

# Home Educating in PA

Sponsored by York Home School Assoc. Inc.

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<b>TABLE OF CONTENTS</b>	<b>PAGE(S)</b>
<u>A Step by Step Guide</u>	2-3
<u>The Text of the Law</u>	4-11
<u>Private Tutor Option</u>	12
<u>Criminal Offenses</u>	13
<u>Affidavit</u>	14
<u>Unsworn Declaration</u>	15-16
<u>Mandated Health &amp; Medical Services</u>	17
<u>Educational Objectives</u>	18
<u>Exemption Letter</u>	19
<u>Special Education</u>	20
<u>Helpful Websites</u>	21
<u>Standardized Testing</u>	22
<u>Choosing an Evaluator</u>	23

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# Home Educating in PA - A Step by Step Guide

**Step 1:** We highly recommend that each family read the text of the law for themselves. (Pages 4-11)

If you are a PA-certified teacher, you may want to look into this option. It has slightly different requirements than a home education program. (Page 12)

**Step 2:** In order to conduct a home education program, there are two qualifications

1. The supervisor (one parent or legal guardian) must have a high school diploma or equivalent
2. No one in the home or having custody of the child(ren) has been convicted of certain offenses within 5 years (Page 13)

**Step 3:** To begin your program, you will need to submit the following documents to your district superintendent's office (for children who are at least 6 years old on or before September 1st):

1. Affidavit (must be notarized) - Page 14 \*or\* Unsworn Declaration (does not need to be notarized) - Page 16 (More info about Unsworn Declarations is on Page 15)

By law, this document must include the name of the supervisor (a parent or legal guardian); the name and age of each child (age 6+); the address and telephone number of the home education program site; assurance that such required subjects are offered in the English language; assurance that the child has been immunized in accordance with the law (or claims exemption); and that the child(ren) has/have received the health and medical services required for students of the child's age or grade level. (Found on Page 17)

2. Educational Objectives. These can be very simple and general! The law says, "The required outline of proposed education objectives shall not be utilized by the superintendent in determining if the home education program is out of compliance..." See Page 18 for sample objectives.
3. Immunization record or Exemption letter. Some districts do not insist on this. See Page 19.
4. If your child has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, his/her educational objectives must be approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist and written notification must be included with the Affidavit or Unsworn Declaration. (See Page 20)

ALWAYS keep copies of anything you submit to the school district and GET A RECEIPT!

**Step 4:** Throughout the school year (legally July 1 through June 30), keep a log of reading materials you use and samples of your child's work.

Log of reading materials used: This can include books read by or to the child, audio books, text books, reference books, online reading, etc. If books are not your primary source of learning, you may also want to include a resource list of videos, DVD's, games, apps and other learning materials you use.

Samples: These can be any writings, paperwork or creative materials used or developed by the student. For learning that doesn't generate paper, such as sports, theater, field trips,

projects, etc., a photograph and brief description describing the activity is a great way to provide a sample.

The law says you must provide 180 days of instruction; however, it does not define “days,” so it is up to you to decide what constitutes a “day” for your family. Curriculum and resources may be found in many places, but the public library is a great place to start! By law you may also request to borrow copies of your school district’s planned courses, textbooks, and other curriculum materials. (See page 7 (f)).

Subjects to cover between grades 1 and 6: English including spelling, reading, writing, US & PA history, civics, arithmetic, health/physiology, physical education, music, art, geography, science, safety education (including fire safety)

Subjects to cover between grades 7 and 12: English including language, literature, speech, composition, US/PA/world history, civics, health, science, math including algebra, geometry, physical education, music, art, geography

### **Every subject is not required every year!**

(See page 21 for helpful homeschool websites!)

If you have a high school student, please come out for our Homeschooling High School Seminar! See calendar at [www.yhsa.org](http://www.yhsa.org) for upcoming dates. Graduation requirements can be found in the text of the law (Page 4)

**Step 5:** If your child is in grades 3, 5, or 8 (or the age equivalents if you do not assign a grade level) they must complete an approved standardized test at some point during the school year. (See Page 22 for details on testing)

**Step 6:** Find an evaluator. Prior to June 30th, your child must meet with a qualified or approved evaluator who will talk to them and review their portfolio to determine whether an appropriate education is occurring.

The law defines “appropriate education” as “a program consisting of instruction in the required subjects for the time required in this act and in which the student demonstrates sustained progress in the overall program.” Don’t worry! There are no benchmarks or standards your child must meet and every subject is not required every year. As long as they are learning and progressing, you are in compliance with the law! The evaluation is not a test or assessment but more of a show and tell. Evaluators can be found by asking other homeschoolers for recommendations, on Facebook groups, or on CHAP’s website at <https://chaponline.com/evaluators-by-county/>.

YHSA members can access a list of local evaluators on our website. See Page 23 for a list of points to consider when choosing an evaluator.

**Step 7:** In the spring, put together a portfolio of records and materials for each child including the log of reading materials used, samples of your child’s work/learning, and test results (see Step 5) and schedule your evaluation appointment.

**Step 8:** Your evaluator will give you a letter to submit to your district superintendent’s office. Do this by June 30th, either in person or by certified mail (return receipt requested). Some districts allow submissions via email. Be sure to keep a copy for yourself and get a receipt (if not mailing). The affidavit or unsworn declaration and objectives for the next year are not due until August 1; however, many home educators prepare these documents and submit them along with their evaluation so they are only dealing with paperwork once a year! (Remember, always keep copies and get a receipt!!!)

**Section 1327.1. Home Education Program.--**

**(a)** The following words and phrases when used in this section shall have the meanings given to them in this subsection:

"Appropriate education" shall mean a program consisting of instruction in the required subjects for the time required in this act and in which the student demonstrates sustained progress in the overall program.

"Department" shall mean the Department of Education of the Commonwealth.

"Hearing examiner" shall 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.

"Home education program" shall mean a program conducted, in compliance with this section, by the parent or guardian or such person having legal custody of the child or children.

"Supervisor" shall mean the parent or guardian or such person having legal custody of the child or children who shall be responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent.

((a) amended Oct. 31, 2014, P.L.2967, No.196)

**(b)** The requirements contained in sections 1511 and 1511.1, except as provided for in this section, and section 1605 shall not apply to home education programs. A home education program shall not be considered a nonpublic school under the provisions of this act.

(1) A notarized affidavit of the parent or guardian or other person having legal custody of the child or children, filed prior to the commencement of the home education program and annually thereafter on August 1 with the superintendent of the school district of residence and which sets forth: the name of the supervisor of the home education program who shall be responsible for the provision of instruction; the name and age of each child who shall participate in the home education program; the address and telephone number of the home education program site; that such subjects as required by law are offered in the English language, including an outline of proposed education objectives by subject area; evidence that the child has been immunized in accordance with the provisions of section 1303(a) and has received the health and medical services required for students of the child's age or grade level in Article XIV; and that the home education program shall comply with the provisions of this section and that the notarized affidavit shall be satisfactory evidence thereof. The required outline of proposed education objectives shall not be utilized by the superintendent in determining if the home education program is out of compliance with this section and section 1327. The affidavit shall contain a certification to be signed by the supervisor that the supervisor, all adults living in the home and persons having legal custody of a child or children in a home education program have not been convicted of the criminal offenses enumerated in subsection (e) of section 111 within five years immediately preceding the date of the affidavit.

(2) In the event the home education program site is relocating to another school district within this Commonwealth during the course of the public school term or prior to the opening of the public school term in the fall, the supervisor of the home education program must apply, by registered mail, thirty (30) days prior to the relocation, to the superintendent of the district in which he or she currently resides, 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.

(i) 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.

(ii) 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.

(3) The letter of transfer, required by clause (2), must be filed by the supervisor of the home education program with the superintendent of the new district of residence. In the case of pending proceedings, the new district of residence superintendent shall continue the home education program until the appeal process is finalized.

**(c)** A child who is enrolled in a home education program and whose education is therefore under the direct supervision of his parent, guardian or other person having legal custody shall be deemed to have met the requirements of section 1327 if that home education program provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level:

(1) At the elementary school level, the following courses shall be taught: 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.

(2) At the secondary school level, the following courses shall be taught: 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. Such courses of study may include, at the discretion of the supervisor of the home education program, economics; biology; chemistry; foreign languages; trigonometry; or other age-appropriate courses as contained in Chapter 5 (Curriculum Requirements) of the State Board of Education.

**(d)** The following minimum courses in grades nine through twelve are established as a requirement for graduation in a home education program:

(1) Four years of English.

(2) Three years of mathematics.

(3) Three years of science.

(4) Three years of social studies.

(5) Two years of arts and humanities.

(1) Notwithstanding any provision of this act or any other law or regulation to the contrary, a high school diploma awarded by a supervisor or an approved diploma-granting organization shall be considered as having all the rights and privileges afforded by the Commonwealth, a Commonwealth agency, including, but not limited to, the Pennsylvania Higher Education Assistance Agency, a political subdivision, a local agency and an authority or instrumentality of the Commonwealth or a political subdivision to a high school diploma awarded under this act, subject to subparagraphs (i) and (ii):

(i) In the case of a diploma awarded by a supervisor the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the department and which shall be made available on the department's publicly accessible Internet website.

(C) The diploma shall be signed by the student's twelfth grade evaluator in confirmation of the student's suitability for graduation.

(ii) In the case of a diploma awarded by an approved diploma-granting organization the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the organization.

(2) The department shall establish eligibility criteria and an application process for approving diploma-granting organizations to award high school diplomas to students enrolled in home education programs. The department shall maintain a list of approved diploma-granting organizations and post the list on the department's publicly accessible Internet website.

((d.1) added Oct. 31, 2014, P.L.2967, No.196)

(e) In order to demonstrate that appropriate education is occurring, the supervisor of the home education program shall provide and maintain on file the following documentation for each student enrolled in the home education program:

(1) A portfolio of records and materials. The portfolio shall consist of 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 three, five and eight results of nationally normed standardized achievement tests in reading/language arts and mathematics or the results of Statewide tests administered in these grade levels. The department shall establish a list, with a minimum of five tests, of nationally normed standardized tests from which the supervisor of the home education program shall select a

test to be administered if the supervisor does not choose the Statewide tests. At the discretion of the supervisor, the portfolio may include the results of nationally normed standardized achievement tests for other subject areas or grade levels. The supervisor shall ensure that the nationally normed standardized tests or the Statewide tests shall not be administered by the child's parent or guardian.

(i) A teacher or administrator who evaluates a portfolio at the elementary level (grades kindergarten through six) shall have at least two years of experience in grading any of the following subjects: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; and civics.

(ii) A teacher or administrator who evaluates a portfolio at the secondary level (grades seven through twelve) shall have at least two years of experience in grading any of the following subjects: English, to include language, literature, speech, reading and composition; science, to include biology, chemistry and physics; geography; social studies, to include economics, civics, world history, history of the United States and Pennsylvania; foreign language; and mathematics, to include general mathematics, algebra, trigonometry, calculus and geometry.

(iii) As used in this clause, the term "grading" shall mean evaluation of classwork, homework, quizzes, classwork-based tests and prepared tests related to classwork subject matter.

(2) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator. Any such nonpublic teacher or administrator shall have at least two years of teaching experience in a Pennsylvania public or nonpublic school within the last ten years. Such nonpublic teacher or administrator shall have the required experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The certified teacher shall have experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The evaluation shall also be based on an interview of the child and a review of the portfolio required in clause (1) and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. In no event shall the evaluator be the supervisor or their spouse.

**(f)** The school district of residence shall, at the request of the supervisor, lend to the home education program copies of the school district's planned courses, textbooks and other curriculum materials appropriate to the student's age and grade level.

(f.1) (1) Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of section 511, including, but not limited to, clubs, musical ensembles, athletics and theatrical productions, provided that the child:

(i) Meets the eligibility criteria or their equivalent for participation in the activity that apply to students enrolled in the school district;

(ii) Meets the tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district; and

(iii) Complies with all policies, rules and regulations or their equivalent of the governing organization of the activity.

(2) For the purposes of this subsection, the school district of residence's program of interscholastic athletics, including varsity sports, shall be considered an activity and shall include all activities related to competitive sports contests, games, events or exhibitions involving individual students or teams of students whenever such activities occur between schools within the school district or between schools outside of the school district.

(3) Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test to students enrolled in the school district, the school district shall permit a child who is enrolled in a home education program to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test in a publication of general circulation in the school district and on its publicly accessible Internet website.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in activities and shall not conflict with any provisions of this section.

((f.1) added Nov. 10, 2005, P.L.374, No.67)

(f.2) (1) Beginning with the 2023-2024 school year and each school year thereafter, the school district of residence shall develop policies and procedures to permit a child who is enrolled in a home education program to participate, on the same basis as other students enrolled in the school district, in any co curricular activity that merges extracurricular activities with a required academic course, including, but not limited to, band or orchestra, and must permit a child who is enrolled in a home education program to participate in academic courses equaling up to at least one quarter of the school day for full-time students, pursuant to the policies and procedures of the school district of residence, on the same basis as other students enrolled in the school district, provided that the child:

(i) meets the eligibility criteria or their equivalent for participation in the co curricular or academic course that apply to students enrolled full time in the school district;

(ii) meets the prerequisite criteria or their equivalent for participation in the co curricular or academic course that apply to students enrolled full time in the school district; and

(iii) complies with all policies, rules and regulations or their equivalent of the school district of residence.

(2) For the purposes of this subsection, the school district of residence shall provide the grade for each co curricular or academic course to the home education program supervisor, who shall be responsible for maintaining the material in the portfolio of records.

(3) The parent or legal guardian of the child shall be responsible for transportation of the child to and from school for the selected courses, except that a home education student may utilize district transportation to or from school during the times a bus is otherwise already operating and space is available.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. A policy under this paragraph may require that the co curricular or academic courses taken under paragraph (1) be taken consecutively during the school day if the school or a child's parent or legal guardian is not able to provide adequate supervision for the child between co curricular and academic courses. The policy shall only apply to participation in cocurricular or academic courses and shall not conflict with any provisions of this section.

(5) A home education student enrolled in a co curricular or academic course in the student's school district of residence shall be included in the average daily membership of the school district of residence and shall be calculated by counting the time the home education student spends in the public school.

((f.2) added July 8, 2022, P.L.620, No.55)

(f.3) (1) Beginning with the 2023-2024 school year and each school year thereafter, the school district of residence shall develop policies and procedures consistent with the enrollment or seat allocation provisions of the written agreement among the participating school districts which established the career and technical education center, or in the case of a school district-operated career and technical education program, the school district of residence shall develop policies and procedures consistent with subsection (f.2), to permit a home education student to participate in a career and technical education program on the same basis as other students enrolled in the school district, provided that the child:

(i) meets the eligibility criteria or their equivalent for participation in the career and technical education program that applies to students enrolled full time in the school district;

(ii) meets the prerequisite criteria or their equivalent for participation in the career and technical education program that applies to students enrolled full time in the school district;  
and

(iii) complies with all policies, rules and regulations or their equivalent of the school district of residence and the career and technical education center.

(2) For the purposes of this subsection, the school-district-of-residence-operated career and technical education program or the career and technical education center shall provide the grades to the home education program supervisor, who shall be responsible for maintaining the material in the portfolio of records.

(3) The home education students may utilize district transportation to or from the career and technical education program during the times buses are otherwise already operating and space is available.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in career and technical education programs and shall not conflict with any provisions of this section.

(5) A home education student enrolled in the career and technical education program shall be included in the average daily membership of the school district of residence and career and technical center, if applicable, and shall be calculated by counting the time the home education student spends in the career and technical education program.

((f.3) added July 8, 2022, P.L.620, No.55)

(f.4) Nothing in subsections (f.2) and (f.3) shall prohibit a school district or a career and technical center from establishing policies that prioritize participation in courses or programs with limited seating or enrollment. ((f.4) added July 8, 2022, P.L.620, No.55)

**(g)** When documentation is required by this section to be submitted to the hearing examiner, the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The hearing examiner may photocopy all or portions of the documentation for his files. ((g) amended Oct. 31, 2014, P.L.2967, No.196)

**(h)** ((h) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

(h.1) An evaluator's certification stating that an appropriate education is occurring for the school year under review shall be provided by the supervisor to the superintendent of the public school district of residence by June 30 of each year. If the supervisor fails to submit the certification due on June 30 to the superintendent, 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 in accordance with subsection (k). ((h.1) added Oct. 31, 2014, P.L.2967, No.196)

(i) ((i) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

**(i.1)** 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 in accordance with subsection (e)(2) and that an evaluator's certification stating that an appropriate education is occurring for the school year under review, be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. The certified letter shall include the basis for the superintendent's reasonable belief. If the tests, as required in subsection (e)(1), have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation to the evaluator and shall submit the test results to the evaluator with the completed documentation at the conclusion of the school year. 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). ((i.1) added Oct. 31, 2014, P.L.2967, No.196)

(j) ((j) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

**(j.1)** 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). ((j.1) added Oct. 31, 2014, P.L.2967, No.196)

**(k)** If a hearing is required by the provisions of subsection (h.1), (i.1) or (j.1), the board of school directors shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing except that he may require the

establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program which shall continue the home education program. The decision of the 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. ((k) amended Oct. 31, 2014, P.L.2967, No.196)

**(l)** If the hearing examiner finds that the evidence does not indicate that appropriate education is taking place in the home education program, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school. The home education program may continue during the time of any appeal. ((l) amended Oct. 31, 2014, P.L.2967, No.196)

**(m)** At such time as the child's home education program has been determined to be out of compliance with the provisions of this section and section 1327, the supervisor or spouse of the supervisor of the home education program shall not be eligible to supervise a home education program for that child, as provided for in subsection (b)(1) of this section, for a period of twelve (12) months from the date of such determination.

**(n)** Nothing in this section shall be construed to affect Federal or State law relating to special education for students with disabilities in home education programs. ((n) added Oct. 31, 2014, P.L.2967, No.196)

(1327.1 added Dec. 21, 1988, P.L.1321, No.169)

## PRIVATE TUTOR OPTION

**22 Pa. Code § 11.31** Students not enrolled in public schools due to private tutoring.

(a) Private tutoring requirements.

(1) The instruction of students not enrolled in public schools due to private tutoring by a qualified tutor under section 1327 of the Public School Code of 1949 (24 P. S. § 13-1327) must include for elementary school level students: English, including spelling, reading and writing; arithmetic; geography; the history of the United States and Pennsylvania; science; civics, including loyalty to the State and National government; safety education, including regular and continuous instruction in the dangers and prevention of fires; health, including physical education and physiology; music; and art.

(2) For secondary school level students, the instruction must include: art; English; health; mathematics; music; physical education; science; and social studies, including civics, world history, United States and Pennsylvania history.

(3) The instruction may include, at the discretion of the tutor, economics, biology, chemistry, foreign languages, trigonometry or other age appropriate planned instruction as contained in Chapter 4 (relating to academic standards and assessment).

(4) The instruction must be given during the school year for a minimum of 180 days of instruction or for a minimum of 900 hours of instruction for an elementary level student and a minimum of 990 hours of instruction for a secondary level student as the equivalent of 180 days of instruction.

(b) Documentation regarding private tutoring.

(1) School district approval is not required to commence private tutoring.

(2) The parent shall provide written assurance that the instructional requirements listed in this section have been met.

(3) When a superintendent receives a complaint that a student is not being provided instruction for the time prescribed or that a student is not making satisfactory progress in the tutoring program, the superintendent may request evidence of student academic progress and documentation that instruction is provided for the required number of days and hours.

(4) Evidence of satisfactory progress may include samples of student work, assessments, progress reports, report cards and evaluations.

(5) Documentation of instructional time may include logs maintained by the tutor or parent, attendance records or other records indicating the dates and time instruction was provided.

Authority - The provisions of this § 11.31 amended under section 1317(a) of The Administrative Code of 1929 (71 P. S. § 367(a)); and sections 1327, 1330, 1372, 1511 and 2603-B of the Public School Code of 1949 (24 P. S. § § 13-1327, 13-1330, 13-1372, 15-1511 and 26-2603-B).

Source - The provisions of this § 11.31 amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4874; amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5798. Immediately preceding text appears at serial page (244462).

## CRIMINAL OFFENSES

All adults living in the home and persons having legal custody of a child or children in a home education program can not have been convicted of the criminal offenses enumerated in subsection (e) of section 111 within five years immediately preceding the date of the affidavit.

List of offenses listed under Section 1-111(e) of the Public School Code:

- Chapter 25 (relating to criminal homicide).
- Section 2702 (relating to aggravated assault).
- Section 2709.1 (relating to stalking).
- Section 2901 (relating to kidnapping).
- Section 2902 (relating to unlawful restraint).
- Section 2910 (relating to luring a child into a motor vehicle or structure).
- Section 3121 (relating to rape).
- Section 3122.1 (relating to statutory sexual assault).
- Section 3123 (relating to involuntary deviate sexual intercourse).
- Section 3124.1 (relating to sexual assault).
- Section 3124.2 (relating to institutional sexual assault).
- Section 3125 (relating to aggravated indecent assault).
- Section 3126 (relating to indecent assault).
- Section 3127 (relating to indecent exposure).
- Section 3129 (relating to sexual intercourse with animal).
- Section 4302 (relating to incest).
- Section 4303 (relating to concealing death of child).
- Section 4304 (relating to endangering welfare of children).
- Section 4305 (relating to dealing in infant children).
- A felony offense under section 5902(b) (relating to prostitution and related offenses).
- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
- Section 6301(a)(1) (relating to corruption of minors).
- Section 6312 (relating to sexual abuse of children).
- Section 6318 (relating to unlawful contact with minor).
- Section 6319 (relating to solicitation of minors to traffic drugs).
- Section 6320 (relating to sexual exploitation of children).

(2) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(3) An offense similar in nature to those crimes listed in clauses (1) and (2) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

**PA HOME EDUCATION PROGRAM AFFIDAVIT  
COMMONWEALTH OF PENNSYLVANIA , COUNTY OF YORK**

Before me, the undersigned notary public, this day personally appeared \_\_\_\_\_,  
being first duly sworn on oath, deposes and declares:

I am the parent of the child/children listed below. I am responsible for the provision of instruction in the Home Education Program in which the minimum of one hundred eighty (180) days or nine hundred (900) hours of instruction at the elementary school level or nine hundred ninety (990) hours of instruction at the secondary level will take place.

I attest that the subjects required by law will be offered in the English language, and that the Home Education Program will be in full compliance with the provisions of the Public School Code, and that the notarized affidavit shall be satisfactory evidence thereof.

I attest that the child/children in the Home Education Program has/have received the health and medical services required by Article XIV of the Public School Code or that I claim exemption under Title 28 Chapter 23.28 Pa. Code § 23.84, and that comprehensive health records are being maintained for said child/children and that the notarized affidavit shall be satisfactory evidence thereof.

I attest that I have a high school diploma, or its equivalent, and that all adults living in the home of the child/children in the Home Education Program have not been convicted of the criminal offenses enumerated in subsection (E) of section 111 of the school code within five years immediately preceding the date of the affidavit and that the notarized affidavit shall be satisfactory evidence thereof.

Attached is: An outline of proposed education objectives by subject area

Name of Supervisor of the Home Education Program: \_\_\_\_\_

Address of Home Education Program Site: \_\_\_\_\_

Phone Number of Home Education Program Site: \_\_\_\_\_

Name(s) and age(s) of child/children participating in Home Education Program:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## Unsworn Declaration in place of Notarized Affidavit

Both Federal law and Pennsylvania Commonwealth law have accepted that an Unsworn Declaration is legally acceptable to a Notarized Affidavit (in most cases). Therefore, YHSA has developed an Unsworn Declaration, that does NOT need to be notarized, for home education supervisors to submit to their superintendents to commence home education programs or continue with them.

References:

### **Federal law (28 U.S. Code § 1746)**

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

### **PA state law (Act 15 of 2020, Chapter 62)**

"Unsworn declaration." A declaration in a signed record [that is] not given under oath but [is] given under penalty of perjury.

#### § 6203. Applicability.

This chapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located within or outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States.

[This chapter does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.]

#### § 6206. Form of unsworn declaration.

An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct.[, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.

Executed] Signed on the.....day of.....,....., at.....,

(date)(month)(year)      ([city] county or other location, and state)(country)

.....  
(printed name)

.....  
(signature)

## Unsworn Declaration of a Supervisor of a Pennsylvania Home Education Program

I am the parent of the child(ren) listed below. I am responsible for the provision of instruction in the Home Education Program in which the minimum of one hundred eighty (180) days or nine hundred (900) hours of instruction at the elementary school level or nine hundred ninety (990) hours of instruction at the secondary level will take place.

I attest that the subjects required by law will be offered in the English language, and that the Home Education Program will be in full compliance with the provisions of the Public School Code Title 24 P.S. Education § 13-1327.1, and that the unsworn declaration shall be satisfactory evidence thereof.

I attest that the child(ren) in the Home Education Program has/have received the health and medical services required by Article XIV of the Public School Code or claim exemption under Title 28 Pa. Code § 23.84, and that comprehensive health records are being maintained for said child(ren) and that the unsworn declaration shall be satisfactory evidence thereof.

I attest that I have a high school diploma, or its equivalent, and that all adults living in the home of the child(ren) and persons having legal custody of the child(ren) in the Home Education Program have not been convicted of the criminal offenses enumerated in subsection (E) of section 111 of the Public School Code within five years immediately preceding the date of the affidavit and that the unsworn declaration shall be satisfactory evidence thereof.

Attached: An outline of proposed education objectives by subject area

Name of Supervisor of the Home Education Program: \_\_\_\_\_

Address of Home Education Program

Site: \_\_\_\_\_

Phone Number of Home Education Program Site: \_\_\_\_\_

Name(s) and age(s) of child/children participating in Home Education Program:

\_\_\_\_\_

\_\_\_\_\_

\*I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
(date) (month) (year)

\_\_\_\_\_, \_\_\_\_\_  
(city, county or other location, and state) (country)

\_\_\_\_\_  
(Printed name)

\_\_\_\_\_  
(Signature)

Mandated School Health Services

Mandated School Health Services														
SERVICE	K	1	2	3	4	5	6	7	8	9	10	11	12	Notes
School Nurse Services	X	X	X	X	X	X	X	X	X	X	X	X	X	
Maintenance of Health Record	X	X	X	X	X	X	X	X	X	X	X	X	X	
Immunization Assessment	X	X	X	X	X	X	X	X	X	X	X	X	X	
Medical Examination	*	*					X							*Required on original entry- K or 1st grade
Dental Examination	*	*		X				X						*Required on original entry- K or 1st grade
Growth Screen	X	X	X	X	X	X	X	X	X	X	X	X	X	
Hearing Screen	X	X	X	X				X				X		
Scoliosis Screen							X	X						6th grade physical may be used in lieu of 6th grade screen
Tuberculin Test	*	*								X				*Required on original entry- K or 1st grade. Unless approved to discontinue
Vision Screen-Far Visual Acuity Test	X	X	X	X	X	X	X	X	X	X	X	X	X	
Vision Screen-Near Visual Acuity Test	X	X	X	X	X	X	X	X	X	X	X	X	X	
Vision Screen-Convex Lens Test (Plus Lens)		X												1st grade students meeting criteria & new students (any grade) not previously screened
Vision Screen-Color Vision Test		*	*											*1st or 2nd grade & new students (any grade) not previously screened
Vision Screen-Stereo/Depth Perception Test		*	*											*1st or 2nd grade & new students (any grade) not previously screened

**Must I give the district proof of immunizations, medical and dental services for my child?**

The home education statute says, the affidavit is to set forth "...evidence that the child has been immunized in accordance with the provisions of section 1303(a) and has received the health and medical services required for students of the child's age or grade level in Article XIV; and that the home education program shall comply with the provisions of this section and that the notarized affidavit shall be satisfactory evidence thereof." See the contradiction there?

Under Title 28, Chapter 23.85, "Responsibilities of schools and school administrators," it states "The administrator in charge of a school shall appoint a knowledgeable person to perform all of the following: ... (2) Ascertain the immunization status of a child prior to admission to school or continued attendance at school. (i) The parent, guardian or emancipated child shall be asked for a completed certificate of immunization." You are required to provide immunization status as requested unless you are claiming an exemption. However, regarding medical and dental requirements, we have not found any provision requiring the districts to obtain that information. Generally, submitting the immunization record is sufficient. This is not legal advice, just information sharing from research and experience.

## Educational Objectives

Name: \_\_\_\_\_ School Year: \_\_\_\_\_

To include but not limited to:

### English

- Utilize library
- Read a variety of books and other types of literature
- Continue to improve spelling, grammar, reading and writing skills

### Arithmetic

- Improve computation skills
- Introduction to new topics

### History

- Increase knowledge of American / Pennsylvania history
- Study historical topics of interest

### Geography

- Improve map skills
- Increase knowledge of US and world geography

### Civics

- Continue to explain the rights and responsibilities of citizens

### Science

- Continued exposure to concepts in science
- Read interesting books / articles on scientific topics

### Safety Education

- Continued instruction regarding safety issues including fire safety

### Health

- Continued instruction in areas relating to health and hygiene

### Physical Education

- Incorporate exercise into weekly routine
- Out-of-doors exercise whenever possible

### Music/Art

- Increase appreciation for music and art as forms of expression
- Listen to a variety of music and artists
- Complete art and/or craft projects relating to topics studied

## Pennsylvania Religious Exemption

The undersigned parent or guardian of the child(ren) named below hereby objects on religious grounds (includes a strong moral or ethical conviction similar to a religious belief) to immunizations as required by 24 P.S. § 13-1303a and 28 Pa. Code § 23.84 and/or objects on religious grounds to health and medical services as required by 24 P.S. § 14-1419 and 28 Pa. Code § 23.45.

Name(s) of Child(ren):

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A religious exemption is claimed for (check all that apply):

- Immunizations
- Medical Examinations and Tests
- Dental Examinations

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(Parent or Guardian's Printed Name)

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(Parent or Guardian's Signature)

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(Date)

## LAW PERTAINING TO SPECIAL EDUCATION

“...any student who has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the program addresses the specific needs of the exceptional student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized affidavit required under section 1327.1(b). The supervisor of a home education program may request that the school district or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.  
((d) added Dec. 21, 1988, P.L.1321, No.169) (1327 amended Dec. 15, 1986, P.L.1602, No.178)”

~From 1949 Act 14, Section 1327(d)

More information: Look up **Title 20 USC Ch. 33: EDUCATION OF INDIVIDUALS WITH DISABILITIES** or go to <https://www.homeschool-life.com/1183/custom/15227>.

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If your child has been identified as needing special education and you need a qualified person to approve your objectives, here are some recommendations:

Jamie Menges - [mengesj.dolphin@gmail.com](mailto:mengesj.dolphin@gmail.com)

Meredith Yakelis - [mere@outsideofthebook.com](mailto:mere@outsideofthebook.com) or [mnrjakelis@yahoo.com](mailto:mnrjakelis@yahoo.com)

Anita Marchesani - [Anita@dr-anita.com](mailto:Anita@dr-anita.com)

Other options include PA certified special education teachers or licensed clinical or certified school psychologists that your family may already know.

## HELPFUL HOMESCHOOLING WEBSITES

Facebook Groups for Support and Encouragement [www.facebook.com](http://www.facebook.com)

- York Home School Assoc, Inc (Must be a YHSA member to join this group)
- Homeschooling in York, PA (Open to anyone interested in homeschooling)
- Traditional Homeschoolers in York, PA (Open to homeschoolers and Non-Public School/district Cyber School families)
- Homeschooling Outside the Box (Alternatives to the “school at home” method)

PA Home Education Law/Legal Protection

- Pennsylvania Home Educators Association [www.phea.net](http://www.phea.net) or on Facebook
- Home School Legal Defense Association [www.hslda.org](http://www.hslda.org)

Educational Learning Games

[www.academicsskillbuilders.com](http://www.academicsskillbuilders.com)      [www.learningplanet.com](http://www.learningplanet.com)      [www.playkidsgames.com](http://www.playkidsgames.com)

FREE Online Curriculum

- [www.sheppardsoftware.com/](http://www.sheppardsoftware.com/)
- [www.allinonehomeschool.com](http://www.allinonehomeschool.com) (Easy Peasy All-in-One Homeschool – ALL grades)
- [www.khanacademy.org/](http://www.khanacademy.org/) (Khan Academy – Many subjects, videos & courses)
- <http://amblesideonline.org/> (Charlotte Mason approach)
- <http://oldfashionededucation.com/>

New Curriculum (Full curriculum, books, and more)

- Christian Book Distributors (Christian books & textbooks) [www.cbd.com](http://www.cbd.com)
- [www.mfwbooks.com](http://www.mfwbooks.com) (Multi-age Christian curriculum)
- [www.answersingenesis.com](http://www.answersingenesis.com) (Creation science resources & curriculum)
- <https://www.homeschoolbuyersco-op.org> / (Group buys on curriculum and programs)

Used Curriculum

- PA Curriculum Exchange, 25 Ridge Rd, Dillsburg, PA <https://pacurriculumexchange.com/>

Teaching Helps

- [www.readinga-z.com](http://www.readinga-z.com)
- [www.educationworld.com](http://www.educationworld.com)
- [www.homeschoolshare.com](http://www.homeschoolshare.com) (all kinds of lapbooks, great for hands-on learners)
- [www.unschoolrules.com](http://www.unschoolrules.com) (information on unschooling)

Support Groups

- York Home School Association - a Christian support group offering events, activities, clubs, and groups ([www.yhsa.org](http://www.yhsa.org)) We offer monthly in-person support groups open to anyone!

## STANDARDIZED TESTING

The PA Home Education law requires that “in grades three, five, and eight results of nationally normed standardized achievement tests in reading/language arts and mathematics or the results of Statewide tests administered in these grade levels” be included in the child’s portfolio. If you are you planning on having your child tested this year, here is some useful information:

- The only restriction by law on who may give the test to the student in grades 3, 5, and 8 is that it cannot be the parent. Any other family member may administer the test to the child – many families use an older sibling. (However, some test manufacturers may have their own rules – for example, a certain test may require someone with a college degree to administer it)
- The parent determines the grade of the child.
- The Pennsylvania Department of Education has provided a list of 10 tests to choose from. They vary in scope and time length. See list below.
- Home educated children do NOT have to take the PSSA tests.
- Only scores in reading/language art and math testing are required to be included in the portfolio. Any other subject areas are optional.
- There are no “acceptable” test scores. The law only requires that they be taken.
- Anyone may order an achievement test from most of the test companies listed below. Not all suppliers have the same requirements for test administrators. For example BJUP has more restrictions than other suppliers for the same test.
- Testing does not have to be done at a ‘testing site’, in a group setting, or in your support group or local public school. Studies have, in fact, shown that students do better being tested in familiar surroundings, and for homeschoolers, that would be home.
- The testing provided by homeschool service providers is not superior to the tests that a parent may order on their own, nor is participation in large group testing required by the Home Education Law in Pennsylvania.
- Testing can be less expensive when tests are ordered through the mail (or purchased and taken online) from a test supplier when compared with the costs of testing provided by a homeschooling achievement testing business.

Excerpted from [www.phea.net](http://www.phea.net)

### List of Approved Standardized Tests

As of February 1, 2017, the department of education revised the list of approved tests as follows:

- California Achievement Test
- Comprehensive Testing Program (CTPIV)
- Iowa Test of Basic Skills
- Measures of Academic Progress (MAP)
- Metropolitan Achievement Test
- Peabody Achievement Individual Test – Revised Version
- Stanford Achievement Test
- Terra Nova
- Woodcock-Johnson Revised Tests of Achievement III
- Woodcock-Johnson IV
- Wechsler Individual Achievement Test III (WIAT-III)

## CHOOSING AN EVALUATOR

Remember, your evaluator should be a person who encourages, supports, and guides you. (You should also be sure that they are qualified under the law to evaluate for you. See qualifications on page 7-8, Section (e) (1) and (2).) Choose an evaluator who understands your educational philosophy and does not ask for more than the law requires. They are not there to quiz or test you or your children or put their own requirements or expectations on you. Their job is to talk with your child, review their portfolio, and see that progress has been made in the overall program. You should feel comfortable talking to your evaluator and asking questions. If your evaluator makes you dread your evaluation, I suggest you find another evaluator! This should be a celebration of the culmination of a year of life and learning.

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Here are some questions you may want to ask a potential evaluator:

Which of the following are you qualified/approved to do:

- Elementary evaluations (beginner through grade 6)
- Secondary evaluations (grades 7 to 12)
- Approval of objectives for special education students

Under which of the following do you evaluate?

- Licensed clinical or school psychologist
- PA certified teacher with 2+ years' experience
- Nonpublic school teacher or administrator with 2+ years' experience teaching in the last 10 yrs.
- Other qualifications with prior consent of the district superintendent  
If Other, which districts are you approved in?

Do you currently or have you ever educated your own children or grandchildren at home?

How long have you been conducting home education evaluations?

What is your educational philosophy?

What types of programs do you have experience with?

Do you or are you willing to do distance evaluations online or via phone or email?

What do you require in the portfolio or interview to demonstrate progress in the overall program?

What is your religious affiliation, if any?

What is your fee?

Do you have references available upon request?

What is your preferred contact information?

When do you start scheduling evaluations for the year?

## **OTHER IMPORTANT INFORMATION IN THE LAW**

### **RELOCATING**

If you plan to move to a different school district, you must request a letter of transfer from your current district. See page 4, Section (b) 2 through 3 for details. If you move out of state, there is nothing you must do, but it is good practice to inform your district in writing that you are moving so they know not to expect any further paperwork from you.

### **PARTICIPATION IN PUBLIC SCHOOL ACTIVITIES, CLASSES, AND CAREER AND TECH ED**

For extracurricular activities such as sports, the guidelines for participation are listed beginning on page 7, Section (f.1). Each district has their own eligibility criteria and policies for participation.

\*For co-curricular and academic class participation, the guidelines are listed beginning on page 8, Section (f.2).

\*For high school career and technical education participation, the guidelines are listed beginning on page 9, Section (f.3).

\*This part of the law is new beginning in the 23-24 school year. Each district will have their own policies and procedures on how this will work. If you are interested in pursuing any of these options, we suggest contacting your school district office and asking about Act 55 of 2022, participation of homeschooled students in co-curricular and academic classes or contacting York Tech regarding career and technical education.

### **NON-COMPLIANCE**

If you fail to submit your evaluator's letter by June 30, the district may send you a certified letter stating it is past due and notifying you to submit it within 10 days of the receipt of their letter. If it is not received within the 10 days, they may provide for a proper hearing by a hearing examiner. (More on page 10, Section h.1)

If at any time the superintendent has a reasonable belief that your child is not receiving appropriate education OR that you are out of compliance for any other reason, they may send you a certified letter requesting an evaluation within 30 days. If it is not provided, they may provide for a proper hearing by a hearing examiner. (More on page 10, Sections i.1 through m)