

## CHAPTER TK: HOMESCHOOL STUDENTS

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## CHAPTER TK: Homeschool Students

In Idaho, private school students and homeschool students are both types of “nonpublic school students.” For the purposes of this chapter, “nonpublic school student” refers to a homeschool student. A homeschool student is not enrolled in a private school and is not considered a private school student. A student who is enrolled in a virtual public school or a home learning program through a public school is not considered a homeschooled student for the duration that they attend that virtual public school or home learning program.

A homeschool student does not have an individual right to receive the special education and related services they would receive if enrolled in a public school.

### Section 1. Definitions

1. **Homeschool.** Homeschool means an education program delivered by parents who have decided to provide instruction in the home. A homeschool is a nonpublic school but is not considered a private school. A virtual public school is not a homeschool.
2. **Homeschool Student.** A homeschooled student is one whose parents have decided to provide an educational program in the home with instruction provided by the parents. A homeschool student is considered a nonpublic school student but is not considered a private school student. A student who is enrolled in a virtual public school is not considered a homeschooled student for the duration that they attend that virtual public school.

### Section 2. District Responsibility

#### A. Child Find Requirements

The district shall have an ongoing Child Find system to locate, identify, and evaluate all students with disabilities ages three (3) through the day before their twenty-second (22<sup>nd</sup>) birthday residing within the district’s geographic boundaries. This includes students whose parents/guardians have chosen to homeschool their children.

The Child Find process will be designed to encompass the following:

1. Child Find activities for homeschool students will be similar to Child Find activities for public school students.
2. The district shall offer to conduct an evaluation of a homeschool student identified through the Child Find process who may need special education and related services. An evaluation will be conducted only after receiving written parental consent.

See Chapter 3 for more information about Child Find and Chapter 4 for more information about Evaluation Procedures.

#### B. Provision of Special Education Services

1. **Parental Consent for a Special Education Evaluation**

If a parent of a child who is homeschooled does not provide written consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide written consent, the district may not use mediation or due process procedures in order to gain consent and the district is not required to consider whether the child is eligible for services.

## **2. Eligibility for Services**

When a student is determined to be eligible for special education and related services, the district in which the student resides must develop an IEP that outlines FAPE for the student so that the parent can make an informed decision regarding enrollment in the public school district or continuing with homeschooling. This district may not require that the student enroll in the public school before an offer of FAPE is made.

If a parent is unsure of their intention to accept an offer of FAPE and enroll the student in public school or continue with homeschooling, the district of residence is required to develop an IEP that offers the student FAPE, to be implemented upon the student's enrollment in the district. The district has no obligation to implement the IEP unless the student enrolls in the public school.

If a parent makes clear their intention to continue homeschooling their child, the district of residence is not required to develop an IEP that offers the student FAPE.

## **3. Withdrawal of Student from LEA**

Whenever a parent elects to homeschool their child and withdraws the student from a public school, the LEA shall provide the parent with written notice of the change in the LEA's obligation to provide FAPE to the student and indicate willingness to resume providing services to the student upon reenrollment in the LEA.

### **C. Dispute Resolution**

Due process hearings are available to parents of homeschool students only on the issue of Child Find and evaluation. Parents may challenge decisions regarding the provision of services by utilizing the state complaint process provided by the Idaho Department of Education.

## **Section 3. Dual Enrollment of Homeschool Students**

Idaho law permits parents of homeschool students to enroll the student in any public school, including a public charter school, for dual enrollment purposes. Homeschool students who are dually enrolled are nonpublic school students. Upon dual enrollment, the district shall provide appropriate services to those students who are eligible for special education, and who are otherwise qualified to participate in school programs in the district. Such services shall be provided only in the public-school setting.

The reporting of attendance for homeschool students in the district is allowed under dual enrollment. The Idaho Department of Education's Public School Finance Department's procedures will be followed to calculate the funding for dually enrolled students.