

# LEXINGTON SCHOOL COMMITTEE POLICY

## SCHOOL POLICY ON CONSIDERATION OF HOME SCHOOLING REQUESTS – UNDER MGL c. 76 SECTION 1

Date Approved by

Signature of Chair:

School Committee:

1/23/90

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### I. BACKGROUND

Introduction: Parents in the Commonwealth of Massachusetts have the statutory right to educate their children at home, provided they receive the prior approval of the Superintendent of Schools or the School Committee in their district. MGL c. 76 Section 1: Commonwealth v. Roberts, 159 Mass. 372 (1893). This policy will address the issues of what standards are permissible in reviewing an application for home education, and what procedures should be followed in such a review.

Standards: Several United States Court decisions, cited by the Supreme Judicial Court, have affirmed the substantial State interest in the education of its citizenry, with which parents' basic right to direct their children's education must be reconciled. The court agreed with the parents that the "State interest in this regard lies in ensuring that the children residing within the State receive an education, not that the educational process be dictated in its minutest detail." However, the court concluded that the approval process required under General Laws Chapter 76, Section 1 "is necessary to promote effectively the State's substantial interest", and that the School Committee may use that statutory approval process to impose on home education programs "certain reasonable educational requirements similar to those required for public and private schools."

### II. PURPOSE AND SCOPE

Time Devoted to Education. The School Committee or Superintendent will satisfy themselves that the student will receive at least the same number of hours of instruction in each required subject as a public school student in any given year. Thus, though the time may be allocated differently in a home education program, the total of teaching hours in each subject should equal that of the public schools which require a minimum of 180 days.

Adequacy of Educational Materials. The School Committee or Superintendent will review the texts, materials, and programs to be used in teaching each subject to see that they are adequate for the task of teaching the children.

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### III. APPLICATION

Competency of Teachers. The School Committee of Superintendent should consider the competency of the teacher(s), whether the teacher be a parent or a private tutor. The Committee may not require that the teacher be certified, however the presence or absence of the requirements that would lead to certification may be examined.\* The general standard is that the teachers must be of “of competent ability and good morals.” MGL c. 71 Section 1.

Curriculum. The School Committee or Superintendent will consider the curriculum proposed for the child’s home education. It should include those subjects which are required by law or regulation. The subjects required by law, (MGL c. 71 Section 1), are orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, health education, physical education, and good behavior. Instruction in health education must include: consumer health, ecology, community health, body structure and function, safety, nutrition, fitness and body dynamics, dental health, emotional development, and training in the administration of first aid, including cardiopulmonary resuscitation.

Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards. The Superintendent or School Committee may properly require such testing, and in consultation with the parents may decide where the testing will occur and the type of testing instrument to be used. The court noted that “where practical, a neutral party should administer the test,” and that the school authorities and parents may agree to other means of measuring the children’s progress, such as periodic progress reports or dated work samples. In addition, it suggested that on-site visits by public school representatives may be included, although “with appropriate testing procedure or progress reports, there may be no need for periodic on-site visits or observations of the learning environment by school authority personnel.”

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\* The requirements as stated in MASS GENERAL LAW c. 71 Section 38G

