

HOMESCHOOL LEGAL
ADVANTAGE



Pennsylvania 2012

www.homeschoollegaladvantage.com

Pennsylvania Homeschooling Requirements:

<u>Approach</u>	Establish and operate a home education program	Hire a private tutor (could be child's parent) certified to teach in the public schools of Pennsylvania	Establish and operate a homeschool by enrolling child in a day school operated by a church or other religious body.
Compulsory Attendance	Applies to child from the time the child enters school, which shall be not later than 8, until the age of 17 years. In Philadelphia, the age was lowered to six beginning with the 2008/09 school year, but this does not apply to children whose parents intend to homeschool under Option 1 and have filed the required notice.	Applies to child from the time child enters school, which shall be not later than 8, until the age of 17 years. In Philadelphia, the age was lowered to six beginning with the 2008/09 school year.	Applies to child from the time the child enters school, which shall be not later than 8, until the age of 17 years. In Philadelphia, the age was lowered to six beginning with the 2008/09 school year.
Source of Law	Pennsylvania Statutes Annotated, Title 24, Sections 13-1327 and 13-1327.1.	Pennsylvania Statutes Annotated, Title 24, Section 13.1327(a)	Pennsylvania Statutes Annotated, Title 24, § 13-1327(b); § 13-1332
Restrictions	Parents must have high school diploma or equivalent.	Private tutor (could be child's parent) must be a person certified to teach at child's level of education, teaching one or more children of a single family, who provides the majority of 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.	Homeschool must be an extension of – and child must be enrolled in – a day school operated by a bona fide church or other religious body.
Reporting	<p>Before school starts; 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 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.</p> <p>Request, in writing by registered mail, a letter of transfer 30 days prior to relocating to another Pennsylvania school district during or prior to a new school year. File transfer letter with new district. 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.</p> <p>Parent must annually maintain and provide the superintendent with certain documentation, which is due by June 30 to include: (1) 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) or a teacher certified by the state (with two years of teaching experience), or c) a nonpublic school teacher or administrator (who must have</p>	Private tutor (could be child's parent) must file his or her Pennsylvania teacher certification plus required criminal record (background check) with local superintendent where child resides.	Day school principal must file a notarized affidavit with the Pennsylvania Department of Education setting forth the subjects that they are offered in English, whether day school is a non-profit organization, and verifying that school is in compliance with the statute. Day school must furnish to the local school districts a list of the names and residence of all children between six and 18 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.

	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 shall be based on an interview and review of the portfolio and it shall certify whether or not an appropriate education is occurring.		
Record Keeping	None.	None.	None.
Requirements	<p>Elementary level: English, to include spelling, reading and writing; arithmetic; history of Pennsylvania and 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.</p> <p>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; 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: 4 yrs. English, 3 yrs. math, 3 yrs. Science, 3 yrs. social studies, 2 yrs. arts and humanities. More information on planning age-appropriate courses can be found at http://www.pacode.com/secure/data/022/c/hapter4/chap4toc.html. Attend 180 days or 900 hours of instruction for elementary students, 990 hours for secondary.</p>	Regular daily instruction provided in English.	<p>Elementary subjects: English including language, 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.</p> <p>Secondary subjects: English including language, literature, speech and composition; science including biology and chemistry; geography; social studies to include civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics to include general mathematics, statistics, algebra and geometry; art; music; physical education; healthy 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.</p>
Testing	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 in their portfolios.	None.	None.

Pennsylvania State Department of Education:

http://www.pde.state.pa.us/home_education/site/default.asp

http://www.portal.state.pa.us/portal/server.pt/community/home_education/7404

PENNSYLVANIA SAMPLE HOMESCHOOL LETTER OF WITHDRAWAL . . .

If your child is currently in school, whether public or private, this letter will formally withdraw them from the public or private education system. We suggest: (1) Mail via postal service with a return receipt requested; or (2) Hand delivery to the child's current school. If you are enrolling in a church-related school, provide that information at the bottom of the form.

**Courtesy Letter of Withdrawal - From a Pennsylvania
Public School to Homeschool**

Printed Name(s) of Parent(s) and Address:

Name(s) of child(ren) being withdrawn from public school:

Dear Principal _____ :

Pleased be advised that I will be withdrawing the above children from your school as of _____, when they will be educated in a home education program. An affidavit of intent will be filed with the Superintendent as required by Pennsylvania Statues Annotated Section 13-1237.1.

If you have any questions, please send them to me in writing. Thank you.

Sincerely,

Parent or Guardian's Signature

Date

Parent or Guardian's Signature

Date

FILING HOMESCHOOL AFFIDAVIT...

Note: School districts of the first class (only Philadelphia) may establish the compulsory school age at no earlier than six. Philadelphia lowered the age to six beginning with the 2008-2009 school year. This change does not apply to children whose parents plan to conduct a home education program for them and file a notice of same with the superintendent of the school district. § 21-2103(8). In other words, if your child is age 6 and you live in Philadelphia and you intend to homeschool, file the notice below stating this intention with the superintendent of the school district.

The Pennsylvania Department of Education maintains a very informative Question and Answer page at: http://www.portal.state.pa.us/portal/server.pt/community/home_education/7404/frequently_asked_questions/508195

Sample Affidavits for Elementary School and Secondary School can be downloaded at: http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/home_education_program/507313

----- SAMPLE HOM EDUCATION PROGRAM NOTICE OF INTENT-----

To: Superintendent
The School District of Philadelphia
440 North Broad Street
Philadelphia, PA 19130

Printed Name(s) of Parent(s):
Address:

In compliance with Pennsylvania Statutes Annotated Section 21-2103(8), this is our Notice of Intent to enroll our children listed below who age 6 years of older in a home education program in accordance with Pennsylvania Statues Annotated Section 13-1327.1 as each child attains the compulsory school age as defined by Pennsylvania Statutes Annotated Section 13-1326.

Child(rens) Name(s):

If you have any questions, please send them to me in writing. Thank you.

Sincerely,

Parent or Guardian's Signature

Date

Parent or Guardian's Signature

Date

When Legal Challenges Present Themselves . . .

- Calmly find out, know, and follow your state's laws. State summaries are available at our website and we are always available to answer questions.
- As you teach your children at home, know that you are a "walking advertisement" for homeschooling. Our relatives, neighbors, and others we encounter are watching. It is 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. Avoid disciplining your child in public, because understandings of what is appropriate vary considerably.
- Respecting ourselves and others includes respecting our context within the community. 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 OK to leave them alone? Consider calling your local social services agency to ask their opinion.

**Above all - Be calm.
Be Polite. Be Respectful.
And Know Your Rights.**



If You Receive a Phone Call . . .

1. If a homeschooler gets a phone call from someone representing themselves as a school or social service authority, never, never, never give information over the phone. Make it your goal to GET information from the caller, including asking what has prompted this call and getting complete information about this caller, including the caller's name, telephone number, title, and the agency they represent. Give yourself time to calm down and consider the request. Tell the caller that you will either get back to them or that your attorney will get back to them. Above everything keep calm, as this initial call can set a 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 do agree to meet, arrange to meet in the bureaucrat's or 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 you know what is being asked of you and by whom. 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, check out the authenticity of the person and the agency making the request, as well as the necessity for the information.
2. If the request is at all questionable, take time to study the issue and consult counsel (your attorney.) If it means you need more 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 therefore received.
4. An electronic or e-mail notification is not sufficient notice to you of a legal challenge. Do not reply to an electronic notification of a legal challenge without seeking legal advice.



If a Visitor is at Your Door . . .

1. First, know that you are entitled to know the reason for any visit. The visitor may tell you they do not have to tell you the reason, or they may tell you that they need to come inside your home to talk to you. Neither of these is true. Indeed, they are required to tell you the specific allegations that led to their visit.
2. Be polite, but ask for a business card or an ID badge. If the visitor wants to enter the home, ask if they have a search warrant. Without a search warrant, they have no legal authority to enter your home. Getting a warrant is no easy task. The visitor will have to demonstrate to a judge that they have probable cause to believe that a crime has been committed, or that some other compelling reason exists for the this agency to violate your Fourth Amendment protection against unreasonable searches and seizures. That requires a lot more than an anonymous tip or someone's suspicion. Remember: No warrant – No entry.
3. Be calm. If you have a local lawyer or are a member of Homeschool Legal Advantage call your attorney on the phone while the visitor(s) are still at your door. Then hand the phone over to the visitors and have your attorney do the talking.
4. Be respectful of the visitor(s), but also respect yourself and your family. If the visitor insists on seeing your child(ren) bring the children outside the door. Allowing an official inside gives them too great an opportunity to go on a "fishing expedition." The visitor may request immediate answers to one or more questions, but tell them you will speak to them only after you have consulted with counsel (your attorney).
5. The visitor may threaten to obtain a warrant. Don't be frightened by this. Of course, you will fully cooperate if they return and show you the warrant, but chances are they are merely trying to frighten you. Do not be frightened, but seek legal counsel.



PO Box 4010
Seminole, Florida 33775
727.399.8300
www.HomeschoolLegalAdvantage.com

Dear Fellow Homeschooler,

It is a blessing and a privilege to be of service to you. The *Homeschool Legal Advantage* (HLA) is a ministry to homeschool families and operates as an outreach of the *Christian Law Association* (CLA), a non-profit 501(c)(3) organization. **CLA has been protecting the rights of believers and homeschoolers for over 40 years.** Due to a steadily increasing number of homeschooling families requesting and receiving help from the *Christian Law Association*, the decision was made to create a division of CLA dedicated specifically to serving homeschooling families. With this objective, the HLA was launched in 2009 as a critical resource for today's homeschooling family. We have been gratified and humbled at the outpouring of acceptance and support we have received.

Along with your attendance at this event, you are entitled to a free first-year membership in HLA. Our heart is to serve today's homeschooling family. Other organizations require an "application" process and require you to follow their defined rules. *Homeschool Legal Advantage* simply invites you 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 pleased to be able to offer you an exciting benefit along with your first-year membership: HLA offers our first-year members a complimentary Last Will and Testament. Most young couples with children do not have a will, and it is estimated that as many as two-thirds of adults do not have a will. Consequently, HLA provides a great (optional) value-added benefit of membership to our first-time families as a part of our commitment to honor the family's decisions both now and the future. Please ask us for more information on this and other benefits of membership in HLA.

HLA attorneys and support staff serve as legal missionaries. As a faith-based ministry, we give God all of the glory for the churches and individuals who have supported the ministry of the *Christian Law Association* these past forty years.

HLA is a team of committed attorneys across the nation (more than 200) available to you and your family at a moment's notice.

We are called of God and committed to serving you and your family.

Thank you for the privilege,

A handwritten signature in cursive script that reads "David C. Miller III".

Standard Membership Benefits ...

- When you join ***Homeschool Legal Advantage***, you are given the telephone number of an attorney who is available to answer any legal question related to homeschool issues.
- ***Homeschool Legal Advantage*** members receive all homeschool-related legal representation free of charge. HLA pays for all attorney fees, expert witness costs, travel expenses, and court costs allowable by law.
- In addition, HLA members receive **FREE LEGAL REPRESENTATION** as a service of the *Christian Law Association* for religious liberty issues even if the cause of action is not related to homeschooling. This includes matters such as workplace discrimination, Christian employer obligations, the right to witness, public prayer, and any other matter related to Christians in matters of faith.
- Most legal matters related to homeschooling and Christian liberty are resolved quickly without court action. Often, HLA and CLA attorneys can successfully defend an attack by contacting local officials on behalf of our member. If a court case is necessary, ***Homeschool Legal Advantage*** provides full representation every step of the way. Members can take comfort in knowing they enjoy full legal protection for homeschooling and Christian liberty issues.



Additional Membership Benefits ...

- A **LAST WILL AND TESTAMENT** drafted by an attorney that will thoughtfully distribute your estate to your heirs and outline your wishes for your children.
- Access to a comprehensive website with homeschool laws for your state, legal alerts, and instructional videos to prepare you to counter legal problems.
- A **20% DISCOUNT ON LEGAL AND EDUCATIONAL RESOURCES** from the Christian Law Association.