

Chapter 12 Home-Schooling Guidelines

Department of Education
State of Hawaii

The Legal Posture

302A-1131, Public schools; attendance, Hawaii Revised Statutes (H.R.S.), requires a child who is six years of age and not yet eighteen on or before December 31, of any school year to attend either a public or private school unless properly excused from school. **§302A-1136, Enforcement, H.R.S.**, places the responsibility for enforcing compulsory attendance with the Department of Education (DOE).

Exemption from the compulsory attendance law is permitted only under specified conditions pursuant to **§302A-1132, Attendance compulsory; exceptions, H.R.S.** and DOE regulations relating to compulsory attendance exceptions.

Chapter 12, Compulsory Attendance Exceptions, Hawaii Administrative Rules, delineate the requirements for exceptions to compulsory attendance including home schooling. Home schooling is covered in §8-12-13 through §8-12-22. These Home Schooling Guidelines are based on Chapter 12.

Philosophical Base

The Department has a legitimate interest in and responsibility for the appropriate education of all school age children in the State of Hawaii and recognizes home schooling as an alternative to compulsory school attendance. Home schooling is a **parent-initiated** educational alternative and is **not** to be used by a school as a means for releasing students with behavior or disciplinary problems or students lacking credits to graduate from the local public school.

Parents or legal guardians accept complete responsibility for the education of their children while they are being home schooled. The Department is responsible for ensuring that satisfactory progress is made in the education of the home-schooled child and carries out this responsibility by reviewing the child's annual progress report and monitoring student progress through the required tests at grades three, five, eight, and ten. When necessary, schools carry out their fiduciary responsibilities for the education of the child by following Department procedures for educational neglect.

Notification of Intent to Home School

1. All parents choosing to home school their children must notify the local public school principal by:
 - a. Completing Form OCISS 4140 (Rev. 5/02), Exceptions to Compulsory Education (**top portion** with student directory information: name, birth date, telephone number, address, school, district, grade, and **Part B**—see attached sample); **or**

- b. Submitting a letter with a statement of intent to home school the child(ren) and containing the following information:
 - Name, address, and telephone number of the child;
 - Birth date and grade level of the child;
 - Signature of the parent and date of signature.

NOTE: Parents do **not** need to officially “enroll” the student in school prior to home schooling. No birth certificate, proof of residency, TB clearance or Form 14 physical examination form is required.

2. The school and district office acknowledge the notice of intent submitted by the parents by:
 - a. Sending the parents a copy of Form OCISS 4140 after it is signed by the principal and complex area superintendent; **or**
 - b. Writing “**Acknowledged:**” on the bottom of the parent’s letter of notification with the signature of the principal and complex area superintendent, and returning the letter to the parent. Copies of the letter should be kept on file at the school and district office.
3. The school writes a letter to parents providing them with a copy of Chapter 12, home-schooling resources available through ERIC, support group list, and information about when the annual progress report is due and required testing for grades 3, 5, 8, and 10. A sample letter is attached along with a master that can be duplicated on the school’s letterhead stationery (**Attachment A**).
4. The notice of intent to home school a child is for record keeping purposes and to protect families from unfounded accusations of educational neglect or truancy.
5. As long as parents are complying with the annual progress reporting requirement (§8-12-18(b)), they do not have to resubmit the notification of intent to home school their child on an annual basis. However, another notification of intent must be submitted when the child is transferring from one local public school to another, for example, transition from the culminating fifth or sixth grade in elementary school to sixth or seventh grade at middle or an intermediate school, or moving from district to district. Parents should also contact the school if they are moving out of state so that their child(ren)’s name(s) can be removed from the state home school roster.
6. The parents submitting a notice to home school their child shall be responsible for the child’s total educational program **including athletics and other co-curricular activities**. There is no exception to this rule. A home-schooled child **cannot** enroll in selected courses, e.g., music or foreign language. In such cases, the parents and school may want to discuss an educational alternative other than home schooling for the child.

Records Maintained by the School

1. Upon receiving a notification to home school a child, the school assigns the child a valid student identification number and enters the child into the student information database.

Parents should **not** be asked for more information than **what is required by Chapter 12** (see **Notification of Intent to Home School**, item 1).

2. Parents are not required to officially enroll and un-enroll students in order to home school their child. **Therefore, no birth certificate or proof of residency is required.**
3. Schools shall enter the child into the student information database using the following values for required fields. **All your Home Schooled students must be exited to 055-Home Schooling.**

<u>Field Name</u>	<u>Value</u>
Ethnic Category	M-Other
Home Language	A-English
Language Used	A-English
Language First Acquired	A-English

4. Health records are not required for home-schooled children. It is **not** necessary for the home-schooled child to submit TB (tuberculosis) test clearance nor Form 14 (physical examination).
5. If the child has been evaluated and certified as needing special educational and related services, a notation of the student's status should be made in the student information database.
6. The school shall maintain a file on each home-schooled student. The file shall contain **annual progress reports and test scores for appropriate grade levels (grade 3, 5, 8, and 10)**. The parent may choose to have the child participate in the school's testing program and have the results serve as a means of assessing annual progress for that year. Schools will need to create their own procedures for home-schooled students coming to the school to take the Hawaii State Assessment online during the school year.
7. If there is reasonable cause for the principal to believe that there is educational neglect, then contact with the parents including telephone calls and conferences should be documented and placed in the student's file. See **Attachment B** for a sample letter along with a master that can be duplicated using school stationery.
8. **The local public school with which the parent filed the notification of intent to home school his/her child is responsible for following up on the home-schooled child, i.e., lack of annual progress report and/or test data, transition from elementary to intermediate/middle school or intermediate/middle school to high school.**
9. Individual student home-schooling files shall be retained for **six years** at the elementary level. If the child enrolls in a public or private school and satisfactorily completes one grade level, then the home-schooling files can be destroyed earlier, i.e., after the child's promotion to the next grade.

10. Home-schooling files at the secondary level should be retained until the child reaches 18 years of age. If the child enrolls in a public or private school and satisfactorily passes one grade level, then the files can be destroyed earlier, i.e., after the child's promotion to the next grade.
11. Schools will generate an annual list of students being home schooled and supply accurate grade level information. For statewide data collection purposes Student Information Services (SIS) will compile the data.
12. Schools shall use the individual school lists to follow up on home-schooled children and record the receipt of their annual progress report and test scores at grades 3, 5, 8 and 10.

Required Statutory Services

1. All educational and related services mandated by federal or state statute shall be made available at the home public school site to home-schooled children who have been evaluated and certified as needing educational and related services and who request the services.
2. Services are **not** provided at the child's home.

Record of Curriculum

1. The parent is responsible for keeping a record of the planned curriculum for the child. The curriculum shall be structured and based on educational objectives as well as the needs of the child, be cumulative and sequential, provide a range of up-to-date knowledge and needed skills, and take into account the interests, needs and abilities of the child.
2. The record of the planned curriculum should include the following:
 - a. Commencement date and ending date of the program;
 - b. A record of the number of hours per week the child spends on instruction;
 - c. The subject areas to be covered in the planned curriculum:
 - 1) An elementary curriculum **may** include language arts, mathematics, social studies, science, art, music, health and physical education to be offered at the appropriate development stage of the child;
 - 2) A secondary school curriculum **may** include social studies, English, mathematics, science, health, physical education and guidance.
 - d. The method used to determine mastery of materials and subjects in the curriculum; and
 - e. A list of textbooks or other instructional materials which will be used. The list shall be in standard bibliographical format. For books, the author, title, publisher and date of publication shall be indicated. For magazines, the author, article title, magazine, date, volume number and pages shall be indicated. For videotapes or computer software, indicate title, producer, and date.
3. Parents are **not** required to submit their curriculum to the school for review unless the school has reasonable cause to believe that there may be educational neglect.
4. **Schools are responsible for telling parents what basic units of study should be covered for a particular "grade" level.**

Notification of Termination of Home Schooling

1. Whenever the parent chooses to terminate home schooling, **the parent is required** to notify the principal. The child shall be re-enrolled in the local public school or a licensed private school unless a new alternative educational program is presented **within five school days** after the termination of home schooling.

2. Notification may be written or verbal. If notification is verbal, the principal shall document the notification in writing unless the child is immediately enrolled in the local public school.
3. For grades one through eight, the home-schooled child shall re-enroll at the appropriate grade level by **birth date**. For example, if the home-schooled child by birth date should be an eighth grader, then he/she is enrolled as an eighth grader.
4. Once the child is enrolled, if the school has a concern about appropriate grade level placement, then the school shall evaluate the student (as it would any other student) and make adjustments accordingly, including placement at another grade level. Parents should be informed and involved in the assessment, as feasible. The principal's decision about grade placement is final.
5. **Home-schooled children of high school age shall enroll in high school as freshmen** since no Carnegie credits are awarded to home-schooled children while they are being home schooled (§8-12-20). Act 163 states, "No person who is twenty years of age or over on the first instructional day of the school year shall be eligible to attend a public school." Regulation 4145.101 states, "Grade 9 maximum age on the first instructional day = 16 years old."

Educational Neglect

1. If the principal has reasonable cause to believe that there is educational neglect, the school, in compliance with §302A-1132, shall intervene and take appropriate action in accordance with established Departmental procedures.
2. Reasonable cause for educational neglect shall not be based on the refusal of parents to comply with any requests that exceed the requirements of Chapter 12.
3. After an investigation, including a review of the child's record of curriculum, annual progress reports, and test scores, if the principal believes that there is educational neglect, then an educational neglect petition to Family Court will be submitted.

Testing and Progress Reports

1. Test scores shall be required for grades identified in the Statewide Testing Program, grades 3, 5, 8 and 10.
2. A home-schooled child is eligible to participate in the Statewide Testing Program at the local public school. The parent is responsible for securing necessary details from the principal of the local public school. Schools may create their own procedures for inviting the students to take the online Hawaii State Assessment at designated times during the year.
3. The parent may elect to arrange for private testing at the parent's own expense. The tests used shall be comparable to the appropriate criterion or norm-referenced tests used by the Department in the grades concerned.

4. The parent may request and the principal may approve other means of evaluation to meet the Statewide Testing Program requirements.
5. The parent shall submit to the principal an annual report of the home-schooled child's progress on or before the student's last school day.
6. One of the following methods shall be used to demonstrate satisfactory progress:
 - a. A score on a nationally-normed standardized achievement test, which demonstrates grade level achievement appropriate to a child's age;
 - b. Progress on a nationally-normed standardized achievement test that is equivalent to one grade level per calendar year, even if the overall achievement falls short of grade level standards;
 - c. A written evaluation by a person certified to teach in the State of Hawaii that a child demonstrates appropriate grade level achievement or significant annual advancement commensurate with a child's abilities; or
 - d. A written evaluation by the parent which shall include:
 - 1) A description of the child's progress in each subject area included in the child's curriculum;
 - 2) Representative samples of the child's work; and
 - 3) Representative tests and assignments including grades for courses if grades are given.
7. When tests are administered under the Statewide Testing Program for grades three, five, eight, and ten, the parent may choose to have the child participate in the school's testing program and have the results serve as a means of assessing annual progress for that year.
8. **The principal shall review the adequacy of a child's progress. If progress is not adequate, the principal shall meet with the parent to discuss the problems and help establish a plan for improvement. In this case, the principal may request and the parents shall share their record of the child's planned curriculum.**
9. When standardized test scores are used, adequate progress shall be considered to be scores/stanines in the upper two thirds of the scores/stanines.
10. Unless progress is inadequate for two consecutive semesters, based on a child's scores on a norm-referenced test for that grade level or the written evaluation by a person certified to teach in the State of Hawaii, recommendations to enroll the child in a public or private school or to take legal action for educational neglect shall be prohibited.
11. No recommendations shall be made for a child by school officials before the third grade.

Instructional Personnel of Home-schooled Children

A parent teaching his/her child at home shall be deemed a qualified instructor regardless of educational background or training.

Credits

No course credits (Carnegie units) are granted for time spent being home-schooled. **All high school-aged children returning to enroll in the public school shall enroll as freshmen.** There are no exceptions to this rule.

High School Diploma for Home-schooled Children

Local Public High School

1. A home-schooled child who wants to earn a high school diploma from the local public high school shall attend high school for a minimum of three full years to meet the graduation credit requirements.

Community School for Adults

1. A home-schooled child who wants to earn a high school diploma from the community school for adults shall meet the following requirements and must:
 - a. Be at least sixteen years of age, except in the case of an emancipated minor;
 - b. Have been home schooled for at least one semester under Hawaii's home-schooling procedures; and
 - c. Attain a satisfactory score on the General Educational Development (GED) test.
2. The diploma shall be awarded by the community school for adults.

College Entrance Examination and Home-schooled Children

1. A child who is being home schooled may participate in any college entrance examination, which is made available to all other students.
2. The principal of the local public high school shall, upon request, supply written acknowledgment that a child has been home schooled in compliance with the requirements of Chapter 12, Hawaii Administrative Rules. The letter is written for home-schooled children whose parents have met the requirements of Chapter 12, i.e., submitted an annual progress report and test data for appropriate grade levels (grades 3, 5, 8, and 10). See **Attachment C** for a sample letter.