

CALIFORNIA

- Compulsory Attendance Ages:** “between the ages of 6” by Dec. 2 (§ 48200) and under 18 years of age.” California Education Code § 48200, 48400, 48410.
- Required Days of Instruction:** 175 days, only for public schools.
- Required Subjects:** English and must “offer instruction in the several branches of study required to be taught in the public schools.” Grades 1-6: English, mathematics, social sciences, science, fine arts, health, physical education.

Home School Statute: None.

Alternative Statutes Allowing for Home Schools: Home Schools have 4 options:

Option 1. Under § 48222, the individual home school could qualify as a private school by filing an annual private school affidavit:

- a. the instructors must be capable of teaching;
- b. the instruction must be in English;
- c. the instruction must be in the several branches of study required in public schools;
- d. attendance must be kept in a register; and
- e. a private school affidavit must be filed with the Superintendent of Public Instruction between Oct. 1 and Oct. 15 of each school year. Cal. Educ. Code §§ 33190, 48222.

In February 1986, the Santa Maria Municipal Court ruled, in two home school cases handled by HSLDA, that the compulsory attendance statute is void because of its unconstitutional vagueness and upheld the right of home schools to operate as private schools. *People v. Darrah*, No. 853104 (Santa Maria Mun. Ct. Mar. 10, 1986); *People v. Black*, No. 853105 (Santa Maria Mun. Ct. Mar. 10, 1986).

Furthermore, in *Institute of Creation Research v. Honig*, Civil No. 90-0483-B-(M), January 29, 1992, the U.S. District Court of the Southern District of California ordered ... “a private K-12 school is not within the jurisdiction of the State Department of Education for the purpose of approval of courses or course content or issuance of regulations, except as provided by law” (p. 3). This ruling would apply to all home schools that file a private school affidavit.

Option 2. The home school could have instruction provided by a certified private tutor (Cal. Educ. Code § 48224).

Option 3. The child could be enrolled in an independent study program at home, using the public school curriculum. Cal. Educ. Code § 51745. Under this option, the child is considered a public school student and has to abide by the rules and policy of the public school.

Option 4. Homeschoolers could enroll in a private school satellite program and "homeschool" through that private school. The private school "satellite school program" (PSP) must comply with Cal. Educ. Code § 48222 (see #1 above) Adm. Code Chapter 15 P 51745-517. Many homeschool families have organized these private PSPs which enroll anywhere from two to several hundred families.

Teacher Qualifications: None, if home school registers as a private school, or enrolls in a private school satellite school program.

Certification is necessary only if the home school parent chooses to qualify as a private tutor.

Standardized Tests: Not required by statute.