

# Home Schooling In California

## LEGAL REQUIREMENTS

- A. There are no statutes in California that specifically and exclusively deal with private "home education" as distinct from private schools.
- B. Compulsory attendance at public schools is required for all pupils from the age of 6 years until the age of 18 years [E.C. §§ 48200, 48400, et al.], with special provisions for 16 to 18 year olds [E.C. § 48410]. Exemption from attendance in a public school is provided by the first three of the following four alternatives.

### Four LEGAL ALTERNATIVES for "Home Educators":

- (1) California is one of twelve states in which "home schooling" is accomplished under a private school exemption. Home educators may establish a private school, based in their home, and must file a private school affidavit with the Superintendent of Public Instruction of California (normally between October 1st and 15th of every school year). On August 8, 2008, the California Court of Appeals for the Second Appellate District confirmed in their *In re Jonathan L.* ruling (formerly *In re Rachel L.*) that "California statutes permit homeschooling as a species of private school education." Children enrolled in a private school are exempt from attendance in a public school. Under this provision [E.C. §§ 48222 and 33190], the following requirements apply to all private schools:
  - a. The instructors must be capable of teaching.
  - b. The instruction must be in English.
  - c. The instruction must be in the several branches of study required in public schools. [E.C. §§ 51210 and 51220]
  - d. Certain pupil and school records must be on file: student attendance record, course of study, faculty information, and applicable criminal record summaries.
  - e. Health Department forms (PM 171A and PM 286B) must be on file. [H.S.C. §§ 124085 and 120375]
- (2) Home-schooling parents may enroll their children in a private school satellite program, which has filed a private school affidavit with the Superintendent of Public Instruction of California [same legal requirements as (1) above]. A private school satellite program may be composed entirely of home educators or be an extension program of a campus-based private school. Children who are enrolled in a private school satellite program are exempt from attendance in a public school under the same private school exemption as referred to in (1) above.
- (3) A child being taught by a home-schooling parent, who has a valid California teacher's credential for the grades and subjects taught, is exempt from attendance in a public school under the tutorial exemption. [E.C. § 48224]
- (4) The home-schooled pupil may enroll in a public school independent study program (ISP) or a charter school offering home study [E.C. §§ 51745 – 51747 & E.C. § 47600, et seq.] if available in their school district or county. In either of these two programs, the home-schooling family is totally under the authority of the public schools.

For more detailed information on the above legal private alternatives and their requirements, contact Private and Home Educators of California.

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