

## DISTRICT OF COLUMBIA

- Compulsory Attendance Ages:** age of 5 years by September 30th of the current school year “until the minor reaches the age of 18.” District of Columbia Code Annotated § 38-202.
- Required Days of Instruction:** During the period of each year public schools are in session. § 38-202 (a).
- Required Subjects:** Language arts, mathematics, science, social studies, art, music, health, and physical education. Per D.C. Municipal Regulation 5204.1(b).
- Home School Statutes:** D.C. Official Code §38-202 and §38-205; See also DCMR 5200.

In 2007, pursuant to the “PUBLIC EDUCATION REFORM AMENDMENT ACT OF 2007,” the District of Columbia City Council (D.C. Council) reorganized education agencies in the District. In this act, the Council created, among other things, a Department of Education under Mayor Fenty, which included the Office of the State Superintendent of Education (“OSSE”). The Council also created a State School Board of Education (“SBOE”). In its legislation, the Council granted authority to the SBOE to approve “state standards for home schooling.” Beginning in March of 2008, the Office of the State Superintendent (“OSSE”) began a rulemaking process that ended with the State Board of Education approving regulations contained in a new Chapter 52 of the District Code of Municipal Regulations (“DCMR”) entitled “District of Columbia Home Schooling.”

In the Notice of Rulemaking, the OSSE stated that the proposed regulations “expand the administrative procedures available to parents and legal guardians to resolve differences with regard to home schooling compliance.” Homeschoolers who comply with this regulation will have specific guidelines to follow that will assure that they are complying with the regulation. The regulation defines homeschooling as “...an education program conducted, in compliance with this chapter, by the parent or legal guardian.”

While the D.C. Council did not repeal private instruction contained within compulsory attendance laws under which parents or guardians previously satisfied District compulsory attendance laws, it appears that the SBOE and OSSE intend for parents or guardians who wish to conduct an “education program, in compliance with this chapter, by the parent or legal guardian” (aka “homeschooling”) to follow the new guidelines contained in DCMR 5200.

1. Parents or guardians who choose to comply with DCMR 5200 must file a written notification on an official form provided by the OSSE. The form must be filed annually by August 15. Upon discontinuation of a homeschool program, parents or guardians are expected to notify the OSSE 15 days prior to the discontinuation of homeschooling.
2. Parents or guardians who notify under DCMR 5200 and consent to its provisions must provide “thorough, regular instruction of sufficient duration to implement the home school program.”

**Records:** DCMR 5205 indicates that a homeschooling parent or guardian is expected to maintain a portfolio of homeschooling material that includes evidence of a child's current work that demonstrates that the child is "engaged in thorough, regular educational activities in a range of subjects." The portfolio is to be maintained for one year. In her testimony before the SBOE, OSSE Superintendent Deborah Gist stated that it was the OSSE's intention that portfolios would only be reviewed when a reason to believe that a regular and thorough education was not being provided. Although the regulation does not explicitly state this, HSLDA concurs with Superintendent Gist that such cause is not only appropriate but required.

**Teacher Qualifications:** DCMR 5207 requires that parents or guardians have a high school diploma or its equivalent. A parent or guardian without a high school diploma or its equivalent may petition the OSSE for a waiver by providing evidence of the petitioner's ability to provide thorough, regular education. The official form from the OSSE requests a copy of the parent or guardian's diploma or GED. However, in the event that the parent or guardian is unable to locate the document, a cover letter stating that the parent or guardian has one but is unable to locate it is an appropriate alternative.

**Assessment:** DCMR 5206 allows the OSSE to request at most twice per year to review a portfolio of homeschooling material. The request must be made in writing and the review is to be held at a time and place mutually agreeable to the OSSE and parent or guardian. Homeschooled students are eligible to participate in public school-sponsored testing in their resident district without charge.

**Remediation:** When, upon review of a portfolio, the OSSE determines that a student is not receiving a "thorough, regular education," it must provide a written "Notification of Deficiencies" within 30 days of the review, not including Saturdays, Sundays or District holidays. A parent or guardian has 30 days, not including weekends or District holidays, in which to respond with a "Corrective Action Plan" ("CAP"). Prior to filing the CAP, the parent or guardian may request a meeting with the OSSE to present "evidence of compliance" or to "discuss the deficiencies identified by the OSSE." After the filing of a CAP, the OSSE must notify the parent or guardian in writing within 15 days, not including weekends or District holidays, of acceptance of the CAP or of the need for further modification. The OSSE is required to grant a meeting to discuss the OSSE's response to the CAP if it is not accepted. If the OSSE determines that a homeschool program "does not conform to the requirements" of DCMR 5200, it can issue a letter of non-compliance which can be appealed in writing within 15 days to the State Superintendent of Education. After the State Superintendent issues a final decision, the parent or legal guardian may appeal to the D.C. Superior Court. DCMR 5200 states that "within 45 days of the date of a final decision issued by the State Superintendent of Education, requiring the parent or legal guardian to enroll the child or children in a public or non-public school, the parent or legal guardian shall" do so unless the action is stayed by court order.

HSLDA encourages members who have further questions about filing under DCMR 5200 to contact HSLDA at (540) 338-5600.