded. Homeschool Center—an outreach of the NCLL—was created to be a legal help and resource to homeschool families. Protecting. Equipping. Serving. HC is a fresh approach to homeschooling legal help. For more information and to join, visit <http://homeschool.ncll.org/>. Legal challenges and questions will come—let the NCLL be there to help you when they do.

The following is an explanation of homeschool law for Alabama along with references to additional and more exhaustive resources.





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Dear Homeschool Family,

More and more parents across the country and around the world are exercising the choice to educate their children at home. At the National Center for Life and Liberty, we are committed to defending the fundamental rights of parents to direct and control the upbringing of their children, which includes protecting and defending their right to homeschool. We are also committed to providing our members with help and encouragement so they can homeschool legally and with excellence. When families join the Homeschool Center at the National Center for Life and Liberty, they can rest assured that we will be there if and when they have legal questions about their homeschooling. Our members have access to summaries of homeschool state laws as well as an attorney to assist them with all legal compliance questions. We also provide the following services:

- Guidance on pursuing sports or extracurricular activities with the public school
- Guidance on seeking special needs services from the public school
- Pro bono legal representation in litigation if we determine the issue will advance homeschool liberty
- Assistance in college, trade school, and financial application eligibility questions
- Assistance with social security benefit eligibility for homeschoolers
- Advising in social service issues that are related to homeschool issues

The ministry of the NCLL's Homeschool Center is exactly that—a ministry. We are here to serve you and defend your right to raise and educate your children. In keeping with this mission, the NCLL does everything possible to keep costs low so that we can serve homeschoolers all across the country. Also, while other organizations require an “application” process and require you to follow narrowly defined rules, the NCLL Homeschool Center invites you only to complete a simple “registration” process in order to join. We do not want to control your homeschooling efforts; we are here to provide you with information, encouragement, and support as you diligently homeschool your children.

We are called of God and committed to serving you and your family! Please let us know how we can be of assistance to you.

Thank you for the privilege,

Attorney David C. Gibbs III
President and General Counsel
National Center for Life and Liberty

ALABAMA HOMESCHOOL LEGAL REQUIREMENTS

Alabama residents have the right to homeschool their children. The state, however, does place certain requirements that you, as a parent or guardian, need to follow. Three different options are available.

THE THREE OPTIONS ARE:

- **Option 1:** Establishing or enrolling in a church school
- **Option 2:** Establishing a private school in the home
- **Option 3:** Hiring a private tutor

OPTION 1

Establishing or enrolling in a church school

Church schools offer any combination of preschool through twelfth grade instruction through on-site or home programs and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches that don't receive state or federal funding.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between the ages of six and seventeen. The parent of a child who is at least six years old may opt out of enrolling by written notification to the local school board.

Note: Church-schooled students are exempt from mandatory school attendance once they reach sixteen if they were previously attending a church school before attaining their sixteenth birthday.

SOURCES OF LAW

Alabama Code § 16-28-1(2) - (Church School), § 16-28-3 (Compulsory Attendance), § 16-28-7 (Reporting)

TEACHER QUALIFICATIONS

Teacher certification is NOT required.

REPORTING/REGISTRATION

If the child is in public or private school, send a letter of withdrawal.

Upon initial enrollment, file a notice of enrollment with the local superintendent on a provided form; notify the state if the child withdraws from church school.

RECORD KEEPING

Maintain a daily attendance record that includes every absence of each enrolled child, for each half day or more, to be kept by the principal teacher of the school.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Specific subjects are not required. Required attendance is 180 days per year for public schools.

REQUIRED TESTING/ASSESSMENTS

No specific testing is required.

OPTION 2

Establishing a private school in the home

Private schools are established, conducted, and supported by a nongovernmental entity or agency offering any combination of preschool through twelfth grade instruction through on-site or home programs.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between the ages of six and seventeen. Parents of a child who is six years old may opt out of enrolling by written notification to the local school board.

SOURCES OF LAW

Alabama Code § 16-28-1(2) (private school option), 16-28-7 and 8 (attendance register), 16-30-3 and 4 (immunization), § 16-40-1 (phys. ed. requirement), § 16-1-11 (reporting), § 41-9-160/163 (building code requirement)

TEACHER QUALIFICATIONS

Teacher certification is NOT required.

REPORTING/REGISTRATION

If your child is in public or other private school, send a letter of withdrawal. Private schools must register with the AL DOE each year by October 10 and must provide on DOE-specific forms the number of students and instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school.

At the end of the fifth day of the local public schools, the teacher must report on specified forms to the county or city superintendent the names and addresses of all enrolled children of mandatory school attendance age. Thereafter, throughout the compulsory attendance period, the principal teacher of each school must report at least weekly the names and addresses of all enrolled children of mandatory school age who have been absent without satisfactory explanation by the parent or guardian.

RECORD KEEPING

Maintain a daily attendance record that includes every absence of each enrolled child from school for each half day or more, to be kept by the principal teacher of the school.

Alabama Department of Education: <http://www.alsde.edu/Pages/home.aspx>

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Private schools “shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the Department of Education.”

If there are twenty-five or more persons meeting for instruction, building code requirements must be met unless the building was used for that purpose prior to the building code going into effect.

Private schools are required to present a certificate of immunization except where the parent or guardian claims a religious or medical exemption.

REQUIRED TESTING/ASSESSMENTS

No specific testing is required.

OPTION 3

Hiring a private tutor

A tutor is a person who holds a certificate issued by the state superintendent of education and who offers instruction in the several branches of study required to be taught in the public schools of this state.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between the ages of six and seventeen. Parents of a child who is six years old may opt out of enrolling by written notification to the local school board.

SOURCES OF LAW

Alabama Code § 16-28-5 (private tutor) & 16-38-7 and 8

TEACHER QUALIFICATIONS

The teacher must be Alabama state-certified.

REPORTING/REGISTRATION

If your child is in public or private school, send a letter of withdrawal.

Prior to beginning instruction, the tutor must file a statement with the county superintendent that shows the subjects that will be taught, the period of time when they will be taught, and the children to be instructed.

At the end of the fifth day of the local public schools, the tutor must report on specified forms to the county or city superintendent the names and addresses of all enrolled children of mandatory school attendance age. Thereafter, throughout the compulsory attendance period, the private tutor must report at least weekly the names and addresses of all enrolled children of mandatory school age who have been absent without satisfactory explanation by the parent or guardian.

RECORD KEEPING

The tutor must maintain a register of the child's work and a record of both daily attendance and number of instructional hours; the tutor must make this report available upon request to the state Board of Education.

Alabama Department of Education: <http://www.alsde.edu/Pages/home.aspx>

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

The tutor must teach the “branches of study” required to be taught in the state public schools, and instruction must be done using the English language.

Attendance requirements are 140 days per year, at least three hours per day, between the hours of 8 a.m. and 4 p.m.

REQUIRED TESTING/ASSESSMENTS

No specific testing is required.

WHEN LEGAL CHALLENGES PRESENT THEMSELVES:

- 1** Calmly learn and follow your state’s laws. State summaries are available at our website, and we are always available to answer your questions.
- 2** As you teach your children at home, know that you’re a “walking advertisement” for homeschooling. Our relatives, neighbors, and others we encounter are watching. It’s a good idea to watch your outside activities during school hours. Try to share some homeschool highlights with your relatives so they might be won over. Also, avoid disciplining your child in public, because understanding of what is appropriate varies.
- 3** Leaving children at home alone is always risky—especially if you frequently leave older children home alone with younger children. Is there an appropriate age when it is fine to leave them alone? Consider calling your local social services agency to ask its opinion.

IF YOU RECEIVE A PHONE CALL:

- 1** If a homeschooler receives a phone call from someone representing himself as a school or social services authority, never give information over the phone! Make it your goal to get information from the caller. Ask what has prompted this call, the caller’s name, telephone number, title, and the agency he represents. Give yourself time to calm down and consider the request. Tell the caller that you will either get back to him or that your attorney will get back to him. Above everything, keep calm, as this initial call can set the tone for the entire encounter.
- 2** If the caller wishes to arrange a meeting and you agree to meet, allow yourself plenty of calendar time between the day of the call and the day of a future meeting. You will want to decide on a strategy and/or consult an attorney. If you agree to meet, arrange to meet in the official’s office and definitely not in your home.

IF YOU RECEIVE A LETTER IN THE MAIL

- 1** Read the letter slowly and carefully. Make sure that you know what is being asked of you, and take the time to discern who is asking. If the request is clear and unambiguous (such as asking for a copy of a birth certificate) and the law clearly specifies that it is required, it may be best to comply. Before supplying any information, either by mail or in person, verify the authenticity of the person and the agency making the request as well as the necessity of the information.
- 2** If the request is at all questionable, take time to study the issue and consult your attorney. If it means time, write or call the sender to say that you'll need more time.
- 3** Remember, if you mail anything or bring anything to an official's office, keep copies of what you mailed or brought for your files. If you decide to mail any items, mail them return-receipt requested. This documentation from the Post Office means you will receive proof that the letter you sent was signed for and received.
- 4** An electronic or e-mail notification is not sufficient legal notice of a legal challenge. Do not reply to an electronic notification of a legal challenge without seeking legal advice.

IF YOU RECEIVE A VISITOR AT THE DOOR

- 1** First, you are entitled to know the reason for any visit. The visitor may tell you he does not have to tell you the reason, or he may tell you that he needs to come inside of your home to talk to you. ***Neither claim is true!*** Government officials are required to tell you the specific allegations that led to their visit.

- 2** Be polite and ask for a business card or an ID badge. If the visitor wants to enter your home, ask if he has a search warrant. Without a warrant, he has no legal authority to enter your home. Getting a warrant is not an easy task for a government official. The official will have to demonstrate to a judge that he has “probable cause” to believe that either (1) a crime has been committed or that (2) some other compelling reason exists for the agency to enter your home to investigate. A warrant requires much more than an anonymous tip or mere suspicion. Remember—no warrant, no entry.
- 3** Be calm! If you have a local lawyer or are a member of the Homeschool Center, call your attorney on the phone while the visitor is still at your door. Then, hand the phone over to the visitor and have your attorney do the talking for you.
- 4** Be respectful to the visitor, but also respect yourself and your family. If the visitor insists on seeing your children, bring the children outside the door. Allowing an official inside gives him too great of an opportunity to go on a “fishing expedition.” The visitor may request immediate answers to one or more questions, but tell him that you will speak to him only after you have consulted with your legal counsel.
- 5** The visitor may threaten to obtain a warrant. Don’t be frightened by this. Of course you will fully cooperate if he returns and shows you the warrant, but chances are that he is merely trying to frighten you. Don’t be frightened, but seek legal counsel immediately.

MEMBERSHIP BENEFITS

As a member of the Homeschool Center, you have access to our professional, experienced, caring homeschool attorneys who . . .

- Can address any ongoing or current legal compliance questions or concerns
- Are available in the event that you have a homeschooling legal emergency
- Will litigate your case on a pro bono (no cost to you) basis if we determine that the issues involved will advance the liberty of homeschooling in America

Membership in the Homeschool Center provides access to the following:

- Free legal advice if you or your family member has been subject to religious discrimination at work
- Pro bono litigation in cases that advance church, Christian education, religious liberty, or sanctity of life issues
- Legal guidance after a car accident, where one of our attorneys will explain how to protect your rights after the accident and will refer you, if needed, to one our trusted attorney affiliates

JOIN TODAY!

We want to be here for you! We receive hundreds of homeschool calls every year, and the numbers keep rising. So, if you haven't already, please consider joining today. At just **\$35 for the first year**, you really can't afford **NOT** to be a member!

Go to <http://homeschool.ncll.org/membership> to become a member.

