

Homeschooling In Kentucky

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Foreword

There are few public policy issues that resonate with Kentucky constituents more than education. The Office of Education Accountability (OEA) fulfills an important legislative oversight role for this important public policy issue. Born from the 1990 Kentucky Education Reform Act, OEA fulfills two major education needs: investigating allegations of wrongdoing in public education, and researching topics related to elementary and secondary public education. This report is an important component of the OEA 2017 research study agenda, as set by the Education Assessment and Accountability Review Subcommittee (EAARS).

This report examines homeschooling in Kentucky. Chapter 1 provides an overview of the current landscape for homeschooling in the commonwealth and sets out the conclusions reached by the study team. Chapter 2 looks at trends for homeschooling within Kentucky, set within the context of national trends, proceeding to a summary of tracked outcomes. Chapter 3 looks specifically at the laws that allow for homeschooling, and compares Kentucky's legal framework for homeschooling with the frameworks in other states.

The Office of Education Accountability would like to thank the Cabinet for Health and Family Services, the Administrative Office of the Courts, the Kentucky Department of Education, and those in the homeschooling community for their assistance with this report.

Thank you for your interest in this report.

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Summary

Background

Home school enrollments are growing in Kentucky and the nation. Home school advocates cite academic and social benefits of educating children at home, and the freedom it provides for families who wish to educate their children outside the formal structures of public, private, or parochial education. Public school officials, while acknowledging the quality of education in many home schools, worry that some families who claim to be homeschooling are not.

This report provides home school enrollment data for Kentucky and outcome data for the minority of home school students for whom it is available. Complete or representative outcome data for home school students are not available in Kentucky or the nation. The report also compares Kentucky's legal requirements for home schools with those in other states and reports challenges in the implementation of Kentucky laws that require compulsory school attendance and protect children's fundamental right to educational instruction.

Data in the Report

At 3.6 percent, the percentage of school-aged children who are homeschooled in the commonwealth slightly exceeds the 3.3 percent estimated for the nation. Home school enrollment varies substantially among Kentucky districts, ranging from less than 1 percent in some to over 7 percent in others. Home school enrollment has increased in most districts in recent years. These increases reflect parents' concerns about the social environment in public schools, school safety, and, for some, the perception that they cannot trust the information being provided by public schools. Sharp increases, beginning in 2015, in the number of high school students who transferred from public school to home school may be associated with the changes that were to go into effect in most districts in 2016, raising the legal age to drop out of school from 16 to 18.

Although outcome data are not available for most K-12 home school students, the Kentucky Council on Postsecondary Education (CPE) collects outcome data for Kentucky home school students who take college classes, either as high school students or after high school graduation. Home school students who enroll in postsecondary institutions earn higher GPAs than do their public or private school counterparts in dual credit high school classes as well as in college classes. As first year college students, 61 percent of Kentucky home school graduates earned GPAs of 3.5 or above in 2017, compared to 41 percent of recent public school graduates. Home school students enrolled in Kentucky postsecondary institutions also had higher ACT composites than their public school counterparts, earning an average ACT composite score of 23.9, compared to 22.5 for public school graduates. However, the data may not be representative of all homeschoolers as only about one fifth of Kentucky home school graduates attend college in Kentucky. Academic outcomes for the majority of home school students are simply unknown.

The report also provides data supporting the claims of directors of pupil personnel (DPP) that some families may be reporting their children as homeschooled as a way of avoiding legal

consequences for public school truancy. Almost one third of the students that transferred to home school from public schools in 2017 were absent 20 percent or more of their enrolled days at the time of their transfer. Because they are required to visit the homes of truant public school students, DPPs often have experience with families who ultimately withdraw their children to home school and worry that the conditions they observe in the home—lack of parental education or instructional materials—make it unlikely that the homeschooled children will be educated.

Legal Requirements

A family that wishes to home school in Kentucky must notify the school district of a child's home school enrollment. No minimum level of education for home school instructors is required. Although required by law to teach a variety of subjects and for a duration at least as long as the public school term, home schools are not required regularly to submit any evidence that they are complying with these requirements. Home schools are, however, required to keep scholarship and attendance reports that are open to inspection by DPPs.

The legal requirements that apply to Kentucky home schools are higher than those in surrounding states Illinois, Indiana, and Missouri and in many states across the nation that do not require home schools to report enrollment or teach specific subjects. Kentucky's home school requirements are lower than those in surrounding states Ohio and West Virginia, and lower than at least one homeschooling option in Virginia and Tennessee. These surrounding states require home school instructors to have at least a high school diploma or be otherwise qualified and to submit evidence, such as standardized test scores, that students are learning.

Implementation Challenges For Home School Accountability

In Kentucky, as in many states, the laws that apply to home schools exist in a complex environment caused by tension between parents' rights to freedom of religion or conscience in determining the education that is appropriate for their children and government officials' obligation to enforce laws that require children to be educated. The responsibility for implementation of laws that require children to be educated in the commonwealth, as those laws apply to home schools, is divided among DPPs, the Cabinet for Health and Family Services (CHFS), local courts, and private individuals who are concerned that a child is not being educated. As reported by DPPs, implementation of these laws varies substantially among districts, as does the likelihood that changes will be effected in a home school that does not appear to be educating.

DPPs are charged statutorily with the duty to enforce compulsory attendance laws for all children in their district but about half of DPPs disagree that they have the practical ability to carry out this duty with homeschooled children. As described in detail in Chapter 3, DPPs have limited authority to monitor the education being provided by home schools and no authority to require changes in home schools that do not appear to be educating.

Accountability for home schools that may not be educating their students rests ultimately with the CHFS and the local courts; under Kentucky law each entity has the authority to determine

whether a child is not being adequately educated and thus educationally neglected. Home school advocates cite these laws as an adequate mechanism to provide accountability for home schools.

As reported by DPPs, the likelihood that a home school that is not educating a student will face consequences varies substantially among districts depending, especially, on how local CHFS workers and judges address reports of educational neglect.

The chapter describes a variety of challenges to the implementation of Kentucky laws related to compulsory school attendance and educational neglect. These include

- lack of clarity in DPPs' roles in monitoring and reporting concerns related to attendance and scholarship reports;
- time constraints on DPPs, CHFS workers, and local judges; and
- lack of clarity in the law about what would constitute an adequate scholarship or attendance report from a home school.

Statute authorizes, but does not require, the Kentucky Board of Education and the Kentucky Department of Education to take steps that might add some clarity to home school requirements and authorizes, but does not require, KDE to play a role inspecting attendance and scholarship reports. Neither KBE nor KDE have acted on these authorities.

In 1997, a "Best Practices Document" was developed by a task force that included representatives from the Christian Home Educators of Kentucky (CHEK), the Kentucky Home Education Association (KHEA), DPPs from four Kentucky districts, and the KDE liaison for nonpublic schools; the document has been updated since then. The document was developed to provide some guidance, clarity, and common understanding of home school laws for home school parents and DPPs. Many DPPs are not aware of the best practice document. Others are aware of the document but unsure of whether it constitutes legal or informal guidance. The best practice document does not address the role of the CHFS or the courts.

Major Findings

The report highlights five major findings:

Finding 3.1

KRS 159.040 authorizes the Kentucky Board of Education to play a role in establishing criteria required for attendance and scholarship reports that apply to all schools. KBE has not proposed regulations for the keeping of scholarship reports.

Finding 3.2

KRS 159.040 requires home schools to keep attendance in a register provided by KBE. KBE does not provide home schools with an attendance register.

Finding 3.3

KRS 159.040 allows KDE to play a role in inspecting attendance and scholarship reports. KDE does not currently play such a role.

Finding 3.4

The best practice document developed in 1997 and updated since then attempts to provide clarity to homeschooling families and DPPs. The best practice document was developed by a task force that included members of statewide home school organizations, DPPs and a KDE representative. Many DPPs are either not aware of this document or are confused about whether it represents law or suggested practices.

Finding 3.5

By law, CHFS and local courts have the sole authority to determine whether a child is being educationally neglected. Currently, guidance and tools to make determinations of educational neglect are limited. Thus, determinations of educational neglect are made based on the discretion of DCBS workers or judges.

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Chapter 1

Introduction And Overview

Home school enrollment is rising nationally. Recent increases in Kentucky reflect a variety of families' concerns or interests.

The last three decades have seen a steady increase nationally in the number of families who wish to educate their children at home, outside the formal structures of public or private, accredited education. Recent increases in the number of students being homeschooled in Kentucky reflect families' social, religious, and academic priorities as well as concerns about school safety. Public school officials worry that the increased number of homeschooled children includes some whose families are claiming to be homeschooling their children but are not.

This report provides a summary of data available including current home school enrollment, recent trends, and outcome data for the minority of homeschooled children for whom they are available. It also describes the laws that apply to home schools in Kentucky, compares these laws to those in other states, and describes concerns about and challenges in implementing Kentucky's laws.

Description Of This Study

This report summarizes available data and compares laws that apply to home schools in Kentucky versus other states. It also describes challenges in the implementation of Kentucky's laws with regard to homeschooling.

In November 2017, the Education Assessment and Accountability Review Subcommittee requested that the Office of Education Accountability (OEA) study homeschooling in Kentucky. The subcommittee requested specifically that the report analyze homeschooling policies across the nation, with particular attention to Kentucky's bordering states. The subcommittee also requested that OEA analyze the number and percentage of students who are homeschooled. The full report includes an analysis of the implementation of laws that apply to home schools in the commonwealth; a review of available outcome data for home school students; and a summary of concerns expressed by some home school parents in the commonwealth.

Major Conclusions

1. Children in Kentucky are homeschooled at rates that appear slightly higher than estimated for the nation.^a About 3.6 percent of Kentucky children ages 5 through 17 are homeschooled; this is only slightly higher than the

^a Percentages reported for Kentucky are for 2017. National estimates are for 2016. It is possible that the estimated percentage for the nation would have been higher in 2017.

estimated 3.3 percent of students homeschooled in the nation.

2. The percentage of students who are homeschooled varies widely among Kentucky districts, from a low of under 1 percent in some districts to a high of over 10 percent in others.
3. Most Kentucky school districts reported increases in home school enrollment between 2013 and 2017. Reasons suggested by directors of pupil personnel (DPP) for the increase in homeschooling include concerns about students' mental health or safety; and underage students who, after mandatory attendance was extended to 18 years, do not wish to continue their education. Home school advocates cite lack of trust in the information they or their children receive from public schools as a key motivation to homeschool.
4. Data on the academic achievement of the entire homeschooling population are not available. The minority of home school students who enroll in Kentucky postsecondary institutions, including those who take dual credit classes in high school, achieve, on average, at higher levels than their public school peers. Home school advocates cite prominent Kentuckians of many professions who are home school graduates. The very small percentage of home school students who transfer into K-12 public schools achieve, on average, similarly to their public school peers in reading and below them in math.
5. Laws that apply to home schools vary widely among states, including Kentucky's surrounding states, and are difficult to compare directly. Kentucky laws require more of home schools than some states and less than others. For example, unlike home schools in some states with lower requirements, Kentucky home schools must report enrollment annually and keep documents that are open to inspection by school districts. Unlike states with greater requirements, Kentucky does not require a high school diploma for home school instructors and does not require home schools regularly to submit evidence of teaching and learning.
6. Home school advocates and parents interviewed for this study believe that the requirements of home schools in

Kentucky are appropriate. They cite undue burdens placed by documentation requirements in some of Kentucky's neighboring states. Rather than requiring more documentation of all home school parents, they recommend that existing laws be enforced for home schools that are not truly educating their students.

7. Directors of Pupil Personnel (DPP) are responsible for enforcing compulsory school attendance laws in the commonwealth. Only 38 percent of DPPs agree that they have the practical ability to enforce compulsory attendance laws for home schools and many express frustration at their inability to effect changes in home schools that they suspect may be providing little or no education.
8. DPPs express particular concern that some families transfer their public school children to home school with the primary motivation of avoiding legal consequences of public school truancy. Students who withdrew to home school in 2017 were more than 11 times as likely to be absent 20 percent or more of days at the time they withdrew than were students who did not withdraw to home school (30.2 versus 2.7).
9. Home schools can be held legally accountable under Kentucky laws that consider lack of adequate education to be a form of neglect. The Kentucky Cabinet for Health and Family Services (CHFS) or local courts can both address reports of educational neglect. Authority to enforce accountability for home schools to educate rests ultimately with the courts.
10. As reported by DPPs, the likelihood that a homeschooling family that may be failing to educate a child will be held accountable varies substantially among school districts. Some DPPs report strong likeliness that actions taken by CHFS or local courts will ultimately effect changes in home schools that may not be educating whereas others report high unlikeliness that any actions will effect changes in these schools.
11. Reasons for the uneven implementation of laws that apply to home schools include: case burdens on court and CHFS workers; lack of clarity in the specific measures according to which home schools can be determined to be meeting legal requirements; and time constraints of DPPs, whose

primary duties lie with enforcing public school attendance laws.

Data Used For The Report

Much of the report's data are from OEA's 2017 survey of Directors of Pupil Personnel (DPPs), the public school officials responsible for enforcing compulsory attendance laws in each Kentucky school district.

Much of the data contained in the report are obtained from OEA's 2017 survey of DPPs in all Kentucky public school districts. DPPs are the school district officials who are statutorily responsible for enforcing compulsory school attendance of school-aged children, including children who attend private and home schools, and for collecting private and home school enrollment data. OEA's DPP survey requested home school enrollment data and DPPs' reports on issues such as implementation of laws that apply to home schools and factors influencing trends in the number of homeschooled students. The survey was informed by interviews conducted with DPPs and superintendents in eight Kentucky districts that included districts from all geographic regions and varying levels of student poverty as indicated by percentage of students eligible for federal free or reduced-priced lunch.

The report also uses data from the Kentucky Department of Education and the Kentucky Council on Postsecondary Education. OEA also conducted interviews with homeschool parents and representatives and with state officials from the Administrative Office of the Courts and the Cabinet for Health and Family Services (CHFS).

The report used data from the Kentucky Department of Education (KDE) student information system including enrollment (which reports transfer to and from home school), standardized test scores, demographic information, and attendance; KDE documents reporting school districts' participation in federal programs; Kentucky Council on Postsecondary Education enrollment and GPA data; national literature; interviews with officials from Kentucky's Administrative Office of the Courts and CHFS; and interviews with representatives or parents from several home school groups.^b This report refers to school years by the year in which the school year ends. For example, the 2013-2014 school year is called the 2014 school year.

Limitations

Other than enrollment numbers, complete, representative data on Kentucky home school students are not available. Outcome data in the report are for a small sample of students and should be interpreted with caution.

Other than enrollment numbers, complete, representative data on Kentucky home school students are not available. Data such as academic outcomes are reported from samples of home school students—such as those who enroll in Kentucky public schools or

^b Through web searches, OEA identified home school cooperatives or associations that appeared to vary in size and emphasis in academic, extracurricular, and religious orientation. OEA reached out to a representative sample of six groups, asking for interviews and recommendations for other contact groups. OEA interviewed representatives and parents from the groups that responded—The Christian Home Educators of Kentucky, the Kentucky Homeschool Legal Defense Association, and TeenPact, an organization that provides leadership training for Christian home school students.

in Kentucky postsecondary institutions—but must be interpreted with caution as these samples of students are not necessarily representative of all home school students.

The report contains systematic data from public schools; however, because of data access issues, OEA was not able to collect systematic data from home school families.

While OEA was able to collect systematic data from public schools, because of data access issues, OEA was not able to collect systematic data from home school families. For this reason, many of the issues addressed in the report—such as the implementation of Kentucky law related to home schools—are reported primarily from the perspective of public school officials and include limited data from home school families. The interview data gathered from the small sample of home school parents in this study do not necessarily represent the views or experiences of all home school families.

While OEA received responses from 171 out of 173 or 99 percent of all DPPs surveyed, response rates on individual questions varied. Unless otherwise noted, responses represent at least 90 percent of the state’s DPPs.

Organization Of The Report

The remainder of Chapter 1 will report reasons given for homeschooling children and models of home schools.

Chapter 2 describes the total numbers of Kentucky home school students, by age, and as a percentage of total enrollment, by Kentucky district, in 2017. The chapter also reports trends in home school enrollment over time and academic achievement data available for small samples of homeschooled children.

Chapter 3 describes the laws governing home schools in Kentucky and compares them to those other states, especially bordering states. The chapter also describes implementation of laws that apply to home schools, especially those that are intended to ensure that children are educated. The chapter summarizes concerns about those laws from home school parents interviewed for this study and from DPPs responding to OEA’s survey.

Home School – Overview

Although the education of children at home by their parents was common prior to the establishment of universal, public education, it was relatively rare as recently as the 1990s when national homeschooling rates were estimated at under 1 percent.¹ Since that

time, homeschooling has more than tripled in popularity exceeding 3 percent in both Kentucky and the nation.

Reasons for Homeschooling

National research indicates that the most common reasons for homeschooling are dissatisfaction with the social environment of public schools (safety, drugs, negative peer pressure); dissatisfaction with the academic instruction in public schools; and a desire to provide religious or moral instruction.

Families homeschool their children for a variety of reasons. Recent national research indicates that the most common reasons are, in order, dissatisfaction with the social environment of public schools (safety, drugs, negative peer pressure); dissatisfaction with the academic instruction in public schools; and a desire to provide religious or moral instruction.²

No comprehensive data exist on the reasons that Kentucky families choose to homeschool their children. This report provides reasons cited by the small sample of Kentucky home school parents and home school advocacy groups OEA was able to interview for this study and reasons reported by DPPs for public school students who transfer to home school.

Data from the Christian Home Educators of Kentucky (CHEK) indicate that lack of trust in information provided to students and concerns about safety are the top reasons for CHEK families to homeschool.

Christian Home Educators of Kentucky (CHEK) informally surveyed parents about reasons for homeschooling and the top three reasons, in order, were:

1. Lack of trust in the information being provided to students; this includes but is not limited to information or views that are in conflict with religious beliefs. Many home school parents do not necessarily trust the data used to report on students or the content that is presented to them in the public school curriculum.
2. Safety concerns following school shootings; and
3. Ability to customize academics for each child's individual needs; this can include the pace of instruction, content relevant to the child's interests, and meeting the needs of special education children or gifted children.³

Other benefits of homeschooling cited by homeschooling families include instruction that addresses moral, theological and character issues; provides hands on, varied, and deep learning experiences; and allows flexibility in scheduling around students' and families' schedules.

Other benefits of homeschooling cited by parents interviewed for this study included: moral and theological flexibility in instruction; learning opportunities that emphasize positive character traits; hands-on learning opportunities; exposure to a variety of people and opportunities; ability to teach in depth rather than "teach to the test"; and flexibility to pursue educational opportunities in a variety of formats. Homeschooling can also benefit a family's lifestyle. Flexibility of instructional times can allow children to spend more time with parents who work odd hours; focus on athletic or extracurricular activities; and incorporate learning experiences into daily life and vacations.

Home school parents cite the combination of academic and social benefits of homeschooling as strong preparation for adult life. Parents report positive feedback from employers and colleges on the performance of homeschooled children. Home school advocates provided OEA with examples of prominent citizens, in Kentucky and the nation, who are home school graduates.

As reasons for public school students to transfer to home school, DPPs cite parents' concerns about social and emotional issues and physical safety. DPPs also report that some parents transfer their children to home school as a way of avoiding negative consequences of public school truancy.

Public School Students That Transfer To Home School. OEA's survey of Kentucky DPPs suggest that there is no single most common reason that families choose to homeschool their children. Appendix A provides data on reasons parents transfer their children to home school as perceived by DPPs. The reason most frequently cited by DPPs is associated not with a particular interest of the child, but a desire to avoid negative consequences of truancy. Of the reasons that are associated particularly with the child's well-being, social and emotional issues and physical safety, are more likely to be factors than are concerns about education.

Home School Models

Home school models include those conducted entirely by families in their own homes, those that combine home instruction with professional tutoring, online education, or with enrollment for several days a week in cooperative schools with formal instruction.

Data on the types of home schools operated in Kentucky are not available but OEA's interviews with home school parents, advocacy groups, and public school officials indicate a broad range. Home school models include those conducted entirely by families in their own homes, those that combine home instruction with professional tutoring, online education, and part-time enrollment in cooperative schools with formal instruction. Cooperative schools vary in their particular emphasis, from those providing religious instruction, to those that emphasize the arts or an education grounded in classical texts. Professional tutoring or formal home school classes may be more common for students preparing for college and studying subjects, such as advanced math, that home school parents may not feel qualified to teach.

Many parents belong to networks or cooperatives that provide extracurricular activities such as sports, music, or field trips. These cooperatives also provide opportunities for social interaction among home school children.

Many parents belong to networks or cooperatives that provide extracurricular activities such as sports, music, or field trips. These cooperatives also provide opportunities for social interaction among home school children. While some networks may be informal and as small as a few families, others are large enough to organize formal sports teams or large-scale events, such as proms, for hundreds of students. By law, home school parents are responsible for determining their own particular curriculum and instructional materials. In some counties, however, public resources such as libraries are organized to assist home school parents.

In addition, home school children can participate in conventions, workshops, or seminars organized for a variety of purposes. For example, OEA observed home school students participating in an intensive training, conducted at the state Capitol, in understanding the political process and how to advocate for religious and cultural values. This training, which included debates and legal workshops, was run entirely by home school students or former home school students.

Concerns About Misuse Of Home School Laws

Public school officials and home school advocates noted that some families who report their children as homeschooled may not be operating a true home school. This concern applies especially to students who may have dropped out of school at age 16 if the legal age to drop out had not been increased to 18.

Public school officials and representatives of home school groups who were interviewed for this study both noted that among the students who are reported as homeschooled are children from families who may not be operating a true home school. These families may be using home school laws to remove their children from public school without the intention of truly homeschooling. Both public school officials and home school advocates expressed special concern about families falsely claiming to be homeschooling as a means of avoiding public school attendance for students who may have dropped out of school at age 16 if the legal age to drop out had not been increased to 18. It is possible that transfer to home school may be suggested to some families as an option for older students who appear extremely unwilling to remain in school.^c Some home school advocates had opposed legislation increasing the dropout age to 18; they feared there would be an increase in the misuse of home school laws to avoid compulsory attendance laws as a consequence of the change in dropout age rather than an essential problem with the laws.

As will be described in greater depth in Chapters 2 and 3, the overwhelming majority of DPPs noted that, among those students counted as homeschooled in Kentucky are those that are removed from public schools by families whose primary motivation is to avoid the negative, legal consequences of students cited for public school truancy. In fact, of the reasons that were identified by DPPs as the most common reason parents withdraw their children from public school to home school, seeking to avoid truancy charges was most common (20 percent of DPPs). As will be discussed in Chapter 3, DPPs' estimates of children who are labelled as homeschooled but not truly being educated vary widely among districts.

^c Home school advocates and several DPPs provided anecdotal evidence that parents of truant children may be advised by public officials that homeschooling is an option for their children to avoid truancy charges.

Chapter 2

Enrollment Trends And Achievement Data

The percentage of students that are homeschooled in Kentucky slightly exceeds the nation's, but home school rates vary substantially among Kentucky districts.

At approximately 3.6 percent, the percentage of students that are homeschooled in Kentucky slightly exceeds the nation's, but home school rates vary substantially among Kentucky districts, ranging from less than 1 percent to more than 10 percent of students.

Home school students who enroll in college perform, on average, at higher levels than their public school peers. The small percentage of home school students who reenroll in public schools perform similarly to their public school peers in reading and below them in math.

Data on academic achievement are unavailable for most home school students. Available data indicate that home school students who enroll in college, either after high school graduation or as dual credit students in high school perform, on average, at higher levels than their public school peers; however, home school students appear to enroll in college at much lower rates than their public school peers. Assessment data available for the small percentage of home school students who transfer to public schools show that they are proficient in reading at approximately the same rates as their public school peers but have lower math proficiency rates.

None of the achievement data reported in the chapter can be assumed to be representative of home school students generally. Academic outcomes for the majority of the home school population are simply unknown.

Caution should be used in assuming that any of the achievement data reported in the chapter are representative of home school students generally. Academic outcomes for the majority of the home school population are simply unknown in Kentucky and the nation.

Home School Enrollment Data Collection

KDE does not publish annual data on home school enrollment.

Like many state education agencies, KDE does not publish annual data on home school enrollment. Kentucky home school enrollment data for this study are taken primarily from numbers reported by DPPs on OEA's homeschool survey.^a

Data on children who are reported by home schools as enrolled should, in theory, be easily reported as DPPs are required by KRS 159.140 to keep a census of school-aged children residing in their districts and home school parents are required to notify DPPs annually of home school enrollment.

^a Of 173 districts, 160 reported home school enrollment by age to OEA. Home school enrollment for the remaining districts were submitted by total number—eight from follow up emails by OEA and five from data submitted by districts for the same year to KDE.

Methods of recording home school data vary among districts, however, and may not be easily reportable by all districts.^b Interview data suggest that most districts are using Excel software to keep track of home school students whereas others keep individual enrollment forms but may not compile the data received from individual home schools.

Kentucky districts are required to use the Kentucky Student Information System, Infinite Campus (IC), to record public school students' information. IC has the capability to record home school students' information; however, less than 10 percent of districts use it for that purpose. Only a handful of districts reported using IC to keep track of all home school students.^c Several DPPs indicated on OEA's survey that they would like to use IC to record data about home school students and would like guidance from KDE on how to do that.

DPPs in many districts reported difficulty keeping track of homeschooled students enrolled in their district because many home school families are highly mobile.

DPPs in many districts reported difficulty keeping track of homeschooled students enrolled in their district because many home school families are highly mobile and mail sent to the last known address is often returned. As will be reported later in this chapter, it is not uncommon for some home school families to switch back and forth frequently between home school and public schools.

IC has the capability, in theory, to enable DPPs to record and track home school students as they move in and out of public schools or move around the state, but current law does not require parents to submit the level of information that would allow for creation of the unique identification number that is necessary for accurate tracking. For example, home schools are required to report the age, but not the birthday, of individual children.

^b DPPs were asked to report home school enrollment, by age, in 2017. These data should in theory be easily available but were not reported by 13 of Kentucky's 173 districts. School districts are required to report home school and private school enrollment annually to KDE to comply with federal requirements to allow these students to participate in certain federally funded programs. OEA compared data reported by districts to KDE on these federal forms with data provided to OEA and found discrepancies in the numbers reported to OEA and to KDE in all but 6 districts. In 138 districts discrepancies exceeded 10 percent. It is possible that these discrepancies are explained by the month of the year in which data were reported.

^c These districts reported using the IC enrollment tab and entering homeschooled students as private school students. The remainder of districts who use IC keep track of only some home school students, such as those receiving special education services.

Percentage Homeschooled Kentucky and Nation

In 2017 more than 26,500 Kentucky students, or about 3.6 percent of school-aged children were enrolled in home schools.

In 2017 more than 26,500 students were reported by DPPs as enrolled in Kentucky home schools. As shown by Table 2.1, these numbers make home school students about 3.6 percent of the estimated number of children ages 5 to 17 in Kentucky. This is slightly higher than the 3.3 percent estimated for the nation in 2016.⁴

**Table 2.1
Estimated Percentage Of School-Aged Children
Homeschooled In Kentucky, 2017**

	Home School Children Ages 5 To 17	Census 2016 Estimated Total Children Ages 5 to 17	Approximate Percentage Home school
Kentucky Total	26,536	734,941	3.6%

Source: OEA 2017 Homeschool Survey; OEA staff analysis of data from the Kentucky Department of Education; US Census Bureau.

Demographic data of all Kentucky home school students are not available. Demographic data of public school students who transfer to home school show that they are more likely than all public school students to be eligible for free or reduced-priced lunch, less likely to be eligible for special education services, and less likely to be black or Hispanic.^d It is unclear whether the students who transfer from public school are representative of home school students generally.

Percentage Homeschooled By Kentucky Districts

Figure 2.A shows variation, by Kentucky district, in the percentage of students who are homeschooled. Note that the method used to calculate percentages of students homeschooled by district

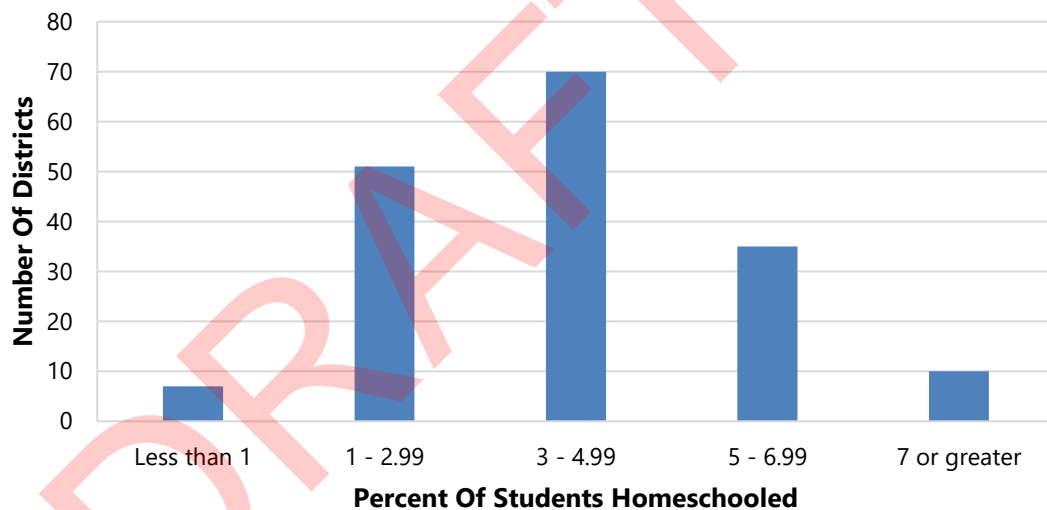
^d Compared to all public school students, those who withdraw to home school are more likely to be white (88 percent versus 78 percent), and less likely to be black (5 percent versus 11 percent), or Hispanic (3 percent versus 6 percent). Compared to all public school students, those who withdraw to home school are also more likely to be eligible for free or reduced-priced lunch (75 percent versus 60 percent) and less likely to be students with an Individualized Education Program (IEP) who are eligible for special education services (12 percent versus 14 percent).

excluded private school students. Using this method, the percentage of students homeschooled in the state was 3.8 percent.^e

The homeschooling rates in most districts fall within a few percentage points of the state average. Only 7 districts had less than 1 percent of students who were homeschooled and only 10 districts had more than 7 percent of students who were homeschooled.

Most districts fall within a few percentage points of the state average. Only 7 districts had less than 1 percent of students who were homeschooled and only 10 districts had more than 7 percent of students who were homeschooled. Appendix B shows the numbers and percentages of children homeschooled by Kentucky district in 2017.

**Figure 2.A
Percentage Of Homeschooled Students
By School District, 2017**



Note: Home school rates were calculated as a percentage of the total number of public and home school students in each district. When calculated this way, the state percentage of homeschooled students is 3.8 percent.

Source: OEA 2017 Homeschool Survey; OEA staff analysis of data from the Kentucky Department of Education.

With the exception of northern Kentucky, districts with relatively higher percentages of homeschooled students are dispersed across the state.

Figure 2.B shows the percentage of homeschooled students, by district. The map shows that, with the exception of northern Kentucky, districts with relatively higher percentages of homeschooled students are dispersed across the state.

^e OEA's calculation of district-specific percentages of homeschooled children did not include private school children as data on the county of residence for private school children were not available. Percentages of children homeschooled, by district, are calculated as a percentage of the public and home school membership combined.

The homeschooling rates in the state's largest cities, located in Jefferson and Fayette Counties (2.7 and 3.1 percent, respectively) are lower than the state's homeschooling rate of 3.8 percent; this is similar to national trends that show lower home school participation rates in urban areas.

There is little association between student poverty, as measured by the percentage of public school students eligible for federal free or reduced-priced lunch, and the percentage of students who are homeschooled in a district.

Homeschooling and District FRPL Rates. There is little association between student poverty, as measured by the percentage of public school students eligible for federal free or reduced-priced lunch, and the percentage of students who are homeschooled in a district.^f Districts with very high percentages of homeschooled students include both higher- and lower-poverty districts. Conversely, districts with very low percentages of homeschooled students include both higher- and lower-poverty districts.

Children are much less likely to be homeschooled in independent versus county districts.

Lower Rates In Independent Districts. Children are much less likely to be homeschooled in independent versus county districts. The average percentage of homeschooled students in independent districts is 2.3 percent versus 4.5 percent for county districts. Independent school districts are about one third of Kentucky districts and enroll about 11 percent of the state's public school students. Of the 20 districts with the highest percentage of homeschooled students, only one is an independent district. Of the 20 districts with the lowest percentage of homeschooled students, 18 are independent districts.

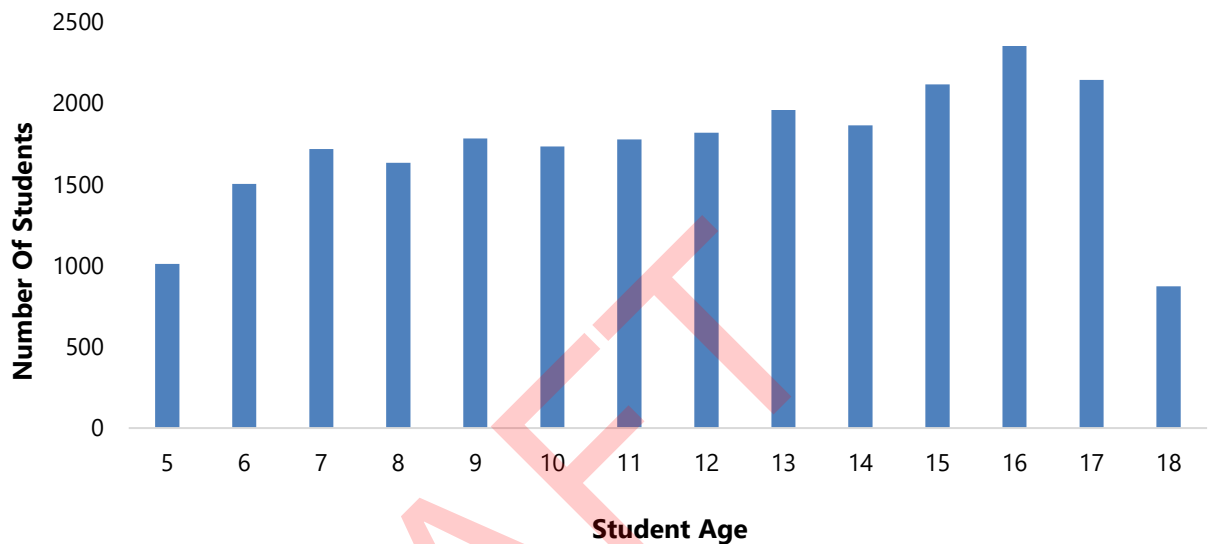
Home School Enrollment By Age

Home school enrollment climbs gradually with student age and climbs most steeply between ages 14 and 16.

Figure 2.C shows the number of students, by age, who were reported as homeschooled in 2017 by DPPs on OEA's survey. Between the ages of compulsory attendance (beginning at age 6 and ending at age 18) total home school enrollment climbs gradually with student age, growing from about 1,500 at age 6 to 2,350 at age 16. Enrollment climbs most steeply between ages 14 and 16.

^f The percentage of district students eligible for free or reduced-priced lunch explains less than one tenth of one percent of variance in the percentage of homeschooled students in Kentucky districts ($R^2 = 0.0003$).

Figure 2.C
Number Of Kentucky Home School Students
By Age, 2017



Note: Numbers reflect what was reported by the 159 districts that reported home school enrollment by age.
Source: OEA 2017 Home School Survey.

Enrollment Trends

National data show substantial increases from an estimated less than 1 percent homeschooled in the early 1990s to 1.7 in 1999, 3.4 in 2012 and 3.6 in 2016.

Historical data on the number and percentage of homeschooled children in Kentucky were not available. National data show substantial increases from an estimated less than 1 percent homeschooled in the early 1990s to 1.7 in 1999, 3.4 in 2012 and 3.6 in 2016.^g

Home School Enrollment Trends 2013 To 2017

Most Kentucky districts report increases in home school enrollment between 2013 and 2017.

Of the 164 districts that reported enrollment data for both 2013 and 2017, about three quarters reported increases in home school enrollment. Survey data suggest an overall increase of about 40 percent in the total home school enrollment during that period.^h Data on the number of public school students that transferred to

^g 1990 estimates from Bauman, Kurt. *Homeschooling in the United States: Trends and Characteristics*. August, 2001, p.8. Web. Accessed July 31, 2018. Estimates from 1999 and 2012 in NCES, 2017, p. i. See endnotes for references.

^h This estimate is based on data from the 115 out of 173 districts that provided total home school enrollment numbers for 2013 and 2017. While it is clear that home school enrollment has increased, the actual percentage of increase for all 173 districts could be higher or lower, depending on trends in the districts lacking 2013 data.

home school, reported in the section that follows, show similar trends.

Transfer To Home School

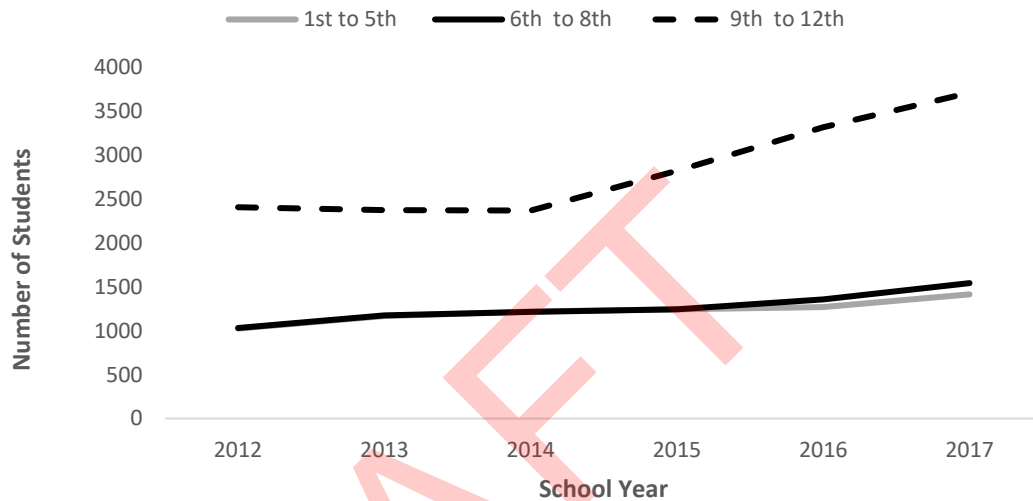
The home school population includes students who have never been enrolled in Kentucky public schools as well as students who were previously enrolled in Kentucky public schools and transferred to home school.

In 2017 a total of 6,874 public school students transferred to home schools. This is an increase of 40 percent over the 4,922 who were reported as transferred to home school in 2012. During those same years, public school enrollment increased by less than one percent.

Beginning in 2015 home school enrollment in grades 9 through 12 increased dramatically. These changes may be associated with changes that were to go into effect in the 2016 school year, when the overwhelming majority of Kentucky school districts (166 of 173) raised the legal dropout age from 16 to 18.

Figure 2.D shows the total number of students by grade range that transferred to home school in each year 2012 through 2017. The figure shows gradual and steady increases during these years in grades 1 through 5 and grades 6 through 8, and dramatic increases in grades 9 through 12 beginning in 2015. The increases in 2015 may be associated with changes that were to go into effect in the 2016 school year, when the overwhelming majority of Kentucky school districts (166 of 173) raised the legal dropout age from 16 to 18. It is possible that some students withdrew to home school in 2015 in anticipation of that change.

Figure 2.D
Students Transferring From Kentucky Public Schools
To Home School By Grades
School Years 2012 Through 2017



Source: Staff analysis of data from the Kentucky Department of Education.

Appendix C shows the total number of Kentucky public school students who transferred to home school in 2012 and 2017, by grade.

Many of the students who transfer to home school reenroll in public school within one or two years of withdrawing.

Many of the students who transfer to home school reenroll in public schools, often within one or two years of withdrawing. For example, of the 4,463 students who transferred to home school in grades 1 through 10 in 2012, 43 percent reenrolled in public school in 2013 and an additional 5 percent had reenrolled by 2014. Many students enroll in public school and transfer to home school more than once. Of the students who transferred to home school in 2012 and reenrolled in 2013, 15 percent transferred to home school again before 2017. Thus, many of the students shown as transfers to home school in Figure 2.D are counted in one or more school years.

DPP Concerns About Transfers To Home School

As will be reported more extensively in Chapter 3, DPPs interviewed for this study and responding to OEA's survey expressed strong concerns that some parents and guardians who withdraw their children from public school and report that they

DPPs expressed strong concerns that some parents and guardians who withdraw their children from public school and report that they will be homeschooling their children may be motivated primarily by the desire to avoid legal consequences of public school truancy.

will be homeschooling their children may be motivated primarily by the desire to avoid legal consequences of public school truancy.

Data presented in the section that follows show that students who transfer to home school are chronically absent prior to transfer at much higher rates than those who do not.

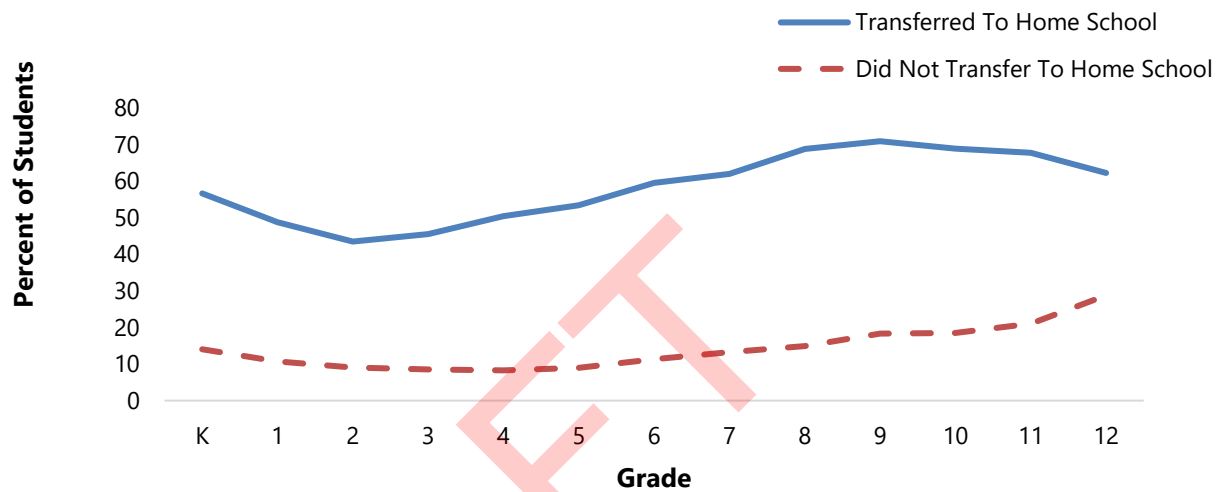
Absence Rates Of Students Who Transferred To Home School

Students who withdrew to home school in 2017 were four times as likely to be chronically absent at the time they withdrew (62 percent) than students who did not transfer to home school (14 percent).

Students are considered chronically absent if they are absent 10 percent or more of enrolled days. Students who withdrew to home school in 2017 were four times as likely to be chronically absent at the time they withdrew (62 percent) than students who did not transfer to home school (14 percent).

Figure 2.E shows the percentage of students, by grade, who were chronically absent at the time they transferred to home school compared to chronic absence rates of students who did not transfer to home school. In addition to showing the much higher chronic absence rates of students who transferred to home school versus those who did not, the figure shows the much higher rate of chronic absenteeism among all students, but especially those who transfer to home school, in the middle and upper grades.

Figure 2.E
Percentage Of Students Who Transferred To Home School
And All Others Who Were Chronically Absent, 2017



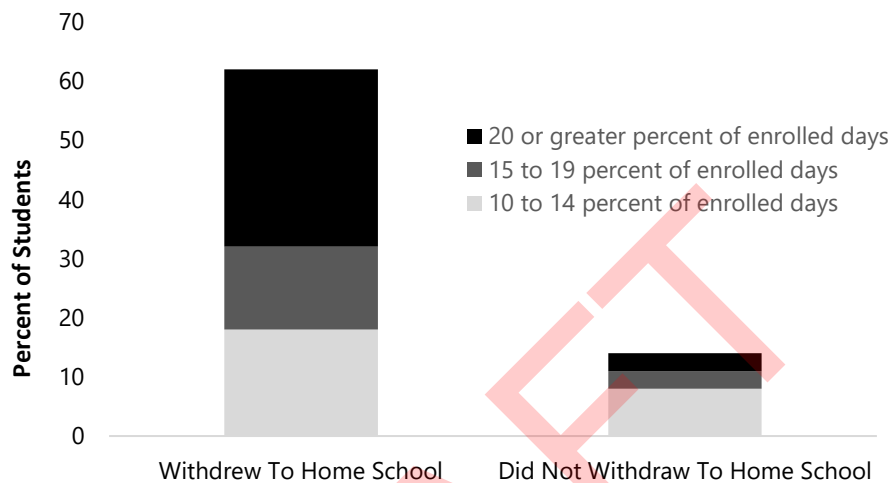
Note: Does not include students enrolled less than 50 days or students coded as moved. Chronic absence was calculated as 10 percent of school days enrolled.

Source: Staff analysis of data from the Kentucky Department of Education.

Almost one third of the students who transferred to home school in 2017 were absent 20 percent of more of enrolled days.

Figure 2.F shows absence rates of students who transferred to home school versus all other students by absence range. Almost one third of the students who transferred to home school in 2017 were absent 20 percent of more of enrolled days. The students who transferred to home school were more than 11 times as likely to be absent 20 percent or more of days at the time they withdrew than were students who did not withdraw to home school (30.2 percent versus 2.7 percent).

Figure 2.F
Percentage Of Students Who Transferred To Home School
And All Others, By Absence Range 2017



Note: Does not include students enrolled less than 50 days or students coded as moved. Chronic absence was calculated as 10 percent of school days enrolled.

Source: Staff analysis of data from the Kentucky Department of Education.

Note that the cause of prolonged absence—reluctance to attend school generally versus reluctance to attend the public school in which a student is enrolled— cannot be determined from the data alone. DPPs noted an increasing number of students who withdraw from public school for reasons that might also explain prolonged absences from school prior to withdrawal. These include mood disorders such as anxiety; negative peer relationships or bullying; or families' safety concerns after media reports of school shootings.

Data reported in Appendix D suggest that students who transfer to home school are also likely to be, on average, lower performing on reading and math tests than their peers who do not transfer.

Academic Achievement Of Home School Students

Lack of Comprehensive Data Available

No comprehensive data on the achievement of home school students in Kentucky or the nation exist. This section will report postsecondary achievement for the minority of homeschooled students (less than 20 percent) who enroll in Kentucky postsecondary institutions following high school graduation and high school dual credit data for the minority of home school students who take dual credit classes while still in high school. Appendix E reports K-12 assessment data for the very small percentage of home school students (less than 2 percent) who transfer into public school from home school for whom valid, comparative K-PREP data exist.ⁱ

None of the achievement data presented in this report should be interpreted as representative of home school students generally.

None of the achievement data presented in this report should be interpreted as representative of home school students generally. Achievement data are entirely lacking for those home school students who do not enroll in Kentucky postsecondary institutions or transfer to Kentucky public schools; these unmeasured students likely represent the majority of home school students.

Home School Students Who Enroll In Public School Grades 3 Through 8

Home school students who transfer to public schools perform fairly similarly to other public school students in reading and below them in math.

Appendix E compares the 2017 reading and math performance in grades 3 through 8 of Kentucky public school students with students who transferred into public school from a Kentucky home school. Overall, the data show formerly homeschooled students performing fairly similarly to other students in reading and, on average, below their peers in math. The data should be interpreted with caution because they represent such a small percentage of the total number of homeschooled students.

High School Dual Credit Enrollment And Grades

Dual credit courses are college-level classes offered by Kentucky postsecondary institutions to high school students.

ⁱ To be included in the OEA's analysis, students who were reported as transferred from home school were included only if they were not enrolled in Kentucky public schools for at least a year prior to their reenrollment. Many of the students who were reported as transferred from home school had been enrolled in Kentucky public schools during the previous year.

Dual credit courses allow students to obtain high school course credits while also earning credits towards college graduation, prior to enrolling in college. Dual credit courses can be offered online, at postsecondary institutions or, if taught by specially qualified instructors, in Kentucky public high schools.

In 2017, 400 home school students took college-level dual credit classes.

Table 2.2 shows the number of home school, Kentucky public school, and other (private or parochial) students who enrolled in dual credit classes in 2017 and the total number of classes they took in that year. The 400 home school dual credit students were 1.6 percent of the total number of 25,432 students (public school, home school and other) taking dual credit classes. They were thus a smaller percentage of the population of students taking dual credit classes than they are of the school-aged population as a whole (3.6 percent, as reported earlier). Home school students took an average of 3.6 dual credit classes, compared to an average of 2.7 classes per public school student.

Table 2.2
Dual Credit Enrollment And Classes Taken
Kentucky Home School, Public School, And Other, 2017

	Public School	Home School	Other
Classes taken count	62,909	1,456	4,512
Student count	23,000	400	2,032
Grades available count	53,312	1,288	3,645
Average number of classes per student	2.7	3.6	2.2

Source: Data provided to OEA by the Kentucky Council on Postsecondary Education.

Home school students are more likely to take courses online than are public school students; 28 percent of all dual credit home school students took classes online versus 19 percent of public school students.

Home school students enrolled in dual credit classes earn, on average, higher GPAs than their public or private school peers.

Table 2.3 shows the percentage of public school, home school, and other students earning dual credit GPAs, by GPA range, in 2017. Home school students enrolled in dual credit classes obtained high GPAs of 3.5 or above at much higher rates than did public school students or other students (73 of homeschool students versus 57 percent for public school and 60 percent for other) and obtained low GPAs of 2.0 or below at half the rate of public school students (3 percent versus 6 percent).

Table 2.3
Dual Credit Grades
Kentucky Home School, Public School, And Other, 2017

GPA	Public School	Home School	Other
GPA 3.5 and above	57	73	60
GPA 3.0 to 3.49	27	17	25
GPA 2.0 to 2.99	10	7	9
GPA below 2.0	6	3	6

Source: Data provided to OEA by the Kentucky Council on Postsecondary Education.

Postsecondary Education Outcomes

Enrollment

Table 2.4 shows the number of 2016 Kentucky high school graduates from public schools, home schools, and other schools who were enrolled in Kentucky postsecondary institutions during the 2017 academic year.

In 2017, 355 home school high school graduates enrolled in Kentucky postsecondary institutions. Kentucky home school students may be enrolling in college at lower rates than their public school peers.

Home school students comprised 1.5 percent of Kentucky high school 2016 graduates enrolled in Kentucky postsecondary institutions (PSI) in 2017 and were thus a lower percentage of the Kentucky PSI population than they are of the school-aged (5 to 17) population (3.7 percent). This suggests that Kentucky home school students may be enrolling in college at lower rates than their public school peers. Caution should be used in interpreting these data, however, because they are from Kentucky PSIs only and the proportion of public versus home school students that attend college out of state is not known.^j

^j The total proportion of Kentucky home school graduates enrolled in college could be higher or lower than the 1.5 percent reported here for Kentucky PSIs. National college enrollment data are not available for 2016 graduates.

Table 2.4
Enrollment Of 2016 Kentucky High School Graduates
In Kentucky Postsecondary Institutions, 2017
By Home School, Public School, And Other

Postsecondary Institution Type	Home School	Public School	Other	Total
4 Year Public	149	11,277	1,675	13,101
2 Year Public	153	6,916	322	7,391
Private	55	3,060	437	3,552
Total*	355	21,115	2,421	23,891

Note: *Enrollment by institution does not sum to total enrollment as some students enrolled in more than one type of institution in 2017.

Source: Data provided to OEA by the Kentucky Council on Postsecondary Education.

The total number of 2016 Kentucky home school graduates is not known. Numbers reported earlier in Figure 2.C for students of high school age suggest a graduating class of at least 2,000, however. At 355, home school enrollment in Kentucky PSIs in 2017 would be about 18 percent of the minimum of 2,000 students that should have been in the 2016 graduating class.

Kentucky home school students were relatively more likely than their public school counterparts to attend 2- versus 4- year institutions.

Kentucky 2016 home school graduates who attended Kentucky colleges in 2017 were approximately equally likely to attend 4-versus 2-year colleges (42 and 43 percent, respectively); their public school counterparts were much more likely to attend 4-versus 2-year colleges (53 versus 33 percent, respectively). Thus, Kentucky home school students were relatively more likely than their public school counterparts to attend 2- versus 4- year institutions. Home school students were about equally as likely to attend private PSIs as were public school students (15 percent versus 14 percent).

College Readiness

On average, ACT composite scores of Kentucky home school graduates attending Kentucky postsecondary institutions (PSI) were slightly higher than those of Kentucky public school graduates (23.9 versus 22.5).

Table 2.5 shows average ACT composite scores of Kentucky public school, home school, and other high school graduates who attended Kentucky postsecondary institutions in 2017. On average, ACT composite scores of Kentucky home school graduates attending Kentucky postsecondary institutions were slightly higher than those of Kentucky public school graduates (23.9 versus 22.5).

Table 2.5
Average ACT Composite Of
2016 Kentucky High School Graduates
Enrolled in Kentucky Postsecondary Institutions
By Public, Home School And Other High School
2017 School Year

	Public School	Home School	Other
Count	16,894	236	2,324
Average	22.5	23.9	24.3

Source: Data provided to OEA by the Kentucky Council on Postsecondary Education.

Kentucky home school graduates enrolling in Kentucky PSIs are more likely to outscore their public school counterparts in reading and English than in math.

Appendix F shows ACT data, by subject, of Kentucky public school, home school, and other high school 2016 graduates who attended Kentucky postsecondary institutions in 2017. These data show that Kentucky home school graduates enrolling in Kentucky PSIs are more likely to outscore their public school counterparts in reading and English than in math.

College GPA

Home school graduates are much more likely to have college GPAs of 3.5 or above than are public and other (private) school graduates and are less likely to have lower GPAs.

Table 2.6 shows first year GPAs of 2016 graduates from Kentucky home schools and Kentucky public schools who enrolled in Kentucky PSIs during the 2017 school year. Home school students have, on average, higher GPAs than their public school counterparts and students from other (private) schools. A greater percentage of home school versus public school graduates earned GPAs of 3.5 or above (61 versus 41 percent); conversely, a lower percentage of home school students versus public school students earned GPAs below 2.0 (8 percent versus 18 percent).

Table 2.6
First Year College GPA Of
2016 Kentucky Public School, Home School, And Other
High School Graduates Enrolled In Kentucky Postsecondary
Institutions In The 2017 School Year

GPA Range	Public School (n=17,206)	Home School (n=283)	Other (n=2,637)
	Percent of Students		
GPA 3.5 or Above	41	61	49
GPA 3.0 to 3.49	26	21	26
GPA 2.0 to 2.9	15	10	13
GPA Below 2.0	18	8	12

Source: Data provided to OEA by the Kentucky Council on Postsecondary Education.

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Chapter 3

Home School Laws, Kentucky And Nation

This chapter describes Kentucky laws that govern home schools broadly and compares Kentucky’s laws with those in other states. The chapter also describes, in greater depth, the laws that require Kentucky children to be educated as well as practical and legal complications in the implementation of those laws as they relate to home schools.

State Comparisons

State laws that apply to home schools vary widely, not only in the requirements but in the legal definition of these schools. Unlike Kentucky, which provides only one set of legal requirements for homeschooling, many states offer more than one legal homeschooling option.

State laws that apply to home schools vary widely, not only in the requirements that apply to home schools but in the legal definition of these schools. While many states have laws that apply specifically to home schools, Kentucky and some other states govern home schools under laws that apply to private or religious schools. Unlike Kentucky, which provides only one set of legal requirements for homeschooling, many states offer more than one legal option by which a parent or guardian can homeschool a child.ⁿ

The variety of options that exist in many states make direct comparisons of home school laws difficult.

The variety of options that exist in many states makes direct comparisons of home school laws difficult. For example, several of Kentucky’s neighboring states have one legal homeschooling option that has higher requirements than does the commonwealth’s sole option, but most of these states offer at least one legal home school option that has relatively lower requirements in some areas. The home school options with relatively lower requirements are often associated with exemptions based on religious beliefs.

Many states have fewer requirements for home schools than does Kentucky.

Table 3.1 summarizes requirements that apply to home schools in Kentucky compared to other states. The table shows many states

ⁿ For example, under Virginia’s requirements for home instruction statute, § 22.1-254.1, parents are required to demonstrate qualifications as instructors, to submit a curriculum description, and to submit evidence of student learning such as standardized test scores, licensed educator evaluation, or community college transcript. Under the religious exemption in the compulsory attendance statute, § 221-254, a parent who “by reason of bona fide religious training or belief is conscientiously opposed to attendance at school” can homeschool a child and is not subject to any of the requirements described in the home instruction statute. In Tennessee, different laws apply to students who are enrolled in online education schools versus those who are educated by parents in the home. In Kentucky, both would be considered homeschooled.

Many states have greater requirements for home schools than does Kentucky.

that have fewer requirements for home schools than does Kentucky. Unlike some other states, Kentucky law requires home schools to notify school districts that they are homeschooling children; teach specific subjects; and meet attendance requirements.

The table also shows two areas in which a number of states have greater requirements:

- While there is no minimum level of education required to operate a home school in Kentucky, 14 states require a high school diploma or above.
- Kentucky home schools are not required to submit any evidence of teaching or learning whereas 20 states require that home schools submit evidence such as standardized test scores, student portfolios, or assessments by qualified professionals.

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Table 3.1
Home School Laws Kentucky And Nation

Requirement	Description	KY	Number Of States	Surrounding States	
				Yes*	No
Notification	Parents are clearly required to report home school enrollment to district or state.	Yes	37**	OH, TN, VA, WV	IL, IN, MO
Instructor Qualifications	Minimum of high school diploma or equivalent.	No	14	OH, TN, WV, VA	IL, IN, MO
Required Subjects of Instruction	Instruction in specific subjects is required.	Yes	30	IL, MO, OH, WV	IN, TN, VA
Required records***	Can include grade reports, portfolios of work, or records of instruction.	Yes	N/A	IN, MO, TN, WV	IL, OH, VA
Attendance requirements (days or hours)	Generally similar or equivalent to public schools.	Yes	24	IN, MO, OH, TN, WV	IL, VA
Assessment or other evaluation of learning	Twelve states require standardized tests—often not every year—or other evidence such as evaluation by an approved evaluator, such as a psychologist or teacher.	No	20	OH, TN, VA, WV	IL, IN, MO
Pubic school participation permitted	Areas of participation vary (academic, extracurricular) and is not necessarily required.	Yes	26	IL, IN, MO, OH, TN, VA, WV	

Note: Kentucky provides only one set of legal requirements by which to homeschool. In some other states, two or more options exist and requirements vary widely among those options. Many of the states that have a particular requirement under one option may not have it under all options.

*In states with more than one option, designation is based on the primary home school option.

** Six states require notification only when homeschooling commences; Kentucky home schools are required to provide notification annually.

***The impact of these requirement on home schools varies greatly among states. In Kentucky, home schools are required to have records available, on request. In others, such as New York, home schools must submit to local superintendents home instruction plans annually, as well as quarterly progress reports.

Source: Staff analysis of data from Education Commission of the States and laws in surrounding states.

Public School Participation

According to OEA’s 2017 survey of Kentucky school districts, 141 out of 173 do not permit home school students to participate in district activities. Of those that reported allowing participation, the majority cited participation in federally funded special education activities.^o By federal law, home schools are permitted to participate in district activities funded through the Individuals With

^o DPPs reporting that the district does not permit participation would have been referring to activities other than federally funded activities. All school districts must permit participation in certain federal programs but very few home schools take advantage of that opportunity.

Disabilities Education Act (IDEA) or Title II teacher quality grants. Staff analysis of documents submitted to KDE indicate that less than 1 percent of home schools participate in these programs.

Surrounding States

Among Kentucky's surrounding states, Kentucky has greater home school requirements than do Illinois, Indiana, and Missouri.

Among Kentucky's surrounding states, Kentucky has greater home school requirements than do Illinois, Indiana and Missouri. For example, while Kentucky home schools are required to report enrollment annually to their local school districts, home schools in Illinois, Indiana, and Missouri are not. While each of these states share some of Kentucky's requirements—such as minimum attendance days/hours (Indiana, Missouri) and required subjects of instruction (Illinois, Missouri), the ability of home schools in these states to operate without annual contact presumably reduces the likelihood of any monitoring or accountability.

The home school requirements in Kentucky are lower than those under at least one home school option in West Virginia, Ohio, Tennessee, and Virginia.

Kentucky has fewer home school requirements than do West Virginia, Ohio, Tennessee, and Virginia, based on those states' primary home school options. For example, while there is no minimum level of education required to operate a home school in Kentucky, each of these surrounding states requires home school instructors to have at least a high school diploma under some home school options. While home schools in Kentucky are not required to provide any evidence of teaching or learning, at least one option in each of these surrounding states does. In Ohio, for example, home schools must provide either a standardized test score, a written narrative by a qualified professional, or an approved alternative assessment annually. In West Virginia, home schools must either assess students annually and submit assessment results to school districts in the 3rd, 5th, 8th, and 11th grades or seek approval to homeschool from the local school board and provide evidence of instruction and progress, on request. In Tennessee and Virginia, one of the homeschooling options also requires standardized testing.

Ohio and West Virginia are the only surrounding states that clearly have at least one more stringent requirement than does Kentucky in each of the legal options to homeschool.

As noted earlier, direct comparison of home school laws is complicated by the fact that many states offer more than one legal option to homeschool. Of Kentucky's surrounding states, Ohio and West Virginia are the only ones that clearly have at least one more stringent requirement than does Kentucky in each of the legal options to homeschool.

The degree to which states or local school districts enforce requirements for testing or other evidence of learning is not known.

The degree to which states or local school districts enforce requirements for testing or other evidence of learning is not known and compliance cannot be assumed. For example, a 2012 report by

the Tennessee Office of Research and Education Accountability noted, that despite the requirement that standardized test scores for home school students be submitted to the State Board of Education, these scores are not regularly received.⁵

Religious Or Conscientious Objections

With the exception of West Virginia, all of the surrounding states with more rigorous requirements than Kentucky also have at least one homeschooling option, based on religious conviction, that has fewer requirements than each state's primary home school option.

With the exception of West Virginia, all of the surrounding states with more rigorous requirements also have at least one homeschooling option, based on religious conviction, that has fewer requirements than are reported in Table 3.1. In Virginia, for example, religious conviction of a home school family against school attendance exempts that home school from all of the requirements that apply to other home schools. Tennessee provides the option for a home school family to operate as a satellite campus of a church-related school; families electing this option are not required to submit any evidence of learning, though the school with which they affiliate may. Ohio's "non-chartered, non-tax-supported schools" allow families with truly held objections to government oversight to open their own schools, as long as the instructor has a bachelor's degree. These schools are exempt from the assessment requirement that applies to other home schools.

Legal Status Of Home School High School Diplomas

The Kentucky Department of Education does not issue diplomas to home schools or officially recognize home school diplomas.

The Kentucky Department of Education does not issue diplomas to, or officially recognize home school diplomas.⁶ While it is in theory possible for a home school to become accredited, it is unlikely that a school could meet the requirements of accrediting agencies.

^a Currently no home schools have met standards for private school accreditation.

Because diplomas from home schools are not recognized by KDE, they will not necessarily qualify a home school high school graduate for a job that requires a high school diploma or to meet entrance qualifications for Kentucky postsecondary institutions.

Because diplomas from home schools are not recognized by KDE, they will not necessarily qualify a home school high school graduate for jobs that require high school diplomas or to meet entrance qualifications for Kentucky postsecondary institutions. Home school graduates seeking to meet legal requirements for high school graduation may have to pass the General Equivalency Development (GED) test. GED classes are offered free of charge in all Kentucky counties. State funding to cover the costs of taking the GED test is sometimes but not always available. Home school graduates seeking entry to Kentucky postsecondary institutions

^a These are described broadly in KDE's "Non-Public or Private School Information packet."

may have to demonstrate their readiness through the ACT or other college readiness tests.

Home school parents interviewed for this study expressed frustration at the need for home school graduates to earn additional credentials and for parents to incur additional expenses in earning these credentials and expressed a desire for easier communication with local school districts in registering for the ACT.

Of Kentucky's surrounding states, West Virginia, Tennessee, Ohio, and Missouri have enacted legislation securing the equal treatment of home school high school diplomas.

Home School Diploma Laws In Surrounding States. Of Kentucky's surrounding states, West Virginia, Tennessee, Ohio, and Missouri have enacted legislation securing the equal treatment of home school high school diplomas. West Virginia laws prohibits any state agency or institute of higher learning from treating home school high school diplomas differently from others. In Tennessee, home school high school diplomas must be treated the same as public school diplomas by all agencies, departments, and other entities of state and local government. Ohio law states that home school diplomas satisfy all requirements for legal proof of high school completion, including for employment. In Missouri, home school diplomas must be treated equally with other high school diplomas in employment for fire and police departments and state agencies, departments or political subdivisions.

Requirements Of Kentucky Home Schools

Exemption From Compulsory Public School Attendance

By law, Kentucky families must ensure that children between the ages of 6 and 18 are enrolled in public school unless they attend a private, parochial, or church school or are otherwise exempt. While not addressed specifically in law, home schools are considered by KDE to be nonaccredited private schools.

By law, Kentucky families must ensure that children between the ages of 6 and 18 are enrolled in public school unless they have graduated from an accredited school; are prevented by a physical or mental condition; or are enrolled in a private, parochial, or church school (KRS 159.010 and KRS 159.030). While not addressed specifically in law, home schools are considered by KDE to be nonaccredited private schools.

Legal Requirements

As private schools, Kentucky home schools are subject to requirements that include notification of enrollment; keeping of attendance and scholarship reports; and instruction in a variety of subjects.

As private schools, Kentucky home schools are subject to the requirements described in Table 3.2. These include annual notification of enrollment for each homeschooled child and keeping of attendance and scholarship reports. In addition, home school instruction must be in English, for a term at least as long as the public schools, and in required subjects. The required subjects are not defined in statute but have been interpreted in case law to

be reading, mathematics, history, civics, writing, spelling, and grammar.⁷

DPPs have the duty to enforce compulsory attendance laws for all school-aged children residing within their districts; they have the authority to monitor some but not all of the requirements that determine whether a home school meets criteria to exempt a child from compulsory attendance.

DPPs have the duty to enforce compulsory attendance laws for all school-aged children residing within their district; they have the authority to monitor some but not all of the requirements that determine whether a home school meets criteria to exempt a child from compulsory attendance. As shown by Table 3.2, DPPs have direct authority to monitor reporting of home school enrollment and keeping of required documents but lack authority to monitor whether home schools are teaching required subjects or instructing students for the required minimum term.

**Table 3.2
Statutory Requirements Of Home Schools And
Corresponding DPP Authority To Monitor**

Home School Requirements		DPP Authority	
Requirement	Statute	Authority	Statute
Annual, written notification of home school pupil enrollment including names, ages, and places of residence	KRS 159.160	Keep records required by law	KRS 159.140
Make attendance and scholarship reports in the same manner as is required by law or by regulation by the Kentucky Board of Education of public school officials.	KRS 159.040	Inspect attendance and scholarship reports at all times	KRS 159.040
Instruction in English, in required subjects, and for a term at least as long as the public school. The public school term includes no less than the equivalent of 175 6-hour instructional days.	KRS 158.080; KRS 158.070	No direct authority to verify instruction or attendance; these must be inferred from attendance and scholarship reports.	N/A

Note: N/A= Not Applicable.

Source: Staff analysis of Kentucky statutes.

Other than annual, written notification of student enrollment information, homeschooling families are not required to provide any additional information in order to operate a home school. There are no minimum educational qualifications for home schools instructors nor are homeschooling families required to provide evidence of the curriculum or materials that will be used for instruction.

Parent Awareness Of Homeschooling Requirements

DPPs note that parents are often unaware of at least some aspects of the law. For example, nearly half of DPPs (48 percent) reported that they often encounter home school parents who do not understand that they are responsible for identifying and obtaining curriculum and instructional materials.

Most school district policies require that home school parents be offered a KDE guidance document explaining legal requirements for home schools. KDE also posts this guidance on its website. School districts have no authority to ensure that parents read or understand this guidance, however, and DPPs note that parents are often unaware of at least some aspects of the law. At least three quarters of DPPs report that they sometimes or often encounter home school parents who do not understand aspects of the laws governing home schools including the requirement to teach a variety of subjects; that a home school diploma may not have the same legal status as a diploma from an accredited institution; and that home school families who move school districts during the academic year must report enrollment to the DPP of their new district. Nearly half of DPPs (48 percent) reported that they often encounter home school parents who do not understand that they are responsible for identifying and obtaining curriculum and instructional materials.

It is possible that in some cases parents' decisions to home school may be affected by their unfamiliarity with the law.

It is possible that in some cases parents' decisions to home school may be affected by their unfamiliarity with the law. For example, one DPP reported that a for-profit local home school support organization was actively recruiting parents and students from public high schools, promising a faster path to a high school diploma. Some parents were later surprised to find out that the home school diploma earned with support from this organization did not necessarily have the value of a public school diploma.

Differing Views Of Home School Requirements

Many DPPs have strong concerns about what they view as lack of accountability for home schools under Kentucky law.

As will be described in the section that follows, many DPPs have strong concerns about what they view as lack of accountability for home schools under Kentucky law. At the same time, many DPPs expressed caution about introducing reporting requirements in the absence of additional district personnel to monitor those requirements.

Home school parents and advocates interviewed for this study noted that legal mechanisms already exist to hold home school families that are failing to educate their children accountable. Home school parents interviewed for this study expressed strong opposition to the universal and routine reporting requirements that exist in some other states.

Home school parents and advocates interviewed for this study noted that legal mechanisms already exist to hold home school families that are failing to educate their children accountable. They also voiced strong opposition to the universal and routine reporting requirements that exist in some other states. Parents noted the burden these reporting requirements place on home school families who are already, at their own expense, educating their children

without state support. Further, the structure of the reporting requirements, whether they be tests or curriculum documents, may force parents to make instructional decisions that they would not otherwise feel are best for their children.

Home school parents interviewed for this study noted that the requirements that apply to public schools may not always be suitable for home schools.

Home school parents interviewed for this study noted that the requirements that apply to public schools may not always be suitable for home schools and that this is already the case with the requirement to ensure and report attendance in the same manner as public schools. Parents explained that, because home school instruction occurs in small groups, home school instructors are able to provide more instruction in fewer hours. Further, instruction in home schools occurs both in formal settings and is informally integrated into many activities throughout the day. Even family vacations, for example, may be organized around historical events or other learning opportunities. Thus, parents who are meeting the requirements for instructional hours may have difficulty fully documenting their compliance.

Accountability For Kentucky Home Schools

In Kentucky, as in many states, the laws that apply to home schools exist in a complex environment caused by tension between parents' rights to freedom of religion or conscience in determining the education that is appropriate for their children and government officials' obligation to enforce compulsory attendance laws.

While the Kentucky Constitution does not address homeschooling in particular, it does, under Section 5, freedom of religion, guarantee that no man shall "be compelled to send his child to any school to which he may be conscientiously opposed." At the same time, parents are required by law to send children between the ages of 6 to 18 to school and children are guaranteed by law a fundamental right to educational instruction. In Kentucky, as in many states, the laws that apply to home schools thus exist in a complex environment caused by tension between parents' rights to freedom of religion or conscience in determining the education that is appropriate for their children and government officials' obligation to enforce compulsory attendance laws.

The responsibility for implementation of laws that require children to be educated in the commonwealth, as those laws apply to home schools, is divided among various entities and individuals.

The responsibility for implementation of laws that require children to be educated in the commonwealth, as those laws apply to home schools, is divided among DPPs, CHFS, local courts, and private individuals who are concerned that a child is not being educated.

DPPs have the duty to enforce compulsory attendance laws, investigate cases of nonattendance, and take legal action, with the support of the superintendent, as necessary.

DPPs have the duty to enforce compulsory attendance laws, investigate cases of nonattendance, and take legal action, with the support of the superintendent, as necessary (KRS 159.130 and 159.140.) Appendix G summarizes laws relevant to accountability for or monitoring of home schools.

This section will report great variation among DPPs' perceptions of the clarity of the laws that apply to enforcement of compulsory attendance laws for home schools and in their confidence that change can be effected in home schools that may be providing little or no instruction.

The analysis presented in this section is based entirely on data shared by school district officials. As noted earlier, home school parents interviewed for this report voiced the strong opinion that current Kentucky law allows for accountability for those homeschooling families who are not educating their children.

DPP Estimates Of Home Schools That May Not Be Educating

DPPs expressed admiration for the education provided by many home school parents while also raising concerns that the flexibility afforded by home school laws is being abused by some families seeking to evade accountability for educating a child.

None of the DPPs interviewed for this study or responding to the survey expressed concerns about the quality or nature of education provided by parents or guardians who home school because they are committed to providing a particular educational experience for their children. Many expressed admiration for the types of educational experiences they have seen provided by some home school families. Most DPPs expressed concern, however, that the flexibility afforded by home school laws is being abused by some families seeking to evade accountability for educating a child.

DPPs do not have any way of directly monitoring the instruction that is provided by home schools but often have concerns about particular home schools based on experiences that DPPs have had with families of children who were previously enrolled in public schools.

DPPs do not have any way of directly monitoring the instruction that is provided by home schools, but many have strong concerns that some families who enroll their children in home schools are not providing even a basic level of education. These concerns are often based on experiences that DPPs have had with families of children who were previously enrolled in public schools. During home visits that DPPs are required to make for families of children who are truant in public schools, DPPs report conditions such as lack of parental education or lack of books, computers, or any other instructional materials in the home. One superintendent reported that a parent who was homeless and living out of a vehicle withdrew her child to be homeschooled. DPPs' concerns about home school families can also be based on documents submitted by home school families who appear to have difficulty with basic written communication.

DPPs' concerns about home schools vary widely by district.

OEA's 2017 Homeschool Survey asked DPPs to estimate the number of home schools that, based on available evidence, they believed were providing little or no education. Of the approximately 75 percent of DPPs that responded to this question, estimates ranged widely. Twenty DPPs (about 15 percent of the 132 who responded), reported that they did not have strong

concerns about any of the homeschooled children in their district, whereas nine DPPs (7 percent of respondents) reported strong concerns about 50 percent or more of the homeschooled children in their district. The average percentage of homeschooled students that DPPs who responded to this question estimated were receiving “little or no education” was 13 percent.^b As noted earlier in this study, it is likely that the impressions DPPs form of homeschooled children—especially DPPs in larger districts—are based more on those families with whom they have had contact in the public schools than on those families who have never enrolled in their children in public schools.

Potential Misuse Of Home School Laws To Avoid Consequences Of Public School Truancy

Of special concern to many DPPs are the number of families that they believe are misusing home school laws to evade negative consequences associated with public school truancy.

Of special concern to many DPPs are the number of families that they believe are misusing home school laws to evade negative consequences associated with public school truancy. Students can be referred to the courts when they are habitually truant, meaning they have missed more than 6 school days (combined total of full or partial days absent) and are considered in violation of compulsory attendance laws. Courts can impose a variety of punishments that include fines, probation, requirement to attend a particular school, and loss of driving privileges. Court Designated Workers (CDW) are responsible for processing juvenile complaints, such as truancy, for individuals younger than 18. They may elect to recommend a juvenile for a diversion program that gives the juvenile a chance to resolve the complaint, or refer them to the court.^c

Forty-six percent of DPPs reported that they often observe families that withdraw their children from public school to be homeschooled because they are trying to avoid consequences of truancy; an additional 36 percent report that they sometimes observe this.

Forty-six percent of DPPs reported that they often observe families that withdraw their children from public school to be homeschooled because they are trying to avoid consequences of truancy; an additional 36 percent report that they sometimes observe this. DPPs report an uptick, for example, in parent requests to transfer students to home school in the week after the district has sent truancy notices to students’ homes. DPPs are concerned that

^b For purposes of calculating this average, OEA capped the percentage of home schools that could be identified as concerning at 50 percent. This was done to guard against the effect of outliers in districts with relatively few home school students.

^c Following Senate Bill 200 of 2014, CDWs must also refer a juvenile to a Family, Accountability, Intervention, and Response (FAIR.) team before referring them to court. FAIR teams are collaborative, multidisciplinary teams that include CDWs, CHFS representatives, DPPs or other public school representative, law enforcement and others. FAIR teams take a case management approach to resolving truancy.

truancy often represents a lack of commitment to education by a child or parent. (Truancy may also indicate other issues, such as social anxiety or fear of bullying, that would eventually lead a parent to homeschool their child.)

A family or child that is facing legal consequences as a result of public school truancy will not be directly accountable for any school attendance once the child has transferred to home school.

A family or child that is facing legal consequences as a result of public school truancy may not be directly accountable for any school attendance once the child has transferred to home school. As one DPP noted, “Unfortunately, we have a larger portion of home school settings that are used as an escape for punitive measures from either the school, district, or local court system. I believe that we are allowing too many students to go without learning and instruction and we are setting them up for failure in our society.”

It is possible that the alleged misuse of home school laws to avoid public school truancy is associated with the increase, beginning in 2015, in the number of public school students in grades 9 through 12 who transferred to home school.

It is possible that the alleged misuse of home school laws to avoid public school truancy is associated with the increase, beginning in 2015, in the number of public school students in grades 9 through 12 who transferred to home school. Several DPPs and superintendents noted that the increase in the minimum dropout age from 16 to 18 put pressure on schools to accommodate students who were no longer interested in attending school and would have dropped out in previous years. A superintendent interviewed for this study noted that higher resource districts or those with highly developed career and technical options were in much better positions to accommodate the needs and interests of students who might have formerly dropped out than were lower-resource schools that could not provide many educational options.

DPPs indicated that parents or guardians who attempt to withdraw a child to home school after it has become clear that they will face legal consequences as a result of truancy are unlikely to elect to keep their child enrolled in public school, regardless of actions taken by school staff, the CHFS, court workers or judges.

DPPs indicated that parents or guardians who attempt to withdraw a child to home school after it has become clear that they will face legal consequences as a result of truancy are unlikely to elect to keep their child enrolled in public school, regardless of actions taken by school staff, the CHFS, CDWs or the judges. The majority of DPPs reported that less than one quarter of parents intending to withdraw a child to home school will reconsider and nearly one quarter (23 percent) reported that no or almost no parents elect to do so. Judges were much more likely to be reported by DPPs as “often” an influence on the decisions of family or guardians to keep their child enrolled in public school (57%) than were CDWs (31 percent), cabinet workers (31 percent), or DPPs (28 percent). DPPs reported great variation among local judges in their willingness to hear cases of public school truants who have transferred to home school. Some judges require a family to keep established court dates and face the public school truancy charges. Others judges are unlikely to hear these cases.

Role of DPP In Enforcing Compulsory Attendance Laws

DPP Confidence In Power to Enforce

Nearly half of DPPs disagreed that “DPPs have the ability, in practice, to ensure that homeschooling families are complying with compulsory attendance laws.” Just over one third agreed.

On OEA’s 2017 homeschool survey, nearly half (49 percent) of DPPs disagreed that “DPPs have the ability, in practice, to ensure that homeschooling families are complying with compulsory attendance laws.” Of those, about half (and 25 percent of all DPPs) strongly disagreed. Just over one third (36 percent) of DPPs agreed that they have the practical ability to enforce compulsory attendance laws for home school students; of those DPPs, a minority (8 percent of all DPPs) strongly agreed.^d

DPPs lack clear guidance about how to address concerns about home schools and also lack authority to enforce actions on home schools that do not appear to be educating their children. That authority lies with the Cabinet for Health and Family Services (CHFS) or, ultimately, the local courts.

DPPs’ comments suggest two aspects of Kentucky law that present challenges in carrying out DPPs’ duties to enforce compulsory attendance laws for homeschooled children:

- 1) The law does not provide clear guidance in the process that DPPs should follow to determine whether home school students are being educated or to address concerns about home schools.
- 2) DPPs do not ultimately have authority to enforce any consequences on home schools that do not appear to be educating their children. Authority to do this lies with the Cabinet for Health and Family Services (CHFS) or, ultimately, the local courts. The involvement of CHFS or local courts in addressing concerns about home schools varies.

The section that follows describes the primary mechanism—request of attendance and scholarship reports—by which DPPs have the authority to determine whether a home school appears to be educating, along with wide variation among DPPs in the degree to which that mechanism appears to support enforcement of compulsory attendance laws.

^d The remainder of DPPs did not agree or disagree.

Attendance And Scholarship Reports

As described in KRS 159.040, DPPs have the authority to inspect the attendance and scholarship reports required of all home schools.

As described in KRS 159.040, DPPs have the authority to inspect the attendance and scholarship reports required of all home schools (considered private schools):

Attendance at private and parochial schools shall be kept by the authorities of such schools in a register provided by the Kentucky Board of Education, and such school authorities shall make attendance and scholarship reports in the same manner as is required by law or by regulation of the Kentucky Board of Education of public school officials. Such schools shall always be open to inspection by directors of pupil personnel and officials of the Department of Education.

Lacking in statute or regulation is any additional practical guidance about the way attendance and scholarship reports for home schools should be kept.

Lacking in statute or regulation is any additional practical guidance about the way attendance and scholarship reports for home schools should be kept.^e

KRS 159.160 gives local superintendents the authority to require additional facts. It might be possible, therefore, for a local board to require additional attendance facts of public schools. These, in turn, would serve as requirements for home school attendance reports.

Though statutorily permitted to do so, KDE does not currently play a role in inspecting home schools. The Kentucky Board of Education (KBE) has not proposed regulations guiding the manner in which scholarship reports should be kept and does not provide an attendance register for home schools.

Though statutorily permitted to do so, KDE does not currently play a role in inspecting home schools. The Kentucky Board of Education (KBE) has not proposed regulations guiding the manner in which scholarship reports should be kept and does not provide an attendance register for home schools.^f

^e While KRS 161.200 does elaborate on requirements for attendance reports, its application in a home school setting seems unclear: “Each teacher in the public schools shall keep an approved record which shall be left with the superintendent or as he directs at the close of the term. The record shall show the program of recitations, classification, attendance, and grading of all pupils who attended school at any time during the school year, and such other facts as are required.”

Finding 3.1

Finding 3.1

KRS 159.040 authorizes the Kentucky Board of Education to play a role in establishing criteria required for attendance and scholarship reports that apply to all schools. KBE has not proposed regulations for the keeping of scholarship reports.

Finding 3.2

Finding 3.2

KRS 159.040 requires home schools to keep attendance in a register provided by KBE. KBE does not provide home schools with an attendance register.

Finding 3.3

Finding 3.3

KRS 159.040 allows KDE to play a role in inspecting attendance and scholarship reports. KDE does not currently play such a role.

Practices In Requesting Attendance And Scholarship Reports

Most DPPs request attendance and scholarship reports only when there is a concern about a particular home school.

Kentucky law stipulates that attendance and scholarship reports be available upon request but does not provide any guidance about when or how DPPs should request and inspect these reports. On OEA's 2017 survey, most DPPs reported that attendance and scholarship reports are only requested if there is a concern about a particular home school (63 percent for attendance reports and 52 percent for scholarship reports). A small minority of DPP's reported requesting documents from all/most home schools on a regular basis (8 percent for attendance reports and 7 percent for scholarship reports). About one quarter of DPPs (24%) reported that the district does not request attendance reports and about one third (34%) reported that the district does not request scholarship reports.

Clarity About Roles Related To Attendance And Scholarship Reports

Most DPPs feel that their authority to request reports—especially attendance reports—is clear but fewer reported clarity in the criteria that should be used in reviewing the reports and the actions that should be taken following review.

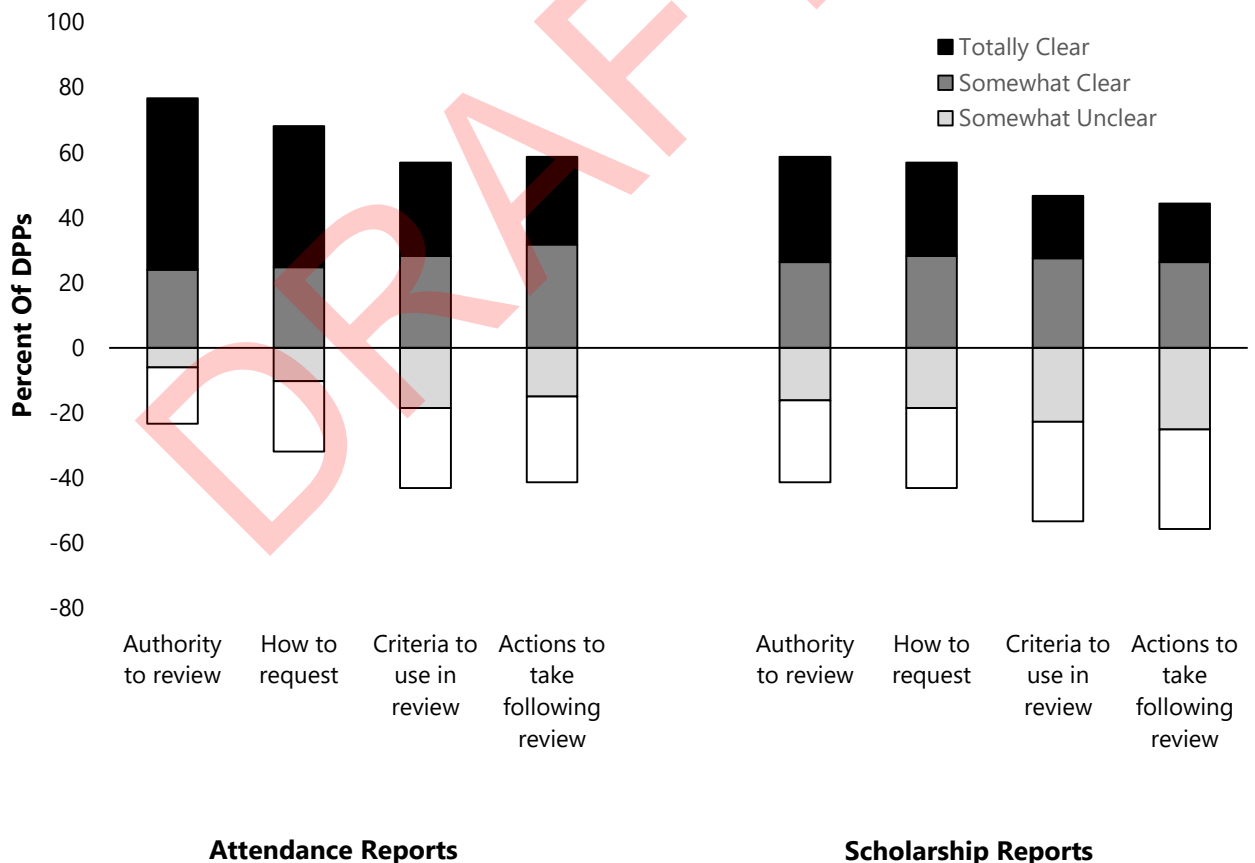
DPPs were asked how clear they felt the role of the DPP is in relation to their authority to request, review and follow up on attendance and scholarship reports for home school families. Survey data reported in Figure 3.A show substantial variation in DPPs' understanding of these roles. While most reported clarity in their authority to request reports—especially attendance reports—fewer reported clarity in the criteria that should be used in

reviewing the reports and the actions that should be taken following review.

More than half of DPPs reported that the criteria with which they should review scholarship reports and actions they should take following review of these reports were somewhat or totally unclear.

Except for the authority to review attendance reports, fewer than half of DPPs felt their role is “totally clear.” DPPs expressed less certainty about their role in reviewing scholarship versus attendance reports. More than half of DPPs reported that the criteria with which they should review scholarship reports and actions they should take following review of these reports was somewhat or totally unclear.

**Figure 3.A
DPP Perceptions Of Clarity In Roles
Related To Attendance And Scholarship Reports**



Source: OEA 2017 Homeschool survey.

When To Request Documents. Many DPPs voiced confusion about when it is appropriate to request documents from home schools. It is most common for DPPs to request these documents in response to a specific concern. A concern may arise because a home school has failed to report its enrollment, a perception the

DPPs must largely rely on mandatory reporting laws to receive information about a home school that may not be educating, but also have concerns about the reliability of information received from some reports.

DPP forms of the school, or concerns reported by individual citizens. Mandatory reporting laws described in Appendix G require citizens who are concerned that a child is being neglected (including a child that does not have access to educational instruction) to report these concerns. DPPs interviewed for this study noted limitations in mandatory reporting laws as a means of reliably identifying home schools of concern. Children in some home schools may have limited contact with individuals outside of their families. Further, DPPs noted that information submitted by mandatory reporters is not always reliable. It is not uncommon, for example, for these reports to be filed by individuals with a personal grievance against a home school family.

There appears to be no minimum standard by which attendance or scholarship reports could be judged as inadequate.

How To Review Documents. The nature and quality of scholarship reports vary widely. For example, a DPP in one large district described with admiration the huge portfolios of work and activities presented by some home school families when enrolling their homeschooled children in public schools and contrasted these portfolios with the scraps of paper showing final grades only that were submitted by other families. As noted by one DPP on OEA's survey, there appears to be no minimum standard by which attendance or scholarship reports could be judged as inadequate:

I believe home school laws in Kentucky make it impossible for a DPP to ensure that the student is getting a real education. Anyone can present a school calendar if given an advanced notice. And, since we are not really allowed to assess the quality of the curriculum, a few printouts of sample lesson plans meets required documentation.

There is no statute specifically guiding the action of a DPP who, based on review of attendance or scholarship reports, suspects a child is not being educated.

Actions To Take Following Review Of Reports. Although KRS 159.130 requires DPPs to investigate cases of nonattendance, there is no statute specifically guiding the action of a DPP who, based on review of attendance or scholarship reports, suspects that a child is not being educated. Also, because home schools operate out of families' private homes, DPPs do not have authority to observe or inspect the schools.

DPPs get conflicting information from different sources about when, whether, and how to request attendance and scholarship reports.

Conflicting Sources Of Information. DPPs get conflicting information from different sources about when, whether, and how to request attendance and scholarship reports. While it may appear that they have a duty to monitor and review documents by law, the range of quotes below from OEA's survey show that DPPs get conflicting information from judges, KDE staff, or representatives of home school associations. Here, for example, are some conflicting statements submitted by DPPs:

- “DPPs have been directed and informed that we are only allowed to monitor attendance records. Scholastic reports, grades and other areas are outside of our authority.”
- “We have no authority unless the courts allow it. I have been told I cannot request them by the courts and social services”
- “There have been mixed messages from advocacy groups and various lawsuits regarding home school.”

In comments submitted on the OEA survey, many DPPs indicated a need for greater clarity in DPPs’ roles enforcing compulsory attendance for home schools.

In comments submitted on the OEA survey, many DPPs indicated a need for greater clarity in DPPs’ roles enforcing compulsory attendance for home schools. Here, for example, are some conflicting statements submitted by DPPs:

- “Because it is so difficult to monitor home schooled students, it would be helpful if there were very specific guidelines to be followed across the state to ensure consistency.”
- “Clear communication and understanding of the statutes and regulations governing homeschooling in Kentucky along with any improvements to existing laws would be of tremendous value to public school districts and would also be useful to parents and guardians who are considering or currently participating in homeschooling.”

Best Practice Document

A “Best Practices Document” was developed by a task force that included representatives from the Christian Home Educators of Kentucky (CHEK), the Kentucky Home Education Association (KHEA), DPPs from four Kentucky districts, and KDE.

In 1997, a “Best Practices Document” was developed by a task force that included representatives from the Christian Home Educators of Kentucky (CHEK), the Kentucky Home Education Association (KHEA), DPPs from four Kentucky districts, and the KDE liaison for nonpublic schools. The document was updated by a similar group in 2000. In 2016, CHEK adjusted the document to reflect new requirements for compulsory attendance and minimum school terms. The document was developed to provide some guidance, clarity, and common understanding of home school laws for home school parents and DPPs.

The “Best Practices Document” outlines the laws that apply to home school, informing home school parents of their responsibilities under the law and the power of the DPP to request required documents.

The document outlines the laws that apply to home school, informing home school parents of their responsibilities under the law and the power of the DPP to request required documents. The document also urges families to operate a high-quality school and to undertake homeschooling with the understanding that it is time consuming and demands commitment. It advises families against making the decision to homeschool impulsively.

In some cases, the “Best Practices Document” interprets the law.

In some cases, the document interprets the law. For example, KRS 159.040 requires attendance and scholarship reports “in the same manner” as is required by public schools. The document interprets this to mean that these reports should be kept at the same interval as public schools and notes that the law does not specify the format. It offers, as possibilities, “a traditional report card, a portfolio of exemplary work, a narrative assessment or any one of many” other forms.

The document also suggests that the DPP ask for evidence that a child is actually being schooled in cases when a question arises. Many DPPs are unclear about what is required by law versus what is suggested by this document.

In relation to scholarship and attendance reports, the document also suggests that it is the role of the DPP to ask for evidence that a child is actually being schooled in cases when a question arises. The document does not state specifically that DPPs do not have the authority to request documents in the absence of a question about a particular home school but the document has been interpreted by DPPs to make that claim. In interviews and on the OEA survey, several DPPs reported that, following routine requests for documents from home schools, they had been contacted by the Homeschool Legal Defense Association and informed that their action was a violation of the best practice document. Many DPPs are not aware of the best practice document. Others are aware of the document but unsure of whether it constitutes legal or informal guidance. Thus, many DPPs are unclear about what is required by law versus what is suggested by this document.

As will be explained in the section that follows, accountability for home schools that may not be educating their pupils often requires coordinated action by DPPs, CHFS and the courts; DPPs alone do not have the legal authority to enforce compulsory attendance laws. The best practice document does not address the role of CHFS or the courts.

Finding 3.4**Finding 3.4**

The best practice document developed in 1997 and updated since then attempts to provide clarity to homeschooling families and DPPs. The best practice document was developed by a task force that included members of statewide home school organizations, DPPs and a KDE representative. Many DPPs are either not aware of this document or are confused about whether it represents law or suggested practices.

Personnel Required To Monitor Home Schools

Many of the DPPs expressing strong concerns about lack of education in some home schools also noted limits in the time available to DPPs.

Many of the DPPs expressing strong concerns about lack of education in some home schools also noted limits in the time available to DPPs to do take on duties beyond what they feel is their primary duty to enforce compulsory attendance laws for public schools. Appendix H contains KRS 159.150 which describes the duties of DPPs and KRS 159.130 which describes DPPs' powers.

In addition, many DPPs have duties beyond their roles as DPPs. As one DPP explained, most do not have time available to follow up consistently with concerns about home schools: "DPPs usually fill other administrative roles within districts which limits the time they have available. For example, I am the transportation director, bus driver trainer, maintenance supervisor, safe schools coordinator as well as the DPP. I usually drive a bus every day to have routes covered." These statements suggest that, even with greater clarity in home school laws, DPPs might have difficulty carrying out their duties for enforcing compulsory attendance laws for home schools at current DPP staffing levels.

Educational Neglect

Children in the commonwealth have a fundamental right to education. Lack of adequate education is considered a form of neglect that must be reported by any person who has reasonable cause to believe it exists.

Children in the commonwealth have a fundamental right to education (KRS 620.010). KRS 600.020 includes in the definition of "abused or neglected child" a child who is not receiving an adequate education. KRS 620.030 requires any person who has reasonable cause to believe that a child is neglected to report it to law enforcement, the cabinet, or the commonwealth's or county attorney.

While DPPs have the duty to enforce compulsory attendance laws, they have no specific authority to require actions of home schools. A DPP who is concerned about the level of education being provided in a home school and who has been unsuccessful in

addressing that concern with the home school, can initiate legal action by an allegation of educational neglect in the interest of the child.

As will be described in this section, educational neglect can be reported to CHFS, to law enforcement, to Commonwealth's or county attorneys, or to the local courts. Because the courts enforce actions in the interest of children found to be educationally neglected, they provide a level of accountability for home schools.

Role Of CHFS

CHFS is not required to take action on any particular claim and must decide which claims are most urgent and are the best use of available personnel.

When neglect is reported, CHFS must decide, based on its determination of the level of risk and evidence, whether to investigate the claim. CHFS is not required to take action on any particular claim and must decide which claims are most urgent and are the best use of available personnel. If a claim of educational neglect is investigated it will be referred to the Department for Community Based Services (DCBS) within CHFS.

Many DPPs reported that CHFS is unlikely to investigate a claim of educational neglect unless other forms of abuse or neglect are suspected.

Many DPPs reported that CHFS is unlikely to investigate a claim of educational neglect unless other forms of abuse or neglect are suspected. Heavy DCBS caseloads may make the cabinet reluctant to pursue cases perceived to be less serious than physical neglect and abuse. As explained by one DPP, "It is not clear what recourses are available if the DPP feels there is evidence a homeschooled child is not being educated properly. The most typical answer to this issue is to report it to social services. Social services is burdened by an endless list of severe problems. Academic neglect does not often draw their attention."

Department for Community Based Services (DCBS) workers do not have specific tools or guidance that would assist in determining whether a child is educationally neglected. Investigating a claim of educational neglect thus requires individual discretion.

Should a DCBS worker investigate a claim of educational neglect, individual discretion would be required to determine that the claim is substantiated. The regulation that specifies criteria to be used by DCBS in investigation of a claim of abuse or neglect, 922 KAR 1:330, states only that educational neglect is occurring when a "caretaker's neglect prevents the child from attending school or receiving appropriate education." No other tools or guidance are specified in determining whether a child is educationally neglected.

If a report of educational neglect is substantiated, DCBS can require a family to improve the education provided or enroll the child in school.

If a report of educational neglect is assigned to a DCBS worker who upon investigation substantiates the claim, that worker can, as part of a case management plan, require the family to improve the education being provided in the home or to enroll the child in an accredited school. If the home school family does not satisfy the

conditions of this plan, the DCBS worker can file a petition with the court claiming that the child is being neglected. State officials with the Administrative Office of the Courts (AOC) explained that it is very unusual for DCBS to file a claim of educational neglect, absent other forms of neglect or abuse.

Role Of Local Courts

As permitted by KRS 620.070, any individual can petition the local court directly with a concern about neglect. While reporting the claim first to CHFS is not required, a county attorney may be more likely to pursue a case in which a claim has been substantiated by DCBS before a petition is filed with the court.

Like CHFS, county attorneys have discretion about whether to pursue a case related to educational neglect of a homeschooled child. DPPs interviewed for this study as well as those responding to the OEA survey noted great variation in the degree to which local judges will agree to hear a case of educational neglect of a homeschooled child.

Like CHFS, county attorneys have discretion about whether to pursue a case related to educational neglect of a homeschooled child, regardless of which entity or person files the claim. DPPs interviewed for this study as well as those responding to the OEA survey noted great variation in the degree to which local judges will agree to hear a case of educational neglect of a homeschooled child. One DPP reported that his local judge is unlikely to accept any cases of educational neglect without other allegations. Another reported variation among two local judges, with one willing to take on educational neglect cases and the other unwilling.

Staffing challenges as well as lack of clarity in the law may play a role in local courts' willingness to take on cases of educational neglect of homeschooled children.

Interviews with AOC officials suggest that staffing challenges as well as lack of clarity in the law may play a role in local courts' willingness to take on cases of educational neglect of homeschooled children. Court dockets are often full with cases that appear more urgent than educational neglect as a standalone concern. Further, as with DCBS, court personnel (CDWs, county attorneys, and judges) working on cases of educational neglect for homeschooled children lack the specific guidance that might support them in determining whether a child is educationally neglected.

Finding 3.5

By law, CHFS and local courts have the sole authority to determine whether a child is being educationally neglected. Currently, guidance and tools to make determinations of educational neglect are limited. Thus, determinations of educational neglect are made based on the discretion of DCBS workers or judges.

A judge who finds that a child has been educationally neglected can require a family to enroll the child in public school.

If a judge finds that a child is being educationally neglected, the judge can require action. As explained by the AOC,

If a judge determines that a child is being educationally neglected, the judge may require that the family take specific actions to avoid penalty, including enrolling the child in public school.

When a matter is before the court on a petition or complaint, the courts do have broad authority to issue orders required to protect the child and/or serve the child's best interest. In cases in which a child's educational well-being is at risk, such as educational neglect and truancy cases, the court may order that a custodian ensure that the child attend public school if attendance would mitigate educational harm. The court could enforce its order through its contempt power (i.e., it could punish the custodian and/or child) or its power to modify custody (i.e., it could place the child with someone who would ensure public school attendance). In issuing any order to attend public schools, the court must weigh the custodian's right to parent the child against the child's best interest. The trend of contemporary jurisprudence shows that there is a finger on the scale in favor of the child's best interest and well-being.⁸

Relative Roles Of DPPs, CHFS, And Local Courts In Enforcing Compulsory Attendance For Home Schools

Table 3.3 summarizes the legal authority and specific actions that can be taken by DPPs, CHFS, and local courts in enforcing compulsory attendance laws for home school students.

Table 3.3
Authority Of DPPs, DCBS, And Local Courts
To Monitor Or Influence Home Schools

Entity	Authorized Actions
Director of Pupil Personnel	<ul style="list-style-type: none"> • Monitor annual notification of home school enrollment • Request and review attendance and scholarship reports • Refer to cabinet, police, prosecuting attorneys, or courts if educational neglect is suspected
CHFS/DCBS	<ul style="list-style-type: none"> • Investigate claims of educational neglect in the interest of the child. • Develop case plan that requires the home school to either provide education or enroll the child in public school • If family does not meet conditions of case plan, refer to court
Courts	<ul style="list-style-type: none"> • Order a home school family to appear before a judge to determine whether a child is being neglected • Require a family to return to court with evidence of education • When it is found that a child is being neglected, the judge may issue court orders requiring the family to enroll in public school

Source: Staff analysis of Kentucky law; Information about courts from Goins, Nathan, Family Court Liaison, Administrative Office of the Courts. Personal communication to Deborah Nelson. Feb. 19, 2018.

Effects Of Actions By DPPS, CHFS, Or Local Courts

No systematic data exist on the number of cases that have been adjudicated for educational neglect against Kentucky home schools or on the outcomes of those cases.

No systematic data exist on the number of cases that have been adjudicated for educational neglect against Kentucky home schools or on the outcomes of those cases.

Figure 3.B reports DPPs' views of the likelihood that actions taken by DPPs, DCBS, or courts will eventually effect a change in the education of a homeschooled student who may be receiving little or no instruction. Data are reported separately for concerns about home schools in which there are no apparent signs of abuse or

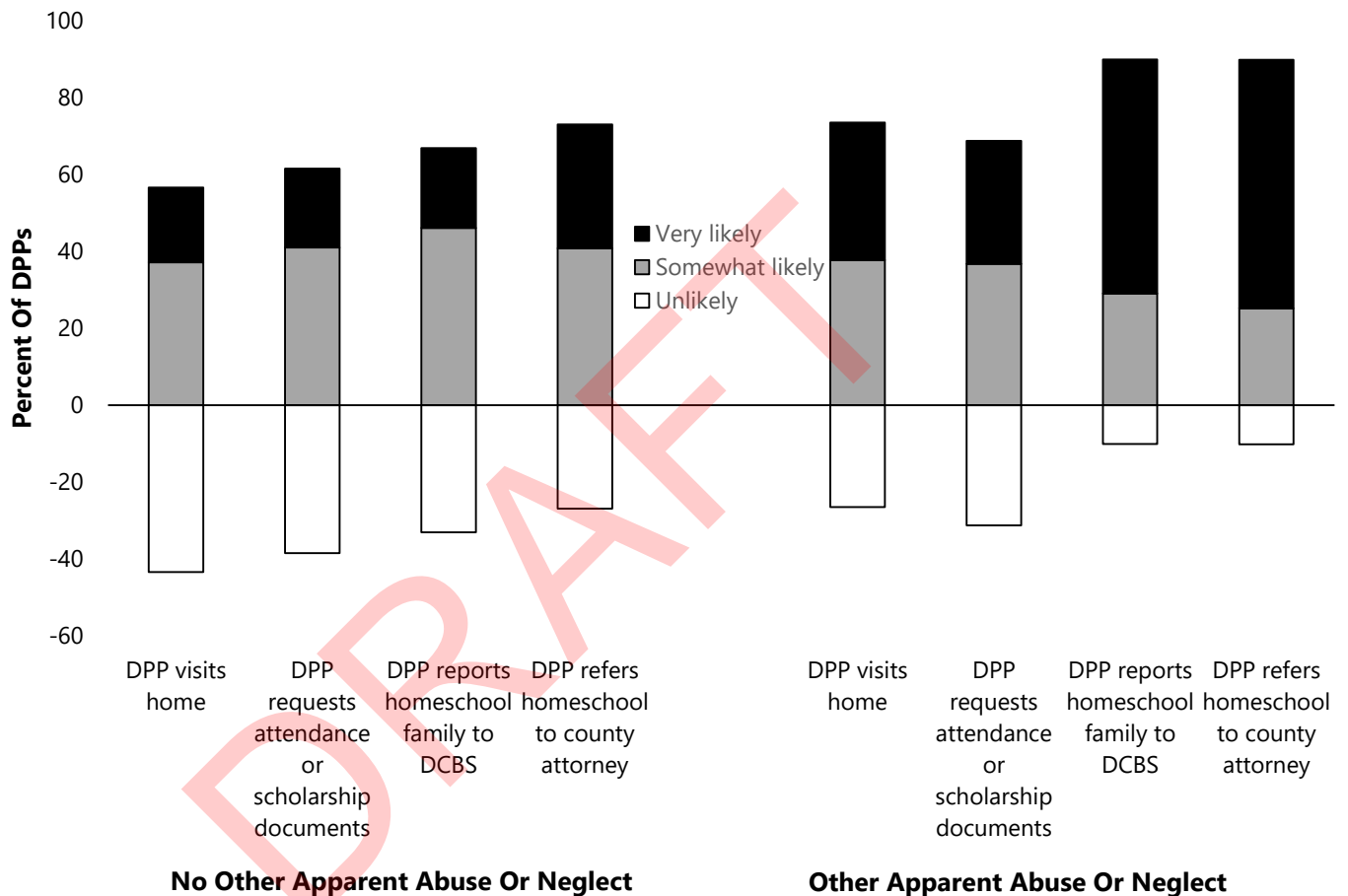
neglect other than educational neglect and those in which other forms of abuse or neglect are suspected.

DPPs report the highest likelihood that a change will be effected in a home school that does not appear to be educating when action is taken by DCBS or local courts. The majority of DPPs report that change is “very likely” only when there is other apparent abuse or neglect.

The data show that, regardless of whether other abuse or neglect is reported, estimated effects are highest for cases referred to county attorneys and lowest for actions taken by DPPs. DPPs’ estimates that actions are “very likely” to eventually effect a change are much higher when other abuse or neglect is suspected than when it is not. Less than one third of DPPs reported that change in home schools would be “very likely” in home schools lacking other signs of abuse or neglect, even when a home school is referred to a county attorney. Estimated greatest effects were reported for cases referred to DCBS or a county attorney when other abuse or neglect is apparent. Even in these most extreme cases, however, less than two thirds of DPPs reported that change would be “very likely.”

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Figure 3.B
Likelihood Of Actions By DPPs, DCBS, Or Courts
Effecting Change On Home Schools That Do Not Appear To Be Educating
With Or Without Claims Of Neglect Or Abuse



Note: Percentages are calculated from DPPs who reported likeliness. Up to 10 percent of DPPs reported being unsure about scenarios described in the figure.

Source: OEA 2017 Homeschool Survey.

DPP Relationships With County Attorney And DCBS

Although DPPs ultimately identified a referral to the county attorney as most likely to effect a change in a home school that was not educating, 42 percent of DPPs reported that they rarely or never contact the county attorney and only 17 percent report that they often or almost always contact the county attorney. Only about one third of DPPs (31 percent) reported that they often or always report concerns to DCBS.

During interviews several DPPs reported that the close, collaborative relationships they have with CHFS or court workers facilitate action on home schools. Survey data indicate that in just

over one third of districts (35 percent) do DPPs often work closely with the cabinet. In almost half of districts (46 percent) DPPs work closely with the courts and in just over one third of districts (37 percent) the district, cabinet, and courts work closely with each other.

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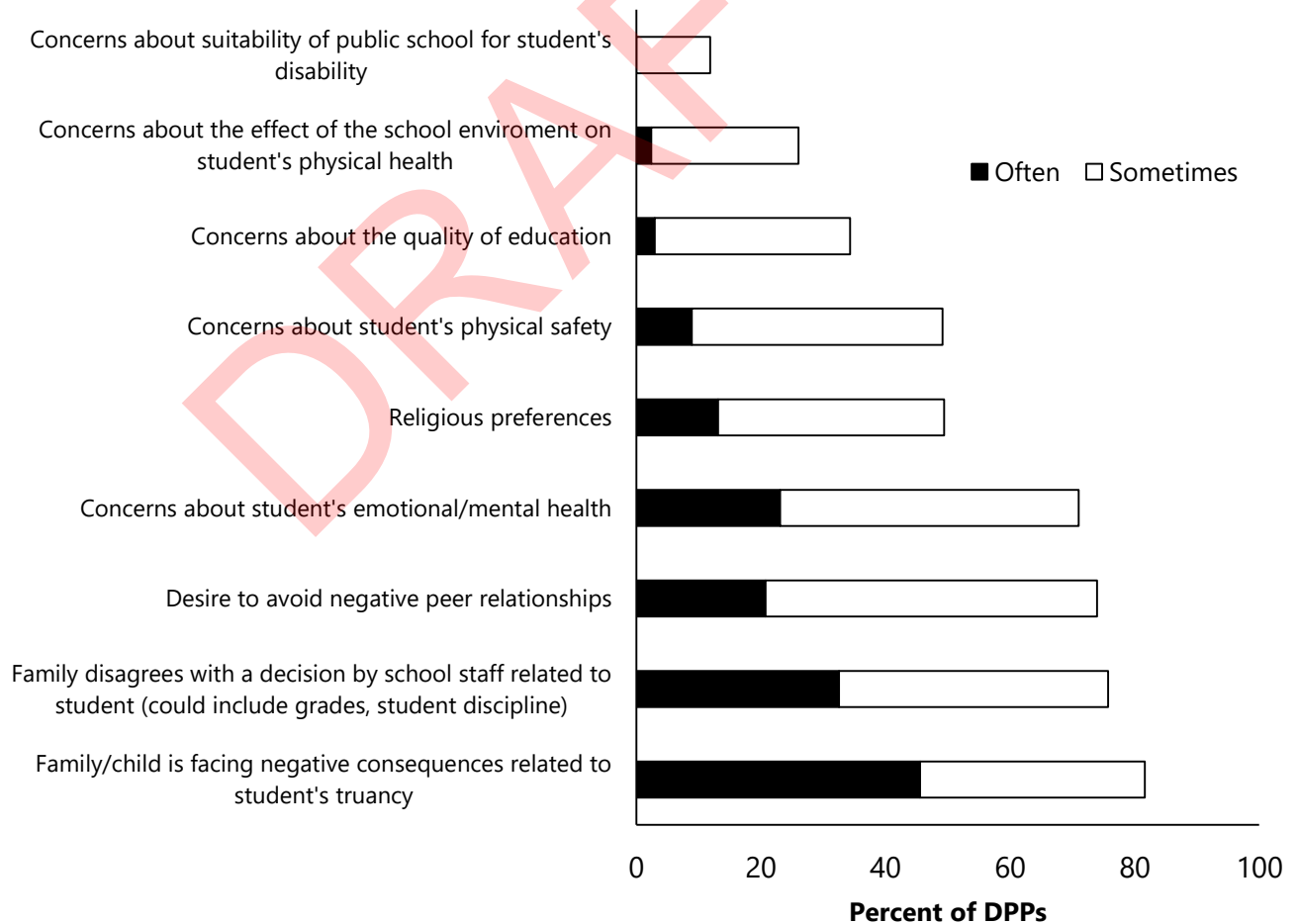
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Appendix A

Reasons for Transferring to Home School

Figure A.1 shows the percentage of Directors of Pupil Personnel (DPP) who reported that they sometimes or often observe the identified reasons for transferring to home school.

Figure A.1
Frequency With Which DPPs Observe
Reasons Parents Transfer Students To Home School



Source: OEA 2017 Homeschool Survey

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Appendix B

Figure B.1
Number of Home School And Public School Students
And Percentage of Home School Students, By Kentucky District, 2017

District name	Home School	Public School	Total Public And Home School	Percent Home School	Percent FRPL
Spencer County	342	2,840	3,182	10.7	45.4
Carlisle County	73	703	776	9.4	58.0
Cumberland County	92	921	1,013	9.1	79.5
Casey County	221	2,244	2,465	9.0	74.7
Harlan County	355	3,867	4,222	8.4	82.8
Todd County	157	1,891	2,048	7.7	62.1
Adair County	211	2,560	2,771	7.6	68.9
Anderson County	297	3,645	3,942	7.5	47.9
Livingston County	90	1,136	1,226	7.3	63.5
Mercer County	217	2,743	2,960	7.3	59.0
Clark County	394	5,253	5,647	7.0	63.0
Jessamine County	601	8,016	8,617	7.0	56.6
Lee County	69	921	990	7.0	79.5
Morgan County	145	2,003	2,148	6.8	73.3
Middlesboro Independent	84	1,174	1,258	6.7	72.6
Calloway County	198	2,914	3,112	6.4	60.9
LaRue County	155	2,346	2,501	6.2	62.4
Lincoln County	242	3,695	3,937	6.1	64.9
Jackson County	133	2,043	2,176	6.1	74.3
Wayne County	200	3,142	3,342	6.0	77.1
Bourbon County	171	2,691	2,862	6.0	61.5
Franklin County	394	6,218	6,612	6.0	56.9
Butler County	138	2,190	2,328	5.9	64.6
Grant County	234	3,722	3,956	5.9	70.1
Menifee County	64	1,032	1,096	5.8	75.5
Hart County	141	2,293	2,434	5.8	67.7
McCreary County	168	2,741	2,909	5.8	83.1
Ohio County	245	4,097	4,342	5.6	66.9

District name	Home School	Public School	Total Public And Home School	Percent Home School	Percent FRPL
Scott County	530	8,914	9,444	5.6	43.2
Harrison County	170	2,881	3,051	5.6	59.6
McCracken County	405	6,864	7,269	5.6	49.4
Barren County	283	4,830	5,113	5.5	58.1
Estill County	132	2,253	2,385	5.5	71.0
Henry County	124	2,119	2,243	5.5	58.7
Ballard County	71	1,230	1,301	5.5	60.4
Edmonson County	107	1,860	1,967	5.4	62.8
Owen County	105	1,826	1,931	5.4	63.3
Martin County	104	1,825	1,929	5.4	80.4
Marshall County	267	4,733	5,000	5.3	52.5
Harlan Independent	38	688	726	5.2	64.0
Southgate	9	163	172	5.2	63.8
Lawrence County	135	2,447	2,582	5.2	71.1
Woodford County	216	3,931	4,147	5.2	47.7
Simpson County	160	2,912	3,072	5.2	65.7
Green County	88	1,604	1,692	5.2	62.3
Shelby County	374	6,868	7,242	5.2	55.3
Pendleton County	123	2,283	2,406	5.1	64.0
Bath County	108	2,026	2,134	5.1	73.4
Lyon County	47	886	933	5.0	58.4
Metcalfe County	82	1,551	1,633	5.0	75.1
Trimble County	65	1,236	1,301	5.0	56.3
Clay County	164	3,128	3,292	5.0	78.4
Campbell County	249	4,839	5,088	4.9	46.8
Pulaski County	418	8,147	8,565	4.9	69.2
Knox County	218	4,275	4,493	4.9	80.4
Letcher County	152	3,050	3,202	4.7	76.0
Garrard County	125	2,560	2,685	4.7	64.1
Muhlenberg County	227	4,703	4,930	4.6	57.4
Laurel County	425	8,870	9,295	4.6	70.1
Caverna Independent	31	647	678	4.6	81.7
Graves County	198	4,134	4,332	4.6	59.1
Christian County	403	8,441	8,844	4.6	72.5
Perry County	185	3,898	4,083	4.5	77.7
Hopkins County	310	6,602	6,912	4.5	61.5

District name	Home School	Public School	Total Public And Home School	Percent Home School	Percent FRPL
Taylor County	121	2,584	2,705	4.5	60.3
Rockcastle County	124	2,711	2,835	4.4	70.4
Allen County	133	2,948	3,081	4.3	62.7
Burgin Independent	21	478	499	4.2	47.7
Breckinridge County	119	2,715	2,834	4.2	60.5
Bell County	119	2,720	2,839	4.2	82.4
Bracken County	52	1,191	1,243	4.2	62.4
Crittenden County	54	1,283	1,337	4.0	56.1
Nelson County	188	4,471	4,659	4.0	55.0
Somerset Independent	67	1,600	1,667	4.0	62.2
Magoffin County	84	2,022	2,106	4.0	78.3
Clinton County	72	1,735	1,807	4.0	77.1
Bullitt County	540	13,131	13,671	3.9	46.8
Boyd County	116	2,838	2,954	3.9	64.8
State	14,489	250,692	683,077	3.9	60.8
Warren County	606	14,986	15,592	3.9	56.8
Campbellsville Independent	44	1,092	1,136	3.9	74.1
Oldham County	496	12,318	12,814	3.9	21.7
Carroll County	76	1,891	1,967	3.9	70.1
Newport Independent	63	1,575	1,638	3.8	90.5
Union County	84	2,104	2,188	3.8	63.7
Fleming County	89	2,242	2,331	3.8	67.8
Johnson County	137	3,472	3,609	3.8	69.5
Gallatin County	61	1,552	1,613	3.8	72.8
McLean County	61	1,554	1,615	3.8	56.7
Whitley County	159	4,071	4,230	3.8	80.7
Elliott County	41	1,060	1,101	3.7	77.7
Murray Independent	61	1,582	1,643	3.7	43.9
Russell County	113	2,962	3,075	3.7	71.4
Trigg County	75	1,971	2,046	3.7	61.2
Hickman County	26	687	713	3.6	63.3
Carter County	164	4,337	4,501	3.6	67.6
Washington County	61	1,645	1,706	3.6	64.6
Montgomery County	171	4,628	4,799	3.6	64.3
Grayson County	152	4,128	4,280	3.6	68.4
Webster County	80	2,183	2,263	3.5	63.1

District name	Home School	Public School	Total Public And Home School	Percent Home School	Percent FRPL
Boyle County	95	2,593	2,688	3.5	50.3
Glasgow Independent	81	2,235	2,316	3.5	66.9
Daviess County	403	11,128	11,531	3.5	52.3
Logan County	125	3,459	3,584	3.5	54.9
Russellville Independent	37	1,028	1,065	3.5	74.2
Ashland Independent	109	3,085	3,194	3.4	64.6
Kenton County	530	15,039	15,569	3.4	42.3
Leslie County	59	1,675	1,734	3.4	72.8
Paducah Independent	100	2,848	2,948	3.4	76.1
Greenup County	97	2,781	2,878	3.4	66.7
Eminence Independent	30	877	907	3.3	55.8
Fayette County	1,378	40,430	41,808	3.3	53.8
Williamstown Independent	27	804	831	3.2	55.8
Madison County	378	11,487	11,865	3.2	53.8
Meade County	156	4,829	4,985	3.1	56.3
Powell County	71	2,301	2,372	3.0	75.7
Danville Independent	57	1,850	1,907	3.0	66.4
Henderson County	216	7,142	7,358	2.9	61.6
Anchorage Independent	11	367	378	2.9	4.4
Mason County	80	2,697	2,777	2.9	62.5
Knott County	67	2,279	2,346	2.9	81.8
Jefferson County	2,816	96,779	99,595	2.8	64.6
Hancock County	47	1,645	1,692	2.8	50.0
Berea Independent	31	1,092	1,123	2.8	67.8
Caldwell County	54	1,903	1,957	2.8	62.8
Elizabethtown Independent	66	2,378	2,444	2.7	53.0
Covington Independent	103	3,721	3,824	2.7	88.5
Boone County	527	20,245	20,772	2.5	40.0
Lewis County	57	2,226	2,283	2.5	73.8
Walton-Verona Independent	42	1,645	1,687	2.5	40.5
Erlanger-Elsmere Independent	60	2,387	2,447	2.5	73.6
Pike County	208	8,279	8,487	2.5	75.0

District name	Home School	Public School	Total Public And Home School	Percent Home School	Percent FRPL
Nicholas County	27	1,083	1,110	2.4	67.9
Wolfe County	32	1,300	1,332	2.4	82.4
Silver Grove Independent	4	163	167	2.4	73.7
Fulton Independent	9	368	377	2.4	85.4
Frankfort Independent	19	779	798	2.4	64.4
Floyd County	138	5,677	5,815	2.4	78.4
Russell Independent	52	2,192	2,244	2.3	47.4
Owensboro Independent	111	4,723	4,834	2.3	76.8
Owsley County	16	693	709	2.3	89.4
Corbin Independent	68	2,962	3,030	2.2	60.9
Fairview Independent	16	722	738	2.2	67.7
Breathitt County	40	1,869	1,909	2.1	78.5
Dayton Independent	19	901	920	2.1	75.5
Paris Independent	14	677	691	2.0	73.7
Fulton County	11	534	545	2.0	72.2
Monroe County	34	1,798	1,832	1.9	71.4
Mayfield Independent	33	1,751	1,784	1.8	81.8
Jackson Independent	6	333	339	1.8	55.0
Bowling Green Independent	73	4,145	4,218	1.7	60.0
Marion County	55	3,148	3,203	1.7	64.2
Bellevue Independent	12	691	703	1.7	75.6
Rowan County	53	3,104	3,157	1.7	64.4
Dawson Springs Independent	11	651	662	1.7	70.2
Raceland-Worthington Independent	16	1,009	1,025	1.6	51.0
Jenkins Independent	7	445	452	1.5	84.7
Fort Thomas Independent	47	3,055	3,102	1.5	11.2
Barbourville Independent	10	667	677	1.5	66.5
Bardstown Independent	36	2,449	2,485	1.4	66.7
Paintsville Independent	12	818	830	1.4	45.7
Science Hill Independent	6	409	415	1.4	57.2

District name	Home School	Public School	Total Public And Home School	Percent Home School	Percent FRPL
Hardin County	200	14,095	14,295	1.4	59.8
East Bernstadt Independent	6	433	439	1.4	64.2
Hazard Independent	13	962	975	1.3	65.0
Robertson County	5	375	380	1.3	72.8
Ludlow Independent	9	816	825	1.1	69.9
Williamsburg Independent	8	734	742	1.1	75.5
Augusta Independent	3	282	285	1.1	70.2
Cloverport Independent	4	387	391	1.0	72.1
Pikeville Independent	10	1,201	1,211	0.8	39.2
Pineville Independent	4	507	511	0.8	74.7
Beechwood Independent	7	1,401	1,408	0.5	19.5
West Point Independent	0	119	119	0.0	75.7

Note: Percent home school is calculated as a percentage of total public and home school enrollment.

Source: Home school enrollment from OEA 2017 Homeschool Survey or KDE; total public school enrollment from KDE.

Appendix C

Transfers To Home School

Table C.1 shows the total number of students who transferred to home school in 2012 through 2017, by grade and the percentage increase in those years, by grade.

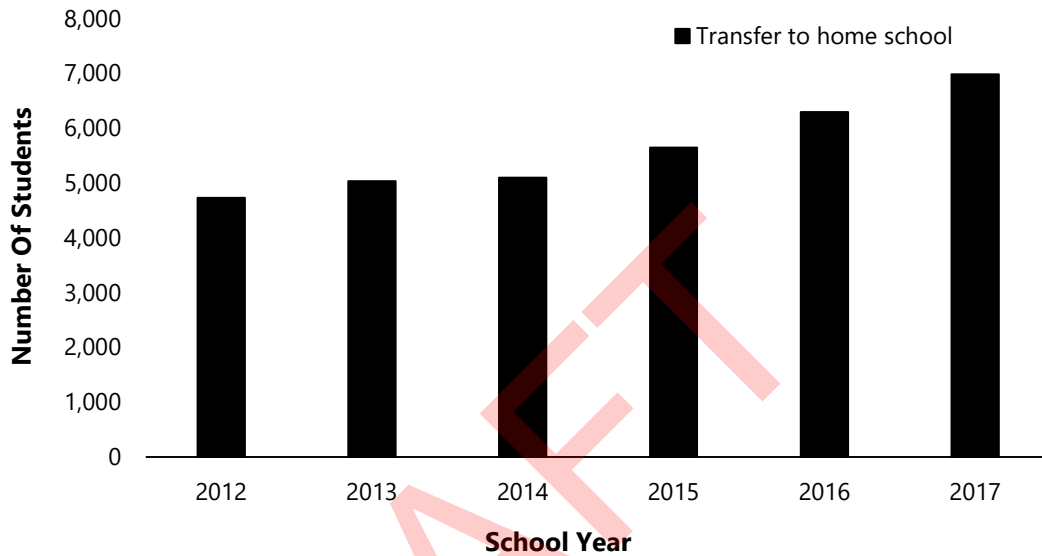
Table C.1
Transfers To Home School, By Grade,
And Percentage Change, 2012 And 2017

Grade	2012	2017	Change 2012 to 2017	Percent Increase
K	252	305	53	21%
1	217	260	43	20
2	209	265	56	27
3	209	293	84	40
4	198	301	103	52
5	228	283	55	24
6	307	419	112	36
7	353	535	182	52
8	412	581	169	41
9	830	1065	235	28
10	791	1063	272	34
11	598	994	396	66
12	318	510	192	60
Total	4,922	6,874	1,952	40

Source: Staff analysis of data from the Kentucky Department of Education.

Figure C.1 shows the total number of students who transferred to and from home school in 2012 through 2017. Each year, more than 5.5 times as many transferred to home school versus from home school.

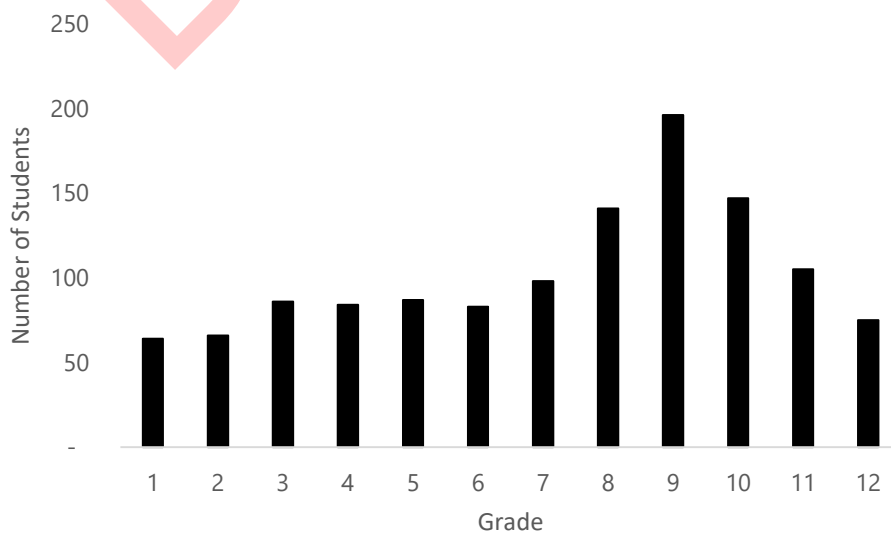
Figure C.1
Students Transferring To Home School
2012 Through 2017



Source: Staff analysis of data from the Kentucky Department of Education.

Figure C.2 shows the number of students, by grade, who transferred from home school to public school in 2017.

Figure C.2
Transfers To Public School From Home School, By Grade, 2017



Source: Staff analysis of data from the Kentucky Department of Education.

Grade Placement And Credits

Students who transfer to public school from home school are not guaranteed to be placed in the grade that corresponds with their age or, if they are in high school, to receive credits towards high school graduation for instruction completed in home school.

OEA 2017 survey data indicate that, at the elementary and middle school levels, most districts attempt to place students in the age-appropriate grade but also administer diagnostic tests to determine whether a child needs additional support to be successful in that grade. In some cases, based on diagnostic tests, homeschooled children entering public school may be placed in an earlier grade than is indicated by their age.

High School Graduation. 704 KAR 3:307 provides two methods by which local districts can award credits towards high school graduation for students transferring from nonaccredited schools. The student can a) pass an examination of similar nature or content to the course for which credit is desired; or b) maintain a successful performance of C or above in a higher level class. OEA 2017 Homeschool survey data indicate that districts use both methods but implement them differently. In some districts credits towards high school graduation are awarded only for students with credits from an accredited on-line school^v; others accept credits from any online school. Some districts award credits towards graduation only for students who pass the final exam given in a particular class; others allow credits to be earned through credit recovery software. Some districts award credits for all classes that sequentially precede a class in which a homeschooled student is placed and able to earn a C or above.

Figure C.2 shows the numbers of students in the 2012 and 2017 school years who were withdrawn from public school by parents or guardians who reported that they would be homeschooling their children. In both years, the number of students reported as transferred to home school increased from the elementary to middle school grades and spiked substantially in grades 9 through 12. The greatest single increase was in the 11th grade, from about 600 in 2012 to almost 1,000 in 2017.

^v The accredited online schools cited by DPPs were not accredited by KBE but by other accrediting agencies not recognized by KBE.

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Appendix D

Reading and Math Achievement Transfer To Home School, 2017

Table D.1 shows 2017 reading and math K-PREP achievement data in grades 3 through 8 for students who transferred to home school in that year compared to the achievement of all other students. In reading, 37 percent of students who transferred to home school were proficient or distinguished and 35 percent were novice; in contrast, 56 percent of students who did not transfer were proficient or distinguished and 20 percent were novice. In math, 23 percent of students who transferred were proficient or distinguished and 39 percent were novice; 49 percent of students who did not transfer were proficient or distinguished in math and 16 percent were novice. These data suggest that students who transfer to home school may be, on average, lower-performing than their peers who do not transfer. These data should, however, be interpreted with caution as they represent only about one quarter of home school students who transferred in that year.

Table D.1
K-Prep Reading And Math Performance Designations Grade 3 Through 8
Students Who Transfer To Home School And All Others, 2017

Performance Designation	Reading		Math	
	Did Not Transfer (n=295,107)	Transferred (n=496)	Did Not Transfer (n=294,522)	Transfer (n=492)
Distinguished	18%	9%	13%	4%
Proficient	39	28	36	19
Apprentice	23	27	35	38
Novice	20	35	16	39

Note: data are only available for about one fifth of the 2,412 students who transferred to home school in grades 3 through 8 in 2017 and are not necessarily representative of all students who transferred to home school. The table combines performance designations for all students grades 3 through 8. Staff also analyzed achievement differences in each individual grade. similar performance differences exist, though they vary slightly by grade.

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Appendix E

Reading and Math Achievement Transfer From Home School, 2017

Table E.1 compares the 2017 reading and math performance of Kentucky public school students with students who transferred into public school from a Kentucky home school. Note that, because of the relatively small number of home school students for whom there are data in each grade, the table combines performance for all third through eighth graders. Note also that the homeschooled students included in the table represent a small fraction (less than 2 percent) of the total number of home school students in grades 3 through 8 who are not enrolled in public schools.

On average, the percentages of formerly homeschooled students who were proficient or distinguished was slightly lower than all other students in reading (52 percent versus 55 percent) and substantially lower in math (35 percent versus 49 percent). Conversely, the percentage of homeschooled students who were novice was slightly greater in reading (24 percent versus 21 percent) and much greater in math (29 percent versus 17 percent).

Overall, the table shows formerly home school students performing fairly similarly to other students in reading. While suggesting that homeschooled students are more likely to fall behind their public school peers in math versus reading, the table does not raise concerns that homeschooled students across the board are falling far behind their peers in math.

Table E.1
Percentage of Students By Reading and Math K-PREP Performance Designation
Students Who Transfer From Home School And All Others, 2017

Performance Designation	Reading Grades 3-8		Math Grades 3-8	
	Transfer from Home School (n=187)	All Others (n=295,541)	Transfer from Home School (n=187)	All Others (n=295,541)
Distinguished	17%	17%	8%	13%
Proficient	35	38	27	36
Apprentice	25	24	36	35
Novice	24	21	29	17

Note: Because of the relatively small number of home school students for whom there are data in each grade, the table combines performance of students in all grades three through eight. Staff did, however, conduct separate analyses in each grade 3 through 8 and found similar trends.

Source: Staff analysis of data from the Kentucky Department of Education.

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Appendix F

Average ACT Composite Of 2016 Kentucky High School Graduates Enrolled in Kentucky Postsecondary Institutions By Public, Home School And Other High School 2017 School Year

	Subject	Public School (N)	Home School (N)	Other (N)
4 Year Public	Math	23.2 (11,256)	23.1 (140)	23.6 (1,949)
	Reading	25.5 (11,256)	27.5 (140)	26.6 (1,949)
	English	24.8 (11,256)	27.4 (140)	26.1 (1,949)
2 Year Public	Math	18.5 (6,189)	20.1 (102)	19.3 (411)
	Reading	20.2 (6,185)	23.5 (102)	21.8 (414)
	English	19.2 (6,201)	22.5 (102)	21.2 (415)

Source: Data provided to OEA by the Kentucky Council on Postsecondary Education.

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Appendix G

Laws Relevant To Accountability For Home Schools

Table G.2
Statutes Regarding Accountability And Monitoring Of Home Schools

Issue	Statute	Brief Description
Fundamental right to education	620.010	Defines access to educational instruction as a fundamental right and states that, if necessary, children can be removed from their parents to protect their rights.
Compulsory Attendance	159.010	Parents required to enroll children to public school between ages of 6 and 18.
Exemptions	159.030	Exempts children enrolled and in regular attendance in a private, parochial, or church regular day school”
DPPs have powers of peace officers but shall not have authority to serve warrants	159.130	DPPs may investigate nonattendance and, under direction of the superintendent and the board or KBE, institute proceedings against any person violating any provisions of compulsory attendance laws
Duty of DPP to enforce	159.140	DPPs are required to enforce compulsory attendance and census laws and secure enrollment and attendance. DPPs are also required, when taking action to enforce compulsory attendance, document the home conditions of the student and the intervention strategies attempted.
Educational neglect	600.020	Includes in the definition of “abused or neglected child” a child who is not provided with adequate education
Mandatory reporting	620.030	Any person who suspects abuse or neglect is obliged to report it to local law enforcement, Kentucky State police, the cabinet, the county attorney, or the Commonwealth’s attorney.
Cabinet determines follow up to allegation	620.040	Based on level of risk the cabinet can investigate, assess or refer to community-based services.
Criteria for determining investigation or assessment	922 KAR 1:330 Section 2 (4)(b)(6)a and b	Educational neglect if (a) the school system has exhausted its resources to correct the problem or (b) “caretaker’s neglect prevents the child from attending school or receiving appropriate education.”

Issue	Statute	Brief Description
Any individual can petition the court for neglect	620.070	The court will provide parent with copy of petition and issue a summons
Truancy defined	159.150	Also authorizes local boards to “adopt reasonable polices that...require truants and habitual truants to make up unexcused absences.”
Court exclusive jurisdiction over truancy	630.020*	
Conference with court-designated worker necessary to press truancy charges	630.050	Conference with court-designated worker necessary prior to initiating judicial proceedings for status offense. Truancy is a status offense—conduct that would not be considered a crime for an adult.
Training for CDWs	605.020 (5)	The AOC shall provide training to all CDWs in (a) The administration of evidence-based screening instruments and, for some workers as appropriate, the administration of risk and needs assessments.

Note: DPP= director of pupil personnel; AOC= Administrative Office of the Courts; CDW= court designated worker

Source: Staff compilation of material from Kentucky Revised Statutes.

Appendix H

Kentucky Statutes Relevant To The Duties Of Directors of Pupil Personnel

KRS 159.130 Powers of directors of pupil personnel.

The director of pupil personnel and his assistants shall be vested with the powers of peace officers, provided, however, that they shall not have the authority to serve warrants. They may investigate in their district any case of nonattendance at school of any child of compulsory school age or suspected of being of that age. They may take such action in accordance with law as the superintendent directs. They may under the direction of the superintendent of schools and the board of education or the Kentucky Board of Education, institute proceedings against any person violating any provisions of the laws relating to compulsory attendance and the employment of children. They may enter all places where children are employed and do whatever is necessary to enforce the laws relating to compulsory attendance and employment of children of compulsory school age. No person shall refuse to permit or in any way interfere with the entrance therein of a director of pupil personnel or in any way interfere with any investigation therein.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. --Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 412, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Amended 1956 Ky. Acts ch. 237, sec. 5. -- Amended 1946 Ky. Acts ch. 30, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4434-12, 4434-13.

KRS 159.140 Duties of director of pupil personnel or assistant.

(1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:

- (a) Devote his or her entire time to the duties of the office except as provided in subsection (2) of this section;
- (b) Enforce the compulsory attendance and census laws in the attendance district he or she serves;
- (c) Acquaint the school with the home conditions of a habitual truant as described in KRS 159.150(3), and the home with the work and advantages of the school;
- (d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, and seek the elimination of these causes;
- (e) Secure the enrollment in school of all students who should be enrolled and keep all enrolled students in reasonably regular attendance;
- (f) Attempt to visit the homes of students who are reported to be in need of books, clothing, or parental care;
- (g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is

nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated by the Kentucky Board of Education. The questions shall be designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;

(h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and

(i) Keep the records and make the reports that are required by law, by regulation of the Kentucky Board of Education, and by the superintendent and board of education. (2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties. The superintendent shall report the decision to the commissioner of education.

(3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 130, sec. 2, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 159, sec. 1, effective March 31, 2003. -- Amended 1998 Ky. Acts ch. 514, sec. 7, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 220, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Amended 1956 Ky. Acts ch. 237, sec. 6. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky.Stat. secs. 4434-6, 4434-8, 4434-9, 4434-10.

Endnotes

¹ Bauman, Kurt. *Homeschooling in the United States: Trends and Characteristics*. August, 2001, p.8. Web. Accessed July 31, 2018.

² National Center for Education Statistics. *Homeschooling in the United States: 2012, p. 12*. Web. Accessed July 31, 2018.

³ Christian Home Educators of Kentucky. Interview. April 24, 2018.

⁴ National Center for Education Statistics. "Parent and Family Involvement in Education: Results from the National Household Education Surveys Program of 2016." Web. Accessed March 1, 2018.

⁵ Wright, Rebecca. *Homeschooling in Tennessee*. Offices of Research and Education Accountability. August, 2012, p. 6.

⁶ Kentucky. Dept. of Educ. *Kentucky Department of Education Homeschool Information*. KDE Web. Aug. 31, 2018.

⁷ Kentucky State Board for Elementary and Secondary Education v. Rudasill, Ky., 589 S.W. 2d 877 (1979).

⁸ Goins, Nathaniel. "Follow up to Homeschooling Meeting." E-mail to Deborah Nelson, Feb. 21, 2018.

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