

49-6-3050. Home schools.

(a) (1) A "home school" is a school conducted or directed by a parent or parents or a legal guardian or guardians for their own children. Public school facilities may be used by home school participants with the approval of the principal of the school, but this permissive authority shall not be construed to confer any right upon the participants to use public school facilities. If approved, use shall be in accordance with rules established by the local board of education.

(2) (A) Home schools that teach kindergarten through grade twelve (K-12), where the parents are associated with and where students are enrolled with a church-related school, as defined by § 49-50-801, that are supervised by the church-related school's director and that administer or offer standardized achievement tests, are exempt from this section.

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) shall possess at least a high school diploma or general education development certificate (GED).

(3) A parent-teacher may enroll the parent's home school student or students in a church-related school, as defined in § 49-50-801, and participate as a teacher in that church-related school. Such parent-teacher shall be subject to the requirements established by the church-related school for home school teachers and exempt from the rest of the provisions of this section.

(b) Except for home schools operated under subdivision (a)(2) or (a)(3), a parent-teacher conducting a home school shall comply with the following requirements:

(1) Provide annual notice to the local director of schools prior to each school year of the parent-teacher's intent to conduct a home school and, for purpose of reporting only, submission to the director of schools of the names, number, ages and grade levels of the children to be home schooled, the location of the school, the proposed curriculum to be offered, the proposed hours of instruction and the qualifications of the parent-teacher relative to subdivision (b)(4). Information contained in the reports may be used only for record keeping and other purposes for which similar information on public school students may be used in accordance with guidelines, rules and regulations of the state board of education. The director of schools or the director's designee shall ensure that attendance teachers are informed of parents' rights to conduct a home school pursuant to § 49-6-3001(c)(4), subsection (a) and § 49-50-801 upon employment of the attendance teachers and at the beginning of each school year;

(2) Maintenance of attendance records, subject to inspection by the local director of schools, and submission of these records to the director of schools at the end of each school year;

(3) Instruction for at least four (4) hours per day for the same number of instructional days as are required by state law for public schools;

(4) Possession of a high school diploma or GED by the parent-teacher;

(5) (A) Administration by the commissioner of education, or the commissioner's designee, or by a professional testing service that is approved by the LEA, to home school students of the same state board approved secure standardized tests required of public school students in grades five (5), seven (7) and nine (9); however, the test for grade nine (9) shall not be the high school proficiency test required by § 49-6-6001;

(B) (i) Tests administered by the commissioner or the commissioner's designee shall be at the same time tests are administered to public school students, and shall be administered in the public school that the home school student would otherwise be attending, or at whatever location students at such school are tested. Tests administered by the commissioner, or the commissioner's designee, shall be administered without charge. The parent-teacher may be present when the home school student is tested in grade five (5). Both parent-teacher and home school student shall be under the supervision of the test administrator;

(ii) Tests administered by a professional testing service shall be administered within thirty (30) days of the date of the statewide test. Tests administered by a professional testing service shall be administered at the expense of the parent-teacher;

(iii) All test results from either administration by the commissioner or the commissioner's designee, or by a professional testing service, shall be provided to the parent-teacher, the director of schools and the state board of education;

(6) (A) Consultation between the director of schools and the parent-teacher if the home school student falls three (3) to six (6) months behind the home school student's appropriate grade level, based on the test required in subdivision (b)(5);

(B) If a home school student falls six (6) to nine (9) months behind the home school student's appropriate grade level in the home school student's reading, language arts, mathematics or science test scores or such of these areas, regardless of the term used on the test, as are actually tested for the student's grade level, based on the tests required in subdivision (b)(5), the parent shall consult with a teacher licensed by the state board of education and having a certificate or endorsement in the grade level or course or subject matter in which consultation is sought. The parent and teacher shall design a remedial course to help the child obtain the child's appropriate grade level. The parent shall report the remedial course for the child to the local director of schools;

(C) (i) If a home school student falls more than one (1) year behind the home school student's appropriate grade level in the home school student's comprehensive test score for two (2) consecutive tests based on the tests required in subdivision (b)(5) and if the child is not learning disabled in the opinion of a teacher licensed to teach at the child's grade level, the local director of schools may require the parents to enroll the child in a public, private or church-related school, in accordance with this part,

and the parents shall have all rights provided by law to respond to this requirement;

(ii) If a test indicates that a home school student is one (1) year or more behind the home school student's appropriate grade level, the same test shall be administered to the child not more than one (1) year later, notwithstanding the required testing schedule in subdivision (b)(5)(A);

(7) [Deleted by 2011 amendment.]

(8) [Deleted by 2011 amendment.]

(9) Proof shall be submitted to the local director of schools that the home school student has been vaccinated as required by § 49-6-5001 and has received any other health services or examinations as may be required by law generally for children in this state; and

(10) Submission by the home school student entering public schools to the evaluation test provided for in § 49-50-801, if the local system requires the test, or the tests required by the state board of education for transfer students.

(11) [Deleted by 2011 amendment.]

(c) In the event of the illness of a parent-teacher, or at the discretion of the parent-teacher, a tutor, having the same qualifications that would be required of a parent-teacher teaching the grade level or course, may be employed by the parent-teacher.

(d) The department of education shall provide annually to home schools with which they have contact information about meningococcal disease and the effectiveness of vaccination against meningococcal disease at the beginning of every school year. This information shall include the causes, symptoms and the means by which meningococcal disease is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. This information may be provided electronically or on the department's web site. Nothing in this subsection (d) shall be construed to require the department of education to provide or purchase vaccine against meningococcal disease.