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Federal Requirements for Homeschoolers Seeking College Admission and Financial Aid

Colleges and universities frequently ask two questions about homeschoolers:

- 1) Are homeschoolers eligible for financial aid without obtaining a GED or passing an ability-to-benefit test?; and
- 2) Can a university admit a student with a homeschool high school diploma who is under the age of compulsory attendance and still retain its eligibility for federal funding?

The answer to both questions is “Yes.”

Colleges and universities have often—and unnecessarily—insisted that homeschoolers obtain a General Equivalency Diploma (GED) or take an ability-to-benefit (ATB) test to qualify for financial aid. Because this requirement was usually based on the institution’s concerns about federal funding regulations, the Home School Legal Defense Association addressed the situation at its root. The Association drafted federal legislation to place homeschool college applicants for admissions and financial aid on the same footing as traditionally schooled applicants.

This language was included in The Higher Education Act Amendments of 1998 (Pub. L. No. 105-244). Although these amendments, enacted in early October 1998, changed what postsecondary schools could require of homeschool applicants, it has taken many years for local financial aid offices to implement these new requirements. Even now, more than 10 years later, some schools are still not familiar with the changes in the Federal Student Aid Handbook.

Background

Legislative and Regulatory

Even before the 1998 amendments, homeschooled students who were accepted by a college or university could be eligible for financial aid or an academic scholarship. However, because postsecondary institutions that receive federal funds are subject to federal regulations, institutions were instructing homeschool graduates that pursuant to federal law, financial aid applicants who did not have an accredited high school diploma were required to take a GED exam or ability-to-benefit test.

To remedy the problem, HSLDA worked with legislators to draft the homeschool amendment to the Higher Education Act of 1998 (HEA) and with the United States Department of Education to implement the appropriate regulations. In the amendments, Congress created a third option for nontraditional high school graduates to demonstrate that they had the “ability to benefit” from federal financial aid. (Pub. L. No. 105-244, Section 483.) This third option allows students who have **“completed a secondary school education in a home school setting that is treated as a home school or private school under state law”** to receive financial aid. 20 U.S.C. § 1091(d)(3). The U.S. Department of Education’s regulations restated the above law, explaining that a student is eligible for financial aid if he was homeschooled, and either (1) obtained a secondary school completion credential as provided by state law, or (2) has completed a secondary school education in a homeschool setting under state law. (34 CFR § 668.32(e)(4).)

Nothing else is required. Homeschoolers no longer have to produce a GED. Furthermore, the Department of Education made it clear that homeschool students **“are not required to take an ability-to-benefit test.”** (*Federal Register*, Vol. 64, No. 204, 64 FR 57356.) Neither must their homeschool diploma be officially recognized by the state.

Federal Student Aid Handbook Revisions

While the adjustments to the Higher Education Act were important, the Federal Student Aid Handbook was not updated to reflect the changes and still indicated that federal funding was only available to institutions that admitted students with a state-approved high school diploma or GED, or to those beyond compulsory school attendance age. Thus, financial aid and college admissions officers were afraid that their schools would lose institutional eligibility for funding if they admitted homeschool students.

As families contacted HSLDA for assistance with college admissions, the Association was able to work with colleges on a case-by-case basis, helping them understand the federal amendments as applied to homeschoolers. In conjunction with its work with specific institutions, HSLDA partnered with Eric Jaso, Deputy General Counsel for the Postsecondary Education and Regulatory Service, to resolve the discrepancy in the handbook. On March 6, 2002, former HSLDA Senior Counsel Chris Klicka testified before the Regulatory Board of the U.S. Department of Education. Klicka explained that the Higher Education Amendments of 1998 make it clear that students who complete a secondary education in a homeschool setting are eligible for federal financial aid, but that the handbook indicates that those same students, if accepted, will cause the college to lose its federal funding. The Regulatory Board approved Klicka and Jaso’s draft language to correct the handbook errors.

In April 2002, before the handbook revisions were completed, Eric Jaso issued a letter to help clarify the situation. HSLDA widely distributed the letter to colleges, and in most cases with which HSLDA assisted, homeschool students were finally granted admission.

Official U.S. Department of Education Clarification Issued

At the end of November 2002, the U.S. Department of Education Deputy Assistant Secretary of the Office of Postsecondary Education issued a formal “Dear Colleague” letter to all universities

to clarify homeschooled students' admission to college (<http://ifap.ed.gov/dpccletters/GEN0211.html>). The letter's summary states:

An institution can admit most home-schooled students as regular students without jeopardizing its eligibility to participate in the Title IV, HEA student financial assistance programs. The Department considers that a home-schooled student is beyond the age of compulsory school attendance if the State in which the institution is located does not consider the student truant once he or she has completed a home-school program.

The compulsory school attendance clarification has been important because it resolves the frequent problem of "underage" homeschool students being denied admission. The "Dear Colleague" letter, however, clearly states that students who graduate from their homeschool program before reaching the end of their state's compulsory school attendance age can be admitted to a college without jeopardizing the institution's federal financial aid.

The letter also addresses conflicting provisions of the HEA (Higher Education Act of 1965, as amended):

Because homeschool students under the HEA are considered not to have high school diplomas or GEDs, an extremely literal, non-harmonious reading of the two HEA sections (institutional eligibility and student eligibility) would produce the illogical result of making institutions ineligible to participate in the Title IV, HEA programs if they enrolled "under age" homeschooled students who are eligible to receive Title IV, HEA program assistance.

In other words, in the past, homeschool students below the compulsory school attendance age were able to receive federal student aid for college, but the handbook stated that those same students could not be accepted into a college because the *college* would lose its financial aid. Through the above-described process, the incompatible provisions were identified and addressed.

Finally, the "Dear Colleague" letter clarified that homeschoolers can self-certify their completion of their secondary education in a homeschool setting. No proof is required to be submitted in order to receive student financial aid.

Federal Student Aid Handbook Revised

Final revisions to the Federal Student Aid Handbook further clarified and publicized the issue.. The Handbook is sent to most of the colleges in the United States and is accessible on the U.S. Department of Education's financial aid website (<http://www.ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook&awardyear=2010-2011>).

Volume 1, chapter 1 of the Handbook specifically states that homeschool students are "eligible to receive FSA funds if their secondary school education was in a homeschool that state law treats as a home or private school." It also states that "the Department considers a homeschooled student to be beyond the age of compulsory attendance if your school's state would not require the student to further attend secondary school or continue to be homeschooled." The citation on

the U.S. Department of Education website for this section of the Handbook is: <http://www.ifap.ed.gov/fsahandbook/attachments/1011FSAHbkVol1.pdf>.

The most helpful section of the Handbook is found in Volume 2, chapter 1, page 6: <http://www.ifap.ed.gov/fsahandbook/attachments/0910FSAHbkVol2Ch1School.pdf>. Here, the Department clarifies that “a homeschooled student is beyond the age of compulsory school attendance if the state in which the eligible institution is located does not consider the student truant once he or she has completed a homeschool program.” The U.S. Department of Education confirms that homeschoolers fit into the third category of eligibility as listed below.

The Handbook states that an eligible institution may “admit as regular students only students with a high school diploma or equivalent, or students who are beyond the age of compulsory school attendance in the state in which the institution is located.”

On the issue of proof of their completion of a homeschool program, the Handbook says on page 6 of Volume 2, chapter 1 that an institution “may rely on a homeschooled student’s self-certification that he or she completed secondary school in a homeschool setting.” This puts to rest the often-abused procedure that some colleges have tried to apply to homeschoolers, demanding that they present a high school diploma that is specifically recognized by the state. This has never been a lawful requirement, and this instruction makes it perfectly clear that homeschoolers do not have to obtain state recognition of their diploma. Presently, of the 50 states, there are no states that require homeschoolers to obtain such a certification of their high school diploma, and only three states offer some homeschoolers a voluntary procedure for obtaining a diploma.

College Admission

Homeschool graduates legitimately earn their diplomas by completing their high school education in a homeschool setting, while a GED usually carries the stigma that a person is a high school dropout. Current federal regulations contain no definition prohibiting a homeschool high school diploma from being accepted as a valid high school diploma.

This interpretation is consistent with the United States House of Representatives and Senate Committee Reports accompanying the Reauthorization of the Higher Education Act (Pub. L. No. 105-244) encouraging colleges and universities receiving federal funding to discontinue discrimination against homeschoolers. The House Report specifically recommends that colleges and universities change any admissions policies which force homeschooled students to take additional tests beyond what is required of traditionally schooled students, including the GED and the SAT II exams:

The Committee is aware that many colleges and universities now require applicants from non-public, private, or non-traditional secondary programs (including home schools) to submit scores from additional standardized tests . . . (GED or . . . SAT-II) in lieu of a transcript/diploma from an accredited high school. Historically . . . [the] SAT II was not design for, and until recently was not used to determine college admissions. Given that standardized test scores (ACT or

SAT) and portfolio- or performance-based assessments may also provide a sound basis for an admission decision regarding these students, the Committee recommends that colleges and universities consider using these assessments for applicants educated in non-public, private, and non-traditional programs rather than requiring them to undergo additional types of standardized testing. Requiring additional testing only of students educated in these settings could reasonably be seen as discriminatory

The Committee believes that college admissions should be determined based on academic ability of the student and not the accreditation status of the school in which he or she received a secondary education.

105TH CONGRESS, 2d Session, House of Representatives, REPORT 105-481, Higher Education Amendments of 1998, April 17, 1998, p.147

When this is paired with the 1998 Higher Education Act Amendment's inclusion of homeschoolers among students eligible for financial aid without having to take a GED or ability-to-benefit test, it is clear that Congress intended to distinguish homeschool graduates from high school dropouts. It would be ludicrous to contend that Congress would allow homeschoolers, regardless of age, to obtain financial aid for college based on obtaining a self-certified homeschool high school diploma if it did not also intend to allow their admittance into the college on this basis. In light of 20 U.S.C. § 1091(d), as amended in 1998, it is clear that Congress intended to officially recognize high school diplomas earned by homeschool graduates.

Finally, any students of *any* age who have graduated from any high school—whether public, non-public, or homeschool—are outside the compulsory school attendance requirements imposed by their state statutes. Homeschool graduates need only to demonstrate that they have successfully completed a secondary school education in a homeschool setting and have met state law requirements. No college may refuse admittance based on the argument that these graduates are under compulsory school attendance age.

Conclusion

Congress has revised and clarified federal law affecting homeschoolers. The U.S. Department of Education has changed its policy as well. Both point to a common principle: homeschoolers should be admitted to colleges and granted financial aid without having to take additional tests beyond what is required of traditionally schooled students. Ignoring a homeschool graduate's diploma and requiring him to take a GED, SAT II, or ability-to-benefit test while graduates from traditional high schools are not required to do so is seen as discriminatory by Congress.

Furthermore, institutions of higher learning that receive federal aid can admit homeschool graduates, at any age, without endangering their institutional eligibility. For federal financial aid, homeschoolers need only self-certify their homeschool diplomas.