

State Law Regarding Homeschooling Students in Other States

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Issue

This report provides a summary of homeschooling laws in 12 states including Connecticut. The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

Summary

This report summarizes key aspects of homeschooling laws in Connecticut, Florida, Maine, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington. We collected this information with help from the Legislative Library.

The report focuses on the provisions that (1) authorize homeschooling; (2) require notification, record keeping, minimum hours of instruction, subjects, and academic assessment; and (3) include enforcement or intervention if homeschooling is suspected of being insufficient. It addresses homeschooling where parents are the ones primarily responsible for their child's education. It does not include other types of schooling outside of the public school realm, such as umbrella schools, which are at-home extension programs of established private schools, or at-home tutoring with a certified teacher.

Of the 12 states in this report, 11 require homeschool parents to notify education officials of their intent to homeschool their child. Some only require a one-time notice; others require a notice every year. Six of the 12 do not require any qualifications for parents; of those that do have parent requirements, three require a high school diploma or its equivalent.

Ten of the 12 states have some form of enforcement or intervention mechanism, either at the beginning of the process before permission to operate is granted, or as an ongoing method if officials have reason to believe the homeschool student is not making proper educational progress. Nine states require annual assessments to judge how the homeschool student is progressing and two other states leave it to the discretion of the local school district to require an annual assessment.

All of the states included in the report do not consider a child to be truant if the child's parents have met the requirements to be recognized as providing the child with a home school education. In most states, if the parents do not satisfy the requirements, a child may be considered truant and the state's truancy law and procedures apply.

This report does not address all aspects of this area, such as whether homeschool students are permitted to take part-time courses or participate in extracurricular activities at the local public school.

Homeschool Law Tables

Table 1 contains provisions regarding authorization of homeschooling, notification from parents before starting homeschooling, required record keeping, and enforcement or intervention mechanisms if homeschooling requirements are not met.

Table 1: Homeschool Laws in 12 States: Authorization and Oversight

State & Citation	Authorized in Statute	Notification from Parents Before Homeschooling	Home Record Keeping	Enforcement/ Intervention Specific to Homeschooling
Connecticut CGS § 10-184	Yes, under the “equivalent instruction” exemption, but the statute does not explicitly name homeschooling	Not required; but law exempts students from compulsory attendance if the parent shows that the child is receiving “equivalent instruction” elsewhere; State Board of Education (SBE) guidelines recommend parents file notice of intent to homeschool with local board of education (guidelines are not a legal requirement)	None	None
Florida Fla. Stat. §§ 1002.01 , 1002.41	Yes	Must be filed with the school superintendent’s office within 30 days of establishing the home program; must include full legal names of all children, addresses, and birthdates, and be signed by the parent	Must maintain a records portfolio that includes (1) an activities log made at the time of instruction designating any reading materials used and (2) samples of writings, worksheets, workbooks, or creative materials used or developed by the student; portfolio must be kept for two years and made available for inspection if requested in writing by the superintendent	Annual assessments must be filed with the superintendent’s office and if superintendent determines that educational progress commensurate with the student’s ability has not taken place, then the parent has one year to provide remedial instruction. At the end of the year, student will be reevaluated and continuation of home education program will depend upon educational progress commensurate with the student’s ability.
Maine Me. Rev. Stat. Ann. tit. 20-A § 5001-A (3)&((4);	Yes	Requires one-time notice to the local district and the education commissioner; must include: 1. name, signature, and address of parent or guardian; 2. name and age of student; 3. beginning date of home instruction; and 4. statement that instruction will include an annual assessment and meet school days and subject matter requirements	Must maintain copies of notice of intent and annual assessments until home instruction program concludes; records must be made available, upon request, to the commissioner	None

Table 1 (continued)

State & Citation	Authorized in Statute	Notification from Parents Before Homeschooling	Home Record Keeping	Enforcement/ Intervention Specific to Homeschooling
Massachusetts Mass. Gen. Laws ch. 71, § 1; Care and Protection of Charles, 399 Mass. 324	Not specifically, prevailing case law applies private school law to home schools; case law authorizes local approval	Local approval required (case law allows districts to consider items such as parental qualifications, number of hours of instruction, and required assessments, but does not set a specific standard)	None	Case law allows school committees to enforce certain reasonable requirements through their initial approval process. Local school committee may consider: <ol style="list-style-type: none"> 1. curriculum and access to text books, workbooks, and other aids; 2. number of hours of instruction in each subject and length of home school year; 3. parent qualifications; and 4. standardized testing or another means to measure student progress.
New Hampshire N.H. Rev. Stat. Ann., § 193-A:2, 4-6 & 10; N.H. Code R. Ed. 315.08-315.13	Yes	Requires notice to the education commissioner, local board of education, or local school within five days of starting the program; notice must include the names, addresses, and birth dates of all students	Must maintain a portfolio of records and materials related to the child's home education and must be preserved by the parent for two years after the date of the end of home education; must also keep a copy of the student's annual assessment	Home Education Advisory Council can hear grievances referred by the education commissioner. Any party to a home education program can request a grievance conference. Grievances are resolved by mutual settlement, or by the commissioner after receiving a report from the council; a party aggrieved by the decision may appeal through an administrative due process hearing.

Table 1 (continued)

State & Citation	Authorized in Statute	Notification from Parents Before Homeschooling	Home Record Keeping	Enforcement/ Intervention Specific to Homeschooling
<p>New York N.Y. Educ. Law §§ 3204 (1-2) & 3205 (2); NY Comp. Codes and Regs. tit. 8, § 100.10</p>	<p>Yes, law includes home instruction as an accepted exception to mandatory public school attendance</p>	<p>Must submit notice of intent annually, by July 1, or if homeschooling starts after the first day of school, within 14 days; must also complete and submit an individual home instruction program (IHIP) form to the local school district for approval; IHIP includes:</p> <ol style="list-style-type: none"> 1. child's name, age, and grade level; 2. list of syllabi, curriculum materials, textbooks or instruction for each subject 3. quarterly report submission dates; 4. names of instructors; and 5. a statement indicating whether the child is attending a degree-granting institution, if applicable 	<p>Must maintain attendance records and make them available, upon request, to the school district</p> <p>Required quarterly reports must include the following:</p> <ol style="list-style-type: none"> 1. number of instruction hours of the quarter; 2. a description of the material covered in each subject listed in the IHIP; 3. either a grade for the child in each subject or a written narrative evaluating the child's progress; and 4. a written explanation in the event that less than 80% of the course materials as planned in the IHIP for that quarter in any subject has been covered 	<p><i>Approval Process</i> After receiving an IHIP, the school district must notify the parents whether the IHIP complies with requirements. Upon receipt of notice of deficiency, parents must submit a revised IHIP that corrects the deficiency. If school superintendent determines revised IHIP does not comply, parents may appeal to the local board of education. After local board decision, parents can appeal to the education commissioner. Once appeal review is final, (i.e., either parents do not seek an appeal or the commissioner has ruled) the parents must enroll their child in a public school or a school that complies with state law.</p> <p><i>Assessment</i> See Table 2 regarding assessment when scores are determined to be inadequate.</p>
<p>North Carolina Gen. Stat. §§ 115C-547 to -567</p>	<p>Yes, as part of the state's private school law</p>	<p>Must file a one-time notice with the state Division of Non-Public Schools; no requirement to notify local school district</p>	<p>Must maintain (1) results of nationally standardized achievement tests for one year after they are taken and (2) attendance and immunization records; record must be available for inspection</p>	<p>Citizen complaints can be filed with the Division of Non-Public Schools, which, after receiving complaint, contacts the homeschool to request its latest standardized test score. If the scores are received, the matter is closed; if the information is not provided, the homeschool is closed and removed from the division's listing. The division notifies the district where the school is located.</p>

Table 1 (continued)

State & Citation	Authorized in Statute	Notification from Parents Before Homeschooling	Home Record Keeping	Enforcement/ Intervention Specific to Homeschooling
Pennsylvania 22 Pa. Code § 11.31a ; 24 P.S. §§ 13.1327(d) & 13.1327.1	Yes	Annually with the superintendent of the residence school district; requires information including: <ol style="list-style-type: none"> 1. student's name and age; 2. outline of proposed objectives by subject; 3. evidence that the child has been immunized in accordance with state law and has received health and medical services appropriate for the student's age; 4. signed certification from parent that all adults living in the home or who have legal custody have not been convicted of certain criminal offenses within the last five years 	Must maintain documentation including a records and materials portfolio and an annual written evaluation	Yes, by June 30 of each year the parents must submit to the district superintendent an evaluator's certification that the appropriate education is taking place. If there is a failure to submit, the parents must be notified that certification is past due and must be submitted. If submission is not timely, the board of school directors must hold a hearing. <i>Other Hearing Triggers</i> If the superintendent has a reasonable belief that appropriate education may not be occurring or there is some other violation of homeschool law, he may submit a letter to the parents requiring that an evaluation be conducted or a certification of proper home education be submitted. If parents fail to do this, the board of school directors must hold a hearing. <i>Hearing and Decision</i> If the impartial hearing officer finds that appropriate education is not taking place, then the homeschool is noncompliant and the student must enroll in the local public school or a licensed private school. The examiner's decision may be appealed to the secretary of education, Commonwealth Court, or court of common pleas.

Table 1 (continued)

State & Citation	Authorized in Statute	Notification from Parents Before Homeschooling	Home Record Keeping	Enforcement/ Intervention Specific to Homeschooling
Rhode Island R.I. Gen. Laws § 16-19-1 and -2	Yes	Must get approval from local school committee and meet criteria that (1) attendance must be substantially equal to public schools, (2) attendance records are kept and reported to state and local officials, and (3) the required subjects are taught (see “subjects” column in Table 2)	Attendance records must be forwarded to the local school committee and the state	Resident of any city or town aggrieved by a school committee’s decision to either approve or disapprove at-home instruction may appeal the decision to the Department of Elementary and Secondary Education (DESE); after notice of a hearing to the parties involved, DESE will examine and decide the appeal.
Vermont Vt. Stat. Ann. tit.16 §§ 11(a)(21), 1121 & 166b	Yes	Annual written notice to education secretary that includes: 1. student’s name and age; 2. address, town of residence, and phone number of parents; 3. independent assessment of whether child has a disability, for new enrollees; and 4. names, addresses, phone number, and signature of all providing instruction.	None	Hearing on the home school can be called if the education secretary has information (1) creating a doubt about whether a home study program can or will provide a minimum course of study for a student or (2) that could justify the program’s termination. An impartial hearing officer, appointed by the secretary, must conduct the hearing and could rule that enrollment be disallowed, if the school is new, or that enrollment be terminated, if the school is in operation. Notice must be given to the appropriate superintendent of schools, who must take steps to enroll the student in question. The secretary may petition the hearing officer to reopen the case upon a change in circumstances.

Table 1 (continued)

State & Citation	Authorized in Statute	Notification from Parents Before Homeschooling	Home Record Keeping	Enforcement/ Intervention Specific to Homeschooling
Virginia Va. Code Ann. §§ 22.1-254.1 , 22.1-271.4	Yes	Annually by August 15, or, if homeschooling begins after the start of the school year, as soon as practicable; must include list of subjects and evidence of meeting one of criteria options for parent qualifications (see Table 2 for “parent qualifications”)	Must submit documentation of compliance with immunization requirements upon the request of the superintendent	If required evidence of educational progress is not provided, the homeschool program may be placed on probation for one year. Parents must provide the superintendent with evidence of “ability to provide an adequate education” and a remediation plan for the probationary year. If the plan and evidence are not accepted or the required evidence of progress is not provided by August 1 after the probationary year, home instruction must stop. Any party aggrieved by such a decision can appeal to an independent hearing officer within 30 days.
Washington Wash. Rev. Code § 28A.225.010(4) & 28A.200.010	Yes	Annually by September 15 and must include name and age of child and specify whether a certified person will be supervising	Annual standardized test results or written evaluation must be part of the student’s permanent record; test results and evaluation, as well as immunization records, must be forwarded if transferring to a public or private school	If annual test or assessment results indicate that the student is not making progress consistent with age or stage of development, the parent must make a “good faith effort” to remedy any deficiency. Law does not specify what the effort must be or whether any entity will oversee this.

Table 2 contains provisions regarding parent qualifications, the number of required school days and instructional hours, required subjects, and any required assessments of educational achievement.

Table 2: Homeschool Laws in 12 States: Education Requirements and Assessments

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
Connecticut CGS § 10-184	None	Not explicit, but the parent must show that the child is receiving “equivalent instruction” elsewhere to be exempt from compulsory attendance	Reading, writing, spelling, English grammar, geography, arithmetic, United States history, and citizenship, including the town, state, and federal governments.	None, but SBE guidelines recommend the assessment method be stated in the recommended notice of intent to homeschool filed with the local board of education.
Florida Fl. Stat. §§ 1002.01 , 1002.41	None	None	Not specified	<p>An annual required evaluation must document the student’s educational progress at “a level commensurate with her or his ability.” The parent must select the method of evaluation from the options below and file a copy of the evaluation annually with the superintendent’s office.</p> <p>The following are the evaluation options:</p> <ol style="list-style-type: none"> 1. parents selects a state-certified teacher to conduct a portfolio review and hold a discussion with the student; 2. student takes a nationally normed student achievement test or a state student assessment test used by the school district, either must be administered by a certified teacher; 3. student evaluated by a licensed psychologist or school psychologist; or 4. any other valid measurement tool as mutually agreed upon by the superintendent and the student’s parent.

Table 2 (continued)

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
Maine Me. Rev. Stat. Ann. tit. 20-A § 5001-A (3)&((4); § 5053-A	None	175 days a year	English language arts, math, science, social studies, physical education, health education, library skills, fine arts, and, in at least one grade, Maine studies, and must demonstrate proficiency in computer use	Annual year-end assessment, which must be submitted to local school officials and the education commissioner, is required and may be: <ol style="list-style-type: none"> 1. national standardized achievement test results, 2. locally-developed test administered at the local school, or 3. a review of student's progress (a) by a certified teacher, (b) based on a presentation of the student's school portfolio to a homeschooling support group that includes at least one certified teacher, or (c) an advisory board created by the superintendent that is made up of two homeschool parents and one school official.
Massachusetts Mass. Gen. Laws ch. 71 , § 1; Care and Protection of Charles, 399 Mass. 324	Statutory standard considered, but no specific requirements (statutory standard is "competent ability and good morals")	Statutory standard considered, but no specific requirements (standard is 180 days a year with 900 instruction hours for elementary school and 990 for high school)	Statutory standard considered (i.e., orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the United States history and constitution, citizenship, health education, physical education, and good behavior) but no specific requirements; local committee may require subjects it considers expedient	Yes, local district may require periodic standardized testing to ensure attainment of minimum standards. Other means of evaluation may be substituted for testing, such as progress reports or dated work samples, subject to approval by the parents.

Table 2 (continued)

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
New Hampshire N.H. Rev. Stat. Ann., § 193-A:2, 4-6 & 10	None	None	Science, mathematics, language, government, history, health, reading, writing, spelling, the history of and the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music	<p>The parents must provide an annual evaluation by one of the following:</p> <ol style="list-style-type: none"> 1. review of the student's school work portfolio by a certified teacher or a private school teacher, 2. student takes a national achievement test administered by a person who meets the qualifications set by the test provider, 3. student takes a state assessment test that is used by the resident district, or 4. student is evaluated by another valid measure agreed upon by the parent and the education commissioner or resident district superintendent. <p>The assessment results cannot be used as a reason to terminate a home education program.</p>

Table 2 (continued)

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
<p>New York N.Y. Educ. Law §§ 3204 (2) & 3210 (2); NY Comp. Codes and Regs. tit. 8, § 100.10</p>	<p>Must be a “competent teacher”</p>	<p>At least as many as the public schools; each child must receive instruction as follows:</p> <ol style="list-style-type: none"> 1. equivalent of 180 days of instruction each school year, and 2. 900 hours of instruction annually for grades one through six; 990 hours annually for grades 7 through 12 	<p><i>Grades one through six</i> Math, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education, (bilingual education and/or English as a second language when needed)</p> <p><i>Grades seven and eight</i> All of the above plus practical arts and library skills; also New York State history and the Constitutions of the United States and New York State, before completing the eighth grade</p> <p><i>Grades 9 through 12:</i> English; social studies, which includes American history, participation in government, and economics; mathematics; science; art and/or music; health education; physical education; and three units of electives</p>	<p><i>Annual Assessments</i> Parents must file an annual assessment that includes (1) the results of a commercial norm-referenced achievement test or (2) a written narrative prepared by a certified teacher, a home instruction peer review panel, or another person who has reviewed the student’s portfolio and interviewed the student. Tests must be administered at a school by professional staff or at the parents’ home by a certified teacher or another qualified person approved by the school superintendent.</p> <p><i>Test Scores</i> When a score on a test is determined to be inadequate, the program must be placed on probation; a student’s score is deemed inadequate if:</p> <ol style="list-style-type: none"> 1. the student has a score at or below the 33rd percentile on national norms; or 2. the student’s score does not reflect one academic year of growth as compared to a test administered the prior school year. <p><i>Probation</i> Home instruction programs are placed on probation when they fail to meet the assessment requirements. The parents must submit a remediation plan to address the deficiencies. If program does not achieve plan goals by a certain time, it can be reviewed for noncompliance. This can lead to board of education ruling program is noncompliant and parents can appeal decision to education commissioner. If appeal to commissioner does not succeed, parents they must enroll their child in a public or private school.</p>

Table 2 (continued)

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
North Carolina Gen. Stat. §§ 115C-556, -557 & -564	High school diploma or the equivalent	Regular schedule, excluding holidays and vacations, during nine months a year (same as for private schools)	None	Must administer, at least annually, a nationally standardized test or other equivalent measurement that must measure achievement in English grammar, reading, spelling, and mathematics.
Pennsylvania 22 Pa. Code § 11.31a ; 24 P.S. §§ 13.1327(d) & 13.1327.1	High school diploma or the equivalent	<i>Elementary level:</i> 180 day or 900 hours of instruction <i>Secondary level:</i> 180 days or 990 hours	<i>Elementary school:</i> English, including spelling, reading and writing; arithmetic; science; geography; United States and Pennsylvania history; civics; safety education, health and physiology; physical education; music; and art <i>Secondary school:</i> English, including language, literature, and composition; science; geography; social studies, including civics, world history, United States and Pennsylvania history; mathematics, including algebra and geometry; art; music; physical education; health; and safety education	<i>Annual Evaluation</i> An annual written evaluation must determine whether the program provides an appropriate education. Evaluation of educational progress must be made by a Commonwealth-certified teacher, a nonpublic school teacher or administrator, or a licensed clinical or school psychologist with required experience, but not by the parent or the parent's spouse. The evaluation must include a review of the student's portfolio and an interview with the student. The portfolio includes (1) lists of the reading materials used, samples of writings, worksheets, and workbooks or creative materials used or developed by the student and (2) in grades three, five and eight results of national standardized achievement tests or statewide tests administered in these grade levels.
Rhode Island R.I. Gen. Laws § 16-19-1 and -2	None	Must be "substantially equal" to public schools	Reading, writing, geography, arithmetic, United States and Rhode Island history, the principles of American government must be taught in English substantially to the same extent as in the public schools	None, but under case law local committees are allowed to add an assessment as part of local approval.

Table 2 (continued)

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
Vermont Vt. Stat. Ann. tit.16 §§ 11(a)(21) , 166b , 906 & 1121	None	None	Basic communication skills, including reading, writing, and the use of numbers; citizenship, history, and government in Vermont and the United States; physical and health education, including the effects of tobacco, alcohol, and drugs; English, American, and other literature; the natural sciences; and the fine arts	An annual assessment in each subject area must be conducted by one of the following: <ol style="list-style-type: none"> 1. a report by a licensed Vermont teacher, 2. report by the parents or a teacher advisory report from a commercial curriculum publisher together with the student's portfolio, or 3. the results of a standardized test approved by the secretary and administered in a manner approved by the testing company.
Virginia Va. Code Ann. § 22.1-254.1	High school diploma, GED, or parent must provide (1) a program of study through a correspondence course or a distance learning program or (2) evidence of ability to provide adequate education	Instruction must occur during the same time as the public schools are in session and for the same days and hours (180 days and 990 hours)	None specified	Must provide superintendent with either (1) evidence that the student has achieved at least the 23 rd percentile on a nationally standardized achievement test or (2) an evaluation that indicates the student is achieving adequate progress which must be (a) an evaluation from a licensed teacher or person with at least a master's degree, stating that he or she can attest to the student's progress or (b) a report card or transcript from an institution of higher education or a correspondence school.

Table 2 (continued)

State & Citation	Parent Qualifications	Days/Hours	Subjects	Assessments
Washington Wash. Rev. Code § 28A.225.010(4) & 28A.200.010	Must meet one of four standards: (1) be supervised by a “certified person,” as defined by law, (2) have completed a course in home-based education, (3) have a certain number of college credits, or (4) be deemed qualified by the local district superintendent	Same hours as required for private schools	Basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music	Assessments are done annually, either by a standardized achievement test approved by the state board of education or a written progress assessment by a certified person who is currently working in education. Results of assessment are not required to be submitted to the local school district or the state.

For more information on homeschooling in Connecticut, visit SDE’s Homeschooling website:

<http://portal.ct.gov/SDE/Homeschooling/Homeschooling-in-Connecticut>.

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