





# Answers to Questions about Homeschooling

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## PURPOSE

This information was designed to help educators understand the laws and procedures related to homeschools.

It was also designed to assist parents in making an informed choice regarding the education of their children. Parents may choose a public school (not necessarily their public school of residence under Schools of Choice options), a private or parochial school, a state-registered homeschool or a non-registered homeschool.

Please contact the NC RESA Superintendent at 231-924-8853 if you have questions or need clarification about the information in this document. Also, reference the list of homeschool contacts in Attachment I.

If you qualify as an Exemption A homeschool and want a Homeschool Information Packet sent to you from the Michigan Department of Education, please call the MDE at (517) 373-0796 or visit the MDE website at [www.michigan.gov/npshts](http://www.michigan.gov/npshts). Information is listed under "Information on Nonpublic & Homeschools."

There are two community resources for families who wish to join a homeschool network:

Search for "**Newaygo County Homeschoolers**" Facebook page at [www.facebook.com](http://www.facebook.com).

There is also a Newaygo County Christian Home Educators Extension (CHEE). Their website can be found at: <https://www.mihsb.org/Advertisements/ID/200/Newaygo-County--CHEE--Christian-Home-Educators-Extension>

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**Q: What is homeschooling?**

A: Homeschooling is educating your child or children in a home, instead of sending the child to a public, private or parochial school. It is legal. The courts and legislature have made it permissible to homeschool. See Attachments A and B.

A homeschool family has two choices when electing to homeschool:

1. Registered homeschool – Exemption from the requirement to attend public school (Exemption A). A child who is attending regularly and is being taught at a home, which teaches subjects comparable to those taught in public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the homeschool is located. If a homeschool family chooses to operate under exemption A, it may report to the Michigan Department of Education. A homeschool family that registers with the state under exemption A and complies with the requirements of the Nonpublic School Act is considered a nonpublic school. See Attachment C.
2. Non-registered homeschools – Exemption from the requirement to attend public school (Exemption F). The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. This is considered a non-registered homeschool. A homeschool family choosing to operate under exemption F does not report to the Michigan Department of Education and is not considered a nonpublic school. See Attachment D.

**Q: How do I start a homeschool?**

A: There is no law requiring families to notify school personnel to remove students from the public school. However, we do encourage families to report their decision to the local school district and the Newaygo County Regional Educational Service Agency (NC RESA) to assist with record keeping, to prevent a truancy inquiry by law enforcement officials, and to verify eligibility for the Newaygo County Area Promise Zone.

We encourage parents to inform their school superintendent, in writing, of their decision to homeschool their child or children, including your name, address, phone number, the names of the children, ages, current grade level and current school attending or last school attended by your child or children, and the effective date.

We encourage parents to complete the homeschool reporting form for the NC RESA.

All children must be enrolled in either a public, private or homeschool from ages 6-18.

**Q: Are there two types of homeschools?**

A: Yes. One is called exemption A, or registered, for those people homeschooling who register with the Michigan Department of Education, and the other is exemption F, or non-registered, for those who are not registered with the MDE. A homeschool family choosing to operate as a state registered homeschool and complying with the

requirements of the Nonpublic School Act is considered a nonpublic school. A homeschool family choosing to operate as a non-registered homeschool is not a nonpublic school and need not comply with the requirements of the Nonpublic School Act.

**Q: Are there differences between state registered homeschools and non-registered homeschools?**

A: Yes. See Attachment E which describes the two types of homeschools.

**Q: Are homeschool students eligible for special services through the public school?**

A: Families homeschooling who register with the State may be entitled to receive special services. These homeschoolers are called nonpublic registered homeschools and may qualify for special services like special education, transportation, access to media center, etc.

The Special Services Act specifies that if particular services are provided to public school children in a school district, those services must also be made available to children attending nonpublic schools including state-registered homeschools located within that district. See Attachment F.

If special education services are to be provided for a student, that student must first be found eligible for special education. Further, services can only be authorized through the referral, evaluation, and individual educational planning (IEP) process.

Special services are the responsibility of the school district where the nonpublic school is located. See Attachment F.

Homeschools who identify as Exemption F schools, do not register with the State and are not eligible for special services.

**Q: What are the reporting requirements to be a homeschool?**

A: First, homeschool families who are state registered homeschools need to complete the Nonpublic School Membership Report, Form SM-4325 and submit it to the Michigan Department of Education on an annual basis. Once a homeschool meets the reporting requirements, it is considered a nonpublic school. See Attachment G.

The Nonpublic School Act permits the Superintendent of Public Instruction to inquire into the records of enrollment, qualification of teachers, and course of study in nonpublic schools in Michigan for those homeschools registered with the State. However, the courts have determined that the State Department of Education cannot require a homeschool to report to the State.

Students attending nonpublic schools, including homeschools, that complete the Nonpublic School Membership report, may be eligible for special services.

**Q: May both registered and non-registered homeschool students enroll in non-essential classes at the public schools?**

A: Yes. Both state registered and non-registered homeschoolers may enroll in public school nonessential classes at the resident public school. Nonessential elective classes may include, but are not limited to, band, drama, art, physical education, music, computer and advanced placement classes.

**Q: Where do homeschool families find textbooks and materials?**

A: Homeschool families may purchase the textbooks and materials of their choice. Information regarding homeschool support services and materials can be accessed on the Internet by typing any of the following in the search engine: homeschool curriculum, homeschool associations, or correspondence schools.

The State Department of Education does not provide curriculum materials for homeschools. Local school districts and NC RESA are not obligated to provide textbooks, materials or curriculum guidelines for homeschool families.

**Q: What are homebound/hospitalized services and are homeschool students eligible?**

A: Michigan law requires a public school to provide homebound and hospitalized services to students who are enrolled in the district and are unable to attend school for more than five school days because of a medical condition. Students that are enrolled in the district are eligible when a physician certifies the existence of a medical condition that requires the student to be homebound and hospitalized during regular school hours for at least five days. The district is required to provide homebound instruction to regular education students a minimum of two 45-minute periods per week. Special education students with this service on their individualized education plan receive a minimum of two nonconsecutive hours of instruction per week.

A homeschool student enrolled in public school part-time in nonessential classes qualifies for public school homebound and hospitalized services from the public school only for these nonessential classes taught by the public school.

**Q: What are the advantages of registering with the State if homeschooling?**

A: Registering with the State means your child or children may be eligible for transportation to the public schools and receive special services such as speech therapy, psychological services, physical and occupational therapy and other resources. They also may be eligible to receive the Newaygo County Promise Scholarship through the Promise Zone (See [www.promise.zone](http://www.promise.zone)).

**Q: Are standardized tests required for homeschoolers?**

A: No. State registered homeschools and non-registered homeschools may choose to take standardized tests but are not required to do so. Arrangements must be made with the resident local district for the testing to occur during the assessment windows

identified by the MDE. The NC RESA encourages the participation of all students to take the state standardized tests.

**Q: How are students able to arrange to take the state standardized tests?**

A: Public schools are required to administer state assessment tests. Parents of homeschool students should contact their local school district to find out when the test will be administered. The request should be made as early as possible in the school year to assure testing materials are available. There is no cost to homeschool students.

**Q: What curriculum do homeschool families follow?**

A: Curriculum guides are not provided by the public school, but registered nonpublic homeschoolers must provide subjects comparable to those taught in the public schools. Non-registered homeschools taught by the parent or legal guardian must teach reading, spelling, math, science, history, civics, literature, writing and English grammar.

**Q: If a homeschool family chooses to become a state registered school, what are the state's requirements?**

A: The Nonpublic School Act, which governs registered nonpublic home families, states that, "the sanitary conditions of such schools, the courses of study, and the qualifications of the teachers shall be the same standard as provided by the general school laws of the State". It further states, "no person shall teach in any nonpublic school within this State who does not hold a teaching certificate."

**Q: Are there teacher certification requirements for homeschools?**

A: Yes, unless they claim an objection to teacher certification based upon a sincerely held religious belief, then the certification requirements are waived. Homeschools not registered with the state may use a parent or guardian to teach who does not have a teaching certificate.

**Q: Public schools are required to provide a specific number of instructional days and hours per year. Are homeschools required to do the same?**

A: No. Homeschoolers do not have to comply, but it is recommended by the State that a school year calendar be developed comparable to the public school district.

**Q: Are homeschools required to meet state safety and sanitary conditions?**

A: Yes, if homeschool families elected to become a state registered homeschool and enroll six or more students. State registered homeschools with six or more students are required to meet state fire and sanitation requirements.

State registered homeschools with less than six students and non-registered homeschools are not required to meet the state safety and sanitary requirement.

**Q: The state registered homeschool is eligible for certain services but must comply with some state requirements. Explain.**

A: The state registered homeschool:

- Must comply with safety and sanitary requirements when six or more students are attending;
- Must report to the Michigan Department of Education on a yearly basis to maintain state registered status;
- Must report enrollment figures by grade annually to maintain state registered status;
- Shall use certified or otherwise qualified teachers unless the nonpublic school homeschool family declares a sincerely held religious belief objecting to teacher certification. If such a belief is declared, the minimum teachers' qualifications is waived; and
- Shall provide a curriculum comparable to the public schools (mathematics, reading, English, social studies, science, and government).

Non-registered homeschools do not have to comply with any of the above. See Attachment E.

**Q: Can a homeschool student attending public school part-time participate in extracurricular activities including athletics?**

A: Yes. The public school may allow a homeschooler to participate in extracurricular activities; however, athletics are operated by the Michigan High School Athletic Association, which governs eligibility. Current MHSAA policy states a student must be enrolled in at least four subject areas and passing in order to be eligible for participation in athletics. For additional information on athletics, call 517-332-5046 to determine policy.

**Q: Are there state funds to assist homeschool families for tuition or materials?**

A: No. The state constitution prohibits public monies for private and nonpublic schools.

**Q: Can a public school collect state aid for a homeschool student enrolled in public school nonessential classes?**

A: Yes, the public school can collect state aid for homeschool students enrolled in nonessential classes, but homeschool students are not eligible for essential subjects. Therefore, public schools cannot collect state aid for essential classes. Essential classes are math, science, English and social studies (history, geography, etc.) or any class the local public school deems essential for graduation.

**Q: Are homeschool families required to maintain student records?**

A: No. However, it is recommended to maintain student records to re-enroll in a public school. Records (course transcript and GPA) will also be required for Promise Zone eligibility.

**Q: Are public schools required to release student records to homeschool families?**

A: Yes, the public school should maintain the original and provide a copy of the record to the homeschool family.

**Q: Are homeschools required to release student records to public schools?**

A: No, however, if a homeschool student returns to a public school, the school usually re-evaluates the student for grade placement and transfer credit. The school may request a review of homeschool records to determine proper placement.

**Q: How do grades/credits transfer from one school to another?**

A: The receiving school determines the number of credits and placement of students from homeschools.

**Q: Can a student re-enroll into a public school after being homeschooled?**

A: Yes. The local public school determines the grade placement and number of homeschool credits. Local public schools cannot charge for testing or any placement services needed to assess the student's academic ability or knowledge. The public school may test the child but must pay for the testing service. Any student may re-enroll at any time into the public school, but sometimes the school recommends enrolling at the beginning of a semester or marking period.

**Q: Can a homeschool student enroll in public school essential classes?**

A: No, if declared a homeschool, a homeschool student is ineligible to take public school essential classes. The public school is only eligible to receive state financial aid for homeschool students taking nonessential classes.

**Q: Are homeschoolers eligible to graduate from the resident public high school?**

A: No, they cannot graduate from the local high school if they are being homeschooled. The issuance of report cards, transcripts and diplomas are the responsibility of the homeschool based on internal standards.

A student must be enrolled their senior year in a public school to receive a diploma and they must meet all the requirements and be in attendance to receive a high school diploma from that public school. The local school determines credits and grade placement of any student upon enrollment.

**Q: How does a homeschool student enroll in a college or university?**

A: A homeschooled student is definitely encouraged to pursue a college education upon attaining junior status for dual-enrollment courses or upon completion of normal requirements for graduation from high school as a regularly admitted student at an institution of higher education. Certification of either junior status or appropriate diploma from the Homeschool Association or through the submittal of national standardized tests (i.e., the SAT). Further testing may be required for proper placement in individual courses as determined by individual colleges and/or universities.

**Q: Are homeschool children eligible for the Newaygo County Area Promise Zone?**

A: Yes. Homeschool students are eligible for the Newaygo County Area Promise Zone as long as they meet the same graduation and GPA requirements as a student attending a public school in Newaygo County, and complete the same required standardized assessment. They must also be registered with the NC RESA Superintendent and scholarships are prorated based upon number of years they have been registered.

**Q: Are there state regulations regarding discipline procedures for homeschools?**

A: No, but homeschoolers are encouraged to review the state's corporal punishment guidelines. Any reports of abuse or neglect reported to Protective Services will be processed by the proper authorities.

**Q: What regulations for schooling must homeschool families follow when traveling outside of Michigan for extended periods of time?**

A: None. If homeschool families move to another state, they will need to check out the requirements in that state. Homeschooling could continue on an extended trip.

**Q: Are homeschoolers eligible for work permits?**

A: Yes. A work permit is available for homeschool families on the Michigan Department of Education website under Youth Employment in Michigan. Homeschool parents may download the CA-6 or CA-7 work permit forms and instructions.

**Q: Are homeschool families required to notify the public school if they remove their children for homeschooling?**

A: No, but notification might prevent a truancy inquiry by law enforcement officials and will allow local districts and/or the NC RESA to provide services, if eligible.

**Q: How do state truancy laws relate to homeschoolers?**

A: The Revised School Code governs compulsory school attendance. The law requires a parent, legal guardian, or other person having control or charge of a child age six to eighteen to send the child to school during the entire school year, except under certain limited circumstances. The exceptions include, but are not limited to, sending a child to a state-approved, nonpublic school or educating a child at home in an organized educational program.

Michigan law delegates the enforcement of the compulsory school attendance law to intermediate school districts (NC RESA) and local school districts. The law provides an attendance officer with the authority to investigate a student's nonattendance at school. The county prosecutor does not have the authority to address compulsory school attendance issues in court.

**Q: Can a homeschool family enroll part-time for special education classes in a public school?**

A: Yes, if the child is eligible for special education and is a state registered homeschool. The IEP team will determine placement. Non-registered homeschoolers are not eligible to take public school special education classes, unless the resident public school allows it to happen, but the public school cannot collect any state or federal dollars for educating the child.

**Q: Where do I get a copy of the homeschool law?**

A: See Attachments A, B, C and D. The law in Michigan governing compulsory attendance requires a parent, legal guardian or other person having control or charge of a child age six to eighteen to send the child to school during the entire school year. A child is not required to attend a public school in the following cases:

(3)(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located. See Attachment A.

(3)(f) The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. See Attachment B.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both. See Attachment C and D.

**Q: Who do I contact for more information?**

A: The contact number for the Michigan Department of Education is 517-373-1833.

## Attachment A

### THE REVISED SCHOOL CODE (EXCERPT) Act 451 of 1976

380.1561 Compulsory attendance at public school; enrollment dates; exceptions.

Sec. 1561. (1) Except as otherwise provided in this section, for a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child's parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child's sixteenth birthday. Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

(2) A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both.

(5) For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child's parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977; Am. 1995, Act 289, Eff. July 1, 1996; Am. 1996, Act 339, Eff. July 1, 1996; Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

Constitutionality: Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause of the United States Constitution even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. *Snyder v Charlotte Schools*, 421 Mich 517; 365 NW2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. *Snyder v Charlotte Schools*, 421 Mich 517; 365 NW2d 151 (1984).

Popular name: Act 451

Administrative rules: R 340.71 et seq. of the Michigan Administrative Code.

## Attachment B

### Non-Public School Act

#### PRIVATE, DENOMINATIONAL, AND PAROCHIAL SCHOOLS §388.554 Act 302 of 1921

AN ACT to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof.

History: 1921. Act 302, Eff. Aug. 18, 1921.

#### **388.551 Private, denominational and parochial schools; supervision by superintendent of public instruction; assistants, compensation, removal; intent of act. (M.S.A. 15.1921)**

Section 1 - The superintendent of public instruction has supervision of all the private, denominational and parochial schools of this state in such matters and manner as provided in this act. The superintendent of public instruction shall employ assistants and employees as may be necessary to comply with the provisions of this act. The number of assistants and employees is subject to the approval of the state administrative board. The salaries and expenses shall be paid by the state treasurer from the fund designated in this act at the time and in the manner as other state officers and employees are paid. The superintendent of public instruction may remove any appointee under this act at any time that the superintendent of public instruction considers advisable. It is the intent of this act that the sanitary conditions of such schools subject to this act, the courses of study in those schools, and the qualifications of the teachers in those schools shall be of the same standard as provided by the general school laws of the state.

History: 1921. Act 302, Eff. Aug. 18, 1921;--CL 1929.8151;--CL 1948. 388.551;--AM. 2002, Act 701, Imd. Eff. Dec. 30, 2002.

Constitutionality: Requiring all teachers in the state to be certified is not unconstitutional. *Sheridan Road Baptist Church v. Department of Education*. 426 Mich. 462. 396 N.W.2d373 (1986).

#### **388.552 Private, denominational or parochial schools; definition.**

Section 2 - A private, denominational or parochial school within the meaning of this act shall be any school other than a public school giving instruction to children below the age of 16 years, in the first 8 grades as provided for the public schools of the state, such school not being under the exclusive supervision and control of the officials having charge of the public schools of the state.

History: 1921. Act 302, Eff. Aug. 18, 1921;--CL 1929.8152;--CL 1948. 388.552.

#### **388.553 Private, denominational and parochial schools; teachers, qualifications, examinations.**

Section 3 - No person shall teach or give instruction in any of the regular or elementary grade studies in any private, denominational or parochial school within this state who does not hold a certificate such as would qualify him or her to teach in like grades of the public schools of the state: Provided, however, That any person who shall have taught in any elementary school or schools of the standard specified in this act for a period of 10 years or more preceding the passage of this act, shall, upon filing proof of service with the superintendent of public instruction, be entitled to a certificate by said superintendent of public instruction in such form as he shall prescribe, to teach in any of the said schools within the state: Provided further, That the teachers affected by this act may take any examination as now provided by law and that the superintendent of public instruction may direct such other examinations at such time and place as he may see fit. In all such examinations 2 sets of questions shall be prepared in subjects ordinarily written on Saturday, one of which sets shall be available for use on Wednesday by applicants who observe Saturday as their Sabbath: Provided, further, That any certificate issued under or by virtue of this act shall be valid in any county in this state for the purpose of teaching in the schools operated under this act: Provided, further, That any person holding a certificate issued by the authorities in any recognized or accredited normal school, college or university of this or other state shall be entitled to certification as now provided by law: Provided, however, That teachers employed in such private, denominational or parochial schools when this act takes effect shall have until September 1<sup>st</sup>, 1925, to obtain a legal certificate as herein provided.

History: 1921. Act 302, Eff. Aug. 18, 1921;--CL 1929.8153;--CL 1948. 388.553.

Constitutionality: Michigan Supreme Court held that the "teacher certification requirement (for homeschools) is an unconstitutional violation of the Free Exercise Clause of the First Amendment as applied to families whose religious convictions prohibit the use of certified instructions." *People v. DeJonge*. 442 Mich 266; 501 NW 2d 127 (1993).

#### **388.554 Violation of act; hearing, closing of school, compulsory attendance.**

Section 4 - In event of any violation of this act the superintendent of public instruction shall serve the person, persons, corporation, association or other agencies who operate, maintain and conduct a private, denomination or parochial school within the meaning of the act with a notice, time and place of hearing, such hearing to take place within 15 days after the date of said notice and at a place located in or conveniently near the county where such violation took place, accompanied by a copy of the complaint stating the substance of said violation: Provided, That no person shall be called to attend any

such hearing on any day observed by him as the Sabbath. If at such hearing the superintendent of public instruction shall find that the violation complained of has been established he shall then serve said person, persons, corporation, association or other agencies with an order to comply with the requirements of this act found to have been violated within a reasonable time not to exceed 60 days from the date of such order: Provided, That in the event that such order refers to sanitary conditions that the said person, persons, corporation, association or other agencies shall have 6 months in which to remedy the defect. If the order of the superintendent of public instruction as specified in said notice shall not have been obeyed within the time specified herein said superintendent of public instruction may close said school and prohibit the said person, persons, corporation, association or other agencies operating or maintaining such private, denominational or parochial school from maintaining said school or from exercising any of the functions hereunder until said order of the superintendent of public instruction has been complied with. The children attending a private, denominational or parochial school refusing to comply with the requirements hereof after proceedings herein set forth shall be compelled to attend the public schools or approved private, denominational or parochial school under the provisions of the compulsory education act, the same being Act No. 200 of the Public Acts of 1905, as amended. And it shall be the duty of the person or persons having charge of the enforcement of the said compulsory education act, upon notice from the superintendent of public instruction that said private, denominational or parochial school has not complied with the provisions hereof, to compel the attendance of the children of said school or schools at the public schools or approved private, denominational or parochial school.

History: 1921. Act 302, Eff. Aug. 18, 1921;--CL 1929.8154;--CL 1948. 388.554.

Compiler's note: Act 200 of 1905, referred to in this section, was repealed by Act 319 of 1927.

### **388.555 School investigation and examination; failure to permit, cause for suspension**

#### Section 5

The superintendent of public instruction by himself, his assistants, or any duly authorized agent, shall have authority at any time to investigate and examine into the conditions of any school operating under this act as to the matters hereinbefore set forth and it shall be the duty of such school to admit such superintendent, his assistants or authorized agents and to submit for examination its sanitary condition, the records of enrollment of pupils, its courses of studies as set forth in section 1 of this act and the qualifications of its teachers. Any refusal to comply with provisions herein on the part of such school or teacher shall be considered sufficient cause to suspend the operation of said school after proceedings taken as stated in section 4 of this act.

History: 1921. Act 302, Eff. Aug. 18, 1921;--CL 1929.8155;--CL 1948. 388.555.

### **388.557 Construction of act**

Section 7 - Nothing in this act contained shall be construed so as to permit any parochial, denominational, or private school to participate in the distribution of the primary school fund.

History: 1921. Act 302, Eff. Aug. 18, 1921;--CL 1929.8157;--CL 1948. 388.557.

### **388.558 Schools for handicapped children; standards of instruction.**

Section 8 - Any private, denominational or parochial school which maintains classes for the instruction of children below the age of 16 years who are physically or mentally handicapped or who are socially maladjusted shall be required to meet the standards prescribed for instruction of handicapped children in the public schools under the provisions of section 2 of chapter 19 of part 2 of Act No. 319 of the Public Acts of 1927, as amended, in addition to standards required of private, denominational and parochial schools under sections 1 and 3 of this act.

History: Add. 1943, Act 140, Eff. July 30, 1943;--CL 1948. 388.558

Compiler's note: Act 319 of 1927, referred to in this section, was repealed by Act 269 of 1955.

## Attachment C

### REGISTERED HOMESCHOOL EXEMPTION (a)

#### NONPUBLIC SCHOOL DEFINITION

A nonpublic school is defined under section 388.552 of the *Private, Denominational and Parochial Schools Act*, 1921 PA 302 (MCL 388.552).

A homeschool family operating under 380.1561 (3)(a) as described above is considered a nonpublic school if in compliance with the *Private, Denominational and Parochial Schools Act*, 1921 PA 302. If a homeschool family chooses to operate under exemption (a), it may report to the Michigan Department of Education. (See Reporting Attachment G).

Homeschools registered with the State are considered nonpublic schools. However, the courts have said that homeschool families do not have to report to the State, or meet the requirements of the traditional nonpublic school. If homeschool families do register and report to the State, they are still exempt from many nonpublic school requirements such as criminal records checks, ADA requirements, immunizations, etc.

## Attachment D

### REGISTERED HOMESCHOOL EXEMPTION (f)

Section 1561(3)(f) states:

A child shall not be required to attend the public schools in the following cases:

(f)The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing and English grammar.

If a homeschool family chooses to operate under exemption (f), the conditions listed below apply:

- The homeschool family is not a nonpublic school.
- The Michigan Department of Education plays no role with this homeschool family.
- The homeschool family does not report to the Department of Education.
- Intermediate and local school districts are responsible for interpreting and enforcing the Compulsory School Attendance Law.
- There are no minimum qualifications for teachers except that they must be the parents or legal guardians of the children.
- The homeschool family must provide "an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar."

Students in homeschool families operating under exemption (f), solely, are not entitled to special services. Students in these homeschool families may enroll in noncore courses such as band, physical education, music, or driver's education, in public schools.

## Attachment E

### TWO TYPES OF HOMESCHOOLS REQUIREMENTS/OPPORTUNITIES GRID

#### State Registered Homeschools (a)

- Must register with the State Department of Education annually
- Are eligible for special education services for eligible special education students that have registered
- Are eligible for transportation if special education, to the public school
- May be eligible to access regional media centers if available
- May be eligible for health and nursing services if available
- May be eligible for remedial reading services
- May enroll in public school nonessential classes
- Must teach classes comparable to public school classes
- Are considered a nonpublic school
- Must employ certified teachers unless declaring religious exemption
- Are eligible for MEAP merit award scholarships
- Must comply with sanitary requirements if 6 or more students
- Must report courses of study
- Have no minimum days or hours required
- Are not required to conduct criminal record checks for employees
- Are not eligible for lunch and breakfast funding
- Are not eligible to receive federal funds
- Are not required to report immunization records to health department
- Are not eligible for accreditation
- Are not eligible to become a charter school
- Do not have to comply with ADA requirements
- Must purchase own books/materials
- Must issue own report cards/diplomas
- Are not required to test
- Must allow public school to place student if transferred
- Are not eligible for drug free programs
- Are subject to enforcement of compulsory school attendance laws by local and ISD schools
- Are believed to make up about 5% of homeschools

#### Non-Registered Homeschools (f)

- Do not register or report to State
- Are not eligible for special services
- May enroll in public school nonessential classes
- Are not eligible for transportation
- Must teach reading, spelling, math, science, history, civics, literature, writing, English grammar
- Are not a nonpublic school
- May be taught by parent or guardian
- Are eligible for MEAP merit award scholarships
- Have no minimum days/hours required
- Are not required to conduct criminal records checks for employees
- Are not eligible for state or federal funding
- Are not required to report immunizations
- Are not eligible for accreditation
- Are not eligible to be charter school
- Are not required to meet ADA requirements
- Are not eligible for drug free programs
- Are not eligible to receive special education services through public school special education classes
- Are subject to enforcement of compulsory school attendance laws by local and ISD schools
- Are believed to make up about 95% of homeschools
- Must purchase own books/materials
- Must issue own report cards/diplomas
- Are not required to test
- Must allow public school to place student if transferred

## **Attachment F**

### **SPECIAL SERVICES**

The Special Services Act (Section 380.1296 of the Revised School Code) specifies that if particular services are provided to public school children in a school district, those services must also be made available to children attending nonpublic schools located within the district.

The Act specifies services to include health and nursing services and examinations, National Defense Education Act testing, speech and language teacher services, social work services, school psychological services, teacher consultant services for children with disabilities and other services for students with disabilities, remedial reading services and other services determined by the Legislature. Some services are provided for general education needs and some services are special education related.

If special education services are to be provided for a student, that student must first be found eligible for special education. Further, service can only be authorized through the referral, evaluation, and individual educational planning team (IEP) process described in the special education administrative rules.

The provision of special services is the responsibility of the school district where the nonpublic school is located and when special education-type services are involved, in many districts across the state, these services are actually provided by the intermediate school district and not the local school district. Even though the local district does not provide the services, the local district students are receiving these services. Consequently, the students attending nonpublic schools within the district are entitled to similar service.

Homeschool students not registered with the State are not eligible for these special services. If a homeschool child is an eligible special education student as indicated by the Individual Educational Plan, he or she is eligible for transportation services. Homeschool regular education students are not eligible for transportation.

## Attachment G

### NONPUBLIC SCHOOL MEMBERSHIP REPORT FOR HOMESCHOOLS REGISTERING WITH THE STATE (a)

The Nonpublic School Membership Report (Form SM-4325) is an annual report used by the Michigan Department of Education. Information requested on the form includes the number of students in each grade, teacher qualifications and the course of study offered. Use of the form is authorized by Section 5 of the *Nonpublic School Act*, and was approved by the Michigan Supreme Court in Sheridan Road Baptist Church v Department of Education, 426 Mich 452.472 n 5; 396 NW2d 373 (1986) and Clonlara, Inc. v State Board of Education, 442 Mich 230, 242, 501 NW2d (1993).

Forms are sent to nonpublic schools in late summer with an early October due date. New nonpublic schools may request the Nonpublic School Membership Report (Form SM-4325) from the Department by calling (517) 373-1833.

The Department forwards the list of nonpublic schools that have completed the reporting process to the appropriate intermediate school district, who then forwards the names to the local school districts.

If a homeschool family chooses to operate solely under exemption (f) non-registered homeschool, see information under Attachment D.

## Attachment H

### INSTRUCTIONS FOR COMPLETING FORM SM-4325

The Nonpublic School Membership Report, form SM-4325, is sent annually to all nonpublic schools, including homeschools. This form is the Department of Education's method of gathering needed information about the schools. Completion of the form is important because if the school meets the reporting requirement on the Nonpublic School Act, students may be eligible to receive auxiliary services.

#### **Legal Name/Address of Nonpublic School:**

If the Nonpublic School Membership Report form you received has a white label on it, please check the information on the label and make corrections if necessary. If there is no label, please print the appropriate address information in the box.

If you are completing a form for a homeschool, provide the parent's name and address.

If you are completing a form for an institutional nonpublic school, provide the name and address of the school.

#### 1. TOTAL MEMBERSHIP BY GRADES:

**Of the students below, how many are certified as special education students?** This question pertains to the number of students who have been formally classified by a public school district as eligible for special education services.

**Of the students in grades 1-12, how many are in attendance part-time?** This question pertains to those students carrying less than a full-time number of credits.

**Grade and Student Count:** Write the number of students in each grade level in the appropriate box. For students in nongraded programs, consider their grade to be the number of years in school beyond kindergarten. Please remember to write the total number of students in the "TOTAL" box to the right. If your education program does not have children of compulsory school age, (ages 6-16), you are not required to file this form with the Department of Education.

#### 2. TEACHER QUALIFICATIONS

**"Does your school claim an objection to teacher certification based upon a sincerely held religious belief?"** Check "YES" or "NO". (If you state "YES", you are exempt from the teacher certification requirement and need not complete the rest of Section 2 regarding teacher qualifications.)

**"Do all teachers have State of Michigan certificates or permits?"** This question applies to the persons providing instruction in the subject listed as Course of Study in point 3. Check "YES" or "NO".

**In the section marked, PLEASE PROVIDE:**

Please be certain that the number given in "TOTAL NUMBER OF TEACHERS" is the same as the sum of the number of tallies behind the statements that describe the type of certificate or highest level of education you as the teacher or whomever you may engage, if anyone, in this capacity has achieved.

### 3. COURSE OF STUDY

Please check the boxes indicating the subjects you teach. Schools are required to provide instruction in English, reading, mathematics, social studies and science in all grades, and the government component at the junior/senior high school level.

Complete the form by signing and printing your name, the date signed, and providing your phone number. Return it to the address at the top of the form by the date indicated on the form.

#### PAGE 2 IS OPTIONAL

If your school (home or institution) begins operation after the due date, or if you do not receive the form before that date, please complete the form and return it within two weeks of receipt.

If any error appears on your completed form, corrections will be requested.

If you would like a statement regarding the reporting status of your nonpublic school, please include a note to that effect with your completed SM-4325.

Please call 517-373-1833 if you have any questions.

## Attachment I

### HOMESCHOOL CONTACTS

- Michigan Department of Education, (517) 373-1833.
- NC RESA Superintendent – 231-924-8853.

Newaygo County Regional Educational Service Agency  
4747 W. 48<sup>th</sup> Street  
Fremont, MI 49412

- Homeschool textbooks and materials
- Internet search for the following:
  - Inch.org (a Michigan homeschool web page)
  - homeschool curriculum
  - homeschool associations
  - correspondence schools
- School bus transportation eligibility: 517-373-6388
- Michigan High School Athletic Association – 517-332-5046 – <http://www.mhsaa.com>