

Acceptable PDE Clarifications of Problem Areas

Problem: Superintendents say that parents must do all of the education.

PDE Clarification: “It is not necessary for the supervisor of the home education program to deliver all the instruction, but only to supervise it.”

Problem: Superintendents requiring the supervisor furnish a copy of their high school diploma, attesting to having one on the notarized affidavit would not be sufficient.

PDE Clarification: “Sample affidavit forms for your use are attached to the Home Education Program Basic Education Circular (BEC) containing all and only what is required by law.”
The PDE sample affidavits do NOT include copies of high school diplomas.

Problem: School districts say that lending books is optional or they charge the home educator.

PDE Clarification: “These are available for borrowing simply by requesting them; there is no fee and the school district is legally required to lend them. See 24 P.S. § 13-1327.1 (f).”

Problem: Home educated students have requested reimbursement or funding for college dual enrollment, which is already offered to the public school students.

PDE Clarification: “While a school district is not obligated to allow dual enrollment for homeschoolers or privately tutored students, they must allow homeschooled students to participate in concurrent enrollment if it is offered to the students in their public school. See 24 P.S. § 16-1602-B and 22 Pa Code § 11.33.”

Problem: School districts tell home educators that they are not allowed to start home educating during the year.

PDE Clarification: “The initial affidavit may be submitted any time during the school year, but all subsequent affidavits are due by August 1. See 24 P.S. § 13-1327.1 (b).”

Problem: School districts demand that home educators use only their affidavits.

PDE Clarification: “Additionally, you may use a form provided by your school district or you may create your own affidavit, following the requirements in the home education law. “

Problem: Health services/medical examinations exemptions were not clear.

PDE Clarification: “submit a letter stating that you have a religious objection to either immunization and/or medical examinations.”

Problem: Some School districts feel that they grant permission for home education programs, even demanding pre-interviews.

PDE Clarification: “Homeschooling is a right and the school's permission is not needed, as long as the required documentation is submitted with the affidavit. See 22 Pa. Code § 11.31a.”

Problem: Problems may occur when the Keystone graduation testing is fully implemented. This wording clearly states the boundaries.

PDE Clarification: “Homeschooled students are not required to take the Keystone Exams but supervisors of home education programs may request that their students take the test along with the school district, if they so desire. The supervisor should notify the school district early in the

school year if the Keystone Exams are to be taken so the school can order the extra tests and arrange for where the test will be administered.”

Problem: Some superintendents want both days and hours, or want to specify that a day equals at least 5 hours.

PDE Clarification: “If you choose to document days, you do not need to specify the number of hours each day.”

“The portfolio, submitted by June 30, must contain the evidence that the student has met the compulsory attendance requirements for homeschooled students. This may be accomplished through the option of either days or hours; both are not required. See 24 P.S. § 13-1327.1 (c).”

Problem: When supervisors request evaluators be approved with “other qualifications”, superintendents are not clear on what this option is.

PDE Clarification: “The fifth "other qualifications" is a wide-open door. If the district has confidence in the evaluator’s ability to do a credible job, they may allow that person to evaluate, regardless of degrees or teaching experience.”

Problem: Superintendents have demanded that evaluators and private tutors have Continuing Professional Development.

PDE Clarification: “The law specifically exempts evaluators and private tutors from having to maintain an active status for Act 48 Continuing Professional Development. This means an evaluator does not have to maintain Act 48 hours. See 24 P.S. § 12-1205.1.”

Problem: Home educators believe that the superintendents will not sign the PHEAA form.

PDE Clarification: “The superintendent must comply with verifying to PHEAA that the student has completed the home education law’s requirements. See 22 Pa Code § 121.21 (c).”

Problem: Superintendents do not know the Equal Access to Extracurricular section of the law for home education students (24 P.S. Section 13-1327.1(f.1)), even though it is clearly stated in the law.

PDE Clarification: “A school district must allow any home schooled student in their district to participate in the district's extracurricular activities.”

Problem: Parents and Superintendents are unsure whether a special education teacher, who does preapprovals of programs, must have an active certification.

PDE Clarification: “ The law does not stipulate that the certification must be active, but only that it exists. This is similar to the regulation for evaluators of home education programs and private tutors – neither of which are required to be current in Act 48 credits (professional development). See 24 P.S. § 12-1205.1.”

Problem: Superintendents have challenged the parents’ choice of special needs teacher that they use for preapprovals.

PDE Clarification: “No one has the right to challenge the “written notification” of who the supervisor of the home education program selects as long as they meet the vocational criteria. The parent may select someone to approve the program with whose diagnosis the parent feels comfortable, have that person review the program to ensure it meets their child’s needs and write the approval letter.”

Problem: School districts have refused to test students

PDE Clarification: “If you believe your child is disabled and in need of special education services, but has not been evaluated, the school district in which you reside is required to evaluate the child, without charge, when you make such a request in writing. The district must explain the results of the evaluation to you. If the district does not provide this service when requested to do so, the supervisor may contact the special education hotline at 1-800-879-2301.”

Problem: Parents had difficulty terminating an IEP.

PDE Clarification: “If a parent terminates the Individualized Education Program (IEP) of their homeschooled child, the requirement for pre-approval of the educational plan no longer applies and the school district will not provide services.”

Problem: Some school districts personnel have given parents false information, telling them that they were not qualified to home educate special needs children.

PDE Clarification: “A parent has no legal requirement for any particular skill or certification to homeschool a child with special needs. The only limitation is that their affidavit must address the specific needs of the child and be approved. See 24 P.S. § 13-1327(d).”

Problem: Law officials and schools have assumed that home education must occur at the same time as public school hours/days.

PDE Clarification: “Homeschooled are not bound by the days and hours that public school is in session and may not be considered truant during those times. The supervisor of the home education program sets the periods of time for studies, which may be defined as evenings and weekends.”

“In the course of the school year, students that are homeschooled are not considered truant if they are not schooling during the times that the public school is in session. See 24 P.S. § 13-1333(d). In other words, students that are homeschooled are not limited to 8 AM – 3 PM from Monday through Friday; homeschool supervisors are free to set very different schooling hours for their children. See 24 P.S. § 13-1333 on Penalties for violation of compulsory attendance requirements.”

Problem: School districts do not return portfolios.

PDE Clarification: “School districts are not to keep the portfolios of homeschooled students. Once the portfolios are examined (districts may photocopy any part of the portfolio), they are to be returned to the supervisor of the home education program. See 24 P.S. § 13-1327.1 (g).”