

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

No.: 136  
Section: PROGRAMS  
Title: HOME EDUCATION  
Date Last Revised: 9/11/23; 4/17/23; 6/8/18; 12/18/17; 12/11/15; 3/21/11; 8/20/01

**R136 HOME EDUCATION**

Lower Merion School District recognizes and accepts its responsibilities to make provisions for Home Education Programs for those families who elect this method of instruction. Lower Merion School District staff shall be available to assist and work cooperatively with families who are interested in establishing and/or carrying out Home Education Programs.

**DEFINITIONS:**

**Home Education Program** — a program conducted in compliance with the School Code by the parent or guardian or person having legal custody of the child or children. A Home Education Program shall not be considered a nonpublic school under the provisions of this law.

**Home Education Program Supervisor** — the parent or guardian or person having legal custody of the child or children who shall be responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent.

**Hearing Examiner** — shall not be an officer, employee or agent of the Department of Education or of the Lower Merion School District or the Montgomery County Intermediate Unit.

**Appropriate Education** — a program consisting of instruction in the required subjects for the time required by law and in which the student demonstrates sustained progress in the overall program.

**Department** – shall mean the Department of Education of the Commonwealth.

**Eligibility/Affidavits**

A notarized affidavit of the parent or guardian or person having legal custody of the child shall be filed prior to commencement of the Home Education Program and annually thereafter on August 1 with the Superintendent of the Lower Merion School District. The affidavit shall set forth:

1. Name of the Home Education Program Supervisor of the Home Education Program who shall be responsible for the provision of the instruction.
2. Name and age of each child who shall participate in the Home Education Program.

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3. Address and telephone number of the Home Education Program site.
4. That subjects required by law are offered in the English Language, including an outline of proposed education objectives by subject area.
5. Evidence that the child is in compliance with applicable immunization laws and regulations and has received the health and medical services required for students of the child's age or grade level. At the request of the Home Education Program Supervisor, students in a Home Education Program shall be included in the Lower Merion School District's regularly scheduled State mandated health services.

The affidavit shall contain certification signed by the Home Education Program Supervisor that the Home Education Program Supervisor, all adults in the home and persons having legal custody of a child in the Home Education Program, have not been convicted of criminal offenses as enumerated in the School Code within the five years immediately preceding the date of the affidavit. For further information regarding those specific criminal offenses, please refer to 24 P.S. § 1-111(e). **Transfers**

When a Home Education Program is relocating to another school district, the Home Education Program Supervisor must apply by registered mail, thirty (30) days prior to the relocation, to the Superintendent of the district in which s/he currently resides requesting a letter of transfer for the Home Education Program to the district to which the Home Education Program is relocating. The current Superintendent of residence shall issue the letter of transfer to the district of relocation within thirty (30) days after receipt of the registered mail request of the Home Education Program Supervisor.

**Program**

A student who is enrolled in a Home Education Program and whose education is therefore under the direct supervision of his/her parent, guardian or person having legal custody shall be deemed to have met the requirements if the program provides a minimum of one hundred eighty (180) days of instruction, or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level.

At the **elementary level**, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

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At the **secondary level**, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

Such courses of study may include, at the discretion of the Home Education Program Supervisor: economics; biology; chemistry; foreign languages; trigonometry; or other age appropriate courses required by the State Board of Education.

The following minimum courses in grades 9 through 12 are established as a requirement for graduation in a Home Education Program: four (4) years of English; three (3) years of mathematics; three (3) years of science; three (3) years of social studies; two (2) years of arts and humanities.

The procedures by which a high school diploma may be awarded by a Home Education Program Supervisor or an approved diploma-granting organization shall be in accordance with the law and such diploma shall be considered as having all the rights and privileges afforded by the law.

**Students with Disabilities**

Home Education Programs shall meet compulsory attendance requirements for students identified with disabilities only when the program addresses the specific needs of the student and is approved by a teacher with a valid education certificate from the Commonwealth to teach special education, or a licensed clinical or certified school psychologist. Written notice of such approval must be submitted with the required affidavit.

The Home Education Program Supervisor may request that the Lower Merion School District or the Montgomery County Intermediate Unit provide services that address the identified student's specific needs.

When the provision of services for special education is agreed to between the District and the Home Education Program Supervisor of the Home Education Program, the agreed special education services shall be provided in the public schools or in a private school licensed to provide such services.

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**Requirements of Home Education Program Supervisor**

In order to demonstrate that appropriate education is occurring, the Home Education Program Supervisor shall provide and maintain on file a portfolio of records and materials for each student enrolled in the Home Education Program.

The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used; samples of any writings; worksheets, workbooks or creative materials used or developed by the student; and in grades three, five and eight results of nationally normed standardized achievement tests in reading, language arts and mathematics or results of statewide tests administered in these grade levels.

The Home Education Program Supervisor shall ensure that the nationally normed standardized tests or the statewide tests are not administered by the child's parent or guardian. At the Home Education Program Supervisor's request, students in a Home Education Program shall be included in the Lower Merion School District's standardized testing plan.

**Evaluation Requirements**

A teacher or administrator who evaluates a portfolio at the elementary level shall have at least two (2) years of experience in grading any of the following subjects: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; and civics.

A teacher or administrator who evaluates a portfolio at the secondary level shall have at least two (2) years of experience in grading any of the following subjects: English, to include language, literature, speech, reading and composition; science, to include biology, chemistry and physics; geography; social studies, to include economics, civics, world history, and history of the United States and Pennsylvania; foreign language; and mathematics, to include general mathematics, algebra, trigonometry, calculus and geometry.

An annual written evaluation of the student's educational process as determined by a licensed clinical or school psychologist, a teacher certified by the Commonwealth, or a nonpublic school teacher or administrator is required. The evaluation shall also be based on an interview of the child and a review of the portfolio and shall certify whether or not an appropriate education is occurring. At the request of the Home Education Program Supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the Superintendent. In no event shall the evaluator be the Home Education Program Supervisor or their spouse.

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An evaluator’s certification stating that an appropriate education is occurring for the school year under review must be provided by the Home Education Program Supervisor to the Superintendent by June 30 of each year. If the Home Education Program Supervisor fails to submit the certification due on June 30, the Superintendent shall send a letter by certified mail, return receipt requested, to the Supervisor, stating that the certification is past due and to submit the certification within ten (10) days of receipt of the certified letter. If the certification is still not submitted within the applicable timeframe, the Board of School Directors shall provide for a proper hearing, as detailed below.

If the Superintendent has a reasonable belief at any time during the school year that an appropriate education may not be occurring in the Home Education Program, s/he may submit a letter to the Home Education Program Supervisor, by certified mail, return receipt requested, requiring that an evaluation be conducted and that an evaluator's certification stating that an appropriate education is occurring for the school year under review be submitted to the District by the Supervisor within thirty (30) days of the receipt of the certified letter. The certified letter shall include the basis for the Superintendent’s reasonable belief. If the required standardized tests, as detailed above, have not been administered at the time of the receipt of the certified letter by the Home Education Program Supervisor, the Supervisor shall submit the other required documentation to the evaluator and shall submit the test results to the evaluator with the completed documentation at the conclusion of the school year. If the certification is not submitted to the Superintendent within thirty (30) days of receipt of the certified letter, the Board of School Directors shall provide for a proper hearing as detailed below.

If the Superintendent has reasonable belief that the Home Education Program is out of compliance with any other provision of the law, s/he shall submit a letter to the Home Education Program Supervisor by certified mail, return receipt requested, requiring a certification to be submitted within thirty (30) days indicating that the program is in compliance with the law. The certified letter shall include the basis for the Superintendent’s reasonable belief. If the certification is not submitted within the applicable timeframe, the Board of School Directors shall provide for a proper hearing as follows.

**Right of Hearing**

If a hearing is required, the Board shall provide for a proper hearing by a duly qualified and impartial Hearing Examiner within thirty (30) days. The Examiner shall render a decision within fifteen (15) days of the hearing, except that s/he may require the establishment of an education plan mutually agreed to by the Superintendent and Home Education Program Supervisor of the

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Home Education Program which shall continue the Home Education Program. The decision of the Examiner may be appealed by either the supervisor or the Superintendent to the Secretary of Education and the Commonwealth Court or Court of Common Pleas.

If the Hearing Examiner finds that the evidence does not indicate that appropriate education is taking place in the Home Education Program, the Home Education Program shall be out of compliance and the student shall be promptly enrolled in a public or nonpublic school or at licensed private academic school.

**Textbooks and Curriculum Materials**

The Lower Merion School District shall, at the request of the Home Education Program Supervisor, lend to the Home Education Program copies of the Lower Merion School District's planned courses, textbooks, and other curriculum materials appropriate to the student's age and grade level. This shall not be construed to obligate the District to provide a particular computer software program or material. District-issued laptops are not considered textbooks or curriculum materials.

**Participation in Academic, Co-Curricular and Extracurricular Activities**

Students enrolled in home education programs are permitted to participate in academic, co-curricular, and extracurricular District activities to the extent required by law. A co-curricular activity is one that merges extracurricular activities with a required academic course, such as (but not limited to) band or orchestra.

Where a co-curricular activity requires that a District student take a class for credit, a home-educated student will be given the opportunity to participate in the co-curricular class associated with activity on the same basis as other students enrolled in the District.

Students enrolled in home education programs who wish to participate in such activities must meet the same eligibility criteria, or its equivalent, as students enrolled in school, meet the try-out criteria, or its equivalent, and comply with all policies rules and regulations of the governing organization of the activity. These criteria policies, rules and regulations shall be contained in the student handbook for the applicable school. In order to audit an academic or co-curricular class, the student must satisfy the enrollment, residency and other registration requirements set forth in Board Policies and associated Administrative Regulations, including any required physical exams or medical tests.

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Provided a home educated student meets the same qualification standards as full-time students for any given class, a home schooled student must be allowed to participate in academic and co-curricular courses equaling up to the maximum number of hours allowed by law.

For information about academic, co-curricular and extracurricular activity offerings, the parent/guardian of the home educated student should contact the principal of the school to which the home-schooled student would be assigned if attending public school.

A list of specific available supplementary curriculum services is available through the Assistant Superintendent's office.

Home Education Program Supervisors of students to be included in supplementary curriculum services must request inclusion in the specific activity in the same manner and by the same deadline that students attending the school applicable to the activity are required to adhere to. The Superintendent will determine the eligibility of the student's participation and notify the appropriate building principal of the student's intent to enroll. The parents and students must report to the building to complete any necessary District registration forms and submit the required building emergency information to the building principal. Upon receipt of both, the principal will make the assignment and notify the parent and the Home Education Program Supervisor in a timely manner.

While in the building, students are responsible to meet the guidelines, as established by Board Policy, in the Student Handbook, and/or in activity procedures. Home education students will be subject to the same disciplinary measures as required of fully enrolled students. Changes in daily schedules will be communicated through the School District's regular means of communication. It will be the Home Education Program Supervisor's responsibility to remain current on scheduled changes.

The Board shall not provide individual transportation for students enrolled in home education programs who participate in the District's academic, co-curricular, or extracurricular activities. Home education students may, however, make use of existing District transportation when it is otherwise already operating and space is available.

**Graduation Requirements**

The term "accredited institution" as used in the accompanying policy under the section entitled "Graduation Requirements" does not include post-secondary educational institutions.