



Pennsylvania Home Educators Association

Supporting Freedom in Home Education

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Behind the Eight Ball

It has long been claimed in Pennsylvania home education circles that compulsory attendance commences at eight years old, but if your child turns eight after the first two weeks of school, a home education program does not need to start until the following fall. This was a conclusion from the interpretation of two parts of the public school code, Admission of Beginners (24 PS §13-1304) and Definitions of “compulsory school age” (24 PS §13-1326).

The Admission of Beginners portion of the public school code was the basis for the “two weeks” timeframe. Act 24 of 2011, taking effect on July 1, 2011, changed the language of this portion of the code. The old language (pre-2011) had confined the admission of beginners to the first two weeks of the school term. The new language (post-2011) requires schools to admit beginners for the first two weeks, but now allows for the admission of beginners all year, at the discretion of the school district. (Read the language of the law below.)

The bottom line is that once a child turns eight years old, they are of compulsory attendance age. This means that, if the child is home educated, the supervisor should submit an affidavit and commence a home education program on his eighth birthday, but the school district may have some discretion in enforcing the law.

This now brings up interesting scenarios.

- My child turns eight in April and we are already done with our school year as a family, even though the local public school doesn't end until mid-June. Do I need to submit an affidavit?
Yes. In order to comply with compulsory attendance law, your child must be in an educational setting no later than 8 years old. Therefore, you would need to submit an affidavit in order to comply. However, since your family is already done with the school year, you will not be able to instruct for 180 days. You should attach a note to the affidavit, stating that your family has already completed the school year and that you will be a returning home education program and submit your next affidavit by August 1.
- Will I need proof that we completed the previous year?
No. There is no legal requirement to prove the completion of a program that was not required by compulsory attendance law.
- My child turns eight in December and I submit his affidavit at that point, do I need to do 180 days of instruction after I submit his affidavit?
No. You, as the supervisor determine when your school year ends. Let your evaluator know that the portfolio represents only the portion of the learning, since your child's

eighth birthday. This is similar to if a child enters the public school during the school year, he would only be required to attend school until the end of the school year.

We understand that every family, every child, and every scenario is different and this portion of the law is complicated to interpret. If anyone has any questions, please feel free to contact PHEA.

24 PS §13-1304

(a) School districts shall admit beginners to the public schools [shall be confined to] **during at least** the first two weeks of the annual school term in districts operating on an annual promotion basis[,] and [to] **during** the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis; **thereafter, the admission of beginners shall be at the discretion of each school district.** *

* How to read: Bold is newly added language, [text] in brackets is deleted language.