

MASSACHUSETTS

- Compulsory Attendance Ages:** 6 by December 31 of that school year to 16 years of age. Code of Mass. Regulations Tit. 603, § 8.02. Mass. Gen. Laws Ch. 76, § 1.
- Required Days of Instruction:** None required, but school districts will use the public school's required number of days and hours of instruction time for purposes of comparison, i.e., 180 days; 900 hours at the elementary level and 990 hours at the secondary level. Mass. Gen. Laws Ch. 71, §§ 1; Code of Mass. Regs. Tit. 603, § 27.03 and .04.
- Required Subjects:** Reading, writing, English language and grammar, geography, arithmetic, drawing, music, history and constitution of United States, duties of citizenship, health (including CPR), physical education, and good behavior. Mass. Gen. Laws Ch. 71, § 1.

Home School Statute: None.

Alternative Statutes Allowing for Home Schools: Mass. Gen. Laws Ch. 76, § 1. A "child who is otherwise being instructed in a manner *approved in advance* by the superintendent or the school committee."

Because homeschooling in Massachusetts is considered private education: "School committees shall approve a private school [homeschool] when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town, but shall not withhold such approval on account of religious teaching. . . ." Mass. Gen. Laws Ch. 76, § 1

1. In a case entitled *Care and Protection of Charles*, 399 Mass. 324, 333-34, 504 N.E.2d 592, 598-99 (1987), the Supreme Judicial Court of Massachusetts outlined four areas a superintendent or school committee may examine when determining whether to approve a home education plan. These four areas are:
 - a. The proposed curriculum and number of hours of instruction of each of the proposed subjects. *Charles* at p. 601;
 - b. The competency of the parents to teach their children (superintendents or school committees may not require certification, advanced degrees, or college degrees). *Charles* at p. 601.;
 - c. Textbooks, workbooks, and other instructional aids, as well as lesson plans and teaching manuals (so that the superintendent or committee can determine the subjects to be taught and the grade level of instruction for comparison with the public schools' curriculum). The superintendent or

school committee may “not . . . dictate the manner in which the subjects will be taught.” *Charles* at p. 602; and

- d. Periodic assessments (to ensure educational progress and attainment of minimum standards). The Court stated that the superintendent or school committee may properly require standardized testing or may substitute, subject to the approval of the parents, another form of assessment. *Charles* at p. 602.
2. Home visits are unconstitutional if imposed against the parent’s objection. HSLDA challenged a school district’s policy mandating home visits. As a result, the Supreme Judicial Court ruled that “the school committee . . . cannot, in the absence of consent, require home visits, as a condition to the approval of home education plans.” *Brunelle v. Lynn Public Schools*, 428 Mass. 512, 702 N.E.2d 1182 (1998). The court also ruled that “the approval of the home school proposal must not be conditioned on requirements that are not *essential* to the state interest in assuring that all children be educated.” Home visits are not essential for children to be educated.
 3. *In the Matter of Johnna M. Searles*, No. 9037CH0017, District Court of the Amesbury Division, Sept. 4, 1990, the Court considered the school district’s “request that the [home schooled] child be ordered to enroll in the . . . public schools pending the approval of a home education program.” Slip Op. at p. 2-3. The Court agreed with HSLDA and ruled the child did not have to be in public school while waiting for the school district to approve the home school and that “the interests of all parents are best served if they proceed expeditiously in a serious effort to resolve the matter by agreement.” Slip Op. at p. 3-4. The Court also remarked if an order to put children in school was to be obtained, the school district would first have to prove children were not receiving regular and thorough instruction. p. 4.
 4. If a home school is rejected after seeking approval, the burden of proof shifts to the school authorities to show that the proposed home school instruction fails to equal “in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town.” *Charles*, at p. 601. Home education is a “right protected by the Fourteenth Amendment.” (p. 598). The object of the statute is “that all children shall be educated, not that they shall be educated in any particular way.” (p. 600).

Teacher Qualifications: None.

Standardized Tests: When the superintendent or school committee requests assessments, parents have two choices [see 1(d) above]: **1)** standardized test results; or, **2)** an alternative form of assessment. This may consist of progress reports, dated work samples, a portfolio review, an assessment by a certified teacher of the parent’s choice, or another method agreed upon between the parents and the superintendent or school committee.