

## **HOME EDUCATION POLICY**

The Massachusetts General Law requires the school committee to determine that a Home Schooling program meet with the minimum standards established for public schools in the Commonwealth prior to approving such a program.

When a parent or guardian of a student below the age of 16 wants to establish a homebased educational program for his/her child, the **Home Education Procedure** shall be followed in accordance with the law:

### **Home Education Procedure**

1. The parent/guardian must submit written notification of establishment of the home-based program to the Superintendent of Schools one month before instruction is to begin, and resubmit notification on an annual basis as long as the child or children are being educated in a home-based environment.
2. The parent/guardian must certify in writing, on a form provided by the district, the name, age, place of residence, and number of hours of attendance of each child in the home education program.
3. The superintendent shall give the notice to produce records required by law if there is probable cause to believe the program is not in compliance with the law. Factors to be considered by the superintendent or school committee in deciding whether or not to approve a home education proposal shall be:
  - a. The proposed curriculum and the number of hours of instruction in each of the proposed subjects.
  - b. The competency of the parents to teach the children.
  - c. The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents.
4. Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards, when this provision is applicable.

A student being educated in a home-based program within the district may have access to public school activities of either a curricular or extracurricular nature upon approval of the superintendent.

Legal Ref. M.G.L. Ch. 69: 1 D; Ch. 76: 1,  
Care and Protection of Charles (399 MASS. 324 [1987])

*Adopted April 7, 1997  
Reviewed October 24, 2005*

**EXHIBIT A: HOME EDUCATION LEGAL REFERENCE**

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In March 1987, the Massachusetts Supreme Judicial Court decided the case entitled Care and Protection of Charles, 399 Mass. 324 (1987). The decision sets forth the legal standards for approval of home education programs for children of compulsory school age in Massachusetts. This advisory opinion, prepared by Rhoda E. Schneider, General Counsel of the Department of Education, is intended to inform public school officials and other interested parties of the standards set forth in the decision. It supersedes the department's January 4, 1980 Advisory Opinion on Home Education, although the approval guidelines established by the court are very similar to those in the 1980 advisory.

There are four main components to the decision, which may be summarized as follows:

- I. The school committee may enforce the compulsory school attendance law through a care and protection proceeding.

The court held that the Canton School Committee had authority to file a petition for care and protection (pursuant to General Laws Chapter 119, Section 24) with respect to three school-age children whose parents had not enrolled them in public school or an approved private school, and who had not been granted permission to educate them at home. The court noted that the compulsory school attendance law (General Laws Chapter 76, Section 1) states that “the school committee of each town shall provide for and enforce the school attendance of all children (ages 6-16) actually residing therein in accordance herewith,” and concluded that one appropriate way for the school committee to do so is a petition to find the children in need of care and protection with respect to their educational care.

- II. The compulsory school attendance law provides adequate standards to determine a child's need for educational care and to withstand constitutional challenge.

The court held that General Laws Chapter 76, Section 1, the compulsory school attendance law, provides the standards by which a judge may determine that a child is in need of educational care, and is neither void for vagueness nor an unlawful delegation of legislative authority. In pertinent part, the statute provides:

Every child between the minimum and maximum ages established for school attendance by the board of education (6-16)... shall ...attend a public day school... or some other day school approved by the school committee... unless the child attends school in another town... **but such attendance shall not be required of a child ...who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee.** (Emphasis added.)

The court concluded that this grant of authority to the superintendent or school committee to approve an alternative manner of instruction for a child (specialty, home instruction) is not unconstitutionally vague, because the school officials may draw approval criteria from three sources. First, the legislatures established a general framework for public education, by mandating the subjects that must be taught in public schools and qualifications public school teachers must meet. (See General Laws Chapter 71, Sections 1, 2, 3 and 38G.) Second, the court stated that proposed home education programs are subject to the same standard of approval as private schools under General Laws Chapter 76, Section 1:

“For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, of that in the public schools in the same town; but shall not withhold such approval on account of religious teaching.”

Third, the court set forth specific procedures and approval guidelines for home education programs. In light of all these factors, the court concluded that the law provides reasonable standards for reviewing and approving home education programs, and therefore meets constitutional requirements.

III. Parents have a basic right to direct their children's education, but that right is subject to reasonable regulation to promote the state's substantial interest in the education of its citizens.

Several United States Supreme Court decisions, cited by the court, have affirmed substantial state interest in the education of its citizenry, with which parents' basic right to direct children's education must be reconciled. The court agreed with the parents that "the state interest in this regard lies in ensuring that the children residing within the state receive an education, not that the educational process be dictated in its smallest detail." However, the court concluded that the approval process required under General Laws Chapter 76, Section 1 "is necessary to promote effectively the state's substantial interest," and that the school committee may use that statutory approval process to impose on home education programs "certain reasonable educational requirements similar to those required for public and private schools."

IV. Guidelines for approval of home education plans.

Having concluded that the approval process under General Laws Chapter 76, Section 1 is Constitutionally permissible, the court set forth guidelines for parents and school officials to follow in considering home education plans. They may be summarized as follows:

A. Procedures.

1. Parents must obtain approval of the superintendent and school committee prior to removing the children from the public school and beginning the home education program.
2. The superintendent must provide the parents with an opportunity to explain their proposed plan and present witnesses on their behalf. A hearing during a school committee meeting is sufficient to meet this requirement.
3. In obtaining approval from the superintendent or school committee, the parents must demonstrate that the home education proposal meets the requirements of General Laws Chapter 76, Section 1, in that the instruction will equal "in thoroughness and efficiency, and in the progress made therein, of that in the public schools in the same town."
4. If the home education plan is rejected, the superintendent or school committee must detail the reasons for the decision, and allow the parents to revise their proposal to remedy its inadequacies. If they begin the home education program without the necessary approval, a truancy proceeding may be initiated or a care and protection petition, in which it would have to show that the instruction in the home does not meet the statutory standard for thoroughness, efficiency and educational progress.

B. Approval factors

The court listed the following factors that may be considered by the superintendent and school committee in deciding whether or not to approve a home education proposal:

1. The proposed curriculum and the number of hours of instruction in each of the proposed subjects must comply with guidelines set by the Board of Education of the Commonwealth of Massachusetts.

General Laws Chapter 71, Section 1, 2 and 3 list the subjects of instruction that must be taught in the public schools. Section 1 also allows the school committee to require such other subjects as it may deem expedient. In addition, the superintendent or school committee “may properly consider the length of the proposed home school year and the hours of instruction in each subject,” noting that state law requires public schools to operate for a minimum of 180 days.

2. The competency of the parents to teach the children must be established.

General Laws Chapter 71, Section 1 provides that teachers shall be “of competent ability and good morals.” The court noted that parents providing education at home need not be certified, nor must they have college or advanced academic degrees. However, “the superintendent or school committee may properly inquire as to the academic credentials or other qualifications of the parent or parents who will be instructing the children.”

3. The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents must be made available for review by the superintendent.

The superintendent needs access to this material “to determine the type of subjects to be taught and the grade level of instruction for comparison purposes with the curriculum of the public schools,” but they “may not use this access to dictate the manner in which the subjects will be taught.”

4. Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards is required.

The superintendent may properly require such testing, and in consultation with the parents may decide where the testing will occur and the type of testing instrument to be used. The court noted that “where practical, a neutral party should administer the test,” and that the school authorities and parents may agree to other means of measuring the children's progress, such as periodic progress reports or dated work samples. In addition, if suggested that on-site visits by public school representatives may be included, although with appropriate testing procedures or progress reports, there may be no need for periodic on-site visits or observations of the learning environment by school authority personnel.

## V. Conclusion

The Supreme Judicial Court’s decision provides both a legal framework and useful guidance for public school officials and parents with respect to proposals to educate a school-age child at home. We recommend that superintendents and school committees review their procedures and approval criteria for home education plans, to assure that they are consistent with the court’s decision. As long as the school officials making the decision to approve or disapprove a home education program do so reasonably and in good faith, using the standards and procedures discussed above, it is likely that a court will uphold their educational judgments.

Legal Ref. M.G.L. 69:1D; 76:1

*Adopted April 7, 1997  
Reviewed October 24, 2005*

**EXHIBIT B: HOME EDUCATION APPLICATION FOR THE WRENTHAM SCHOOLS**

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The Wrentham School Committee will grant permission for home education in accordance with the rights and responsibilities given to parents by Massachusetts General Law, Chapter 76, Section 1. This policy for home education reflects the intention of the Wrentham School Committee to assist the child's parent(s) or guardian(s) to develop an educational program that is appropriate and educationally sound. However, the United States Supreme Court, other federal courts and Massachusetts courts have held that the right of parents to home education is not absolute and that a school committee has the responsibility and the right to approve, modify, or disapprove said home instruction program. The State Board of Education further states that, until a home education plan is approved by vote of a school committee, a child is required to attend Wrentham Schools or other already approved educational programs. The Wrentham School Committee will consider approval of a request for a home education program upon the recommendation of the Superintendent and provided that the requirements of the committee for approval of such a program have been followed.

1. Application Procedure

The parent(s) or guardian(s) of the child/children concerned must indicate their intention to instruct the child/children in a home education program at least one month prior to the intended date of inception of such home program. Upon receipt of such notification, the superintendent or his/her designee will provide the parent(s) or guardian(s) with an application form and a copy of the local policy and list of requirements. They will also receive written notification (not less than two (2) days in advance) of a scheduled presentation to the school committee and will be informed in advance as to whether the recommendation will be made to the school committee to approve the plan.

2. Requirements

- a. Approval of a plan will be given only from the proposed date of inception to the end of the current school year. Thereafter, application must be made each year for continuation of an approved plan.
- b. Individual plans must be submitted for each child in a family. No joint plans will be given consideration by the superintendent or school administration.
- c. The application form must include written documentation of the educational background of all persons who will be responsible for the instruction of the child/children.
- d. The home educational plan, as devised by the parent(s) or guardians must include the following information:
  - 1) The number of hours (per day or per week) to be spent in each subject area;
  - 2) The name(s) of all persons who will be responsible for the instruction of the child/children in each subject area;
  - 3) A full and complete outline of concepts and skills to be learned in each subject area for the period covered by the plan, including reading, written and oral language,

spelling, mathematics, science, social studies, the arts (music, art) American history, citizenship duties, health and physical education.

- 4) A full and complete list of materials and/or resources to be used for instruction in each subject area;
  - 5) A detailed plan for the assessment of the child's progress in each instructional area.
- e. It is the intention of the school committee that the staff shall act as a resource to persons involved in home education proposals or approved plans; therefore, the school department will share materials with parent(s) or guardian(s) whenever possible. However, the development of the proposed home education plan is the sole responsibility of the parent(s) or guardians submitting such a plan and they must agree to accept all responsibility, including financial responsibility for their child's/children's education. The school committee, acting through the superintendent or his/her designee, reserves the right to ask for revisions, modifications, additions, or deletions to any proposed plan.
- f. Parent(s) or guardian(s) have the right to a hearing before the school committee for presentation or explanation of their plan and have a right to be represented by counsel and to call witnesses. The hearing will comply with the open meeting law and a record will be kept. Sufficient notice (at least two (2) days), will be given to the parent(s) or guardian(s) in writing prior to the scheduling of such a hearing.
- g. As part of the approval of a home education plan by the school committee, the parent(s) or guardian(s) must adhere to the following additional requirements:
- 1) During the first four (4) weeks of the implementation of a new home education plan, the principal of the appropriate school (where the child would be assigned if attending public schools) may, by agreement of the family and school, make a home visit to observe the conditions under which instruction at home is being provided. This visit will enable the principal to assist the parent(s) or guardian(s) in establishing an atmosphere conducive to affording a quality education to the child/children. Parent(s) or guardian(s) will be notified at least forty-eight (48) hours in advance of such a home visit.
  - 2) The parent(s) or guardian(s) may also meet with the appropriate building principal one or more times a year.
    - (a) During the meetings, the parent(s) or guardian(s) shall provide dated work samples for each week as evidence of pupil instruction and progress in all subject areas (excepting physical education). The building principal or his/her designee will make copies of all dated work samples and maintain a permanent record folder in the school system for the child which shall include copies of the work samples, assessments, and other records of the meeting(s).
    - (b) During the meetings, the parent(s) or guardian(s) will provide a log showing the amount of time spent in each subject area on a weekly basis together with the name of the person(s) providing the instruction.
    - (c) During the meetings, the parent(s) or guardian(s) will provide a complete list of materials used during the quarter for home education of the child. The building principal may decide to maintain these records as part of the log.
  - 3) The parent(s) or guardian(s) will present the child/children at a school designated by the superintendent or his/her designee, (or other public facility) to participate in those system-wide assessments of progress which are administered to pupils at each grade level. These currently include screening assessments required by Chapter 766, Basic Skills Assessments, Readiness Testing and Achievement Testing. Grade level testing

requirements will vary. The date and time of testing will be at the parents' and school's convenience.

- 4) At the request of the superintendent or his/her designee, the parent(s) or guardian(s) will present the child, on a schedule convenient to the designated school, to participate in diagnostic testing which will be administered either for the purpose of assessing the pupil(s) progress in specific subject areas or to assist the school department in making recommendations to the parent(s) or guardian(s) in developing and/or refining the existing educational plan to meet the child's needs.
- 5) Any additions or deletions to the home education plan must be approved in advance by the school committee or the superintendent of schools.

*Adopted April 7, 1997  
Reviewed October 24, 2005*

**APPLICATION FOR HOME EDUCATION - WRENTHAM PUBLIC SCHOOLS**

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Instructions: Please read the attached School Committee Policy on Home Education. Complete this form, attach the required supporting documentation, and forward it to:

Superintendent of Schools  
 Wrentham Public Schools  
 120 Taunton Street  
 Wrentham, MA 02093

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1. Name of Parent(s)  
 or Guardian(s):

	Home Address	Home Telephone:
	Business Address	Business Telephone:
Mother		
Father		
Guardian		

2.	Name(s) of student(s) who will be taught at above designated home and current comparable public school grade level(s):	Grade	Date of Birth

3. Period of time for which approval is sought:      Starting Month/year \_\_\_\_\_  
 through Month/year \_\_\_\_\_

4. Qualifications of Teachers:

Attach a statement providing the following information about any and all persons who will serve as teachers in this program:

Name, teaching responsibility, college degrees (if any), college major and minor, past teaching experience (if any), teaching certification (if any) and any other evidence to describe teaching competence for the task to be assigned. (College degree is not required.)

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5. Home Education Plan:

Home Education Plan for Health Curriculum only check here \_\_\_\_

Attach a proposed home education plan for each child which includes the following:

- a. A description of each subject to be taught including the scope, major goals and objectives, and the major materials to be used in each area;
  - b. A description of the schedule for instruction during the period for which approval is requested. Include the number of hours per day or week for each subject area; and
  - c. A statement describing the tests or measurements that you plan to use to evaluate your child's educational progress during this period.
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6. Response by School Authorities:

Ordinarily, you will receive a response to your proposed plan within twenty-five (25) working days from the date of receipt of your completed application and proposed home education plan. You will receive written notification not less than two (2) days in advance of a scheduled presentation to the school committee to accept or reject your plan. If the superintendent believes that the proposed plan does not meet the provisions of the school committee policy for approval of a home education plan, we will assist you with the revision and/or improvement of the plan in advance of the initial school committee presentation.

- a. If your plan is accepted and approved by the school committee, all other provisions concerning the progress of the home education program in the school committee policy must be followed. The superintendent of schools may appoint a staff member to act as designee in the monitoring of the home education program and the progress of the pupil(s).
- b. If your plan is not accepted, the superintendent or designee will recommend specific changes to be made to improve the plan, and will appropriate consultation and/or school resources to assist the parent(s) or guardians(s).
- c. If the requested changes are not made, or if the revised plan is not approved by the superintendent, parent(s) or guardians have the right to request a hearing directly with the school committee to present their plan.

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Signature of Parent(s) or Guardian(s)

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Date

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Signature of Parent(s) or Guardian(s)

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Date

Received:

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Superintendent of Schools, Wrentham Public Schools

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Date