

So what are the Kentucky state laws on home schooling?

To answer this question, you need to read the Home School Information and Best Practice Document which begins on the following page and goes through page 20.

**HOME SCHOOL
INFORMATION PACKET
AND
BEST PRACTICE DOCUMENT
Prepared by**

**Christian Home Educators of Kentucky
Kentucky Home Education Association
and
Kentucky Directors of Pupil Personnel
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I. Background Information

A. Task Force

On March 14, 1997 twelve home school representatives from Christian Home Educators of Kentucky (CHEK) and the Kentucky Home Education Association (KHEA) and twelve officers and board of directors of the Kentucky Directors of Pupil Personnel Association met to share their views on the status of home schools in Kentucky. From that meeting a task force was formed to address the issues that were raised at that meeting.

The task force was comprised of:

- Joe Adams - Christian Home Educators of Kentucky
- Cheri Fouts - Kentucky Home Education Association
- Louie Hammons - Director of Pupil Personnel (Garrard County)
- Sherwood Kirk - Director of Pupil Personnel (Ohio County)
- David Lanier - Kentucky Home Education Association
- Marilann Melton - Director of Pupil Personnel (Warren County)
- Roger VonStrophe - Director of Pupil Personnel (Newport)
- Don Woolett - Christian Home Educators of Kentucky

David Thurmond, Director of the Division of Planning, who is the nonpublic school liaison for the Kentucky Department of Education, served as a consultant to the task force.

The task force met on a monthly basis for the next three months. This document is a product of their efforts.

On November 14, 2000 a task force was called to review and revise this document. The only revisions updated the section on Home School Resources and added a new section on the Recognition of Credits.

The members of this task force are as follows:

- Joe Adams - Christian Home Educators of Kentucky
- Cindy Green - Kentucky Home Education Association
- Louie Hammons - Director of Pupil Personnel (Garrard County)
- Mike Hughes – Kentucky Home Education Association
- Mary Anna Rogers – Kentucky Home Education Association
- Haskell Sheeks – President, Directors of Pupil Personnel Association and Director of Pupil Personnel (Ballard County)

- Roger VonStrophe - Director of Pupil Personnel (Newport)
- Robert Simpson, who serves as the liaison between the Kentucky Department of Education and non-public schools.

B. Rights of Parents/Guardians to Home School Their Children

Kentucky compulsory attendance laws require that every child between the ages of 6 and 16 be enrolled in school. This requirement may be met by attending public school, private school (including home school), parochial school, or church regular day school. The parent or person in charge of the student is clearly charged with the responsibility to see that the child attends school.

In the case of homes schooling, the parent is required to notify the local superintendent of schools by letter that the child is being home schooled. The letter must include the names, ages, and place of residence of each pupil in attendance at the school. The parent must notify the local superintendent of schools within the first two weeks of each school year of their intent to home school their child(ren).

C. Kentucky Department of Education - Home School Requirements

The following are the minimal requirements for the operation of a home school in Kentucky:

1. Education is a fundamental right. Rose V. Council for Better Education, Inc. Ky., 790 S.W. 2d 186 (1989). Compulsory attendance laws (KRS 159.010) require that every child between the ages of 6 and 16 be enrolled in school. KRS 159.030 exempts a child from attending public school who is enrolled and regularly attending a private, parochial or church regular day school. Home schools are considered to be private schools in Kentucky, and the laws relating to private schools apply equally to home schools. Therefore, when you decide to educate your children at home, **you must first establish a bonafide school for your children to attend.** Furthermore, you are required to notify the local superintendent of schools by letter that you have established a school, and to report the names, ages, and place of residence of each pupil in attendance at the school, together with any facts that the superintendent may require to facilitate carrying out the laws relating to compulsory attendance and employment of children. (KRS 159.160) It is recommended

that you keep a copy of any information that you provide to the local school district.

2. The private, home, and parochial schools shall teach those subjects that will educate children to be intelligent citizens. State law requires that instruction be offered in English and in the branches of study that are taught in the public schools. This is interpreted to include at least reading, writing, spelling, grammar, history, mathematics and civics. KRS 158.080, and Kentucky State Board for Elementary and Secondary Education v. Rudasill, Ky., 589 S.W. 2d 877 (1979).
3. Private, home and parochial schools shall provide instruction for a term at least as long as the term in effect for the public school in the district where the child resides. (KRS 158.080) The minimum school term is defined in KRS 158.070 which states: The minimum school term shall be 185 days, including no less than the equivalent of 175 six (6) hour instructional days. This would be 1050 instructional hours.
4. The private and parochial schools shall record and maintain scholarship reports of each student's progress at the same interval as in the local public school, grading all subjects taught. (KRS 159.040)
5. Kentucky requires that an accurate record of pupil attendance be kept. (KRS 159.040) Attendance may be recorded in a notebook, or on a computer list or in a register provided by the Kentucky Department of Education to the local school district.
6. KRS 158.040 requires that all private schools be open to inspection by directors of pupil personnel or officials of the Department of Education.

D. The Role of the Director of Pupil Personnel

The director of pupil personnel has the responsibility to enforce the compulsory attendance and census laws in the attendance district he/she serves.

When a question arises as to whether a child is actually being schooled at home it is within the authority of the director of pupil personnel to ask for evidence that a bonafide school exists. **Evidence that a school actually exists might include:**

1. Whether the parent/guardian has notified the local

board of education by letter of intent to teach the child(ren) at home giving the names, ages, and address of each child.

2. Whether instruction is taking place over a term at least as long as the term in effect for the public school in the district where the child resides. (175 instructional days times 6 hours = 1050 instructional hours per school year)
3. Whether instruction covers at least reading, writing, spelling, grammar, history, mathematics, and civics.
4. Whether the teacher records and maintains scholarship reports of each student's progress at the same interval as in the local public school, grading all subjects taught.
5. Whether an accurate record of pupil attendance is being kept.

When there is reason for concern the director of pupil personnel should notify the private school of the parent's need to provide this information. If the records are incomplete, the director of pupil personnel has the option of making a visit to inspect the private school to determine whether instruction is taking place. In the case of a home school, if the parents refuse access to the home, the director of pupil personnel may arrange a meeting at the school district office or at a neutral site. Following assessment, if the director of pupil personnel concludes that minimum standards of instruction are not being met, he/she may take action under KRS 159.

KRS 159.130 defines the powers and duties of directors of pupil personnel: The director of pupil personnel and his assistants shall be vested with the power of peace officers, provided however they shall not have the authority to serve warrants. They may investigate in their district any case of nonattendance at school of any child of compulsory school age or suspected of being of that age. They may under the direction of the superintendent of schools and the Kentucky Board of Education, institute proceedings against any person violating the laws of compulsory attendance and employment of children.

E. Commentary on the Law and Its Application from the Perspective of the Christian Home Educators of Kentucky and the Kentucky Home Education Association

This commentary will refer to the paragraph numbers of the

list of Home School Requirements (HSR), (section C, page 14.) It is suggested that you refer to it periodically while reading the commentary.

HSR notes that the six items listed are the minimal requirements for the lawful operation of a home school in Kentucky. Home schooling is an area whose upper limits are bounded only by an individual's initiative and creativity, so any home schooling family may exceed these minimal requirements many times over. Nevertheless, it is important to recognize the bottom line required to operate a home school legally in Kentucky.

1. Kentucky compulsory attendance statutes require that children from the age of 6 to 16 must be enrolled in either a public or private school. Home schoolers are in no way exempt from that law. Some points to remember:

a) Current Kentucky law requires that any child who is six(6) years of age, or who may become six (6) years of age by October 1st, must be enrolled in a primary school program. A primary school program means that part of the elementary school program in which children are enrolled from the time they begin school until they are ready to enter the fourth grade. Formally this was called kindergarten, 1st grade, 2nd grade, and 3rd grade. Most students are in the primary school program for four (4) years. A student must successfully complete the primary school program before entering the fourth grade.

Any child who is five (5) years of age, or who may become five (5) years of age by October 1st, may enter a primary school program. If you elect to suspend formal schooling with your child until the age of six, he or she will be a year behind his or her peers in terms of the conventional grading system. This is not a problem necessarily, simply something which you should consider while making your decision. If you wish to avoid this issue, then begin your child in the primary school program when he or she is five years old.

b) Kentucky law states that if a child is not enrolled in public school either the private school or parent of the child must inform the local school board of that child's whereabouts during the school year. Your notification letter to the local school board allows the superintendent to be in compliance with the portion of the compulsory attendance law that requires him to account for every child in his district.

c) When you write your local school board, you should state that your children will be attending a particular school, giving the name and address of the school. You must also include the name, age and home address of each child in your school. You need not include anything else in the letter whatsoever.

We do not recommend that you include test scores, letters of recommendations, or any other material since it implies that you are requesting permission from the school board to teach your children at home. You are not requesting permission, simply informing them of the situation.

d) The letter to the school board should be sent within ten days of the beginning of school and will need to be sent each year you home school. We agree that it is wise for you to keep a copy of the letter and any other correspondence affecting your children or the operation of your home school.

e) As a result of religious or philosophical convictions, some parents elect not to notify the local school district of their home schooling activities. It is not our purpose to comment one way or the other on these convictions; however, it is important to note that there are civil penalties which could include monetary fines and incarceration for persons convicted of non-compliance with compulsory education laws; anyone who elects to disregard the reporting requirements should be aware of the risks involved.

2. Kentucky law requires that you educate your children at least as long as the public schools in your district. At the present time that number is 175 instructional days, 6 hours per day (totaling 1,050 hours per calendar year) in most districts. You need not educate your children on the same days that the public schools in your area are in operation, and you may educate your children more days than the public schools require.

3. This section of the HSR is relatively self-explanatory. Kentucky law does not limit in any way the subjects or the point of view, which will be included in your home school. It does require, however, that you teach the basics in the English language.

4. HSR requires that private schools, including home schools, keep scholarship records of the students in that school. Furthermore, it requires that the scholarship reports be summarized or tabulated at the same interval as the grading period of the local public school district,

normally every nine weeks. This particular provision of the law has caused a great deal of confusion among both public school officials and home school parents in the past. A few points of clarification:

- a) This provision does not require that the home school parents submit these reports to their local school district, state department of education, or anyone else. It simply requires that they maintain the records in some sort of ongoing fashion.
 - b) HSR makes no statement concerning the form which these scholarship reports must take. The form may be a traditional report card, a portfolio of exemplary work, a narrative assessment or any one of many other forms of assessment. The point seems to be that there needs to be some reasonable record of academic accomplishment maintained by the parents in the home school.
 - c) We would recommend that whatever your preferred form of student assessment, the records be kept in a formal, organized manner for two reasons: first, this will be your child's permanent record of educational accomplishment. It is only right that the records be in a form that is concise and useful. Second, in the event your records should ever come under scrutiny by someone else, the quality of your school will be judged to some degree by the quality of your records. While it may be the case that records kept on the back of envelopes, calendar pages, or paper plates do meet the letter of the law, such a casual approach to record keeping would raise doubts in the minds of skeptics.
5. Keep an attendance book. It can be a book you obtain from writing the state, a grade book you purchase at a local office supply store, a computer log, or any other reasonable method for maintaining attendance. Be sure that you can account for at least the minimum required hours (1,050 hours) per year in your records.

Many families combine the requirements of this provision and provision #4 above in one grade book which keeps both attendance and scholarship records.

6. HSR #6 is one of the most controversial portions of the home school law in Kentucky. It provides that private schools shall be open to inspection by directors of pupil personnel or officials of the Department of Education. It is believed that this was originally written without awareness of the existence of home schools, places that were both homes and schools.

As a result, the provisions of this statute appears to conflict with the rights given by the U.S. Constitution to every American citizen against unreasonable search and seizure.

It is our understanding that "home inspections" by school personnel will stop at the threshold unless consent is given by the homeowner. In the absence of imminent threat (the house is on fire, for instance) entry into a private home can only occur with the presentation of a lawfully executed warrant. All homeschoolers should be aware of this fact.

On the other hand, if genuine concerns exist in the mind of school personnel as to the legitimacy of a particular home school, it may be in that family's interest to meet with the school official, preferably at a neutral site, in order to address any questions.

In conclusion, we recommend consideration of the following:

- a) In the event you are informed of an impending visit, talk with the official and try to agree upon a suitable time and place outside your home to review your records.
- b) In the event a home visit is unannounced or in cases where prior mutually agreeable arrangements cannot be made, we recommend that you seriously consider the ramifications of allowing government officials to enter your home without warrant. It is certainly your prerogative to invite anyone to see your home school: friends, family or local school officials. It is another thing for you to accede to their demand to review your material in your home.
- c) Furthermore, we suggest that you conduct your home school in such an exemplary manner that no one in your community will be concerned about the quality of the job you are doing.

Considerations prior to embarking on a home school journey

In order to have the very best possible experience as a home schooling parent, we suggest that you take into consideration the following practical issues; responsible home education can be a daunting task and should not be entered into without due consideration. Although it affords ample opportunity for educational excellence and flexibility, it requires a high degree of commitment and

energy to be successful. Listed below are some factors that should be thoroughly considered prior to embarking on a home school journey.

Home schooling is very time-consuming. To do an adequate job the home school parent(s) must devote considerable time and energy to class preparation, instructional time, grading papers, etc. Many families have had to change their lifestyle significantly -- switching from a two-income to a one-income family, for instance -- in order to accommodate the demands of homeschooling. It is a decision that should not be made on impulse or without sufficient forethought.

Home schooling requires initiative. While excellent material is available to assist the home schooling parent, putting it together in a manageable form for a given family requires a great deal of work and creativity. Since each family is different it is clear that the final form home education takes will vary from family to family. To be a good home schooler requires a certain independent spirit, willingness to try new things and a reasonable level of self-confidence.

Home schools are not accredited by the State. Unless a home schooling family functions as a satellite classroom for an accredited school, the diploma awarded by a home school may not be recognized by other schools or agencies. Some home schooled children take the General Equivalency Diploma (GED) exam for the purpose of obtaining a standard credential. Other college-bound home school graduates take the SAT or ACT tests and usually have little problem with college admission.

For more information regarding home schooling in your area, contact Kentucky Home Education Association at P.O. Box 51951, Bowling Green, KY 42102-5891 or Christian Home Educators of Kentucky, 691 Howardstown Road, Hodgenville, KY 42748.

II. Best Practice Approach to Home School Verification

In the interest of the education of all children in the Commonwealth of Kentucky, and based upon the laws as they relate to compulsory attendance of school age children and their right to an education, whether in a public or private/home school, the following best practice approach is suggested as a way both public and private/home school personnel may approach the question of insuring that all children are enrolled in a bonafide school.

A. Parents/Guardians of school age children, by law, must

notify the public school district of the enrollment of their child(ren) in a private or parochial school within the first two weeks of each public school year. Home school representatives of Christian Home Educators of Kentucky and the Kentucky Home Education Association and the officers of the Kentucky Directors of Pupil Personnel Association agree that in the absence of any mitigating factors the school(s) which have properly notified public school districts should be presumed to be in compliance with the law and operating a bonafide school; thus, necessitating no further investigation.

- B. It is the responsibility of the local director of pupil personnel or his/her designee to investigate any evidence which would suggest that a child(ren) is not enrolled in a bonafide school. The investigation is for the sole purpose of determining that a bonafide school does exist and in no way is intended to investigate and approve the education provided by the school. Any investigation could include, but is not limited to, phone calls, home visits (the privacy of the home must be recognized and no visit inside the home may be conducted without the consent of an adult resident or a duly issued warrant), review of academic and attendance documents, etc.
- C. Circumstances/evidence which would cause a public school district to have concern about whether or not a bonafide school did exist, thus causing an investigation to occur, would include, but is not limited to:
 - 1. Notification, after the public school year has begun and at any time other than a semester break, by parent/guardian of intent to withdraw their child(ren) from the public school for the purpose of home schooling; (This would not apply to students moving in from out-of-district.)
 - 2. Notification by the parent/guardian of intent to home school their child(ren) when disciplinary action (i.e. truancy, expulsion, notification relative to driver's license, etc.) was being contemplated or had begun;
 - 3. Request from an agency or individual to determine if the child(ren) are in school. Requests from an agency concerned with child welfare (i.e. juvenile court, Department of Social Service, etc.) should be investigated as a matter of course. Requests made by a private citizen should proceed only as it relates to probable cause and/or legal requirements;

4. Notification (as required by law) by the parent/guardian of their intent to home school their child(ren) was not received by the public school district within two weeks of the start of the public school year;
5. Evidence of a compelling nature which would suggest the inability of the parent or proposed teacher to operate/maintain a bonafide school.

Should there be any disagreement on the part of the directors of pupil personnel and parents/guardians, it is anticipated that common sense rules will be used to ascertain the information requested by either party. Everyone should have a clear understanding of what are the rights and obligations of the directors of pupil personnel and parents/guardians to insure that all school age children are enrolled in a bonafide school.

III. Appendix

A. Home School Resources

See pages 8-10 and page 41 for homeschooling resources.

B. Sample Documents

See the section, Sample Forms and Documents, beginning on page 59, as well as page 57.

C. Special Topics

1. **Loss of driver's license by student for dropping out of school or for academic deficiency.**

Note: These requirements concerning driver's licenses were deemed unconstitutional by the KY Supreme Court on December 18, 2003 and may no longer be applicable. However, HB304 was introduced during the 2004 legislative session in an effort to reinstate this bill with modifications. For the latest information on the status of any "No Pass No Drive legislation" please check the KHEA website, www.khea.info.

Any applicant for a permit who is under the age of eighteen (18) who has not graduated from high school shall provide proof issue by his school within the preceding sixty (60) days that the applicant is currently enrolled or has been enrolled in the prior semester of school and is not or has not been found academically deficient. If a student

is being schooled at home, a statement from his parent or guardian that he is being schooled at home and is not academically deficient shall be provided.

A student shall be deemed to have dropped out of school when he has nine (9) or more unexcused absences in the preceding semester. Any absences due to suspension shall be unexcused absences. A student shall be deemed to be academically deficient when he has not received passing grades in a least four (4) courses, or the equivalent of four (4) courses, in the preceding semester.

2. Recognition of home school credits

KRS 158.140 mandates the assignment of a pupil in the class or grade to which the pupil is best suited. This regulation prescribes procedures for recognition of credits or graduation from a public secondary school upon transfer from a nonaccredited secondary school and from a public secondary school upon transfer from a nonaccredited secondary school and for the awarding of credit upon transfer to a public secondary school without a proper transcript being reasonably available.

Section 1. For the purpose of this regulation, a "nonaccredited secondary school: is a school enrolling students for secondary school instruction when that school is not recognized by (1) of the fifty (50) state departments of education or one (1) of the seven (7) independent regional accrediting associations. A "nonaccredited secondary school" in Kentucky shall be any private school not certified pursuant to KRS 156.160(3).

Section 2. (1) The local school district shall be responsible for the appropriate assignment of a student transferring from a nonaccredited secondary school to the class or grade best suited for the student. Previous credits earned by a student in a nonaccredited secondary school shall be awarded by the local school district by one (1) of the two (2) following methods:

Pass an examination of similar nature and content to the examination used for other students receiving credits for a particular course within the school district and graded an a comparable basis;

Or

Successful performance of the student in a higher

level course when the courses are sequential in nature such as English, Mathematics, History and Science. Successful performance shall consist of achieving at least a C grade in the course by the 12th week of school.

The courses successfully completed by examination or performance shall be counted toward minimum high school graduation requirements in the local school district.

Section 3. A student desiring recognition of previous credits toward graduation upon entering public school secondary school without a properly certified transcript and for whom a properly certified transcript cannot reasonably be obtained, shall be placed and awarded credit as outlined in Section 2 of this statute.

3. Home school participation in public school activities

Home school participation in public school activities is governed by local board policy. At the present time there is no prohibition against a home school student taking classes at the local public school. Local situations vary. Contact your local school for details.

Current regulations prohibit home school children from participating on athletic or academic teams sponsored by public schools.