

DATE: January, 2001

TO: Persons Interested in Home Schooling

FROM: Thomas C. Tyree, Yuma County School Superintendent

RE: Home Instruction Policies and Procedures

In order for us to be fully supportive of your desire to instruct your child at home, we have put together a policy and procedures packet to assure your compliance with the law.

STATUTORY REQUIREMENTS

The laws which establish the criteria for any parent/legal guardian who may wish to educate their children in their own home may be found in Arizona Revised Statutes 15-745 and 15-802, which require in part that:

The person who has custody of the child shall file an Affidavit of Intent with the County School Superintendent within thirty (30) days from the time the child begins to attend home school.

The child **must** be instructed in at least the subjects of reading, grammar, mathematics, social studies and science.

AFFIDAVIT OF INTENT; ARS 15-802

File a separate Affidavit of Intent for each child 6-16 years old with the Yuma County School Superintendent's office within thirty (30) days from the time the child begins to attend home school.

The affidavit is composed of an original and two (2) copies. Please return all three (3) copies when completed, signed and notarized along with a **certified copy of the child's birth certificate**. Parent/legal guardian will receive the pink copy after the affidavit is processed and the yellow copy will be sent to the school district of your residence.

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NOTE: According to ARS 15-802(B), if you do not desire to have your six to eight year old child attend school, you **must** notify the Yuma County School Superintendent in writing. Please include in the letter your child's full name, date of birth, parent/legal guardian's name, address and notarized signature with a statement that your child has not reached eight years of age by September 1st of the school year and you do not desire to have your child attend school. Home schooling affidavit requirements must be met in the school year that a child reaches the age of eight by September 1st

CERTIFIED BIRTH CERTIFICATE; ARS 15-828(B)

Arizona Revised Statutes 15-828 (B) requires that any parent or legal guardian of a child instructed at home submit with their affidavit, or within thirty (30) days after home instruction begins, one of the following to the County School Superintendent's Office:

1. A certified copy of the pupil's birth certificate.
2. Other reliable proof of the pupil's identity and age, including the pupil's baptismal certificate, and application for a Social Security number, or original school registration records and an affidavit explaining the inability to provide a certified copy of the birth certificate.

CURRICULUM REQUIREMENTS; ARS 15-802 (A)

The child must be instructed in at least the subjects of reading, grammar, mathematics, social studies, and science. It is a good idea to obtain a skills list for the child's grade level to use as a general guide. Schools skills lists may be obtained from the local public school by contacting that school's office.

The parent is responsible for creating and choosing a program suited for the child. It may be helpful to network with the home school support group. A copy of the local home schooling support group is included in this packet.

If a child has special needs, parents are encouraged to make sure any special education services are provided by the local school district or a private professional.

STUDENT TESTING; ARS 15-745

This office is no longer responsible for administering any type of testing.

CERTIFICATES/DIPLOMAS

Eight grade promotion certificates and /or high school diplomas are **NOT** issued by the Yuma County School Superintendent for students instructed at home.

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RE-ENTERING PUBLIC SCHOOL

Grade level placement of home instructed students is dependent upon school district policy and usually includes parental input. Parent/legal guardian should discuss credits applicable to high school graduation upon entering a public high school **prior** to enrollment. The number of such credits accepted toward high school graduation will depend on the high school district involved. The policies of any public school district **can and should** be reviewed by the parent/legal guardian **prior** to removing the child from school.

Parent/legal guardian should investigate the entrance requirements of those colleges the home instructed student is interested in attending.

UPDATING STUDENT INFORMATION

Please notify the Yuma County School Superintendent within thirty (30) days if your home instructed child is enrolled in a public or private school. The child's file will then be inactivated. Another Affidavit of Intent **must** be filed if the child resumes home schooling.

Report any changes in addresses or phone numbers in a timely manner.

15- 745 - CHILDREN INSTRUCTED AT HOME; TESTING; PROHIBITION

A. Nothing in this article shall be construed to require the testing of children who are instructed in a home school program while they are receiving home school instruction.

B. A child who enrolls in a kindergarten program or grades one through twelve after receiving instruction in a home school program shall be tested pursuant to this article in order to determine the appropriate grade level for the educational placement of the child.

15-802 - School instruction; Exceptions; Violations; Classification; Definitions

A. Every child between the ages of six and sixteen years shall attend a school and shall be provided instruction in at least the subjects of reading, grammar, mathematics, social studies and science. The person who has custody of the child shall choose a public, private, charter or home school as defined in this section to provide instruction.

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B. The parent or person who has custody shall do the following:

1. If the child will attend a public, private or charter school, enroll the child in and ensure that the child attends a public, private or charter school for the full time school is in session. If a child attends a school which is operated on a year-round basis the child shall regularly attend during school sessions that total not less than one hundred seventy-five school days, or the equivalent as approved by the superintendent of public instruction.

2. If the child will attend a private school or home school, file an affidavit of intent with the county school superintendent stating that the child is attending a regularly organized private school or is being provided with instruction in a home school. The affidavit of intent shall include:

- (a)** The child's name
- (b)** The child's date of birth
- (c)** The current address of the school the child is attending
- (d)** The names, telephone numbers, and addresses of the persons who currently have custody of the child.

3. If the child will attend home school, the child has not reached eight years of age by September 1 of the school year and the person who has custody of the child does not desire to begin home instruction until the child has reached eight years of age, file an affidavit of intent pursuant to subsection B, paragraph 2 stating that the person who has custody of the child does not desire to begin home school instruction.

C. An affidavit of intent shall be filed within thirty days from the time the child begins to attend a private school or home school and is not required thereafter unless the private school or the home school instruction is terminated and then resumed. The person who has custody of the child shall notify the county school superintendent within thirty days of the termination that the child is no longer being instructed at a private school or a home school. If the private school or home school instruction is resumed, the person who has custody of the child shall file another affidavit of intent with the county school superintendent within thirty days.

D. A person is excused from the duties prescribed by subsection A or B of this section if any of the following are shown to the satisfaction of the school principal or the school principal's designee:

1. The child is in such physical or mental condition that instruction is inexpedient or impracticable.

2. The child has completed the high school course of study necessary for completion of grade ten as prescribed by the state board of education.

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3. The child has presented reasons for nonattendance at a public school which are satisfactory to the school principal or the school principal's designee. For purposes of this paragraph, the principal's designee may be the school district governing board.

4. The child is over fourteen years of age and is, with the consent of the person who has custody of him, employed at some lawful wage earning occupation.

5. The child is enrolled in a work training, career education, vocational or manual training program which meets the educational standards established and approved by the department of education.

6. The child was either:

(a) Suspended and not directed to participate in an alternative education program.

(b) Expelled from a public school as provided in article 3 of this chapter.

7. The child is enrolled in an education program provided by a state educational or other institution.

E. Unless otherwise exempted in this section or 15-803, a parent of a child between six and sixteen years of age or a person who has custody of a child, who does not provide instruction in a home school and who fails to enroll or fails to ensure that child attends a public, private or charter school pursuant to this section is guilty of a class 3 misdemeanor. A parent who fails to comply with the duty to file an affidavit of intent to provide instruction in a home school is guilty of a petty offense.

F. For the purposes of this section:

1. "Home School" means a school conducted primarily by the parent, guardian or other person who has custody of the child or instruction provided in the child's home.

2. "Private school" means a nonpublic institution, other than the child's home, where academic instruction is provided for at least the same number of days and hours each year as a public school.

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15-802.01 - children instructed at home; eligibility to participate in interscholastic athletic competition

A. Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home shall be allowed to try out for interscholastic activities on behalf of the public school in the same manner as a pupil who is enrolled in that public school. Registration, age eligibility requirements, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of behavior and performance policies for home schooled students shall be consistent with those policies established for students enrolled in that public school. The individual providing the primary instruction of a child who is instructed at home shall submit written verification that provides:

1. Whether the student is receiving a passing grade in each course or subject being taught.
2. Whether the student is maintaining satisfactory progress towards advancement or promotion.

B. A child who is instructed at home and who was previously enrolled in a school shall be ineligible to participate in interscholastic activities for the remainder of the school year during which the child was enrolled in a school.

C. A school district shall not contract with any private entity that supervises interscholastic activities if the private entity prohibits the participation of children instructed at home in interscholastic activities at public, private or charter schools.

15-828 - Birth Certificate; School Records; Exception

A. On enrollment of a pupil for the first time in a particular school district or private school offering instruction to pupils in any kindergarten programs or grades one through twelve, that school or school district shall notify the person enrolling the pupil in writing that within thirty days he must provide one the following:

1. A certified copy of the pupil's birth certificate.
2. Other reliable proof of the pupil's identity and age, including the pupil's baptismal certificate, an application for a social security number or original school registration records and an affidavit explaining the inability to provide a copy of the birth certificate.
3. A letter from the authorized representative of an agency having custody of the pupil pursuant to title 8, chapter 2 certifying that the pupil has been placed in the custody of the agency as prescribed by law.

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C. On presentation of a document pursuant to this section, a photocopy of the document shall be placed in the pupil's file and the document that is presented shall be returned.

D. On the failure of a person enrolling a pupil or instructing a child at home to comply with subsection A or B of this section, the school, school district or county school superintendent shall notify that person in writing that, unless he complies within ten days, the case shall be referred to the local law enforcement agency for investigation. If compliance is not obtained within the ten day period, the school, school district or county school superintendent shall refer the case to the local law enforcement agency.

E. The school, school district or county school superintendent shall immediately report to the local law enforcement agency any affidavit received pursuant to this section which appears inaccurate or suspicious in form or content.

F. Within five school days after enrolling a transfer pupil from a private school or another school district, a school shall request directly from the pupil's previous school a certified copy of the pupil's record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. Notwithstanding any financial debt owed by the pupil, any school requested to forward a copy of a transferring pupil's record to the new school shall comply and forward the record within ten school days after receipt of the request unless the record has been flagged pursuant to 15-829. If the record has been flagged, the requested school shall not forward the copy and shall notify the local law enforcement agency of the request. School districts shall include in the educational records required by this subsection data collected pursuant to 15-741 and 15-766, as prescribed by the state board of education.

G. Any disclosure of the educational records by the school district or charter school shall comply with the family educational rights and privacy act of 1974 (20 United States code 1232g).

H. The provisions of this section do not apply to homeless pupils as defined in 15-824, subsection C.