

The LAW: Sec. 10-184. Duties of parents. -- School attendance age requirements.

All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States history and in citizenship, including a study of the town, state and federal governments. Subject to the provisions of this section and section 10-15c, each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public school regularly during the hours and terms the public school in the district in which such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. The parent or person having control of a child sixteen or seventeen years of age may consent, as provided in this section, to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form. The school district shall provide such parent or person with information on the educational options available in the school system and in the community. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.

The highlighted portion is known as the **Compulsory Education** portion of the statute. Note that it is first and foremost the duty of *parents* to instruct their own children. Only if they do not fulfill this obligation must they arrange to have them instructed by someone else.

The remainder of the statute is known as the **Compulsory Attendance** portion, which has to do with *attendance* at a public or private school outside the home. It technically does not pertain to children being educated in the home. Likewise, charges of truancy can legally only be brought against children attending an educational institution outside the home. * **See Sec. 10-198a concerning truants below**

HSLDA Commentary on “equivalent instruction”

Section 10-184 of Connecticut General Statutes Annotated requires a parent to send a school-age child to public school unless the parent “. . . is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools.” A parent choosing an educational option for a child other than public school is not required by this statute to take the initiative to show public school officials that the child is receiving equivalent instruction. Instead, the parent must be able to show that the child is receiving equivalent instruction in defense of any court proceeding in which the sufficiency of the instruction is being challenged. Of course, any such court proceedings should not be initiated unless there is credible evidence that the parent is failing to provide equivalent instruction. The mere fact that a child is not enrolled in public school does not indicate that the child is not receiving equivalent instruction in the studies taught in the public schools.

On November 7, 1990, the Connecticut State Board of Education adopted a policy containing suggested procedures for home instruction. The State Department of Education deems compliance with these suggested procedures as satisfying the equivalency requirements of Section 10-184. But these guidelines are not law, so parents may not be compelled to comply with them. Parents may decide to comply with the law by being able to show that their child is “elsewhere receiving equivalent instruction” under Section 10-184.

The majority of parents conducting home instruction have elected to comply with the suggested procedures and have submitted a notice of intent for each of their children, utilizing the form developed by the Connecticut State Department of Education at the time the guidelines were established. HSLDA strongly recommends that parents follow the suggested procedures in order to avoid questions of “equivalent instruction” such as teacher qualifications, course content of subjects taught, and methods of determining academic progress. Following the suggested procedures is not overly burdensome and generally precludes problems with public school officials.

Sec. 10-184a. Refusal of certain parents to consent to use of special education programs or services.

The provisions of sections 10-76a to 10-76h, inclusive, shall not be construed to require any local, regional or state board of education to provide special education programs or services for any child whose parent or guardian has chosen to educate such child in a home or private school in accordance with the provisions of section 10-184 and who refuses to consent to such programs or services.

Sec. 10-184b. Waiver provisions not applicable to equivalent instruction authority of parents.

Notwithstanding any provision of the general statutes or public or special act granting the Commissioner of Education the authority to waive provisions of the general statutes, the Commissioner of Education shall not limit the authority of parents or guardians to provide for equivalent instruction pursuant to section 10-184.

***Sec. 10-198a.** Policies and procedures concerning truants.

(Note: only some pertinent sections of 10-198a have been included.)

(a) For purposes of this section, "truant" means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year. (e) The provisions of this section shall not apply to any child receiving equivalent instruction pursuant to section 10-184.

Sec. 10-249. Enumeration of children of compulsory school age in school districts and by state departments having jurisdiction over such children.

(a) The board of education of each local and regional school district shall annually determine by age the number of children of compulsory school age who reside within the jurisdiction of such school district as of January first of each year. Such determination shall be made by

(1) enumeration of each such child individually or

(2) any reasonable means of accounting approved by the Commissioner of Education.

(b) If any child of compulsory school age is not attending school within the jurisdiction of the board of education of a local or regional school district, the superintendent of schools of the district shall make a reasonable effort to ascertain the reason for such nonattendance. If such child is employed at labor, the superintendent of schools shall make a reasonable effort to ascertain the name and address of such child's employer or of the establishment where such child is employed. Returns shall be made to the board of education on or before the fifteenth day of May. Any state, local or other public agency shall, upon request by the superintendent of schools, provide such information as may be reasonably required for the purposes of this section.

(c) Each state department shall report periodically to the Commissioner of Education at such time and in such manner as he shall prescribe, the name and address of the most recent residence within the state for each child of compulsory school age under the jurisdiction of such department. The commissioner shall provide such information to the superintendent of schools of the local or regional school district wherein such child is indicated to have most recently resided.

Sec. 10-250. Report showing number of children.

Annually, not later than June fifteenth, the superintendent of schools for each local or regional school district shall file with the Commissioner of Education a report, on a form prescribed by said commissioner, showing the number of children of compulsory school age residing within the jurisdiction of such school district determined in accordance with the provisions of section 10-249 and such other information as said commissioner requires.

Sec. 10-251. Penalty for refusing to give age of child.

Any person having control of a child under twenty-one years of age who wilfully refuses to give the name and age of such child, and such information concerning the school attendance of such child as this chapter requires, shall be fined not more than twenty-five dollars.