



## HOME-SCHOOLED STUDENTS IN MASSACHUSETTS

### *Special Education Responsibilities*

**ENTITLEMENT TO SPECIAL EDUCATION SERVICES:** MA ESE has confirmed that, if a parent of a child who is home-schooled does not provide consent for an evaluation/re-evaluation, or fails to respond to a request to provide consent, the LEA may not use consent override procedures. Because Massachusetts is an entitlement state and state regulations supersede the federal regulation, the LEA must provide IEP special education and/or related services if parents have signed the IEP. Put in more concise terms: If parents reject the services, the district has no obligation: if parents grant consent, the services must be provided.

Home-schooling should be viewed as a private placement. Home-schooled students have the same rights as parentally placed private school students.

**CHILD FIND OBLIGATION:** Similar to students parentally placed in a private school, the district has an obligation to provide the special education and/or related services noted on the accepted IEP.

**WHEN A PARENT DISENROLLS A STUDENT FOR HOME INSTRUCTION:** Districts are required to make contact with parents of disenrolled students with disabilities to determine acceptance of continued special education services. As a best practice, districts should:

- ✓ Document efforts to arrange for continuation of services (or for consent for an evaluation)
- ✓ Annually, send a letter to parents of home-schooled students with disabilities offering placement in the public school (consider sending at annual IEP review date)

**PARTICIPATION IN EXTRACURRICULAR ACTIVITIES:** In Massachusetts, several trial court decisions have ruled that home-schooled students must be allowed to participate on public school teams/activities (because superintendents are allowed to approve home-school programs). The Massachusetts Interscholastic Athletic Association (MIAA) allows home-schooled students to participate on public school teams provided they are in compliance with the school policy ... the home-schooled student must:

- ✓ Meet the eligibility criteria or their equivalent for participation in the activity that apply to students enrolled in the school district
- ✓ Meet the tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district
- ✓ Comply with all policies, rules and regulations or their equivalent of the governing organization of the activity

**DISTRICT'S OBLIGATION TO PROVIDE TRANSPORTATION:** As is the case with special education students who are parentally placed in private schools, transportation must be provided if it is necessary for the student to benefit from, or participate in, the offered services.

#### **SOURCES:**

- ✓ MA Department of Elementary and Secondary Education
- ✓ Home School Legal Defense Association
- ✓ Advocates for Home Education in Massachusetts, Inc.
- ✓ LRP Training Tips for IEP Team Members