



Christian Home Educators Association of California

[www.cheaofca.org](http://www.cheaofca.org)

# Options for Homeschooling

## Compulsory Education Laws

Under the California Education Code, all children between the ages of six and 18 must attend a public full-time day school unless they are exempted (E.C. § 48200). Parents are confronted with the decision of how to comply with the compulsory education laws. The four most common exemptions that apply to homeschoolers are listed below:

1. Start your own private school.
2. Enroll in Private School Satellite Program (PSP)
3. Use a tutor.
4. Enroll in a charter school or independent study through the public school.

Each of these options will be discussed separately below.

### 1. Starting Your Own Private School

Home educators may legally establish private schools in their own homes. These schools must comply with the same laws that apply to all private schools, including filing a Private School Affidavit each year. The requirements are discussed in detail in chapter two of *An Introduction to Home Education*.

## CALIFORNIA EDUCATION CODE

### Private School Requirements

File an annual Private School Affidavit (E.C. §§48200, 48400, 48410, 48000, 48010.

“offer instruction in the several branches of study [i.e., subjects] required to be taught in the public schools” (E.C. §48222)

The instructor(s) must be “capable of teaching.” (E.C. § 48222)

Attendance “of the pupils shall be kept . . . in a register . . .” (E.C. § 48222)

## 2. Enrolling in a PSP

A PSP must meet the same legal requirements as all other private schools, so before enrolling, you should become familiar with the requirements of a private school and ask questions to make sure the program is in compliance. PSPs may be composed entirely of homeschoolers or may be an extension program of a campus-based private school.

## 3. Using a Private Tutor

Private tutoring requires a California credentialed teacher. The credential must be for the appropriate grade level and teaching must be in the courses of study required in the public schools. Tutoring must be done for at least three hours a day for at least 175 days per year. (E.C. § 48224)

Most homeschool parents who have teaching credentials choose to operate as private schools even though they qualify as tutors. The reason is the time requirement. Private schools have no set requirement for teaching a particular number of hours or days, while private tutors do. Thus the day-to-day recordkeeping is easier for a private school.

## 4. Enrolling in a Charter School or Public School ISP

When your children attend a charter school or public school independent study program (ISP), they are not “exempt” from the compulsory attendance law, they are in compliance with it. This is because these programs are public schools. When your children enroll, they are public school students. State law requires that the students in these programs must be under the “exclusive control of the officers of the public schools.” (E.C. § 47612(a)) This means that while parents may be involved in the day-to-day supervision of the child’s schoolwork, all final decisions are made by the public school official in charge. Additionally, a signed agreement is required specifying minimum requirements. Also, regular standardized tests are required and specified academic progress must be maintained or the program risks losing funding.

As you review the exemptions, consider why you want to homeschool, the “why” will affect your choices.

## Private Tutor Requirements

May be tutored by a state-certified private tutor and instructed “for at least three hours a day for 175 days each calendar year” between 8 a.m. and 4 p.m. (E.C. § 48224)

## Charter School Requirements

“No public money shall ever be used for the support of any sectarian or denominational school ... nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.” (Article IX, Section 8, California State Constitution)

“a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all of the operations ...” (E.C. § 47605[d])

“The State Department of Education shall not apportion funds to a local education agency for a pupil in an independent study program if that agency has provided any funds or other things of value to the pupil or his or her parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians.” (E.C. § 46300.6)

Some reasons families homeschool are to allow personalized curriculum/approaches, to provide Christ as the foundation for education (discipleship), or to meet special education needs. For more information on understanding your reasons for homeschooling and how they affect your choices, see

“Writing Your Philosophy of Education”

“Developing an Educational Philosophy”

### **Out-of-state Programs**

Families enrolled in out-of-state schools or programs are still required by state law to be enrolled in a California private school (home-based or PSP) with a California address for its location. Thus, families who use these programs must have their children dual-enrolled in both the out-of-state program and in a private school in California. Of course, out-of-state curriculum sources are fine to use, but if the program you’re considering requires enrollment in their program, be aware that you’ll still need to comply with California compulsory attendance laws by enrolling in an in-state program.

Because out-of-state schools are not recognized as meeting compulsory attendance requirements in California, it is unwise and unnecessary to voluntarily mention enrollment in one. It is not illegal to be enrolled in an out-of-state program; it just won’t meet compulsory attendance requirements. So feel free to enroll your children if you want, but just remember that you’re using it as a source of curriculum or services, not as a means of legal compliance with the compulsory attendance law.

### **Distance Learning or Correspondence Schools**

*Distance learning program* is the modern label for the concept previously known as correspondence schools. These programs offer curriculum, testing, recordkeeping, and monitoring of schoolwork. The parent usually submits a report of the child’s progress on a regular basis along with samples of work.

Some distance schools will try to help you deal with authorities if necessary. However, their success record has been limited.

The State of California does not recognize out-of-state schools as private schools. Home School Legal Defense Association (HSLDA) advises that the strongest legal position for the homeschooler is to establish a private school in the home or enroll the child in a private school satellite program (PSP) located within the state of California, and then use the distance learning program just as a source of curriculum and help for the teacher. Because most PSPs do not require the use of a particular curriculum, you should be able to enroll in a PSP and still use the program and curriculum provided by the distance learning or correspondence school. However, be sure to ask what the PSP's policy is before enrolling your child.

Distance learning or correspondence programs are an alternative for families who feel they need help and the extra discipline of having someone to whom they must be accountable. There is not as much personal involvement with an out-of-state program, however, as there is with other alternatives.

Out-of-state schools should not request cum files from public schools since California does not recognize such schools as valid for student attendance purposes. You, or the administrator of the California-based PSP in which you're enrolled, should request the records.

### **ISP or PSP**

You may have heard the term "ISP." Education Code §§51745 and 51746 govern public school ISPs. The view of the California Department of Education (CDE) is that independent study is a public school program, which must be supervised by a credentialed teacher employed by the public school district.

This view was expressed by the CDE in 2008: "[A] private school may not offer instruction through 'independent study' and a child enrolled in a private school [ISP] ... would not qualify for the exemption from public school attendance" [emphasis in original].

In response to CDE's published opinion, HSLDA, CHEA, and other state homeschool organizations have recommended that private schools with

## **Independent Study Laws**

State law requires that students enrolled in an independent study program must be under the "exclusive control of the officers of the public schools." (E.C. §47612 (a))

California Department of Education expressed this view in 2008: "[A] private school may not offer instruction through 'independent study' and a child enrolled in a private school [ISP] ... would not qualify for exemption from public school attendance."

homeschool programs use the term private school satellite program (PSP).

### **PSP without a Campus**

The PSP without a campus is a program geared specifically toward home-educating families. The administrator files one private school affidavit for the entire school, and sets up the program and requirements.

In general, PSPs offer recordkeeping, accountability, encouragement, and student interaction (holiday programs, field trips, special projects, etc.). Generally registrations and tuition fees are very modest compared to campus-based private schools. Because these programs vary widely in their services, check each school's requirements carefully, making sure it offers the services and requirements appropriate for your family.

### **PSP with a Campus-based Private School**

In the PSP with campus, your child is officially enrolled in a traditional private full-time day school and may participate in school activities; however, the student's classroom is at home. The private school's teachers often guide the homeschooling parent by in-home visits, helping with lesson plans, evaluating the child's progress, etc. Tuition may be less than for the school's on-campus program, but is typically more than for a PSP without campus.

If you have children below the age of six or eight (and sometimes even age 10) and believe in delayed formal academics, be sure the school understands your philosophy of early childhood education and your desire to keep your younger children out of pressurized, formal academics. Have a clear understanding with them at the outset about what they will or will not expect from your young child. The most satisfactory arrangement is usually when the PSP administrator is also a homeschool parent.

### **Public School ISP**

Some counties have ISPs specifically for homeschoolers. Some families have reported good

experience and have appreciated the use of public school facilities and equipment. However, we urge you to completely think through your reasons for homeschooling and your philosophy of Christian education. Because public schools are prohibited from offering or allowing religious education within their programs, it's unlikely that the goals of Christian homeschool parents will be compatible. Some programs have promised non-interference to begin with, only to add more and more restrictions each year. Request to have the program's policies in writing.

Most school districts require you to use state-approved texts and give them to you free. While you may use Christian materials that you purchase on your own after school hours, just as you could if your students attended any school, state law prohibits use of Christian-based curriculum for credit in the public schools.

If your child is enrolled in a public school ISP, you will be placing your homeschooling under the authority of the public school system over which you have no control.

## **Charter School**

The homeschooled pupil may enroll in a charter school offering home study. (E.C. § 47600 et al.) These programs use a variety of titles: homeschooling; independent study; distance learning; virtual, online, cyber, or computer-based schools; co-op teaching; correspondence; work study; or home study. What these “non-classroom based” charter school have in common is that the student completes most schooling without attending a classroom.

CHEA wholeheartedly believes in and defends the right of parents to direct the upbringing of their children, including the right to choose how their children are educated. While CHEA respects each family's schooling decisions, because families who choose this option relinquish some of the freedom and right to direct their children's education, we cannot recommend public school programs.

## **What is a charter school?**

“A charter school is a *public school* that provides instruction in any combination of grades, kindergarten through grade twelve. Parents, teachers, or community members may initiate a charter petition, which is typically presented to and approved by a local school district governing board. The law also allows, under certain circumstances, for county boards of education and the State Board of Education to be charter authorizing entities” [emphasis added] California Department of Education, “Charter Schools FAQ.”

---

For CHEA's position on public school programs, see “Q & A Regarding CHEA's Position on Public School Programs.”

CHEA of California is dedicated to providing information, training, and support to parents desiring to give their children a Christian education at home.

CHEA of California  
P.O. Box 2009  
Norwalk, CA 90651  
562-864-CHEA  
[cheainfo@cheaofca.org](mailto:cheainfo@cheaofca.org)  
[www.cheaofca.org](http://www.cheaofca.org)

Copyright October 2015 by CHEA of California