

NATIONAL CENTER FOR LIFE AND LIBERTY

HOMESCHOOL CENTER

Pennsylvania

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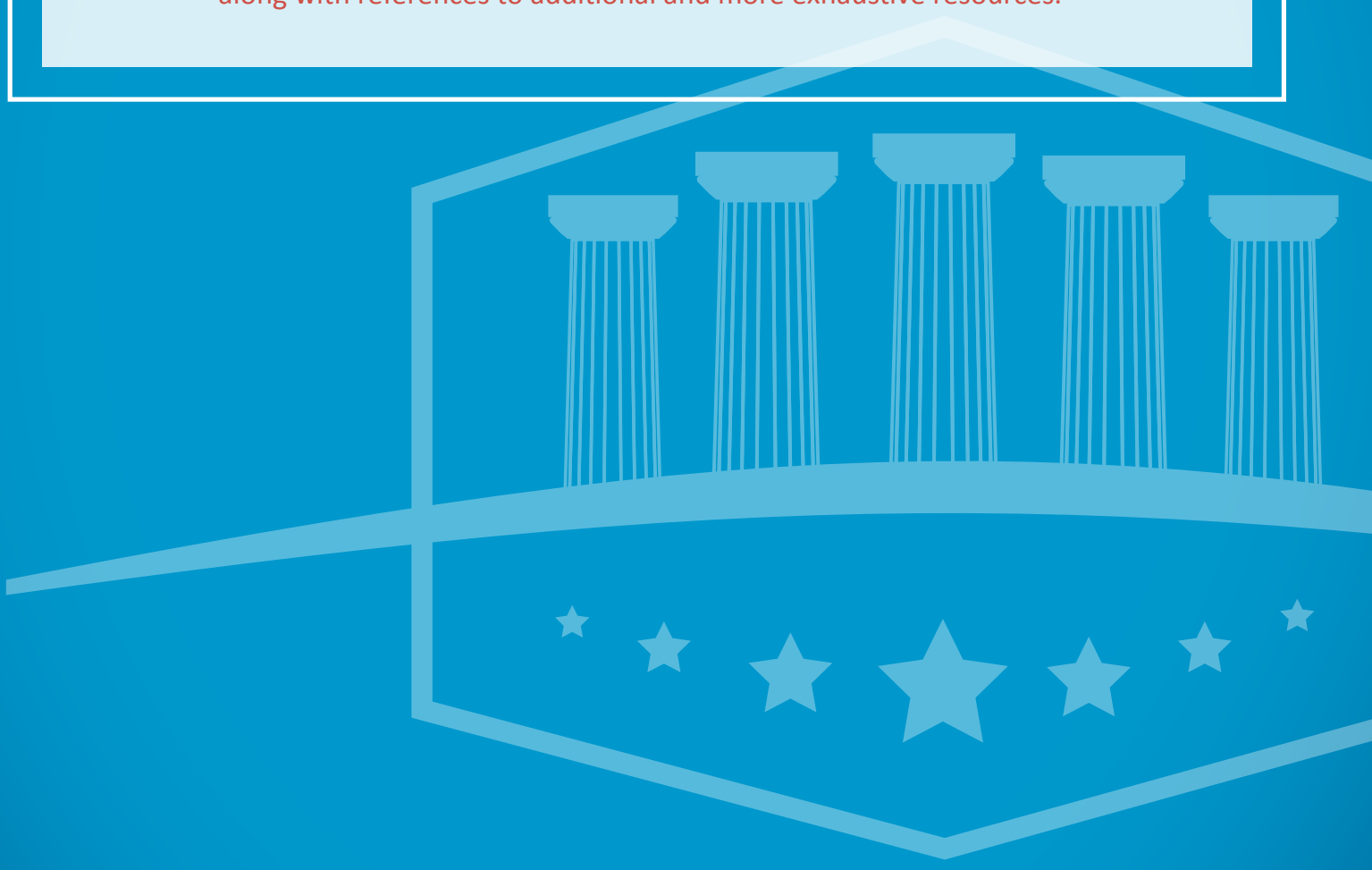
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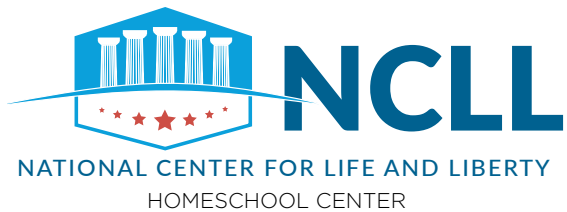
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The National Center for Life and Liberty is a nonprofit legal ministry dedicated to protecting and defending the Bible-based values upon which our nation was founded. Homeschool Center—an outreach of the NCLL—was created to be a legal help and resource 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 Pennsylvania 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

PENNSYLVANIA HOMESCHOOL LEGAL REQUIREMENTS

Pennsylvanians 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 and operating a home education program
- **Option 2:** Hiring a private tutor (could be a child's parent) certified to teach in the public schools of Pennsylvania
- **Option 3:** Establishing and operate a homeschool by enrolling a child in a day school operated by a church or other religious body

OPTION 1

Establishing and operate a home education program

Parents may teach their children at home if they file a proper notarized affidavit with their local superintendent.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children from the time they enter school, which should be not later than eight, until the age of seventeen years. In Philadelphia, the age was lowered to six, but this does not apply to children whose parents intend to homeschool under this approach and have filed the required notice.

SOURCES OF LAW

Pennsylvania Statutes Annotated, Title 24, Sections 13-1326 and 1327, 13-1327.1; Philadelphia requirement: §21-2103(8)

TEACHER QUALIFICATIONS

Parents must have a high school diploma or the equivalent.

REPORTING/REGISTRATION

If the child is currently in public or private school, NCLL recommends sending a notice of withdrawal to avoid any possible truancy issues.

Before school starts, the parent/supervisor must file a notarized affidavit with the local superintendent and annually by August 1 thereafter. The affidavit must include a) the name of the parent/supervisor, name and age of the children, address, and telephone number; b) assurance that subjects are taught in English; c) "outline of proposed education objectives by subject area"; d) evidence of immunization; e) receipt of health and medical services required by law; f) that the home education program will comply with § 13-1327.1; and g) a certification that the supervisor, all adults living within the home, and persons having legal custody of the children have not been convicted of certain criminal offenses within the past five years.

Request in writing by registered mail a letter of transfer thirty days prior to relocating to another Pennsylvania school district during or prior to a new school year. File a transfer letter with the new district.

Pennsylvania State Department of Education:

http://www.education.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312

If the student has been identified as needing special education services, he must have his home education program approved by a state-certified special education teacher or a licensed clinical or certified school psychologist with the written approval submitted with the notarized affidavit.

Parents must annually maintain and provide the superintendent with certain documentation, which is due by June 30. Documentation must be returned to the homeschool supervisor upon completion of the superintendent or hearing examiner's review.

Documentation includes:

(1) a portfolio of records and materials. This includes 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 3, 5, and 8, standardized test results.

(2) an annual written evaluation of the student's educational progress by a) a licensed psychologist, b) a teacher certified by the state (with two years of teaching experience), or c) a nonpublic school teacher or administrator (who must have at least two years teaching experience in the last ten years in public or nonpublic schools). At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the local superintendent. The evaluation should be based on an interview and review of the portfolio, and it should certify whether or not an appropriate education is occurring.

Evaluations may not be conducted by the supervisor of the homeschool or his or her spouse.

RECORD KEEPING

The only record keeping required is that needed to maintain the portfolio and standardized testing results.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Required at the elementary level is English, to include spelling, reading, and writing; arithmetic; history of Pennsylvania and the United States; civics; health and physiology; physical education; music; art; geography; science; and safety education, including regular and continuous instruction in the danger and prevention of fires.

Required at the secondary level is English, to include language, literature, speech, and composition; science; geography; social studies, to include civics, world history, and 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. The following are required to graduate in a home education program: four years of English, three years of math, three years of science, three years of social studies, and two years of arts and humanities.

Pennsylvania State Department of Education:

http://www.education.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312

More information on planning age-appropriate courses may be found at http://www.portal.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312/curriculum/973942

Attend 180 days or 900 hours of instruction for elementary students, 990 hours for secondary.

REQUIRED TESTING/ASSESSMENTS

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

OPTION 2

Hiring a private tutor (could be child's parent) certified to teach in the public schools of Pennsylvania

Parents may teach their children at home if they hire or they themselves qualify as a "properly qualified private tutor."

COMPULSORY ATTENDANCE

Compulsory attendance applies to children from the time they enter school, which should be not later than eight, until the age of seventeen years. In Philadelphia, the age was lowered to six, but this does not apply to children whose parents intend to homeschool under this approach and have filed the required notice.

SOURCES OF LAW

Pennsylvania Statutes Annotated, Title 24, Section 13.1327(a)

TEACHER QUALIFICATIONS

The instructor must be a "properly qualified private tutor" (could be the child's parent), certified by PA to teach in PA public schools, teaching one or more children of a single family, who provides the majority of the child's instruction and receives a fee or other consideration for the instruction and cannot be any person who would be disqualified from school employment.

REPORTING/REGISTRATION

If the child is currently in public or private school, NCLL recommends sending a notice of withdrawal to avoid any possible truancy issues.

The private tutor (could be the child's parent) must file his or her Pennsylvania teacher certification plus required criminal record (background check) with the local superintendent where the child resides).

RECORD KEEPING

No specific record keeping is required.

Pennsylvania State Department of Education:
http://www.education.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Regular, daily instruction must be provided in English.

REQUIRED TESTING/ASSESSMENTS

No specific testing is required.

OPTION 3

Establishing and operating a homeschool by enrolling child in a day school operated by a church or other religious body.

Parents may teach their children at home if their home education is an extension of a day school operated by a religious body.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children from the time they enter school, which should be not later than eight, until the age of seventeen years. In Philadelphia, the age was lowered to six, but this does not apply to children whose parents intend to homeschool under this approach and have filed the required notice.

SOURCES OF LAW

Pennsylvania Statutes Annotated, Title 24, § 13-1327(b); § 13-1332

TEACHER QUALIFICATIONS

The homeschool must be an extension of and the child must be enrolled in a day school operated by a bona fide church or other religious body.

REPORTING/REGISTRATION

If the child is currently in public or private school, NCLL recommends sending a notice of withdrawal to avoid any possible truancy issues.

The day school principal must file a notarized affidavit with the Pennsylvania Department of Education stating that the subjects are offered in English, whether or not the day school is a nonprofit organization, and verifying that the school is in compliance with the statute. The day school must furnish to the local school districts a list of the names and residence of all children between six and eighteen years of age enrolled in the school. This information must be provided at the time of admission of the children to the school. Day schools are also required to report the name and date of withdrawal of any student who is still of compulsory attendance age.

Pennsylvania State Department of Education:

http://www.education.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312

RECORD KEEPING

No specific record keeping is required..

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Required elementary subjects are 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.

Required secondary subjects are English, to include language, literature, speech, and composition; science, to include biology and chemistry; geography; social studies, to include civics, economics, world history, and history of the United States and of Pennsylvania; a foreign language; mathematics, to include general mathematics and statistics, algebra, and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

Attend 180 days or 900 hours of instruction for elementary students, 990 hours for secondary.

REQUIRED TESTING/ASSESSMENTS

No specific testing is required.

Pennsylvania State Department of Education:

http://www.education.state.pa.us/portal/server.pt/community/overview_of_homeschooling/20312

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.

