

## **Tips for Writing Your Education Plan**

### **Compulsory Attendance Statute**

In Massachusetts, there is no statute specifically governing homeschooling. Rather, the Massachusetts Supreme Court upheld the compulsory attendance statute which states that "Every child between the minimum and maximum ages established for school attendance by the board of education, ... shall, subject to section fifteen, attend a public day school in said town, or some other day school approved by the school committee,... but such attendance shall not be required of a child... who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee." (Mass General Laws, Chapter 76, section 1)

### **Minimum and Maximum Ages for School Attendance**

The minimum age established for compulsory school attendance is six, maximum age is 16. From 603 CMR 8.00: Kindergartens: Minimum School Age Section 8.02: Mandatory Minimum Age for School Attendance: Each child must attend school beginning in September of the calendar year in which he or she attains the age of six.

### **Prior approval of homeschooling plans-overview**

The *Charles* court decided that while parents "possess a basic right in directing the education of their children, such a right is not absolute but must be reconciled with the substantial State interest in the education of its citizenry... Thus, the school committee may enforce, through the approval process under G.L. c. 76, Sec. 1, certain reasonable educational requirements similar to those required for public and private schools." (*Charles* at 336)

### **Guidelines for Approval of Home Education Plans in Massachusetts from *Care and Protection of Charles et al. (1987)* and *Michael Brunelle & others vs. Lynn Public Schools (1998)***

The *Charles* court recognized that certain factors may be considered by the superintendent or school committee in determining whether or not to approve a home school proposal:

1. the proposed curriculum, the length of the homeschool year and the number of hours of instruction in each of the proposed subjects
2. the competency of the parents to teach the children
3. access to the textbooks, workbooks, and other instructional aids to be used by the children and to the lesson plans and teaching manuals to be used by the parents
4. a form of assessment of the children to ensure educational progress and the attainment of minimum standards

### **Practical Application of *Charles* and *Brunelle* Guidelines**

Before submitting anything to your school district, it is a good idea to talk to local homeschoolers. You can probably find someone by contacting a support group near you (<http://www.ahem.info/SupportGroups.html>). Or call your AHEM regional contact to find out details about the practice in your town (<http://www.ahem.info/CountyContacts.html>). While *Charles* does not specify that a homeschooling plan needs to be submitted annually, most towns expect annual plans.

**Guideline 1: School officials may consider the subjects the child will study, the length of the homeschool year, and the hours of instruction in each subject.** While school officials may consider hours of instruction in each subject, they may not dictate the manner in which the subjects will be taught. (*Charles* at 339)

### **In practice:**

#### **Subjects the child will study:**

G.L. c. 69, section 1D lists as core subjects mathematics, science and technology, history and social science, English, foreign languages and the arts. Subjects from Chapter 71 Sections 1 and 3 include orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, health education, physical education and good behavior.

To comply with this guideline parents can list subjects they plan to cover. A simple list of subjects should suffice, since the school is not allowed to dictate the manner in which you teach.

You may want to use key phrases or paragraphs that help to convey the flexible nature of homeschooling:

- "Topics may include, but shall not be limited to, the following:"
- The appended curriculum is a statement of things [child's name] has learned and, based on that, of things s/he will continue learning during the year. Topics often mesh and activities and discussions reflect a wider picture than can be expressed in a list of isolated subjects."
- Needless to say, if you are following a boxed or self-made curriculum, you can simply outline what you plan to cover for the year, while still allowing for some degree of flexibility in your plan. If you do not want to write an outline, a photocopy of the table of contents from the curriculum should suffice.

**Length of the homeschool year:** While *Charles* states "...G.L. c. 71, Secs. 1 and 4 and 603 Code Mass.Reg. Sec. 27.01 (1980), require cities and towns to operate the public schools for a minimum of 180 days" it does not go so far as to state that the length of a homeschool's year must be the same as a public school year. However, the path of least resistance in assuring that your plan will equal "in thoroughness and efficiency" the schools in the same town is to assert that your homeschool year will "meet or exceed 180 days." Many homeschool families choose to write that their "homeschool year extends 365 days a year, easily exceeding the minimum 180 days of a public school." In any case, note the length of your homeschool year, somewhere between 180 days and 365 days a year.

**Hours of instruction in each subject:**

Parents may calculate hours of instruction based on the manner in which they homeschool, which does not have to replicate the public school's offering, only equal it in "thoroughness and efficiency." Keep in mind that the definition of "instruction" is loose and includes such activities as independent study, field trips, technology-assisted learning, and presentations by persons other than teachers. Additionally, following a schedule is not an important consideration in a home school where "...the perception and use of time... are different." (*Brunelle* at 518)

- Some parents write that they "will meet or exceed the 900 (elementary) or 990 (secondary) minimum hours of instruction."
- If school officials insist on more detail than this, submit an estimate of hours per subject per year, prefaced by a statement such as "Because of the flexible nature of homeschooling, the following is necessarily an estimate of hours of instruction spent per subject" or "Due to the integrated nature of our curriculum, the following is a good faith estimate of number of hours of instruction per subject." Or come up with your own caveat. If you are interested in knowing how the public schools allocate their time, schools have curriculum guides that define how much time will be spent on each subject per week. These guides should be made available to you upon request.
- Schools are not authorized to go so far as to ask for an hourly or daily schedule.
- If the school official is insisting on an hourly daily or weekly schedule, accompany the above with this quote from *Brunelle*: "While following a schedule may be an important consideration in a public school where preexisting schedules need to be maintained and coordinated, the perception and use of time in a home school are different. The plaintiffs can observe and accommodate variations (from child to child, subject to subject, day to day) in the learning process and teach through a process that paces each student."

**Guideline 2: School officials may ask for information regarding "academic credentials or qualifications of the parent or parents who will be instructing the children." (*Charles*)**

"...[C]ertification would not appropriately be required for parents under a home school proposal... Nor must the parents have college or advanced academic degrees." (*Charles* at 339) "General Laws c. 71, Sec. 1, provides that teachers shall be 'of competent ability and good morals.'" (*Charles* at 339)

**In practice:**

To comply with this, parents can include one of the following in their education plan:

- "I am of competent ability and good morals."
- Summarize your educational credentials.

Schools are not authorized to ask for the qualifications of "everyone" who will be teaching your child.

**Guideline 3: School officials may consider teaching materials,** but "only to determine subject and grade level... school officials may not... use this access to dictate the manner in which the subjects will be taught." (*Charles* at 339) The *Brunelle* court pointed out that "...some of the most effective curricular materials...may not be tangible. For example, travel, community service, visits to educationally enriching facilities and places, and meeting with various resource people, can provide important learning experiences apart from the four corners of a text or workbook." (*Brunelle* at 518)

**In practice:**

To comply with this guideline:

- You can write, "We will be using a variety of materials and resources, a list of which will be made available to the school department upon request."
- or list books and other resources that they will have available to them. (See example list below.) If you are using a set curriculum, then you can list the books and resources you will be following from that.
- If your school insists on more detail, photocopying the table of contents of a couple of key books will probably suffice.
- If after trying one or more of the above suggestions, you find yourself in the very unusual situation of having a school official who insists on actually seeing the books and materials, you could try quoting *Brunelle* at 518 (above), point out that your plan includes making great use of such intangible resources, and that the internet and the public library are accessible to anyone, where a sampling of the tangibles you have available to you can be found.

It is all a question of how to define "access" in this context; remember that approval can only be conditioned on requirements that are "essential to the State interest in ensuring that 'all the children shall be educated.'" (*Charles* at 337) Since the majority of schools feel that a list of resources meets their need for access to teaching materials, and some are happy with less than that, it would be difficult to argue that physical access is "essential."

*Possible resources*

Internet

encyclopedias

dictionaries

atlases

reference books and materials (such as textbooks, field guides, timelines, globe maps, etc.)

newspapers

magazines (including, but not limited to...)

library loan books, CDs, magazines, etc.

educational games

educational computer software and on-line services

calculating and measuring tools and utensils

arts & crafts supplies

writing supplies

musical instruments

audio-visual equipment and materials

religious materials

science lab equipment

sports equipment

gardening tools

carpentry tools

home maintenance equipment

community resources (such as museums, stage performances, sports programs, private lessons, volunteer opportunities)

**Guideline 4: School officials and parents should agree on a method of evaluation that may include one of the following approaches:** standardized testing, periodic progress report, or dated work samples. Other methods of assessment, if mutually agreed upon by parents and school officials, are also

allowed. Home visits may not be required as a condition of approval. See *Brunelle* <http://www.ahem.info/Brunelle.html>.

Choose the one form of assessment that best fits your style of homeschooling, either testing, progress report, or dated work samples. Adding a line such as, "An annual progress report/dated work sample/standardized test results (parents pick one) will be submitted upon request" is a good idea if you aren't sure whether or not they'll ask for anything; if they don't ask, you don't need to submit anything. If you know your town consistently requires people to report, it's somewhat pointless to stipulate "upon request" since you know they'll ask and it just creates more work for them to have to.

Some families use different methods of assessment for different children.

### **General considerations**

We recommend conducting as much communication with school officials as possible in writing.

Once you have submitted a plan including information outlined by the guidelines in the *Charles* decision, you have fulfilled your responsibility to homeschool. Either hand deliver your plan to the school and ask for a receipt, or mail it certified mail, return receipt requested. It is not unheard of for schools to lose your paperwork, so it's good to have a copy of what you have submitted, and proof that you have submitted it.

Depending on what town you live in, you may or may not hear anything from your school once you've submitted your plan. If it is important to you to receive an approval letter, include a sentence such as, "We would appreciate a letter of approval from you" in your letter. Such proof of homeschooling can be used to receive discounts at various stores and museums.

From *Charles* at 338: "If the home school proposal is rejected, the superintendent or the school committee must detail the reasons for the decision. The parents must then be given an opportunity to revise their proposal to remedy its inadequacies. However, if the parents commence the education of their children at home in the face of the school committee's refusal to approve the parents' home school proposal, the burden of proof under G.L. c. 119 or G.L. c. 76, Sec. 2, shifts to the school committee to show that the instruction outlined in the home school proposal fails to equal 'in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town....' G.L. c. 76, Sec. 1."

In other words, if the school sees a problem with your plan, they must give you the opportunity to remedy it. If, having submitted a plan, you begin homeschooling without approval, the school assumes the burden to show that your plan does not equal "in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town...." In *Charles*, the court recommended for "the parties... to proceed expeditiously in a serious effort to resolve the matter by agreement."

In the unlikely event that the school wants to take you to court, the huge expenditures for them to do so coupled with the fact that they would bear the burden of proof to show your plan is not adequate would most probably be a detriment, especially given the likelihood that a judge would recommend an expeditious resolution to remedy the situation.

If you have questions about any of the above, please do not hesitate to contact us here at AHM. See <http://www.ahem.info/CountyContacts.html>.

For inspiration on dealing with school officials who may be asking for more than *Charles* allows, see *Homeschoolers Stand Their Ground* <http://www.ahem.info/HomeschoolersStandTheirGround.html> and *Handling It Ourselves* <http://www.ahem.info/HandlingItOurselves.html>.

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