



An Issue Brief

At-Risk Homeschooled Children

The burned, emaciated body of ten-year-old [Emani Moss](#) was found in trash cans outside of her parents' Georgia home in November 2013. Neither relatives nor school officials had seen the girl since she was removed from school to be homeschooled over a year earlier. Emani was withdrawn from school after a teacher reported suspected abuse and had been removed from the home several years prior due to substantiated abuse claims; this history did not prevent her parents from homeschooling her in a move that appears designed to prevent future child abuse reports and conceal the evidence of their abuse.

An estimated two million children are being homeschooled today nationwide. Most states do not require homeschooling parents to show evidence that they are educating their children, and few have provisions to prevent abusive parents from using homeschooling to isolate their children and hide maltreatment. A growing body of data points to the need for lawmakers to create protections for at-risk homeschooled children.

This brief will respond to the following questions:

- What data exists on child abuse in homeschool settings?
- What factors are present when abuse occurs in homeschool settings?
- What policies should lawmakers seek to implement?
- What approaches have states already tried?

In the right settings, homeschooling can offer a positive and child-centered educational environment that encourages children to thrive and achieve. Such homeschooling should be encouraged. However, when abusive or neglectful parents homeschool, the consequences can be severe. Lawmakers should implement common-sense solutions to ensure that homeschooling is not used to isolate children and conceal abuse.

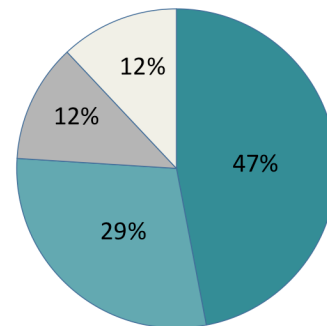
A Look at the Data

In a 2014 study of child torture, Barbara Knox of the University of Wisconsin found that 47% of the school-aged child torture cases examined involved children who had been enrolled in school and were later removed to be homeschooled.¹ Knox wrote that this homeschooling “appears to have been designed to further isolate the child” and “typically occurred after closure of a previously opened CPS case.” Another 29% of the children were never enrolled in school.

There has been no research comparing the overall level of child abuse among children who are homeschooled with that among children who attend school; the data to conduct such a study does not currently exist. However, Knox’s study suggests that homeschooling may be overrepresented in severe cases of child abuse, where the educational method is used to isolate children and hide abuse to an extent not possible when children attend school.

Education of School-Age Child Torture Victims in Knox et al., 2014

- Withdrawn to be homeschooled
- Never enrolled in school
- Disenrolled w/o explanation
- Enrolled in school



Themes

The Coalition for Responsible Home Education (CRHE) operates the Homeschooling’s Invisible Children (HIC) database, which catalogues cases of severe and fatal child abuse in homeschool settings in order to identify themes that contribute to such abuse. An analysis of the cases in this database has yielded a number of themes.

Recent Abuse Reports: In many of the cases in the HIC database, the parents withdraw a child from school to homeschool after a teacher or other school official demonstrates their willingness to report suspicions of abuse.

Social Isolation: In some cases in the HIC database, children are so severely isolated that neighbors report that they did not know a child of that age lived in the home. In other cases, they may not have access to an adult they can trust.

¹ Knox, B.L., Starling, S.P., Feldman, K.W., et al., “Child Torture as a Form of Child Abuse,” *Journal of Child and Adolescent Trauma*, Vol. 7 No. 1 (2014), 37-49.

Food Deprivation: When children attend school, they have access to school lunch programs and adults who will notice if they are constantly hungry. A full 47% of the cases in the HIC database involve food restriction or starvation.

Medical Neglect: Children who are homeschooled are typically not required to see a doctor. As a result, medical problems can go unnoticed for years. 24% of the cases in the HIC database involve medical neglect.

Disabilities: Most states do nothing to ensure that the needs of homeschooled children with disabilities are being met. In some cases these children have been kept in chains or cages; a number have died due to infected bed sores.

Sample Cases

A 14-year-old homeschooled girl in Arizona was kept locked in an empty bedroom for fifteen months; during this period, the girl was regularly raped by her father. The girl escaped by kicking down the bedroom when her family was away from the home and running to the apartment of a friend she had made while attending school, before she was homeschooled.

Six children in Massachusetts were isolated in a converted nightclub for over half a decade. Their father told school officials that the children were being homeschooled, and prevented the children from having any contact with the outside world. The girls were raped by their father, and the boys were beaten. The children had no contact with mandatory reporters.

A 16-year-old homeschooled girl in Michigan died in a house fire when she was unable to free herself from the chains that bound her to her bed. Her parents had begun homeschooling the girl when she was 13, after a series of child abuse reports made by her school. This brought an end to these reports and allowed the girl's parents effectively isolate her.

“My mother informed me that from now on we were all going to be ‘homeschooled’ so that no more nosy teachers would be interfering in ‘our’ (her) lives.”

-- Elizabeth W., abuse survivor

“My father was physically, verbally, and emotionally abusive. Every abuse had a magnified effect on us because there was no escape from our home environment.”

-- Mary D., abuse survivor

Our Recommendations

Lawmakers and other officials should take steps to enact protections for homeschooled children and to ensure that homeschooling is used to educate children and not to abuse.

- **Background checks:** Bar parents from homeschooling if they have committed a crime that would prevent them from teaching in a public school.
- **A flagging system:** Bar parents from homeschooling if they or anyone in the household have previously had a founded abuse or neglect report.
- **Risk assessments:** Conduct risk assessments when parents begin to homeschool after a recent child abuse report or concerning history of reports.
- **Mandatory reporter contact:** Ensure that homeschooled children are seen by mandatory reporters via academic assessments, medical visits, or other means.
- **Medical care:** Require homeschooled children to have the same medical visits required of children who attend public school.
- **Disability services:** Require parents of children with disabilities to create annual services plans outlining the therapies and interventions their child will receive.

Implementation

The implementation of protections for at-risk children will be affected by the structure of existing oversight for homeschooling in the state. In states with notification and assessment requirements, implementation may involve straightforward amendments; in states that do not have these requirements, implementation may first involve creating them.

The form of existing protections for children in a state will also affect the implementation of protections for at-risk homeschooled children. For example, the level of communication between county child protection agencies, and whether there is a statewide child protection database, will affect the development and form of a flagging system or risk assessments.

Local and state child protection agencies should be involved in crafting legislation to create any flagging system or risk assessments for at-risk homeschooled children. Local and state education agencies should be involved in any amendment of a state's homeschool statute.

Background Checks

What are states currently doing?

PENNSYLVANIA: The state prohibits parents from homeschooling if they have committed a crime that would prevent them from teaching in a public school within the past five years. See [24 P.S. § 13-1327.1\(b\)\(1\)](#). There is no background check; instead, parents sign an affidavit verifying that no adult living in the home has been convicted of the listed crimes.

13-1327.1(b)(1). The affidavit [submitted prior to beginning home education] shall contain a certification to be signed by the supervisor [the person responsible for the provision of instruction, typically the parent] that the supervisor, all adults living in the home and persons having legal custody of a child or children in a home education program have not been convicted of the criminal offenses enumerated in [subsection \(e\) of section 111](#) [which governs requirements for public and private school teachers] within five years immediately preceding the date of the affidavit.

While the prohibition is in line with our recommendations, the current statute relies on an honor system rather than mandating background checks as we would recommend.

ARKANSAS: State statute prohibits homeschooling when a registered sex offender resides in the home; parents may petition the court to waive the restriction (see [Ark. § Code 6-15-508](#)). It is up to the school district to verify whether a sex offender is in the home when a notice of intent to homeschool is filed; not every school district does so.

6-15-508. Home schooling prohibited if a sex offender resides in the home.

(a) No child may be home schooled if any person residing in the home with the child is required to register under the Sex and Child Offender Registration Act of 1997, § 12-12-901 et seq.

(b) Upon petition to the sentencing court from the child's parent or guardian, the sentencing court may enter a written order specifically waiving the restriction in subsection (a) of this section.

(c) This section shall not apply if the child to be home schooled is the person registered under the Sex and Child Offender Registration Act of 1997, § 12-12-901 et seq.

Currently, it is up to the school district to decide whether or how to verify whether a sex offender lives in the home. We would like to see this statute mandate a background check.

What do we recommend?

We suggest barring parents from homeschooling when an adult residing in the home has committed a crime that would prevent them from teaching in a public school. We recommend requiring background checks to ensure that this provision is enforced.

- (1) A parent is ineligible to operate a home education program if the parent, or any other adult residing in the home, has been convicted of any of the crimes designated in [reference for statute that lists crimes that render an individual ineligible to teach or work in a school].
- (a) Upon receipt of a notice of intent to homeschool, the district school superintendent, or the district school superintendent's agent, shall ensure that each adult residing in the home undergoes a background screening as required under [reference for statute that outlines the background check process for individuals who teach or work in a school].
- (b) If the background screening reveals that the parent is ineligible to homeschool under subsection (1) of this section, the superintendent shall notify the parent and the student shall not be granted exemption from [reference to the compulsory attendance statute].
- (c) A parent found ineligible to homeschool under subsection (1) of this section may petition [the court that has jurisdiction over family family cases] for an exemption, which may be granted based on a showing of changed circumstances.

Most states have statutes regarding criminal offenses that render one ineligible to teach in a public school, and a background check process for school employees. The addition of background check to a homeschool statute can draw on these provisions.

Flagging System and Risk Assessments

What have states tried?

Legislation designed to create a system for flagging and intervening in cases where at-risk children are withdrawn from school to be homeschooled has been introduced in recent years in Pennsylvania, Ohio, and Kentucky.

PENNSYLVANIA: In November 2012, the state's Task Force on Child Protection issued a set of [Policy Recommendations](#). These included draft legislation that became [Senate Bill 32](#) in the next legislative session. SB 32 would have added this to the state's code:

Section 223.1. Duty to Notify County.--

(a) The school district in which the child resides shall notify the county whenever a child enrolls in a home school program or cyber charter school, is truant or fails to register for school upon attaining compulsory school age if:

(1) A child or another child in the child's household has been the subject of a founded or indicated report or received general protective services within the last eighteen months.

(2) The parent or other person the child resides with has been the subject of a report within the last eighteen months.

(b) Upon receipt of the notice under subsection (a), the county agency shall promptly perform a safety and risk assessment. A subsequent safety and risk assessment shall be performed if the county agency has determined that a risk of abuse exists. If after a six-month safety and risk assessment it is determined that no risk of abuse exists, no further assessment may be made, except upon receipt of a report under 23 Pa.C.S. Ch. 63 Subch. B (relating to provisions and responsibilities for reporting suspected child abuse).

This provision would not have absolutely barred homeschooling in cases where there was a prior founded report or open case, but would have mandated that these students received monitoring to ensure that homeschooling was not being used to hide abuse.

OHIO: [Senate Bill 248](#) was introduced in December 2013 in response to the death of a homeschooled boy at the hands of his stepfather the previous January. The bill would have required a public children services agency to conduct interviews with all homeschooling parents and homeschooled students, and would have allowed this agency to recommend against homeschooling based on either these interviews or past investigations.

Sec. 3321.042. Prior to excusing a child from attendance at school for instruction at home pursuant to division (A)(2) of section 3321.04 of the Revised Code, a superintendent of a school district shall notify the public children services agency that serves the county in which the child resides of the request for the child to be excused.

Sec. 2151.4210. [Definitions.] Not later than five business days after a public children services agency receives a notification under section 3314.063 [relating to internet- or computer-based community schools] or 3321.042 of the Revised Code, the agency shall do the following:

(A) [Conduct an in-person meeting with the parent.]

(B) [Conduct an in-person meeting with the child.]

(C) Access or enter the statewide automated child welfare information system, established and maintained under section 5101.13 of the Revised Code, to determine whether any of the following are the subject of an investigation that has been documented in the system:

(1) [The parent.]

(2) [The child.]

(3) [Any other person in the household.]

In requiring that every person in the household be interviewed by a public child services agency when beginning to homeschool, this legislation went beyond what we recommend. However, the use of a statewide automated child welfare information system to identify and flag a concerning history of investigations is in line with our recommendations.

KENTUCKY: [Senate Bill 181](#), introduced in February 2017 in response to a horrific abuse case, would bar homeschooling in homes with a past founded abuse report.

A new section of KRS Chapter 620 is created to read as follows:

(1) Each parent, guardian, or other person who resides in the state, has in custody or charge a child, and:

- (a) The parent, guardian, or other person has been found by the Cabinet for Health and Family Services to have abused or neglected a child; or
- (b) An adult residing in the parent's, guardian's, or other person's home has been found by the Cabinet for Health and Family Services to have abused or neglected a child; shall send the child in his or her custody or charge to a regular public day school as required under KRS 159.010.
- (2) An exemption provided under KRS 159.030 or any exemption from subsection (1) of this section shall be approved by a court of competent jurisdiction.
- (3) Any parent, guardian, or custodian who violates this section shall be subject to penalties under KRS 159.990.

Barring homeschooling in any case with a founded abuse report may seem inflexible, but by permitting an exemption to be approved by a court of competent jurisdiction, the legislation creates a requirement that protects children while offering room for extraordinary cases.

What do we recommend?

We recommend focusing on families with specific risk factors. Our ideal legislation would bar homeschooling in certain cases and require monitoring for other cases.

- (1) A parent is ineligible to operate a homeschool if the parent, or any other adult residing in the home, has been found by [the local agency responsible for child welfare] to have abused or neglected a child.
 - (a) Upon receipt of a notice of intent to homeschool, the district school superintendent, or the district school superintendent's agent, shall submit the names of all adults and all children residing in the home to [the local agency responsible for child welfare], which shall notify the school district superintendent, or the district school superintendent's agent, if the parent is ineligible to homeschool under this section.
 - (b) A parent found ineligible to homeschool under subsection (1) of this section may petition [the court that has jurisdiction over family family cases] for an exemption, which may be granted based on a showing of changed circumstances.
 - (c) If [the local agency responsible for child welfare] finds that homeschooling was initiated within three months of an unfounded child abuse or neglect report, or within 5 years of 2 or more unfounded child abuse or neglect reports, this agency shall promptly perform a safety and risk assessment. If [the local agency responsible for child welfare] determines that a risk of abuse exists, this agency shall conduct regular monitoring of the family for at least 2 years.
 - (d) If the parent does not qualify for a safety and risk assessment under subsection (c), the submission of a notice of intent to homeschool is insufficient to initiate an investigation.

Local and state child protection agencies should be involved in crafting legislation to create any flagging system or risk assessments for at-risk homeschooled children.

Mandatory Reporter Contact

What are states currently doing?

Several states require homeschooled students to have contact with mandatory reporters as part of mandated academic assessments. These assessments may take the form of standardized tests or may involve a teacher reviewing a portfolio of student materials.

PENNSYLVANIA: The state's homeschool statute requires that evaluations of students' academic portfolios, which are conducted by certified teachers or related professionals, must include an in-person interview with the child. See [24 P.S. § 13-1327.1\(e\)\(2\)](#).

Sec. 1327.1. (e) In order to demonstrate that appropriate education is occurring, the supervisor of the home education program shall provide and maintain on file the following documentation for each student enrolled in the home education program:

(1) A portfolio of records and materials. ...

(2) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator. ... The evaluation shall also be based on an interview of the child and a review of the portfolio required in clause (1) and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. In no event shall the evaluator be the supervisor or their spouse.

The statute prevents parents with the required qualifications (such as teacher certification) from evaluating their own children's portfolios; however, this ban does not extend to other individuals related by blood or marriage. Also, the statute allows portfolios to be reviewed by nonpublic school teachers who are no longer teaching, which means evaluators may not always be mandatory reporters. Despite these limitations, the statute as written does ensure that students will have an annual conversation with an individual other than their parents.

OREGON: State statute requires that homeschooled students take an approved test administered by a "qualified neutral person," as defined by the State Board of Education, after grades 3, 5, 8, and 10. See [ORS 339.035](#) and [OAR 581-021-0026](#).

339.035 (3) Children being taught as provided in subsection (2) of this section shall be examined at grades 3, 5, 8 and 10 in accordance with the following procedures:

(a) The State Board of Education shall adopt by rule a list of approved comprehensive examinations that are readily available.

(b)(A) The parent or legal guardian shall select an examination from the approved list and arrange to have the examination administered to the child by a qualified neutral person, as defined by rule by the State Board of Education.

581-021-0026 Examination of Children Instructed by Parent, Legal Guardian or Private Teacher

(1) The following definitions and abbreviations apply to OAR 581-021-0026 unless otherwise specified within the rule:

(e) "Neutral person" means an individual selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child;

The Oregon Department of Education maintains a list of "[approved home school testers](#)"; individuals must send a letter providing evidence of their qualifications to be added to this list. While not all of the individuals on the State Board of Education's "qualified person" list are mandatory reporters in that state, requiring that tests be administered by a "qualified neutral person" ensures that students will have contact with an adult outside the family.

ALASKA and IOWA: These states have programs, run out of school districts or regional offices, that provide homeschooling families with resources while requiring a certain level of contact with certified teachers, who serve to assist and advise parents. We recommend expanding programs of this nature; however, because these programs are voluntary they are not sufficient to ensure that every homeschooled child has mandatory reporter contact.

What have states tried?

In recent years, lawmakers in a number of states have recognized the need to do more to ensure that homeschooled students have access to mandatory reporters. Bills to require mandatory reporter contact for its own sake has been introduced in Michigan and Iowa.

MICHIGAN: [House Bill 4498](#) was introduced in 2015 after two children were found in a Detroit freezer. This legislation would have required children to have documented meetings with a mandatory reporter such as a teacher, doctor, or member of the clergy twice per year.

Sec. 1578. (2) In addition to the requirements of subsection (1), if a child is being educated at home, the child's parent or legal guardian shall ensure that all of the following are met:

(A) The child meets in person at least twice a year with a physician, licensed social worker, physician's assistant, individual employed in a professional capacity in any office of the friend of the court, school counselor or teacher, audiologist, psychologist, law enforcement officer, marriage and family counselor, member of the clergy, or regulated child care provider.

(B) The parent or legal guardian maintains and makes available upon request records of the meetings required under subdivision (A), including signed documentation from the individual meeting with the child.

We recommended amending this legislation to require that documentation of these meetings be submitted to the school district at the end of each semester.

IOWA: [State File 138](#) was introduced in 2017 after the starvation death of a homeschooled teen. SF 138 would have required quarterly well-checks with all homeschooled children.

Sec. 3. NEW SECTION. 299A.13 Health and safety visits.

1. The board of directors of a school district shall conduct quarterly home visits to check on the health and safety of children located within the district who are receiving competent private instruction or private instruction.
2. Home visits shall take place in the child's residence with the consent of the parent, guardian, or legal custodian and an interview or observation of the child may be conducted. If permission to enter the home or interview or observe the child is refused, the juvenile court or district court upon a showing of probable cause may authorize the person making the home visit to enter the home and interview or observe the child.
3. The superintendent of the school district shall designate a person to carry out the duties assigned to the school district under this section. The person designated shall be a mandatory reporter, as defined in section 232.69, subsection 1. The school district may collaborate with the department of human services, including the local, county, and service area officers of the department, in conducting the home visit required under this section.
4. The department of education, in collaboration with the department of human services, shall provide guidelines to school districts for implementation of this section.

After receiving feedback from the homeschool community and others, the author of the bill stated a desire to amend the legislation such that the quarterly well checks would take place at the school district office or the child's local public school rather than in the child's home.

What do we recommend?

There are multiple ways to ensure mandatory reporter contact. We favor a system that gives parents options and flexibility while ensuring student safety.

- (1) A parent homeschooling a child under [the homeschool statute] shall ensure that the child meets in person with a mandatory reporter at least once per semester.
 - (a) Meetings under this subsection shall take one of the the following forms:
 - (i) A regular medical examination by a physician at the physician's regular medical office.
 - (ii) An evaluation of the student's educational progress by a state certified teacher selected by the parent. This evaluation shall include an interview of the child.
 - (iii) A meeting at the school district office or a local public school with a designated homeschool liaison. This meeting shall include an interview with the child.
 - (b) The requirements of this subsection shall not be satisfied by a meeting with an individual related to the child by blood or marriage.
 - (c) The parent shall submit signed documentation of the meeting to the district school superintendent, or the district school superintendent's agent, by the end of each semester as determined by [the school district's calendar]. This documentation shall include the mandatory reporter's contact information as designated by the school district.

This system would ensure that homeschooled children have contact with mandatory reporters without being overly burdensome for responsibly homeschooling parents.

Medical Care

What are states currently doing?

Pennsylvania: The state requires homeschooling parents to provide evidence annually that their children have had the same medical visits required for children who attend school. See [24 P.S. § 13-1327.1\(e\)\(2\)](#).

13-1327.1(b)(1). A notarized affidavit of the parent or guardian or other person having legal custody of the child or children, filed prior to the commencement of the home education program and annually thereafter on August 1 with the superintendent of the school district of residence and which sets forth: ... evidence that the child ... has received the health and medical services required for students of the child's age or grade level in [Article XIV](#)...

Article XIV mandates comprehensive medical examinations during certain grades and dental examinations during other grades.

What have states tried?

New Jersey: After the discovery of four starved adopted children in 2003, lawmakers introduced [Assembly No. 1918](#), which would have required annual medical examinations:

2. The parents or guardians of a home-schooled child shall provide documentation to the resident district board of education no later than September 1 of each year that the child has undergone an annual medical examination.

This provision was designed to ensure that all homeschooled children in the state were seen annually by a doctor, to prevent gross abuse like that in the 2003 case.

What do we recommend?

We recommend mandating that homeschooled students meet the same medical requirements that apply to students who attend public school. These requirements vary by state, but frequently involve physicals during specific grades, as well as periodic dental or vision screenings.

(1) An annual notice of intent to homeschool shall include evidence that each child being homeschooled has received the health and medical services required for students of the

child's age or grade level in [state statute outlining medical requirements for children who attend public school].

This requirement would ensure that homeschooled students receive the same medical services as students who attend public school. In addition, it would ensure a minimum level of mandatory reporter contact.

Disability Services

What are states currently doing?

Oregon: State law requires homeschooled children to take an approved test after certain grades, but allows children with disabilities to be assessed by a different measure. In order to qualify, children with disabilities must have either an individualized education program (IEP) through the school, or a privately developed program (PDP) created in concert with private services providers. See [ORS 339.035](#) and [OAR 581-021-0029](#).

ORS 339.035 Teaching by private teacher, parent or guardian; rules.

(5)(a) Notwithstanding the examination requirements of subsections (3) and (4) of this section, the parent or legal guardian of a child with a disability who has an individualized education program and is receiving special education and related services through the school district or who is being educated in accordance with a privately developed plan shall be evaluated for satisfactory educational progress according to the recommendations of the program or plan.

OAR 581-021-0029 Home Schooling for Children with Disabilities

(1) (d) "Privately developed plan" (PDP) means an individual plan developed by a team including the parent and one or more private service providers to address the educational needs of a child with a disability. A PDP shall include individual educational goals for the student and a statement indicating how satisfactory educational progress will be determined for the student.

Oregon allows homeschooled students with disabilities to receive services in their local public schools, expanding the resources available to these students.

Pennsylvania: State law requires parents homeschooling children with identified disabilities to address the child's special needs and to obtain approval from a special education teacher or clinical or school psychologist. See [24 P.S. § 13-1327 \(d\)](#).

13-1327 (d) Instruction to children of compulsory school age provided in a home education program, as provided for in section 1327.1 of this act, shall be considered as complying with the provisions of

this section, except that any student who has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the program addresses the specific needs of the exceptional student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized affidavit required under section 1327.1(b).

Pennsylvania's provision only applies to homeschooled students with identified disabilities.

North Dakota: The state's homeschool statute lays out comprehensive requirements for homeschooling children with developmental disabilities, including the creation of a services plan team. Students who score below the 30th percentile on a standardized achievement test must be assessed for learning problems. See [Chapter 15.1-23](#).

15.1-23-11. Home education - Standardized achievement test - Results.

2. If the child's basic composite score on a standardized achievement test is less than the thirtieth percentile nationally, a multidisciplinary assessment team shall assess the child for a potential learning problem under rules adopted by the superintendent of public instruction.

15.1-23-14. Child with a developmental disability - Home education.

A parent may supervise home education for a child with a developmental disability if:

1. The child has been determined to have a developmental disability by a licensed psychologist;
2. The child's parent is qualified to supervise home education under this chapter; and
3. The child's parent files with the superintendent of the child's school district of residence:
 - a. A notice that the child will receive home education;
 - b. A copy of the child's diagnosis of a developmental disability prepared and attested to by a licensed psychologist; and
 - c. A services plan developed and followed by the child's school district of residence and the child's parent; or, after providing written notice to the superintendent of the child's school district of residence, a substitute services plan, developed and followed, according to section 15.1-23-15, by a services plan team selected by and compensated by the child's parent.

15.1-23-15. Child with a developmental disability - Home education - Progress reports.

1. On or before November first, February first, and May first of each school year, a parent supervising home education for a child with a developmental disability under section 15.1-23-14 shall file with the superintendent of the child's school district of residence progress reports prepared by the services plan team selected under section 15.1-23-14. If at any time the services plan team agrees that the child is not benefiting from home education, the team shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team appointed by the superintendent of the child's school district of residence.

North Dakota's requirements for homeschooling children with developmental disabilities or suspected learning problems are innovative and thorough. However, these statutes do not apply to children with physical disabilities.

What do we recommend?

We believe states should create requirements for homeschooling students with both developmental and physical disabilities in order to ensure that these children's needs are being met, and that they are receiving needed services.

(1) If a child being homeschooled has been diagnosed with a physical or developmental disability, the following shall apply:

(A) The annual notice of intent to homeschool submitted by the parent shall include:

(i) A copy of the child's diagnosis of a physical or developmental disability prepared and attested to by a qualified professional; and

(ii) A services plan developed and followed by the child's school district of residence and the child's parent; or a substitute services plan developed and followed by a services plan team selected by and compensated by the child's parent.

(B) On or before November first, February first, and May first of each school year, the parent shall file with the superintendent of the child's school district of residence progress reports prepared by the services plan team selected under subsection (A) of this section.

(C) Any individual on the child's services plan team selected under subsection (A) of this section must be certified or licensed by the appropriate governing body to provide services for the child's developmental or physical disability.

This provision would ensure that a homeschooled child with developmental or physical disabilities is receiving services for those disabilities.

Conclusion

Without protections for at-risk homeschooled children, we will continue to see a tragic pattern of severe child abuse and child fatalities in homeschool settings. While most homeschooling parents are not abusive and many homeschooled children have positive, child-centered experiences, the consequences to those who do experience abuse can be catastrophic. We urge lawmakers and other officials to create protections for at-risk homeschooled children.

Glossary

Child Fatality Task Force Findings

[Child Protection in Pennsylvania: Proposed Recommendations, November 2012](#)

[The Nubia Report, Florida Department of Children and Families, March 2011](#)

[State Child Fatality Review, North Carolina Division of Social Services, June 2008](#)

Statutes and Legislation

Background checks:

[24 P.S. § 13-1327.1\(b\)\(1\)](#)

[Ark. § Code 6-15-508](#)

Flagging system and risk assessments:

[PA Senate Bill 32 \(2013\)](#)

[OH Senate Bill 248 \(2013\)](#)

[KY Senate Bill 181 \(2017\)](#)

Mandatory reporter contact:

[24 P.S. § 13-1327.1\(e\)\(2\)](#)

[ORS 339.035](#) and [OAR 581-021-0026](#)

[MI House Bill 4498 \(2015\)](#)

[IA State File 138 \(2017\)](#)

Medical care:

[24 P.S. § 13-1327.1\(e\)\(2\)](#)

[NJ Assembly No. 1918 \(2004\)](#)

Disabilities:

[ORS 339.035](#) and [OAR 581-021-0029](#)

[24 P.S. § 13-1327 \(d\)](#).

[ND Chapter 15.1-23](#).

CRHE Testimony and Draft Legislation:

[At-Risk Children Draft Legislation \(Florida\)](#)

[Written Testimony and Proposed Amendments \(Virgin Islands\)](#)

[Testimony before Iowa Government Oversight Committee Members](#)