

Is Homeschooling legal in Indiana?

The short answer to this question is "YES!" The following information has been compiled from the Department of Education Office of Student Services (<http://www.doe.in.gov/sservices/hse.html>). Please DO NOT confuse this with legal advice. If you have questions, consult an attorney or better yet, write to Katie Starks (e-mail: kstarks@doe.in.gov) at the IDOE for advice.

WITHDRAWING YOUR CHILD FROM SCHOOL:

You do not need a home school number prior to withdrawing 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.

YOU CAN 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:

Indiana law requires all private school administrators, including home educators, to notify the IDOE of their schools' grade level enrollments upon request of the State Superintendent of Public Instruction. Eight to ten weeks after you return the completed enrollment report form, you will receive a home school number and your local school superintendent will be notified that you have created a home school. This report does not subject you to state or local regulation. It is simply a way to account, as nearly as possible, for the enrollment of all school-age children.

(IC 20-8.1-3-24 (b))

(b) Each principal or school administrator in every private school that is attended by any children who are subject to the compulsory school attendance laws under section 17 of this chapter shall furnish, on request of the state superintendent of public instruction, the number of children by grade level attending the school. When a pupil withdraws from school, and no public or other private school has requested the pupil's educational records within fifteen (15) school days after the date the pupil withdrew from school, then the private school shall report to the state superintendent of public instruction or the superintendent of the school corporation in which the private school is located, the name and address of the pupil and the date he withdrew from school.

COMPULSORY SCHOOL ATTENDANCE LAW:

The compulsory school attendance law requires all children to attend a school taught in the English language from either the start of the school year during which a child will turn 7 (if the child is to attend a public school), or at age 7 (if the child is to attend a non-accredited, nonpublic school {including, but not limited to, a "home school"}). The child must continue to attend school until he or she turns 18, earns a high school diploma, or formally "drops out" of school at age 16 or 17, according to the procedure set out at IC 20-8.1-3-17(j).

IC 20-8.1-3-17(j)

- (j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:
- (1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and
 - (2) at the exit interview, the student provides written acknowledgement of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.
- (k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(j).

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 home school.

(IC 20-8.1-3-17 (d))

(d) An individual for whom education is compulsory under this section shall attend school each year:

- (1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or
- (2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

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.

(IC 20-8.1-3-23 (c))

(c) In a private school, the record shall be required to be kept solely to verify the enrollment and attendance of any particular child upon request of the state superintendent of public instruction or the superintendent of the school corporation in which the private school is located.

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.

(IC 20-8.1-3-34)

Sec. 34. Compulsory Attendance for Full Term; Duty of Parent. It is unlawful for a parent to fail, neglect or refuse to send his child to a public school for the full term as required under this chapter unless the child is being provided with instruction equivalent to that given in the public schools. This section does not apply during any period when the child is excused from attendance under this chapter.

CURRICULUM:

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

(IC 20-8.1-3-17.3)

(a) A school that is:

- (1) nonpublic;
- (2) non-accredited; and
- (3) not otherwise approved by the Indiana state board of education;
is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public or nonpublic or a state board approved nonpublic school if:

- (1) the governing body or superintendent of the school corporation, in the case of the accredited public school; or
- (2) the administrative authority, in the case of the accredited or state board approved nonpublic school; approves the enrollment or participation by the student.