

HOME SCHOOLING

Massachusetts law requires compulsory school attendance of all children between the ages of 6 and 16. While all children must receive an education and have a right to be enrolled in the public schools of the city or town where they reside, parents have the right to choose from other alternatives, including the right to educate their children¹ at home. The legal standards for approving home education programs for children of compulsory school age was set out in the Massachusetts Supreme Judicial Court decision in Care and Protection of Charles, 399 Mass. 324 (1987). In addition, a draft advisory prepared by Rhoda E. Schneider, General Counsel of the Department of Education, explains the legal standards in Care and Protection of Charles and incorporates two other Massachusetts court decisions addressing home education, Brunelle v. Lynn Public Schools, 428 Mass. 512 (1998) and Care and Protection of Ivan, 48 Mass. App. Ct. 87 (1999). In order to permit parents² to educate their children at home if they choose to do so, the Hull Public Schools adopts this policy and procedure to ensure compliance with legal requirements.

The Hull Public Schools recognize and respect a parents' decision to home school their child or children of compulsory school age, as long as their home education program meets the legal standard set out in M.G.L. c.76, §1, that is, the instruction must be equal "in thoroughness and efficiency, and in progress made therein," to the instruction in the Hull Public Schools. When a child of compulsory school age who resides in Hull is educated at home under his or her parents' guidance, the Superintendent of the Hull Public Schools, or his or her designee, (hereinafter, references to "the Superintendent" includes "or his or her designee"), must review and approve the program in advance to determine whether the home schooling program proposed by the parents provides instruction equal to that in the Hull Public Schools. Thereafter, parents must demonstrate that the child is making progress in the program. Parents may not begin home schooling or refuse to enroll their children in school or withdraws the child from school to begin home education without the necessary approval from the Superintendent of the Hull Public Schools. If parents fail to enroll a child in school or withdraw the child from school without first obtaining the necessary approval, the Hull Public Schools will act promptly to enforce the compulsory school attendance law.

Home schooled children are not Hull Public Schools students and the Hull Public Schools has no obligation to provide them or their parents with any books, materials, or access to school resources other than to the extent such books, materials, or school resources are available to the general public. Subject to availability, and in the Superintendent's sole discretion, the Hull Public Schools may permit parents to borrow books and materials.

Since home schooled students are not enrolled in public school, they are neither required, nor entitled to take the statewide assessments, MCAS (Massachusetts Comprehensive Assessment System), or PARCC (Partnership for Assessment Readiness for College and Careers) to measure their progress toward meeting the learning standards. Home schooled students must, however, take either standardized achievement tests or participate in some other form of evaluation agreed to by the Hull Public Schools and parents.

Approved home schooled students are eligible to participate in public school programs, co-curricular activities such as varsity, junior varsity, or intramural sports, chorus, band, or clubs. Home schooled students must receive approval by the Superintendent or his designee prior to participation in any co-curricular activities. Home schooled students may use school facilities and participate in school sponsored activities which are open to the public.

Because home schooled children are not Hull Public Schools students, the Hull Public Schools will not issue high school diplomas to home schooled students upon completion of their home education program.

¹References to "children" includes "child", and references to "child" includes "children."

²References to "parents" includes "parents, parent, guardian, and guardians."

While regular education home schooled students are not entitled to receive any services from the Hull Public Schools, students identified with special needs and who require special education are treated like students who are enrolled in private school at private expense and may be entitled to services. Information about special education evaluation, program planning, and the appeal process is available from the Hull Public Schools' Director of Student Services or from the Massachusetts Department of Elementary and Secondary Education.

The Hull Public Schools follows the procedure outlined below when reviewing and approving home school programs.

1. **Notice.** Parents who wish to home school their children must notify the Superintendent of the Hull Public Schools of their intent to do so in writing no later than thirty (30) school days before the date on which their child must be first enrolled in the Hull Public Schools or before they remove their child from the Hull Public Schools, followed by a completed Application for Home Education.
2. **Home Instruction Application.** The Hull Public Schools will provide an Application for Home Education form to the parents for each child the parents wish to home school. An application form must be completed for each child and returned to the Superintendent with the required information and documentation. Joint applications for more than one child will not be considered. Each application is for the period from the proposed date when the home instruction will begin and the end of the school year only. Applications must be submitted for each child for every school year.

The Application must include the parents' proposed home education plan which shall address and include the following factors upon which the Superintendent or his or her designee will base approval:

- a. **The proposed curriculum, the length of the proposed home school year, and the number of hours of instruction in each of the proposed subjects.** Massachusetts General Laws, Chapter 71, Sections 1, 2, and 3 list the subjects which must be taught in the public schools. Section 1 also permits the School Committee to require such other subjects as it deems expedient.
- b. **The competency of the parents to teach.** Massachusetts General Laws Chapter 71, Section 1 provides that teachers shall be "of competent ability and good morals." Parents who provide education at home need not be certified teachers, nor must they have college or advanced academic degrees, but the Superintendent may inquire as to the academic credentials or other qualifications of the parent or parents who will be instructing the children. The proposed plan must include a statement of the academic background and life experiences of the parent educator(s) sufficient to permit the Superintendent to determine the parents' competency to teach.
- c. **The textbooks, workbooks, teaching materials, and/or other instructional aids and materials parents have selected, as well as the lesson plans and teaching manuals the parents intend to use.** Parents must provide the Hull Public Schools with information about, and access to, the instructional materials they have selected for their child's home education to permit the Superintendent to determine the subjects to be taught and the grade level of instruction in order to compare the materials to the curriculum of the Hull Public Schools. Parents are not required to use textbooks to instruct their children, and may choose from a variety of methods, including conventional and non-conventional approaches. The Superintendent will not dictate the manner in which the subjects will be taught and will not

- d. reject a program because it includes religious instruction. Correspondence courses and commercial curriculum programs may be submitted for approval as part of a home education plan.
- e. **Periodic Standardized testing of the child or children to ensure educational progress and attainment of minimum standards.**
Home schooled students must take periodic standardized achievement tests unless parents propose another means of measuring student progress. The application must include a statement that parents agree to periodic standardized testing or a proposal for an alternative assessment. Alternative means of assessment which may be proposed include a student work portfolio which may be reviewed periodically by the Superintendent; periodic consultation with the principal of the school would be assigned if attending the Hull Public Schools along with a student portfolio; an independent report containing the student's progress in each subject area by a qualified individual acceptable to the Hull Public Schools; quarterly written progress reports by the parents and/or dated work samples which are mailed to the appropriate building principal; and/or any other method agreeable to the Superintendent and the parents.

Where parents agree to the use of standardized testing, they may propose the type of standardized testing instruments to be used and the location where the testing will occur. In consultation with the parents, the Superintendent will decide upon the testing instruments and testing location or the nature of alternative means of measuring progress such as periodic progress reports and/or portfolio of dated work samples.

- 3. **Initial Meeting.** To expedite the review and approval process, parents are required to meet with the principal of the school building the child is attending or would attend prior to submitting their application to the Superintendent. The building principal will review home school requirements and the parents' proposed curriculum, answer questions about the approval process and curriculum requirements, identify any deficiencies he or she sees in the parents' proposed home school program, and provide parents with general assistance in revising the proposal. The initial meeting should take place within five (5) days of the Superintendent's receipt of parents' initial notice of intent to home school.
- 4. **Final Approval Process.** Parents shall submit their final completed application form with supporting documentation and materials to the Superintendent for review and approval as soon as possible after that initial meeting. Ordinarily, you will receive a response within twenty-five (25) school days from the date of receipt of your completed application and proposed home schooling plan. Parents may request a meeting with the Superintendent or, if the Superintendent deems a presentation is necessary to permit him or her to determine whether to approve or reject a plan, the Superintendent will schedule a presentation by providing parents with not less than two (2) days' notice of the date on which the meeting will be held. At any meeting or scheduled presentation, parents shall have an opportunity to present witnesses in support of their home school program.

If the Superintendent finds the program is inadequate, he or she shall identify the deficiencies in the program, recommend specific changes, and provide parents an opportunity to correct them. Once the parents have made the corrections to the program or have notified the Superintendent that they are not making the required or recommended changes to the proposal, the Superintendent shall approve or disapprove their application in writing within five (5) business days.

IMPORTANT REMINDER: Children must remain in school or be enrolled in public or private school until the approval process is completed. That an approval or appeal from a rejection is pending does not justify keeping a child of compulsory attendance age home from school.

5. **Reporting.** Within one week of the ending date of approved home instruction, parents shall provide the Superintendent with documentation of the/ each child's attendance in the home school program and records of test scores or other achievement indicators in each required subject. In addition, the Superintendent may, from time to time, request attendance records and records of achievement to determine that the children are receiving the program which was approved.
6. **Changes to the Home School Program.** Parents must report any changes to the approved home school in writing to the Superintendent at least five (5) days before the change is implemented or otherwise expected to occur to permit the Superintendent to approve or reject the changes. Any changes must be approved and may not be implemented without approval.
7. **Appeal to the School Committee.** Parents may appeal an adverse decision of the Superintendent to the School Committee by requesting a hearing within ten (10) calendar days of receiving the decision. Parents may be represented at the hearing by counsel or an advocate. In presenting their plan to the School Committee, parents may present witnesses and offer evidence. The School Committee shall render a written decision on the appeal within thirty (30) days of the hearing.

LEGAL REFS: M.G.L. 69:1D; 76:1, Care and Protection of Charles
Care and Protections of Charles - MASS. Supreme Judicial Court
399 Mass. 324 (1987)

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Hull Public Schools