

**2011 HOUSE EDUCATION**

**HB 1211**

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1211  
02/01/11  
13793

☐ Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman RaeAnn Kelsch:** We will open the hearing on HB 1211.

**Rep. Chuck Damschen:** Sponsor. I find it a little curious that I am the prime sponsor of this bill, however I am a strong supporter of home schooling if that is what the family chooses to do. I wouldn't consider myself a strong proponent but I'm certainly not an opponent. I do have a number of friends that home school. I've said to some of you before and to some of them that the key to a good education or at least one of the keys to good education the home school community seems to have right and I've seen this in public school. The key is the strong family unit. I think that is one of the big keys for the success of home schooling. We need to be parents and set good examples whether it be out of a book or out of example and teaching in the home. With that in mind I'm glad to sponsor the bill. We can argue whether every home school education achieves the same result but we can argue that the public school doesn't always achieve the result we would like. I think home school students, at least the results we have seen, speak for themselves as a result of home schooling. Looking at the bill a big thing it does is take off the clause that was enacted last session. There is a section on page 2 addressing the standardized achievement test and it adds an exemption. It gives the parent an option if they have a philosophical, moral, or religious reservation, they can opt out of it if they meet what is listed. There is some language changed on page 3 as far as the disabilities. Most of the next two pages are deleting language. I will let others more qualified and more studied answer the questions on the technical details. I would encourage the committee to look at this bill and look at what we've seen as far as the success of home schooling. Is it successful? Are the children being educated under this getting a good education? Is everyone getting it right? Probably not but I don't think there are everyone getting it right in public school.

**Chairman RaeAnn Kelsch:** Questions? Support?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** Support. Testimony attachment 1.

**Rep. Karen Karls:** Would you tell us what year you graduated from your home school, where you attended college, and where you received your doctorate degree?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** I graduated from my parent's home education program in 1999 when I turned 16. I went into the fall program at NDSU. I went from there to Iowa State University and received my doctorate.

**Chairman RaeAnn Kelsch:** Where were you home schooled?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** I was home schooled in Cavalier ND.

**Chairman RaeAnn Kelsch:** And your wife was also?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** My wife is originally from British Columbia but she was also home schooled.

**Vice Chair Lisa Meier:** Do you have any data on how many home schooled students actually go into higher education?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** We do have the data but I don't have it with me.

**Rep. Phillip Mueller:** One of the things I see that happens in HB 1211 is we no longer require the home school experience be experienced at home. Is that what you want to see happen? Can you comment on that?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** The answer to that is the primary reason for the language was not so much to allow for group education but more so to expand flexibility for parents that for instance are involved traveling throughout the US. I know for Fargo for example there are a lot of cooperatives with some of the local universities. It could extent to a situation where parents were meeting together. Our law still contains the language that it is a parent directed process. We don't have current authorization to be establishing a school per say. That said this does extend flexibility for more extracurricular things. .

**Rep. Phillip Mueller:** So how is that different from what we are doing in public schools today?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** The basic difference is that you could call us, in the home school, control freaks if you will. One of the main reasons we are home schooling is that we have a distinct desire that the things we value are passed on to our children and that we have the one-on-one environment. This isn't to suggest that we couldn't take advantage of those opportunities. I remember growing up we had a great public school teacher that didn't home school but routinely gave presentations within the context of support groups or one-on-one situations. He offered a summer science experience class offered to home and public school students.

**Rep. Brenda Heller:** Do the entire home schooled in the state belong to the ND Home School Association?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** No. We have a very diverse population in ND. Historically we are viewed as a single focus organization. Our goal is to expand our services and databases so that it becomes silly not become a member.

**Rep. Brenda Heller:** When you were home schooled you were subject to these standardized tests that the organization started out. How do you feel that helped you out or effected you later in life?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** A lot of people ask me how I transitioned into university from home school. It drove me insane at first. As my education became more and more specialized, the assessments changed to the point in my Doctoral program that it was almost one-on-one. Thankfully we had a strong educational program in my home school education that the standardized tests didn't impact me that much. I definitely saw for myself how it impacts the way you think about the information you are learning. To bring this back to the specific issue, I felt that standardized tests did not fit with our program. I can't say they were inherently detrimental to us. But after what I've experienced now in becoming a veterinarian, it's so clear to me. Being able to focus on how you train your children to think on the complicated methods of thinking that actually characterize success in the real world, that is huge to me. I want to give my children that experience and not distract them.

**Chairman RaeAnn Kelsch:** I have to take it a step further because I don't think you answered her questions. Standardized tests are a way of higher education. Standardized tests are a form of measuring your competence and education when it comes to becoming a doctor, lawyer, etc. Kids struggle with some standardized tests and especially those that are high stakes tests. I think her question is did it help you or not when taking standardized tests? Is it important to at least have kids have the knowledge and understanding of a standardized test before they get to college and realize there are high stakes tests that they have to take?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** The only way I can answer that directly is that I had to take the National Board Exams and pass. Without speaking detrimentally of my classmates there was a wide diversity of preparation for that test. I think your question was whether or not it's important to take the standardized tests.

**Chairman RaeAnn Kelsch:** It's not necessarily to take them. The issue is that standardized tests are here to stay. They are measuring a component of your knowledge at a place and time. You may be the best physician or attorney ever and you may have struggled on those test. I'm asking if it helped to have had a standardized test in preparation to take high stakes standardized tests in the future.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** The answer would be no.

**Rep. Bob Hunsakor:** One of our concerns is that some home school parents may not be responsible. The purpose of monitoring and testing is to help that situation so that there would be a minimum number of kids that fall through the cracks. What steps is your organization doing to help minimize the number of families that are not responsible? Do you have something in place?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** We have several things in place. First is the support group structure to help parents to do the best job possible. We are developing various types of mentor programs that hopefully will be able to help too. When there is a family in the community that is having these issues they get reported.

**Rep. David Rust:** On page 2 when it talks about standardized tests it states that the requirement doesn't apply for a philosophical, moral, or religious reason. I think that covers them all. Are those words necessary then?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** From a legal standpoint it doesn't matter what your motivation is. Our legal council also mentioned that fact. We included it because we wanted to establish for the committee that this is what's at stake. So it's not just that we think parental qualifications are good. It is that there are other ways of assessing compliance with the state law than a standardized achievement test.

**Rep. David Rust:** I would assume that maybe on the statement of intent that it is merely a check. You would check one off and not have to give a statement?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** That would be correct.

**Rep. David Rust:** If this bill were passed what would that do to move us from a red state on your chart?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** The info I have is that it would move us to the same as Minnesota, Iowa, and South Dakota. It would be from red to gold.

**Chairman RaeAnn Kelsch:** Let us go back to the association question. What is the percent of home school parents that belong to the association?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** We don't know for sure. We assume a very high percentage. We don't have access to the numbers of statements of intent that are collected by the state. It would be interesting to compare those numbers.

**Chairman RaeAnn Kelsch:** I've been told there are two reasons why parents don't belong to the association. One is that there are parents that home school for other reasons than religious purpose and I believe this organization is religious based. The second is that the reasons for home schooling are maybe not the appropriate reasons for home schooling and

that some of those children may be in situations where it is not a good family situation and they don't want that brought to light. By joining this organization that probably would come out. Is that a fair assessment?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association::**

That is a very fair assessment. I think we need to be careful to understand the difference in abuse and unintentional education neglect. The issue of the irresponsible parents is a difficult one to define. We've been making the argument that successful students come from successful families. That is different from someone that is misusing our home school law to camouflage mistreatment of children. Unfortunately I don't think our law has ever provided protection of those people.

**Chairman RaeAnn Kelsch:** No it's not and it doesn't but it's also being used for dealing with those children that are unruly in school and parents are saying instead of coping with law enforcement and the teachers we are just going to say we are home schooling them.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:**

I think that gets back to the mentor matching system we are trying to get in place. That is a situation we want to be able to look at.

**Rep. Karen Rohr:** The intent or the reason for starting the mentor matching program is it relative the percentage of home school children that end up finishing their education in the public school system?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:**

I think so. It's a two prong program. On one hand we are trying to support families that need help. On the other we think we have a strong encouraging role to be able to provide resources. It's meant to take all the information and resources out there and take it down to a local level that is specifically applicable to that family.

**Rep. Karen Rohr:** Do you know what the usage of that program would be?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:**

We would hope a lot. We really have a mission in the next few years to work out the kinks of that program.

**Rep. Bob Hunsakor:** I want to be a little more specific. Say in McKenzie County that a parent is neglecting a child. How do you find out and then what steps do you take to deal with it?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:**

If you are dealing with something like that there are many areas to look at. If it is purely a situation where a parent isn't giving the child what they need, that is different than someone hiding out in the woods trying to abuse their children. In ND you are usually dealing with small communities. They rely on local people getting involved. If I were to see a home schooling family in my area that was going to give home schooling a bad name, I would go to that family and/or contact the NDHSA. I would like to see a system develop where home school could collaborate and come up with solutions.

**Rep. Bob Hunsakor:** Going back to you knowing that there is a situation like that, you are suggesting then that in that particular community the word would get out and eventually a home schooler would find out about it and then you folks would step in?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** Absolutely.

**Chairman RaeAnn Kelsch:** If we gave you the flexibility you are asking for in this bill and it would move us to an orange state, what would happen if we mandated that you had to register with the school district? What it does is it kind of gives people the peace of mind. If that is all we did to the bill and allowed the parent to withdraw from standardized test., how much of a burden would that be and would you consider that extremely restrictive, and if you didn't register then your students are considered truant.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** I think I agree with you. One point of clarification I would ask. How do you feel that would differ from the statement of intent that is currently mandated?

**Chairman RaeAnn Kelsch:** I don't think the statements of intent are being filed. I think that is where a problem is. I think that there are some that are just not filing it. So if we made that a little more restrictive?

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** You are saying there is no mechanism to follow up?

**Chairman RaeAnn Kelsch:** Yes.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** I can't answer that at this time.

**Chairman RaeAnn Kelsch:** I understand and you can think about it.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** Would you just be registering the parents then?

**Chairman RaeAnn Kelsch:** Yes.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** You wouldn't be asking for specific ages and details about children?

**Chairman RaeAnn Kelsch:** Probably not but you may need that. One of the concerns we have is we want to use all the students in ND in our statistic data but we can't with home school students. We have the same problems with our non public institutions in higher learning. This is just a thought for you to maybe come back and let us know what you think.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** I can answer part of that right now in the sense that it has been one of the frustrations. I think what you are referring to in terms of the statistics is good. I don't think in the home

schooling world that specific identification of each student would be necessary for the objective because I think you are basically trying to see in terms of trends how we are doing as a state.

**Chairman RaeAnn Kelsch:** Correct and we wouldn't be able to do it anyway because we have interim assessments that the kids are taking and those wouldn't apply to you. I think that is what happens sometimes in school districts is that they say we have these kids but don't have any data on them.

**Benjamin Stegman – Legislative Team Spokesman, ND Home School Association:** That's what we are excited about in the mentoring program. I think that can be expanded to provide the same kind of anonymous information.

**Chairman RaeAnn Kelsch:** Further Testimony in support?

**Jeff Hoverson:** Support. Testimony attachment 2.

**Chairman RaeAnn Kelsch:** Questions? Further support?

**Paul Sorum:** I am a product of the public schools. I did teach at the university level. I have a 13 year old son and four years ago he had a problem and we finally found neuro optometrist that diagnosed him correctly. He had problems with his eyes. After two years of visual therapy his vision was cured. About a year ago he was required to take a standardized test and a woman from the public schools came to administer it. After about 20-25 minutes he fatigued of reading so he struggled with the test. The certified teacher that gave him the tests didn't give him the breaks he needed. We were very disappointed and stressed after all our work. He scored below 30% on the standardized test. Part of our stress was trying over the last four years to rebuild his self esteem. Finally we administered our own standardized test during the summer where we hired our own teacher and the results of that test were pretty great. It brings me to a point that while the public schools were cooperative with us and accepted the second test, they didn't have to. I've heard about the home school students that fall through the cracks. With my children if there is an area where they struggle or fall behind we go back and work on that. Why is there a double standard? There shouldn't be a double standard. We shouldn't be subjected to oversight like this.

**Chairman RaeAnn Kelsch:** Questions? Support?

**Ken Knight:** Support. Testimony attachment 3.

**Rep. Phillip Mueller:** You talked a great deal about testing and the anxieties of it. But you also said you were involved in teaching at a college level. Would you suggest that you think we shouldn't do testing in college?

**Ken Knight:** Yes I would, in the fact that I believe that the area of education that we have on the home school level in dealing with grammar school and high school. I truly believe that what we are doing here is transferable to the college level. We just have a college that doesn't encompass the home education process as well. I believe there is potential where



those tests could become as meaningless on a college level. But I also live in a real world where now we don't. I believe that at a college level we are dealing with people at an entirely different age of development.

**Chairman RaeAnn Kelsch:** Questions? Support?

**Glynn E. Breuer:** Support. Testimony attachment 4.

**Chairman RaeAnn Kelsch:** Questions? Testimony in opposition?

**Gwyn K. Marback – Assistant Director, DPI:** Opposition. Testimony attachment 5.

**Rep. Phillip Mueller:** Can you talk about our state's constitutional obligations regarding K-12 education and potential liabilities if we don't live up to those obligations.

**Gwyn K. Marback – Assistant Director, DPI:** If we don't live up to those, as an administrator we were taken to task with lawsuits. And this happened with some of my colleagues in the public schools.

**Vice Chair Lisa Meier:** Do you have the numbers of how many home school students actually attend public high schools in the state?

**Gwyn K. Marback – Assistant Director, DPI:** I don't have the number but I do have a breakdown of every home school for every district with the number of home school students in that district with the monitoring. I don't have if they are in high school or not. I can get that for you though.

**Vice Chair Lisa Meier:** That would be great.

**Rep. Brenda Heller:** I was on the interim education committee and it seemed to me that it was asked how many are being homeschooled in the state and I think DPI couldn't answer the question. I'm wondering why home schoolers are supposed to file their letter of intent with their superintendents. What is going on there? Why doesn't DPI know how many home schoolers total, there are in the state?

**Gwyn K. Marback – Assistant Director, DPI:** It is my belief first is that not all parents are filing intent with the home school district. Another reason could be that when superintendents go in they are not aware of how many home school children they have in their district.

**Chairman RaeAnn Kelsch:** The only way they would know is through the parents' letter of intent.

**Gwyn K. Marback – Assistant Director, DPI:** Correct.

**Chairman RaeAnn Kelsch:** Why is there this discrepancy between the 4000 number and the 2000 roughly?

**Gwyn K. Marback – Assistant Director, DPI:** It is because they aren't filing the intent.

**Rep. Karen Rohr:** Have there been any lawsuits and what percentage of those have been home school and public?

**Gwyn K. Marback – Assistant Director, DPI:** I don't have the numbers on that.

**Rep. David Rust:** As I recall it seemed to me that school districts told us that they only reported to us those students they monitored and not the ones they didn't. So it seems that might be the discrepancy.

**Chairman RaeAnn Kelsch:** They would know the students they are monitoring. However if the parents filed a letter of intent and that child is different from the child they are monitoring, then they should be able to differentiate between them and put those numbers together.

**Rep. David Rust:** What I understand is that they simply didn't report those students to DPI. They just reported the ones they were monitoring and that is probably the reason for the discrepancy.

**Gwyn K. Marback – Assistant Director, DPI:** I received information from Jerry Coleman and in 2009-10 we had 2,389 students ADM and 143 district monitored. So there are home schooled people issuing intents. And 111 school districts reported home school.

**Rep. Karen Karls:** I've seen that map many times and I don't remember it changing much. My brother home schools 13 children in California. He said that ND home school laws are too restrictive. I think you are being a little tough here.

**Gwyn K. Marback – Assistant Director, DPI:** I'm not disagreeing with that. The map came from the national website. I've worked with home school. When I came to the department I had no idea the number of calls I would get regarding home school in our state. Are we missing some out there? It seems to me we are missing a lot.

**Chairman RaeAnn Kelsch:** Further opposition?

**JoAnn Brager – Vice President of Public Policy, NDAEYC:** Opposition. Testimony attachment 6.

**Chairman RaeAnn Kelsch:** Questions? Opposition?

**David Boek – Protection and Advocacy Project:** Opposition. Testimony attachment 7.

**Rep. Karen Karls:** Was this student a ND resident?

**David Boek – Protection and Advocacy Project:** Yes. The student was and is a ND resident.

**Rep. Karen Karls:** I'm just a little skeptical that you are holding this up as home education. I don't think it is reasonable or valid.

**David Boek – Protection and Advocacy Project:** I'm not holding this up as reasonable or typical. All the home education I've been exposed to has been great. We need to address things like this though.

**Chairman RaeAnn Kelsch:** Questions? We will close the hearing on HB 1211.

***Submitted testimony:*** Attachment 8.

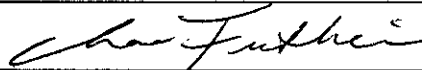
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## MINUTES:

**Chairman RaeAnn Kelsch:** We will open the hearing on HB 1211. One of the issues brought up was whether or not we should mandate that home school parents register with the school district and that the information is forwarded by a school district and that the school district shall make that report part of their reporting mechanism to DPI. The biggest reason we were looking at that is because we know that not all parents belong to the Home School Association. We believe that the people that belong to the Home school Association are probably reporting to the school district and of course if you are being monitored you have to report. The reason for that is so when we are compiling data that we actually know where those students are. It seems to me that we heard in the hearing that there are 2,000 kids being home schooled and there are 4,000 kids being home schooled. If there really is only 2,000 and there are 4,000 are unaccounted for then where are they.

**Rep. Brenda Heller:** What does it say in code right now? Do they just have to report if they are being monitored?

**Chairman RaeAnn Kelsch:** They have to file the statement of intent but they are not doing that. Clearly if we are getting conflicting reports on about 2,000 kids they are not filing it. If they are monitored they are filing. There is that concern. Since we are moving toward more flexibility for the home schools, it is our responsibility to make sure the kids are being educated.

**Rep. David Rust:** Do we know for sure that they aren't filing those statements of intent? I think in our area and I know in the school district I was in all the parents that home schooled their children were very conscientious about filing a statement of intent and giving me the results of standardized tests as well. I'm not so sure as I listen to this that it wasn't the case that statements weren't being filed, but school districts didn't report that to DPI unless they were monitoring the kids.

**Chairman RaeAnn Kelsch:** That is why I said if we are going to do that it needs to be twofold. Number one you shall file and if you don't you are in violation of truancy laws and that school district shall file as part of their reporting with DPI.

**Rep. David Rust:** Even if they are not monitoring. I didn't think there was a choice.

**Chairman RaeAnn Kelsch:** Yes. Sometimes you have to put the hammer on. If you are going to do that and you are going to say you shall file, then the school district shall file also. The biggest reason is there is some concern that we have a number differing by 2,000. That is a big concern. If we are trying to compile good data on students we would want to include them. There is nothing else behind it other than the fact that if they are filing these. We want them to be filing those but then we want the school districts to do that reporting as well.

**Rep. David Rust:** Is there a different in registering and filing a statement of intent?

**Chairman RaeAnn Kelsch:** I don't think you viewed it any differently between registering or the statement of intent. They are basically the same thing.

**Rep. Corey Mock:** In code it stipulates that a statement of intent supervised has to be filed within 14 days before the beginning of the school year and repeated every year thereafter. Then it has seven subsections that state what the statement of intent has to have including immunization records.

**Rep. Karen Karls:** Does it say that they need to file that before they are 7 years old or after they're 16? I believe they're not.

**Chairman RaeAnn Kelsch:** Obviously you would miss those kids if they were teaching earlier or they were teaching them later because they would only fit within the way the law currently reads as far as mandatory ages.

**Rep. Brenda Heller:** Rep. Corey Mock I missed the very first thing that you said.

**Chairman RaeAnn Kelsch:** The letter of intent to supervise.

**Rep. Brenda Heller:** To supervise?

**Rep. Corey Mock:** It's titled statement of intent to supervise home education and then it goes on to state that at least 14 days before beginning home education or within 14 days of establishing a child's residence in a school district and once each year thereafter a parent intending to supervise or supervise a home education shall file a statement reflecting that intent or fact with the superintendent of the child's school district of residence or if no superintendent is employed with the county superintendent of schools for the child's count of residence and then the 7 sections.

**Rep. Brenda Heller:** So actually they are required to report whether they are being monitored or not?

**Chairman RaeAnn Kelsch:** It does say shall in there. The problem is that it is not being done.

**Rep. David Rust:** I'm comfortable with shall file a statement of intent and the school districts shall report.

**Chairman RaeAnn Kelsch:** I think you could add it in at the end of the first paragraph that you talked about. I think you could add it in to that part. What does the last part say?

**Rep. Corey Mock:** Filed with the child's school district residence or if no superintendent is employed then the county superintendent.

**Chairman RaeAnn Kelsch:** You could add in language there that the school district shall file. We would have to put it in someplace in the home school law that states that school districts shall file. They don't have to file letters of intent to the department but they would have to file the students.

**Rep. David Rust:** On the MISO forms, there is a form for reporting home educated students. There is a section that asks for home education students. In North Dakota, home education students are a part of that school district. As a result there are some real benefits for them students being able to participate in different things.

**Rep. Karen Rohr:** Where did we get the number 2,000 at?

**Chairman RaeAnn Kelsch:** We heard it in testimony. We heard a couple different numbers. The North Dakota Home Education Association reported close to 4,000 students and that might have been what was reported and then it goes into what was reported to DPI which was only the 2,000. It is the thing that happens here all the time. You have two sets of number and which one do you believe.

**Dr. Bartlett:** The number 4,000 came from a national researcher on home education statistics. He took 2.9% of the national public school numbers and said let's give an estimate to North Dakota on how many home schoolers would be in North Dakota based on those national numbers. North Dakota has a little different scenario. We have tighter laws which mean there are less home schools.

**Chairman RaeAnn Kelsch:** It is an assumption on everyone's part because they don't know the numbers and we don't know the number. If there is more of an awareness made for the shall file and then the school district shall file, then we could probably have more accurate numbers.

**Rep. David Rust:** Between the shall file by a home educating parent and the shall file by the school district, the only ones that we should be missing are those who willfully choose not to do it and in essence their children are truant. My observation of this is probably in smaller school districts we have a pretty good idea. In larger ones we probably don't.

**Chairman RaeAnn Kelsch:** We would want some language that states that school districts shall file with their annual report.

**Rep. David Rust:** I think it is done in the fall and updated in the spring.

**Chairman RaeAnn Kelsch:** In the fall enrollment reports they shall include all home school students that have filed a letter of intent.

**Rep. Phillip Mueller:** I don't think it is going to be so different to report filed letters of intent, but I still don't know that we will have a good handle on how many home school folks we have.

**Chairman RaeAnn Kelsch:** We might not get a good handle on it but we would have more accurate numbers. I think that the moral compass of home schoolers would say that it is better to file the letter of intent than not. If the word is out there, I believe they will do it.

**Rep. Lyle Hanson:** Did we change the penalty on the parent if they have a truant child? Did we change to a less penalty than it was at one time?

**Chairman RaeAnn Kelsch:** It was increased during the last session and I don't remember off the top of my head what that is. We put more teeth in the law last session do to law enforcement asking for that.

**Vice Chair Lisa Meier:** If a home school student actually utilizes services from a school district wouldn't they have to file intent?

**Chairman RaeAnn Kelsch:** Yes they would. We have the same thing in Bismarck and Mandan where home school students are attending classes or they might participate in an extracurricular. They have to report those students that are attending those classes so that is being done. Otherwise there are some superintendents potentially that aren't reporting those letters of intent because they aren't utilizing their services in the school district.

**Rep. Bob Hunsakor:** What is the proof of the pudding on whether a student is receiving an adequate education to go out into the university, job, and to become an adult? What is the proof of the pudding that the success that the person has at the university, at the job market and in life when we would look at that and say that person has received an adequate education to enter the adult world. I visited with several people in the higher education communities and asked if the home schoolers that come to the colleges were successful or if they needed remedial work done. They all said they are above and beyond the average core of student that comes from the public school and that they are ready. I have a hard time fighting with that. My second point is we are concerned about testing and monitoring and we should be. Does testing and monitoring going to truly be beneficial to the home school student? Is that going to make them better prepared for the adult world? If so then they should. If they are so successful and adequately prepared, my question is whether the testing and monitoring will make them better prepared. Adding on to that if that is not true, then why are we so concerned with testing and monitoring or is it just because we have it in the public schools? I am concerned with falling through the cracks but that happens also in public schools. I think the home schools are going to try to police this up and work with the very few families where this might happen. I have been a school teacher all my life and if I want to be honest, I have a hard time saying the home schoolers need to do this, and this, and this.

**Chairman RaeAnn Kelsch:** The bill is twofold. The first thing it does is lift the sunset. I think the skeptics probably are more in sync with lifting the sunset. The second portion of the bill is the standardized testing and making the home school students exempt from the

standardized testing. There are two components and one is lifting the sunset and the other is whether or not to exempt them from standardized tests.

**Rep. David Rust:** I'm in that group that you are talking about. I'm in favor of lifting the sunset. I am not in favor of exempting them from the standardized tests.

**Rep. Phillip Mueller:** I'm not too excited about any part of the bill. What we know is very little. What we have is anecdotal assumptions about what is and isn't going on. Understand I am fully aware of that fact that there are wonderful things happening in the home school world. I also know from experience back home that some not so wonderful things are happening. The point I would make is that I can't be in support of the bill. The bill also takes home out of home schooling. If you look in the bill on line 13 on page one, it strikes home. We can go out and find a building on the corner and start school with home school people. Now we have moved away from homeschooling in the home. The other point I would make is we have dropped the 30%. There is no 30%. If there are problems with production to the tune of you are less than 30% proficient, then that is not a concern of ours. I guess for those reasons I have to oppose the bill. I do agree with having a reporting mechanism but I don't know you implement that.

**Rep. David Rust:** I also agree with Rep. Phillip Mueller on striking the word home because that does lend itself to some things I don't know we want to get into.

**Chairman RaeAnn Kelsch:** In the spirit of the legislation, home school was meant to be home school by the parents. That was the initial legislation meant.

**Rep. Karen Karls:** If I'm not mistaken we addressed all this last session.

**Chairman RaeAnn Kelsch:** We did allow for them to have field trips.

**Rep. Karen Karls:** So this isn't new?

**Chairman RaeAnn Kelsch:** This is different from what we did last session. The sunset clause is for without the monitoring.

**Rep. Brenda Heller:** I'm wondering about line 11.

**Chairman RaeAnn Kelsch:** That is lifting the language we put in last session. That is all part of the sunset language.

**Rep. Corey Mock:** Is there any way that a student at fourth, sixth, eighth, and tenth grade could opt out of taking a standardized test?

**Chairman RaeAnn Kelsch:** No.

**Rep. Corey Mock:** What about a single parent that simply can't afford to home school their child but has a philosophical, moral or religious objection to the use of standardized tests? Are we opening a door to allow students with a parent's note saying they can't take the standardized tests in those grades by passage of section 3?



**Chairman RaeAnn Kelsch:** It is in the home school law so I'm not necessarily sure it would pertain to public schools or nonpublic schools.

**Rep. Corey Mock:** Could you also open the door for possible discrimination?

**Chairman RaeAnn Kelsch:** You could be.

**Rep. David Rust:** My thought is if it is good for them, then it has to be good for those in the public school.

**Rep. Karen Rohr:** I received a lot of phone calls from home schooling parents, non-home schooling parents and some teachers that have said we need to remove the sunset and that the home school people have proved themselves and that they can be exempt from testing because they don't need it. That is what I've been told.

**Rep. Brenda Heller:** I want to comment on what Rep. Bob Hunsakor said. I couldn't agree with him more. I did home school my kids for three years so I know the effectiveness of having a monitor. Other than that she didn't really help me in any way. I knew what I had to do and how to test them. I think it was a waste of money and time. That is just my personal feelings and experience.

**Chairman RaeAnn Kelsch:** Further comments? My comfort level is with lifting the sunset and putting in a reporting mechanism. I think why we see home school students doing so well when they get into college is because of the standardized test. That is the type of test you have to take in college especially if you are trying to get into a master's, graduate, nursing, law, medical or engineering program. All those programs have standardized tests. Standardized tests are not necessarily the easiest for all students. Having experience with them has been proven that it prepares for future taking of them in the future. I do think in order to get the bill passed during the last legislative session coming out of senate; we put the sunset clause on. It passed on this committee without it and it was the senate that put it on. I think this committee understood that was important.

**Rep. Bob Hunsakor:** If that were to happen and the sunset clause were lifted, then the monitoring and testing is not there?

**Rep. David Rust:** My understanding is the testing would still be there but the monitoring is not unless the testing indicates that there are some problems.

**Chairman RaeAnn Kelsch:** That is how it would read if the monitoring is lifted.

**Rep. Bob Hunsakor:** That is how it has been for the last two years?

**Chairman RaeAnn Kelsch:** Yes.

**Rep. David Rust:** I'm trying to remember what we did last session. We put a sunset in which would allow them to home educate their children without a monitor. Is that correct?

**Chairman RaeAnn Kelsch:** Yes and not have a bachelorette degree.

**Rep. David Rust:** They could do it with a GED.

**Chairman RaeAnn Kelsch:** Correct.

**Rep. David Rust:** One of the things is the sunset clause we are dealing with. I would move that we eliminate the sunset with our current law. It would also strike the testing requirement. That would remain in as a requirement.

**Chairman RaeAnn Kelsch:** So the only think you would have in the bill is the lifting of the sunset so that would make it permanent in law. Would you also include the language that the school district must file with their annual report the number of home school students?

**Rep. David Rust:** Yes I would. Home educating parents must file a statement of intent and schools must report all statements of intent.

**Vice Chair Lisa Meier:** Second.

**Rep. Phillip Mueller:** What exactly do we have in current law regarding Rep. David Rust's amendment?

**Chairman RaeAnn Kelsch:** It would have 15.1-23-01 that is effective through July 31, 2011. That would be home education and parental qualifications.

**Rep. Phillip Mueller:** My question had to do with what we currently do with regard to the reporting issue?

**Chairman RaeAnn Kelsch:** Here is the language purposed. The superintendent of child's school district of residence where if no superintendent is employed, the county superintendent of schools for the child's county of residence shall report the number of statements of intent that have been filed through the Superintendent of Public Instruction at the time and in a manner required by the superintendent. The reason for that is that we know that if a home school student is attending school at a public school. Whether it be for physics, band, choir, speech, debate, or other extracurricular, they then are reported on the fall report and there is a column that states that. We know that is being done. What we don't believe is being done is that all school districts are reporting if they have received a letter of intent. We want to make it perfectly clear in law that it has to be reported to the state. It would come during the same time they are reporting enrollment.

**Rep. David Rust:** There is one other time where they report right now. Some do all but I think if I got it right from last session they report if they are taking the class and the other is they will report if the school is monitoring that child or family. Current law is that you do receive half of a foundation aid payment if the school is monitoring and nothing if you are not monitoring. That is probably why they would report if they monitoring. There are school districts that aren't reporting all statements of intent beyond that.

**Chairman RaeAnn Kelsch:** We think there are probably more statements of intent out there. It makes sense to put that in the bill. Your amendment would lift the sunset, remove all the other language that was new language in the bill. In other words the only thing that would be left would be the removal of the sunset as it was written in 15.1-23 and then adding in the superintendent language. That is the motion. We will try a voice vote. Motion carries.

*Voice vote:* Motion carries.

**Chairman RaeAnn Kelsch:** We now have amended HB 1211 before us. What are the wishes of the committee?

**Rep. David Rust:** I move a do pass as amended.

**Vice Chair Lisa Meier:** Second.

**Chairman RaeAnn Kelsch:** We will take the roll.

**Rep. Lyle Hanson:** Two years ago someone asked the question about when home schooling started. She said we start after harvest and we quite before calving. How are they going to report to the local school something like that?

**Chairman RaeAnn Kelsch:** It is my understanding that they are currently doing that. All you have to do is state that you are home schooling.

**Rep. Lyle Hanson:** It says 14 days prior.

**Chairman RaeAnn Kelsch:** It says 14 days before beginning home education or within 14 days of establishing a child's residence. I would make the assumption that regardless of when you start it would be within 14 days. I would guess most file in the fall anyway. Obviously if you have a student attending a class they have to go through the school calendar.

**Rep. Lyle Hanson:** What I'm getting at is it is pretty flexible if they are going to start after harvest.

**Chairman RaeAnn Kelsch:** And that is up to parents' discretion. And they still do the 175 days of instruction and I think some parents educate on Saturdays.

**Rep. Mike Schatz:** Did you find a definition of truancy?

**Chairman RaeAnn Kelsch:** The way we changed the truancy law during the last legislative session is any person who fails to ensure that a child is in attendance that is required by this chapter, is guilty of an infraction for the first offense and is guilty of a class B misdemeanor for a second or subsequent offense. That is under the compulsory attendance law.

**Rep. Mike Schatz:** I'm reading an article that says until the legislative session, education on blank was a felony charge which prosecutors were unlikely to pursue. A change in the truancy law reduced the charge to a misdemeanor that could carry up to 30 days in jail and a 1,000 dollar fine. Is that what you said?

**Chairman RaeAnn Kelsch:** It is an infraction for the first offense. For some reason I was thinking we made it more strict. The felony was what it was before and the reason we changed it was because not state's attorney was willing to prosecute at all and the bill was worked on to come up with something that was at least enforceable. Obviously the felony was something that no one considered enforceable. The first offense is the infraction and the second or subsequent is the class B misdemeanor. We will close on HB 1211.

**12 YEAS 3 NAYS 0 ABSENT**  
**CARRIER: Rep. Karen Karls**

**DO PASS as Amended**

February 16, 2011

VK  
2/16/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

Page 1, line 8, replace "including that:" with an underscored period

Page 1, remove lines 9 through 22

Renumber accordingly

February 15, 2011

VR  
2/16/11  
1084

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1211

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-23-01, 15.1-23-02, 15.1-23-03, 15.1-23-06, 15.1-23-08, and 15.1-23-17 of the North Dakota Century Code, relating to home education.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-01. ~~(Effective through July 31, 2011)~~ Home education - Definition.**

For purposes of this chapter, "home education" means a program of education supervised by a child's parent in accordance with the requirements of this chapter.

~~(Effective after July 31, 2011) Home education - Definition. For purposes of this chapter, "home education" means a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of this chapter.~~

**SECTION 2. AMENDMENT.** Section 15.1-23-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-02. Statement of intent to supervise home education.**

At least fourteen days before beginning home education or within fourteen days of establishing a child's residence in a school district, and once each year thereafter, a parent intending to supervise or supervising home education shall file a statement, reflecting that intent or fact, with the superintendent of the child's school district of residence or if no superintendent is employed, with the county superintendent of schools for the child's county of residence.

1. The statement must include:
  - a. The name and address of the child receiving home education;
  - b. The child's date of birth;
  - c. The child's grade level;
  - d. The name and address of the parent who will supervise the home education;
  - e. The qualifications of the parent who will supervise the home education;
  - f. Any public school courses in which the child intends to participate and the school district offering the courses; and

- g. Any extracurricular activities in which the child intends to participate and the school district or approved nonpublic school offering the activities.
2. The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity as required by section 54-23.2-04.2.
3. The superintendent of the child's school district of residence or if no superintendent is employed, the county superintendent of schools for the child's county of residence shall report the number of statements of intent that have been filed in accordance with this section to the superintendent of public instruction at the time and in the manner required by the superintendent of public instruction.

**SECTION 3. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-03. ~~(Effective through July 31, 2011)~~ Home education - Parental qualifications.**

A parent may supervise home education if the parent:

1. Holds a high school diploma or a general educational development diploma; or
2. Meets the requirements of section 15.1-23-06.

~~**(Effective after July 31, 2011) Home education - Parental qualifications.**~~ A parent may supervise home education if the parent:

- ~~1. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;~~
- ~~2. Holds a baccalaureate degree;~~
- ~~3. Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test; or~~
- ~~4. Meets the requirements of section 15.1-23-06.~~

**SECTION 4. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-06. ~~(Effective through July 31, 2011)~~ Home education - Required monitoring of progress.**

A parent who does not meet the qualifications provided in section 15.1-23-03 may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains a basic composite standardized achievement test score below the fiftieth percentile nationally, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile. If testing is not required by section 15.1-23-07 during the first two years of monitoring, the period of monitoring may not be extended, except upon the mutual consent of the parent and the monitor. If

a parent completes the monitoring requirements of this section for one child, the parent may not be monitored with respect to other children for whom the parent supervises home education.

~~(Effective after July 31, 2011) Home education--Required monitoring of progress.~~ A parent who has a high school diploma or a general education development certificate may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains a basic composite standardized achievement test score below the fiftieth percentile nationally, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile. If testing is not required by section 15.1-23-07 during the first two years of monitoring, the period of monitoring may not be extended, except upon the mutual consent of the parent and the monitor. If a parent completes the monitoring requirements of this section for one child, the parent may not be monitored with respect to other children for whom the parent supervises home education.

**SECTION 5. AMENDMENT.** Section 15.1-23-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-08. ~~(Effective through July 31, 2011)~~ Test administration.**

An individual who in accordance with this chapter administers a standardized achievement test to a child receiving home education shall notify the child's school district of residence.

~~(Effective after July 31, 2011) Monitoring or test administration.~~ An individual who in accordance with this chapter monitors a child receiving home education or who administers a standardized achievement test to a child receiving home education shall notify the child's school district of residence.

**SECTION 6. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-17. ~~(Effective through July 31, 2011)~~ Home education - High school diplomas.**

1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.
2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least ~~twenty-one~~twenty-two units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives



and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. ~~Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.~~

3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.

**~~(Effective after July 31, 2011) Home education—High school diplomas.~~**

- ~~1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.~~
- ~~2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.~~
- ~~3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation."~~

Renumber accordingly

Date: 02-15-11  
Roll Call Vote #: VOICE VOTE

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1211

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. RUST Seconded By VICE CHAIR MEIER

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunsakor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**VOICE VOTE ON AMENDMENT**

**MOTION CARRIES**

Date: 02-15-11  
Roll Call Vote #:

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1211

House EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. RUST Seconded By VICE CHAIR MEIER

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	<input checked="" type="checkbox"/>		Rep. Hanson		<input checked="" type="checkbox"/>
Vice Chairman Meier	<input checked="" type="checkbox"/>		Rep. Hunskor	<input checked="" type="checkbox"/>	
Rep. Heilman	<input checked="" type="checkbox"/>		Rep. Mock		<input checked="" type="checkbox"/>
Rep. Heller	<input checked="" type="checkbox"/>		Rep. Mueller		<input checked="" type="checkbox"/>
Rep. Johnson	<input checked="" type="checkbox"/>				
Rep. Karls	<input checked="" type="checkbox"/>				
Rep. Rohr	<input checked="" type="checkbox"/>				
Rep. Rust	<input checked="" type="checkbox"/>				
Rep. Sanford	<input checked="" type="checkbox"/>				
Rep. Schatz	<input checked="" type="checkbox"/>				
Rep. Wall	<input checked="" type="checkbox"/>				

Total (Yes) 12 No 3

Absent 0

Floor Assignment REP. KARLS

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1211: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-23-01, 15.1-23-02, 15.1-23-03, 15.1-23-06, 15.1-23-08, and 15.1-23-17 of the North Dakota Century Code, relating to home education.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-01. ~~(Effective through July 31, 2011)~~ Home education - Definition.**

For purposes of this chapter, "home education" means a program of education supervised by a child's parent in accordance with the requirements of this chapter.

~~—(Effective after July 31, 2011) Home education — Definition. For purposes of this chapter, "home education" means a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of this chapter.~~

**SECTION 2. AMENDMENT.** Section 15.1-23-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-02. Statement of intent to supervise home education.**

At least fourteen days before beginning home education or within fourteen days of establishing a child's residence in a school district, and once each year thereafter, a parent intending to supervise or supervising home education shall file a statement, reflecting that intent or fact, with the superintendent of the child's school district of residence or if no superintendent is employed, with the county superintendent of schools for the child's county of residence.

1. The statement must include:
  - a. The name and address of the child receiving home education;
  - b. The child's date of birth;
  - c. The child's grade level;
  - d. The name and address of the parent who will supervise the home education;
  - e. The qualifications of the parent who will supervise the home education;
  - f. Any public school courses in which the child intends to participate and the school district offering the courses; and
  - g. Any extracurricular activities in which the child intends to participate and the school district or approved nonpublic school offering the activities.
2. The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity as required by section 54-23.2-04.2.
3. The superintendent of the child's school district of residence or if no superintendent is employed, the county superintendent of schools for the

child's county of residence shall report the number of statements of intent that have been filed in accordance with this section to the superintendent of public instruction at the time and in the manner required by the superintendent of public instruction.

**SECTION 3. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-03. ~~(Effective through July 31, 2011)~~ Home education - Parental qualifications.**

A parent may supervise home education if the parent:

1. Holds a high school diploma or a general educational development diploma; or
2. Meets the requirements of section 15.1-23-06.

~~—(Effective after July 31, 2011) Home education—Parental qualifications. A parent may supervise home education if the parent:~~

- ~~1. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;~~
- ~~2. Holds a baccalaureate degree;~~
- ~~3. Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test; or~~
- ~~4. Meets the requirements of section 15.1-23-06.~~

**SECTION 4. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-06. ~~(Effective through July 31, 2011)~~ Home education - Required monitoring of progress.**

A parent who does not meet the qualifications provided in section 15.1-23-03 may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains a basic composite standardized achievement test score below the fiftieth percentile nationally, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile. If testing is not required by section 15.1-23-07 during the first two years of monitoring, the period of monitoring may not be extended, except upon the mutual consent of the parent and the monitor. If a parent completes the monitoring requirements of this section for one child, the parent may not be monitored with respect to other children for whom the parent supervises home education.

~~—(Effective after July 31, 2011) Home education—Required monitoring of progress. A parent who has a high school diploma or a general education development certificate may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains a basic composite standardized achievement test score below the fiftieth percentile nationally, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile. If testing is not required by section 15.1-23-07 during the first two years of monitoring, the period of monitoring may not be extended, except upon the mutual consent of the parent and the monitor. If a parent completes the monitoring requirements of this~~

~~section for one child, the parent may not be monitored with respect to other children for whom the parent supervises home education.~~

**SECTION 5. AMENDMENT.** Section 15.1-23-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-08. ~~(Effective through July 31, 2011)~~ Test administration.**

An individual who in accordance with this chapter administers a standardized achievement test to a child receiving home education shall notify the child's school district of residence.

~~—(Effective after July 31, 2011) Monitoring or test administration. An individual who in accordance with this chapter monitors a child receiving home education or who administers a standardized achievement test to a child receiving home education shall notify the child's school district of residence.~~

**SECTION 6. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-17. ~~(Effective through July 31, 2011)~~ Home education - High school diplomas.**

1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.
2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least ~~twenty-one~~twenty-two units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. ~~Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.~~
3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.

~~—(Effective after July 31, 2011) Home education - High school diplomas.~~

- ~~1. A child's school district of residence, an approved nonpublic high school, or the center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school~~

~~subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.~~

- ~~2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.~~
- ~~3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation."~~

Renumber accordingly

2011 SENATE EDUCATION

HB 1211



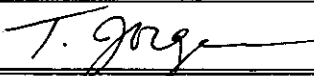
# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

HB 1211  
March 23, 2011  
15869

☐ Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution:**

Relating to home school education, and to remove the sunset clause.

**Minutes:**

See "attached testimony."

**Chairman Freborg** opened the hearing on HB 1211; no fiscal note attached.

**Representative Damschen, District 10** introduced the bill. Although he is not a huge proponent or opponent of home-schooling; seen the positive results and success of it. He does believe there is an advantage to home schooling as he feels there also is to public schooling, that the intact family that is directly concerned with the education of the student; wants to promote and be aware and involved in what that education is and what the subject matter is. The engrossed bill is only part of what was proposed, but thinks they are satisfied to take baby steps to go forward. It makes permanent the temporary changes that the legislature made last session—removes the sunset clauses from several sections of the code. Doesn't remember what the repealers did, so not sure if that was affected by the removal of the testing section. Results have been clearly shown by the home school community, so encourage a Do Pass. Not aware of any problem that has arisen from the changes made last session.

**Jim Bartlett, Executive Director of the North Dakota Home School Association** testified in favor of the bill (#1 Testimony) and gave background on the sunset clause.

**Senator Heckaman:** When you come to the educational part of grades 9-12, does the Home School Assoc have a suggested curriculum to follow? **Jim Bartlett:** If people call the office and ask for recommendations we can recommend a number of things—specific books, etc. Not a requirement; they can choose what they want to use.

**Senator Flakoll:** How does it work if a parent with an 8<sup>th</sup> grade education and need to teach algebra? How do they teach themselves so they can teach the child to get up to speed on algebra I & II? **Jim Bartlett:** Materials written for home school are different than those written for public school. An example is Saxon math that has every step listed and on-line resources and people to answer specific questions that the parent may not be able to help with. Algebra, science, etc.—the materials lists are set up for the home so experiments for science use materials in the kitchen.

**Senator Flakoll:** The North Dakota Constitution requires that we provide a uniform system of education; based upon some of the points you brought up, how will this help provide a

uniform system of education when we look at various school districts, non-publics and then home school entities? **Jim Bartlett:** He would need a better definition of what Senator Flakoll considers "uniform" in regards to education. Right now the way home schoolers look at their educational programs are based on the needs and goals of the student. If they are going to the military, college, start a career they would learn the science and maths needed to get there. The topics would be similar; might be in different order. If your definition means the same thing in the same year, then we find that inefficient and not helpful, and even discriminating, to the best performance to a given career. Customized education toward a career.

**Karol Kapelle, Tolna home school parent** presented a letter from Theresa Deckert, parent (#2 Testimony) ; also supports the bill.

No further testimony in favor; opposition:

**Gwyn Marback, Assistant Director of Approval & Accreditation, DPI** testified in opposition to the bill. (#3 Testimony) Other resources presented:

**#4** National Home School Regulations in the US (map) Home School Basic Fact Sheets (#5-MN, #6-SD, #7-IL) Recommendations are listed on the last page of her testimony. Some states allow less education for parents teaching K-6; after that most require that the parent have a bachelor degree.

No further testimony; hearing closed.

**Senator Schaible:** Could someone provide some background information—the history of this issue and what the sunset clause is for. **Chairman Freborg:** Gave them two years to see how this would work; the House must believe it is working if they passed the bill.

**Senator Heckaman:** In her district they have had good rapport with the home schoolers. In looking at this (4000 version) and she's not sure what was changed. Think one of the things changed was on page 2, lines 9-13 and that's the recording the number of students filed with Superintendent of Public Instruction. Heard that was put in because the number of students anticipated in home schools and the number reported are not the same number. They are not required to report for ages six and under or over 16 years. May be some in home school but aren't reported—just report the requirements for North Dakota attendance. In looking at the colored map, doesn't feel that North Dakota is very close to a red state anymore. Moved for a Do Pass to Engrossed HB 1211; second by **Senator Gary Lee**.

**Senator Luick:** In his area alone there are several home school families and had exceptional students come out. Supportive of this. **Senator Flakoll:** Asked of him in regards to the oil patch and the very mobile nature of the workers and families. Do we have assurances that this can't be used in a manner that does not allow those children to not even participate in some type of educational experience? May not be well known in some areas if the kids are there visiting or here for a period of time. **Senator Luick:** Is there some type of a reporting process for any new people to the state for a week, two, year—how do we know? **Senator Heckaman:** This is an issue in K-12 across the state; public, non-public, home school—think it would be more of an issue with the public schools and not home school. Happens in any educational system; don't know what to do about it.

Motion carried; 7-0-0 **Senator Heckaman** will carry the bill.

Date: 3/23/11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1211

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. G. Lee

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll	X				
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Heckaman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1211, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends  
**DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1211  
was placed on the Fourteenth order on the calendar.



2011 TESTIMONY

HB 1211

North Dakota 61<sup>st</sup> Legislative Assembly

HB 1211 Testimony

Benjamin Stegman, DVM

Legislative Team Spokesman, North Dakota Home School Association.

January 30, 2011

### **Introduction and background**

Chairman Kelsch, Members of the committee, Ladies and Gentlemen;

My name is Dr. Ben Stegman. I am here today from Cavalier ND. My wife Heather and I have three beautiful daughters, with another child expected this summer. Three years ago I had a long term dream come true when I was able to move back to my hometown in Pembina County and establish the first veterinary practice located there in 75 years.

I and my wife were both homeschooled through graduation. We believe as do our parents that the one on one discipleship model of home education is the best way to raise our children consistently with our faith. Home education has instilled a love of learning in my wife and I that continues to impact us daily and I feel very privileged to be continuing the legacy pioneered by my parents as a member of the second generation of homeschoolers in ND.

I am here today as the spokesman for the legislative team of the North Dakota Home School Association. I became involved with the legislative efforts this year because I am rapidly approaching a time with my children when our law will present some very big problems for me. Currently our law requires that in grades 4,6,8, and 10 children that are homeschooled must take a standardized achievement test. In preparing for this presentation I have heard North Dakota parents object to testing for reasons ranging from medical contra-indications to curriculum/test mismatch and I believe you'll be hearing some of these objections today. I cannot give my children these tests for the following reasons. First, there is compelling research that suggests that using these tests to assess educational progress promotes a misunderstanding of the learning process that will follow my children throughout their lives.

For HB1211  
**TESTIMONY**  
**ATTACHMENT 1**

Second, giving the tests is incompatible with my intention to pursue a unique educational pace with each of my children that is tailored to their individual strengths and challenges. Third, I am very concerned about the fact that these tests represent a distinct departure from the freedom I have in every other area as a homeschooler to control when, where, and how religious, socio-political and psychological ideas are presented to my children. This bill introduces an exemption for people like myself, and I urge you support this expansion of flexibility for educational diversity. I admit to having a vested interest in the outcome of this bill; I'm building a business, I'm able to raise my daughters in a safe environment close to both my wife's and my relatives, and I'm disturbed about the possibility of being forced to abandon North Dakota for such a inane reason as overly restrictive homeschool laws.

**The NDHSA bill, rational and motivation.**

Representative Damschen gave an excellent introduction to the content of our bill, and so I'll spare you any further technical details unless you have questions.

North Dakota has had a strong history of commitment to academic excellence, while at the same time we don't tend to fix things that appear to be working. As in a lot of other conservative states, even though there were compelling arguments made by the original homeschool pioneers on the grounds of religious and constitutional liberty, our movement represented a radical change from what was viewed as being a pretty good system overall. Thus multiple safeguards were built into our original statute to prevent concerns over complete disaster. These concerns didn't come to fruition; today homeschooling parents continue the tradition of academic excellence in our State.

The homeschool law in North Dakota can be historically divided into three main categories;

1. School district records and administration- this included the statement of intent as well as the requirement that homeschoolers keep academic records that would be provided to school districts if a homeschooled student ever were to re-enter the public school.

2. Standards for homeschoolers- required that the same list of subjects taught to public schooled students be included in homeschool programs, and established minimum instructional time requirements.
3. Accountability- consisted of parental qualifications, monitoring by a public school teacher for the first couple of years, and standardized achievement testing.

Words cannot express how privileged we are to be homeschooling now in the wake of the sacrifice and perseverance of the families that pioneered our movement. The exponential growth of the homeschooling community since legalization was accelerated by widespread access to high speed internet that fundamentally changed everything from networking to curriculum. Recent history has witnessed the emergence of a panoply of homeschool support organizations that continue to expand and evolve to meet the needs of our community. We represent a movement that has truly come of age. Our recent legislative efforts are attempting to recognize the successful diversity of educational methods and will build flexibility into the accountability provisions of our law.

Last session, we initiated discussion by contending that education is a way of life not confined to a specific place. We corrected language in the law that restricted the inclusion of activities that took place outside the home in the educational program. We also began looking at the accountability provisions of the law by showing that monitoring was no longer a necessary support structure for new homeschoolers due to the broad array of resources now available for these families. This session, we continue to enhance flexibility for successful homeschoolers by suggesting that the mandatory remediation plan for children that score below the thirtieth percentile is similarly not needed. Parents of children who are actually struggling will initiate remediation measures appropriate to their unique situation when the problems are encountered through access to a broad and expanding support network. Additionally, there are numerous other reasons why a child might experience an adverse score that have nothing to do with learning disabilities or neglect, and the mandatory requirement for outside



assessment on the basis of a single test result represents an invasive and unnecessary stress on homeschoolers.

Accountability is a difficult subject, since it easily overlooks the real issues we're worried about. I have noticed that my friends and clients that happen to work for public schools share a mutual goal with homeschoolers; that children receive the highest quality education possible. The use of standardized achievement tests for accountability is a controversial subject especially in the aftermath of No Child Left Behind (NCLB). This is a thorny issue but there is nearly universal recognition that myopic focus on testing fails to improve outcomes and is frequently detrimental to them. I believe any person actually involved in the teaching of a child would agree with the current position taken by many national education organizations, that the quality of an education depends on the quality of the relationship between a teacher and his or her pupil. Policies that distract teachers and parents from this core focus will never improve educational outcomes. In recent years we have repeatedly seen evidence in the literature that shows the impact of socio-economic factors on test scores. Most of us intuitively know why this is the case: successful schools depend on successful families. We may be proud of high test scores in North Dakota, but these data indicate that these scores have less to do with the quality of our schools and more to do with the quality of our families.

#### **Moving forward and looking towards the future.**

Where does this leave standardized achievement tests and accountability? It is apparent that the use of standardized achievement tests for accountability is not about quality; it is about minimum standards. Research is clear that parental qualifications have no impact on educational outcomes and we believe that any committed homeschooling parent is at least as capable as a standardized achievement test at identifying learning problems and assuring the state that minimums are being met. However, we contend that by allowing parents that object to testing to assert their compliance with educational minimums to obtaining teacher qualifications, the State will be given at least as much

assurance as testing while giving maximum freedom to homeschoolers. Efforts to impact the quality of a homeschool education must necessarily be directed at the support of the individual family. This is directly related to the solution for one of the most common objections raised to the relaxation of homeschool regulations in North Dakota: "What about the children at risk of falling through the cracks?" We must be very certain we understand the difference between abused children and children at risk for educational neglect. Successful schools depend on successful families, and it is inappropriate to place parents who need support for specific instructional challenges in the same category as those who would abuse home education laws to camouflage the mistreatment of children. Our homeschool statute has never been intended to provide protection for these children. We have laws that do address these cases, but efficacious solutions to these problems always focus on efforts at the local level that go to the root of the problem. In either case, as I mentioned before, the homeschool community is evolving to meet its member's needs. I am excited to be part of one such organization that is working to more comprehensively address these issues. In addition to the resources the North Dakota Homeschool association has provided in the past, we are refining our vision toward a comprehensive relational home school information system with a mission to recruit, train, launch, support and protect every willing ND family in the credible methods of parent-directed home education. I urge you to expand flexibility for homeschoolers by passing this bill and look forward to your cooperation in the future as we all work to ensure the highest quality education possible for all children in North Dakota.

1.

### **School district records and administration**

- a. Statement of intent  
(Section 2)
- b. Academic record  
requirements (Section 5)

2.

### **Standards for homeschooling**

- a. Instructional time and  
subject requirements  
(Section 4)

# **The Home School Statutes (NDCC 15.1-23)**

3.

### **Accountability**

- a. Parental qualifications (Section 3)
- b. Monitoring (Section 6)
- c. Standardized Achievement  
Testing (Section 9)

## What the 2011 NDHSA Home Education bill will do- A summary<sup>i</sup> Ben Stegman, DVM

**Repeal of the Sunset Clause:** This part of the bill makes permanent the improvements made during the 2009 legislative session. If the sunset clause is not removed, the home education statute<sup>ii</sup> will automatically revert to the pre 2009 law, limiting home education to occur only in the home and requiring monitoring by a licensed teacher of all who do not have a teacher license, baccalaureate degree or a passing score on a teacher examination.

**Removal of monitoring for parents without GED/diplomas:** Currently, only parents without a GED or High school diploma must be monitored as described above. Last session, we made the argument that monitoring has been an interruption to home education efficiency. Furthermore, we argued that the home school community provides the equivalent to monitoring through support groups, conventions, newsletters, counseling, and informal networking<sup>iii</sup>. This is just as true for parents who do not possess diplomas as for those that do. Thus, monitoring should be removed entirely.

**Changes to Parental Qualifications:** Currently, parents who wish to home school without being monitored must possess minimum qualifications as described above. We have proposed that monitoring be removed in all situations. In order to allow parents who lack a GED/Diploma a legal option to home school, we must also remove the blanket requirement of minimum qualifications for parents who are not monitored. Instead, this bill will establish two options for accountability; first, the default where homeschoolers administer standardized tests per law<sup>iv</sup>, or second, an exemption from testing with requirements as described below.

**Removal of the “High Stakes” part of test administration:** Standardized test administration has recently come under criticism by groups such as the Association for Childhood Education International (ACEI) and the National Education Association. These groups cite research that reviews the consequences of routine association of test results with “high stakes” outcomes such as “...grade retention [...], graduation, admission into college, and whether or not schools remain open and teachers get to keep their jobs”. This research indicates that over-reliance on high stakes tests on a nationwide basis has “narrowed curriculum, increased drop-out rates, and [...] reduced learning by students”<sup>v</sup>. Currently if a home schooled student scores less than the thirtieth percentile on a mandatory standardized test, the parent must submit to evaluation by a multidisciplinary assessment team<sup>vi</sup>. While very few students ever fall into this category, the fact that a single adverse score can trigger evaluation by public school officials makes this constitute “high stakes testing” for home schoolers.. In contrast to public schools that must show appropriate use of tax dollars, home schoolers do not receive any public funds, therefore accountability is limited to assurance of compliance with the law. Parents who decide to administer standardized tests to provide this assurance should not be required to submit to invasive external evaluation on the mere basis of a single adverse test score. Parents with students who are struggling have access to numerous resources for remediation, including the public school, and should have the flexibility and autonomy to pursue options that are best suited for their unique situations.

### **Exemption for parents who object to standardized test (ST) administration:**

Currently, there is no recourse for parents who object to the administration of STs on any basis (including philosophical, moral, religious, or medical grounds). Objections include:

1. No control over the psychological/sociological norms presented to their children in the test.
2. The long term psychological impact on the child being subjected to ST administration.
3. Disagreement with the premise that all children learn the same way and at the same rate.
4. Medical impact of ST administration on a child that suffers from excessive test anxiety.

Argument has been made earlier that accountability for home schoolers is primarily focused on the state’s interest in identifying educational neglect<sup>vii</sup>. Therefore, parental qualifications that show ability to recognize educational minimums are equivalent protection. In the years STs would be given, rather than testing, objecting parents would provide the school district with communication of their intent to take the exemption, and proof of minimum qualifications as listed in the first paragraph<sup>viii</sup>.

## **"Where do we go from here?" Establishing perspective and looking towards the future.**

As with most states, the original ND home school statute has had the performance of a cautious trial concession. The assumption was that if home schooled students were grossly underperforming or being neglected, the state would have sufficient statutory tools to prevent a complete disaster. There were compelling arguments made by the "pioneer" homeschoolers that were based in religious and personal liberty, but there was no statutory precedent in the memory of ND education regulators. Perhaps legitimately they were nervous about accepting what was viewed as a radical alternative to State sanctioned schools that had performed adequately in their experience. Over 20 years of home education in ND have proven this concern to be unwarranted. Homeschooled students have excelled within a broad diversity of educational methods and philosophies, and today North Dakota's homeschooled graduates are welcomed in every vocation and profession conceivable as successful and valued members of communities worldwide.

When regulations for home education are discussed, a concern is frequently raised regarding children who are not meeting the mandated educational requirements. We in the home education community share this concern, however, research and experience has shown that the same students that are at risk of falling through the cracks in a home school are at risk in public institutions. These students warrant protection and support, but as national experience with legislation such as No Child Left Behind (NCLB) has shown, exclusive reliance on "top-down" standards to make schools accountable gives insufficient protection for students actually at risk. The federal attitude about this subject is changing as is reflected by current efforts by the Obama administration to place much greater control over assessment and accountability in the hands of local teachers<sup>x</sup>. While the original task of NCLB evolves to identify alternative methods for school district accountability; efforts at the local level are and have always been the most efficacious means of protecting these children. Home schoolers are exempted from NCLB<sup>x</sup>, but this fact is the same for children in home schools, successful schools depend on successful families.

Home schooling parents have a vested interest in the success of their children, arguably exceeding that of even the most dedicated classroom instructor. Home schools work because parents are sacrificially committed to the outcome of their efforts. It is inappropriate to place parents who need special support for a child with a learning disability or specific instructional challenges in the same category as individuals who would abuse home education laws to allow mistreatment of children. The ND home school statute is insufficient protection against these criminal situations, and was never intended to be such.

The home school community is evolving to meet the needs of these families that require special support. Groups such as the North Dakota Home School Association (NDHSA) are constantly working to provide and expand support and education for ND families. As an organization and individuals, we strive to augment the broad array of online and published self-help resources by building from the mentorships we've formed since homeschooling became legal in our state. This task is largely informal and is intricately interwoven into relationships between home schoolers across our state. The NDHSA exists to provide leadership and organization for the support of families in need and to encourage and empower parents to continue the proud tradition of academic excellence in home education both in ND and nationally. Identifying and implementing efficacious remedies for educational neglect must always focus on support for families at the local level. To this end, we believe that in the future collaborative relationships between the home school community and local and state officials will exceed the State's current ability to respond to issues related to educational neglect. The accountability provisions of the current law impose needless restrictions on homeschoolers without protecting the children that are truly in danger. **This bill is needed immediately to change our law to reflect the modern success of home education, and the diversity of successful pedagogical philosophies and methods that exist among home schoolers in North Dakota.**

## References

Questions or comments may be directed to Dr Stegman at [bhstegman@gmail.com](mailto:bhstegman@gmail.com)

<sup>i</sup> This document contains summarized points from an expanded analysis written by Dr. Stegman. This document is entitled "The 2011 ND Home School bill; Introduction and discussion" and is available upon request.

<sup>ii</sup> North Dakota Century Code, 15.1-23.

<sup>iii</sup> Support for this statement can be accessed in Dr. Bartlett's testimony material from the 2009 session, accessible at : <http://www.legis.nd.gov/assembly/61-2009/bill-status/house/HB1171.PDF>.

<sup>iv</sup> NDCC 15.1-23-09 requires standardized achievement tests be administered in grades 4,6,8, and 10.

<sup>v</sup> ACEI position paper on standardized achievement testing- 2007, accessible at <http://acei.org/wp-content/uploads/testingpospap.pdf>.

<sup>vi</sup> NDCC 15.1-23-11

<sup>vii</sup> From the expanded document referred to in the first end note above: "...the statutory interest of the state involving home schooling involves the prevention of illiteracy as discussed in section 4 of article XIII of the ND constitution, and general child abuse and neglect prevention as discussed in the ND Century Code (50-25.1)."

<sup>viii</sup> The same list as was required in the 2009 law for parents who did not wish to be monitored; a teacher's license, baccalaureate degree, or a passing score on a teacher examination.

<sup>ix</sup> <http://www2.ed.gov/policy/elsec/leg/blueprint/faq/supporting-teachers.pdf> . This document refers to the administrations intent to reform NCLB to engage local teachers to collaborate on the design of authentic student evaluation and school accountability measures.

<sup>x</sup> <http://www2.ed.gov/policy/elsec/leg/esea02/pg111.html#sec9506> Section 9506 (b) contains an explicit exemption from the law for home schoolers.

# What's the big deal with standardized testing?

*Questions and answers for North Dakota Home Schoolers*

Benjamin Stegman, DVM 1/13/2011 Revision D

What is the history of today's standardized tests?

- 1917- World War I: The country needed to sort the massive numbers of recruits into officer candidates vs. battlefield soldiers. The stanford-binet tests (which produced what became known as "IQ" scores) gave rise to the "army alpha tests". These were designed to "Discriminate among test-takers with respect to their intellectual abilities"<sup>ii</sup>.
- 1965- President Johnson declared "war on poverty"- Among other things, this gave rise to the Elementary and Secondary Education Act (ESEA). Public money was given to states to help increase learning opportunities for socially disadvantaged students. Sen. Robert Kennedy made an addendum to ESEA to require evaluation of the effectiveness of these financial distributions via standardized achievement tests (based on the army alpha model).
- 1983- The National Commission for Excellence in Education published "A Nation at Risk"- Broad recommendations were made including the establishment of Standardized tests as a pivotal part of evaluating the quality of education in each school.
- 1994- President Clinton introduced "Goals 2000- Educate America Act". This act saw the formation of the National Standards Board, and testing in 4<sup>th</sup>, 8<sup>th</sup>, and 12<sup>th</sup> grades recommended.
- 2002- President Bush's "No Child Left Behind" initiative (NCLB) - testing in grades 4, 8, and 12 became mandatory. This act also saw the introduction of "high stakes" (see below) testing at the national level.

What kinds of standardized tests are there?

- A norm referenced test (NRT) "...compares each individual to everyone else, and the result is usually (but not always) reported as a percentile"<sup>iii</sup>. In other words, the score reflects only how an individual ranks compared to a base group of test takers, it measures how students compare to each other. The score has very little to do with how many questions are actually answered correctly. In fact, this isn't even what NRT makers are interested in; "[...] their goal is to include questions that some test-takers- not all of them, and not none of them- will get right. The [...] objective, [is to] separate them, to get a range of scores"<sup>iv</sup>. Examples include the Iowa Comprehensive Test of basic Skills and the Stanford Achievement Test.
- Criterion referenced tests on the other hand, "compares each individual to a set standard"<sup>v</sup>. The test returns a score that indicates the number of correct answers

out of the total; it attempts to measure how much of a particular curriculum they have learned.

Why are these tests used?

- As shown by their historical use, standardized tests have been primarily used as a measure of the effectiveness of state and federal programs to improve educational opportunities for underprivileged children. The idea that standardized tests could be used to evaluate the success of these programs was soon followed by "[...] the notion that the same [...] test could be used to evaluate learning as well"<sup>vi</sup>.
- When states began to regulate homeschoolers, they naturally looked to the same accountability measures the public schools were subjected to, although there has never been any research to indicate that any of the tests are capable of measuring actual learning beyond superficial levels (see below).

What do standardized test results actually show?

- Socio-economic status: One study showed that ... "89 percent of the variation in state average test scores on the [...] 1992 National Assessment of Educational Progress [...] can be explained by the combination of four demographic factors over which states have no control: number of parents living at home, parental education, community type, and state poverty rates." In fact, the number of students who had one parent living at home accounted for 71% of the variance all by itself<sup>vii</sup>. There are other examples at the state level where, in Massachusetts "five factors explained 90 percent of the variance in scores on the state's MCAS exam (a criterion referenced exam)"<sup>viii</sup>, causing one of the study's authors to state that the results have ... "almost everything to do with parental socioeconomic backgrounds and less to do with teachers, curricula, or what the children learned in the classroom"<sup>ix</sup>
- Ability to use short term memory: There is a statistically significant correlation between high standardized test scores and "relatively shallow thinking. One of these studies classified elementary school students as 'actively' engaged in learning if they went back over things they didn't understand, asked questions of themselves as they read, and tried to connect what they were doing to what they had already learned; and as 'superficially' engaged if they just copied down answers, guessed a lot, and skipped the hard parts." The "superficial" style translated to high scores on the Comprehensive Test of Basic Skills, and Metropolitan Achievement Test<sup>x</sup>. Other studies in older children have shown similar correlations on the SAT, where scores were negatively associated with a "deep approach to learning".<sup>xi</sup>

What is a "High stakes" test?

- Wikipedia defines a high stakes test as a "[...] test with important consequences for the test taker. Passing has important benefits, such as a high school diploma,



[or] a scholarship [...]. Failing has important disadvantages, such as being forced to take remedial classes until the test can be passed, not being allowed to drive a car, or not being able to find employment"<sup>xii</sup>. Recently, Federal laws such as No Child Left Behind have encouraged routine association of test results with "high stakes" outcomes such as "...grade retention [...], graduation, admission into college, and whether or not schools remain open and teachers get to keep their jobs"<sup>xiii</sup>.

- Currently if a home schooled student scores less than the thirtieth percentile on a mandatory standardized test, the parent must submit to evaluation by a multidisciplinary assessment team<sup>xiv</sup>. While very few students ever fall into this category, the fact that a single adverse score can trigger evaluation by public school officials makes this constitute "high stakes testing" for homeschoolers.

What standardized tests are used in ND?

- The North Dakota State Assessment (NDSA) is the only standardized test required by law to be administered to public schooled students. The NDSA is a criterion referenced test.<sup>xv</sup> Additionally, the National Assessment of Educational Progress (NEAP), also criterion referenced, is administered periodically to public school students.
- Homeschooled students in ND currently have the option of any nationally normed standardized achievement tests.<sup>xvi</sup>

Why could standardized testing be dangerous?

Standardized testing: <sup>xvii</sup>

- o "Results in decreased motivation to learn and sets children up for failure, which contributes to future drop-outs."
  - o High stakes testing creates less intrinsic student motivation and alienates students from self directed learning.<sup>xviii</sup>
- o "Does not improve learning and, in many cases, decreases learning."
  - o The tests encourage a disconnected and superficial level of knowledge, "even the exceptions- questions that test the ability to reason- generally fail to offer students the ability to reason 'to carry out extended analyses, to solve open-ended problems, or to display command of complex relationships, although these abilities are at the heart of higher-order competence'..."<sup>xix</sup>
- o "Narrows the curriculum and reduces instruction to rote memorization."
  - o The "value" of curriculum comes to be viewed in terms of its ability to influence test scores.
- o "Becomes the basis for important decisions, such as entry into kindergarten, promotion and retention in the grades, and placement in special classes."

- o "Forces teacher to spend time in class preparing children to take the tests, which undermines their efforts to provide a developmentally appropriate program that meets the needs and interests of individual children"
- o Prevents homeschoolers from completely directing the education of their children.
  - o Parents do not control the test material, and frequently are not allowed to even view it prior to the test. This can translate to violation of a parent's right to communicate certain religious or sociological tenants and norms to their children.
  - o There is pressure to force a child to learn according to a stereotypically chronological progression.

What are the alternatives to standardized testing?

- In the public school, experts are recommending the use of "authentic, alternative assessments that are continuous and intricately embedded in developmentally appropriate classroom instruction"<sup>ix</sup>. This includes portfolio and performance based assessments. A portfolio is collection of examples of work by a student, not unlike a scrapbook, that shows progress over time. A performance assessment refers to a "[...] variety of tasks and situations in which children are given opportunity to actively perform or demonstrate their understanding [...]"<sup>xxi</sup>.
- For homeschoolers, this type of assessment occurs as a part of daily activities, and there is intrinsic benefit to keeping records of accomplishments as students learn. Public schools must show adequate yearly progress and comply with No Child Left Behind. Keeping similar in-depth records may provide valuable defense against an educational neglect charge, but beyond the requirements of NDCC 15.1-23-05, homeschoolers are under no such burden of proof to the State. In contrast to public schools that must show appropriate use of tax dollars, homeschoolers do not receive any public funds, therefore accountability is limited to assurance of compliance with the law<sup>xxii</sup>.

<sup>i</sup> Solley, Bobbie A. (2007) "On standardized testing: an ACEI position paper" 2007, accessed 01/12/2011 at <http://acei.org/wp-content/uploads/testingpospap.pdf>.

<sup>ii</sup> Popham, W.J. (2001). The truth about testing: An educator's call to action. Alexandria VA: Association for Supervision and Curriculum Development.

<sup>iii</sup> Kohn, Alfie (2000) The case against standardized testing: Raising the scores, ruining the schools. Portsmouth, NH: Heinemann. Pg 14.

<sup>iv</sup> Kohn, Alfie- as above, pg 15.

<sup>v</sup> Kohn, Alfie- as above, pg 14.

<sup>vi</sup> Solley, Bobbie A. - as above.

<sup>vii</sup> Robinson, Glen E.; Brandon, David P. (1994) "NAEP Test Scores: Should They Be Used To Compare and Rank State Educational Quality?" Educational Research Service, 2000 Clarendon Boulevard, Arlington, VA 22201.

<sup>viii</sup> Kohn, Alfie- as above, pg 68.

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<sup>ix</sup> Clancy, Kevin J. (2000) "Making more Sense of MCAS scores" Boston Globe, April 24, 2000, page A19.

<sup>x</sup> Kohn, Alfie- as above, pg 10.

<sup>xi</sup> Kohn, Alfie- as above, pg 69.

<sup>xii</sup> [http://en.wikipedia.org/wiki/High\\_stakes\\_test](http://en.wikipedia.org/wiki/High_stakes_test)

<sup>xiii</sup> Solley, Bobbie A.- as above.

<sup>xiv</sup> NDCC 15.1-23-11

<sup>xv</sup> "Fall 2010 North Dakota State Assessment, Summary of Key Features" 2010, accessed 01/12/2011 at <http://www.dpi.state.nd.us/testing/assess/summary.pdf>

<sup>xvi</sup> <http://www.dpi.state.nd.us/testing/assess/index.shtm>

<sup>xvii</sup> Solley, Bobbie A.- as above

<sup>xviii</sup> Amrein, A.L. & Berliner, D.C. (2003). "The effects of high-stakes testing on student motivation and learning." *Educational Leadership*, 60(5), 32-38.

<sup>xix</sup> Kohn, Alfie- as above, pg 7.

<sup>xx</sup> Solley, Bobbie A. - as above.

<sup>xxi</sup> Popham, W.J.-as above

<sup>xxii</sup> The only statutory interest of the state involving home schooling involves the prevention of illiteracy as discussed in section 4 of article XIII of the ND constitution, and general child abuse and neglect prevention as discussed in the ND Century Code (50-25.1). Thus, leaving questions related to appropriate use of public funds as applies to of the public school system, accountability to the state under the current law is limited to reasonable assurance that a child's education is not being neglected.

# TESTIMONY ATTACHMENT 2

Dear committee:

My name is Jeff Hoverson; I am a former ND public school teacher. I taught in both SW and NE North Dakota. I am now a Lutheran pastor. I'll never forget the day my wife got inspired by a homeschool family's kids, in our town, and told me she thought we should do that. Naturally, I thought of my public teaching experience and could not imagine how she would do that. It wasn't until 2 years into doing it that what I could only imagine before now I figured out. I had my kids on a "conveyer belt". We all grew up with this: You know, 2<sup>nd</sup> grade, then 3<sup>rd</sup> grade, then 4<sup>th</sup> and so on. The curriculum matches their level, along with the public school year and along with the assignments, formal tests and quizzes. I learned about the Thomas Jefferson philosophy of teaching which called on me to get them out of the "bubble" of the typical schooling system I had taught in and also off the "conveyer belt". I was getting mediocre to good results that I would have been happy with as a teacher, but I was challenged to focus on potential not minimums.

And how we measure and test had to completely change.

Now, instead of teaching to tests, we inspire to potential. It is a completely different approach to education and I find can really only be done at home in the real world. A world that matches reality.

I kid you not; my kids have begun to love learning. My boys get up at 6:30 on their own to do their math. They self-educate; this is what most colleges try to do. What do we do? Rather than REQUIRE for tests, which breeds mediocrity, we INSPIRE with the advantages of being their parents, providing an atmosphere of parental influence, and interact with the real world and faith. I am blown away. Nothing could have prepared me to understand this until we did it.

So, regarding high stakes testing. Here is what I have come to realize in our family. Most, not all, but most tests, and especially high stakes tests guarantee minimums and breed mediocrity. It doesn't take a rocket scientist to figure this out. Just quietly observe a kid when he is asked, "What did you get on your test, Joey?" OR "Suzie, how did you do on your SAT?" If they do well they get a strong "ooooo" or "wow" and the rest is self explanatory (high – medium – low, etc). The kid is now officially 'PIGEON HOLED'. The biggest motivation is now to simply be at that level as compared to their peers. Now, to inspire toward their potential is a LOT of work for them and the teacher. Why? Because they are on a conveyor belt.

Our country was founded by men and women who came to give the United States the reputation of exceptionalism. These people were made, not born. Thomas Jefferson and more..

I test my kids every day, only it is as a mentor who is committed to them for life. I don't get paid and it is easier. My kids are not driven by tests, they are inspired by learning. This will be life long. They won't "graduate" on a conveyer belt that says you are now a 12 grader and you have passed all the tests. No way..... Not now that I have seen the difference as a public school teacher and now a homeschool dad.

Please know that I understand if allowing someone like us to exempt from high stakes testing is difficult. Trust me; I was there not that long ago. While North Dakota kids test well compared to the other states,

which is only good news when the nation is improving. But we all know the nation is getting dumbed down really fast. High stakes testing is producing minimums and mediocrity right before our eyes, even for public school kids. With this bill, people that choose to, may still test. But

Please allow us to lead by example and prove to you that producing life long learners is much better than testing on a conveyer belt that will stop when kids are 17 or 18 only to never see many of them ever open a book again. Indiana DPI supports home education and their reps even come to the conventions to speak and thank them for educating for a better state. As North Dakotans, our goal should not be better schools, but an exceptionalist state.

"If we want to raise the floor, we need to lift the ceiling". Thank you, Jeff Hoverson

Bottom line is that they are our responsibility until we put them into the State's hand.

questions

# TESTIMONY ATTACHMENT 3

I'm Ken Knight, we have 14 children, have a homeschool record spanning 29 years, in 3 countries and 3 states. I have taught in 3 different schools and 3 college institutions so I know both sides of the educational fence. Our choice to educate our children at home is based upon the greatest benefit for our children. In academics, character, social, and emotional areas our children have received and are receiving a vastly superior education. Our homeschool graduates include successful entrepreneurs, musicians, three marines, 1 national guardsmen, educators, moms, dads, builders, truckers and missionaries. All are productive members of society and loyal American citizens.

During our homeschooling in North Dakota, we have followed the laws and statutes, no matter how oppressive, and have cooperated with the school districts where we reside taking nothing from them and consistently providing for them through paying our taxes faithfully. When achievement testing was required we bought our own tests, had them monitored without DPI expense and submitted the results as required, but the cost to do so for a couple of our children was far greater than we anticipated. The anxiety they experienced over taking these tests actually resulted in illness, withdrawal from common everyday activities and a desire to quit school altogether. There were all prior to and during the actual test taking. It does not include the blow to their self-esteem when the corresponding low test scores were received. One child actually said, "Why am I so stupid?" And she is not stupid, she is currently taking college preparatory classes and doing well. The reason they did poorly was two-fold. Mainly the test anxiety, the knowledge that a low score carries grave consequences – this is stress a child should never bear. Secondly, the pressure to perform within time constraints was unnatural to their learning styles.

If the achievement tests were accomplishing educational improvement or any other positive result, sacrifices in this area might be justified – but as the situation now stands they will be forced to suffer once again unless we are given the opportunity to exempt them from the required testing.

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Our family has been home schooling for nearly 12 years now. We have seen three of our children graduate here at home. One daughter is currently obtaining a master's degree at Minot State and hopes to be teaching in the public schools next school year. We are now home educating six children.

I'll be frank and say "I hate testing". I'm tired of wasting valuable school time to prepare for this. I'm tired of my children worrying about it. I'm tired of one daughter, a bright student, feel like she's a failure and crying because she hates being timed and she hates the way they test for reading comprehension and thus her scores say she doesn't do well when I very well know otherwise from my interactions with her here at home.

I'm tired of having to worry about a 30% core total score, especially with my children who don't test well. We've seen it all here in home educating nine children (3 of whom are already graduated)--some of our children do well, others don't. But why should less than 30% mean there has to be testing for a learning disability? Frankly, that's just plain silly.

"Using one test as a high-stakes hurdle is unfair and often inaccurate, violates the standards of the measurement professions, and damages educational quality."

*-Dr. Monty Neill, executive director, FairTest*

Either drop the testing requirement or drop the 30%. I've researched out testing requirements in the 50 states and the US Territories and North Dakota is one of only four states who require testing and who have no other alternative. My husband and I feel this testing requirement violates our rights as parents to educate our children as we see fit. We know we're successful because we've seen it with our three young adult children--we don't need a test to prove that. We see it each and every day we work with our children.

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# TESTIMONY ATTACHMENT 4

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January 20, 2011

Dear Representatives,

Nine years ago, after being away from the public schools for well over 20 years—I'd graduated from High School in 1979—I entered back into the system from student to parent. It was now my child's turn to become "educated". I hadn't once considered homeschooling. The idea was foreign to me. After all, the public school system was what I knew. Trusted, if you will, because I'd been there and knew what to expect.

Boy was I in for a surprise because as it so happened, my son had(s) learning disabilities, as well as a speech delay diagnosed as Expressive Language Disorder. A few years later he was diagnosed under the Autism umbrella as PDD-not otherwise specified. In a nut shell, these challenges opened a world to my son which was not positive with peers. He didn't take social cues, and became an easy mark for bullies.

As the years progressed, and the struggles my son continued to have with school lead me to begin questioning if perhaps I had been hasty. Perhaps, just perhaps, homeschooling would be in his best interest. However, at the time I began looking into the possibility of allowing my son to remain home and learn in a way that worked best for him, the North Dakota laws made it almost impossible for me to accomplish this.

When my son reached seventh grade he had to ride the bus. That experience, being confined with bullies who knew the bus driver couldn't see their every move, truly stressed my son each and every day. Once at school, and because of his disabilities, his classes were modified. He did not participate in 7<sup>th</sup> grade math, he continued in 5<sup>th</sup> grade math instead. Instead of English, he went to a special needs class. All well and good services, but when everyone knows, especially the bully, that one is 'different' than them it makes life very difficult.

And then, in 2009 favorable changes were made to the homeschooling law, which has allowed me to educate me son at home this year. It has provided him with an environment he feels safe in, and he enjoys the fact his education can be based on his interests, as well as what works best for him. Not everyone learns the same way, and although he continues to struggle in some areas, he's more willing to try things that aren't allowed for him in public school. His speech has improved so much that often times I catch myself staring at him in wonder thinking, "This is the kid who was diagnosed with Expressive Language Disorder?" He'll talk your ear off if you let him!

I would like to strongly encourage the North Dakota Legislative Assembly to permanently pass into law the positive changes made to the homeschooling law made in 2009.

That said, I would also encourage the Legislative Assembly to remove the 30 percentile testing for homeschoolers. The fact is, while my son was in the Public school system he didn't pass tests anywhere near the 30 percent currently required for homeschoolers. As I said earlier, everything was

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- B.S., Criminal Justice, University of Maryland, 1979
- M.S., Aviation Management, Embry-Riddle Aeronautical University, 1994
- Ph.D., Education specializing in Training and Performance Improvement, Capella University, 2010
- Retired U.S. Air Force instructor pilot, having flown the B-52 for 24 years
- Currently working in the B-52 simulator for Rockwell Collins International at Minot AFB
- Associate Professor for Embry-Riddle's satellite campus at MAFB teaching aviation courses

I'm tired of having to worry about a 30% core total score, especially with my children who don't test well. We've seen it all here in home educating nine children (3 of whom are already graduated)--some of our children do well, others don't. But why should less than 30% mean there has to be testing for a learning disability? Frankly, that's just plain silly.

"Using one test as a high-stakes hurdle is unfair and often inaccurate, violates the standards of the measurement professions, and damages educational quality."

-Dr. Monty Neill, executive director, FairTest

Either drop the testing requirement or drop the 30%. I've researched out testing requirements in the 50 states and the US Territories and North Dakota is one of only four states who require testing and who have no other alternative. My husband and I feel this testing requirement violates our rights as parents to educate our children as we see fit. We know we're successful because we've seen it with our three young adult children--we don't need a test to prove that. We see it each and every day we work with our children.

Sincerely,  
Kim Breuer,

- B.A. history, Bob Jones University, 1979
- M.L.A. history emphasis, Southern Methodist University, 1981
- home schooling mom of nine, three of whom have graduated and one of whom is getting a master's degree in early childhood ed/special ed at Minot State University and who hopes to be teaching in the Minot Public Schools next year
- Certified Iowa Test of Basic Skills tester currently unable to administer such tests despite being certified because North Dakota law only allows a North Dakota certified teacher be able to do so--why should a newly-graduated and licensed 22-year-old college graduate be able to administer a test and I can't? If I satisfy the testing company's requirements, why then is that not good enough for the state of North Dakota?

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# TESTIMONY ATTACHMENT 5

## TESTIMONY ON HB 1211 EDUCATION COMMITTEE

February 1, 2011

Gwyn K Marback, Assistant Director

701-328-2295

Department of Public Instruction

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Madam Chairman and members of the committee:

My name is Gwyn Marback and I am the Assistant Director of the Approval & Accreditation Unit for the Department of Public Instruction. I am here to speak in opposition of HB 1211.

HB 1211 would repeal Sections 15.1-23-03, 15.1-23-06, 15.1-23-07, and 15.1-23-12 of the North Dakota Century Code. In addition, it would remove requirements for establishing a multidisciplinary assessment team for children who score under the thirtieth (30%) percentile on standardized tests. It includes a provision for testing exemptions for parents who have a philosophical, moral, or religious objection to the practice of standardized achievement testing.

As of Monday, January 31, 2011 the Department of Public Instruction's Finance Unit has 2,389 students enrolled in home education in North Dakota School Districts. This number is from the 2009-10 STARS report. The North Dakota Home Education Association has reported close to 4,000 students. We clearly have a significant number of students unaccounted for. With such facts in front of us, do we

really want to diminish the regulations of conducting home school education in our state?

In my testimony today, I will be providing you with:

- ✓ A color coded map from the National Home School Association outlining regulation requirements throughout the United States.
- ✓ Attached to this document, I have provided review of the state regulations “At a Glance” taken from J.W. World Research.
- ✓ Copies of Illinois, Indiana, Missouri, Minnesota and South Dakota’s state home school regulations taken from each perspective state department of education websites.
- ✓ Parent Guide to Special Education. (One copy)

I would like to begin with the National Home School Association map of regulations. I found it difficult to develop a set of criteria or components distinguishing regulations between green, yellow, orange and red states. There seems to be an ambiguous set of criteria which recognizes the various levels of regulations. I found a number of inconsistencies. I will explain my reasoning by reviewing the set of handouts given to you.

As the individual in the department responsible for home education issues, I have responded to numerous calls from parents, superintendents, federal staff members and concerned community members. I have been asked by home school parents if

the department could issue their child a high school diploma as their child is now seeking employment and needs a high school diploma from an approved high school. In investigating their inquiries, all the parents could provide was a diploma printed off on their home computer. I have been called by Federal human resource departments asking me if I could provide them with evidence of a high school diploma from an approved school in North Dakota as it is part of the hiring requirements for individuals seeking employment. In these instances, the federal agency has contacted the public school district of residence in which the applicant resided to obtain a copy of their diploma. They were not successful because the child was home schooled. I have taken numerous calls from the general public in various communities across North Dakota wanting to understand why North Dakota home school laws are so lenient. These individuals have expressed concerns that children, who are supposed to be home schooled are not being educated as they are outside playing for several hours a day or they are working on the farm or ranch. I have been contacted by superintendents who have been asked by home school parents to issue their child a high school diploma. The parents present a list of classes their child has completed and want the high school diploma from the district. The parents do not provide portfolios, grades or a transcript which proves that child has completed requirements for graduation. As a result of such lax record keeping, school districts have written

policies which will not allow the district to issue diplomas to home educated students.

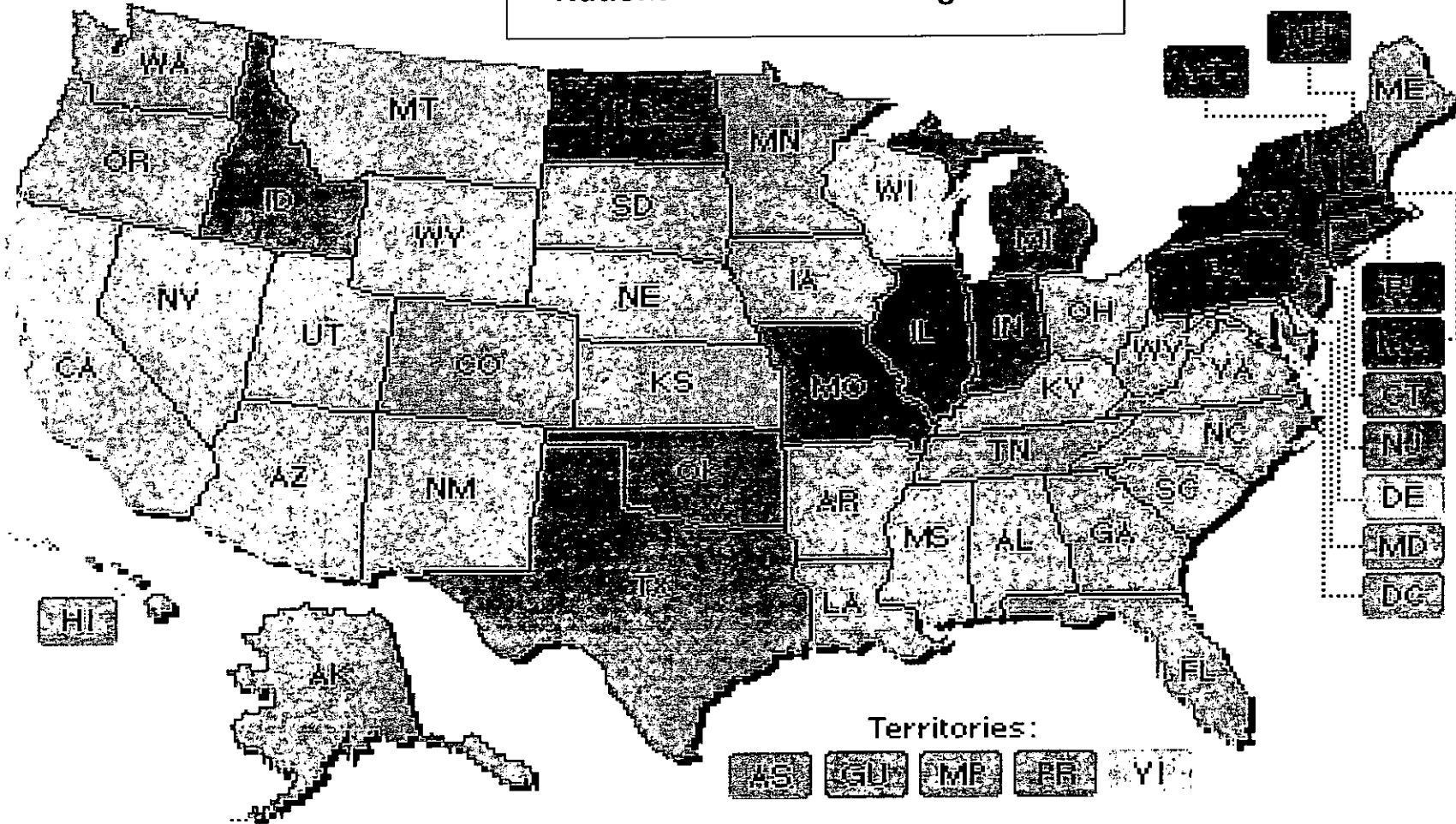
The last and most concerning requirement which is in jeopardy with HB 1211 is the monitoring of test scores. More specifically, the monitoring of tests scores which fall below the thirtieth (30%) percentile. As a school administrator for 27 years, this heightens my concern way off the radar. The reason for such concern, first and foremost, is diagnosing the obstacles which may be affecting a child's learning.

When we are presented with such concerns in the educational arena, we are dealing with a whole different set of laws. Students with disabilities have rights put forth to us by Federal Legislation, specifically, IDEA 2004 (Reauthorization 2006). See Parent Guide to Special Education. I ask the committee, if this bill were to pass as written, how would we be assured the rights of home school children with disabilities are protected? We must be advocates for our children. We must protect their rights.

As the committee moves forward with HB 1211, as this body is the voice of the people, I ask you to remember the most vulnerable, the most beloved citizens of North Dakota – our children.

That concludes my testimony. I will remain for any questions you may have.

## National Home School Regulations



### LEGEND

- ☒ States requiring no notice: No state requirement for parents to initiate any contact.

**States with low regulation:** State requires parental notification only.

 **States with moderate regulation:** State requires parents to send notification, test scores, and/or professional evaluation of student progress.

**State with high regulation:** State requires parents to send notification or achievement test scores and/or professional evaluation, plus other requirements (e.g. curriculum approval by the state, teacher qualification of parents, or home visits by state officials).

State	Legal Option	Attendance	Subjects	Qualifications	Notice	Records	Testing
Alabama	Yes	No	No	No	Yes	Yes	No
Alaska	Yes	No	No	No	No	No	No
Arizona	Yes	No	Yes	No	Yes	No	No
Arkansas	Yes	No	No	No	Yes	No	Yes
California	Yes	No	Yes	Yes	Yes	Yes	No
Colorado	Yes	Yes	Yes	No	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	No	Guidelines	Yes	No
Delaware	Yes	Yes	Yes	No	Yes	No	No
DC	Yes	Yes	No	No	No	Yes	No
Florida	Yes	No	No	No	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hawaii	Yes	No	Yes	No	Yes	Yes	Yes
Idaho	Yes	Yes	Yes	No	No	No	No
Illinois	Yes	No	Yes	No	No	No	No
Indiana	Yes	Yes	No	No	No	Yes	No
Iowa	Yes	Yes	No	No	Yes	No	Yes
Kansas	Yes	Yes	No	Yes	Yes	No	No
Kentucky	Yes	Yes	Yes	No	Yes	Yes	No
Louisiana	Yes	Yes	Yes	No	Yes	Yes	Yes
Maine	Yes	Yes	Yes	No	Yes	Yes	Yes

State	Legal Option	Attendance	Subjects	Qualifications	Notice	Records	Testing
Maryland	Yes	Yes	Yes	No	Yes	Yes	No
Massachusetts	Yes	Yes	Yes	No	Yes	Yes	Yes
Michigan	Yes	No	Yes	No	No	No	No
Minnesota	Yes	No	Yes	No	Yes	Yes	Yes
Mississippi	Yes	Yes	No	No	Yes	No	No
Missouri	Yes	Yes	Yes	No	No	Yes	No
Montana	Yes	Yes	Yes	No	Yes	Yes	No
North Carolina	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Dakota	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nebraska	Yes	Yes	Yes	No	Yes	No	No
Nevada	Yes	Yes	Yes	Yes	Yes	No	No
New Hampshire	Yes	No	Yes	No	Yes	Yes	Yes
New Jersey	Yes	No	Yes	No	No	No	No
New Mexico	Yes	Yes	Yes	Yes	Yes	Yes	No
New York	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ohio	Not Available						
Oklahoma	Yes	Yes	Yes	No	No	No	No
Oregon	Yes	No	No	No	Yes	No	Yes
Pennsylvania	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rhode Island	Yes	Yes	Yes	No	Yes	Yes	Yes

Legal

State	Option	Attendance	Subjects	Qualifications	Notice	Records	Testing
South Carolina	Yes	Yes	Yes	Yes	No	Yes	Yes
South Dakota	Yes	Yes	Yes	No	Yes	Yes	Yes
Tennessee	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Texas	Yes	No	Yes	No	No	No	No
Utah	Yes	Yes	Yes	Yes	Yes	No	No
Vermont	Yes	No	Yes	No	Yes	No	Yes
Virginia	Yes	No	No	Yes	Yes	No	Yes
Washington	Yes	Yes	Yes	Yes	Yes	Yes	Yes
West Virginia	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wisconsin	Yes	Yes	Yes	No	Yes	No	No



<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Alabama	1. Establish and/or enroll in church school	None specified (175 days required for public schools)	None	None	File a notice of enrollment and attendance with the local superintendent on a provided form (not required annually)	Maintain a daily attendance register to be kept by the principal teacher of the church school	None
	2. Use a private tutor	140 days per calendar year, 3 hours per day between the hours of 8 a.m. and 4 p.m.	Reading, spelling, writing, arithmetic, English, geography, history of the United States, science, health, physical education and Alabama history	Teacher certification	File a statement showing children to be instructed, the subjects taught and the period of instruction with the local superintendent	Maintain a register of the child's work showing daily attendance and make such reports as the State of Board of Education may require	None
Alaska	1. Establish and operate a home school	None	None	None	None	None	None
	2. Use a private tutor	180 days per year	Comparable to those offered in the public schools	Teacher certification	None	None	None
	3. Enroll in a state department of education approved full-time correspondence program	180 days per year	Comparable to those offered in the public schools	None	None	None	None
	4. Request school board approval to provide an equal alternate educational experience	180 days per year	Comparable to those offered in the public schools	None	None	None	None
	5. Qualify as a religious or other private school	180 days per year	None, but standardized testing must cover English grammar, reading, spelling and math	None	File a "Private School Enrollment Reporting Form" with the local superintendent by the first day of public school; also, file a "Private and	Maintain monthly attendance records; also maintain records on immunization, courses, standardized testing, academic achievement and physical exams	Administer a standardized test in grades 4, 6 and 8

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Alaska (continued)					Denominational Schools Enrollment Report" and a "School Calendar" with the state department of education by Oct. 15 of each year		
Arizona	Establish and operate a home school	None	Reading, grammar, math, social studies and science	None	File an affidavit of intent with the local superintendent within 30 days of the start (even if instruction will be delayed until age 8) or end of home schooling	None	None
Arkansas	Establish and operate a home school	None	None	None	File written notice of intent with the local superintendent by Aug. 15 (for those starting in fall semester) or Dec. 15 (for those starting in spring semester), or 14 days prior to withdrawing child mid-semester from public school; re-file annually thereafter at beginning of school year	None	Participate in same state-mandated norm-referenced tests given to public school students (in grades 3-9); no cost to parent unless alternate testing procedures are approved
California	1. Qualify as a private school	None	Same as public school schools and in the English language	Must be "capable of teaching"	File an affidavit with the superintendent of public instruction between Oct. 1 and Oct. 15	Maintain an attendance register	None
	2. Use a private tutor	175 days per year, 3 hours per day	Same as public schools and in the English language	Teacher certification	None	None	None
	3. Enroll in a private school satellite program, taking "independent study"	As prescribed by the program	As prescribed by the program	Must be "capable of teaching"	None	As prescribed by the program	As prescribed by the program

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
California (continued)	4. Enroll in an independent study program through the public school	As prescribed by the program	As prescribed by the program	None	A de facto part of the enrollment process	As pr	As pre
Colorado	1. Establish and operate a home school	172 days per year, averaging four hours per day	Constitution of the United States, reading, writing, speaking, math, history, civics, literature and science	None	File notice of intent with any superintendent 14 days prior to state of home school and annually thereafter	Maintain attendance records, test and evaluation results, and immunization records	Administer a standardized test for grades 3, 5, 7, 8 and 11 or have the child evaluated by a "qualified person ... selected by parent"
	2. Enroll in a private school that allows home instruction	None	As prescribed by the program	None	None	None	None
	3. Use a private tutor	None	Constitution of the United States, reading, writing, speaking, math, history, civics, literature and science	Teacher certification	None	None	None
Connecticut	Establish and operate a home school	Generally, 180 days per year	Reading, writing, spelling, English, grammar, geography, arithmetic, United States history and citizenship, including a study of the town, state and federal governments	None	None, but parents may voluntarily comply with state Department of Education guidelines by filing a "notice of intent" form with the local superintendent within 10 days of the start of the home school	The guidelines require that parents maintain a portfolio indicating that instruction in the required courses has been given	None
Delaware	1. Establish a "single-family home school," which is the parents or guardians educating their children mainly in their own residence	180 days per year	Same as public schools	None	Report attendance information to the Department of Education on or before July 31 each year. Also, submit an annual statement of enrollment as of the last school day in September. Both reports must be on	None	None

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Delaware (continued)					forms prescribed by the Department of Education		
	2. Establish a "multi-family home school," which is education of the children, primarily by the parents or legal guardian of the children in one or more residences when the children are not all related to each other as brother or sister	180 days per year	Same as public schools	None	A person shall act as a liaison for the multi-family home school to the Department of Education for reporting enrollment and attendance information for all families involved, on or before July 31 each year. Also submit an annual statement of enrollment as of last school day in September. Both reports must be on forms prescribed by the Department of Education	None	None
	3. Establish a "single-family home school coordinated with the local school district," which is education of the children primarily by the parents or legal guardian mainly in their own residence using a curriculum approved by the local superintendent. The superintendent shall determine in writing that the student is provided with regular		Same as public schools	None	Report attendance information to the Department of Education on or before July 31 each year. Also submit an annual statement of enrollment as of last school day in September. Both reports must be on forms prescribed by the Department of Education	None	None

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Delaware (continued)	instruction in the subjects prescribed for the public schools of the state and in a manner suitable to children of the same age						
District of Columbia	Provide private instruction not affiliated with an educational institution	During the period that the public schools are in session	None	None	None, unless the child is being removed from the public school	An accurate daily record of the attendance shall be kept by every teacher who gives instruction privately	None
Florida	1. Establish and operate a home school	None specified	None	None	File notice with the local superintendent within 30 days of establishment for home school (not required annually)	Maintain a portfolio of records and materials (log of texts and sample work sheets)	Annually, either: 1. administer any standardized test or a state student assessment test; must be given by a certified teacher, or 2. Have child evaluated by a certified teacher, or 3. Be evaluated by a licensed psychologist or 4. Have child evaluated by another valid tool that is mutually agreed upon
	2. Qualify and operate as part of a private school corporation (a legally incorporated group of home school families)	180 days	None	None	None	None	None
Georgia	Establish and conduct a home study program	180 days per year, 4 1/2 hours per day	Reading, language arts, math, social studies and science	High school diploma or GED for a teaching parent; high school diploma or GED for any private tutor used	File a declaration of intent with the local superintendent within 30 days of commencing the home study program and by Sept. 1 annually thereafter	Maintain attendance records and submit monthly to the superintendent; write and retain an annual progress report	Administer and retain the results of a standardized test every three years beginning at the end of the third grade

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Hawaii	1. Establish and operate a home school	None	Curriculum must "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"	None	File a notice of intent with the principal of the public school the child would otherwise be required to attend before starting to home school (not required annually); notify this same principal within five days after ending home school	Maintain a record of the planned curriculum	Administer standardized achievement test of parent's choice in grades 3, 5, 8 and 10; submit annual report (of child's progress) to local principal comprised of either 1. Standardized test results, or 2. Written evaluation by certified teacher, or 3. written evaluation by parent
	2. Enroll in a superintendent-approved appropriate alternative educational program	As prescribed during the approval process (approximately three hours per day)	As prescribed during the approval process	Baccalaureate degree	None	None	Participate in statewide testing program at the public schools
Idaho	Provide an alternate educational experience for the child that is "otherwise comparably instructed"	Same as public schools	Same as public schools	None	None	None	None
Illinois	Operate a home school as a private school	Generally, 176 days per year (but not mandated for private or home schools)	Language arts, biological and physical science, math, social sciences, fine arts, health and physical development	None	None	None	None
Indiana	Operate a home school as a private school	Same as public schools; generally 180 days per year	None	None	None, unless specifically requested by the state superintendent of education	Maintain attendance records	None
Iowa	1. Operate a home school	148 days per year (37 days each quarter)	None	None	Complete an annual "Competent Private Instruction Report	None	Complete by May 1 and submit to the local school district by June 30: 1. Test

<u>State</u>	<u>Local Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Iowa (continued)					Form"; file two copies with the local school district by the first day of school or within 14 days of withdrawal from school		results from an acceptably administered standardized test, or 2. A portfolio for review
	2. Operate a home school that is supervised by a licensed teacher	148 days per year (37 days each quarter)	None	None for teaching parent; license for the supervising teacher	Complete an annual "Competent Private Instruction Report Form"; file two copies with the local school district by the first day of school or within 14 days of withdrawal from school	None	None; however, must meet with supervising teacher twice per quarter (one may be conducted by telephone)
Kansas	1. Operate a home school as a non-accredited private school	"substantially equivalent to ... the public schools (i.e., ... 186 days per year or 1,116 hours per year, 1086 hours for 12th grade)	None	Must be a "competent" teacher (however, local school board has no authority to define or evaluate "competence" of private school teachers	Register name and address of school with the state board of education (not subject to approval)	None	None
	2. Operate a home school as a satellite of an accredited private school	"substantially equivalent to ... the public schools (i.e., ... 186 days per year or 1,116 hours per year, 1086 hours for 12th grade)	As prescribed by the supervising private school	Must be a "competent" teacher (however, local school board has no authority to define or evaluate "competence" of private school teachers	None	As prescribed by the supervising private school	As prescribed by the supervising private school

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Kansas (continued)	3. Qualify for a state board of education approved religious exemption in the high school grades	As prescribed in the approval process	As prescribed in the approval process	As prescribed in the approval process	As prescribed in the approval process	As prescribed in the approval process	As prescribed in the approval process
Kentucky	Qualify a home school as a private school	185 days	Reading, writing, spelling, grammar, history, mathematics and civics	None	Notify the local board of education of those students in attendance within two weeks of start of school year	Maintain an attendance register and scholarship reports	None
Louisiana	1. Operate a home school as approved by the board of education	180 days per year	At least equal to the quality of that in the public schools, including the Declaration of Independence and the Federalist Papers	None	File an application and a copy of the child's birth certificate with board of education within 15 days after start of home school. Renew annually thereafter	Whatever form(s) of documentation is/are planned to satisfy the testing requirement	Submit with renewal application documents showing satisfactory evidence that the program is at least equal to that offered by the public schools
	2. Operate a home school as a private school	180 days per year	At least equal to the quality of that in the public schools including the Declaration of Independence and the Federalist Papers	None	Submit notification to the state department of education within the first 30 days of the school year	None	None
Maine	1. Operate a home school	175 days per year	English, language arts, math, science, social studies, physical and health education, library skills, fine arts, Maine studies (in one grade between grades 6 and 12), and computer proficiency (in one grade between grades 7 and 12)	None	File initial notice of intent within 10 days. Each subsequent year file letter indicating whether child's home school will continue. Submit a copy to both the local school board and the commissioner of education.	Keep copies of all material filed until home school program concludes	Annually, either: 1. Administer a standardized test, or 2. Take a local test, or 3. Have child's progress reviewed by a certified teacher, a superintendent-selected local advisory board, or a home school support group that includes a certified teacher
	2. Operate a home school as part of a non-approved private	175 days per year or 875 hours	English (reading, writing, spelling and grammar), math,	Competent, as approved by the non-approved	Annually by Oct. 1, file letter with commissioner	None	Must give parents four progress reports annually



<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Maine (continued)	school that teaches at least two unrelated students		science, American history, Maine history and geography, government (including the privilege and responsibility of citizenship)	private school			
Maryland	1. Operate a home school	Must be of "sufficient duration to implement the instructional program"	Must provide "regular, thorough instruction" in the same subjects as the public schools, including English, math, science, social studies, art, music, health and physical education	None	File a one-time notice of intent with the local superintendent at least 15 days before the start of home school. Verify to superintendent annually thereafter whether home school program will continue or not, and notify if status changes	Maintain a portfolio of "relevant materials," reviewable by the local superintendent up to three times per year	None
	2. Provide home instruction under the supervision of a church institution or school that complies with regulations	As prescribed by the supervising program	As prescribed by the supervising program	None	File a one-time notice of intent with the local superintendent at least 15 days before the start of home school. Verify continuation to supervising program annually and notify of any status change	As prescribed by the supervising program	As prescribed by the supervising program
Massachusetts	Establish and operate a home school as approved in advance by the local school committee or superintendent	None specified, though 900 hours at elementary level and 990 hours at secondary level are expected	Reading, writing, English language and grammar, geography, arithmetic, drawing, music, history and Constitution of the United States, duties of citizenship, health	None	A de facto part off the approval process	None	Not required by state law but may be a negotiated condition for approval

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Massachusetts (continued)			(including CPR), physical education and good behavior				
Michigan	1. Establish and operate a home education program	None	Reading, spelling, mathematics, science, history, civics, literature, writing and English grammar	None	None	None	None
	2. Operate a home school as a nonpublic school	None	Must be "comparable to those taught in the public schools"	Teacher certification (unless claiming a religious exemption)	Submit, to the department of education and the local superintendent, at start of each school year a statement of enrollment	Maintain records of enrollment, courses of study and qualifications of teachers (must be submitted to the Department of education upon request)	None
Minnesota	Establish and operate a qualified home school	None	Reading, writing, literature, fine arts, math, science, history, geography, government, health and physical education	None	File a "Non-Public Education Compulsory Instructions Report" with the local superintendent by Oct. 1 of each school year	If only teacher qualification is to be child's parent, submit a quarterly report to the local superintendent showing the achievement of each child in the required subjects	Administer an annual standardized test as agreed to by the local superintendent
Mississippi	Establish and operate a home school	Whatever "number of days that each (home) school shall require for promotion from grade to grade	None	None	File a "certificate of enrollment" by Sept. 15 of each school year to the district's attendance officer	None	None
Missouri	Operate a home school	1,000 hours per year, at least 600 hours in the five required subjects; 400 of these 600 hours must occur at the "regular home school location"	Reading, math, social studies, language arts and science	None	None required	Maintain records of subjects taught, activities engaged in, samples of the child's academic work and evaluations or a credible equivalent and a written log showing the hours required under "attendance"	None

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Montana	Establish and operate a home school	720 hours per year for grades 1-3, and 1,080 hours per year for grades 4-12	Same "basic instructional program" as the public schools	None	File annual notice of intent with the county superintendent	Maintain attendance and immunization records; must be available for inspection by county superintendent upon request	None
North Carolina	Establish and operate a home school	At least nine calendar months per year, excluding reasonable holidays and vacations	None, but annual standardized tests must cover English grammar, reading, spelling and mathematics	High school diploma or GED	File notice of intent with the state division of non-public education upon starting home school	Maintain attendance and immunization records and results of standardized tests	Administer an annual standardized test measuring achievement in English grammar, reading, spelling and mathematics, the results of which must be available for inspection
North Dakota	1. Establish and operate a home school	175 days per year, four hours per day	English language arts, including reading, composition, creative writing, English grammar and spelling; mathematics; social studies, including the U.S. Constitution, U.S. history, geography and government; science, including agriculture, physical education, health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco and narcotics	Possess either: 1. A teaching certificate, or 2. A bachelor's degree, or 3. A high school diploma or GED and be monitored by a certified teacher during the first year of home instruction, monitoring must continue thereafter if child scores below the 50th percentile on required standardized achievement tests, or 4. proof of meeting or exceeding the cut-off score of the national teacher exam	File annual notice of intent with the local superintendent 14 days prior to the start of the home school or within 14 days of establishing residency inside the district. For developmentally disabled children: In addition to above, file a copy of the child's diagnosis from a licensed psychologist along with an individualized education program developed and followed by the child's school district and parent or by a team selected and compensated by the parent.	Take a standardized achievement test in grades 4, 6, 8 and 10; must be administered by a certified teacher; results must be provided to the local superintendent; a basic composite score below the 30th percentile requires a professional assessment for learning problems and submission of a plan of remediation to the local superintendent.	

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
North Dakota (continued)	2. Operate a home school as a county- and state-approved private school	Same as public schools	English language arts, including reading, composition, creative writing, English grammar and spelling; mathematics; social studies, including the U.S. Constitution, U.S. history, geography and government; science, including agriculture, physical education	Teacher certification	A de facto part of the approval process	None	None
Nebraska	Establish and operate a home school as a private school	1,032 hours per year for elementary grades, 1,080 hours per year for high school grades	Language arts, math, science, social studies and health	None, unless the teacher is "employed" by the family	File an annual notice of intent with the state commissioner of education by Aug. 1 (or 30 days prior to the start of home school)	None	None
Nevada	Establish and operate a home school	Equivalent of 180 days of instruction	English, math, science, social studies. As practicable, the arts, computer education, health and physical education	Either: 1. A parent who has one year of home schooling experience in the U.S.; or 2. A parent with a teaching credential from any state; or 3. A signed statement that the parents have read and understood the Nevada regulations on home schooling.	File, with the local school board, annual "satisfactory written evidence" that the "child is receiving at home ... equivalent instruction of the kind and amount approved by the state board of education"	None	None
New Hampshire	Operate a home school	None	Science, mathematics, language, government, history, health, reading.	None	Within 30 days of withdrawing from public school or moving into	Maintain a portfolio of records and materials including a log of reading materials used, samples of writings,	By July 1, file either: 1. Results from a standardized test, or 2.

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
New Hampshire (continued)			writing, spelling, U.S. and New Hampshire constitutional history, and art and music appreciation		the school district, file a notice of intent with a private school principal, the state commissioner of education or the local superintendent	worksheets, workbooks or creative materials used or developed by the child	Results from a state student assessment test used by the local school district, or 3. A written evaluation by a certified teacher, or 4 results of another measure agreeable to the local school board
New Jersey	Operate a home school	None specified (180 days required for public schools)	Must provide instruction academically equivalent to that in public schools	None	None	None	None
New Mexico	Establish and operate a home school	Same school year length as public schools	Reading, language arts, mathematics, social studies and science	High school diploma or equivalent	File notice of intent with the state superintendent within 30 days of establishing the home school and by April 1 of each subsequent year	Maintain immunization records	None
New York	Establish and operate a home school	Substantial equivalent of 180 days per year; 900 hours per year for grades 1-6; 990 hours per year for grades 7-12	Grades K-12: patriotism and citizenship, substance abuse, traffic safety and fire safety; Grades 1-6: arithmetic, reading, spelling, writing, English, geography, U.S. history, science, health, music, visual arts and physical education; Grades 7-8: English, history, geography, science, mathematics, physical education, health, art, music, practical arts and library skills; At least one in grades 1-8: U.S.	"Competent" — a person is deemed to be competent if they follow the regulations	File annual notice of intent with the local superintendent by July 1 or within 14 days, if starting a home school mid-year; complete and submit an individualized home instruction plan (form provided by district)	Maintain attendance records (must make available for inspection upon request of the local superintendent); file, with the local superintendent, quarterly reports listing the number of hours of instruction during the quarter, description of material covered in each subject and a grade or narrative evaluation in each subject	File, with the local superintendent, an annual assessment by June 30; must be from a standardized test every other year in grades 4-8, and every year in grades 9-12; the child should score above the 33rd percentile of their home instruction program could be placed on probation; other years can be satisfied by either another standardized test or a written narrative evaluation prepared by a certified teacher, a home

<u>State</u>	<u>Local Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
New York (continued)			and New York history and constitutions; Grades 9-12: English, social studies (including American history participation in government and economics), math, science, art or music, health, physical education and electives				instruction peer review panel or other person chosen by the parent with the consent of the superintendent
Ohio	Not available						
Oklahoma	Operate a home school as an "other means of education" expressed in the state constitution	180 days	Reading, writing, math, science, citizenship, U.S. Constitution, health, safety, physical education, conservation	None	None	None	None
Oregon	Establish and operate a home school	None	None	None	Notify education service district in writing when child starts being taught at home; when moving, notify new district in same manner	None	Participate in an approved comprehensive test in grades 3, 5, 8 and 10 administered by a "qualified neutral person"; if child was withdrawn from public school, the first test must be administered at least 18 months after child was withdrawn; children with disabilities are to be evaluated as per their individualized education plan
Pennsylvania	1. Establish and operate a home education program	180 days per year or 900 hours at the elementary level or 990 hours at the	Elementary level: English spelling, reading, writing, arithmetic, U.S. and Pennsylvania history, civics, health and	High school diploma or equivalent	File a notarized affidavit with the local superintendent prior to the start of home school and annually by Aug. 1 thereafter	Maintain a portfolio of materials used, work done, standardized test results in grades 3, 5, and 8, and a written evaluation completed by June 30 of each year	Administer standardized tests in grades 3, 5 and 8; submit results as part of portfolio

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Pennsylvania (continued)		secondary level	physiology, physical education, music, art, geography, science, safety and fire prevention: Secondary level: English language, literature, speech and composition, science, geography, civics, history (world, U.S. and Pennsylvania), algebra, geometry, art, music, physical education, health, safety and fire prevention				
	2. Use a private tutor who 1. Is teaching one or more children who are members of a single family, 2. Provides the majority of instruction, and 3. Is receiving a fee or other consideration for the instruction	180 days per year or 900 hours at the elementary level or 990 hours at the secondary level	Elementary level: English spelling, reading, writing, arithmetic, science, geography, U.S. and Pennsylvania history, civics, safety and fire prevention, health and physiology, physical education, music and art; Secondary level: English language, literature, speech and composition, science, biology, chemistry, geography, social studies, civics, economics, history (world, Pennsylvania and U.S.), foreign language, general mathematics and	Teacher certification	File copy of certification and criminal history record with the local superintendent	None	None

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Pennsylvania (continued)			statistics, algebra and geometry, art, music, physical education, health and physiology, safety and fire prevention				
	3. Establish and/or operate a home school as an extension or satellite of a day school operated by a church or other religious body	180 days per year or 900 hours at the elementary level or 990 hours at the secondary level	Elementary level: English spelling, reading, writing, arithmetic, science, geography, U.S. and Pennsylvania history, civics, safety and fire prevention, health and physiology, physical education, music and art; Secondary level: English language, literature	None	School principal must file a notarized affidavit with the department of education	None	None
Rhode Island	Operate a home school as approved by the local school board	"Substantially equal" to that of the public schools	Reading, writing, English, geography, arithmetic, U.S. history, Rhode Island history (in fourth grade), Rhode Island government (fourth grade and high school), Rhode Island constitution (high school), U.S. government and constitution (high school) health and physical education (grades 1-12, to average 20 minutes per school day)	None	A de facto part of the approval process	Keep attendance record and submit to school committee if requested	Annual assessment may be required. Preference of parent as to type of assessment must be honored.



<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
South Carolina	1. Establish and operate a home school as approved by the local school board	180 days per year, 4 1/2 hours per day	Reading, writing, math, science and social studies; also composition and literature in grades 7-12	High school diploma or GED, or a bachelor's degree	None	Maintain evidence of regular instruction, including a record of subjects taught, activities in which the student and parent engage, a portfolio of the child's work, and a record of academic evaluations, with a semi-annual progress report	Participate in the annual statewide testing program and the Basic Skills Assessment Program
	2. Establish and operate a home school under the membership auspices of the South Carolina Association of Independent Home Schools	180 days per year	Reading, writing, math, science and social studies; also composition and literature in grades 7-12	High school diploma or GED	None	None required by statute; SCAIHS requires some record-keeping	None required by statute; SCAIHS has certain testing requirements
	3. Establish and operate a home school under the membership auspices of an association for home schoolers with no fewer than 50 members	180 days per year	Reading, writing, math, science and social studies; also composition and literature in grades 7-12	High school diploma or GED	None	Maintain evidence of regular instruction including a record of subjects taught, activities in which the student and parent engage and a portfolio of the child's work, with a semi-annual progress report	None
South Dakota	Operate a home school	Equivalent to that of the public schools; generally a "nine-month regular term"	Language arts and math	None	Submit a notarized application to the local superintendent using the form provided by the state department of education. If submitting an application for the first time, include certified copy of child's birth certificate or affidavit notarized or witnessed by two or more witnesses, swearing that the child identified on the request	Must keep copy of child's birth certificate on file at home	Administer a standardized test to children in 2, 4, 8, and 11. Results must show satisfactory progress

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
South Dakota (continued)					for excuse is the same person appearing on the child's birth certificate.		
Tennessee	1. Establish and operate a home school	180 days per year, 4 hours per day	For grades K-8: None; For grades 9-12: Either college preparatory courses (those required for admission to state-operated, four-year colleges, OR general studies courses (those required by the state board of education for high school graduation)	For grades K-8: High school diploma or GED; For grades 9-12: bachelor's degree (or an exemption granted by the commissioner of education)	Submit a notice of intent to the local superintendent by Aug. 1 of each school year	Maintain attendance records; must be kept available for inspection and submitted to the local superintendent at the end of the school year	Administer a standardized test in grades 5, 7 and 9; must be given by commissioner of education, his designee or a professional testing service approved by the local school district
	2. Establish and operate a home school in association with a church-related school	180 days per year	As prescribed by the church-related school	For grades K-8: None; For grades 9-12: High school diploma or GED	For grades K-8: None; For grades 9-12: Register with the local school district each year	None	Administer the same annual standardized achievement test or Sanders Model assessment used by the local school district for grades 9-12
	3. Operate as a satellite campus of a church-related school	180 days per year	As prescribed by the church-related school	None	None	None	As prescribed by the church-related school
Texas	Establish and operate a home school as a private school	None	Reading, spelling, grammar, math, good citizenship	None	None	None	None
Tah	1. Notify school board of home school program	Same as public schools	Same as public school core curriculum	None specified; however, the local school board can consider the basic educative ability of the teacher	Yes	None	None

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Utah (continued)	2. Establish a group of home school families as a regular private school	None	None	None	None	None	None
Vermont	Establish and operate a home school	None (175 days per year required for public schools)	Reading, writing, math, citizenship, history, U.S. and Vermont government, physical education, health, English, literature (American and other), science and fine arts	None	File a written notice of enrollment with the commissioner of education any time after March 1 for the subsequent year	None	Submit an annual assessment from: 1. A certified (or approved Vermont independent school) teacher; or 2. A report from a commercial curriculum publisher together with a portfolio, or 3. Results of an acceptably administered standardized test
Virginia	1. Operate a home school	None	None	Either 1. Possess a high school diploma, or 2. Be a certified teacher, or 3. Use an approved correspondence course, or 4. Submit evidence the parent can teach or 5. Submit a curriculum that includes state objectives for language arts and math	File an annual notice of intent with local superintendent by Aug. 15; if starting or moving into the state after school year has begun, file notice as soon as practicable and comply with applicable requirements within 30 days of such notice	None	Administer a standardized test or have child otherwise evaluated every year (for those 6 years or older on Sept. 30 of the school year); submit results to local superintendent by Aug. 1
	2. Operate a home school under the religious exemptions statute	None	None	None	File request to acknowledge religious exemption with the local school board chairman	None	None
	3. Use a private tutor	None	None	Teacher certification	Send letter to local superintendent asking him to recognize that	None	None

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
Virginia (continued)					parent (tutor) has the qualifications prescribed by the state board of education (i.e., teacher certificate)		
Washington	1. Establish and operate a home school	180 days or in grades 1-12 "an annual average total instructional hour offering of one thousand hours"	Occupational education, science, math, language, social studies, history, health, reading, writing, spelling, music and art appreciation	Either: 1. Be supervised by a certified teacher, or 2. Have 45 college quarter credit hours or completed a course in home education, or 3. Be deemed qualified by the local superintendent	File an annual notice of intent with the local (or applicable nonresident) superintendent by Sept. 15 or within two weeks of the start of any public school quarter	Maintain standardized test scores, academic progress assessments and immunization records	Annually administer and retain a state-approved standardized test by a qualified person, or have the child evaluated by a certified teacher currently working in the field of education
	2. Operate under an extension program of an approved private school designed for parents to teach their children at home	180 days or in grades 1-12 "an annual average total instructional hour offering of one thousand hours"	Occupational education, science, math, language, social studies, history, health, reading, writing, spelling, music and art appreciation	Must be under the supervision of a certified teacher employed by the approved private school	None	None	Progress must be evaluated by a certified teacher employed by the approved private school
West Virginia	1. Seek local school board approval to operate a home school	Same as the public schools, generally 180 days per year	As required by board	Be deemed qualified to teach by the local superintendent and school board	A de facto part of the approval process	As prescribed during the approval process	As prescribed during the approval process
	2. Operate a home school	None	None, but must be assessed in areas of: reading language, mathematics, science and social studies	High school diploma	File a notice of intent with the local superintendent two weeks prior to starting home school	None	Annually, either: 1. Administer a standardized test, or 2. Have certified teacher evaluate portfolio of work, 3. Assess progress by other means agreeable to

<u>State</u>	<u>Legal Option</u>	<u>Attendance</u>	<u>Subjects</u>	<u>Prep</u>	<u>Notice</u>	<u>Record-keeping</u>	<u>Testing</u>
West Virginia (continued)							superintendent, or 4. Participate in state testing program
Wisconsin	Establish and operate a "home-based private educational program"	Must provide "at least 875 hours of instruction each year"	Must provide "a sequentially progressive curriculum of fundamental instruction" in reading, language arts, math, social studies, science and health; such curriculum need not "conflict with the program's religious doctrines"	None	File a statement of enrollment with the state department of education by Oct. 15 each year	None	None
Wyoming	Establish and operate a home school	175 days per year	A "basic academic educational program" that provides a "sequentially progressive curriculum of fundamental instruction in reading, writing, math, civics, history, literature and science"	None	Annually submit to the local school board a curriculum showing that a "basic academic educational program" is being provided	None	None

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## Illinois Home-Schooling

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### Introduction

Home-schooling in Illinois is considered to be a form of private education. Parents who choose to educate their children at home are under a legal obligation to meet the minimum requirements stated in Illinois' Compulsory Attendance Law (Section 26-1 of the Illinois School Code). Parents who choose to educate their children at home are obligated to teach their children "...the branches of education taught to children of corresponding age and grade in the public schools" and they are further obligated to offer instruction in these core courses in the English language. The "branches of education" include language arts; mathematics; biological and physical sciences; social sciences; fine arts; and physical development and health.




In a 1950 decision of the Illinois Supreme Court, *People v. Levisen*, the Court held that home-schooling could be considered private schooling if the teacher were competent, the required subjects were taught, and the student received an education at least equivalent to public schooling.

Parents who permit a child to attend a home school that is up to the standard of Section 26-1, as interpreted by *Levisen*, are free to decide the manner, time and materials which best suit the learning needs of their children. Parents may determine what type of home-schooling curriculum is best for their students, what materials to use, how much homework to assign, how homework is to be assessed, and what records of the student's accomplishments should be kept. Testing is not required in the state of Illinois for homeschoolers. There are private testing resources if parents choose to have their children evaluated ([see resources below](#)). Parents who choose to educate their students in the home through the high school years may determine when their student has met the graduation requirements of their private home school and is therefore entitled to receive a high school diploma.

While the law affords Illinois parents a great degree of latitude in designing and/or choosing a program of home education that best meets the needs of their children, it also has the effect of placing near-total responsibility on parents for their student's education while they are being home-schooled. In a 1974 decision, a federal district court stated that under Illinois law the burden of proof rests with parents to establish that the plan of home instruction which they are providing to their children meets state requirements.

The regional superintendent of schools for the student's county of residence has first-line responsibility for investigating reports of noncompliance with the compulsory attendance laws

found in Article 26 of the Illinois School Code. In fulfilling this legal responsibility, regional superintendents may expect the parents who seek to educate their children at home to establish, when necessary, that they are providing instruction that is at least commensurate with the standards established for public schools. With evidence that home instruction in a specific instance does not satisfy the requirements of state law, the regional superintendent may request the regional or school district truant officer to investigate to see that the child is in compliance with the compulsory attendance law. Truant officers are peace officers empowered to conduct investigations, enforce the compulsory attendance law and to refer matters of noncompliance to the courts. A parent who allows a child to attend a home school that does not comply with the standard of Section 26-1, as interpreted by Levisen, allows the child to be truant and can be found to have committed a Class C misdemeanor.

► [Questions you may have about Illinois Home-Schooling](#) 

► [ISBE Home Schooling Registration Form](#) 

► [Websites on Illinois and U.S. home-schooling](#)

*(please note that the State Board of Education cannot vouch for the accuracy of information on any of these websites):*

- [Illinois Home Oriented Unique Schooling Experience](#)
- [Homeschool Resource Center \(HRC\), Johnsburg IL Public Library District](#)
- [Homeschool World web page](#), a partial listing of home schooling organizations in Illinois
- [Office of Non-Public Education, U.S. Department of Education](#)
- [A to Z Home's Cool Homeschooling Web Site](#)
- [Home School Legal Defense Association](#)

[IDOE Home](#) > [Student Services](#) > [Homeschool](#) > Indiana Homeschool Help Sheet

## Indiana Homeschool Help Sheet

This document is provided upon request to all citizens interested in public and nonpublic education. Any public or nonpublic educator having questions about home education may contact the Indiana Department of Education.

### Getting Started

- **RESEARCH HOME EDUCATION:**

Before you transfer your child from a traditional school, learn all you can. Talk to other home educators, read books about home education, learn about homeschool law in Indiana, "comparison shop" for a curriculum for your school.

- **TRANSFER YOUR CHILD AND NOTIFY HIS OR HER CURRENT PRINCIPAL, IN WRITING, OF YOUR DECISION**

While the Indiana Department of Education (IDOE) issues school numbers to all private schools after they report their grade level enrollment data as required by Indiana law, you do not need a homeschool number prior to transferring your child and beginning home instruction. However, you do need to let the public school know why your child is no longer in attendance or he or she may be considered truant.

- **REQUEST A COPY OF YOUR CHILD'S PUBLIC SCHOOL RECORDS:**

You are entitled to a copy of these public school records, both as a school administrator and as the parent of a minor child, under state law and the federal Family Educational Rights and Privacy Act (FERPA). Please note that this does not apply to private school records.

- **NOTIFY THE INDIANA DEPARTMENT OF EDUCATION OF YOUR GRADE LEVEL ENROLLMENT:**

Parents who choose to home educate may report their homeschool's enrollment to the Indiana Department of Education (<https://dc.doe.state.in.us/DOEOnline/HomeSchool/entry.aspx>). You do not need to report enrollment each year, only when you begin homeschooling.

- All notification of grade level enrollment reported to the state will now be done online. For online notification go here: <http://mustang.doe.in.gov/HOME/entry.cfm>

### Homeschool Law

In addition to reporting your enrollment, Indiana law requires the following of all homeschools and other nonaccredited, private schools:

**180 DAYS OF INSTRUCTION:**

You decide which days your school will be in session, and how long to teach each day. In the case of mid-year transfers, days attended at the first school count toward the 180 day total at the homeschool.

**ATTENDANCE RECORDS:**

There is no special form for these records, which are used to verify private school attendance. Please note that the law allows local public school superintendents to request copies of your child's attendance records to verify attendance.

**INSTRUCTION EQUIVALENT TO THAT GIVEN IN THE PUBLIC SCHOOLS:**

State law does not define equivalency of instruction for public or private schools. If there is ever a question of educational neglect, keeping good attendance records and other documentation regarding attendance and continuing educational activity is highly instrumental in addressing these concerns.

**CURRICULUM:**

State law exempts homeschools from the curriculum and program requirements which public schools must follow.



# Missouri Revised Statutes

## Chapter 167 Pupils and Special Services Section 167.031

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August 28, 2010

**School attendance compulsory, who may be excused--nonattendance, penalty--home school, definition, requirements--school year defined--daily log, defense to prosecution--compulsory attendance age for the district defined.**

167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven years and the compulsory attendance age for the district is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven years of age and the compulsory attendance age for the district shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that:

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen years of age and the compulsory attendance age for the district may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and seven years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils between the ages of seven years and the compulsory attendance age for the district, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction.

(2) As evidence that a child is receiving regular instruction, the parent shall, except as otherwise provided in this

subsection:

(a) Maintain the following records:

- \* a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and
- \* b. A portfolio of samples of the child's academic work; and
- \* c. A record of evaluations of the child's academic progress; or
- \* d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

\* (b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

(3) The requirements of subdivision (2) of this subsection shall not apply to any pupil above the age of sixteen years.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home school in compliance with this section shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210.

6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the district" shall mean:

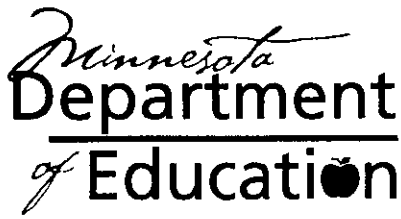
(1) Seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted; and

(2) Seventeen years of age or having successfully completed sixteen credits towards high school graduation in all other cases.

The school board of a metropolitan school district for which the compulsory attendance age is seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted.

7. For purposes of subsection 2 of this section as applied in subsection 6 herein, a "completed credit towards high school graduation" shall be defined as one hundred hours or more of instruction in a course. Home school education enforcement and records pursuant to this section, and sections 210.167 and 211.031, shall be subject to review only by the local prosecuting attorney.

# Orange



## Homeschool Basics Fact Sheet 1: Introduction to Homeschooling in Minnesota

Approximately 15,000 Minnesota students are schooled at home by their parents. Students and parents from all walks of life participate in homeschooling.

Homeschool parents do everything that traditional private school administrators and teachers do but in the context of their home. This means planning what students learn, keeping all records, managing costs, and assuring the quality and scope of their student's education for college recruiters and employers. Students graduate from homeschools with homeschool diplomas and homeschool transcripts, just as they would from other private schools.

Homeschooling is a wonderful opportunity to tailor education to a family's values and a child's needs. Think through advantages and disadvantages carefully, then decide if this private educational option is right for your family.

Considerations include:

- Opportunity to tailor education.
- Opportunity to build in family experiences like world travel to a curriculum.
- Peer group interactions.
- Time, commitment and lost wages of parent.
- Whether one of the parents of the student is opposed to this choice or less than enthusiastic – regardless of your marital status.
- Whether a combination of homeschooling and public programs like Postsecondary Enrollment Options, Special Education or Shared Time might provide the right mix.
- Whether the organizational skills and stamina exist to design and run your own school.
- Whether another public school choice or traditional private school better meets needs.
- New beginnings.

Minnesota offers expansive school choice that includes both public and private educational options. Public options include choices within the family's own resident district, open enrollment across district lines, magnet schools, charter schools, online learning, and alternative education. Private options include traditional private schools, tutors, private online learning, and homeschools.

## **Curriculum Areas that State Law Requires**

Minnesota Statutes, section 120A.22 requires that nonpublic schools provide instruction in the following subject areas:

- (1) basic communication skills including reading and writing, literature and fine arts;
- (2) mathematics and science;
- (3) social studies including history, geography and government; and
- (4) health and physical education.

Instruction, textbooks and materials must be in the English language. Another language may be used pursuant to sections 124D.59 to 124D.61.

## **Monitoring and Enforcement Compulsory Instruction Law**

Your local school district superintendent has a legal duty, not just an option, to be aware of how Minnesota's compulsory instruction law relates to each child who resides within the borders of the school district – no matter where the child is enrolled. District superintendents (or their designees) may request annual meetings to understand your homeschool better. Local district superintendents shall, as a legal responsibility, intervene when the district has indicators that there are compliance issues with Compulsory Education standards and reporting requirements. District superintendents may ask for assistance from a state mediator by writing the Commissioner of Education. Superintendents may refer noncompliance issues to county prosecutors. See Minnesota Statutes, section 120A.26 for more information.

## **Nonpublic Schools, including Homeschools, Provide Own Diplomas and Transcripts**

Homeschools, as private schools, issue their own diplomas and transcripts. The Minnesota Department of Education and local school districts do not “vouch” for or “certify” private school diplomas, curriculum or transcripts for employers, colleges or military recruiters. The Minnesota Department of Education and local school districts have no records of individuals who have graduated from private schools, including homeschools.

## **Important Dates to Remember**

- **April 15** – Individual Income Tax Deadline. Parents of students may explore Minnesota's education tax credit subtraction to determine whether some of your costs or tax liability may be reduced.
- **Before September 15** - Request forms related to Aids to Nonpublic Students from your students' resident school district if interested in participating in these voluntary programs that provide modest financial support to offset some costs of homeschooling.
- **October 1** -- Deadline to report mandatory information to resident school district on student. Use the Compulsory Education form found on the Department of Education website or your own format. This is also your deadline to return Student Report for Nonpublic Aids to your local school district.
- **Testing dates** -- If interested in having nonpublic students take Minnesota standardized tests along with public school students, make note of the regular testing dates to avoid higher testing charges.

## **Internet Resources**

### **Minnesota Department of Education (MDE):**

Visit the MDE website ([education.state.mn.us](http://education.state.mn.us)), select School Choice, Homeschooling, to access the following fact sheets and the Compulsory Instruction Form:

- Homeschool Basics Fact Sheet 2: Reporting Requirements Unrelated to Assessment
- Homeschool Basics Fact Sheet 3: Testing Requirements, Reporting and Possibilities
- Homeschool Basics Fact Sheet 4: Public School Opportunities and State Programs
- Homeschool Basics Fact Sheet 5: Financial Considerations
- Homeschool Basics Fact Sheet 6: Community Resources

**Laws:** Read the full text of the key statutes on the Minnesota Revisor of Statutes website ([revisor.leg.state.mn.us](http://revisor.leg.state.mn.us))

- [Read Minnesota Statutes, section 120A.22, Compulsory Instruction](#)
- [Read Minnesota Statutes, section 120A.26, Compulsory Instruction Monitoring and Enforcement](#)

## **Questions**

Your first point of contact with questions and concerns is the homeschool liaison in your local public school district. The homeschool liaison is most often an employee who works in the superintendent's office. If you have questions that cannot be answered at the local level, the Minnesota Department of Education contact is Cindy Jackson, School Choice Ombudsman, [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us), 651-582-8572.



## **Homeschool Basics Fact Sheet 2: Reporting Requirements Unrelated to Assessment**

### **Reporting Requirements That Apply to All; Most Families Have Additional Requirements**

Minnesota Statutes, section 120A.22 requires the person in charge of providing instruction to a child to submit the following information to the superintendent of the district in which the child resides by October 1 every year:

- Name
- Birth Date
- Address

### **Most homeschools have further requirements. Always refer to the law to guide you on the specifics for your family.**

Homeschools may report this information on the Department of Education Compulsory Instruction Form or use their own format or one that a homeschooling networking group has created. Provide it to your local school superintendent by October 1 or, if you begin homeschooling mid-year, as soon as possible.

### **Two Variables Impact How Much More Reporting to Districts is Required**

Minnesota Statutes, section 120A.22 uses two factors that vary the amount of information that must be provided by homeschool families to their local district superintendents. These variables are:

- The education and/or credentials of the parent who is the primary instructor; and
- Whether or not the homeschool is accredited by an accrediting organization that has been recognized by the Minnesota Nonpublic Education Council or the Commissioner of Education.

### **Reduced Reporting Requirements for Homeschools Accredited by Minnesota State-Recognized Accrediting Agencies**

Many school accrediting organizations exist throughout the nation. However, for purposes of Minnesota Compulsory Attendance reporting and testing requirements, and as of September 2010, only two accrediting organizations have applied for and received recognition by the Minnesota Nonpublic Education Council. They are:

Teaching Education and Character at Home (TEACH)  
10250 Jody Ave. N.  
Stillwater, MN 55082  
Phone: 651-762-5600  
E-mail: [teach@mcg.net](mailto:teach@mcg.net)

Home Based Educator Accrediting Association (HBEAA)  
10540 Beard Ave. S.

Bloomington, MN 55431  
Call: 952-935-9234  
E-mail: hbeaaoffice@gmail.com

Minnesota state recognition of TEACH, for purposes of the Compulsory Instruction Law, expires July 1, 2011. Minnesota state recognition of HBEAA, for purposes of the Compulsory Instruction Law, expires July 1, 2013.

Homeschools that are currently and directly accredited by one of these groups need only report to local school districts on the name, birthdate, address and immunizations of the homeschooled students. They do not need to report testing information, instructor qualifications or calendars.

Neither the Minnesota Department of Education nor the Minnesota Nonpublic Education Council reviews, recognizes or accredits curriculum options such as private online learning materials developed for homeschools.

### **Report Instructor Qualifications to Your Local District**

Unless your homeschool is directly and currently accredited by a Minnesota state recognized accrediting agency, Minnesota Statutes, section 120A.22 requires you to submit instructor qualifications as they pertain to parameters in the Compulsory Instruction Law. To do this, use the Minnesota Department of Education Compulsory Instruction Form or another format.

#### **Report to the superintendent whether:**

- Instructor holds **current Minnesota teaching license for field and grade level taught**. Attach copy of license.
- Instructor **is directly supervised by such a person**. Attach name and copy of license.
- Instructor **has successfully completed teacher competency exam**. (Minnesota does not currently have an exam that meets this requirement.)
- Instructor **holds baccalaureate degree**. Attach a copy of diploma/degree.
- Whether or not any of these situations apply, the homeschool is currently accredited by a state-recognized accrediting agency. (As of September 2010, these are limited to schools directly accredited by TEACH or HBEAA.)

When one of the first five listed situations apply but not the last, then your family does not need to submit quarterly report cards to the district. One of the first five instructor qualifications may reduce some other requirements as well. For example, licensed teachers teaching at grade level and field are not required to conduct additional testing if required annual nationally normed test results in scores at 30th percentile or lower.

### **Instructional Calendars**

Unless you are an accredited homeschool through a state-recognized accrediting agency, provide your superintendent an annual instructional calendar or describe it.

### **Quarterly Report Cards**

See the instructor qualifications language in Minnesota Statutes, section 120A.22. If the primary instructor qualifies as instructor only under the last factor – being the parent of the child – provide copies of quarterly report cards to the superintendent. This applies to many Minnesota homeschools where the parent does not hold a baccalaureate degree, but the law has nuances so check for how it applies to your family. For example, if the homeschool was accredited by a state-recognized accrediting group, (as of

September 2010 this is limited to TEACH and HBEAA for homeschools), the homeschool need not submit the report cards.

### **All Homeschool Families Must Report on Immunizations**

Homeschool families must comply with important state immunizations law related to safeguarding public health. Minnesota Statutes, section 121A.15 requires that you submit the Minnesota immunization statement or a notarized statement regarding conscientiously held belief to your resident school district. Immunization forms are available from school districts. Districts must forward any conscientiously held belief exemptions on immunizations to the Minnesota Commissioner of Health.

### **Internet Resources**

**Minnesota Department of Education (MDE):** Visit the MDE website ([education.state.mn.us](http://education.state.mn.us)), select School Choice, Homeschooling, to access the following fact sheets and the Compulsory Instruction Form:

- Homeschool Basics Fact Sheet 1: Introduction to Homeschooling in Minnesota
- Homeschool Basics Fact Sheet 3: Testing Requirements, Reporting and Possibilities
- Homeschool Basics Fact Sheet 4: Public School Opportunities and State Programs
- Homeschool Basics Fact Sheet 5: Financial Considerations
- Homeschool Basics Fact Sheet 6: Community Resources

**Laws:** Read the full text of the key statutes on the Minnesota Revisor of Statutes website ([revisor.leg.state.mn.us](http://revisor.leg.state.mn.us)):

- [Read Minnesota Statutes, section 120A.22, Compulsory Instruction](#)
- [Read Minnesota Statutes, section 121A.15, Immunizations](#)

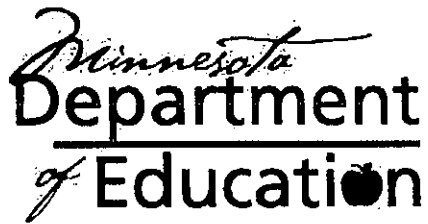
**Visit the Teaching Education and Character At Home homeschool accrediting agency website** ([www.teachinstitute.org/accredit.html](http://www.teachinstitute.org/accredit.html)).

**Visit the Home Based Educators Accrediting Association website** ([www.hbeaa.org](http://www.hbeaa.org)).

### **Questions**

Your first point of contact with questions and concerns is the homeschool liaison in your local public school district. The homeschool liaison is most often an employee who works in the superintendent's office. If you have questions that cannot be answered at the local level, the Minnesota Department of Education contact is Cindy Jackson, School Choice Ombudsman, [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us), 651-582-8572.





## Homeschool Basics Fact Sheet 3: Testing Requirements, Reporting and Possibilities

### Requirements for Annual Nationally Normed Achievement Tests

Every year, homeschool families must report to their local school superintendent the specific exam to be used, administration and location as required in Minnesota Statutes, section 120A.22. This law requires that the local superintendent and homeschool parent must *mutually agree* on the specific exam to be used, its administration and location. Families sometimes write that a specific nationally normed test and how it is to be administered is yet "*to be determined*" on a form or communication with the local school district. While full mutual agreement on the specific exam, administration and location may not have been reached with the superintendent by October 1, it must occur during the year and nationally normed achievement testing occur during the year as agreed to or the homeschool is out of compliance with the Minnesota compulsory attendance law. Report this agreed-to plan to your school district on the Compulsory Instruction Form or in your own format.

### Annual Assessment Results May Require Further Testing

If annual testing (and any required supplemental testing) indicates that the student's performance is at or below 30th percentile or one grade level below performance level for students of the same age, additional evaluation is required. **Exemption:** Families are exempt from this additional testing if the instructor holds a valid Minnesota teaching license for that grade level or has passed teacher competency exam or is directly supervised by a licensed Minnesota teacher in the field and grade level or whose homeschool is accredited by a state recognized accrediting organization. (As of September 2010, homeschool accrediting organizations that are recognized are limited to Teaching Education and Character at Home and the Home Based Educators Accrediting Association).

### Regardless of Scores, Supplement the Annual Exam to Cover All Required Content Areas

To the extent that the chosen nationally normed achievement exam does not cover all required subject areas, parents must supplement this annual test with additional assessments. These supplemental assessments may be given at home and need not be nationally normed. Minnesota Statutes, section 120A.22 lists required subject areas as follows:

- (1) basic communication skills including reading and writing, literature, and fine arts;
- (2) mathematics and science;
- (3) social studies including history, geography and government; and
- (4) health and physical education.

## **University of Minnesota Testing Center**

The University of Minnesota Testing Center provides Iowa Basics exams and other guidance.

### **Minnesota Statewide Testing Program**

**University of Minnesota**

879 29th Avenue S.E. Room 103

Minneapolis, MN 55414-284

Linda Rogers, Office Supervisor, [roger009@umn.edu](mailto:roger009@umn.edu), 612-626-1803

### **BUROS Center For Testing**

BUROS Center for Testing is a test review organization that may provide a helpful source of obtaining appropriate examinations for specific needs.

Buros Center for Testing

University of Nebraska-Lincoln

21 Teachers College Hall

Lincoln, NE 68588-0348

402-472-6203, phone

402-475-6207, fax

### **College-Level Examination Program Tests**

The College-Level Examination Program® (CLEP) gives homeschool families the opportunity to receive college credit for what homeschoolers already know by earning qualifying scores on any of 34 examinations. The program means homeschoolers can gain college credit for knowledge acquired through independent study, prior course work, on-the-job training, professional development, cultural pursuits, or internships.

CLEP exams are administered throughout the year at over 1,400 colleges and universities in the United States and abroad. Once a homeschooler has identified a convenient test center, contact that site directly for information about registration, scheduling, and fees. In addition to the exam fee, most test centers charge a nonrefundable administration fee directly payable to the institution.

#### **How CLEP Helps Homeschoolers:**

- **Saves time.** Depending on a particular college's CLEP policy, a satisfactory score on a CLEP exam can earn a student from 3 to 12 college credits.
- **Saves money.** The cost of a CLEP exam is a fraction of the tuition and fees for the corresponding course.
- **Makes college more interesting.** CLEP can help homeschoolers skip general introductory courses and move on to more advanced classes, or explore new and challenging academic areas.
- **Satisfies a proficiency requirement.** CLEP can help homeschoolers demonstrate their ability in college math or a world language.

#### **How to Get Started**

- Find out if the homeschooler's college of choice accepts CLEP. Use the CLEP college search tool and talk to the college's admissions office, test center, or academic advisor.
- Read descriptions of all 34 exams and decide which to take.
- Register to take the desired exam(s) by contacting a CLEP test center and making an appointment.
- Start studying. Get college textbooks and review sample questions.
- Take the test.

## **State of Minnesota Standardized Exams**

Homeschool families may take Minnesota's standardized assessments. However, these tests are not nationally normed so they do not fulfill the annual homeschool testing requirement. Districts are charged a small fee to give the exam to nonpublic students and usually pass this fee along to homeschool families; much higher fees apply for late testing or rescored exams. (Pay attention to the dates public school students are testing to save costs.) Contact your resident school district to request participation.

**If your goal is to have your student ultimately re-enter a Minnesota public school and graduate with a Minnesota public high school diploma, then all Graduation-Required Assessments for Diploma (GRAD) tests must be taken and passed before that public diploma can be awarded.**

**The Graduation-Required Assessments for Diploma (GRAD)** is a component of the Reading and Math MCA-IIs given in the high school. Passing the GRAD component is one way to fulfill Minnesota's high school graduation requirement for students who first entered grade 8 in 2005-06 or later. The GRAD components measure student performance on Writing, Reading and Mathematics skills that are essential for success in the 21st century. If a student does not satisfy the graduation requirement during the first administration of an assessment, there will be retest opportunities.

**The Minnesota Comprehensive Assessments—Series II (MCA-IIs)** are the state tests that help districts measure student progress in mathematics, reading and science toward Minnesota's academic standards. Although these tests relate to the federal No Child Left Behind law, homeschoolers may take them and their results will not impact a public school's rating related to federal and state standards. Students who score at the Meet or Exceed Standards achievement level on the high school Reading and Math MCA-IIs satisfy the assessment requirement for graduation from a Minnesota public school.

**The Basic Skills Tests (BSTs).** Most of the students graduating under the BST rule graduated in 2009.

**The Minnesota Test of Academic Skills (MTAS)** is Minnesota's alternate assessment based on alternate achievement standard in reading, writing, mathematics and science. The MTAS is part of the statewide assessment program and measures the extent to which students with significant cognitive disabilities are making progress in the general curriculum.

## **2010-11 Minnesota State Testing Calendar**

### **November 2010**

**2** GRAD Writing Retest Grades 10-12

### **March 2011**

**7** ELL Testing Begins

**25** ELL Testing Ends

**28** MTAS Reading, Math, and Science Begins

MCA Mathematics Grades 3–8 Online Begins

MCA-Modified Mathematics Grades 5–8 Online Begins

MCA Science Testing Begins

### **April 2011**

**11** MCA Paper and Pencil Reading and Math Grades 3–8 Begins

MCA-Modified Reading Grades 5–8 Begins

**12** MCA and MCA-Modified Paper and Pencil Reading and Math Grades 10 and 11:  
Segments 1 and 22

GRAD Writing Grade 9

**13** MCA and MCA-Modified Paper and Pencil Reading and Math Grades 10 and 11:  
Segments 3 and 4

**19** GRAD Writing Retest (Seniors Only)

**29** MCA Paper and Pencil Reading and Math Grades 3–8 Ends

MCA-Modified Reading Grades 5–8 Ends

MTAS Reading and Math Ends

### **May 2011**

**20** MCA Mathematics Grades 3–8 Online Ends

MCA-Modified Mathematics Grades 5–8 Online Ends

MCA Science Ends

MTAS Science Ends

### **July 2011**

**19** GRAD Writing Retest Grades 10-12

## Common Achievement Tests Used in Minnesota Public Schools

Here is a list of achievement exams also often used by Minnesota *public* school systems, however they are not all nationally normed. The list is provided to homeschool families as an idea-starter on tests they may consider and, perhaps, discuss with their local school superintendents. Not all are appropriate for the nationally normed achievement test requirement.

American School Achievement Tests-Advanced Battery  
American School Achievement Tests-Arithmetic Readiness  
American School Achievement Tests-Intermediate Battery  
Basic Achievement Skills Individual Screener (BASIS)  
Basic Skills Assessment  
California Achievement Tests-5th Ed (CAT/5)  
Comprehensive Tests of Basic Skills  
Cooperative Primary Tests  
Curriculum Frameworks Assessment System  
Curriculum Referenced Test of Mastery (CRTM)  
Diagnostic Achievement Test for Adolescents 2nd Ed (DATA-2)  
Fundamental Achievement Series-Form B  
Iowa Tests of Basic Skills (ITBS)  
Iowa Tests of Educational Development (ITED)  
Metropolitan Achievement Tests-Elementary 1 (MAT8)  
Metropolitan Achievement Tests-Elementary 2 (MAT8)  
Metropolitan Achievement Tests-Intermediate 1 (MAT8)  
Metropolitan Achievement Tests-Intermediate 2 (MAT8)  
Metropolitan Achievement Tests-Intermediate 3 (MAT8)  
Metropolitan Achievement Tests-Intermediate 4 (MAT8)  
Metropolitan Achievement Tests-Preprimer 1 (MAT8)  
Metropolitan Achievement Tests-Primary 1 (MAT8)  
Metropolitan Achievement Tests-Primary 2 (MAT8)  
Metropolitan Achievement Tests-Primer (MAT8)  
Metropolitan Achievement Tests-Secondary 1 (MAT8)  
Metropolitan Achievement Tests-Secondary 2 (MAT8)  
Metropolitan Achievement Tests-Secondary 3 (MAT8)  
Metropolitan Achievement Tests-Secondary 4 (MAT8)  
Metropolitan Achievement Tests-Special Report  
Mini-Battery of Achievement

Multilevel Academic Survey Test (MAST)  
National Educational Development Tests  
National Proficiency Survey Series-Science and Social Studies  
Sequential Tests of Educational Progress (Step III)  
Sequential Tests of Educational Progress-Preprimary A (Step III-Circus)  
Sequential Tests of Educational Progress-Preprimary B (Step III-Circus)  
Sequential Tests of Educational Progress-Primary C (Step III-Circus)  
Sequential Tests of Educational Progress-Primary D (Step III-Circus)  
SRA Achievement Series-1978 Ed-Forms 1and2-Level A-H  
SRA Survey of Basic Skills-levels 20-34  
SRA Survey of Basic Skills-levels 34-37  
Stanford Achievement Test-Advanced 1 Form S-9th Ed/10th Ed.  
Stanford Achievement Test-Advanced 2 Form S-9th Ed/10th Ed.  
Stanford Achievement Test-Intermediate 1 Form S-9th Ed/10th Ed.  
Stanford Achievement Test-Intermediate 2 Form S-9th Ed/10th Ed.  
Stanford Achievement Test-Primary 1 Form S-9th Ed/10th Ed.  
Stanford Achievement Test-Primary 2 Form S-9th Ed/10th Ed.  
Stanford Early School Achievement Test-Level 2  
Stanford Test of Academic Skills (TASK)  
Stanford Test of Academic Skills (TASK)  
TerraNova (CTBS)  
TerraNova Second Edition (CAT6)  
Test of Academic Performance (TAP)  
Tests of Achievement and Proficiency (TAP)  
Tests of Adult Basic Education (TABE)  
Three-R's Test (3-R'S)  
Wechsler Individual Achievement Test  
Wide Range Achievement Test 3 (WRAT 3)  
Young Children's Achievement Test 200

The Minnesota Department of Education is unable to provide further information on appropriate tests than is provided here; homeschool families need to explore options that are acceptable to their superintendents

and meet the law's requirements of a nationally normed reference test. Please note that no testing exemptions exist for special needs children.

### **Internet Resources**

#### **Minnesota Department of Education (MDE):**

Go to the MDE website at [education.state.mn.us](http://education.state.mn.us), then click on School Choice in the navigation bar, then, on the next navigation bar that appears, Homeschooling, to download related fact sheets and Compulsory Instruction Form:

- Homeschool Basics Fact Sheet 1: Introduction to Homeschooling in Minnesota
- Homeschool Basics Fact Sheet 2: Reporting Requirements Unrelated to Testing.
- Homeschool Basics Fact Sheet 4: Public School Opportunities and State Programs
- Homeschool Basics Fact Sheet 5: Financial Considerations
- Homeschool Basics Fact Sheet 6: Community Resources
- Compulsory Instruction Form

Go to the MDE website at [education.state.mn.us](http://education.state.mn.us), then click on Academic Excellence, then College and Career Readiness, then College Level Exam Program (CLEP) for more information about college credit by examination.

**Laws:** Read the full text of a key statute that is referenced in this document by visiting the Minnesota Revisor of Statutes website at [revisor.leg.state.mn.us](http://revisor.leg.state.mn.us) and typing in the particular statute number in the "Retrieve by Number" tool on the left column of the page:

- Minnesota Statutes, section 120A.22, Compulsory Instruction

**University of Minnesota Testing Center:** <http://oms.umn.edu/oms/mstp/>

**Buros Center for Testing:** [www.unl.edu/buros/bimm/index.html](http://www.unl.edu/buros/bimm/index.html)

**College Level Exam Program (CLEP):** <http://www.collegeboard.com/student/testing/clep/about.html>

**Teaching Education and Character At Home homeschool accrediting agency:**

[www.teachinstitute.org/accredit.html](http://www.teachinstitute.org/accredit.html)

**Home Based Educators Accrediting Association:** [www.hbeaa.org](http://www.hbeaa.org)

### **Questions**

Your first point of contact with questions and concerns is the homeschool liaison in your local public school district. The homeschool liaison is most often an employee who works in the superintendent's office. If you have questions that cannot be answered at the local level, the Minnesota Department of Education contact is Cindy Jackson, School Choice Ombudsman, [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us), 651-582-8572.

## **Homeschool Basics Fact Sheet 4: Public School Opportunities and State Programs**

### **Transferring Homeschool Credits into Public Schools**

Perhaps your family decides to homeschool a year at a time or only for certain grade levels, hoping to eventually transfer to a public school and receive diplomas from public high schools in Minnesota. Be advised that local school district policies determine how your student's work in the homeschool will be evaluated and awarded transfer credits. However, if your homeschool is like most in Minnesota and unaccredited by a Minnesota-recognized accrediting agency, the district evaluation process should be the same treatment afforded evaluation of student work from other unaccredited regular private schools.

The school district will determine the grade level placement for the student. In coming to that decision and others, it may evaluate the work done in the homeschool. For example, the evaluation process may include:

- Administration of tests;
- Interviews or conferences with the student;
- Conferences with the parent;
- Review of the student's curricula;
- Review of the student's record of achievement at the homeschool; and
- Review of the work of the student completed in the homeschool.

In addition to this you will be required under Minnesota Statutes, section 120A.22, Subd. 7, to transfer all student records, including test scores from the annual nationally normed achievement test requirement and other tests, if your homeschool has received any Nonpublic Pupil Aids.

A public school is under no legal requirement to adopt the grades that a student has received in the homeschool or include the student's transferred credits in a class rank. The public school is not legally obligated to provide an actual diploma (as opposed to certificate of completion) if the student has not met all graduation requirements of the public school. All of these matters are subject to policies developed by local school boards. For example, a district may decide to accept many homeschool credits but include them as pass-fail transfer credits rather than graded credits.

However, an important exception to this local control exists for Post-Secondary Enrollment Options. Homeschooled students who transfer to a public school and who had participated in Post-Secondary Enrollment Options (PSEO) must be afforded the same treatment in how the PSEO credits are recorded on the transcript as the public school students participating in PSEO.

### **Postsecondary Enrollment Options (PSEO)**

Postsecondary Enrollment Options (PSEO) is free for eligible 11th and 12th graders – providing a chance to take college coursework for homeschool credit at participating public and private colleges. (Colleges may transfer in the credits at the college level after high school graduation and admittance to college.)

## **Special Education**

Homeschooled students may receive services from their resident public school district as shared-time students. Contact your local district for more information. School districts will receive tax support for the portion of the day they provide services to your child.

## **Shared-Time Possibilities beyond Special Education**

Local school districts have the option, subject to policies developed by their school board, of allowing nonpublic school students, including homeschooled students who reside in their district borders, the opportunity to take certain non-elective, core courses in their schools. Through Minnesota Statutes, section 126C.19, districts receive pro-rated state funding for the portion of time they educate the nonpublic student. State law requires that students must be physically located at the school for the course, which normally means that district online learning courses are not an option.

Shared-time provisions do not apply to courses home-schooled families may be interested in taking in public school districts other than the district where they reside. Such arrangements, if do-able, would require an agreement between districts to transfer shared time revenue or to bill the nonpublic student's family tuition.

## **Homeschoolers and Extracurricular Activities**

Homeschooled students may participate in their own local, resident school districts extracurricular activities that meet the characteristics of such described in law. Minnesota Statutes, section 123B.49 only allows homeschoolers access to these activities in their resident district. It does not provide access to, for example, extra-curricular activities in another public school district where the student may have been previously "open enrolled" or at charter schools. If you are interested in participating extracurriculars in other school districts or charter schools, your homeschool may be able to do so for grades 10-12 by joining the Minnesota High School League and entering into an agreement with that district. High School League policies of note for these kinds of arrangements are Bylaws 104 and 403.

### **Minnesota High School League**

2100 Freeway Boulevard  
Brooklyn Center, MN 55430-1735  
(763) 560-2262, phone  
(763) 569-0499, fax

## **Public Online Learning vs. Homeschooling**

Public online learning is a free public education that occurs in private homes with heavy involvement of parents. These learning options provide public school curriculum, public school mandated tests, direct supervision by licensed Minnesota public school teachers, and public school diplomas. These programs offer free curriculum. Participants must be Minnesota residents. Numerous programs exist and differ in the resources and support provided families; shop wisely. Homeschools, in contrast, provide parent-determined curriculum. Parents are teachers, administrators and curriculum directors. Homeschools are private education where parents bear almost all costs, just as with traditional private school. Homeschools provide their own diplomas and transcripts.

## **When a "Homeschool" Alternative is sought for Just One Course**

Families sometime inquire whether they might homeschool just one course and otherwise have their student be a public school student. This is a cumbersome route for only one course because it requires that the student disenroll as a public school student, register as a homeschooler and then access every public school course they desire only through the district's optional shared time provisions. An easier solution is for families to negotiate with their public school district about possibilities to take the one



course that is causing concern through supplemental public online learning or as an independent study course supervised by a licensed teacher.

### **Homeschooling as a Catch-up Strategy for a Public Diploma**

Homeschooling may be a possible route – but certainly not usually an easy or sure one to rapidly making up credits for students to later enroll again in public school and “graduate on time” or “walk with the class.” Again, it might be a great plan for your teen but it might not be. Consider your options carefully.

Before accepting homeschool credits for transfer back into their public system, school districts may verify that the content of coursework in your homeschool, especially if the homeschool is unaccredited by a state recognized accrediting agency fits with the district’s graduation requirements. Your student must meet the district’s requirements in order to receive its diploma. If your homeschool is unaccredited, the district may require testing to verify mastery of key subject areas or portfolios to better understand what the student has learned at home before accepting credit transfers for purposes of their diploma.

**Public diplomas require Minnesota public school standardized tests.** Before receiving a Minnesota public high school diploma, all Minnesota students – including students previously homeschooled during the school grade when the test is normally given – must take and pass all graduation-required state exams.

**Other options to help your teen in situations like this** might be negotiating an independent study plan with your district, a public online learning program, a public summer school program, hiring a private tutor, or an alternative education program. Creatively negotiate with a high school guidance counselor or school principal for a good plan for your student’s situation.

### **Driver’s Education**

The Minnesota Department of Public Safety offers special options for Homeschool Driver Education and also information on teen driving.

### **Internet Resources**

#### **Minnesota Department of Education (MDE):**

Go to the MDE website at [education.state.mn.us](http://education.state.mn.us), then click on School Choice in the navigation bar, then, on the next navigation bar that appears, Homeschooling, to download related fact sheets and Compulsory Instruction Form:

- Homeschool Basics Fact Sheet 1: Introduction to Homeschooling in Minnesota
- Homeschool Basics Fact Sheet 2: Reporting Requirements Unrelated to Testing
- Homeschool Basics Fact Sheet 3: Testing Requirements, Reporting and Possibilities
- Homeschool Basics Fact Sheet 5: Financial Considerations
- Homeschool Basics Fact Sheet 6: Community Resources
- Compulsory Instruction Form

For information on the MDE website about **online learning**, go to the MDE website at [education.state.mn.us](http://education.state.mn.us), and then click on School Choice in the navigation bar, then Public Online Learning under Public School Choice heading.

For information on the MDE website about **Post-Secondary Enrollment Options**, go to the MDE website at [education.state.mn.us](http://education.state.mn.us), and then click on Academic Excellence, then Career Readiness, then Post-Secondary Enrollment Options/Concurrent Enrollment.

**Laws:** Read the full text of the key statutes that are referenced in this document by visiting the Minnesota Revisor of Statutes website at [revisor.leg.state.mn.us](http://revisor.leg.state.mn.us) and typing in the particular statute

number in the "Retrieve by Number" tool on the left column of the page. Among the Minnesota Statutes referenced in this fact sheet are:

- Minnesota Statutes, section 120A.22, Subd. 7, Records Transfer
- Minnesota Statutes, section 126C.19, Shared Time.
- Minnesota Statutes, section 123.49, Extracurricular Activities

**U.S. Department of Education publication on Special Education rights in nonpublic schools:**

<http://www2.ed.gov/admins/lead/speced/privateschools/index.html>

**Minnesota High School League:** <http://www.mshsl.org/mshsl/index.asp>.

**Minnesota Department of Public Safety Homeschool Driver Education:**

<http://www.dps.state.mn.us/dvs/DLTraining/HomeSchoolMaterials.pdf>

**Minnesota Department of Public Safety Teen Drivers:**

<http://www.dps.state.mn.us/dvs/DriverLicense/TeenDrivers/TeenDrivers.htm#Nighttime>

## Questions

Your first point of contact with questions and concerns is the homeschool liaison in your local public school district. The homeschool liaison is most often an employee who works in the superintendent's office. If you have questions that cannot be answered at the local level, the Minnesota Department of Education contact is Cindy Jackson, School Choice Ombudsman, [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us), 651-582-8572.

**GENERAL INFORMATION AND INSTRUCTIONS:** Minnesota Statutes 120A.22–120A.26, 121A.15 require the person in charge of providing instruction to a child to submit the information collected in this report to the superintendent of the district in which the student resides. Only schools that are directly accredited by accrediting organizations recognized by the Minnesota Nonpublic Education Council or the Minnesota Department of Education have reduced reporting requirements (Section A only). All other schools – accredited by groups unrecognized by the Nonpublic Education Council or Minnesota Department of Education or unaccredited complete both Section A & B. Return to resident school district by October 1 each year or, if starting nonpublic education mid-year, as soon as possible after beginning. Do not mail to the Minnesota Department of Education.

**SECTION A: TO BE COMPLETED BY ALL NONPUBLIC SCHOOLS**

**INSTRUCTOR(S) IDENTIFICATION INFORMATION**

Name of Person Completing This Report				Date	
Address		City	State	Zip Code	Telephone Number ( ) -
Parent Name (if different from above)		Second Instructor Name (if applicable)			

**STUDENT INFORMATION**

Please provide name, date of birth and address of each child receiving instruction. [Grade level is not required by Minnesota Statute although providing it here would assist school districts in alerting home schools to services available from the school district.]

STUDENT'S NAME	ADDRESS	GRADE LEVEL	DATE OF BIRTH
1.			
2.			
3.			
4.			
5.			

**STUDENT IMMUNIZATION INFORMATION**

Please check the appropriate statements for each student that was listed above. [Immunization forms are provided by district.]

STUDENT #					IMMUNIZATION STATEMENTS
1	2	3	4	5	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Immunization statement is attached.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Immunization statement is on file, no changes in the last year.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notarized statement that child has not been immunized because of conscientiously held beliefs is attached.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notarized statement that child has not been immunized because of conscientiously held beliefs is on file, no changes in the last year.

**ACCREDITATION INFORMATION**

Is this school accredited by a Minnesota State recognized accrediting agency? ☐ NO ☐ YES (If yes, list the name and address of the accrediting agency.)

Agency Name:

Address:

**SECTION B: TO BE COMPLETED BY NONACCREDITED SCHOOLS AND ALSO THOSE ACCREDITED SCHOOLS WHOSE ACCREDITING BODY IS NOT RECOGNIZED BY THE MN NONPUBLIC ED COUNCIL OR MN DEPT. OF ED.**

**INSTRUCTOR(S) QUALIFICATION INFORMATION**

Check all of the qualifications for the primary instructor and, if applicable, second instructor whose name(s) were listed above.

QUALIFICATIONS	PRIMARY INSTRUCTOR	SECOND INSTRUCTOR
1. Instructor holds a valid MN teaching license in the field and for the grade level taught. Copy of license is attached. Copy of license is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Instructor is directly supervised by a person holding a valid MN teaching license. Name of supervisor and copy of license is attached. Name of supervisor and copy of license is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3. Instructor has successfully completed a teacher competency examination. Copy of statement of successful completion is attached. Copy of statement of successful completion is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Instructor provides instruction in a school that is accredited by a state recognized accrediting agency.	<input type="checkbox"/>	<input type="checkbox"/>
5. Instructor holds a baccalaureate degree. Copy of diploma is attached. Copy of diploma is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6. Instructor is the parent of a student who is assessed yearly on a nationally norm-referenced standardized achievement examination.	<input type="checkbox"/>	<input type="checkbox"/>

## REQUIREMENT INFORMATION

**NOTE: Curriculum:** Instruction must be provided in at least the following subject areas:

- ∴ Basic communication skills including reading and writing, literature and fine arts
- ∴ Mathematics and science
- ∴ Social studies including history, geography and government
- ∴ Health and physical education

1. **Quarterly Report Cards for Student with Parent as Instructor:**

For each student instructed by a parent who meets none of the options for being a qualified instructor except for being a parent of the student, (#6 checked under "Instructor(s) Qualification Information") a quarterly report card on the achievement of the student in each required subject area must be submitted.

Indicate dates when quarterly report cards will be submitted:

1st Quarter: \_\_\_\_\_ 2nd Quarter: \_\_\_\_\_ 3rd Quarter: \_\_\_\_\_ 4th Quarter: \_\_\_\_\_

2. **Annual Instructional Calendar:**

Describe the school's annual instructional calendar and/or attach calendar ⇐ ☐ Calendar attached

3. **Student Assessment:**

A. Each year the performance of every student who is not enrolled in a public school must be assessed using a nationally norm-referenced standardized achievement examination. **The superintendent of the district in which the student receives instruction and the person in charge of the student's instruction must agree on the specific annual nationally normed examination to be used and the administration and location of the examination. Agreement on each of these areas must occur every year (though sometimes not all details will be final by October 1) and testing take place annually as agreed for the home school to be in compliance with Minnesota's compulsory instruction law.** If the results of the assessments indicate that the student's performance on the total battery score is at or below the 30th percentile or one grade level below the performance level for students of the same age, the nonpublic school, including homeschools, shall obtain additional evaluation of the student's abilities and performance for the purpose of determining whether the student has learning problems.

Name of Examination: \_\_\_\_\_ Administrator of Examination: \_\_\_\_\_

Location of Examination: \_\_\_\_\_ Date of Examination: \_\_\_\_\_

B. Parent instructors who do not meet one of the first three requirements for being qualified as an instructor (listed under "Instructor(s) Qualification Information") must assess the student's performance in all required subject areas not assessed by the standardized examination.

Please list the supplementary assessments or exams to be used to augment the standardized examination:

NAME OF ASSESSMENT / EXAM

DESCRIPTION

4. **Documentation:**

Documentation indicating that the required subject areas are in fact being taught must be made available. This documentation must include class schedules, copies of materials used for instruction and descriptions of methods used to assess student achievement.

☐ Documentation is attached ☐ Documentation will be provided upon request

## VERIFICATION OF INFORMATION

I hereby verify that the information provided above is true and correct to the best of my belief and knowledge.

\_\_\_\_\_  
Name and role of person completing report

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE:** You have permission to reproduce and distribute this report from the Minnesota Department of Education without modification.

# Orange

## Home School

PARENT RESPONSIBILITIES | SCHOOL DISTRICT RESPONSIBILITIES  
DEPARTMENT OF EDUCATION RESPONSIBILITIES  
INTERSCHOLASTIC ACTIVITIES | CONTACT

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Parents/guardians who currently provide alternative instruction pursuant to SDCL 13-27-3 are required to file an Application for Public School Exemption Certificate (available below) annually. Beginning with the 2005-2006 school year, the exemption applications will no longer be mailed out to parents/guardians. Therefore, the application must be obtained here, from the local school district, or directly from the Department of Education. The completed application must be filed with the superintendent of schools in the public school district in which the parent /guardian resides.

Parents/guardians who wish to begin providing alternative instruction pursuant to SDCL 13-27-3 must also complete an Application for Public School Exemption Certificate (available below). The completed application must then be submitted to the local public school administration office.

### PARENT RESPONSIBILITIES

Complete the form requesting exemption from public school attendance (13-27-2)

1. Required up to age 18 (compulsory attendance requirement)
2. Return the completed form to the school district for school board approval

May not instruct more than 22 students (13-27-3)

No requirement to be certified (13-27-3)

Must test in grades two, four, eight, and eleven (13-27-3)

1. Test may be monitored by local school district
2. SAT10 test provided by the Department of Education  
(not the Dakota STEP test) at no cost
3. If another test is chosen, it is at the expense of the home school
4. Results must be sent to the local school district

### SCHOOL DISTRICT RESPONSIBILITIES



Review and approve the exemption form (SDCL 13-27-7)

1. Must be done yearly
2. Once approved, copies of the form must be mailed to the Department of Education and to the location of alternative school(home school)

Track home school students in Student Information Management System (SIMS)



Keep test score records (SDCL 13-27-7)

1. If students show less than satisfactory academic progress, the school board may refuse to renew the child's certificate of excuse.



Ensure that students are receiving instruction (SDCL 13-27-7 and 13-27-3)

1. If a student is not being instructed, the school board may immediately revoke the child's certificate of excuse.

Loan textbooks without charge to all persons ages five to nineteen (SDCL 13-34-23)

Tuesday, February 1, 2011

## TESTIMONY ATTACHMENT 6

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairperson Kelsch and members of the house education committee

Re: HB 1211, relating to home education and to repeal four sections of the ND Century Code

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. NDAEYC represents approximately 400 members who work with and on behalf of children ages birth through age 8 years. NDAEYC's mission is "To serve and act on behalf of the needs, rights and education of all young children."

This testimony is in opposition to removing "The qualifications of the parent who will supervise the home education" throughout 15.1-23 and repealing sections 15.1-23-03, 15.1-23-06, 15.1-23-07 and 15.1-23-01 and also in opposition to inserting subsection 2 of 15.1-23-09 which pertains to "a philosophical, moral or religious objection to the use of standardized achievement tests..."

Early care and education professionals believe that parents are their children's first and primary teachers and support that concept. Our children's education is enhanced by qualified teachers with four year degrees or higher. There are parents who don't have a four year teaching degree who are capable of teaching their children. NDAEYC believes that children have the right to qualified teachers whether or not the parent is the teacher. Monitoring unqualified parents in a home education setting is the responsible course of action which has resulted in well-educated children.

No Child Left Behind has increased requirements to have highly-qualified teachers in public schools and this should be carried over into each child's right to a quality education. NDAEYC believes that monitoring parental qualifications, whether through a self-monitoring board or other similar process that ultimately reports to the local Superintendent, is self-regulation that would ensure the quality education for all North Dakota's children.

Thank you for your time today and I am happy to answer any questions you may have.

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# TESTIMONY ATTACHMENT 7

House Education Committee  
Sixty-Second Legislative Assembly of North Dakota  
House Bill No. 1269  
January 26, 2011

Good morning, Chairman Kelsch and Members of the House Education Committee: I am David Boeck, a State employee and lawyer for the Protection & Advocacy Project. The Protection & Advocacy Project is an independent state agency that acts to protect people with disabilities from abuse, neglect, and exploitation, and advocates for the disability-related rights of people with disabilities.

Certainly home education or home schooling is important in North Dakota. Home education can be better than public schooling for some purposes, for some children, and for some parents. Public education establishes the standards by which all education is measured. This includes home education.

House bill 1211 resurrects issues that the Legislature addressed and decided in 2009. Time has not changed the underlying principles. I do not express a position on Sections 1 and 2 of the bill.

Section 3 is, in part, a housekeeping measure. The proposed bill would divide section 15.1-23-09 into two subsections. The proposed second subsection contains new substantive material. It would allow some parents to opt-out of all standardized achievement tests based on a "philosophical, moral, or religious" objection. This criterion is extremely broad.

Section 4 of the bill also is troubling. The State has an obligation under federal law to identify, locate, and evaluate every child who needs special education and related services. This is consistent with the child's right to an education in the State Constitution. The State has a serious obligation to reach out to children with disabilities.

The first problem for the State, mentioned already, is a home schooled child's potential exemption from standardized tests. Exempting a child from standardized tests eliminates a significantly reliable way to identify a child who needs special education due to a disability that affects learning.

A multidisciplinary assessment team can evaluate a child who has performed poorly on standardized tests. This may lead to the discovery that the child has a disability that interferes with learning. The parents have the opportunity to be part of a multidisciplinary team that creates an Individualized Education Plan (IEP). This planning process focuses on the child's educational and disability-related needs.

Through this process, the child gains access to professionals, services, and resources at no cost. The parents can continue to educate their child at home with the help provided through the federal Individuals with Disabilities Education Act (IDEA). The school district does not push the parents aside; the school provides the assessment, planning process, and resources at no cost.

This could be a major opportunity to improve the child's education and life. For these reasons, I encourage you to remove from the bill, the proposed second subsection to section 15.1-23-09, the proposed amendments to section 15.1-23-11, and the proposed amendment on page 3, line 16. I am making no comment on the remainder of the bill.

Thank you. Please let me know whether you have questions for me.



January 19, 2011

Testimony of Homeschooling Experience

# SUBMITTED TESTIMONY ATTACHMENT 8

Stevens Family  
Mike, Jenny, Paige & Sunday  
3101 36<sup>th</sup> Ave. S  
Fargo, ND 58104

Children: Paige – 13, Sunday – 10

My husband and I are in our 2<sup>nd</sup> year of homeschooling our two daughters. The task of the daily lessons are primarily mine, as the mother, but my husband drops in nuggets of gold at the most remarkable times and it has the ability to bring so much of what I teach together as a whole in my daughter's minds. Homeschooling is truly a family effort and everyone grows in unforeseen ways through the experience.

The decision to homeschool was mine. Our daughters had a few different teaching environments throughout their younger schooling years and it was through this comparison in educating styles that I was compelled to seriously consider homeschooling. In my daughter's early education years they attended a private Montessori school. Paige, my oldest, was at the Montessori school through 3<sup>rd</sup> grade and Sunday, my youngest, was at the Montessori school through 1<sup>st</sup> grade. They were on fire for learning. They were so excited to be reading the interesting books, working through the challenging math and learning about science in hands-on ways. There was light in their eyes and they were excited about the potential within their brains.

Following their 3<sup>rd</sup> and 1<sup>st</sup> grade years, my husband and I went through some changes in our business and we decided to move our children to the public school which was closer to our home. The first year at the public school my daughters excelled in everything. They loved to read. They loved to do math. They were great at spelling. They were in the advance placement classes. It was exciting for them. But, something happened the second year at the public school. Their attitude changed from one of wanting to do their best to one of thinking it did no good to do your best because they would just be pushed into conforming with everyone else – excellence wasn't rewarded... only controlled. I saw their desire to read completely dissolve. The ability to do their times tables vanished. They became more concerned about what was in their lunch boxes than what was the grade on their test.

If my children would have ALWAYS been in the public school system, then I would never have noticed the quenching of their knowledge growth. But, because I had once seen the light in their eyes, but now the light was gone I became very, very concerned and I was determined to NOT let my children become one of the statistics in the public school system. I would not sacrifice their ability to the 'normalization effects' that are so prevalent in the public school system. These girls were competent, imaginative, socially graceful and full of joy. They should not be robbed of these God-given gifts.

We are now well into our 2<sup>nd</sup> year of homeschooling – still very 'green' by many standards. But, the results have been tremendous. My daughters are reading well above the public school norm. They are more than competent in their math. They are on fire for history. They enjoy their science and integrating it with their other disciplines. Their grammar is better than most adult's grammar. I no longer look at my daughters and wonder how I can stop the erosion happening within them. Instead, I look at them and grow with excitement as I marvel at all they are capable of doing at their young age. We so underestimate the potential of children and the powerhouse within their brains.

In addition to their scholastic lives blossoming once again, their social and physical lives are in so much better condition. My daughters no longer fight like they did 2 years ago. They are now the best of friends and we often find ourselves all laughing until our bellies ache. My younger daughter has excelled in her social

abilities – she used to be very shy and uncertain of herself – but, she is reaching out, helping others and growing in confidence. My older daughter has finally been able to achieve success in managing her weight – something that was a terrible struggle before, since there is so much candy and unhealthy food choices in the public school setting. There is no end to the number of activities they can be involved in and the experiences they are able to have at our business and our church. They are able to closely relate to myriad of people at different ages and life styles which helps them to understand their civic duty to everyone.

The current HB 1211 that is being heard by the House Education Committee will effect me and my family only in the sense that we don't want any of our freedoms in homeschooling our children to be diminished – for us or anyone. My husband and I are college graduates. I am not hugely opposed to standardized testing – although it is a government hassle. But, where I am in strong support of HB 1211 is in my personal realization that families DON'T make the decision to homeschool their children lightly. Homeschooling is a tremendous responsibility and any family who undertakes this challenge knows it. A parent carrying the weight to successfully prepare their child for productive, independent living, who contributes to society, and is moral and ethically grounded is a gargantuan task. For our state government to think they need to 'make sure' parents are doing their job is ludicrous because no parent would not make this decision lightly.

Homeschooling is also an enormous sacrifice. The sacrifice goes well beyond the time required by parent and child. It is a financial sacrifice that cannot be equaled by other families (except those who send their children to prestigious private schools). My husband and I spend \$3,000 a year on curriculum and materials each year. We plan educational trips of which we have to cover the bill for gas, food and lodging. We own our own business of which I have had to significantly reduce my influence at in order to teach my children each day. This sacrifice on our part has cost us nearly \$50,000 a year in (1) my lost wages, (2) paying new employees to fill my absence, and (3) lost sales opportunities. With all of this personal expense that we incur each year to give our children the gift of a homeschool education we are also charged to support the public schools financially with our property taxes which we do obediently. To say that homeschooling families in North Dakota need tight oversight by legislators is a view steeped in unfounded fear and personal agenda – not in true, substantiated information drawn from the family's needs. Homeschooling families should be seen as a great hope for our state's future and the quality of leaders that will take North Dakota into the next generation.

In conclusion, I appreciate the opportunity to homeschool my daughters. Yes, we are Christians and yes, we provide Christian Biblical instruction to our daughters. But, beyond that we are providing instruction which challenges them and raises them to a level I knew they were capable of, but the schooling options available to us would not suffice in developing them to that level of knowledge and understanding. In no way have they been deterred in their scholastic life or social life, in fact, it has been just the opposite. They are growing in every way and I am very humbled by the privilege to be able to witness it happening on a daily basis.

– Jenny Stevens

1/23/2011

# The Bartleby Project

## [How to End Standardized Testing]

By John Taylor Gatto, 2008

If you read this to the end, you'll discover that I'm inviting you to join a real conspiracy, call it an open conspiracy, with real consequences on millions of real lives. I know that sounds megalomaniacal, but be patient. If we pull this off, a great many will bless us, although the school industry few will curse us. This is about a project to destroy the standardized testing industry, one in which you, personally, will be an independent unit commander. This adventure is called "The Bartleby Project, for reasons you'll learn in just a little while. And keep in mind as you read, this has nothing to do with test reform. It's about test destruction.

We've all taken these tests. After graduation few of us think back on this ugly phenomenon unless we have little ones of our own being tested, and have to live through the agony of watching them stumble. We lose touch with the rituals of testing because, upon entering adult life, we inevitably discover that the information these glorified jigsaw puzzles generates is unreliable, and very misleading -- absolutely nobody ever asks after the data. We see that those who test well are more often circus dogs than leaders of the future.

Nothing inside the little red schoolhouse does more personal and social damage than the numbers and rank order these tests hang around the necks of the young. Although the scores correlate with absolutely nothing of real value, the harm they cause is real enough: such assessments are a crowning glory of the social engineers who seized final control of institutional schooling during the presidency of Franklin Roosevelt. They constitute a matchless weapon of social control, wreaking havoc on winners and losers alike. Standardized testing is the tail wagging the entire monster of forced institutional schooling.

The frequent ceremonies of useless testing -- preparation, administration, recovery - convert forced schooling into a travesty of what education should be; they drain hundreds of millions of days yearly from what might otherwise be productive pursuits; they divert tens of billions of cash resources into private pockets. The next effect of standardized testing is to reduce our national wealth in future generations, by suffocating imagination and intellect, while enhancing wealth for a few in the present. This occurs as a byproduct of "scientifically" ranking the tested so they can be, supposedly, classified efficiently as human resources. I hope the chapters of this book have done some damage to these assumptions, enough to recruit you as a leader in The Bartleby Project. If you show the way, others will follow.

We've reached a point in North America where it isn't enough to claim moral loftiness by merely denouncing them or muttering about them in books and essays which only true believers read. Standardized testing, which has always been about standardization and never about quality standards, must no longer be debated, but brutally and finally destroyed if schooling is ever again to take up a mission of intellect and character enhancement. And so, as I told you earlier, you'll be invited to lead - not join, but lead - a plan to cut the testing empire off at the knees; a plan to rip its heart out swiftly and cheaply. An incidental byproduct of the Bartleby Project will be to turn the men and women who create and supervise these murderous exercises into pariahs, but that isn't the point.

No organization will be required to oversee This simple plan - or, rather, thousands of organizations will be; all local, all uncoordinated. Otherwise, we will be certain to be co-opted, marginalized, corrupted - as all reform organizations become in time: and one as powerful as the Bartleby concept would be quickly subjected to sabotage were it centralized. to make this work - and soon you'll know what it looks like specifically - requires exactly the kind of courage it took to sledgehammer the first chunks out of the Berlin Wall, a currency in ready abundance among teenagers - the rightful leaders. I'll briefly mount a case why such a project is needed and then introduce you to its spiritual godfather, Bartleby the Scrivener.

On May 8, 2008, the *New York Sun* reported that despite legal mandates which require physical education be offered every school day, only one kid out of every twenty-five received even the legal minimum of 24 minutes a day. The

New York City comptroller was quoted by the *Sun*, saying that physical training was a major concern of parents. But then, parents have had no significant voice in school for over a century. The story gets even darker than you realize.

Quietly, over the past decade, a national epidemic of obesity and diabetes has appeared in children as young as five. The connections between food, lack of exercise, and these twin plagues have been recognized for a long time. Diabetes is the principal cause of blindness and amputations in the US, and obesity is the leading cause of heart disease and self-loathing. That the non-fat are revolted by the fat, and discriminate heavily against them should not be a mystery, even to the stupid. Fat kids are punished cruelly in classrooms and on the playground.

In the face of these sobering facts, that thousands of schools still serve familiar fast food - and also non-proprietary fatty foods like liverwurst and bologna as nutrition - should have already caused you to realize that school is literally a risk to the mental and physical health of the young. Coupled with the curious legal tradition which makes serious lawsuits against school-generated human damage impossible, I hope you will try to convince yourself that behind the daily noise and squalor, a game is afoot in this institution which has little to do with popular myth. Standardizing minds is a big part of that game.

In the news story cited, a representative of New York City's Board of Education declares, "We're beginning to realize student health is a real core subject area." Think about that the city has had a hundred year near-monopoly over children's daily lives and it's only *beginning* to realize that health is important? Where is evidence of that realization? Don't all schools still demand physical confinement in chairs as a necessary concomitant of learning?

When lack of exercise has clearly been figured as a main road to diabetes and obesity, and both conditions are well-understood to lead to blindness, amputations, heart disease, and self-hatred, how can law only provide 24 minutes of exercise a day, and be so poorly enforced that only one in twenty-five gets even that? Doesn't that tell you something essential about the managers of schooling? At the very least, that 96 percent of all schools in New York City break the law with impunity in a matter threatening the health of students. What makes it even more ominous is that school officials are known for and wide for lacking independent judgment and courage in the face of bureaucratic superiors; but something in this particular matter must give them confidence that they won't be held personally liable.

You must face the fact that an outlaw ethic runs throughout institutional schooling. It's well-hidden inside ugly buildings, masked by dull people, mindless drills, and the boring nature of almost everything associated with schools, but make no mistake - under orders from somewhere, this institution is perfectly capable of lying about life-and-death matters, so how much more readily about standardized testing?

If the bizarre agenda of official schooling allows its representatives to tell the press that after a hundred years they're beginning to learn what Plato and Aristotle wrote eloquently about thousands of years ago, and that privileged sanctuaries like Eton, Harrow, Groton, and St. Pauls have practiced since their inception, that physical health depends upon movement, you should be reluctant to assign credibility to any school declaration. Under the right pressure from somewhere, schools can easily be brought to act against the best interests of students or faculty.

This is what has happened with standardized testing, post WWII. Some teachers know, and most all teachers feel it in their bones, that the testing rituals cause damage. But human nature being what it is, only a few dare resist, and these are always eventually discovered and punished.

I began my own schooling in 1940 in the gritty industrial section of Pittsburgh ironically named "Swiss-vale," continued it for the most part in the equally gritty industrial exurb, Monongahela, during WWII and its aftermath, and concluded my time, served forcibly, in the green hills of western Pennsylvania, very near where Colonel Washington's one-night killing of French officer Jumonville precipitated the French and Indian War (Washington didn't do the killing himself, but he took the heat).

As compensation for confinement, schools in those days were generally places of visible morality, powerfully egalitarian, and often strongly intellectual under the rough manners of the classroom. Faculties were always local, which meant among other things that each school employee had a local reputation as a neighbor and citizen; they existed as people as well as abstract functions. Curriculum prepared far away, and standardized testing, was hardly in

idence even at the end of the school sequence for me, in the 1950s. Each classroom at my high school, Uniontown High, was personalized to a degree which would be considered dangerously eccentric today, and hardly tolerable.

And yet, boys and girls schooled that way had just finished ruining the tightly schooled dictatorships of the planet. We boasted often to ourselves, teenagers of the 1940s and 1950s, that unlike those unfortunate enough to live outside the US, *we* carried no identification papers, feared no secret police. Compared to the exotic liberty of those days of my boyhood, American society of sixty years later smacks a bit too much of a police state for comfort. To imagine old ladies being patted down for explosives at airports, or the IRS invasion of one's home, or the constant test rankings and dossiers of behavior managed through schooling; to imagine machinery purchased for home use spying on intimate choices and reporting those choices to stranger, would have been inconceivable in 1950.

A river of prosperity was lifting all boats in the US as I finished my own public schooling in 1953. My father was a cookie sales man for Nabisco, a man with no inheritance or trust fund, yet could cover my tuition at Cornell, own a new car, send my sister to college, pay for clarinet lessons for me and painting lessons for my sister, and put something aside for retirement. Schooling was considered important in those days, but never as *very* important. Too many unschooled people like my father and mother carried important responsibilities too well for pedagogical propaganda to end the reign of America's egalitarian ethic.

The downward spiral in school quality began in the 1950s with changes which went unnoticed. Schools were "rationalized" after the German fashion; increment by increment they were standardized from coast to coast. By 1963, standardized tests were a fixture, although very few extended them any credibility; they were thought of as a curious break from classroom routine, a break imposed for what reason nobody knew, or cared. Even in the 1950s, curriculum was being dumbed down, though not to the levels reached in later years. Teachers were increasingly carpet-baggers, from somewhere outside the community in which they taught. Once it had actually been a legal requirement to live within the political boundaries of the school district, just as it was for police, fire fighters, and other civil servants, but gradually families came to be seen as potential enemies of the "professional" staff; better to live far enough away they could be kept at arm's length.

Morality in schools was replaced with cold-blooded pragmatism. As Graham Greene has his police chief say, in *Our Man in Havana*, "We only torture people who expect to be torture." Ghetto kids were flunked and nearly flunked because that was their expectation; middle-class/upper-middle-class kids were given Cs, Bs and even As, because they and their parents wouldn't tolerate anything else.

School order came to depend upon maintaining good relations with the toughest bullies, covertly affirming their right to prey upon whiners and cry-babies (though never cry-babies from politically potent families). The intellectual dimension was removed from almost all classrooms as a matter of unwritten policy, and since test scores are independent of intellect, those teachers who tried to hold onto mental development as a goal, rather than rote memorization, actually penalized their students and themselves where test scores were the standard of accomplishment.

Horace Mann's ideal of common schooling was put to death after WWII; students were sharply divided from one another in rigid class divisions justified by standardized testing. Separation into winners and losers became the ruling dynamic.

By 1973, schools were big business. In small towns and cities across the land school teaching was now a lucrative occupation - with short hours, long vacations, paid medical care, and safe pensions; administrators earned the equivalent of local doctors, lawyers, and judges.

Eccentricity in classrooms was steeply on the wane, persecuted wherever it survived. Tracking was the order of the day, students being steered into narrower and narrower classifications supposedly based on standardized test scores. Plentiful exceptions existed, however, in the highest classifications of "gifted and talented," to accommodate the children of parents who might otherwise have disrupted the smooth operation of the bureaucracy.

But even in these top classifications, the curriculum was profoundly diminished from standards of the past. What was asked of prosperous children in the 1970s would have been standard for children of coal miners and steel workers in the 1940s and 1950s. Many theories abound for why this was so, but only one rings true to me: From WWII onwards it is extremely easy to trace the spread of a general belief in the upper realms of management and academy that most of the population was incurably feeble-minded, permanently stuck at a mental level of twelve or under. Sine efforts to change this were doomed to be futile, why undergo the expense of trying? Or to put a humane cast on the argument, which I once heard a junior high school principal expound at a public school board meeting: Why worry kids and parents with the stress of trying to do something they are biologically unable to achieve?

This was precisely the outlook Abraham Lincoln had ridiculed in 1859 (see Richard Hofstadter's *Anti-Intellectualism in American Life*); precisely the outlook of Edward Thorndike, inventor of "educational psychology" at Columbia Teachers College; precisely the outlook of H. H. Goddard, chairman of the psychology department at Princeton; precisely the outlook of great private corporate foundations like Rockefeller and Carnegie; precisely the outlook of Charles Darwin and his first cousin, Francis Galton. You can find this point of view active in Plato, in John Calvin, in Benedict (Baruch) Spinoza, in Johann Fichte, and in so many other places it would take a long book to do justice to them.

As long as ordinary Americans like Ben Franklin's dad were in charge of educating their young, America escaped domination from the deadly assumptions of permanent inferiority - whether spiritual, intellectual, or biological - which provide the foundation for rigid social classes, by justifying them. As long as the crazy quilt of libertarian impulses found in the American bazaar prevailed, a period which takes us to the Civil War, America was a place of miracles for ordinary people through self-education. To a fractional degree it still is, thanks to tradition owing nothing to post-WWII government action, but only for those lucky enough to have families which dismiss the assumptions of forced schooling - and hence avoid damage by the weapons of mass instruction.

As the German Method, intended to convert independent Bartleby spirits into human resources, choked off easy escape routes, it wasn't only children who were hurt, but our national prospects. Our founding documents endowed common Americans with rights no government action could alienate, liberty foremost among them. The very label "school" makes a mockery of these rights. We are a worse nation for this radical betrayal visited upon us by generations of political managers masquerading as leaders. And we are a materially poorer nation, as well.

School's structure and algorithms constitute an engine like the little mill that ground salt in the famous fable - long ago it slipped away from anyone's conscious control. It is immune to reform. That's why it must be destroyed. But how?

We will start at the weakest link in the German school chain, the standardized tests which are despised by everyone, school personnel included. The recent past has given us two astonishing accomplishments of citizen action - no, make that three - which should lift your spirits as you prepare to ruin the testing empire - instances of impregnable social fortresses blown to pieces by disorganized, unbudgeted decisions of ordinary people. Call these examples "Bartleby Moments." Think of the ending of the Vietnam War, when young people filled the streets; think of the tearing down of the Berlin Wall; think of the swift dissolution of the Soviet Union.

### *The Bartleby Project*

By the end of WWII, schooling had replaced education in the US, and shortly afterwards, standardized testing became the steel band holding the entire enterprise together. Test scores rather than accomplishment became the mark of excellence as early as 1960, and step by step the public was brought, through various forms of coercion including journalism, to believe that marks on a piece of paper were a fair and accurate proxy for human quality. As Alexander Solzhenitzyn, the Nobel Prize winning Russian author, said, in a Pravda article on September 18, 1988, entitled "How to Revitalize Russia:"

No road for the people [to recover from Communism] will ever be open unless the government completely gives up control over us or any aspect of our lives. It has led the country into an abyss and it does not know the way out.

break the grip of official testing on students, parents and teachers, and we will have taken the logical first step in revitalizing education. But nobody should believe this step can be taken politically - too much money and power is involved to allow the necessary legislative action; the dynamics of our society tend toward the creation of public opinion, not any response to it. There is only one major exception to that rule: Taking to the streets. In the past half-century the US has witnessed successful citizen action many times: In the overthrow of the Jim Crow laws and attitudes; in the violent conclusion to the military action in Vietnam; in the dismissal of a sitting American president from office. In each of these instances the people led, and the government reluctantly followed. So it will be with standardized testing. The key to its elimination is buried inside a maddening short story published in 1853 by Herman Melville: "Bartleby the Scrivener."

I first encountered "Bartleby" as a senior at Uniontown High School, where I was unable to understand what it might possibly signify. As a freshman at Cornell I read it again, surrounded by friendly associates doing the same. None of us could figure out what the story meant to communicate, not even the class instructor.

Bartleby is a human photocopy machine in the days before electro-mechanical duplication, a low-paid, low-status position in law offices and businesses. One day, without warning or explanation, Bartleby begins to exercise free will - he decides which orders he will obey and which he will not. If not, he replies, "I would prefer not to." To an order to participate in a team-proofreading of a copy he's just made, he announces without dramatics, "I would prefer not to." To an order to pop around the corner to pick up mail at the post office, the same: "I would prefer not to." He offers no emotion, no enlargement on any refusal; he prefers not to explain himself. Otherwise, he works hard at copying.

That is, until one day he prefers not to do that, either. Ever again. Bartleby is done with copying. But not done with the office which employed him to copy! You see, without the boss' knowledge, he lives in the office, sleeping in it after others go home. He has no income sufficient for lodging. When asked to leave that office, and given what amounts to a generous severance pay for that age, he prefers not to leave - and not to take the severance. Eventually, Bartleby is taken to jail, where he prefers not to eat. In time, he sickens from starvation, and is buried in a pauper's grave.

The simple exercise of free will, without any hysterics, denunciations, or bombast, throws consternation into social machinery - free will contradicts the management principle. Refusing to allow yourself to be regarded as a "human resource" is more revolutionary than any revolution on record. After years of struggling with Bartleby, he finally taught me how to break the chains of German Method schooling. It took a half-century for me to understand the awesome instrument each of us has through free will to defeat Germanic schooling, and to destroy the adhesive which holds it together - standardized testing.

Signposts pointing our attention toward the Bartleby power within us are more common than we realize in the global imagination, as Joseph Campbell's splendid works on myth richly demonstrate (as do both Testaments of the Bible), but we needn't reach back very far to discover Thoreau's cornerstone essay on civil disobedience as a living spring in the American imagination, or Gandhi's spectacular defeat of the British Empire through "passive resistance" as bold evidence that as Graham Greene should have taught us by now, "they" would prefer to torture those who expect to be tortured.

Mass abstract testing, anonymously scored, is the torture centrifuge whirling away precious resources of time and money from productive use and routing it into the hands of testing magicians. It happens only because the tormented allow it. Here is the divide-and-conquer mechanism par excellence, the wizard-wand which establishes a bogus rank order among the schooled, inflicts prodigies of stress upon the unwary, causes suicides, family breakups, and grossly perverts the learning process - while producing no information of any genuine worth. Testing can't predict who will become the best surgeon, college professor, or taxicab driver; it predicts nothing which would impel any sane human being to enquire after these scores. Standardized testing is very good evidence our national leadership is bankrupt and has been so for a very long time. The two-party system has been unable to give us reliable leadership, its system of campaign finance almost guarantees we get managers, not leaders; I think Ralph Nader has correctly identified it as a single party with two heads - itself bankrupt.

I don't know what to do about that, but I do know how to bring the testing empire to an end, to rip out its heart and make its inventors, proponents, and practitioners into pariahs whose political allies will abandon them.

Let a group of young men and women, one fully aware that these tests add no value to individual lives or the social life of the majority, use the power of the internet to recruit other young people to refuse, quietly, to take these tests. No demonstrations, no mud-slinging, no adversarial politics - to simply write across the face of the tests placed in front of them, "I would prefer not to take this test." Let no hierarchy of anti-test management form; many should advise the project, but nobody should wrap themselves in the mantle of leadership. The best execution would not be uniform, but would take dozens of different shapes around the country. Like the congregational Church, there should be no attempt to organize national meetings, although national chat rooms, blogs, and mission-enhancing advisors of all political and philosophical stripes will be welcome. To the extent this project stays unorganized, it cannot help but succeed; to the extent "expert" leadership pre-empts it, it can be counted on to corrupt itself. Think Linux, not Microsoft. Everyone who signs on should get an equal credit, latecomers as well as pioneers. Unto this last should be the watchword.

I prefer not to. Let the statement be heard, at first erratically and then in an irresistible tide, in classrooms across the country. If only one in ten prefer not to, the press will scent an evergreen story and pick up the trail; the group preferring not to will grow like the snow ball anticipating the avalanche.

What of the ferocious campaign of intimidation which will be waged against the refuseniks? Retribution. Trust me, think Alice in Wonderland; the opposition will be a house of cards, the retribution an illusion. Will the refusers be denied admission to colleges? Don't be naive. College is a business before it's anything else; already a business starving for customers.

The Bartleby Project begins by inviting 60,000,000 American students, one by one, to peacefully refuse to take standardized tests or to participate in any preparation for these tests; it asks *them* to act because adults chained to institutions and corporations are unable to; because these tests pervert education, are disgracefully inaccurate, impose mutual stresses without reason, and actively encourage a class system which is poisoning the future of the nation.

The Bartleby Project should allow no compromise. That will be the second line of defense for management, a standard trick taught in political science seminars. Don't fall for it. Reject compromise. No need to explain why. No need to shout. May the spirit of the scrivener put steel in your backbone. Just say:

*I would prefer not to take your test.*

An old man's prayers will be with you.

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## Example of a Religious Conviction Regarding Standardized Testing

Nationally normed standardized achievement tests compare students with other students. If 99 percent of the students selected the wrong answer for every question and the remaining one percent answered one question correctly, then about 99 percent of the students would set the norm, near the fiftieth percentile, and the one percent would be considered exceptional, and be in the something like the ninetieth percentile.

God's Word teaches that it is unwise to compare students in 2 Corinthians 10:12.

*For we dare not make ourselves of the number, or compare ourselves with some that commend themselves: but they measuring themselves by themselves, and comparing themselves among themselves, are not wise. 2 Corinthians 10:12*

Something that is unwise is also out of conformity to God's will, since He states that wisdom is the most important thing to get.

*Wisdom is the principal thing; therefore get wisdom: and with all thy getting get understanding. Proverbs 4:7*

The fear of the LORD is the beginning of knowledge: but fools despise wisdom and instruction. Proverbs 1:7

And, if something is out of conformity with God's will, as written in His Law-Word, then that thing is sin according to 1 John 3:4. This is also taught in the Westminster Larger Catechism Question 24.

*Whosoever committeth sin transgresseth also the law: for sin is the transgression of the law. 1 John 3:4*

*Sin is any want of conformity unto, or transgression of, any law of God, given as a rule to the reasonable creature. WLC24*

God's Word also gives direction to people who find themselves required to sin according to civil laws in Acts 5:29.

*Then Peter and the other apostles answered and said, We ought to obey God rather than men. Acts 5:29*

In summary, normed achievement tests compare students, comparing is unwise, being unwise does not conform to God's will, being out of conformity to God's will is sin.

Where civil laws contradict God's Word, then to avoid sin, people obey God rather than the civil statutes.

*For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord. Romans 6:23*

Press questions regarding this example of a religious conviction regarding standardized testing to the:

**North Dakota Home School Association**

1854 107<sup>th</sup> St NE, Bottineau, ND 58318

[office@ndhsa.org](mailto:office@ndhsa.org)

701-263-3727

From the office of the  
**BARTLETT FARM**

**Bartlett Family Testimony in Support of the NDHSA 2011 Home School Bill (HB 1211)**

Revision B – January 9, 2010

Honorable North Dakota Legislators,

The Bartlett family submitting this personal testimony includes James and Lynn along with their four sons, Jonathan (19), Peter (17), Andrew (14), and David (11). We live on a small farm in the Turtle Mountains of North Dakota (<http://BartlettFarm.us>) and choose to home educate because that form of education is most agreeable to the Word of God. By this means we can obey Scriptures in practice such as:

*And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. Deuteronomy 6:6-7*

*Be not deceived: evil communications corrupt good manners. 1 Corinthians 15:33*

*Thus saith the LORD, Learn not the way of the heathen. Jeremiah 10:2*

*But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh! Matthew 18:6-7*

*For we dare not make ourselves of the number, or compare ourselves with some that commend themselves: but they measuring themselves by themselves, and comparing themselves among themselves, are not wise. 1 Cor 10:12*

*And, ye fathers, provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord. Ephesians 6:4*

*Casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ; 2 Corinthians 10:5*

*And all thy children shall be taught of the LORD; and great shall be the peace of thy children. Isaiah 54:13*

*Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. Matthew 22:37*

*And be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God. Romans 12:2*

*Train up a child in the way he should go: and when he is old, he will not depart from it. Proverbs 22:6*

*He that walketh with wise men shall be wise: but a companion of fools shall be destroyed. Proverbs 13:20*

*Who is a wise man and endued with knowledge among you? let him shew out of a good conversation his works with meekness of wisdom. But if ye have bitter envying and strife in your hearts, glory not, and lie not against the truth. This wisdom descendeth not from above, but is earthly, sensual, devilish.*

*For where envying and strife is, there is confusion and every evil work. But the wisdom that is from above is first pure, then peaceable, gentle, and easy to be intreated, full of mercy and good fruits, without partiality, and without hypocrisy. And the fruit of righteousness is sown in peace of them that make peace. James 3:13-18*

*O how love I thy law! it is my meditation all the day. Thou through thy commandments hast made me wiser than mine enemies: for they are ever with me. I have more understanding than all my teachers: for thy testimonies are my meditation. I understand more than the ancients, because I keep thy precepts. I have refrained my feet from every evil way, that I might keep thy word. I have not departed from thy judgments: for thou hast taught me. How sweet are thy words unto my taste! yea, sweeter than honey to my mouth! Through thy precepts I get understanding: therefore I hate every false way. Psalms 119:97-104*

For your reference, we believe that the original Westminster Confession of Faith (1646) is the best summary of what the Bible teaches, and represents the historic Protestant faith. It was written at the climax of The Reformation and two-thirds of the colonial population had been trained in similar views, which led to America becoming a Christian nation.

The Word of God teaches Christians to expose ungodly worldviews with their ultimate starting points (Hebrew 1:1-2, Rom 15:4, 2 Tim 3:15-16); it teaches that the Judicial laws of the Old Testament have continuing relevance to modern civil government (Deut 4:5-8; Exodus 20, Romans 13:1-7); that the Gospel of Christ will be victorious in space and time during the present age (Matt 6:10, Gen 1:26 & 28, Psalm 8:6); that God created men to lead in family, church, and civil affairs (1 Cor. 11:3; Exodus 18:21, 1 Tim 2:12); that education is to be accomplished through the family and church with Biblical standards (Deut 6:6-7, Eph 6:4, Pr 22:6); that creation was recent and occurred in six literal 24 hour days (He 11:3, Col 1:16, Ex 31:17); that the Spirit of Christ helps believers better understand and experience what has been revealed in the completed Holy Scriptures (Rom 8:20; John 1:9); that only the church has responsibility for The Great Commission, which includes person-winning, family-winning, and culture winning (Matt 28:18-20); and that families should learn and worship together in order to build strong households as the foundation for a godly society (1 Co 1:16); and that civil government is accountable to God and His civil laws (those with civil penalties in the Bible, Deut 4:5-8), responsible to protect the peace and purity of the Church as a minister of God (Romans 13:1-7), and judging good and evil based only on Biblical standards.

Based on the Scriptures, which teach and illustrate the above points, we testify in favor of this bill because it is a step toward aligning the ND Century Code with the Biblical civil laws and principles which give authority over the education of children to the parents and church exclusively. The State of North Dakota, along with the people within its boundaries, are guaranteed, by the Word of God, to receive God's blessing as the ND Century Code is aligned with and limited to God's purposes for civil government (Deut 28:1-6).

*And it shall come to pass, if thou shalt hearken diligently unto the voice of the LORD thy God, to observe and to do all his commandments which I command thee this day, that the LORD thy God will set thee on high above all nations of the earth: And all these blessings shall come on thee, and overtake thee, if thou shalt hearken unto the voice of the LORD thy God. Blessed shalt thou be in the city, and blessed shalt thou be in the field. Blessed shall be the fruit of thy body, and the fruit of thy ground, and the fruit of thy cattle, the increase of thy kine, and the flocks of thy sheep. Blessed shall be thy basket and thy store. Blessed shalt thou be when thou comest in, and blessed shalt thou be when thou goest out. Dueteronomy 28:1-6*

Respectfully submitted in the Name of the Lord and King Jesus Christ and for His Glory and the advancement of His Kingdom in North Dakota,

*James, Lynn, Jonathan, Peter, Andrew, David Bartlett*

James, Lynn, Jonathan, Peter, Andrew, David Bartlett

#### References

1. King James Version of the Bible.
2. Westminster Confession of Faith, Free Presbyterian Publications, Reprinted 2009. Includes The Larger Catechism, The Shorter Catechism, The Sum of Saving Knowledge, The National Covenant, The Solemn League & Covenant, The Directory for the Public Worship of God, The Form of Presbyterian Church Government, and The Directory of Family Worship.

FROM THE OFFICE OF THE  
NORTH DAKOTA HOME SCHOOL ASSOCIATION

**TESTIMONY OF JAMES BARTLETT ON HB 1211**

Chairman Kelsch, members of the committee, ladies and gentlemen:

My name is Dr. James Bartlett and I am the executive director of the North Dakota Home School Association, which is a private Christian organization that has been serving North Dakota home educators since 1985. Our office is located in Bottineau. Since its founding, 22 years ago, the purposes of the North Dakota Home School Association have been to encourage and assist Christian families in the education of their children according to Biblical principles, and to provide home educators and the general public information pertaining to the Biblical, academic and legal aspects of home education. Thank you for the opportunity to present this testimony in support of HB 1211.

**SUMMARY**

HB 1211 will (1) first and foremost make permanent the changes made during the 2009 session by removing the sunset clause, (2) remove parental qualifications for monitoring, (3) remove monitoring, (4) remove the requirement of establishing a multidisciplinary assessment team for children who score below the thirtieth percentile, and (5) provide a philosophical exemption from testing for parents that are licensed to teach in N.D., hold a baccalaureate degree or have met or exceeded the cut-off scores on a national teacher exam.

**RATIONALES**

Sunset Clause: Removing the sunset clause allows parents to home educate outside the walls of their own home and removes the monitoring requirement from all parents except those who do not have a high school diploma or G.E.D. Without the removal of the sunset clause the homeschool statute NDCC 15.1-23 will automatically revert to limiting home education to occur only in the home and requiring monitoring of all who do not have a N.D. teacher license, baccalaureate degree or have not met or exceeded the cut-off scores on a national teacher exam. The date of reversion is July 31, 2011.

Parental Qualifications: The purpose of the parental qualifications section NDCC 15.1-23-03 is to

limit home education to those with N.D. teacher licenses, baccalaureate degrees, who have met or exceeded the cut-off scores on a national teacher exam or who will be monitored. Removing the monitoring provision without removing the other parental qualifications listed here for those not being monitored has the effect of limiting home education to only those with the qualifications listed.

Monitoring: Removing NDCC 15.1-23-06 and 07 terminates all monitoring situations. Monitoring is where a licensed teacher meets with a family for an average of one hour per week for the first child and an additional 1/2 hour per month per additional child for the first two years of their home education program, and provides a report to the school district twice a year citing general progress. The homeschool community provides the equivalent to monitoring and accountability through support groups, conventions, newsletters, phone counseling and informal networking. It has been found that the best mentoring of home educating families is done by experienced home educating families. Monitoring has been an interruption to home education efficiency.

Thirtieth Percentile: Standardized achievement testing is required in grades 4, 6, 8, and 10. According to NDCC 15.1-23-1, if a child receives a score below the thirtieth percentile, the parent is required to file a remediation plan with the public school or be in violation of the compulsory attendance law. The removal of this section will remove the high stakes pressure from children who are learning at a different pace or in a different way than the manner for which the testing was designed.

Testing Exemption: Some parents have philosophical, moral, or religious objections to the practice of standardized achievement testing. Adding an exemption to NDCC 15.1-23-09, with a declaration of this fact from parents with a N.D. teacher license, baccalaureate degree, or who have met or exceeded the cut-off scores on a national teacher exam, leaves testing in place for those without those qualifications. This better accommodates the many home education convictions and methods.

### **United States and North Dakota Constitutional References**

From the legal viewpoint, the right to direct the education of one's child comes from the liberty clause of the Fourteenth Amendment to the United States Constitution,

*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

and Section 1 of Article 1 of the Declaration of Rights in the Constitution of North Dakota.

*All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.*

This speaks of the liberty of individuals and this provision is authoritative for the proposition that parents should be free to conduct home education for their children without state regulation.

The NDHSA and many home educating families believe that parents have the right and responsibility to educate their children and acknowledge the parental right to choose public, private, or home education; education that is not mandated or strongly influenced by views that are opposed to the beliefs, values and Christian worldviews of many homeschooling families. They understand that the Constitution of N.D. limits the size and reach of North Dakota government, and that if the Constitution of N.D. does not authorize a statute, that statute should be removed in order to return constitutional liberty to the people of North Dakota.

The NDHSA and many home educating families also understand that the wording of the Constitution of N.D. authorizes a public school system, but provides no authority for the regulation of home education as consistent with American history, parental rights, and constitutional liberty. Therefore, the NDHSA and many home educating families desire the return of constitutional liberty to teach their children without state interference.

### **Biblical References**

From the Biblical viewpoint, civil laws are most righteous, and thereby best for everyone, when they con-

form to God's laws (Deut. 4:8, James 4:11-12). This is consistent with Jesus Christ being the King of Kings (Revelation 19:16). North Dakota has 485,000 adherents to Christian churches, which is 75.9% of its population, the second highest percentage in the United States. With regard to education of Christian children, that education is to be thoroughly Christian and under the direction of the family (Ephesians 6:4, Jeremiah 10:2, Proverbs 22:6, Proverbs 1:7) and church (Eph. 4:11-12). Civil government is to "bear the sword" against evil as defined in the Bible and limited to the Biblical laws with civil penalties (Romans 13:1-7, the basis for limited government). Christian home education should therefore be protected from state interference as the foundation of a free and moral society.

### **The Educational Neglect Question**

It is common to wonder whether educational neglect would increase if fewer regulations were applied to home educating families. The fact is, that there is absolutely no correlation between educational neglect and the lack of government regulation of homeschooling families. There is no data to support that idea. It can be proven however, that educational neglect is occurring, with regularity, where the most regulations exist, in the public school system. Removing the parental requirements for home educators will have no effect on educational neglect.

### **Quick Facts to Dispel Some of the Myths**

1. The Constitution of N.D. does not require that ALL N.D. students have the RIGHT to a QUALITY education. That is United Nations language, not the Constitution of N.D. or U.S. Constitution. Nor does the constitution require that all students are tracked.
2. *No Child Left Behind* does not apply at all to home education because it has a home school exemption clause.
3. While teacher qualifications improve student performance in the public schools, it has been proven conclusively that teacher qualifications do not improve student learning or accomplishment in the homeschool tutorial atmosphere.
4. Home education laws do not correlate to a reduction in educational neglect, in fact where high regulation exists is where the most neglect occurs. The N.D. social service procedure to identify educational neglect works to identify neglect with or without the homeschool laws.

5. Homeschool tutorial student customized learning methods don't look like conventional education and don't need to in order to be effective.
6. Monitoring does nothing to ensure a quality education as proven over the last 20 years. It is an unnecessary expense to the state and an interruption of learning for home educating families. This is one of the reasons homeschool families don't move to N.D. or choose to leave.
7. Standardized testing decreases the motivation to learn, narrows curriculum and is an expensive interruption to good education.

### **How to Help**

If legislators really care about children and want to ensure that no child falls through the educational or moral cracks identified by the North Dakota Youth Health Risk Surveys, then legislators would encourage more parents to home educate. Encouraging parents to take the God-given responsibilities, to educate their own children, causes them to grow up into those responsibilities. Contrariwise, by taking away parental responsibility and giving it to the state, parents are more likely to abdicate responsibility further. Just like renting an apartment vs. owning a house, when ownership responsibility is taken people take better care of things.

I'd be happy to answer any questions you have, and I expect that some of those questions will also be answered by the subsequent testimonies.

### References

1. Comparison of government regulations for home educators (<http://HSI.DA.org/laws>) map.
2. Homeschool Progress Report 2009 (Home School Legal Defense Association, 2009). Demonstrates that parent qualifications do not predict student achievement, nor does government regulation.
3. Brian Ray & Bruce Eagleson (2008, August 14). State Regulation of homeschooling and homeschoolers' SAT scores. *Journal of Academic Leadership*, 6 (3). Shows that high state regulation does not correlate to higher SAT scores.
4. 2010 N.D. GOP Resolution on Home Education <http://ndhsa.org/rep-resolution.htm>
5. 2009 N.D. Home School Bill Legislative History: <http://ndhsa.blogspot.com/2010/04/very-interesting-legislative-history-to.html>
6. Who Owns the Family: <http://ndhsa.blogspot.com/2010/09/who-owns-family.html>
7. Enduring Freedom: <http://ndhsa.org/Review-Sine-Qua-Non-Enduring-Freedom.pdf>
8. The Limits of Civil Government <http://ndhsa.blogspot.com/2010/12/establishment-and-limits-of-civil.html>
9. Politicians or Christian Statesmen [http://columns.christiansunite.com/column\\_211/Politicians-or-Christian-](http://columns.christiansunite.com/column_211/Politicians-or-Christian-)



North Dakota Home School Association's  
**Public School & Home School Law Incident Report Form**  
for Home Educators—rev a

The purpose of this form is to record the incidents which occur in relationships between ND home educators and the ND public school system and or with respect to the home education laws. The NDHSA office regularly receives verbal reports, but having the detailed and verifiable data from the source is needed to effectively use this information to help legislators understand these issues and encourage their support of home education liberty. This form also can be used for reporting incidents such as if you decide to leave North Dakota because of the home education laws or not come to North Dakota because of the home education laws.

Name of Home School Parent: Robert & Veronica Hattel  
Address (Street, City, Zip): 9690 137<sup>th</sup> Ave NW Fortuna, ND 58844  
Telephone Number: (701) 834-2274 Email: veronica1@nemo.net  
Name and age of child or children involved: \_\_\_\_\_  
Date or Dates of Incident(s): August 31, 2010

Description of Incident (consider a legislator as your audience, attach or use back of form as needed):

On August 31 I received a phone call from Carrie Langest at the Divide County School District. She informed me that she was calling on behalf of Mr. Downing, the Divide County Superintendent. The reason for her call was two-fold. First, she said that Mr. Downing had to go through school files. She found that there was no copy of Luke's birth certificate on file and there was no copy of my high school diploma on file at the school district office. She requested that I send her a copy of these. I copied each and sent her a copy the next day. (over)

Written documentations attached to substantiate this incident include (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By submitting this report, I give the NDHSA permission to share this information where the NDHSA leaders deem appropriate. This may include sharing the above details with legislators and or public officials and or home educators and or others who may benefit from this knowledge. Do not submit this report if you do not want this information shared with others. Leave out any information that you would not want shared with others.

Veronica G. Hattel Veronica Hattel 8/31/10  
Printed Name of Parent Signature of Parent Date



The second reason for the phone call was in regards to the CAT scores for one of our children. She stated that if the score was below the 50<sup>th</sup> percentile, Mr. Townsend may send her back to us to monitor only the one child whose score is in question. This would be very devastating to our child if that child were to be singled out for monitoring. Also, it would be very disruptive to our learning atmosphere, to know that we would be scrutinized again. We have already been monitored for 2 years, so according to the law, we do not need to be monitored again.

Interestingly, when the test score in question occurred, it happened while we were being monitored. It has been 2 years since the test in question was taken. Just in time for another round of testing.

Madame Chairman and Committee members,

My name is Theresa Deckert. I am from Devils Lake and am a long time homeschooler. I have graduated 3 children and still have one student at home. I am, however, writing you as a concerned grandparent.

This past year my son and daughter-in-law began homeschooling my 3<sup>rd</sup> grade granddaughter. I have watched an amazing transformation take place. This child has gone from being a whiney, uptight little girl to a calm, well-mannered child. I believe that homeschooling has had a direct impact on this transformation.

My son and daughter-in-law both have some college, but have been able to homeschool because of the door being opened for high school graduates to homeschool last session. I support all parts of HB 1211, but want to specifically address the removal of the sunset clause.

My daughter-in-law is shy and I think having to have a monitor come into her home weekly would be highly stressful for her. They also have many medical bills they are dealing with so taking a national teacher's exam would be burdensome because of the cost.

This past year our Lake Region Home School Support Group which represents homeschoolers in Eddy, Nelson, Benson, Ramsey and Cavalier counties has seen 3 families begin to home educate with a parent who only has a high school diploma or G.E.D. I have been able to observe all of them and will attest to the fact that all are doing an excellent job.

Each new family has been involved with our local support group. Our area homeschoolers have taken them under their wing and offered help, support, curriculum suggestions and encouragement.

Homeschooling produces good citizens. Homeschooling builds strong families. Homeschooling is good for North Dakota. It only makes sense to me that we should do all within our ability to support this educational choice. Please support HB 1211.

Sincerely,



Theresa Deckert

4631 76<sup>th</sup> Ave NE

Devils Lake, ND      District 15

Madam Chairman, Members of the committee,

Thank you for the privilege of appearing before you. I would also like to go on record thanking the members of the Senate and House education committees of 1989, for without their action 22 years ago I wouldn't be here today. My husband and I watched and participated in the legislative sessions in 1985, 1987, and 1989 as we worked to get a bill through this legislature which would make it legal to do what we wanted to do: Educate our children at home.

We watched as friends began to be prosecuted for this crime; Barry and Kim Fischer, Joe and Renae VanInwagon, Gerald and Cheryl Lund, Dr. Ray and Rita Larson, and Mark and Lynette Dagley. This is only a partial listing, but by 1988 there were numerous cases before the state supreme court.

We began home educating in 1985 and experienced the sheriff knocking at our door serving us prosecution papers in 1988. Our case was put on hold as the legislature was finally being forced to take action because of the number of cases in the legal system. When a bill was passed in 1989 all prosecution was dropped.

However, we had to contend with the requirements: having a Baccalaureate degree, Standardized testing every year, and being monitored or taking the National Teachers Exam (NTE). We opted to take the exam. We both passed and continued to educate our children at home. I want to say that there wasn't a thing on the NTE that better qualified me or helped me to educate my children better. And standardized testing every year doesn't measure much when your children can remember the questions from the year before. Our children's standardized test scores never fell below the 75<sup>th</sup> percentile and the average was 85 and above.

We have been home educating for 26 years. Our track record is there to see:

3 of our 6 children hold college degrees:

- One in Literature and Secondary Education
- One in Violin performance
- One a Doctor of Veterinary Medicine

One child opted to not go to college, but is ranching and running a side business earning a good living while his peers are paying college debts.

One child is a sophomore in college.

One child is a senior in high school.

They are all well adjusted contributing members of their communities and 3 of those 4 have chosen to stay in ND.

We have been in this process from the beginning, and I urge you to adopt the change in HB1211. Monitoring isn't necessary – many have had monitors and they only hinder effective home education. Standardized testing doesn't tell home educators anything they don't already know about their child, and they are far more concerned about their child's progress than their local school district who only knows their child as a percentile on paper. I also urge you to drop the sunset clause and make permanent the changes made in the 2009 session.

Maybe some of those requirements were justified 22 years ago when there was no history. But the home educators and the home educated of this state have proven that they are capable of doing an excellent job. We have a history and it is time to act on that history and be less restrictive in the regulations we must function under.

Thank you!

higher education and felt unsure of her teaching ability, was the sole income earner, and the daughter was falling behind at school. A fourth grader, she was struggling with third grade math at the end of the school year. Now, halfway through sixth grade, she is eager to soon begin a seventh grade textbook. I asked her mother if she felt that this was a result of home schooling. Her answer: "The one-on-one teaching has been better for her than public school. If she has a problem, we slow down until she does get it, instead of just pushing her through with the rest of the class." That's the advantage of home schooling in a nutshell, accomplished without monitoring or a degree.

Home education, like your work here, is demanding. Support and guidance are welcome. But monitoring, especially when done by a teacher with no home school experience or knowledge of home school resources, has no educational benefit.

FROM THE OFFICE OF THE  
NORTH DAKOTA HOME SCHOOL ASSOCIATION  
March 2011

**TESTIMONY OF JAMES BARTLETT ON HB 1211  
BEFORE THE ND SENATE EDUCATION COMMITTEE**

Chairman Freborg, Members of the Committee, Ladies and Gentlemen:

My name is James Bartlett and I am the Executive Director of the North Dakota Home School Association, which is a non-profit association that has been serving North Dakota home educators since 1985. Our office is located in Bottineau. Thank you for the opportunity to present this testimony in support of HB 1211.

*HB 1211 Background*

During the Senate Education committee work in 2009, this committee added a sunset clause to HB 1171, which causes its provisions to expire after July 31<sup>st</sup> 2011. HB 1171 removed the monitoring requirement for home educating parents who have a Bachelor's degree, are licensed teachers, or who have passed a national teacher exam. HB 1211 also removed the phrase "in the home" from the definition of home education, to allow parents to count their learning time on activities such as field trips. For reference, monitoring is where a certified teacher meets with the home educating parent for one hour each week during the first two years of their home education program. This has been found to be ineffective and intrusive.

During the HB 1211 House Education hearing, there were no problems observed as a result of removing the monitoring or the "in the home" language, and therefore the House Education committee voted to remove the sunset clause to make these changes permanent. We hope that you concur and vote DO PASS on HB 1211 as it is coming to you from the House Education committee.

*United States and North Dakota Constitutional Reference*

From the legal viewpoint, the right to direct the education of one's child comes from the liberty clause of the Fourteenth Amendment to the United States Constitution,

*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or*

*property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

and Section 1 of Article 1 of the Declaration of Rights in the ND Constitution.

*All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.*

This speaks of the liberty of individuals and this provision is authoritative for the proposition that parents should be free to conduct home education for their children without state regulation.

The NDHSA and most home educating families believe that parents have the right and responsibility to educate their children and acknowledge the parental right to choose public, private, or home education; education that is not mandated or strongly influenced by views that are opposed to the beliefs, values and Christian worldviews of many home schooling families.

#### *The Common Educational Neglect and Abuse Question*

It is common to wonder whether educational neglect would increase if fewer regulations were applied to home educating families. The fact is, there is absolutely no correlation between educational neglect and the lack of government regulation of homeschooling families. There is no data to support that idea. It can be proven however, that educational neglect is occurring, with regularity, where the most regulations exist, which is in the public school system.

Removing any portion of the home education statutes will have no effect on educational neglect and the burden of proof for otherwise is upon the state.

Child abuse is a crime for which there is a system for reporting and prosecuting that does not require any home education statutes. This is appropriate since nearly 100% of the child abuse cases are of children in the public school system according to psychologists and psychiatrists.

## *NDHSA Comprehensive Home School System*

The NDHSA is aware and concerned about even the very few educational neglect and abuse cases that may occur within the home educating community. The NDHSA has shown its concern by offering validated solutions to these problems for the past 25 years. Annual conventions with national speakers address all aspects of home education, newsletters, e-newsletters, support groups, packets of information, booklets, recordings, staff assistance to answer questions by phone, home and small group presentations, and having a social worker to handle difficult situations have been very effective in helping families.

Home school families find that their best support system comes from other home school families. Therefore, the NDHSA encourages and hosts activities to help anyone and everyone fill their education gaps and cracks. Even in the worst cases where a family does not want formal association with us, we can provide free materials, free registration to events, and even free cash to those in need, because we are a ministry that cares about the needs of the people and know how to encourage them.

The NDHSA Board voted over a year ago to proceed toward a comprehensive ND relational home school information system with the mission to recruit, train, launch, support, and protect every willing ND family into/in the credible methods of parent-directed home education. Our system and resources are robust and plentiful and poised to help many more families enjoy the many blessings of home education.

### *Quick Facts to Dispel Some of the Myths*

1. The ND Constitution does not require that ALL ND students have the RIGHT of a QUALITY education. That is United Nations language, not the ND Constitution or US Constitution. Nor does the ND Constitution does not require that all students are tracked.

2. No Child Left Behind does not apply at all to home education because it has a home school exemption clause.

3. While teacher qualifications improve student performance in the public schools, it has been proven conclusively that teacher qualifications do not improve student learning or accomplishment in the home school tutorial atmosphere.



4. Home education laws do not correlate to a reduction in educational neglect; in fact, where high regulation exists is where the most neglect occurs. The ND social service procedure to identify educational neglect works to identify neglect with or without the home school laws.

5. Home school tutorial student customized learning methods don't look like conventional education and don't need to in order to be effective.

6. Monitoring does nothing to ensure a quality education as proven over the last 20 years. It is an unnecessary expense to the state and an interruption of learning for home educating families. This is one of the reasons home school families don't move to ND or leave.

7. If legislators really want to ensure that no child falls through the educational cracks, then legislators would encourage more parents to home educate. Encouraging parents to take proper responsibilities to educate their own children causes them to grow up into those responsibilities. Contrariwise, by taking away parental responsibility and giving it to the state, parents will be more likely to further abdicate responsibility. Just like renting an apartment v. owning a house, when ownership responsibility is taken, then people take better care of things.

I would be happy to answer any questions you have, and expect that some of those questions will also be answered by subsequent testimonies.

Thank you for your time and consideration.

Sincerely,

James Bartlett, Executive Director

1854 107<sup>TH</sup> STREET NORTHEAST  
BOTTINEAU, NORTH DAKOTA 58318  
(701) 263-3727

*Encouraging multigenerational faithfulness to the Lord Jesus Christ. Psalm 78:6-7  
Assisting home schoolers since 1985. [office@ndhsa.org](mailto:office@ndhsa.org) , [ndhsa.org](http://ndhsa.org)*

Mr. Chairman and Committee members,

My name is Theresa Deckert. I am from Devils Lake and am a long time homeschooler. I have graduated 3 children and still have one student at home. I am, however, writing you as a concerned grandparent.

This past year my son and daughter-in-law began homeschooling my 3<sup>rd</sup> grade granddaughter. I have watched an amazing transformation take place. This child has gone from being a whiney, uptight little girl to a calm, well-mannered child. I believe that homeschooling has had a direct impact on this transformation.

My son and daughter-in-law both have some college, but have been able to homeschool because of the door being opened for high school graduates to homeschool last session

My daughter-in-law is shy and I think having to have a monitor come into her home weekly would be highly stressful for her. They also have many medical bills they are dealing with so taking a national teacher's exam would be burdensome because of the cost.

This past year our Lake Region Home School Support Group which represents homeschoolers in Eddy, Nelson, Benson, Ramsey and Cavalier counties has seen 3 families begin to home educate with a parent who only has a high school diploma or G.E.D. I have been able to observe all of them and will attest to the fact that all are doing an excellent job.

Each new family has been involved with our local support group. Our area homeschoolers have taken them under their wing and offered help, support, curriculum suggestions and encouragement.

Homeschooling produces good citizens. Homeschooling builds strong families. Homeschooling is good for North Dakota. It only makes sense to me that we should do all within our ability to support this educational choice. Please support HB 1211.

Sincerely,

Theresa Deckert

4631 76<sup>th</sup> Ave NE

Devils Lake, ND      District 15

#2 HB1211

**TESTIMONY ON HB 1211**  
**Education Committee**  
**March 23, 2011**  
**Gwyn K. Marback, Assistant Director**  
**701-328-2295**  
**Department of Public Instruction**

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Mr. Chairman and members of the committee:

My name is Gwyn Marback and I am the Assistant Director of the Approval & Accreditation Unit for the Department of Public Instruction. I am here to speak in opposition of Section 3 of HB 1211. The amended section of this bill removes the sunset clause pertaining to Parent Qualifications. Specifically excluding the educational requirements stated in this clause which are: holding a Bachelors degree or a North Dakota Teaching License or pass the North Dakota state teacher exam. Excluding this clause would allow anyone to home educate their children regardless of their qualifications. I will also be addressing the inclusion of legal penalties to parents if the compulsory attendance laws are not followed.

In my testimony today, I have provided you with:

- ✓ A color coded map from the National Home School Association outlining the level of regulation requirements throughout the United States.

- ✓ Minnesota, South Dakota and Illinois state home education regulations taken from each perspective state department of education websites.

When a parent decides to home educate their child, they are taking on an enormous responsibility. I have found, by working in the department and by speaking to my counterparts in other states, there are two sets of parent philosophies within home education. One is that parents want to be transparent; they want to clear the air of "suspicion and rumors" that they are not educating their children. They wish to provide evidence that they are truly teaching their children, providing supporting documentation in the form of schedules, curriculum, testing, grades, portfolios and transcripts. They are so committed that they seek out rigorous procedures and monitoring requirements to be accredited to prove their cause. This group of parents is serious and diligent sacrificing time and financial resources in providing an excellent education to their children. The second group is totally resistant to governmental regulations and oversight all together. My hope is to build a common ground between parent, state and child. I would recommend we take steps as proposed by the North Dakota Home Education Association during the House Education Committee Hearing on February 1, 2011. Within their testimony, they requested our state regulations

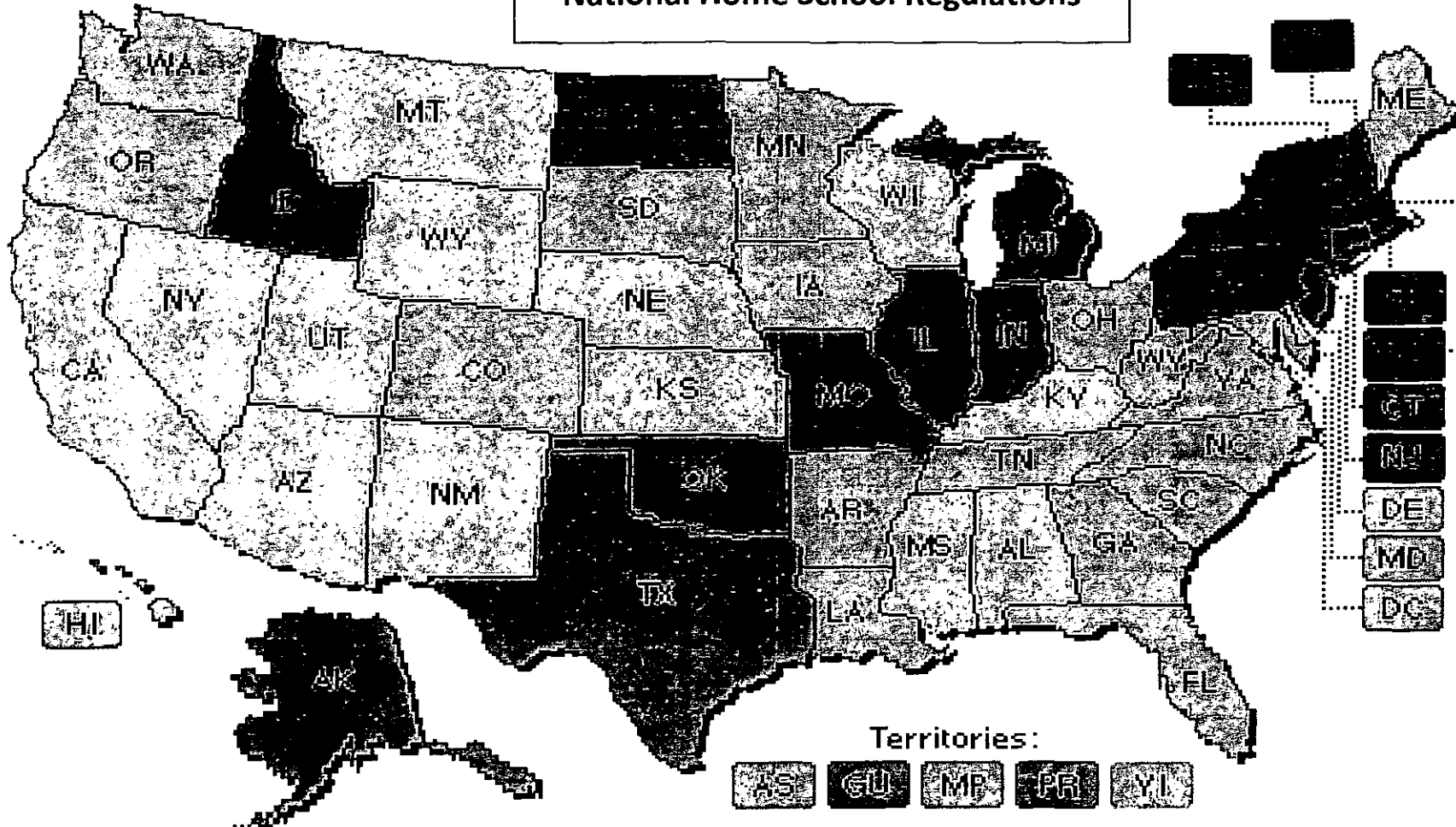
move from a red status to an orange status. Stating they would prefer to be regulated on the level of our surrounding states, specifically Minnesota and South Dakota whose regulation status is orange.

As I continue my testimony, I would like to refer to the handouts I have given you.





My first recommendation, as we look at North Dakota's home education laws is to keep the parent requirements to a progressive model much like Minnesota which preserves the integrity of home education in their state. My second recommendation would be adding a section in law which gives school boards and superintendents more control in the issuance of consequences when home school parents are not following the law or when they have evidence that a child is not being adequately home educated. Giving the local district's administration the authority in contacting law enforcement agencies thus, assuring cases of truancy are referred to our court systems.

That concludes my testimony, I will remain for any questions you may have.

## National Home School Regulations



### LEGEND

-  **States requiring no notice:** No state requirement for parents to initiate any contact.
-  **States with low regulation:** State requires parental notification only.
-  **States with moderate regulation:** State requires parents to send notification, test scores, and/or professional evaluation of student progress.
-  **State with high regulation:** State requires parents to send notification or achievement test scores and/or professional evaluation, plus other requirements (e.g. curriculum approval by the state, teacher qualification of parents, or home visits by state officials).

# Minnesota



## Homeschool Basics Fact Sheet 2: Reporting Requirements Unrelated to Assessment

### Reporting Requirements That Apply to All; Most Families Have Additional Requirements

Minnesota Statutes, section 120A.22 requires the person in charge of providing instruction to a child to submit the following information to the superintendent of the district in which the child resides by October 1 every year:

- Name
- Birth Date
- Address

### Most homeschools have further requirements. Always refer to the law to guide you on the specifics for your family.

Homeschools may report this information on the Department of Education Compulsory Instruction Form or use their own format or one that a homeschooling networking group has created. Provide it to your local school superintendent by October 1 or, if you begin homeschooling mid-year, as soon as possible.

### Two Variables Impact How Much More Reporting to Districts is Required

Minnesota Statutes, section 120A.22 uses two factors that vary the amount of information that must be provided by homeschool families to their local district superintendents. These variables are:

- The education and/or credentials of the parent who is the primary instructor; and
- Whether or not the homeschool is accredited by an accrediting organization that has been recognized by the Minnesota Nonpublic Education Council or the Commissioner of Education.

### Reduced Reporting Requirements for Homeschools Accredited by Minnesota State-Recognized Accrediting Agencies

Many school accrediting organizations exist throughout the nation. However, for purposes of Minnesota Compulsory Attendance reporting and testing requirements, and as of September 2010, only two accrediting organizations have applied for and received recognition by the Minnesota Nonpublic Education Council. They are:

Teaching Education and Character at Home (TEACH)  
10250 Jody Ave. N.  
Stillwater, MN 55082  
Phone: 651-762-5600  
E-mail: teach@mcg.net

Home Based Educator Accrediting Association (HBEAA)  
10540 Beard Ave. S.

# Minnesota

Bloomington, MN 55431  
 Call: 952-935-9234  
 E-mail: hbeaoffice@gmail.com

Minnesota state recognition of TEACH, for purposes of the Compulsory Instruction Law, expires July 1, 2011. Minnesota state recognition of HBEAA, for purposes of the Compulsory Instruction Law, expires July 1, 2013.

Homeschools that are currently and directly accredited by one of these groups need only report to local school districts on the name, birthdate, address and immunizations of the homeschooled students. They do not need to report testing information, instructor qualifications or calendars.

Neither the Minnesota Department of Education nor the Minnesota Nonpublic Education Council reviews, recognizes or accredits curriculum options such as private online learning materials developed for homeschools.

## Report Instructor Qualifications to Your Local District

Unless your homeschool is directly and currently accredited by a Minnesota state recognized accrediting agency, Minnesota Statutes, section 120A.22 requires you to submit instructor qualifications as they pertain to parameters in the Compulsory Instruction Law. To do this, use the Minnesota Department of Education Compulsory Instruction Form or another format.

### Report to the superintendent whether:

- Instructor holds **current Minnesota teaching license for field and grade level taught**. Attach copy of license.
- Instructor is **directly supervised by such a person**. Attach name and copy of license.
- Instructor **has successfully completed teacher competency exam**. (Minnesota does not currently have an exam that meets this requirement.)
- Instructor **holds baccalaureate degree**. Attach a copy of diploma/degree.
- Whether or not any of these situations apply, the homeschool is currently accredited by a state-recognized accrediting agency. (As of September 2010, these are limited to schools directly accredited by TEACH or HBEAA.)

When one of the first five listed situations apply but not the last, then your family does not need to submit quarterly report cards to the district. One of the first five instructor qualifications may reduce some other requirements as well. For example, licensed teachers teaching at grade level and field are not required to conduct additional testing if required annual nationally normed test results in scores at 30th percentile or lower.

## Instructional Calendars

Unless you are an accredited homeschool through a state-recognized accrediting agency, provide your superintendent an annual instructional calendar or describe it.

## Quarterly Report Cards

See the instructor qualifications language in Minnesota Statutes, section 120A.22. If the primary instructor qualifies as instructor only under the last factor – being the parent of the child – provide copies of quarterly report cards to the superintendent. This applies to many Minnesota homeschools where the parent does not hold a baccalaureate degree, but the law has nuances so check for how it applies to your family. For example, if the homeschool was accredited by a state-recognized accrediting group, (as of



# Minnesota

## Curriculum Areas that State Law Requires

Minnesota Statutes, section 120A.22 requires that nonpublic schools provide instruction in the following subject areas:

- (1) basic communication skills including reading and writing, literature and fine arts;
- (2) mathematics and science;
- (3) social studies including history, geography and government; and
- (4) health and physical education.

Instruction, textbooks and materials must be in the English language. Another language may be used pursuant to sections 124D.59 to 124D.61.

## Monitoring and Enforcement Compulsory Instruction Law

Your local school district superintendent has a legal duty, not just an option, to be aware of how Minnesota's compulsory instruction law relates to each child who resides within the borders of the school district – no matter where the child is enrolled. District superintendents (or their designees) may request annual meetings to understand your homeschool better. Local district superintendents shall, as a legal responsibility, intervene when the district has indicators that there are compliance issues with Compulsory Education standards and reporting requirements. District superintendents may ask for assistance from a state mediator by writing the Commissioner of Education. Superintendents may refer noncompliance issues to county prosecutors. See Minnesota Statutes, section 120A.26 for more information.

## Nonpublic Schools, including Homeschools, Provide Own Diplomas and Transcripts

Homeschools, as private schools, issue their own diplomas and transcripts. The Minnesota Department of Education and local school districts do not "vouch" for or "certify" private school diplomas, curriculum or transcripts for employers, colleges or military recruiters. The Minnesota Department of Education and local school districts have no records of individuals who have graduated from private schools, including homeschools.

## Important Dates to Remember

- **April 15** – Individual Income Tax Deadline. Parents of students may explore Minnesota's education tax credit subtraction to determine whether some of your costs or tax liability may be reduced.
- **Before September 15** - Request forms related to Aids to Nonpublic Students from your students' resident school district if interested in participating in these voluntary programs that provide modest financial support to offset some costs of homeschooling.
- **October 1** – Deadline to report mandatory information to resident school district on student. Use the Compulsory Education form found on the Department of Education website or your own format. This is also your deadline to return Student Report for Nonpublic Aids to your local school district.
- **Testing dates** – If interested in having nonpublic students take Minnesota standardized tests along with public school students, make note of the regular testing dates to avoid higher testing charges.

**GENERAL INFORMATION AND INSTRUCTIONS:** Minnesota Statutes 120A.22-120A.26, 121A.15 require the person in charge of providing instruction to a child to submit the information collected in this report to the superintendent of the district in which the student resides. Only schools that are fully accredited by accrediting organizations recognized by the Minnesota Nonpublic Education Council or the Minnesota Department of Education have reduced reporting requirements (Section A only). All other schools - accredited by groups unrecognized by the Nonpublic Education Council or Minnesota Department of Education or unaccredited complete both Section A & B. Return to resident school district by October 1 each year or, if starting nonpublic education mid-year, as soon as possible after beginning. Do not mail to the Minnesota Department of Education.

**SECTION A: TO BE COMPLETED BY ALL NONPUBLIC SCHOOLS**

**INSTRUCTOR(S) IDENTIFICATION INFORMATION**

Name of Person Completing This Report				Date	
Address		City	State	Zip Code	Telephone Number ( ) -
Parent Name (if different from above)			Second Instructor Name (if applicable)		

**STUDENT INFORMATION**

Please provide name, date of birth and address of each child receiving instruction. [Grade level is not required by Minnesota Statute although providing it here would assist school districts in alerting home schools to services available from the school district.]

STUDENT'S NAME	ADDRESS	GRADE LEVEL	DATE OF BIRTH
1.			
2.			
3.			
4.			
5.			

**STUDENT IMMUNIZATION INFORMATION**

Please check the appropriate statements for each student that was listed above. [Immunization forms are provided by district.]

STUDENT #	IMMUNIZATION STATEMENTS			
	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Immunization statement is attached.  
 Immunization statement is on file, no changes in the last year.  
 Notarized statement that child has not been immunized because of conscientiously held beliefs is attached.  
 Notarized statement that child has not been immunized because of conscientiously held beliefs is on file, no changes in the last year.

**ACCREDITATION INFORMATION**

Is this school accredited by a Minnesota State recognized accrediting agency? ☐ NO ☐ YES (If yes, list the name and address of the accrediting agency.)

Agency Name: Address:

**SECTION B: TO BE COMPLETED BY NONACCREDITED SCHOOLS AND ALSO THOSE ACCREDITED SCHOOLS WHOSE ACCREDITING BODY IS NOT RECOGNIZED BY THE MN NONPUBLIC ED COUNCIL OR MN DEPT. OF ED.**

**INSTRUCTOR(S) QUALIFICATION INFORMATION**

Check all of the qualifications for the primary instructor and, if applicable, second instructor whose name(s) were listed above.

QUALIFICATIONS	PRIMARY INSTRUCTOR	SECOND INSTRUCTOR
1. Instructor holds a valid MN teaching license in the field and for the grade level taught. Copy of license is attached. Copy of license is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Instructor is directly supervised by a person holding a valid MN teaching license. Name of supervisor and copy of license is attached. Name of supervisor and copy of license is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3. Instructor has successfully completed a teacher competency examination. Copy of statement of successful completion is attached. Copy of statement of successful completion is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Instructor provides instruction in a school that is accredited by a state recognized accrediting agency.	<input type="checkbox"/>	<input type="checkbox"/>
5. Instructor holds a baccalaureate degree. Copy of diploma is attached. Copy of diploma is on file.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6. Instructor is the parent of a student who is assessed yearly on a nationally norm-referenced standardized achievement examination.	<input type="checkbox"/>	<input type="checkbox"/>

CONTINUED ON REVERSE SIDE

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## REQUIREMENT INFORMATION

**NOTE: Curriculum:** Instruction must be provided in at least the following subject areas:

- Basic communication skills including reading and writing, literature and fine arts
- Mathematics and science
- Social studies including history, geography and government
- Health and physical education

1. **Quarterly Report Cards for Student with Parent as Instructor:**

For each student instructed by a parent who meets none of the options for being a qualified instructor except for being a parent of the student, (#6 checked under "Instructor(s) Qualification Information") a quarterly report card on the achievement of the student in each required subject area must be submitted.

Indicate dates when quarterly report cards will be submitted:

1st Quarter: \_\_\_\_\_ 2nd Quarter: \_\_\_\_\_ 3rd Quarter: \_\_\_\_\_ 4th Quarter: \_\_\_\_\_

2. **Annual Instructional Calendar:**

Describe the school's annual instructional calendar and/or attach calendar ☐ Calendar attached

3. **Student Assessment:**

A. Each year the performance of every student who is not enrolled in a public school must be assessed using a nationally norm-referenced standardized achievement examination. **The superintendent of the district in which the student receives instruction and the person in charge of the student's instruction must agree on the specific annual nationally normed examination to be used and the administration and location of the examination. Agreement on each of these areas must occur every year (though sometimes not all details will be final by October 1) and testing take place annually as agreed for the home school to be in compliance with Minnesota's compulsory instruction law.** If the results of the assessments indicate that the student's performance on the total battery score is at or below the 30th percentile or one grade level below the performance level for students of the same age, the nonpublic school, including homeschools, shall obtain additional evaluation of the student's abilities and performance for the purpose of determining whether the student has learning problems.

Name of Examination: \_\_\_\_\_ Administrator of Examination: \_\_\_\_\_

Location of Examination: \_\_\_\_\_ Date of Examination: \_\_\_\_\_

B. Parent instructors who do not meet one of the first three requirements for being qualified as an instructor (listed under "Instructor(s) Qualification Information") must assess the student's performance in all required subject areas not assessed by the standardized examination.

Please list the supplementary assessments or exams to be used to augment the standardized examination:

NAME OF ASSESSMENT / EXAM

DESCRIPTION

4. **Documentation:**

Documentation indicating that the required subject areas are in fact being taught must be made available. This documentation must include class schedules, copies of materials used for instruction and descriptions of methods used to assess student achievement.

☐ Documentation is attached ☐ Documentation will be provided upon request

## VERIFICATION OF INFORMATION

I hereby verify that the information provided above is true and correct to the best of my belief and knowledge.

\_\_\_\_\_  
Name and role of person completing report

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE:** You have permission to reproduce and distribute this report from the Minnesota Department of Education without modification.

#5 HB1211

Orange

**Home School**

PARENT RESPONSIBILITIES | SCHOOL DISTRICT RESPONSIBILITIES  
DEPARTMENT OF EDUCATION RESPONSIBILITIES  
INTERSCHOLASTIC ACTIVITIES | CONTACT

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Parents/guardians who currently provide alternative instruction pursuant to SDCL 13-27-3 are required to file an Application for Public School Exemption Certificate (available below) annually. Beginning with the 2005-2006 school year, the exemption applications will no longer be mailed out to parents/guardians. Therefore, the application must be obtained here, from the local school district, or directly from the Department of Education. The completed application must be filed with the superintendent of schools in the public school district in which the parent /guardian resides.

Parents/guardians who wish to begin providing alternative instruction pursuant to SDCL 13-27-3 must also complete an Application for Public School Exemption Certificate (available below). The completed application must then be submitted to the local public school administration office.

**PARENT RESPONSIBILITIES**

Complete the form requesting exemption from public school attendance (13-27-2)

1. Required up to age 18 (compulsory attendance requirement)
2. Return the completed form to the school district for school board approval

May not instruct more than 22 students (13-27-3)

No requirement to be certified (13-27-3)

Must test in grades two, four, eight, and eleven (13-27-3)

1. Test may be monitored by local school district
2. SAT10 test provided by the Department of Education  
(not the Dakota STEP test) at no cost
3. If another test is chosen, it is at the expense of the home school
4. Results must be sent to the local school district

**SCHOOL DISTRICT RESPONSIBILITIES**

✧ Review and approve the exemption form (SDCL 13-27-7)

1. Must be done yearly
2. Once approved, copies of the form must be mailed to the Department of Education and to the location of alternative school(home school)

Track home school students in Student Information Management System (SIMS)

✧ Keep test score records (SDCL 13-27-7)

1. If students show less than satisfactory academic progress, the school board may refuse to renew the child's certificate of excuse.

✧ Ensure that students are receiving instruction (SDCL 13-27-7 and 13-27-3)

1. If a student is not being instructed, the school board may immediately revoke the child's certificate of excuse.

Loan textbooks without charge to all persons ages five to nineteen (SDCL 13-34-23)

**DEPARTMENT OF EDUCATION RESPONSIBILITIES**

#6 HB1211

Green

8

Illinois



## Illinois State Board of Education

Jesse Ruiz, Board Chair  
Dr. Christopher Koch, State Superintendent



# Illinois Home-Schooling

## Introduction

Home schooling in Illinois is considered to be a form of private education. Parents who choose to educate their children at home are under a legal obligation to meet the minimum requirements stated in Illinois' Compulsory Attendance Law (Section 26-1 of the Illinois School Code). Parents who choose to educate their children at home are obligated to teach their children "...the branches of education taught to children of corresponding age and grade in the public schools" and they are further obligated to offer instruction in these core courses in the English language. The "branches of education" include language arts; mathematics; biological and physical sciences; social sciences; fine arts; and physical development and health.



In a 1950 decision of the Illinois Supreme Court, *People v. Levisen*, the Court held that home-schooling could be considered private schooling if the teacher were competent, the required subjects were taught, and the student received an education at least equivalent to public schooling.


Parents who permit a child to attend a home school that is up to the standard of Section 26-1, as interpreted by *Levisen*, are free to decide the manner, time and materials which best suit the learning needs of their children. Parents may determine what type of home-schooling curriculum is best for their students, what materials to use, how much homework to assign, how homework is to be assessed, and what records of the student's accomplishments should be kept. Testing is not required in the state of Illinois for homeschoolers. There are private testing resources if parents choose to have their children evaluated (see resources below). Parents who choose to educate their students in the home through the high school years may determine when their student has met the graduation requirements of their private home school and is therefore entitled to receive a high school diploma.

While the law affords Illinois parents a great degree of latitude in designing and/or choosing a program of home education that best meets the needs of their children, it also has the effect of placing near-total responsibility on parents for their student's education while they are being home-schooled. In a 1974 decision, a federal district court stated that under Illinois law the burden of proof rests with parents to establish that the plan of home instruction which they are providing to their children meets state requirements.

The regional superintendent of schools for the student's county of residence has first-line responsibility for investigating reports of noncompliance with the compulsory attendance laws

#7 #B1211

found in Article 26 of the Illinois School Code. In fulfilling this legal responsibility, regional superintendents may expect the parents who seek to educate their children at home to establish, when necessary, that they are providing instruction that is at least commensurate with the standards established for public schools. ~~With evidence that home instruction in a specific instance does not satisfy the requirements of state law, the regional superintendent may request the regional or school district truant officer to investigate to see that the child is in compliance with the compulsory attendance law. Truant officers are peace officers empowered to conduct investigations, enforce the compulsory attendance law and to refer matters of non-compliance to the courts. A parent who allows a child to attend a home school that does not comply with the standard of Section 26-1, as interpreted by Levisen, allows the child to be truant and can be found to have committed a Class C misdemeanor.~~

► [Questions you may have about Illinois Home-Schooling](#) 

► [ISBE Home Schooling Registration Form](#) 

► [Websites on Illinois and U.S. home-schooling](#)

*(please note that the State Board of Education cannot vouch for the accuracy of information on any of these websites):*

- [Illinois Home Oriented Unique Schooling Experience](#)
- [Homeschool Resource Center \(HRC\), Johnsburg IL Public Library District](#)
- [Homeschool World web page](#), a partial listing of home schooling organizations in Illinois
- [Office of Non-Public Education, U.S. Department of Education](#)
- [A to Z Home's Cool Homeschooling Web Site](#)
- [Home School Legal Defense Association](#)

#7 HB1211