

## A REFRESHER COURSE ON AFFIDAVITS

by Darlene Catlett

### **WHAT is an affidavit?**

Your homeschool affidavit is a written declaration in writing which you sign and swear to before a notary public and submit to your school district.

### **WHAT is included on the affidavit?**

- the name of the supervisor (CHAP recommends the father)
- a statement that the supervisor has a high school diploma or its equivalent
- the name and age (not the birth date) of each child in the home education program
- the address and telephone number of the home education program site
- a statement that subjects required by law are offered in the English language
- a statement that the child has received the health and medical services
- a statement that no one in the house has been convicted of felonies as outlined in the law

In addition, these items should accompany your affidavit:

- an outline of proposed education objectives by subject area
- evidence that the child has been immunized (on the child's first affidavit only)

If your child has been identified as needing special education services, you must also include a statement from a properly qualified person that the education plan is appropriate to the disability of the child.

School districts commonly ask for more than is required by ACT 169. If you're asked to provide a copy of your high school diploma, point out that you have legally sworn in writing that you have one. ACT 169 does not require you to provide a copy to the school district.

If you're asked for additional paperwork as evidence of medical and dental services, point out that you have legally sworn in writing that you will provide the required services during the school year. If you are a member of HSLDA, ask the school district to put their demands in writing, and send a copy to HSLDA. If you're not a member, this would be a good time to join. [www.hslda.org](http://www.hslda.org)

The public health laws require evidence of immunizations or a religious exemption. A record of immunization may be a copy of a baby book, physician record, or similar document. You are not required to use your school district's medical record form. You can write your own medical exemption form, or you can use CHAP's sample, found at <http://files.chaponline.com/medicalexemptionform.pdf>.

You are also not required to use your school district's form for the affidavit. You can type up your own, or use CHAP's sample affidavit, found on pages 3 and 4 of *CHAP's Homeschooling Briefs* at [http://files.chaponline.com/CHAP\\_HS\\_Briefs\\_11\\_07.pdf](http://files.chaponline.com/CHAP_HS_Briefs_11_07.pdf).

### **WHEN should I file an affidavit?**

ACT 169 requires homeschoolers to file an affidavit for each child between the ages of 8 and 17. If your child turns eight before or during the first two weeks of this next school year, you'll need

to file an affidavit no later than his 8th birthday. After that, the law requires that you file it by August 1. (Tip: If you submit your affidavit on or before July 1, you can begin counting days or hours on July 1.)

Before you submit your affidavit, you will need to have it notarized. Be sure to not sign your affidavit until you are before the notary. For free notary services, try your credit union or bank. If you are a member of AAA, they will notarize it for free. Make a copy of your notarized affidavit and keep it on file. Then mail the original to the superintendent of your school district by certified mail, with a return receipt request. Some homeschoolers hand-deliver their affidavits – if you choose to do this, be sure to get a receipt.

Your district may tell you that you have to wait for their letter of approval to begin homeschooling, but the law says that the affidavit must be “filed prior to the commencement of the home education program...” and mentions nothing about waiting for the approval of your district before you can begin.

## **OBJECTIVES**

Along with your affidavit, you must include an outline of proposed educational objectives for each student. Writing these objectives took me 3 hours the first year! But it shouldn't take that long.

Act 169 says that your objectives “*shall not be utilized by the superintendent in determining if the home education program is out of compliance...*” so don't fret over using impressive-sounding words or concepts. Write your objectives in such a way that they work for you. I usually write mine in May or June, when I make my plans for the coming year. It helps me to look at them again before we begin in late August, and sometimes I find it helpful to look at them during the year, too.

There are sample objectives on page 48 of the 2009 edition of *Keys to Homeschooling in the Keystone State*. CHAP encourages you to list two or 3 general objectives for each required subject area. Ask other homeschoolers you know to show you their objectives.

At the elementary level, the subject areas are:

- English (including spelling, reading and writing)
- Arithmetic
- Science (including health and physiology)
- Social Studies (including geography, US and PA history, and civics)
- Safety Education (including regular and continuous instruction in the dangers and prevention of fires)
- Physical Education
- Music
- Art

At the secondary level (grades 7-12), the subject areas are:

- English (including language, literature, speech and composition)
- Science (including health)
- Social Studies (including geography, US and PA history, civics and world history)

- Mathematics (including general mathematics, algebra and geometry)
- Arts and Humanities (including art and music)
- Physical Education
- Safety Education (including regular and continuous instruction in the dangers and prevention of fires)

## **READ THE LAW**

You didn't learn the alphabet by listening to your mother say it once, and you didn't learn all you needed to know about the Bible by reading it once. ACT 169 isn't the alphabet, and it certainly isn't God's Living Word, but you're not going to learn it just by listening to someone tell you about it once or by reading it through one time. You can get a copy of the law, as well as *CHAP's Homeschooling Briefs*, at <http://chaponline.com/start/law.html>. Another excellent resource is CHAP's *Keys to Homeschooling in the Keystone State*. Download the *Keys* from the CHAP website for \$6 at <https://secure.chaponline.com/keys.html> or order a spiral-bound hard-copy for yourself, your support group or your public library by mailing a check for \$15 to the CHAP office.

There are five sections in ACT 169: the first section is not about homeschooling, so you can skip it! Start reading at Section 2d, which begins with "Instruction to children of compulsory school age provided in a home education program..." (Tip: I copied and pasted the text of ACT 169 into a Word document and formatted it in outline form, without changing anything else.)

Affidavits are mentioned in two sections of ACT 169:

- Section 2(d) speaks to the requirement of written approval for the education program of a student who has been identified as needing special education services.
- Section 3(b)(1) specifies what is to be included in an affidavit.

## **FIND A SUPPORT GROUP**

While there is absolutely no substitute for knowing the law yourself, it's likely that there are homeschoolers who live in your area who have filed several affidavits, feel comfortable writing objectives, and who could recommend an evaluator or two. How can you find them? One of the best places to look for experienced, knowledgeable homeschoolers is in a support group.

CHAP's website contains a list of support groups at

<http://chaponline.com/community/supportgroups.html>. Start by selecting the county you live in. If you don't find enough options to suit you, click "widen your search" to see support groups in surrounding counties. I would advise you to check out all available support groups and join at least one (our family belongs to two). They are a great source of information, advice, encouragement and friends, for both you and your children.

## **SHARE WHAT YOU KNOW**

Once you feel confident about what the law requires, return the favor to those who helped you figure it all out by making yourself available in the homeschool community (most likely within the context of your support group) to help the next batch of new homeschoolers!

If you have questions about affidavits or objectives, email CHAP at [chap@chaponline.com](mailto:chap@chaponline.com).