

# Washington State Homeschool Laws

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Currently, all states have passed homeschooling laws. Some states have more regulations than others. Where does Washington State rank? Due to the many requirements in our law such as parental qualifications, annual registration with the school district, mandatory testing/assessment, and record keeping, Washington State ranks in the top twelve for most regulated states (source Home School Legal Defense Association). This may come as a surprise to some. Nine states require no reporting at all.

There is no evidence that homeschooling success or freedom is linked to government regulations. However, we encourage home educators to become familiar with our state law and to know their rights. Below is a summary followed by the home-based instruction laws. This information is not meant to be used for legal advice. If you need legal advice, please contact a lawyer or Home School Legal Defense Association. You can visit the Home School Legal Defense Association's website at [www.HSLDA.org](http://www.HSLDA.org) or you can call them at 540-338-5600.

## Washington State Home-based Instruction Summary

All children from eight to eighteen must be enrolled in the public school system unless they are home-based, or enrolled in a private school.

In order to homeschool, a parent must either have 45 hours of college credits, or attend a parent qualifying course or work with a certified teacher or be deemed qualified by the local school superintendent. A parent may also homeschool under an approved private school extension program.

A parent must annually file a declaration of intent to homeschool with the local school superintendent. Filing must be done by September 15<sup>th</sup> or within two weeks of the beginning of any public school quarter, trimester or semester. The form must be obtained from the local school district. The form must be in the format prescribed by the superintendent of public instruction and has to include the name and age of child and specify if a certified person will be supervising.

The parent must have the child tested or assessed each year. The test must be a standardized test approved by the state board of education.

Home-based instruction “ *consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040. RCW 28A225.010*”

RCW 28A.200.010 Home-based instruction -- Duties of parents.

*Each parent whose child is receiving home-based instruction under RCW 28A.225.010 (4) shall have the duty to:*

*(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;*

*(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and*

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(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to \*RCW 28A.630.885. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

*Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020.* Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

[1995 c 52 § 1; 1993 c 336 § 1103; 1990 c 33 § 178; 1985 c 441 § 2. Formerly RCW 28A.27.310]

NOTES: \*Reviser's note: RCW 28A.630.885 was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607.

Findings -- Intent -- Part headings not law -- 1993 c 336: See notes following RCW 28A.150.210.

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Severability -- 1985 c 441: See note following RCW 28A.225.010.

Part-time students -- Defined -- Enrollment in public schools authorized: RCW 28A.150.350.

Private schools -- Extension programs for parents to teach children in their custody: RCW 28A.195.010.

RCW Chapter 28A.200.020

*Home-based instruction -- Certain decisions responsibility of parent unless otherwise specified. The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.225.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter.*

[1990 c 33 § 179; 1985 c 441 § 3. Formerly RCW 28A.27.320.]

NOTES:

Severability - 1985 c 441: See note following RCW 28A.225.010.

RCW Chapter 28A.225.010 Attendance mandatory- Age- exceptions

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(4) For the purposes of this chapter and chapter 28A.200RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certified teacher. A certified person for purposes of this chapter and chapter 28A.200RCW shall be a person certified under chapter 28A.410 RCW. Or purposes of this section, "supervised by a certified person" means: The planning by the certified person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certified person; and evaluation of such child's progress by the certified person. The

*number of children supervised by the certified person shall not exceed thirty for purposes of this subsection; or*

*(b) Provided by a person who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a post-secondary institution or a vocational-technical institute or*

*(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.*

*(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection(4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.*

**The following is a list of laws that are relative to homeschooling. You can view the Washington state laws and regulations in their entirety at the following web site [www.leg.wa.gov](http://www.leg.wa.gov).**

### **Home-based Instruction Law**

RCW 28A.200

### **Compulsory Attendance Laws**

RCW 28A.225.010 Attendance mandatory- list the legal ways to educate a child

RCW 28A.225.015 Attendance mandatory- specifies how to withdraw a child ages six and seven years old from the public schools.

RCW 28A.225.220- District transfers allowed for home-based students

RCW 28A.225.020- School's duties upon child's failure to attend school

RCW 28A.195.010 and 28A.150.220 program hours

### **Part-time/Ancillary Laws**

RCW 28A.150.350- Part-time or ancillary services eligibility

RCW 28A.150.260- allows for funding of part-time students

WAC 392-134

Other related Issues

RCW 28A.305.190- Eligibility to take the GED

RCW 28A.410 Teacher Certification- for home-based students under certified teacher

RCW 28A.195.010 Private school extension program

WAC 392-169 Running start program

**You may obtain a copy of the [Pink Book](#) (pdf), the Office of Superintendent of Public Instruction's (OSPI) publication describing the Washington State laws regulating home-based instruction from that office or download it from their website at:**

**(<http://www.k12.wa.us/PrivateEd/HomeBasedEd/PinkBook/pinkbook.pdf>).**