

CALIFORNIA

Compulsory Attendance Ages: Between the ages of 6 by September 1 and 18 years. California Education Code §§ 48200, 48400, 48410, 48000, 48010.

Required Days of Instruction: 175 days, only for public schools.

Required Subjects: Homeschools must be taught in English and “offer instruction in the several branches of study required to be taught in the public schools.” Cal. Educ. Code §§ 48222, 48224. Specifically, in grades 1–6, the following courses must be taught: English, math, social science, science, visual and performing arts, health, and physical education. Cal. Educ. Code § 51210.

Homeschool Statute: None.

Alternative Statutes Allowing for Private Homeschools: Homeschools have three options:

Option 1. An individual homeschool can qualify as a private school by filing an annual private school affidavit with the Superintendent of Public Instruction between October 1 and October 15 of each school year. Cal. Educ. Code §§ 33190, 48222.

- a. The instructor(s) must be “capable of teaching.” Cal. Educ. Code § 48222.
- b. Attendance “of the pupils shall be kept.... in a register....” Cal. Educ. Code § 48222.

Option 2. A child can enroll in a private school satellite program (PSP) and be “homeschooled” through that private school. The PSP must comply with Cal. Educ. Code § 48222 (see Option 1 above) and may enroll anywhere from two to several hundred families. Many homeschool families have organized and/or enrolled in such private PSPs.

On August 8, 2008, the California Court of Appeals for the Second Appellate District ruled that “California statutes permit home schooling as a species of private school education.” *Jonathan L. v Superior Court*, 81 Cal. Rptr. 3d 571, 576 (Cal. Ct. App. 2008). The California Court of Appeal defined homeschooling as “full-time education in the home by a parent or guardian who does not necessarily possess a teaching credential.” *Id.* The Court concluded that the legislative history in California, although somewhat complicated, confirmed the Legislature’s intent that homeschools operate as private schools in California. The Court found it significant that education enforcement officials (including the Governor of the State of California and the Superintendent of Public Instruction) at both the state and local levels agreed that homeschool parents could “qualify as a private school and teach their children in their own home.” *Id.* at 591. In reaching this conclusion, the Court held that the cases of *Turner* and *Shinn* that had been used

against homeschoolers were no longer valid precedent and would, if followed, “undermine a practice that has been, if not actively encouraged, at least acknowledged and accepted by officials and the public for many years.” *Id.*

Option 3. A child can be privately tutored by a state-certified private tutor and instructed “for at least three hours a day for 175 days each calendar year” between 8 a.m. and 4 p.m. Cal. Educ. Code § 48224.

Teacher Qualifications: No teacher qualifications are required under Options 1 and 2. Certification is necessary only if the homeschool parent chooses to qualify as a private tutor under Option 3.

Standardized Tests: Not required by statute.