

2024 REPORT

Part 1: National Overview on the State of Children's Rights to Education in America



PART 1: THE 2024 NATIONAL OVERVIEW ON THE STATE OF CHILDREN'S RIGHTS TO EDUCATION IN AMERICA



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This report is for informational purposes only. Readers are encouraged to consult the full text of relevant case law, statutes, and regulations, and to contact a licensed attorney in their home state with any case related questions.

TABLE OF CONTENTS

FOREWORD..... **vii**

I. INTRODUCTION..... **1**

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES..... **4**

 1. The Modern School Choice Movement..... 5

 2. An Emerging Countermovement to Amend State Constitutions 7

III. CHILD USA’S FRAMEWORK FOR ASSESSING CHILDREN’S RIGHTS TO EDUCATION ACROSS THE U.S. STATES & TERRITORIES..... **10**

 1. Compulsory Education Requirements 10

 2. Private and Home-Based Schooling Requirements 11

 3. Educational Neglect Statutory Frameworks..... 13

 4. Digital Divide Ranking 14

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES..... **16**

 ALABAMA 16

 ALASKA..... 18

 ARIZONA 19

 ARKANSAS..... 21

 CALIFORNIA..... 22

 COLORADO 24

 CONNECTICUT..... 26

 DELAWARE 27

 FLORIDA 29

 GEORGIA..... 31

 HAWAII..... 33

 IDAHO 36

 ILLINOIS..... 37

TABLE OF CONTENTS

INDIANA.....	39
IOWA.....	41
KANSAS.....	44
KENTUCKY.....	46
LOUISIANA.....	48
MAINE.....	50
MARYLAND.....	52
MASSACHUSETTS.....	54
MICHIGAN.....	56
MINNESOTA.....	58
MISSISSIPPI.....	60
MISSOURI.....	61
MONTANA.....	63
NEBRASKA.....	64
NEVADA.....	67
NEW HAMPSHIRE.....	69
NEW JERSEY.....	71
NEW MEXICO.....	73
NEW YORK.....	74
NORTH CAROLINA.....	78
NORTH DAKOTA.....	80
OHIO.....	82
OKLAHOMA.....	84
OREGON.....	86
PENNSYLVANIA.....	88
RHODE ISLAND.....	91

SOUTH CAROLINA..... 93

SOUTH DAKOTA 95

TENNESSEE 97

TEXAS 100

UTAH..... 101

VERMONT 103

VIRGINIA 105

WISCONSIN 112

WASHINGTON..... 107

WEST VIRGINIA..... 109

WYOMING..... 114

WASHINGTON, D.C..... 116

AMERICAN SAMOA 118

GUAM 119

NORTHERN MARIANA ISLANDS..... 121

PUERTO RICO..... 122

U.S. VIRGIN ISLANDS..... 124

V. CHILD USA’S RANKINGS OF THE U.S. STATES & TERRITORIES 126

VI. CONCLUSION..... 130

VII. APPENDIX..... 132

Figure 1: Homeschooling Notice/Assessment Requirements..... 132

Figure 2: Private School Notice/Assessment Requirements..... 132

Figure 3: Homeschooling Curricular & Attendance/Instruction Length Requirements 133

Figure 4: Private School Curricular & Attendance/Instruction Length Requirements 133

Figure 5: Homeschooling Teaching Requirements..... 134

Figure 6: Private School Teaching Requirements..... 135

Figure 7: U.S. States & Territories Homeschooling Attendance & Instruction Length Requirements by Percentage..... 136

Figure 8: U.S. States & Territories Private School Attendance & Instruction Length Requirements by Percentage..... 136

Figure 9: Ranking Calculations..... 136

FOREWORD

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Most research on the quality of the educational experience children in the United States receive has explored the relationship between race, family background, and gender. Implicit in this research is that every child has a right to an education and that we must do more to provide sufficient educational grounding for students. However, most of this research has focused on children who attend public schools and has not examined differences in frameworks that would identify and monitor where the child is educated or how states, whose role is to legislate educational requirements and adherence to them, are doing their job.

CHILD USA's 2024 Report on the State of Children's Rights to Education provides this information and underscores just how much of an impact state residency might have on what this right to education includes. I now live in Virginia, but my child was educated in New York, and I was educated in Iowa. Starting with those three states and then looking across states was a wake-up experience for me. Reading this Report opened my eyes to the inequalities in children's rights dictated by geography. I was struck and alarmed at the differences across states and how lack of oversight endangers children.

The increasing options for educational delivery that are available have mostly received optimistic and positive reviews. Like many of my colleagues, I have embraced new technologies, increased platforms, and more ability for parents to select from various options. We have largely examined the positive benefits to students of online learning and homeschooling. I think my belief that more choices would lead to more learning is similar to many of my colleagues and parents. And after reading this Report, I still believe that to be true. But this Report brought home to me how I have drawn these conclusions based on my flawed understanding of how these choices are monitored and assessed. In other words, I've based my expectations for new paradigms within my old regulated and evaluated public education framework. So, while I still support multiple ways to educate children, I am now concerned that there is too little oversight by states to ensure that these options accomplish the goal of universal education.

The school choice movement has been thriving for decades. With the aid of this Report, I've come to understand that it lives within the reality that these are parental choice frameworks that, in many cases, are unmonitored and unregulated. For most children, parents' choices have long-lasting effects on their ability to thrive into and through adulthood.

The ability to make good choices depends on many factors, including ensuring that the options provide learning in a safe space. Before reading this Report, I assumed a level of oversight that provides guardrails for uniform expectations by each state for basic literacy, life skills, and opportunities.

This Report brought home how little I, as an expert on childhood education, understood many of the implications of states' lack of oversight and regulation regarding educational opportunities for K-12 students. For instance, I was stunned to learn that a third of states have no education statutes to identify or address educational neglect by parents or educational institutions.

As a country, we have robust data on the number of children who are neglected. We know that children in poverty may lack the food and shelter necessary to thrive and that schools often support families and children who might otherwise be neglected and overlooked by families unable, for many reasons, to provide for them. But what if children don't have to go to school? What if no one is keeping track? What if requirements for school attendance aren't sufficient to support continued learning? What happens to those children? Students who can't read, do math, or understand the frameworks of democracy are at risk. They are more likely to suffer abuse and fall through the safety net. They are less likely to be able to establish healthy relationships or to become a functional adult member of society.

Before reading this Report, I hadn't realized how much variation there is across states in the requirements for school attendance, monitoring learning, and student support. For example, I think of compulsory education as a requirement across the states. And it is. However, even something as basic as the number of required years of schooling isn't uniform and can be as few as 8 years of required school attendance. And, if those 8 years are in one of the states that don't monitor whether children are being home-schooled, it could mean that a child doesn't learn to read, won't understand simple math, and has no experience with the many attributes required of an educated person.

One troubling conclusion of this Report is that, depending on the child's state of residency, it is possible that a child's educational experiences are unknown and unmonitored. Home school experiences can be rich and varied, but in nearly 43% of states, there is no oversight of the components of learning, no evaluation of the effectiveness of the components, and, shockingly, no requirement that the child is participating in any educational activities at all. Nearly a third of states have no attendance or instruction lengths for homeschooling, and a fifth of states have no requirements for independent/private schools.

This Report provides a state-by-state analysis of how a child's right to an education is enacted, monitored, and assured. Education in the United States has been centralized at the state level, but this Report makes clear that even at the state level, the delivery of education is less centralized than ever before.

Many of us have strong feelings about education. It is essential to our children's future; it determines the quality of the economy and is fundamental to the polity's survival. The Constitution is silent on education and reserves it to the states. If you wonder at the level of accountability for a child's right to an education when such a resource is decentralized to 50 entities, think about how much additional diffusion exists in the 18,243 LEAs and the 128,961 public and private K-12 schools. While that may seem like a confusion of responsibility for such a central component of our democracy, we have now added homeschooling for at least 3.6 million children.

The answers to questions we might ask as a nation aren't easily answered: How are we doing? Are we redeeming our obligations to our children and their futures? This first-of-its-kind data collection and analysis shines a light on the here-to-for obscure corners of the teaching-learning enterprise. What, for example, do we know about

- How much time is required at the “kitchen table” with mathematics?
- What is the content of Western Civilization on a recommended website?
- Are there qualifications comparable to teacher licensing for educators in the home?
- How much learning time are students receiving?
- What is the level of supervision for home-schooled students? Does someone know where they are, on what websites, and the level of accountability for these students?

The answers to these questions depend on the state in which the student resides. This CHILD USA Report examines and compares accountability for public, private/independent, and home-schooling settings in all U.S. states and territories. If it has been a 50-year struggle to link variations in teacher quality to variations in the learning of different bio-social groups, then we are just at the beginning of grounded inquiry about homeschooling and independent/private settings. The data raise questions about how, as a country, we are ensuring a child's right to an education. This is not a Report that positions one approach over another. Rather, this Report is a warning about how the variability of state actions to oversee a child's right to an education, no matter what decisions the family has made for the platform, is putting children and the future of our country at risk.

About the Author

Charol Shakeshaft has spent the past 45 years as a professor of educational administration, working for equity and safety in schools. A Distinguished Professor in the Department of Educational Leadership at Virginia Commonwealth University, Dr. Shakeshaft is completing a Centers for Disease Control and Prevention-funded study on preventing school employee sexual misconduct. This work is a continuation of other studies, beginning in the 1980s, that focus on school employee sexual misconduct. Her sixth book, *Organizational Betrayal: How Schools Enable Sexual Misconduct and How to Stop It*, is now available from Harvard Education Press.

I. INTRODUCTION

The nation’s Founding Fathers deeply understood the vital role of education in sustaining a healthy democracy. They firmly believed that a universal system of education was essential for equipping individuals with the knowledge and skills needed to participate fully in civic life.¹ Thomas Jefferson, in particular, emphasized the indispensable role of education in the preservation of liberty, proclaiming, “[i]f a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be.”²

The founders’ shared vision on education laid the groundwork for the development of compulsory school attendance laws (also referred to as “compulsory education laws”) in the late 19th century.³ Initially designed to standardize education to ensure that every child, regardless of their background or socioeconomic status, receives a basic education, these laws serve as critical safeguards against educational neglect, which occurs when a parent or legal guardian fails to provide for their child’s basic educational needs.⁴ Though their introduction was met with varying degrees of resistance, particularly from those who relied on child labor, compulsory school attendance laws were progressively enacted across the states, reflecting a growing consensus on the importance of education for both individual advancement and societal well-being.⁵

The founders’ influence is also evident in the decades of U.S. Supreme Court precedent recognizing the education system as “a most vital civic institution for the preservation of a democratic system of government,”⁶ and a “bulwark of a free people against tyranny.”⁷ The Supreme Court has recognized a mix of rights in the education arena. While parents have the right to choose between public and private schools, *Pierce v. Society of Sisters*, they do not have carte blanche to choose to put children to work.⁸ In *Prince v. Massachusetts*, the Supreme Court held that a parent could not violate the child labor laws by having their child hand out religious pamphlets on the streets.⁹ The Court has further stated, “[t]he child is not the mere creature of the State; those who nurture him

¹ Derek W. Black, *America’s Founders Recognized the Need for Public Education. Democracy Requires Maintaining that Commitment*, TIME.COM (Sep. 22, 2022), available at <https://time.com/5891261/early-american-education-history/>.

² *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, Sep. 1815 to April 1816, ed. J. Jefferson Looney at 328 (Princeton University Press, 2012).

³ Black, *supra* n.1.

⁴ CHILD USA considers educational neglect as a form of child neglect. CHILD USA agrees with the definition of educational neglect as “a form of child maltreatment” that “usually involves a parent or other caregiver actively or passively neglecting the learning and educational needs of a child, which results in harm to the child’s development and well-being.” Melissa Van Wert et al., *Educational neglect: Understanding 20 years of child welfare trends*, Child Abuse & Neglect 50 (2018).

⁵ Black, *supra* n.1.

⁶ *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 230 (1963) (Brennan, J., concurring).

⁷ *Wisconsin v. Yoder*, 406 U.S. 205, 225 (1972).

⁸ 268 U.S. 510, 535 (1925).

⁹ 321 U.S. 158 (1944).

and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”¹⁰ The Court went even further by emphasizing the right of the child to thrive despite the parents’ beliefs:

“Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves.”¹¹

This oft-quoted phrase reflects what we at CHILD USA believe: a child has a “right to an open future,” which is a principle that was introduced by political philosopher Joel Feinberg.¹² The seed for a constitutional right for a child to be educated is also reflected in Justice Douglas’s dissent in *Wisconsin v. Yoder* when he pointed out that a child should be consulted before parents should be permitted to scale back compulsory education, even if the parents’ reasons were religious.¹³ The result of the Court’s failure to adopt a child-centered focus has been under-educated children in a number of religious settings.

The rise of homeschooling and the expansion of private school options have introduced additional layers of complexity to the enforcement of compulsory education laws and the prevention of educational neglect. Homeschools, while offering personalized education, vary widely in their quality and oversight. Similarly, private schools operate with greater autonomy compared to public schools, which can lead to disparities in educational quality and accessibility. Because 80% of America’s private schools are religiously affiliated, they are also eligible for exemptions from common-sense laws designed to protect children’s rights to education. Stringent educational standards and effective oversight mechanisms are crucial to ensuring that all children, regardless of their educational setting—public, private, or home-based—have the opportunity to succeed.

The purpose of this report¹⁴ is to provide an overview of the current landscape of children’s rights to education in the United States with a focus on students on the periphery of the public school system as this population is especially vulnerable to educational neglect. To that end, CHILD USA analyzed the K-12 education systems of every U.S. jurisdiction along four key dimensions to determine the degree to which each state and territory is fulfilling their obligation to prepare their youngest citizens for participation in civic life. CHILD USA also developed a comparative framework for assessing each jurisdiction’s performance in safeguarding children’s educational rights and has ranked every U.S. state and territory along four key criteria based on their homeschooling and private school laws. This report is intended to be used as a reference for lawmakers, advocates, researchers, educators, and the public to better understand the existing laws, identify gaps and disparities therein, and develop

¹⁰ *Supra* n.7 at 232 (quotations omitted).

¹¹ *Supra* n.9 at 179.

¹² Joel Feinberg, *THE CHILD’S RIGHT TO AN OPEN FUTURE*. IN *WHOSE CHILD? CHILDREN’S RIGHTS, PARENTAL AUTHORITY, AND STATE POWER*, 1980 (New Jersey, Rowman and Littlefield).

¹³ *Supra* n. 7 at 244-45.

¹⁴ This is the first of two reports examining children’s rights to education in the United States. The second report will focus on the public school system, specifically on truancy and special education laws and regulations and their impact on educational outcomes.

I. INTRODUCTION

strategies to protect and enhance children’s educational rights including, but not limited to, through adoption of CHILD USA’s policy recommendations.

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES

In the United States, an estimated 30 to 47% of neglected children suffer educational neglect.¹⁵ Educational neglect results in devastating consequences to the children who experience it and to society as a whole. Educationally neglected children are more likely to “take remedial classes and have problems in school,” as well as struggle with “family poverty, mental health issues, homelessness, substance abuse, crime, and a lack of basic necessities.”¹⁶ The correlation between educational neglect and crime is starkly represented by the fact that 85% of all youth who enter the juvenile court system are functionally illiterate.¹⁷

Educational neglect also comes at a great cost to society. When children are denied the opportunity to learn basic literacy skills, the adverse effects radiate throughout the community. Low literacy adds an estimated \$106 to \$238 billion to the annual cost of delivering healthcare.¹⁸ It is an unfortunate reality that pervasive educational neglect leads to communities incapable of supporting themselves and requiring extraordinary levels of government support.¹⁹ In fact, if the United States ensured that all adults attained an equivalent of a sixth-grade reading level, the country would generate an additional \$2.2 trillion in annual income.²⁰

Basic literacy skills are undoubtedly the foundation for meaningful participation in America’s democracy and economy. The United States Supreme Court has repeatedly recognized this, stressing the “significant social costs borne by our Nation” when children suffer the “stigma of illiteracy”—and are thereby denied “the basic tools by which [to] lead economically productive lives to the benefit of us all.”²¹

Socially isolated groups, including the religious, disproportionately suffer “the stigma of illiteracy.” For example, New York’s Haredim, the ultra-orthodox Jewish community, emphasize Judaic and Talmudic study above and often at the expense of secular subjects like math and English.²² Indeed, Naftuli Moster, founder of the non-profit

¹⁵ Van Wert, et al., *supra* n.4.

¹⁶ *Id.*; see also Mennen, F., et al., *Child neglect: definition and identification of youth’s experiences in official reports of maltreatment*, 34(9) CHILD ABUSE & NEGLECT 647 (2010).

¹⁷ *Id.*

¹⁸ See *U.S. Adult Literacy Facts*, Proliteracy.org, available at <https://www.proliteracy.org/wp-content/uploads/2023/09/2023-PL-AdultBasicEducation-FactSheet-2467.pdf>

¹⁹ See *Literacy Statistics*, BEGINTOREAD.COM, available at <https://www.begintoread.com/research/literacystatistics.html>

²⁰ *Id.*

²¹ *Plyler v. Doe*, 457 U.S. 202, 221-23 (1982).

²² Ray Domanico, *New York State vs. Hasidic Schools: Placing the “Substantially Equivalent” Curriculum Debate in Context*, Manhattan Inst., (Mar. 2023) 1, 1, <chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://files.eric.ed.gov/fulltext/ED627444.pdf>.

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES

EDUCATIONAL NEGLECT IN THE U.S.

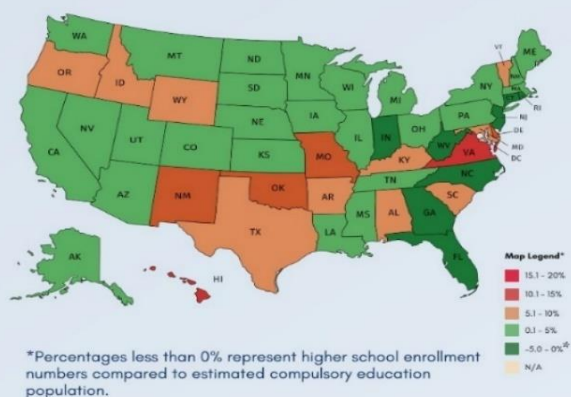
34 states

While every state has a compulsory education law, only 34 states explicitly ban educational neglect.

1.7 million

1.7 million children are not enrolled in requisite education in the United States.¹

Percentage of School Age Children Unaccounted for in Schools



Source: I. Kelly, P. (2010). Where are the children?: Educational neglect across the fifty states. *The Researcher*, 25(1), 41-58.

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organization Young Advocates for Fair Education (“YAFFED”) and a former Yeshiva²³ student, revealed that Hasidic elementary and middle school boys receive only sixty to ninety minutes of secular education a day and in high school do not receive any education except in Judaic studies.²⁴ Moster’s education, or lack thereof, nearly prevented him from enrolling in college as he lacked the foundational knowledge or English fluency necessary to receive a GED and did not have a high school diploma.²⁵ Determined to protect other Hasidim students from a similar fate, YAFFED filed a complaint in 2015 with the New York City Department of Education on behalf of several former students regarding the failure of Yeshiva schools to provide education that is “at least substantially equivalent” to that provided to the City’s public-school students and requesting that the City investigate thirty-nine Hasidic Yeshivas for compliance with New York State’s substantial equivalency law.²⁶ The results of that years-long investigation showed that only two of the thirty-nine Yeshivas provided a “substantially equivalent” education to that provided in secular public schools.²⁷ Many of these children who were systematically denied a basic education will no doubt find themselves trapped in a vicious cycle of joblessness and dependency as a result of this neglect.

1. The Modern School Choice Movement

In recent years, the “school choice” movement has swept the nation, increasing concern for a potential future uptick in educational neglect. Activists for school choice center the movement on “parent’s rights” and are working to pass legislation that would secure more public funding for non-public schooling, primarily in the form of “education savings accounts” (ESAs), vouchers, and tax-credit

scholarships. Ultimately, the school choice coalition aims for state governments to subsidize a parent’s choice to educate their child in private school, parochial school, or homeschool, with little to no restriction or oversight. In

²³ A Yeshiva is a Jewish day-school for the ultra-orthodox.

²⁴ Naftuli Moster, *The Problem with New York’s ultra-Orthodox Jewish Schools During the Pandemic*, *The Wash. Post*, (Oct. 16, 2020), <https://www.washingtonpost.com/education/2020/10/16/problem-with-new-yorks-ultra-orthodox-jewish-schools-during-pandemic/>.

²⁵ *Id.*

²⁶ Domanico, *supra* n. 22 at 2; see also N.Y. Edn. Law § 3204 (setting forth the requirements for non-public school instruction to be deemed substantially equivalent, both in content and educational experience, to that provided for in public schools.)

²⁷ *Id.*

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES

2023 alone, 43 states introduced or pre-filed a staggering 145 bills concerning school choice.²⁸ Of those states, 17 successfully enacted school choice bills.²⁹

These recent bills represent a shift in course from the original goals of the school choice movement. Initially, school choice was a coalition built to address the deep socioeconomic disparity in quality public and private education.³⁰ The original goal was to even the playing field for low-income families living in poorly performing public school districts by providing them funds to enable their children to attend the private school in their area. This would hopefully expand opportunities for low-income children to achieve increased academic attainment, as well as enhance diversity in wealthy private schools.

Now, the movement is focused on implementing similar subsidies for *all* families, regardless of socioeconomic status or public school district. Moreover, school choice activists want to see little restriction on how families choose to spend this government money on their child's education.³¹ There are several problems with this. First, if these programs lack testing and reporting requirements, parents could use government funds to inflict educational neglect on their children. By failing to provide oversight in the form of educational assessments, state governments risk paying parents to provide inadequate home or private education for their children.

Second, these new school choice bills may exacerbate the socioeconomic disparity in academic success as opposed to minimizing it. Instead of attempting to place disadvantaged families on the same level as wealthier ones, these bills provide public funds even to families who can *already* afford to place their children in private schools. The concern is that these programs “amount to a wealth transfer to families with kids in private schools,” which may ultimately undermine funding for the public school system.³² With families in need “often relegated to lower-performing schools in under-resourced neighborhoods,” school choice legislation may strip public schools of much-needed funding, decreasing the educational opportunity and attainment for low-income families.³³ Moreover, private schools have selective admissions processes that are not required to account for an applicant's socioeconomic status or focus on increasing the diversity of the student population.³⁴ Public schools, on the other hand, must admit every student who resides in their school district. Providing greater funding for selective admissions processes over schools that serve all students may have severe ramifications on the demographic diversity of students who attain high academic achievement.

²⁸ Bella DiMarco & Liz Cohen, *The New Wave of Public Funding of Private Schooling, Explained*, FUTUREED (Jan. 19, 2024), available at <https://www.future-ed.org/the-new-wave-of-public-funding-of-private-schools-explained/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ See Dimarco & Cohen, *supra* n. 28.

³² Andrew Prokop, *The conservative push for “school choice” has had its most successful year ever*, VOX (Sept. 11, 2023), <https://www.vox.com/politics/23689496/school-choice-education-savings-accounts-american-federation-children>.

³³ Dimarco & Cohen, *supra* n. 28.

³⁴ See Anyayat Durrani, *What School Choice Is and How it Works*, U.S. NEWS & WORLD REPORT (April 14, 2023), <https://www.usnews.com/education/k12/articles/what-school-choice-is-and-how-it-works>.

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES

Finally, today's school choice policy goals often contradict our nation's history of separation of church and state principles that forbade government support for sectarian education.³⁵ Traditionally, providing state funds for parents to send their children to private religious schools was problematic. The Supreme Court's recent decision in *Carson v. Makin* opens the door to funds flowing from government coffers to religious schools.³⁶

The modern school choice movement threatens government oversight of children's rights to education. As it gains momentum, it will likely exert inordinate influence over the future of education systems and the government's ability to hold parents and schools accountable for providing all children with a sound education.

2. An Emerging Countermovement to Amend State Constitutions

Despite decades of reforms, both at the state and federal levels, the founders' vision of equitable access to a quality education for all children remains elusive. To remedy this injustice, states need to shift their focus away from the interests of adults toward the rights of children. This can be done by making access to quality education a constitutionally protected civil right that is conferred directly upon children. To that end, legislative proposals to amend state constitutions to ensure children's rights to quality education present a powerful counter to the modern school choice movement.

While the Supreme Court has not identified a fundamental right to education under the federal constitution³⁷, the Court has held that book bans violate First Amendment free speech rights.³⁸ What rights, if any, students have to an education is determined entirely by the states. Each of the 50 states constitutions have an education clause that mandates the establishment of a public education system, though the precise language of these provisions is highly variable between states. A limited number of state constitutions explicitly recognize education as a fundamental right, entitling all children to the same quality of education regardless of background or socioeconomic status.³⁹ Other state constitutions require the state provision of educational services without granting a fundamental right to children. Most states highest courts have interpreted these provisions to mean that the state must provide students with an "adequate" education.⁴⁰ Other state constitutions contain language

³⁵ See Prokop, *supra* n. 32.

³⁶ 142 S. Ct. 1987, 596 U.S. 767 (2022).

³⁷ See *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35-37 (1973) ("[T]he undisputed importance of education will not alone cause this Court to depart from the usual standard for reviewing a State's social and economic legislation."); see also *Kadrmas v. Dickinson Pub. Sch.*, 487 U.S. 450, 458 (1988).

³⁸ See *Board of Education v. Pico*, 457 U.S. 853 (1982).

³⁹ See Kristin Rinehart Totten & Jacquelyn Babinski, *A Fundamental Right to a Quality Education for All Michigan Children*, 100 MICH. B. J. 38, 40-41 (2021) (listing states that provide a fundamental right to education); see also *Horton v. Meskill*, 376 A.2d 359, 374 (Conn. 1977); *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186, 206 (Ky. 1989); *Leandro v. State*, 488 S.E.2d 249, 255-56 (N.C. 1997); *Pauley v. Kelly*, 255 S.E.2d 859, 878 (W. Va. 1979); *Washakie Cty. Sch. Dist. No. One v. Herschler*, 606 P.2d 310, 333 (Wyo. 1980).

⁴⁰ See, e.g., *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186, 211 (Ky. 1989) ("Each child, every child, in this Commonwealth must be provided with an equal opportunity to have an adequate education."); *Lake View Sch. Dist. No. 25 of Phillips Cnty. v. Huckabee*, 351 Ark. 31, 67 (2002) (explaining that Arkansas' constitutional language and history "places on the State an absolute duty to provide the school children of Arkansas with an adequate education").

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES

explicitly mandating that the students' education meet certain criteria. For example, the Minnesota and New Jersey state constitutions require that the education be thorough, efficient, and/or uniform.⁴¹ Meanwhile, states like Florida, Illinois, and Virginia have taken more significant constitutional measures to ensure the provision of a high-quality public education.⁴² Florida's expansive right-to-education provision is the most rigorous in the country; it explicitly states that its public school students are entitled to "a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high-quality education."⁴³

Even within states, the quality of education and availability of resources can vary widely by district. Some states rely heavily on property taxes to allocate resources to schools while others provide for a more equitable distribution system. These disparities have been the subject of dozens of lawsuits in recent years with school districts, advocates, and other stakeholders looking to state constitutions for help. For example, in 2023, the Pennsylvania Commonwealth Court held that Pennsylvania's school funding system was unconstitutional and ordered the state to change the way it funds public schools from its current two-tiered system divided by local wealth to one that provides sufficient resources for all children.⁴⁴

Similarly, in New York, advocates have pushed for amendments to the state constitution to explicitly guarantee the right to a quality education. The proposed 2024 amendment to Article 8 Section 4 of the New York Constitution aims to address the longstanding disparities in school funding and resources that disproportionately affect low-income communities and students of color by removing the special constitutional debt limitation now placed on small city school districts, aligning their debt limits with those of other school districts.⁴⁵

Despite this positive movement, there is significant work left to be done to ensure a quality and equitable education for all children. Recent efforts to amend state constitutions, including proposals in California and Minnesota, aim to explicitly guarantee the constitutional right to a high-quality education. Amending the state constitutions in this manner should be the best way to effectuate the founders' vision if the courts enforce them vigorously. These amendments are necessary to remedy the existing failings under existing constitutional language and to prevent further erosion of children's rights by their parents or the system.

⁴¹ See Rinehart, *supra* n. 39 at 40; MINN. CONST. art. XIII, § 1 (requiring the establishment of a "general and uniform system of public schools" that is "thorough and efficient"); N.J. CONST. art. 8, § IV, ¶ 1 ("thorough and efficient system of free public schools . . .").

⁴² VA. CONST. art. VIII, § 1 ("[E]nsure that an educational program of high quality is established and continually maintained."); ILL. CONST. art. X, § 1 ("[A]n efficient system of high quality public educational institutions and services."); ("[A] uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education . . ."); FLA. CONST. art. IX, § 1(a).

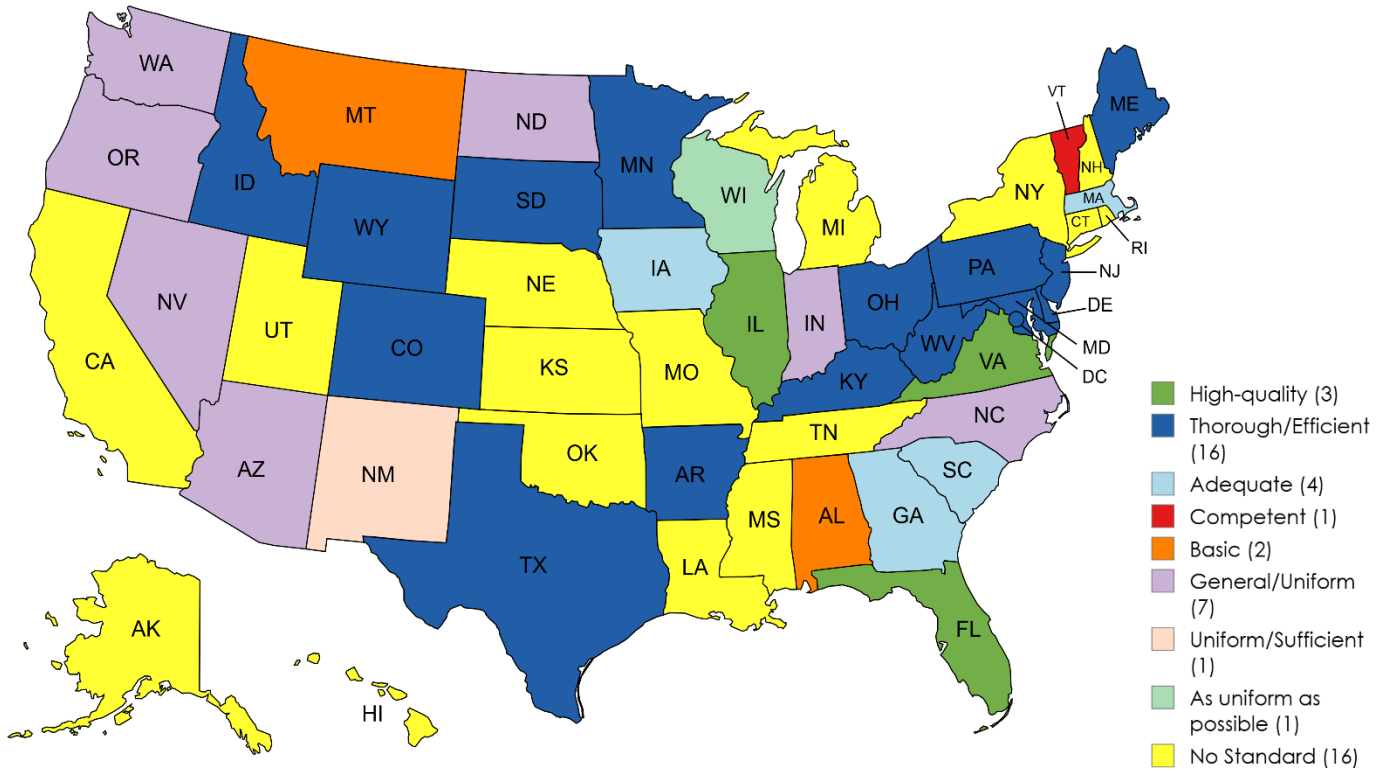
⁴³ FLA. CONST. art. IX, § 1(a).

⁴⁴ *William Penn SD et al. v. Pa. Dept. of Education et al.*, 587 M.D. 2014 (Pa. Cmmw. Ct. Apr. 17, 2023).

⁴⁵ See *2023 Statewide Ballot Proposals*, New York State, available at <https://elections.ny.gov/2023-statewide-ballot-proposals>

II. AN OVERVIEW OF EDUCATIONAL NEGLECT IN THE UNITED STATES

CURRENT STATE CONSTITUTIONAL MANDATES FOR EDUCATION QUALITY STANDARDS



CHILDUSA 

III. CHILD USA'S FRAMEWORK FOR ASSESSING CHILDREN'S RIGHTS TO EDUCATION ACROSS THE U.S. STATES & TERRITORIES

America's 50 states, Washington D.C., and territories offer significant variety in their laws and regulations that impact children's rights to education. While some jurisdictions impose virtually no obligations for minimizing educational neglect, others follow extensive procedures to ensure children are adequately educated by their parents and school systems.

This report analyzes each education system along four dimensions: (1) compulsory school attendance requirements; (2) private and home-based schooling requirements; (3) the statutory framework for reducing educational neglect; and (4) how deeply affected the state is by America's "digital divide." The following provides a brief introduction to these themes and touches on how they contribute to the overall landscape of children's educational rights in America.⁴⁶

1. Compulsory Education Requirements

The diversity in compulsory education requirements across the 50 states and 6 territories underscores the discretion of state and local governments in shaping their school systems. Overall, the average number of compulsory school years is 10.61, with some states requiring as few as 8 years of schooling and some requiring 13 years. The jurisdictions also vary in the age they require children to begin attending school: the youngest age is 5 years and the oldest is 8 years, with an average required age to commence schooling of 6.21 years. There is similar differentiation in requirements for minimum age of school disenrollment: the youngest age a student can disenroll is 15 years and the oldest is 18 years, with an average age of 16.67 years.

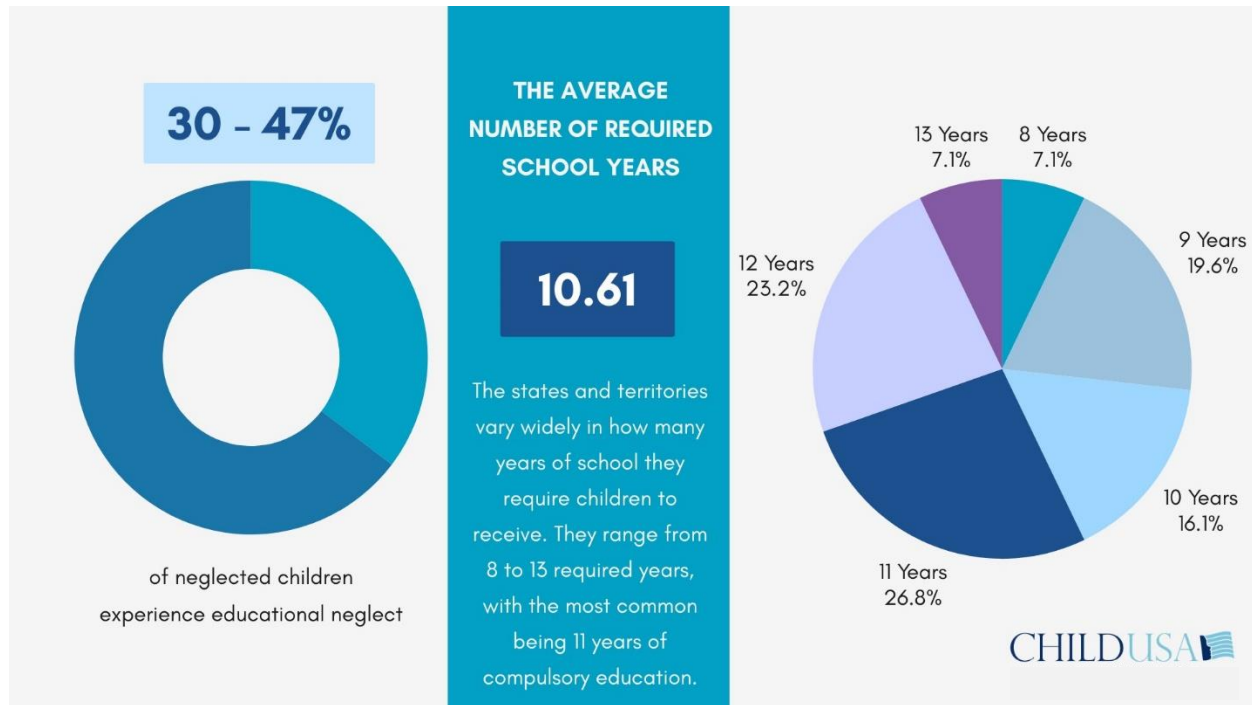
Exemptions. Most jurisdictions provide some exemptions to mandatory schooling for children, which can include religious education, full-time employment (for students of a certain age), illness, injury, or disability.⁴⁷ Beyond these general exemptions, the jurisdictions vary in the number and type of exemptions they allow from compulsory education requirements. Such exemptions may include parental consent; private tutoring; vocational

⁴⁶ Our framework for assessment does not include the strength of each state's constitutional education provision. This is because the quality standards, if they exist at all, are not clearly defined. These provisions do not specify the criteria that must be met to achieve the stated quality standard. As a result, the interpretation and application of these standards are largely determined by the courts.

⁴⁷ This report does not specify exemptions for illness or disability in every jurisdiction. Education for students that are differently abled is typically regulated by a separate subset of education regulations, which are not the subject of this report.

III. CHILD USA'S FRAMEWORK FOR ASSESSING CHILDREN'S RIGHTS TO EDUCATION ACROSS THE U.S. STATE & TERRITORIES

or adult education programs; early receipt of high school diploma or its equivalent; participation in work-study programs, obtaining a work permit; and homeschooling.⁴⁸



2. Private and Home-Based Schooling Requirements

Children attending private schools and those being homeschooled ought to receive an education that is at a minimum commensurate in content and educational experience to that provided to their publicly educated peers. However, the states and territories differ dramatically in their regulations of home-based and private schools. Most regulatory frameworks include one or more of the following aspects: filing/notice requirements, mandatory curricular content and instruction length requirements, compulsory evaluation/assessment, penalties/enforcement, and bodies of oversight.

Notice of Enrollment/Testing Requirements. Many jurisdictions require parents to notify an authority within the education system that they intend to enroll their children in private or home-based education. Some jurisdictions require such notification to be made on an annual basis and mandate that they include specific materials or information. For example, they may demand that parents or non-public schools maintain or submit

⁴⁸ This is not an exhaustive list, and the state and territory overviews also do not provide exhaustive lists of the exemptions from mandatory school attendance. Instead, the state and territory overviews are meant to provide a general understanding of how each jurisdiction addresses mandatory school attendance.

III. CHILD USA'S FRAMEWORK FOR ASSESSING CHILDREN'S RIGHTS TO EDUCATION ACROSS THE U.S. STATE & TERRITORIES

records of attendance, daily hours of instruction, samples of the children's schoolwork, and/or standardized testing reports or scores.⁴⁹

In the context of homeschooling, notice is achieved via submission of a “notice of enrollment” form to the state or local school district. While a few states do require similar forms to be submitted for private schooling, this specific term, “notice,” is not generally used for private schooling. Instead, the process of accreditation, licensing, and registration/approval for private schools operate as the functional equivalent to homeschooling “notice.” Thus, for the purposes of this report, we use the term ‘notice,’ to refer to both the traditional homeschooling notice and the notice required via accreditation, certification, or registration for private schools.

Mandatory Curricular Content and Instruction Length Requirements. Nonpublic school-based education content requirements range from a set determination of which subjects must be taught, to a looser approach that leaves the instructional content to the private school's or parent's discretion (though even if discretionary they might require parents to keep a record of subjects taught). Only a few jurisdictions require that the curriculum be “progressive” or “sequential,” meaning that subjects get more difficult as students' progress through the grade levels. While most jurisdictions seek to monitor total instructional time, they approach this differently, either mandating a certain number of hours per day, a number of days spent on listed subjects, or simply the overall total hours of instruction.⁵⁰ In some instances, private and home-based schools can be exempted from these instructional content requirements if they conflict with religious beliefs.

Compulsory Evaluation/Assessment. There are two primary methods of assessment for children receiving a private school or home-based education: (1) portfolios or progress reports; and (2) standardized testing. Portfolios typically include samples of the student's work, teaching materials, and/or worksheets or tests. Progress reports can include similar content or an overview of student learning and academic progress. States and territories that mandate standardized testing vary in their exact requirements. Most that require testing require the same national and/or state standardized testing that is administered in public school, while fewer limit their standardized testing requirements to certain homeschooling options.⁵¹ For example, in Iowa only homeschooled students receiving “competent private instruction” need undergo testing whereas those receiving “independent private instruction” do not.⁵² In other states and territories standardized testing is only required periodically. For example, in Colorado, students only test in 3rd, 5th, 7th, 9th, and 11th grades, whereas students in Georgia undergo testing every three years.⁵³ The most stringent jurisdictions require that testing scores meet certain percentile thresholds to continue with private or homeschooling. For example, in Oregon, the student's performance percentile can be used to gauge the need for state intervention such as a remediation plan to improve student

⁴⁹ Only 11.1% of jurisdictions require annual submission of a portfolio or progress report to the board of education or the child's school district, while another 14.3% of jurisdictions require submission of these materials upon request.

⁵⁰ See *Figures 7 & 8* of the Appendix for specific jurisdictional requirements.

⁵¹ *Id.*

⁵² Iowa Code §299A.1(2)(c).

⁵³ Colo. REV. STAT. § 22-33-104.5; O.C.G.A. § 20-2-690.

III. CHILD USA'S FRAMEWORK FOR ASSESSING CHILDREN'S RIGHTS TO EDUCATION ACROSS THE U.S. STATE & TERRITORIES

outcomes.⁵⁴ Several jurisdictions allow for exemptions from standardized testing on philosophical, moral, or religious grounds. A few particularly lenient jurisdictions, such as Alaska, do not require any method of evaluation for non-publicly educated students whatsoever. A handful of jurisdictions permit either submission of standardized testing results or submission of a student portfolio at the school's discretion.⁵⁵

Penalties/Enforcement. The penalties for private schools or parents in the case of homeschooling who fail to comply with their jurisdiction's requirements range from nominal daily fines or fixed fees to jail time, oversight by Child Protective Services, prosecution in court, and/or mandatory enrollment in public school.

Body of Oversight. The various penalties for violating the jurisdictional requirements naturally raise the question of which government authority has purview to review and enforce these violations and penalties. Across jurisdictions, the chosen body of oversight ranges from the local public-school principal, superintendent, Board of Education, or school district to the state superintendent, Secretary of State of the Department of Education, or child protection services. Maine allows anyone holding a state teacher's certificate to assess compliance, while Alaska offers no administrative oversight at all.

3. Educational Neglect Statutory Frameworks

Many states and territories have incorporated educational neglect into their criminal child neglect statutes. In those jurisdictions, parents who fail to adequately provide their child with education—homeschool, private, or public—may be criminally prosecuted as they would be for committing any other form of child neglect. Some jurisdictions, however, do not include educational neglect in their definitions of child neglect. One of the more frequent trends among educational neglect statutes is including the policy that authorities only intervene in educational neglect matters when another form of abuse is found. This often results in the education system as the lone enforcer of adequate educational provision. The presence of an educational neglect statute or its incorporation into a broader definition of child neglect, while important for reporting purposes, is not by itself dispositive of strict monitoring of non-public education. For example, neither Massachusetts nor Vermont has an educational neglect statute and yet they provide some of the strictest monitoring and enforcement of homeschooling standards in the country. Conversely, there are states like New Jersey and Indiana that have educational neglect statutes but



⁵⁴ OR. REV. STAT. ANN. § 339.035(4)(a).

⁵⁵ See *Figure 1* of the Appendix for specific requirements by jurisdiction.

III. CHILD USA'S FRAMEWORK FOR ASSESSING CHILDREN'S RIGHTS TO EDUCATION ACROSS THE U.S. STATE & TERRITORIES

otherwise have some of the nation's weakest non-public schooling standards and enforcement policies. These states do not require notifying the state for homeschooling and have no method of assessment of student progress such that educational neglect claims can only be investigated if the child is wholly without an education.

Penalties/Enforcement. The penalties for criminal educational neglect are similar, but often more extreme, than the penalties for violating private or homeschooling requirements. For instance, educational neglect may result in a fine (either a fixed fee or a daily fine), juvenile detention, house arrest or jail time, truancy officer supervision, mandatory counseling, or criminal prosecution.

Body of Oversight. When it comes to educational neglect, most states rely on bodies of oversight such as the state's Department of Education, Department of Children and Families (or its equivalent), and/or child protective services. In some instances, such as in Alaska, there is no authority responsible for enforcing educational requirements.

4. Digital Divide Ranking

The “digital divide” refers to “the economic, educational, and social inequalities between those who have computers and online access and those who do not.”⁵⁶ Specifically, this report defines a lack of adequate broadcast access as an internet connection that does not have at least 25 Mbps download speed and at least 3 Mbps upload speed. Additionally, this report adopts the ranking system utilized by BroadbandNow Research⁵⁷ to indicate simply and clearly where the states fall along America's digital divide.⁵⁸

For many states, the internal digital divide runs along urban-rural lines, while in many others it deepens inequalities because lack of access correlates with race and socioeconomic status. In Michigan, for instance, close to 1 in 4 children lack digital access in districts with the highest rates of students of color.

Because internet accessibility is a strong predictor of economic opportunity, the costs of the divide are high for individuals and staggering for society. Indeed, one study showed that a 10% increase in broadband access in 2014 would have resulted in over 875,000 additional U.S. jobs and \$186 billion in additional revenue in 2019.⁵⁹

The digital divide and the lack of digital access for some exacerbate the failures to fully educate children.

⁵⁶ MERRIAM-WEBSTER, *digital divide*, <https://www.merriam-webster.com/dictionary/digital%20divide> (last visited Jan. 17, 2024).

⁵⁷ BroadbandNow conducts independent research and uses data “from the FCC and is supplemented by data provided to [them] directly by ISPs.” BroadbandNow, *About BroadbandNow's Team*, <https://broadbandnow.com/about> (last visited Jan. 19, 2024).

⁵⁸ Data was not available for five of the U.S. territories—American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands— and thus this report does not factor in digital divide scores into the overall rankings chart and final report card; however, information regarding digital accessibility in the five territories *is* included in their respective summaries.

⁵⁹ Bhaskar Chakravorti, *How to Close the Digital Divide in the U.S.*, HARVARD BUSINESS REV. (Jul. 20, 2021), available at <https://hbr.org/2021/07/how-to-close-the-digital-divide-in-the-u-s>.

III. CHILD USA'S FRAMEWORK FOR ASSESSING CHILDREN'S RIGHTS TO EDUCATION ACROSS THE U.S. STATE & TERRITORIES

As the above illustrates, the safeguarding of children's rights to education and the prevention of educational neglect present complex issues with many overlapping factors. Accordingly, there is no single solution to such a multi-faceted problem being dealt with differently across jurisdictions. Nevertheless, CHILD USA believes that jurisdictions can make meaningful progress toward the Founders' vision of a sound basic education for all children and children's rights to education by enacting legislation that requires: (1) compulsory school attendance until attainment of a high school diploma or its equivalent; (2) meaningful notification of enrollment in private or homeschool made to the state board of education and annual submissions of children's standardized test results to local school districts for review; (3) placement in an accredited public or private school should children's test results demonstrate inadequate academic progress and remediation of the issue has failed; (4) curricular as well as attendance and instructional length requirements substantially equivalent to that required by the state's public schools; (5) definitions of criminal child neglect that include educational neglect as well as clear assignment of investigative authority for educational neglect given to the Department of Health and Welfare; and (6) enhanced digital accessibility. The national overview below provides a glimpse of how each jurisdiction stacks up to this preferred statutory framework.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

ALABAMA	
Compulsory School Attendance	For ages 6 - 17
Notice & Assessment Requirements	Notice only
Curricular Requirements	No subject requirements for church-school, homeschool, or private school; private tutors must provide instruction in “the several branches of study required to be taught in public schools.”
Attendance & Instruction Length Requirements	There are no instruction length requirements for church and private schools, but private tutors must teach for at least 3 hours a day for 140 days each year, between 8 am and 4 pm
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	38

Compulsory Education. Alabama mandates that children ages 6 to 17 attend school.⁶⁰ Parents can opt to send their child to school at age 7 instead of 6 but must fill out a form declaring this action.⁶¹ Children attending a church school may withdraw from study at age 16.⁶² Children who aged 17 or older must obtain parental permission to withdraw from school and must attend an exit interview with their parent or guardian.⁶³

Homeschooling. Parents may homeschool their children by establishing a “church school” in their home or by becoming a “private tutor” for their children.⁶⁴ In a church school setting, parents must notify the superintendent of the local public school of their child’s attendance by filing a one-time church school enrollment form.⁶⁵ The principal of the church school must keep an attendance record every day, but does not need to submit the record for review.⁶⁶ Parents who choose to become a “private tutor” must notify the local public school superintendent

⁶⁰ ALA. CODE § 16-28-3(a).

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* at § 16-28.3.1(a).

⁶⁴ *See id.* at §§ 16-28-1, 16-28-5, 16-28-7.

⁶⁵ *Id.* at § 16-28-7.

⁶⁶ *Id.* at § 16-28-8.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

and keep an attendance record.⁶⁷ Additionally, private tutors are required to hold “a certificate issued by the State Superintendent of Education,” teach the same subjects mandated in public schools, instruct the child for at least three hours for 140 days per year, and must register the hours of instruction along with the hours of attendance.⁶⁸ Private tutors must furnish attendance reports to the State Superintendent of Education.⁶⁹ Since there are no testing requirements to graduate from a homeschool, parents who educate their children in this way have the discretion to determine whether their child has fulfilled the graduation requirements and can issue their own homeschool diploma.⁷⁰

Private Schooling. All private schools must register annually on or before October 10th with the Alabama Department of Education and disclose the following information: (1) number of students enrolled; (2) total number of instructors; (3) attendance policies; (4) course of study; (5) length of term; (6) cost of tuition; (7) available funds; (8) value of school property; and (9) the general condition of the school.⁷¹ There are no approval or licensing or teacher certification requirements for private schools.⁷² Private schools must provide physical education programs to students and requires all pupils to have a certificate of immunization except when a parent or legal guardian claims a religious or medical exemption.⁷³

Educational Neglect. If a parent or guardian fails ensure their child attends school or receives regular instruction by a private tutor or church school, the parent or child may be subject to criminal prosecution.⁷⁴ Parents, guardians, and teachers are required to report attendance violations to school principals or the superintendent of education.⁷⁵ The superintendent of education is obligated to submit reports to the district attorney within 10 days.⁷⁶

Digital Divide. Alabama is ranked 38th in broadband connectivity with 475,000 residents, or 12.4%, of the population lacking high-speed internet.⁷⁷

⁶⁷ *Id.* at § 16-28-5.

⁶⁸ *Id.*

⁶⁹ *Id.* at § 16-28-8.

⁷⁰ Coalition for Responsible Home Educ., (Aug. 2022), *How to Report Homeschool Educational Neglect by State*, <https://responsiblehomeschooling.org/advocacy/kids/how-to-report-state-by-state/#alaska>.

⁷¹ ALA. CODE §16-1-11.

⁷² *Id.*

⁷³ ALA. CODE §§ 16-30-3; 16-40-1.

⁷⁴ ALA. CODE §§ 16-28-12(a), 16-28-24, 16-28-26, 16-28-22.

⁷⁵ *Id.* at (c).

⁷⁶ *Id.*

⁷⁷ All counties without internet are located in areas with poverty levels greater than 30%. Jason Schevik, “Best and Worst States for Broadband, 2023.” BROADBANDNOW RESEARCH (Aug. 15, 2023), <https://broadbandnow.com/research/best-states-with-internet-coverage-and-speed> [hereinafter *Broadband Rankings*]. In certain counties, such as Perry County, less than 1% of residents have access to the internet. 44% of Alabamians belong to a “low-priced plan” at \$60 per month or less. Due to COVID-19, Alabama is relegating \$20 million of the education budget to minimum internet speeds in rural areas for students to both have access to and complete schooling. Cable providers have also committed \$13 million to expand broadband access. Sell, M. & Beck, C. “Crisis highlights digital divide in Alabama.” *6 WBRC*, 22 March 2020, <https://www.wbrc.com/2020/03/22/crisis-highlights-digital-divide-alabama/>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

ALASKA	
Compulsory School Attendance	For ages 7 – 16
Notice & Testing Requirements	<u>Homeschool</u> : No requirements <u>Private school</u> : Exempt schools must take nationally standardized tests in grades four, six, and eight
Curricular Requirements	No
Attendance & Instruction Length Requirements	<u>Homeschool</u> : No requirements <u>Private school</u> : At least 180 days of instruction
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	51

Compulsory Education. Alaska mandates that children ages 7 to 16 attend public school.⁷⁸ Exceptions include comparable education through religious, private, or home schooling.⁷⁹ Children with mental or physical conditions that make school attendance impossible are also exempt from Alaska’s compulsory education requirements as are children who reside more than two miles away from a public school and are not provided transportation by the school district *unless* they live within two miles from a federal or private school in which they can attend.⁸⁰ Additional exemptions are included for children in law enforcement custody, those excused by the school board, and students “equally well-served by an educational experience approved by the school board.”⁸¹

Homeschooling. Alaska does not have a statute regulating homeschool instruction or attendance.⁸² Under Alaska’s compulsory education law, the only requirement for homeschool instruction is that it be provided by the child’s parent or legal guardian.⁸³

Private schooling. Alaska law permits a child to be educated at a private or religious school.⁸⁴ Teacher certification is not required for exempt private schools, meaning those that comply with *Alaska Stat* § 14.45.100-14.45.130.⁸⁵

⁷⁸ ALASKA STAT. § 14.30.010(a).

⁷⁹ *Id.* at (b).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *See id.* at (b)(12).

⁸³ *Id.*

⁸⁴ *Id.* § 14.30.010(b)(1)(A).

⁸⁵ *Id.* §§14.45.100(a);

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

If a child attends an exempt private school, the parent or legal guardian must file an annual notice of enrollment with the local public school superintendent.⁸⁶ Exempt private schools must provide at least 180 days of instruction, maintain attendance records, and administer a nationally standardized test to students in grades four, six, and eight.⁸⁷ Non-exempt private schools are required to provide monthly and annual attendance reports to the commissioner of the Alaska Department of Education.⁸⁸ Parents may also elect to have their children privately tutored. The tutor must be a state-certified teacher, meaning that they hold a bachelor’s degree and have passed the examination required by the Alaska Board of Education.⁸⁹

Educational Neglect. Alaska does not have an explicit educational neglect statute. Additionally, failure to educate is not included in Alaska’s definition of child neglect, allowing parents who do not provide education for their children to avoid prosecution.⁹⁰

Digital Divide. Alaska is ranked 51 (out of all 50 states & Washington, D.C.) in broadband connectivity.⁹¹ Currently, only 88% of Alaskans have access to any type of internet.⁹² There are over 40 towns and cities in Alaska with no internet access whatsoever.⁹³

ARIZONA	
Compulsory School Attendance	For ages 6 - 16
Notice & Testing Requirements	Notice only
Curricular Requirements	Reading, grammar, mathematics, social studies and science
Attendance & Instruction Length Requirements	Period for which the local school district is in session
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	41

⁸⁶ *Id.* § 14.45.110(a).

⁸⁷ *Id.* §§ 14.45.110(b); 14.45.120(a).

⁸⁸ *Id.* § 14.45.030.

⁸⁹ *Id.* §§ 14.30.010(b)(1)(B); 14.20.020(b).

⁹⁰ *See Id.* at § 47.17.290(11).

⁹¹ It has the slowest average internet speed of 20.6 mbps. 60.8% of Alaskans have an average internet speed of just above 20.6 mbps at 43.4 mbps. Due to COVID-19, the Alaska Plan secured \$152 million to support internet services in rural communities, namely Alaskan Native communities. “Udall, Senate Democrats Call on FCC Chairman to Expediently Address the Digital Divide in Indian Country.” *U.S. Senate*, 14 Sept. 2020, <https://www.indian.senate.gov/news/press-release/udall-senate-democrats-call-fcc-chairman-expeditiously-address-digital-divide>.

⁹² *Broadband Rankings, supra n. 59.*

⁹³ *Alaska Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Alaska>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Compulsory Education. Arizona mandates that children ages 6 through 16 attend school and are “provided instruction in at least the subjects of reading, grammar, mathematics, social studies, and science.”⁹⁴ Parents may wait until children reach age 8 to begin homeschooling if they file an affidavit with the county school superintendent.⁹⁵ Additionally, children with physical or mental conditions that make attendance impossible are exempt as are children aged 14 or older if they can prove to the school’s principal that they have parental consent to withdraw and are employed at a “lawful wage earning occupation.”⁹⁶

Homeschooling. For children to attend homeschool, parents must file an affidavit with the county school superintendent within 30 days of beginning the non-public educational instruction stating the child is regularly attending the school.⁹⁷ Not filing an affidavit is a petty offense.⁹⁸ Arizona does not require homeschooled students to take standardized tests.⁹⁹ Homeschools must provide instruction in the subjects of reading, grammar, mathematics, social studies and science and students must attend school for the entire period during which the local school district is in session.¹⁰⁰

Private Schooling. The same standards that apply to homeschools also apply to private schools.

Educational Neglect. Arizona does not include educational neglect in its definition of child neglect.¹⁰¹ Under the education statutes, parents can be charged with a Class 3 misdemeanor for failing to enroll their child in school or for failing to provide adequate homeschool instruction.¹⁰² Additionally, the board of each school district has the power to appoint an “attendance officer” who can issue citations to a parent or a child who is alleged to violate Arizona’s attendance laws.¹⁰³ Subsequent to receiving a citation, the child and the child’s parent or guardian must appear in court.¹⁰⁴

Digital Divide. Arizona ranks 41 in broadband connectivity.¹⁰⁵ Presently, over 335,000 students have no access to the internet, which is nearly 30% of all students in the state.¹⁰⁶

⁹⁴ ARIZ. REV. STAT. ANN. § 15-802A.

⁹⁵ *Id.* at B.3.

⁹⁶ *Id.* at D.4.

⁹⁷ *Id.* at B.2., C.

⁹⁸ *Id.* at E.

⁹⁹ *Id.* at § 15-745.

¹⁰⁰ *Id.* § 15-802(B)(1).

¹⁰¹ *See Id.* § 8-201.25.

¹⁰² *Id.* at E.

¹⁰³ *Id.* §§ 15-804, 15-805.

¹⁰⁴ *Id.* § 15-805B.1.

¹⁰⁵ *Broadband Rankings, supra n. 59.*

¹⁰⁶ Ilana Lowery, *K-12 digital divide has narrowed, but not enough*, RAISING ARIZONA KIDS (March 23, 2021), <https://www.raisingarizonakids.com/2021/03/k-12-digital-divide/>. Of these disadvantaged students, 56% are Black, Latinx, and Native American. *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

ARKANSAS	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	Notice only
Curricular Requirements	No
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	49

Compulsory Education. Arkansas mandates that children ages 5 to 17 attend school, though parents may delay enrollment until age 6 if the child has not turned five years old by August 1st of that year.¹⁰⁷ Students over the age of 16 who have received a high school diploma or the equivalent, are enrolled in a postsecondary vocational institution, or participate in adult education programs are also exempt.¹⁰⁸

Homeschooling. Parents or legal guardians who choose to homeschool must submit a written notice of intent to the local school district superintendent.¹⁰⁹ The notice must be filed by August 15th or 5 school days before withdrawing the child from public school, and then at the beginning of every school year thereafter.¹¹⁰ There are some restrictions on parents’ ability to homeschool a child undergoing disciplinary action for violating a school policy, “including but not limited to, excessive unexcused absences.”¹¹¹ Additionally, a child may not be homeschooled if a registered sex offender lives at their home.¹¹²

Private Schooling. For private schools, there are no accreditation, registration, or approval requirements.¹¹³ The Arkansas Department of Education collects information regarding the school’s name, mailing address, number of students enrolled, grade levels taught, and the administrator’s name and contact information.¹¹⁴ That all instruction be delivered in English and an American flag flown are the only standards set forth for private school education.¹¹⁵

¹⁰⁷ ARK. CODE ANN. § 6-18-201(a).

¹⁰⁸ See *id* at § 6-18-201.

¹⁰⁹ *Id.* § 6-15-503.

¹¹⁰ *Id.*

¹¹¹ *Id.* at (d)(1).

¹¹² *Id.* § 6-15-508.

¹¹³ U.S. Dep’t of Educ., *Arkansas State Regulations*, (Sept. 12, 2012), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/arkansas.html>.

¹¹⁴ ARK. CODE ANN. §§ 6-16-104; 6-16-105(b); U.S. Dep’t of Educ., *Arkansas State Regulations*, (Sept. 12, 2012), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/arkansas.html>.

¹¹⁵ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Arkansas includes educational neglect under its definition of child neglect.¹¹⁶ Concerned citizens can report known or suspected educational neglect to Arkansas’ Child Protective Services and parents may be held criminally liable for their failure to ensure their child attends school or receives sufficient homeschool instruction.¹¹⁷

Digital Divide. Arkansas ranks 49 in broadband connectivity.¹¹⁸ Approximately 20% of residents have no internet access, with at least five towns and cities with less than 10% broadband coverage.¹¹⁹

CALIFORNIA	
Compulsory School Attendance	For ages 6 – 18
Notice & Testing Requirements	Notice only
Curricular Requirements	Every student “should receive instruction in the various branches of study required in the public schools of the state.”
Attendance & Instruction Length Requirements	Only children taught by a private tutor have instruction length requirements: At least three hours a day, between the hours of 8 A.M. and 4 P.M., for 175 days each school year.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	19

Compulsory Education. California mandates that children ages 6 through 18 attend public school.¹²⁰ There are several exceptions to this requirement, including for children attending private schools¹²¹ or receiving instruction from a private tutor.¹²² Other exceptions exist to accommodate various lengths of leave for children who hold work permits or who need a leave of absence.¹²³

¹¹⁶ *Id.* § 12-18-103(14)(A)(ix).

¹¹⁷ *Coalition for Responsible Home Educ.*, *supra* n. 70; see also ARK. CODE ANN. § 9-27-303(37)(a) (ix)(a).

¹¹⁸ Due to COVID-19, the state has requested \$100 million in CARES Act funds to increase connectivity for students, considering numerous counties have concerning amounts of children without internet access. For example, 30% of students in Pope County and 40% in Bradley County do not have access to the internet. AMP Staff. “House Report: State Government Working to Bridge Digital Divide in Arkansas.” *AMP*, 4 Sept. 2020, <https://armoneyandpolitics.com/house-report-state-government-working-to-bridge-digital-divide-in-arkansas/>.

¹¹⁹ *Broadband Rankings*, *supra* n.48; *Arkansas Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug, 15, 2023), <https://broadbandnow.com/Arkansas>.

¹²⁰ CAL. EDUC. CODE § 48200.

¹²¹ *Id.* § 48222.

¹²² *Id.* § 48224.

¹²³ *Id.* §§ 48225, 48225.5, 48232.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. Parents who wish to homeschool by establishing a private school in their home must file a Private School Affidavit with the Superintendent of Public Instruction each year to report various items, including the “courses of study” taught, the names of faculty members and their educational qualifications, and certifying that a criminal background check of teachers has been completed.¹²⁴ California also mandates that homeschools teach the same subjects as those required to be taught in public school.¹²⁵ Additionally, homeschool instruction must be taught in English¹²⁶ except in situations where children are deemed gifted in which case up to fifty percent of instructional time may be offered in a world language.¹²⁷ Parents must also be “capable of teaching” and keep an attendance record.¹²⁸ Alternatively, if parents hold a valid state teaching credential, they may homeschool their children as a private tutor.¹²⁹ Private tutors have the same requirements as private schools, except they do not need to file affidavits or keep attendance records.¹³⁰

Private Schooling. The same standards that apply to homeschools also apply to private schools.

Educational Neglect. A parent who fails to ensure the education of their child can be found liable for child neglect under California’s Penal Code.¹³¹ Under the Education Code, the governing boards of each school district must fully investigate educational neglect complaints made against parents or guardians.¹³² If a claim has merit, the school district must refer the parent or guardian to the school attendance review board.¹³³ If the parent or guardian fails to follow the directives and utilize the resources provided by the attendance board, they will be criminally prosecuted.¹³⁴

Digital Divide. California ranks 19 in broadband connectivity.¹³⁵ While only 10% of the population lacks internet access, many students still struggle to complete homework because they do not have access to internet-connected devices at home.¹³⁶

¹²⁴ *Id.* § 33190.

¹²⁵ *Id.* § 48222.

¹²⁶ *Id.* Classes in other world languages or bilingual instruction may be offered pursuant to Cal. Educ. Code § 30.

¹²⁷ *Id.* § 48223.

¹²⁸ *Id.*

¹²⁹ *Id.* §48224.

¹³⁰ *Id.*

¹³¹ CAL. PENAL CODE § 270.1.

¹³² CAL. EDUC. CODE § 48290.

¹³³ *Id.* § 48291.

¹³⁴ *Id.* For specific penalties, see *id* at § 48293.

¹³⁵ *Broadband Rankings, supra n. 59.*

¹³⁶ Darriya Starr et al., *California’s Digital Divide*,” PUBLIC POLICY INSTITUTE OF CALIFORNIA (June 2023), <https://www.ppic.org/publication/californias-digital-divide/>. Black and Latinx households disproportionately lack device access: 15% of Black and 14% of Latinx households do have access to devices at home, compared to 7% of White and Asian households. *Id.* One study revealed that California needs at least 708,400 laptops and 322,100 WiFi hotspots to connect all students to the internet—a \$500 million endeavor. Sydney Johnson, *Long road ahead to close California’s digital divide in education before new school year begins*, EdSOURCE (June 26, 2020), <https://edsources.org/2020/long-road-ahead-to-close-californias-digital-divide-in-education-before-new-school-year-begins/634688>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

COLORADO	
Compulsory School Attendance	For ages 6 – 16
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice and evaluation for academic progress in grades three, five, seven, nine, and eleven via standardized assessment</p> <p><u>Private school</u>: No requirements</p>
Curricular Requirements	Communication skills of reading, writing, and speaking, mathematics, history, civics, literature, science, and proper instruction of the United States Constitution
Attendance & Instruction Length Requirements	<p><u>Homeschool</u>: No requirements</p> <p><u>Private school</u>: At least 172 calendar days</p>
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	11

Compulsory Education. Colorado mandates that children ages 6 through 16 attend public school.¹³⁷ Several exceptions exist, including for children being instructed at home, who have already graduated from twelfth grade, or who have work permits pursuant to the Colorado Youth Employment Opportunity Act.¹³⁸

Homeschooling. Parents may wait to begin homeschool instruction until children reach age 7.¹³⁹ Each year, parents must provide a written notification to their Colorado school district at least fourteen days before beginning homeschool instruction.¹⁴⁰ The written notification, must be re-submitted annually, must include the name, age, place of residence, and number of attendance hours for each child that will be participating in the home school program.¹⁴¹ Homeschool curriculums must include “communication skills of reading, writing, and speaking, mathematics, history, civics, literature, science, and regular courses of instruction in the constitution of the United States.”¹⁴² Homeschooled children are subject to nationally standardized achievement tests at grades 3, 5, 7, 9, and 11.¹⁴³ Additionally, parents must maintain records of evaluation results, attendance data, and immunizations, and must produce them to the school district superintendent if there is probable cause to believe the homeschool

¹³⁷ COLO. REV. STAT. ANN. § 22-33-104(1).

¹³⁸ *Id.* at (2).

¹³⁹ *Id.* § 22-33-104.5(3)(e)(II).

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.* at (d).

¹⁴³ *Id.* at (f).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

does not comply with Colorado’s requirements.¹⁴⁴ If a homeschooled child tests at or below the 13th percentile on a required standardized test after two attempts, parents must enroll their child in “a public or independent parochial school until the next testing period.”¹⁴⁵ Alternatively, parents may homeschool their children as a private tutor.¹⁴⁶ Private tutors must hold a state teaching certificate, but are otherwise exempt from the above requirements for homeschools.¹⁴⁷

Private Schooling. Students attending private or parochial school must be enrolled for a minimum of 172 days and are also required to take courses in the “communication skills of reading, writing, and speaking, mathematics, history, civics, literature, science, and regular courses of instruction in the constitution of the United States.”¹⁴⁸

Educational Neglect. Colorado includes educational neglect in its definition of child neglect.¹⁴⁹ Under the Education code, each school district must develop attendance policies that “specify the number of unexcused absences a child may incur” before the child and their parents are subject to judicial proceedings.¹⁵⁰

Digital Divide. Colorado ranks 11 in broadband connectivity.¹⁵¹ While only 9% of Colorado is without internet access, estimates reveal almost 65,000 families have inconsistent access to the internet for educational purposes, and over 60,000 households in the K-12 system have inconsistent computer access for educational purposes.¹⁵²

¹⁴⁴ *Id.* at (g).

¹⁴⁵ *Id.* § 22-33-104.5(5)(a)(II)-(II).

¹⁴⁶ *Id.* § 22-33-104.5(2)(i)(I).

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* § 19-3-102(1)(d).

¹⁵⁰ *Id.* § 22-33-104(4); § 22-33-108.

¹⁵¹ *Broadband Rankings, supra n. 59.*

¹⁵² *Id.*; see also *Digital Equity, Literacy, and Inclusion Initiative*, COLORADO DEPT OF LABOR & EMPL., <https://cdle.colorado.gov/digitalinclusion> (last visited Dec. 12, 2023). Two-thirds of students without internet access are Latinx. *Id.* Due to COVID-19, Colorado has acquired \$2 million in CARES Act funding and has partnered with T-Mobile to provide 34,000 families with free hotspots. Janet Oravetz, *Broadband access is really now an essential school supply: How the state plans to address the digital divide*, 9 NEWS (Sept. 3, 2020), <https://www.9news.com/article/news/education/back-to-learning/colorado-education-announcement/73-ad09cb63-cd1e-4519-8b41-4eb81f11abef>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

CONNECTICUT	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	No
Curricular Requirements	Reading, writing, spelling, English grammar, geography, arithmetic, and United States history and in citizenship, including a study of the town, state, and federal governments.
Attendance & Instruction Length Requirements	No instruction length requirements, but attendance records required in private school.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	7

Compulsory Education. Connecticut mandates that children ages 5 to 17 attend public school and receive instruction in “reading, writing, spelling, English grammar, geography, arithmetic, and United States history and in citizenship.”¹⁵³ Once students reach age seventeen, they may withdraw from school with a parent or guardian’s consent.¹⁵⁴ Exceptions to Connecticut’s compulsory education law include children who have already graduated high school or are “elsewhere receiving equivalent instruction in the studies taught in public schools.”¹⁵⁵ Parents may choose to defer enrollment until their child reaches age 7.¹⁵⁶

Homeschooling. Beyond the mandatory subjects of instruction listed above, Connecticut does not impose any requirements for homeschooling. The Department of Education suggests that parents who wish to homeschool their children file a notice of intent, and school officials may ask parents to attend an annual portfolio review meeting to ensure parents are teaching the required curriculum, but neither are mandated under the law.¹⁵⁷

Private Schooling. Accreditation is optional for private schools in Connecticut.¹⁵⁸ All non-public schools must file attendance reports and any other files, except those concerning finances, to the Commissioner of Education for students to be exempt from the compulsory education requirements.¹⁵⁹ Private elementary and high schools must provide “equivalent instruction” in writing, spelling, English grammar, geography, arithmetic, and United

¹⁵³ CONN. GEN. STAT. § 10-184.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ See *Homeschooling in Connecticut*, CT.gov, <https://portal.ct.gov/SDE/Homeschooling/Homeschooling-in-Connecticut> (last visited Jan. 9, 2024).

¹⁵⁸ U.S. Dep’t of Educ., Connecticut State Regulations, (Aug. 18, 2016), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/connecticut.html>.

¹⁵⁹ CONN. GEN. STAT. § 10-188.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

States history and in citizenship, including a study of the town, state, and federal governments.¹⁶⁰ Graduation is contingent upon the student’s familiarity with these subjects.¹⁶¹ All instruction must be delivered in the English language with exception of instruction through bilingual or bicultural programs approved by the Connecticut State Board of Education.¹⁶²

Educational Neglect. Connecticut includes educational neglect in its definition of child neglect.¹⁶³ As such, the Connecticut Department of Children and Families will investigate reports of parents failing to provide the required education for their children.¹⁶⁴

Digital Divide. Connecticut ranks 7 in broadband connectivity.¹⁶⁵ Lack of access disproportionately affects Black, Latinx, and Native American communities.¹⁶⁶

DELAWARE	
Compulsory School Attendance	For ages 5 – 16
Notice & Testing Requirements	Notice only
Curricular Requirements	“Regular and thorough instruction in the subjects prescribed for the public schools of the State.”
Attendance & Instruction Length Requirements	There are no instruction length requirements, but attendance records must be submitted annually by nonpublic schools to the Department of Education
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	1

¹⁶⁰ *Id.* § 10-184.

¹⁶¹ *Id.*

¹⁶² *Id.* § 10-17.

¹⁶³ *Id.* §§ 17a-101a, 46b-120.

¹⁶⁴ *Id.* § 17a-103b.

¹⁶⁵ Connecticut has budgeted \$43.5 million to “close the digital divide,” which includes the purchase of 50,000 laptops, at-home internet access for 60,000 students, and the creation of 200 public hotspots. “Governor Lamont Announces the Everybody Learns Initiative: A \$43.5 Million Program to Close the Digital Divide for Connecticut Students.” *The Office of Governor Ned Lamont*, 28 July 2020, <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2020/07-2020/Governor-Lamont-Announces-the-Everybody-Learns-Initiative>.

¹⁶⁶ *Broadband Rankings, supra n. 59; Connecticut Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Connecticut>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Compulsory Education. Delaware mandates that children ages 5 to 16 attend public school, although parents or guardians of five-year-old children may delay school attendance for one year.¹⁶⁷ Students attending private schools or homeschools are exempt from these requirements.¹⁶⁸ A student is also exempt from public education requirements upon request of a parent or guardian which is supported by documentation from a physician, psychiatrist, psychologist, or neurologist.¹⁶⁹

Homeschooling. Homeschooling parents are only required to submit an annual enrollment form and attendance report to the Delaware Department of Education.¹⁷⁰ Multi-Family Homeschools— a group of unrelated children receiving instruction from a parent or guardian—may opt to use a curriculum approved by a local superintendent but are not required to do so.¹⁷¹

Private Schooling. The standards for private schools are the same as those for homeschools as Delaware’s Department of Education sets requirements for all Nonpublic Schools (“NPS”).¹⁷²

Educational Neglect. Delaware includes educational neglect in its definition of child neglect.¹⁷³ Accordingly, anyone “who knows or in good faith suspects” that a child is the victim of educational neglect must report it to Delaware’s Department of Services for Children, Youth, and Their Families so that they may investigate the claim.¹⁷⁴ Individuals can also report a family that they believe has not filed the necessary homeschooling paperwork to the local school district.¹⁷⁵ Under the Education code, any child who is absent from school for more than three days without a valid excuse is considered truant and the child and their parent or guardian may be required to attend a conference with the school principal who may, at their discretion, seek truancy charges against the child and their parent or guardian.¹⁷⁶

Digital Divide. Delaware ranks first in broadband connectivity.¹⁷⁷ Only 11% of all households lack internet access.¹⁷⁸ Black and Latinx households experience less internet connectivity than other households.¹⁷⁹

¹⁶⁷ DEL. CODE ANN. tit. 14, § 2702.

¹⁶⁸ *Id.* § 2703.

¹⁶⁹ *Id.* § 2705(a).

¹⁷⁰ *Id.* § 2704; § 2703A(b)(1).

¹⁷¹ *Id.* § 2702(a)(3).

¹⁷² U.S. Dept of Educ., *Delaware State Regulations*, (Nov. 10, 2016), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/delaware.html>.

¹⁷³ DEL. CODE ANN tit. 10, § 901(18)(b)(1).

¹⁷⁴ *Id.*; see also *Coalition for Responsible Home Educ.*, *supra* n. 70.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* § 2725(a)-(c).

¹⁷⁷ Due to COVID-19, Delaware has invested in 700 miles of fiber-optic network infrastructure to provide access to rural areas. Unfortunately, Delaware has only received 4 of 300 federal grants it has applied for to address broadband discrepancies. “What Delaware is Doing to Connect Kids.” *Rodel*, 12 June 2020, <https://rodelde.org/what-delaware-is-doing-to-connect-our-kids/>.

¹⁷⁸ *Broadband Rankings*, *supra* n. 59.

¹⁷⁹ *Delaware Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Delaware>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

FLORIDA	
Compulsory School Attendance	For ages 6 – 15
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice and annual evaluation. Different evaluation methods include being evaluated by a teacher by submitting their portfolio and speaking with the teacher, taking national or state standardized tests, or completing other valid measures mutually agreed upon by the school district superintendent. Regardless of the chosen evaluation method, a student portfolio must be made available upon request.</p> <p><u>Private School</u>: Notice only.</p>
Curricular Requirements	No
Attendance & Instruction Length Requirements	<p><u>Homeschool</u>: No requirements.</p> <p><u>Private School</u>: 180 school days annually or a minimum of 170 school days and the hourly equivalent of 180 actual school days as described for the three groups below: a) Kindergarten: 540 net instructional hours; b) Grades 1-3: 720 net instructional hours; and c) Grades 4-12: 900 net instructional hours.¹⁸⁰</p>
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	20

Compulsory Education. Florida mandates that children ages 6 to 15 years old attend school.¹⁸¹ The district school superintendent may issue “certificates of exemptions from school attendance requirements in certain situations.”¹⁸² Additionally, each school district must provide instruction that meets the State Board of Education standards for “reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.”¹⁸³

¹⁸⁰ FLA. ADMIN. CODE. R. 6A 1.09512.

¹⁸¹ FLA. STAT. ANN. § 1003.21(1)(a)1.

¹⁸² *Id.* § 1003.21(3).

¹⁸³ *Id.* § 1003.42.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. Parents must annually file a written notice of intent to homeschool with the school district superintendent. There is no instructional length or curricular requirements.¹⁸⁴ Homeschooling parents are required to “maintain a portfolio of records and materials,” including an educational activity log and samples of their child’s work.¹⁸⁵ Portfolios must be kept for two years and made available upon request of the school district superintendent.¹⁸⁶ Additionally, homeschooling parents must provide the district school superintendent with their child’s “annual educational evaluation.”¹⁸⁷ The evaluation may take the form of submitting their portfolio to a certified teacher, taking a nationally standardized test, state student assessment, or other valid measure as agreed upon by the school district superintendent.¹⁸⁸ Should the child’s annual evaluation not demonstrate adequate “educational progress,” children will be removed from homeschool unless they can prove adequate progress when reevaluated in one year.¹⁸⁹

Private Schooling. Private schools must register with the Department of Education and annually complete the private school survey.¹⁹⁰ The owner of the private school must submit fingerprints to the Florida Department of Law Enforcement for a criminal record check and private schools that become defunct are required to transfer all permanent information included in student records to the public school district.¹⁹¹ Private schools are required to keep and prepare certain attendance records for compulsory attendance purposes but there are no curricular or assessment requirements.¹⁹²

Educational Neglect. Florida does not include educational neglect in its definition of child neglect. Under Florida’s Education code, failing to enroll a child in public school or the alternative equivalent and ensure their attendance can result in criminal prosecution.¹⁹³

Digital Divide. Florida ranks 20th in the nation for broadband connectivity.¹⁹⁴ Approximately 13% of households do not have any type of internet access.¹⁹⁵

¹⁸⁴ *Id.* § 1002.41(1); § 1002.41(3).

¹⁸⁵ *Id.* § 1003.21(1)(d).

¹⁸⁶ *Id.*

¹⁸⁷ *Id.* § 1003.21(1)(f).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* § 1003.21(2).

¹⁹⁰ *Id.* § 1002.42(2)(b).

¹⁹¹ *Id.* § 1002.42(2)(c)(3); § 1002.42(3)(b)

¹⁹² *Id.* § 1003.23.

¹⁹³ *Id.* § 1003.24.

¹⁹⁴ Florida has adopted a bill that allows up to \$5 million of the annual budget to assist in broadband infrastructure development. Wunderlich, E. “New Law Aimed at Decreasing Florida’s Digital Divide.” *Governing*, 22 June 2020, <https://www.governing.com/now/New-Law-Aimed-at-Decreasing-Floridas-Digital-Divide.html>.

¹⁹⁵ *Broadband Rankings*, *supra* n. 48. The small town of Chipley, which is surrounded by rural countryside, has the least amount of broadband coverage in the state with only 36.3%. *Florida Internet Coverage & Availability 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Florida>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

GEORGIA	
Compulsory School Attendance	For ages 6 – 15
Notice & Testing Requirements	Notice only
Curricular Requirements	Reading, language arts, mathematics, social studies, and science
Attendance & Instruction Length Requirements	At least 4.5 hours per day for 180 days annually
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	18

Compulsory Education. Georgia mandates children ages 6 to 15 attend a public school, private school, or home study program.¹⁹⁶ Students may withdraw from schooling if they have received a high school diploma or the equivalent.¹⁹⁷ Even if a student is over the age of fifteen, parental or guardian consent is required to withdraw from school before obtaining a high school diploma.¹⁹⁸ Exemptions include sickness and other emergencies or “other reasons substantially the same.”¹⁹⁹

Homeschooling. Parents must provide the Georgia Department of Education with written annual notice of their intent to homeschool.²⁰⁰ Parents of homeschooled children are required to teach reading, language arts, math, social studies, and science and provide instruction for the equivalent of 180 school days within a 12-month period.²⁰¹ To be qualified to provide homeschool instruction, parents or tutors must have at least a high school diploma or GED.²⁰² Though parents must maintain annual progress reports and record nationally standardized testing results every 3 years beginning in third grade, these reports and results do not need to be reported to the state.²⁰³

Private Schooling. Private schools in Georgia must provide instruction in the subjects set forth in the table above for the equivalent of 180 school days with each school day consisting of four and half hours of instruction.²⁰⁴ The school administrator must provide the local public school district’s superintendent with a list of the names, age, and residence of each student enrolled at the beginning of each school year.²⁰⁵ Additionally, the administrator

¹⁹⁶ GA. CODE ANN. § 20-2-690.1(a).

¹⁹⁷ *Id.*

¹⁹⁸ *Id.* § 20-2-690.1(e).

¹⁹⁹ *Id.* § 20-2-693(b).

²⁰⁰ *Id.* § 20-2-690(c)(1).

²⁰¹ *Id.* § 20-2-690(c)(4)-(5).

²⁰² *Id.* § 20-2-690(c)(3).

²⁰³ *Id.* § 20-2-690(c)(7)-(8).

²⁰⁴ *Id.* § 20-2-690(b)(1)-(5).

²⁰⁵ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

must provide a monthly list to the superintendent indicating the names of students that enrolled or terminated enrollment at the private school.²⁰⁶ Finally, the private school building must meet all health and safety standards.²⁰⁷

Educational Neglect. Georgia includes educational neglect in its definition of child neglect.²⁰⁸ Thus, parents who fail to provide adequate education for their child may be investigated and prosecuted in juvenile court.²⁰⁹ Under the Education code, parents or guardians who fails to enroll their child in public school, private school, or home study and ensure adequate attendance may be found guilty of a misdemeanor.²¹⁰ Additionally, homeschooling parents who do not comply with the homeschooling requirements can be found guilty of a misdemeanor.²¹¹

Digital Divide. Georgia ranks 18 in broadband connectivity.²¹² However, there are thousands of students across all 173 school districts who do not have access to the internet, as 15% of all households lack such access.²¹³

²⁰⁶ *Id.*

²⁰⁷ *Id.* § 20-2-690(b)(6).

²⁰⁸ *Id.* § 15-22-2(48)(A).

²⁰⁹ *Id.* § 15-11-7.

²¹⁰ *Id.* § 20-2-690.1(c).

²¹¹ *Id.* § 20-2-690.

²¹² *Broadband Rankings, supra n. 59.*

²¹³ *Georgia Internet Coverage & Access in 2023*, BROADBANDNOW (Aug, 15, 2023), <https://broadbandnow.com/Georgia>. Due to COVID-19, Georgia has acquired \$6 million in CARES Act funding to support virtual learning and has contracted with Verizon to provide internet services to its public-school students. Nicole Carr, *Digital Divide: How Georgia students, remote learning and resources fare in the pandemic*, WSB-TV (Sept. 8, 202), <https://www.wsbtv.com/news/georgia/digital-divide-how-georgia-students-remote-learning-resources-fare-pandemic/X4I6VCGTR5EIXC7MGQV2BFXWUI/>. The State Charter Schools Foundation of Georgia also founded the Bridging the Digital Divide Initiative, as 20% of charter schools' 33,000 students lack their own devices and 15% lack access to the internet. *Bridging the Digital Divide Initiative 2020-21*, STATE CHARTER SCHOOLS FOUNDATION OF GEORGIA, <https://scsfga.org/wp-content/uploads/2020/07/SCSF-Bridging-the-Digital-Divide-Initiative.pdf>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

HAWAII	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice is required. In grades three, five, eight, and ten, a nationally standardized test must be taken, and results submitted. Progress reports are required for all other grades <u>Private school</u> : No requirements
Curricular Requirements	<u>Homeschool</u> : No requirements <u>Private school</u> : Reading, writing, speech, mathematics, social studies, science, art, music, health, and physical education
Attendance & Instruction Length Requirements	<u>Homeschool</u> : No day/hourly requirements but attendance records should be kept <u>Private school</u> : At least 880 hours of instruction annually
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	42

Compulsory Education. Hawaii mandates that children ages 5 to 17 attend public or private school.²¹⁴ Exceptions include students who are homeschooled, have already graduated high school, or are aged 15 or older and are employed and have been excused from attendance by the school superintendent or by a family court judge.²¹⁵ Additionally, a student who is at least sixteen and who is disruptive or truant may be subject to an alternative learning plan.²¹⁶ A student with a physical or mental disability that makes attendance impossible may also be exempt.²¹⁷

Homeschooling. Parents must submit a one-time notice of intent to homeschool to the local public school principal.²¹⁸ Parents must provide instruction in a specified set of subjects, including language arts, mathematics, social studies, and science, as well as maintain detailed curriculum records including the start and end dates of the program, the number of hours per week the child spends in instruction, the method used to determine mastery

²¹⁴ HAW. REV. STAT. ANN. § 302A-1132(a).

²¹⁵ *Id.* § 302A-1132 (a)(2), (4), (5).

²¹⁶ *Id.* § 302A-1132 (a)(6).

²¹⁷ *Id.* § 302A-1132 (a)(1).

²¹⁸ HAW. CODE R. § 8-12-13(a).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

of the subjects taught, and the list of textbooks and other materials used.²¹⁹ Additionally, homeschooled students must sit for the Statewide Testing Program, or an equivalent standardized test, at the conclusion of grades 3, 5, 8, and 10.²²⁰ Parents must submit an annual assessment report for their child to the local public school principal.²²¹ The local public school principal is tasked with reviewing the student's annual assessment. If the principal deems the child's progress unsatisfactory for two semesters in a row, they may recommend enrollment in public or private school and/or take legal action for educational neglect.²²² These actions cannot be taken until a child reaches third grade.²²³

Private Schooling. In addition to homeschools, Hawaii law also recognizes and establishes procedures for alternative educational programs and private schools.

For an alternative educational program, a parent must submit Form 4140, *Exceptions to Compulsory Education*, to the local public school as well as a planned curriculum including the start and end dates of the program; the number of hours per week the child will spend in instruction, which must average to approximately three hours per day; the subject areas that will be taught; the method used to determine mastery of the subjects taught; and the list of textbooks and other materials used.²²⁴ Students are required to participate in the Statewide Testing Program each year, but parents may arrange comparable private testing at their own expense.²²⁵ A narrative progress report and report card from professional staff or the tutor must be submitted.²²⁶ The report must include grades for courses, copies of tests and assignments, statements of progress in each subject area, and in development in social awareness and understanding of self, understanding of the problems of the society and the culture, and independence in learning.²²⁷ Professional staff must hold a minimum of a bachelor's degree from an accredited college or university, evidence of which must be presented to the local public school at the time of Form 4140 submission.²²⁸ The public school principal has the authority to recommend to the district superintendent that the exception be rescinded if progress is not satisfactory.²²⁹

Private schools must be licensed or accredited by the Hawaii Association of Independent Schools, Hawaii Council of Private Schools, Western Association of Schools and Colleges, Western Catholic Educational Association, Association of Christian Schools International, or a similarly recognized entity that meets or exceeds the standards

²¹⁹ *Id.* § 8-12-15.

²²⁰ *Id.* § 8-12-18.

²²¹ *Id.*

²²² *Id.*

²²³ *Id.*

²²⁴ *Id.* § 8-12-8(a)-(c).

²²⁵ *Id.* § 8-12-9(a).

²²⁶ *Id.* § 8-12-9(b).

²²⁷ *Id.* § 8-12-9(c).

²²⁸ *Id.* § 8-12-10(a)-(b).

²²⁹ *Id.* § 8-12-16.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

set by the aforementioned entities.²³⁰ Schools that are licensed by the Hawaii Council of Private Schools must have staff, including teachers and administrators, that are qualified for their positions and responsibilities by education and/or experience and the regular teachers are expected to have a bachelor's degree, or a professional certificate from a national or state teacher certification agency.²³¹ Private schools can determine the length of the school day and school year as long as the amount of instructional time is at least 880 hours per school year.²³² For private schools licensed by the Hawaii Council of Private Schools, excluding those that exclusively serve students with special needs or disabilities, the curriculum must include reading, writing, speech, mathematics, social studies, science, art, music, and health and physical education.²³³ The Hawaii Council of Private Schools requires submission of an annual report that includes information on enrollment and other data required to maintain a database for the private school community.²³⁴

Educational Neglect. Hawaii's penal code includes failure to provide a child education as a misdemeanor offense.²³⁵ Under the Education code, if a school principal has reasonable cause to believe a child is subject to educational neglect, they shall "intervene and take appropriate action in accordance with established departmental procedures."²³⁶ Reasonable cause cannot be based on requirements that exceed those set out in the Education code.²³⁷

Digital Divide. Hawaii ranks 42 in broadband connectivity.²³⁸ However, "[i]n nearly all measures relating to technology, Native Hawaiians and Pacific Islanders lag behind the general population."²³⁹

²³⁰ U.S. Dep't of Educ., *Hawaii State Regulations*, (Aug. 3, 2017) <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/hawaii.html#:~:text=Schools%20licensed%20by%20the%20Hawaii,a%20baccalaureate%20degree%2C%20or%20a>.

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

²³⁴ *Id.*

²³⁵ HAW. REV. STAT. ANN. § 709-903.

²³⁶ *Id.* § 8-12-17.

²³⁷ *Id.*

²³⁸ *Broadband Rankings, supra n. 59.* During COVID-19, public schools began lending computers to students and modified their graduation requirements to address digital divide concerns. Ku'uwehi Hiraishi, *Big Island Initiative Seeks to Bridge Student Digital Divide*, HAWAII PUBLIC RADIO (July 15, 2020), <https://www.hawaiipublicradio.org/post/big-island-initiative-seeks-bridge-student-digital-divide#stream/0>. Such modifications included ungraded assessments and lower GPA requirements. Susan Essoyan, *Hawaii public schools try to bridge digital divide by sharing laptops*, STAR ADVERTISER (April 3, 2020), <https://www.staradvertiser.com/2020/04/03/hawaii-news/hawaii-public-schools-try-to-bridge-digital-divide-by-sharing-laptops/>.

²³⁹ East-West Wire, *Bridging the Digital Divide*, EAST-WEST CENTER (Nov. 10, 2021), <https://www.eastwestcenter.org/news/east-west-wire/bridging-the-digital-divide>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

IDAHO	
Compulsory School Attendance	For ages 7 – 15
Notice & Testing Requirements	No
Curricular Requirements	“Subjects commonly and usually taught in the public schools.”
Attendance & Instruction Length Requirements	Equal instruction length to public school
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	40

Compulsory Education. Idaho mandates that children ages 7 to 15 attend public or private school or be privately instructed by their parent.²⁴⁰ Children must be instructed in “subjects commonly and usually taught in the public schools of the state of Idaho.”²⁴¹ Children with physical, mental, or emotional disabilities which prevents regular attendance and is supported by documentation from a licensed physician or psychiatrist are exempt from compulsory education requirements.²⁴²

Homeschooling. Idaho only requires homeschooling parents to teach subjects “usually” or “commonly” taught in state public schools and provide instruction for the number of days each year equivalent to that of public schools.²⁴³

Private Schooling. The State Department of Education does not regulate or authorize private schools in the state and thus accreditation is optional for private schools in Idaho.²⁴⁴ If a private school is accredited, then every teacher, supervisor, administrator, education specialist, school nurse, and librarian must have a teaching certificate.²⁴⁵ As with homeschools, private schools are required to teach subjects “usually” or “commonly” taught in public schools and provide instruction for the number of days each year equivalent to that of public schools.²⁴⁶

²⁴⁰ IDAHO CODE ANN. § 33-202.

²⁴¹ *Id.*

²⁴² *Id.* § 33-204.

²⁴³ *Id.*

²⁴⁴ Idaho Dep’t of Educ., *Private Schools*, <https://www.sde.idaho.gov/school-choice/private/>.

²⁴⁵ IDAHO CODE ANN. § 33-1201(1).

²⁴⁶ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Idaho includes educational neglect in its definition of child neglect.²⁴⁷ Parents or guardians who fail to provide their child education may be prosecuted under the Juvenile Corrections Act or under the Education code.²⁴⁸

Digital Divide. Idaho ranks 40 in broadband connectivity.²⁴⁹ As of 2020, there were 176,456 students without personal devices and 28,521 students without internet access.²⁵⁰

ILLINOIS	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	No
Curricular Requirements	Language arts; mathematics; the biological, physical, and social sciences; the fine arts; and physical development and health
Attendance & Instructional Requirements	<u>Homeschool</u> : No requirements <u>Private school</u> : five hours per day for 176 days annually or 880 hours annually (only for registered/recognized private schools).
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	14

Compulsory Education. Illinois mandates that children ages 6 to 17 attend public school.²⁵¹ Exceptions include children attending private or parochial schools “where children are taught the branches of education” that are taught in public schools, and where instruction is in English.²⁵² Public schools are required to teach “language arts, mathematics, the biological, physical, and social sciences, the fine arts, and physical development and health.”²⁵³ Children who are employed and obtain excusal from the school superintendent, children ages 16 and

²⁴⁷ *Id.* § 16-1602(31)(d).

²⁴⁸ *Id.* § 33-207.

²⁴⁹ *Broadband Rankings, supra n. 59.* Due to COVID-19, Idaho has acquired \$30 million in CARES Act funding to expand device availability and internet access. Idaho has also established the Digital Divide Committee with technology directors, administrators, business leaders, and government officials to address existing discrepancies. *New committees to address fall school reopening and the digital divide*, IDAHO OFFICE OF THE GOVERNOR (June 17, 2020), <https://gov.idaho.gov/pressrelease/new-committees-to-address-fall-school-reopening-and-the-digital-divide/>.

²⁵⁰ Devin Bodkin, *Survey: More than 175,000 Idaho kids lack remote learning devices*, IDAHO ED NEWS (July 7, 2020), <https://www.idahoednews.org/news/survey-more-than-175000-idaho-kids-lack-remote-learning-devices/>.

²⁵¹ 105 ILL. COMP. STAT. 5/26-1.

²⁵² *Id.* § 26-1.1.

²⁵³ *Id.* § 27-1.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

older who are enrolled in a graduation or alternative learning program, and children who have a mental or physical disability that makes attending school impossible are also exempt.²⁵⁴ Children are permitted to be absent from school on days or at times of day in which the tenets of religion forbid secular activity.²⁵⁵

Homeschooling. In Illinois, homeschools are considered private schools.²⁵⁶ The only requirements for homeschools are that instruction is in English and students must receive an education at least equivalent to public school instruction in the above-listed required subjects.²⁵⁷ The regional superintendent is responsible for ensuring compliance for compulsory attendance laws.²⁵⁸ Therefore, parents are not required to submit attendance forms to the school district on a recurring basis and are only required to do so if asked.

Private Schooling. Private schools are subject to the same standards as homeschools.²⁵⁹ Private schools can choose to be accredited, registered with the state, and or recognized.²⁶⁰ If a school is registered or recognized, the school must operate for 176 days with five hours of instruction a day or a total of 880 hours of instruction.²⁶¹ All schools must submit to the state the number of immunized students, the number of students not complying with immunization requirements, and the number of claiming religious or medical exemptions from the requirement.²⁶² Additionally, these schools must keep records of the academic process for each student including personal information, transcripts, attendance reports, health reports, honors, and extracurricular participation.²⁶³

Educational Neglect. Illinois includes educational neglect in its definition of child neglect.²⁶⁴ Accordingly, the Department of Children and Family services can initiate proceedings in Juvenile Court against parents for educational neglect.²⁶⁵ Under the Education code, truancy investigations are conducted if the Regional Office of Education or Intermediate Service Center receives information regarding possible truancy, and truancy officers can contact homeschool parents for details.²⁶⁶

²⁵⁴ *Id.* §§ 26-1.3, 26-1.6.

²⁵⁵ *Id.* § 5/26-1(5).

²⁵⁶ *People v. Levisen*, 90 N.E.2d 213 (Ill. 1950); *See also Scoma v. Chicago Bd. of Ed.*, 391 F.Supp. 452 (N.D. Ill. 1974).

²⁵⁷ *See id.*; 105 ILL. COMP. STAT. 5/26-1.1.

²⁵⁸ U.S. Dep't of Educ., *Illinois State Regulations*, (Dec. 1, 2014), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/illinois.html>.

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ ILL. ADMIN. CODE TIT. 23 § 425.30(a)(1)(A).

²⁶² 105 ILL. COMP. STAT. ANN. § 5/27-8.1(3).

²⁶³ ILL. ADMIN. CODE TIT. 23 § 375.75(h).

²⁶⁴ 705 ILL. COMP. STAT. 405/2-3(1)(a).

²⁶⁵ *Id.* §§ 405/2-1, 405/2-21.

²⁶⁶ *See* 105 ILL. COMP. STAT. ANN. § 5/26-5; *Illinois Home Schooling*, Illinois State Board of Education, <https://www.isbe.net/Documents/Illinois-Homeschooling.pdf>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Illinois ranks 14 in broadband connectivity.²⁶⁷ In Chicago, approximately 110,000, or 1 in 5, children lack internet access, “and predominantly Black and Latin[x] neighborhoods showed considerable gaps in both device ownership and internet connectivity.”²⁶⁸

INDIANA	
Compulsory School Attendance	For ages 7 – 18
Notice & Testing Requirements	Only accredited nonpublic schools must administer the Indiana Student Testing for Educational Progress-Plus
Curricular Requirements	<p><u>Homeschool</u>: “Instruction equivalent” to public school education.”</p> <p><u>Private school</u>: Instruction on the U.S. and Indiana state constitutions, methods of voting, party structures, election laws, and the responsibilities of citizen participation for grades six through twelve for five full class periods, within the two weeks preceding each general election; and morals instruction, as outlined by the state superintendent, in grade one (for accredited schools only)</p>
Attendance & Instruction Length Requirements	180 days
Educational Neglect Included in Child Neglect Regulation	Yes
Digital Divide Ranking	23

Compulsory Education. Indiana mandates that students ages 7 to 18 attend public school or another school taught in the English language, unless they have already graduated or have reached age 16 and have satisfied the requirements of an exit interview.²⁶⁹ These requirements include parent and school administrator consent as well as a showing that the purpose of withdrawal is due to financial hardship which requires the student to find employment to support his or her family, illness, or court order.²⁷⁰ If a student of at least age sixteen does not

²⁶⁷ *Broadband Rankings, supra n. 59.* During COVID-19, Illinois allocated \$80 million to the purchase of computers and connectivity hotspots and partnered with universities and public parking lots to expand internet access. Maureen Foertsch McKinney, *Schools Find Ways to Deal With A COVID-19 Created Digital Divide*, NPR ILLINOIS (Sept. 14, 2020), <https://www.nprillinois.org/post/schools-find-ways-deal-covid-19-created-digital-divide#stream/0>.

²⁶⁸ *Digital Equity & Inclusion*, KIDS FIRST CHICAGO (last visited Dec. 12, 2023), <https://kidsfirstchicago.org/digital-equity-2#:~:text=Our%20report%20found%20that%20roughly,We%20proposed%20immediate%20solutions.>

²⁶⁹ IND. CODE ANN. §§ 20-33-2-4, 20-22-2-6.

²⁷⁰ *Id.* §20-33-2-9 (a)-(c).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

meet certain exit interview requirements, he or she must attend school until graduation or until turning eighteen.²⁷¹ Students provided instruction equivalent to that of public schools but who are enrolled in nonaccredited, nonpublic schools or are homeschooled are also exempt from compulsory education requirements as are students who are mentally or physically unfit to attend public school.²⁷²

Homeschooling. Indiana considers homeschools to be nonpublic, non-accredited schools for purposes of regulation.²⁷³ Homeschools must maintain a daily record of attendance that can be requested by state education officials.²⁷⁴ Additionally, homeschools must provide 180 days of instruction in each academic year, and the instruction must be in the English language and equivalent to that provided in public schools.²⁷⁵

Private Schooling. Accreditation and recognition for nonpublic private schools is optional in Indiana.²⁷⁶ The accreditation system is a performance-based system which is tied to the schools' ability to abide by different state codes.²⁷⁷ Accredited and recognized nonpublic schools must employ "properly licensed teachers, must require students to attend for the 180 days public schools are in session, must administer the Indiana Student Testing for Educational Progress-Plus, and must maintain attendance and enrollment records."²⁷⁸ Accredited schools must also provide instruction in the areas set forth in the table above.²⁷⁹

Educational Neglect. Indiana includes educational neglect in its definition of child neglect.²⁸⁰ Failure to provide a child education is a felony in Indiana.²⁸¹ Indiana's Department of Child Protective Services handles proceedings for reports of educational neglect.²⁸² Under the Education code, school superintendents or attendance officers must report truant students to the local juvenile court or department of child services.²⁸³

²⁷¹ *Id.* § 20-33-2-6(1)-(3).

²⁷² *Id.* §§ 20-33-2-8; 20-33-2-28.

²⁷³ See *Indiana Homeschool Laws Frequently Asked Questions (FAQ)*, Ind. Dep't of Ed. (Dec. 2022), <https://www.in.gov/doe/files/Homeschool-FAQ-v2.pdf>.

²⁷⁴ IND. CODE ANN. § 20-33-2-20.

²⁷⁵ *Id.* §§ 20-33-2-20, 20-33-2-28

²⁷⁶ U.S. Dep't of Educ., *Indiana State Regulations*, (Feb. 15, 2017), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/indiana.html>.

²⁷⁷ *Id.*

²⁷⁸ 511 IND. ADMIN. RULE § 6.1-1-4(1).

²⁷⁹ IND. CODE ANN. §§ 20-30-5-1; 20-30-5-4; 20-30-5-5.

²⁸⁰ *Id.* § 35-46-1-4(a)(4).

²⁸¹ *Id.*

²⁸² *Id.* §§ 31-33-8-1, 31-33-8-2.

²⁸³ *Id.* § 20-33-2-25.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Indiana ranks 23 in broadband connectivity. 16% of the population lacks access to the internet.²⁸⁴ In the Indianapolis Public School district, 40% of students do not have internet access.²⁸⁵

IOWA	
Compulsory School Attendance	For ages 6 – 15
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice is required. Only one homeschool option requires annual submission of standardized testing.</p> <p><u>Private school</u>: If the primary instructor is unlicensed the student must undergo baseline testing and submit to an annual evaluation.</p>
Curricular Requirements	<p><u>Homeschool</u>: Math, reading and language arts, science, and social studies (for independent competent instruction only).</p> <p><u>Private School</u>: U.S. history, U.S. government, language arts, mathematics, science, social studies, world language, occupational/career education, physical education, and English.</p>
Attendance & Instruction Length Requirements	148 days annually with at least 37 days per quarter
Educational Neglect Included in Child Neglect Regulation	No
Digital Divide Ranking	25

Compulsory Education. Iowa mandates that children ages 6 through 15 attend public or accredited nonpublic school.²⁸⁶ However, if a student turns 16 after September 15th of a given school year, that student must finish the school year.²⁸⁷ Children who have already completed the requirements for graduation, attend private school, or receive religious instruction are exempt from these requirements.²⁸⁸ Exemptions are also provided to students who have been excused by the court, or those who have physical or mental conditions that make them unable to

²⁸⁴ *Broadband Rankings, supra n. 59; Indiana Internet Coverage & Availability in 2023*, BroadbandNow (Aug. 15, 2023), <https://broadbandnow.com/Indiana>.

²⁸⁵ Arika Herron, *Schools, donors rush to fill 'digital divide' and keep students learning during closures*, INDIANAPOLIS STAR (April 13, 2020), <https://www.indystar.com/story/news/education/2020/04/13/coronavirus-indiana-schools-donors-rush-fill-digital-divide/5134559002/>. Purdue University developed a Digital Divide Index in 2018 to properly assess discrepancies and assist in implementing necessary reforms. *Digital Divide Index*, PURDUE UNIVERSITY (last visited Dec. 12, 2023), <https://pcrd.purdue.edu/ruralindianastats/broadband/ddi.php?variable=ddi-overview&county=Adams>.

²⁸⁶ IOWA CODE ANN. § 299.1A.1.

²⁸⁷ *Id.* § 299.1A.2.

²⁸⁸ *Id.* § 299.2.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

attend school.²⁸⁹ Students attending religious services, receiving religious instructions, or attending a private college preparatory school accredited or probationally accredited can also be exempt.²⁹⁰ An additional exemption is provided for students who are members of a recognized church that has been established in Iowa for over ten years and “professes principles or tenets that differ substantially from the objectives, goals, and philosophy” of Iowa education standards.²⁹¹ This exemption is only awarded upon filing a request for exemption with the director of the Iowa Department of Education and review and approval of the request by the state board of education.²⁹²

Homeschooling. In Iowa, there are three options for homeschooling. The first is termed “independent private instruction” which refers to an unaccredited institution that enrolls four or fewer unrelated students, does not charge tuition, fees, or other remuneration for instruction, and is not a nonpublic school.²⁹³ For independent private instruction, parents are required to teach mathematics, reading and language arts, science, and social studies.²⁹⁴ Upon request, parents must submit a report to the school district superintendent with the names of instructors and enrolled students.²⁹⁵ Second, parents may provide “competent private instruction,” which entails 148 days of instruction by a licensed practitioner, with at least 37 days of instruction each school quarter.²⁹⁶ Finally, there is a “competent private instruction by parent” option, in which a child must be annually evaluated and assessment scores must be sent to the local school district.²⁹⁷ For both forms of competent private instruction, parents must file a report with the public school district that outlines the course of study, including materials used, “subjects covered, lesson plans and time spent on the areas of study.”²⁹⁸ Additionally, if a licensed practitioner is not the primary instructor, it is required that students undergo initial baseline testing and an annual evaluation thereafter.²⁹⁹ The evaluation may be a standardized test or a portfolio assessment, but the evaluation must show that the student is making adequate progress, meaning an evaluation score above the thirtieth percentile in reading, mathematics, science, social science, and language arts, and that indicates either that the student has made six months’ progress from the previous evaluation results or that the child is at or above grade level.³⁰⁰

Private Schooling. Accreditation is required for private schools in Iowa.³⁰¹ Further, private schools must employ licensed teachers, guarantee student attendance for at least 148 school days a year with at least 37 days each quarter, submit to the state testing students in the same manner that is provided to public school students,

²⁸⁹ *Id.* §§ 299.2(1)-(2); 299.5.

²⁹⁰ *Id.* § 299.5.

²⁹¹ *Id.* § 299.24.

²⁹² *Id.*

²⁹³ IOWA CODE ANN. § 299A.1(2)(b).

²⁹⁴ *Id.*

²⁹⁵ *Id.* § 299A.1(2)(b)(5).

²⁹⁶ *Id.* § 299A.1.2.a.(1), 299A.2.

²⁹⁷ *Id.* § 299A.1.2.a(2), 299A.3.

²⁹⁸ *Id.* § 299.4.

²⁹⁹ IOWA ADMIN. CODE R. 281-31.88.

³⁰⁰ *Id.* § 299A.6(4); § 299A.4(1).

³⁰¹ *Id.* § 256.11.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

maintain a permanent and cumulative student record, to be submitted upon request by the secretary of the local public school district.³⁰² Students in the ninth through twelfth grades must receive one unit of instruction in U.S. history, half of a unit in U.S. government, including study of the constitution and relevant voting statutes and procedures, six units of language arts, six units of mathematics, five units of science, including chemistry and physics, five units of social studies, five units of occupational education, and two sequential units of world language.³⁰³ Additionally, physically able students must participate in one-eighth of a unit of physical education each semester.³⁰⁴ Schools must also incorporate career education into the curricular and co-curricular education experience from grades pre-kindergarten through twelfth grade.³⁰⁵ The essential elements of career education must include awareness of self in relation to others and the needs of society; exploration of employment opportunities and experience in personal decision-making; and experiences that will help students to integrate work values and work skills into their lives.³⁰⁶ Private schools must also provide special instruction for non-English-speaking students until the child demonstrates a functional ability to speak, write, read, and understand the English language.³⁰⁷ Further, the Iowa State Board of Education rules require schools to utilize a "multicultural, gender-fair approach" to instruction and that global perspectives be incorporated into all levels of the educational program.³⁰⁸ Instruction in all secular subjects must be delivered in the English language except when a foreign language is deemed appropriate or if the student is non-English-speaking.³⁰⁹

Educational Neglect. Iowa does not include educational neglect in its definition of child neglect.³¹⁰ Under the Education code, students receiving "competent private instruction" who fail to demonstrate adequate progress in their annual evaluations must be enrolled in accredited public or private school at the beginning of the next school year.³¹¹ If the student retakes and passes the evaluation before the next school year, they may continue attending homeschool under a remediation plan.³¹² If students attending accredited public or nonpublic schools do not meet attendance requirements, parents will be asked to participate in an attendance cooperation meeting and sign an attendance cooperation agreement.³¹³ Should parents refuse or fail to attend the meeting or refuse to sign the agreement, their child will be deemed a truant and may be punished according to procedures set by the public school district's board of directors or nonpublic school authorities.³¹⁴

³⁰² See IOWA ADMIN CODE R. 281-12.4(8); 281-12.3(4); IOWA CODE ANN. § 256.12.(2).

³⁰³ IOWA CODE ANN. § 256.12(5)(a)-(f).

³⁰⁴ *Id.* 281-12.3(5)(g).

³⁰⁵ *Id.* § 280.9(1).

³⁰⁶ *Id.* § 280.9(2).

³⁰⁷ *Id.*

³⁰⁸ *Id.* § 256.11.

³⁰⁹ *Id.* § 280.4(1)(a).

³¹⁰ *Id.* § 726.3.

³¹¹ *Id.* § 299A.6.

³¹² *Id.*

³¹³ *Id.* § 299.12.

³¹⁴ *Id.* §§ 299.9; 299.12.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Iowa ranks 25 in broadband connectivity.³¹⁵ In rural areas, internet connection speeds are “up to three times slower than in urban areas.”³¹⁶

KANSAS	
Compulsory School Attendance	For ages 7 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only <u>Private school</u> : Private schools accredited by the state must have at least 95% of enrolled students participate in testing
Curricular Requirements	<u>Homeschool</u> : No requirements <u>Private school</u> : Reading, writing, arithmetic, geography, English spelling and composition, history of the United States and Kansas, civil government and citizenship, health and hygiene, and other subjects determined by the board of education (accredited schools only)
Attendance & Instruction Length Requirements	“Substantially equivalent” to the period of instruction offered in public schools (465 hours for kindergarten, 1,116 hours for grades 1-11, and 1,086 hours for grade twelve)
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	48

Compulsory Education. Kansas mandates that children ages 7 through 17 attend public, private, or parochial school.³¹⁷ There are several exceptions to this requirement, including for students aged 16 or 17 who choose to attend school board-approved alternate education programs or who have parental consent to withdraw from school.³¹⁸ Other exemptions are provided for children determined to be exceptional children and those enrolled in the Kansas academy of math and science.³¹⁹ Kansas also provides for religious exemptions, such as if an activity is contrary to the child’s religious teachings, and if a student has completed the eighth grade and is a part

³¹⁵ *Broadband Rankings, supra n. 59.*

³¹⁶ Nora J.S. Reichardt, *Bridging the digital divide: expanding broadband access to rural communities*, WEAREIOWA (April 6, 2022), <https://www.weareiowa.com/article/news/local/bridging-the-digital-divide-expanding-broadband-access-to-rural-communities-internet-gap-work-remote-jobs-high-speed/524-394233a4-56a9-49c0-9f48-7d5539379dba>.

³¹⁷ KAN. STAT. ANN. § 72-3120(a).

³¹⁸ *Id.*

³¹⁹ *Id.* § 72-3120(d)-(e).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

of a recognized religion or church which objects to a regular public high school education.³²⁰ There are several requirements for course instruction in accredited schools, including the teaching of reading, writing, arithmetic, geography, spelling, grammar, and history.³²¹

Homeschooling. Kansas does not have a specific homeschool statute, instead governing homeschools as “nonaccredited private schools.”³²² Homeschools must comply with school attendance laws and submit a one-time registration of the homeschool to the state board of education.³²³ Additionally, home instruction must be planned and scheduled, and students must undergo testing.³²⁴

Private Schooling. Accreditation and licensing are optional for private schools in Kansas, though all schools must register with the state.³²⁵ To satisfy Kansas’ compulsory attendance law, approval by the Kansas State Board of Education is mandatory for high school education provided by churches or religious denominations.³²⁶ Elementary schools accredited by the state must teach reading, writing, arithmetic, geography, English grammar and composition, history of the United States and Kansas, civil government and citizenship, health and hygiene, and other subjects as determined by the Board of Education.³²⁷ Accredited private schools must hire certified teachers and have at least 95% of enrolled students participate in testing.³²⁸ Non-accredited nonpublic schools have no testing or curricular requirements and need only have “competent instructors.”³²⁹ Both accredited and non-accredited private schools must offer instruction for a period “substantially equivalent” to the period of instruction offered in public schools.³³⁰ Additionally, both types of schools must maintain attendance records, report habitually truant students, and collect documentation verifying students’ identity and birth date.³³¹

Educational Neglect. Kansas does not include educational neglect in its child neglect statute.³³² Under the Education code, when a child fails to comply with school attendance laws, a member of the Board of Education must notify the child’s parent, and if the child’s failure to attend school subsequently continues, must notify the secretary of the Department of Children and Families or the district attorney.³³³ Upon receipt of such notification,

³²⁰ *Id.* § 72-3120(g).

³²¹ *Id.* §§ 72-3214, 72-3217, 72-3218.

³²² *Id.* § 72-4345.

³²³ *Id.* §§ 72-4345, 72-4546.

³²⁴ *See In re Sawyer*, 672 P.2d 1093 (Kan. 1983).

³²⁵ KAN. STAT. ANN. § 72-4346(a).

³²⁶ *Id.* § 72-3120(g).

³²⁷ *Id.* § 72-3214.

³²⁸ *Id.* §§ 72-7513(a)(4); KAN. ADMIN. REGS. § 91-31-32(g)(1).

³²⁹ KAN. STAT. ANN. § 72-1111(a)(2).

³³⁰ Kan. Dep’t of Educ., *Homeschooling In Kansas*, 1, 1, (Aug. 10, 2020), /<https://www.ksde.org/Portals/0/ECSETS/FactSheets/FactSheet-HomeSchool.pdf>

³³¹ KAN. STAT. ANN. § 72-4346(a)-(b).

³³² *Id.* § 21-5605.

³³³ *Id.* § 72-3121.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

the department of children and families and/or district attorney must complete an investigation and may initiate criminal proceedings.³³⁴

Digital Divide. Kansas ranks 48 in broadband connectivity.³³⁵ About 15% of Kansas residencies lack any internet connection whatsoever, with Black families disproportionately represented among those households.³³⁶ Of the children in the Kansas City Public School system, up to 70% do not have internet access at home.³³⁷

KENTUCKY	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only
	<u>Private School</u> : No requirements
Curricular Requirements	Reading, writing, spelling, grammar, history, mathematics, science, and civics
Attendance & Instruction Length Requirements	At least 170 days annually with a total of 1,062 hours
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	36

Compulsory Education. Kentucky mandates that children ages 6 through 17 attend public school.³³⁸ An “unmarried” child aged 16 or 17 may withdraw from school before graduation with written parental consent and after attending a conference with the school principal.³³⁹ Other exceptions include students who have already graduated or are enrolled in a private, parochial, or church school.³⁴⁰ Exemptions are also provided for those with certain physical or mental conditions.³⁴¹

³³⁴ *Id.* § 72-3121(e)-(f).

³³⁵ *Broadband Rankings, supra n. 59.*

³³⁶ *Kansas Internet Coverage & Availability in 2023*, BROADBAND NOW (Aug. 15, 2023), <https://broadbandnow.com/Kansas>.

³³⁷ *Id.* LISC Stories and Investments, *COVID-19, Students and the Digital Divide* (April 3, 2020), <https://www.lisc.org/kansas-city/regional-stories/covid-19-students-and-digital-divide/>.

³³⁸ KY. REV. STAT. ANN. § 159.010(1)(a)-(b).

³³⁹ *Id.* § 159.010(2).

³⁴⁰ *Id.* § 159.030(1)(a)-(b).

³⁴¹ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. In Kentucky, homeschools are considered private schools.³⁴² Parents must submit annual written notification of their intent to homeschool to the superintendent of the local school district.³⁴³ Additionally, parents are required to maintain a record of each child’s progress in the same subjects taught at the local public schools, including reading, writing, spelling, grammar, history, mathematics, science, and civics.³⁴⁴ Finally, parents must keep a record of attendance to be made available to officials of the department of education, as well as provide a minimum of 1062 instructional hours with terms that are the same length as those at the local public school.³⁴⁵

Private Schooling. For private, parochial, and church schools, accreditation and licensing are optional, and there are no registration requirements.³⁴⁶ To become certified, private schools must be accredited by an accrediting agency recognized by both Kentucky’s Board of Education and Non-Public School Commission.³⁴⁷ Proprietary schools, which are privately owned for-profit schools, cannot function without a license and are held to state standards in regards to instructor qualifications and curriculum.³⁴⁸ Private schools are otherwise subject to the same curricular and attendance requirements as homeschools.³⁴⁹

Educational Neglect. Kentucky includes educational neglect in its definition of child neglect.³⁵⁰ Accordingly, parents may be proceeded against in the juvenile session of the District Court for educational neglect.³⁵¹ Under the Education code, parents are held legally responsible for ensuring their children meet school attendance requirements.³⁵² Should parents fail to comply with the school district’s attendance policies and procedures, they may be fined or charged with a misdemeanor.³⁵³

Digital Divide. Kentucky ranks 36 in the nation for broadband connectivity.³⁵⁴ Seven in ten Kentuckians do not have access to low-priced broadband options.³⁵⁵

³⁴²See *Homeschool Information Packet*, Ky. Dep’t of Ed., <https://www.education.ky.gov/federal/fed/Documents/Kentucky%20Homeschool%20Information%20Packet.pdf> (last visited Jan. 12, 2024).

³⁴³ KY. REV. STAT. ANN. § 159.160.

³⁴⁴ *Id.* § 158.080.

³⁴⁵ *Id.* §§ 158.080, 159.040.

³⁴⁶ *Id.* § 156.160(3).

³⁴⁷ U.S. Dep’t of Educ., *Kentucky State Regulations*, (Jan. 25, 2017), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/kentucky.html>.

³⁴⁸ KY. REV. STAT. ANN. § 165A.330(1).

³⁴⁹ *Id.* § 159.040.

³⁵⁰ *Id.* §§ 600.020(1)(a)8, 620.010.

³⁵¹ *Id.* § 620.070.

³⁵² *Id.* § 159.180.

³⁵³ *Id.* § 159.990.

³⁵⁴ *Broadband Rankings*, *supra n. 59*.

³⁵⁵ *Kentucky Internet Connection & Availability in 2023*, BROADBAND NOW (Aug. 15, 2023), <https://broadbandnow.com/Kentucky>. This year, Kentucky Governor Andy Beshear announced a “record investment” in closing the digital divide in Kentucky, allocating \$386 million “to expand access to high-speed internet to more than 42,600 homes and business.” Bruce Schreiner, *Governor announces record investment to expand access to high-speed internet in Kentucky*, ASSOCIATED PRESS (Sept. 5, 2023), <https://apnews.com/article/kentucky-broadband-andy-beshear-3f29eb70dc8021db25a31f3c2d866876>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

LOUISIANA	
Compulsory School Attendance	For ages 5 – 18
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice required. Must submit a packet of materials that outlines what is being taught, the student’s progress, and copies of their work and standardized tests.</p> <p><u>Private school</u>: Notice only</p>
Curricular Requirements	<p><u>Homeschool</u>: No requirements</p> <p><u>Private school</u>: Four units of English, mathematics, science, and social studies, two units of health and physical education, two units of foreign language or speech, one unit of art, and three units of electives; Declaration of Independence in Elementary Schools, <i>The Federalist Papers</i> in High School.</p>
Attendance & Instruction Length Requirements	180 school days annually.
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	46

Compulsory Education. Louisiana mandates that children ages 5 through 18 attend a public or nonpublic school.³⁵⁶ Children who have already graduated high school or been issued a Louisiana high school equivalency diploma are exempt from this requirement.³⁵⁷ Exemptions are also provided for students who are “mentally, physically, or emotionally incapacitated.”³⁵⁸ Children “shall not be excused from school to work any job” in or out of their home.³⁵⁹ In Louisiana, schools must provide instruction in the “branches of spelling, reading, writing, drawing, arithmetic, geography, grammar, United States history, and health.”³⁶⁰ Public schools must provide a minimum of 177 days of instruction per year.³⁶¹

³⁵⁶ LA. STAT. ANN. § 17:221.A(1)(b).

³⁵⁷ *Id.* § 17:221.A(1)(c).

³⁵⁸ *Id.* § 17:226(A)(1)(a).

³⁵⁹ *Id.* § 17:226(B).

³⁶⁰ *Id.* § 17:154.

³⁶¹ *Id.* § 17:154.1.A(1).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. Parents who wish to homeschool in Louisiana must apply to and receive approval from the Board of Elementary and Secondary Education.³⁶² For an application to be approved, parents must submit “satisfactory evidence” of a “sustained curriculum of quality at least equal to that offered by public schools at the same grade level.”³⁶³ This requirement is satisfied by: (1) an application packet that includes items such as an outline of subjects taught, lists of material used, copies of student’s work, and copies of standardized tests, or (2) verification of adequate progress through standardized test scores or examination by a certified teacher.³⁶⁴ Additionally, parents must provide at least 180 days of homeschool instruction.³⁶⁵

Private Schooling. Louisiana allows students to be placed in private schools under mandatory registration with the state Board of Education.³⁶⁶ Private school teachers need only be board certified if the school receives local, state, or national funding.³⁶⁷ Private schools in Louisiana must provide instruction for a minimum of 180 days.³⁶⁸ Graduation requirements include four units of English, mathematics, science, and social studies, two units of health and physical education, two units of foreign language or speech, one unit of art, and three units of electives, as well as instruction on Declaration of Independence in Elementary Schools, and instruction on *The Federalist Papers* in high school.³⁶⁹ Incoming freshman must have twenty-four credits and are required to complete the Louisiana Core Curriculum.³⁷⁰ There are no testing requirements for private schools but schools are responsible for keeping student registration and attendance records and data related to academic progress.³⁷¹

Educational Neglect. Educational neglect is not included in Louisiana’s definition of child neglect. Under the Education code, parents must ensure their children meet the school board’s attendance requirements.³⁷² Should a parent fail to do so, they will be fined and may be proceeded against in court.³⁷³ When a child is habitually absent or tardy, schools must make a report to the family or juvenile court, which may result in the child being placed “in a home or in a public or private institution where school may be provided for the child.”³⁷⁴ Additionally, the Board of Elementary and Secondary Education may deny an application for homeschooling.³⁷⁵

³⁶² *Id.* § 17:236.1.

³⁶³ *Id.* § 17:236.C.

³⁶⁴ *Id.* § 17:236.1C-D.

³⁶⁵ *Id.* § 17:236.

³⁶⁶ *Id.*

³⁶⁷ *Id.* § 17:236.1(A).

³⁶⁸ *Id.* § 17:236.

³⁶⁹ LA. ADMIN. CODE. TIT. 28, pt. LXXIX § 2109(B).

³⁷⁰ *Id.* § 2109(A).

³⁷¹ *Id.* § 505.

³⁷² LA. STAT. ANN. § 17:221.A(1)(c).

³⁷³ *Id.*

³⁷⁴ *Id.* § 17:233.A.

³⁷⁵ *Id.* § 17:236.1.C(3).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Louisiana ranks 46 in the nation for broadband connectivity.³⁷⁶ Nearly 80,000 K-12 students in Louisiana do not have access to the internet or to a computer at home.³⁷⁷ Almost 17,000 students are without both.³⁷⁸

MAINE	
Compulsory School Attendance	For ages 6 – 16
Notice & Testing Requirements	<u>Homeschool</u> : Annual progress evaluation assessment <u>Private school</u> : No requirements
Curricular Requirements	English and language arts, math, science, social studies, physical education, health education, library skills, fine arts in grades six through twelve; one grade in Maine studies, and one grade level demonstrating proficiency in computer usage between grades seven through twelve.
Attendance & Instruction Length Requirements	175 days annually.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	32

Compulsory Education. Maine mandates that children ages 6 through 16 attend public school.³⁷⁹ Five-year-olds enrolled in school are also subject to attendance requirements.³⁸⁰ Exceptions to this include children who have already graduated high school, as well as children aged 15 or older or who have completed 9th grade and have permission from their parents, the school board, and the principal for an alternative “program of work and study

³⁷⁶ *Broadband Rankings, supra n. 59.*

³⁷⁷ CONNECTLA, LA. OFF. OF BROADBAND DEV. & CONNECTIVITY, LOUISIANA DRAFT DIGITAL EQUITY PLAN 1, 6 (May 2023), <https://connect.louisiana.gov/media/fc2pdo4y/la-draft-digital-equity-plan.pdf>. The COVID-19 pandemic magnified existing disparities, so much so that Governor John Bel Edwards used \$50 million in education discretionary funding to buy computers and expand internet access for public school students. Associated Press, “Louisiana Aid Paying for Student Computers, Internet Access.” *USA News*, 4 July 2020. <https://www.usnews.com/news/best-states/louisiana/articles/2020-07-04/louisiana-aid-paying-for-student-computers-internet-access>.

³⁷⁸ *Id.*

³⁷⁹ ME. REV. STAT. ANN. tit. 20-A, § 5001-A(1).

³⁸⁰ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

or training.”³⁸¹ Additionally, children who attend private school or “home instruction program” are excused from attending public school.³⁸²

Homeschooling. To qualify for home instruction, a parent or guardian must submit a notice of intent to district school officials and the commissioner within ten days of beginning instruction.³⁸³ The notice of intent must attest that the homeschool program will provide at least 175 days of annual instruction, including in the subjects of “English and language arts, math, science, social studies, physical education, health education, library skills” and fine arts, and that the program will provide an annual assessment of the student’s academic progress.³⁸⁴ Parents are additionally required to report annual assessment results, which can consist of a standardized test or review of the student’s progress by someone who holds a Maine teacher’s certificate.³⁸⁵

Private Schooling. To be approved as a private school, the school must meet hygiene, safety, and health standards and be accredited by the New England Association of Colleges and Secondary Schools or meet applicable state standards including compliance with immunization, curricular, attendance/instruction length and teacher certification requirements.³⁸⁶

Educational Neglect. In Maine, educational neglect in the form of truancy is included in the definition of child neglect.³⁸⁷ Accordingly, parents who fail to ensure their children properly attend school may be proceeded against by Maine’s Department of Child and Family Services.³⁸⁸ Under the Education code, parents are liable for a civil violation if their children are truant.³⁸⁹

Digital Divide. Maine ranks 32 in the nation for broadband connectivity.³⁹⁰ Approximately 85% of Maine households have a broadband internet connection, leaving 80,000 households without internet access.³⁹¹

³⁸¹ *Id.* § 5001-A(2).

³⁸² *Id.* § 5001-A(3).

³⁸³ *Id.* § 5001-A(4)(a).

³⁸⁴ *Id.* § 5001-A(4)(a)(iv)-(v).

³⁸⁵ *Id.* § 5001-A(4)(b).

³⁸⁶ *Id.* § 2901; § 2902.

³⁸⁷ *Id.* at tit. 22, § 4002.1.

³⁸⁸ *Id.* at §§ 4003, 4004.

³⁸⁹ *Id.* at tit. 20, § 5053-A.1.

³⁹⁰ *Broadband Rankings, supra n. 59.*

³⁹¹ *Maine Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug 15, 2023), <https://broadbandnow.com/Maine>; Anne Baldrige, *How the Maine Connectivity Authority is helping improve access to high-speed internet*, NEWS CENTER MAINE (Aug. 22, 2023), <https://www.newscentermaine.com/article/news/politics/maine-politics/high-speed-internet-access-maine-maine-connectivity-authority/97-012cd542-32f9-4f8b-ae63-a588c8fc1fea>. At the start of the COVID-19 pandemic, the Maine Department of Education estimated that 20 percent of the state’s 180,000 pre-K to grade 12 students “don’t have functional internet at home, either because their families can’t afford it, broadband service is not available, or a lack of cell service means hot spots won’t work.” Rachel Ohm, *For thousands of students without home internet access, remote learning is an extra challenge*, PRESS HERALD (April 5, 2020), <https://www.pressherald.com/2020/04/05/for-thousands-of-maine-students-without-home-internet-access-remote-learning-is-an-extra-challenge/>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

MARYLAND	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	<p><u>Homeschool</u>: Portfolio of student work must be submitted annually for review.</p> <p><u>Private school</u>: Only publicly funded private schools must adhere to standardized testing</p>
Curricular Requirements	<p><u>Home School</u>: Children must be provided regular and equivalent instruction in the same subjects taught in public schools including English, mathematics, science, social studies, history, art, music, health, and physical education.</p> <p><u>Private School</u>: English/language arts, social studies, U.S. history, science, and mathematics</p>
Attendance & Instruction Length Requirements	<p><u>Homeschool</u>: “Regular basis during the school year and be of sufficient duration to implement the instruction program.”</p> <p><u>Private school</u>: 170 days annually.</p>
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	3

Compulsory Education. Maryland mandates that children ages 5 through 17 attend public school.³⁹² However, parents may defer enrollment of a 5-year-old by one year.³⁹³ Children are exempt from this requirement if they have already received a high school diploma or GED, are married, in military service, provide “financial support” to their family “as documented by a local department of social services,” or attend an alternative education or career program.³⁹⁴ There are other various exemptions for behavioral, physical, or mental health issues.³⁹⁵

³⁹² MD. CODE ANN. ED. § 7-301(a-1)(1).

³⁹³ *Id.* § 7-301(a-1)(2).

³⁹⁴ *Id.* § 7-301(a).

³⁹⁵ *Id.* § 7-301(a), § 7-301(d).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. To enroll in home instruction in Maryland, parents must submit a written agreement to the local school superintendent at least fifteen days before the start of the school year.³⁹⁶ Parents must annually verify the continuation of the homeschool with the local school superintendent.³⁹⁷ Children must be provided instruction on a regular basis that is equivalent to that of public schools, including in the subjects of English, mathematics, science, social studies, art, music, health, and physical education.³⁹⁸ Parents are required to maintain a “portfolio of materials” that includes samples of students’ work and instructional materials, and which demonstrates that the homeschool adheres to state regulations.³⁹⁹ Finally, parents must permit a “representative of the local school system” to review these portfolios at the end of each public school semester.⁴⁰⁰ If the reviewer finds that the home school program is not providing “thorough, regular instruction,” the school superintendent may notify the parent or legal guardian who then has 30 days to correct any deficiencies and provide evidence of the corrections.⁴⁰¹ If the evidence is not provided, the child must then enroll in a public or private school.⁴⁰²

Private Schooling. Private schools must keep a record of all students’ attendance, performance in school, and personal information, and submit an annual report form to the Department of Education certifying its compliance with state regulations.⁴⁰³ Private School teachers are required to hold a minimum of a bachelor’s degree and to provide instruction in English/language arts, social studies, U.S. history, science, and mathematics.⁴⁰⁴

Educational Neglect. Maryland does not explicitly include educational neglect in its definition of child neglect.⁴⁰⁵ Pursuant to Maryland’s Education code, parents who fail to ensure proper school attendance may be convicted of a misdemeanor and proceeded against in juvenile court.⁴⁰⁶ Under Maryland’s homeschool statute, if the local superintendent determines that the homeschool program does not meet the state’s standards, parents will have 30 days to demonstrate that any deficiencies have been corrected.⁴⁰⁷ If parents fail to do so, children must be “promptly enrolled” in a public school or private school.⁴⁰⁸

³⁹⁶ MD. CODE REGS. 13A.10.01.01(B)(1)(b).

³⁹⁷ *Id.* 13A.10.01.01B.(2).d

³⁹⁸ *Id.* 13A.10.01.01C.(1).

³⁹⁹ *Id.* 13A.10.01.01D.(1).

⁴⁰⁰ *Id.* 13A.10.01.01E.

⁴⁰¹ *Id.* 13A.10.01.03(B).

⁴⁰² *Id.* 13A.10.01.03(B)(2).

⁴⁰³ *Id.* 13A.09.09.04(C); 13A.09.09.09(A).

⁴⁰⁴ *Id.* 13A.09.09.09(A)(1)-(3); 13A.09.09.10(B)(2); 13A.09.09.06(B)(3).

⁴⁰⁵ See MD. CODE ANN. CRIM. LAW § 3-602.1(a)(5)(i)-(ii); MD. CODE ANN. FAM LAW § 5-701(s).

⁴⁰⁶ MD. CODE ANN. EDUC. § 7-301(e), (e-1).

⁴⁰⁷ MD. CODE REGS § 13A.10.01.03.B.

⁴⁰⁸ *Id.* § 13A.10.01.03.B.(2).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Maryland ranks 3 in the nation for broadband connectivity.⁴⁰⁹ Approximately “108,000 Maryland households with children under the age of 18 do not have wireline internet service at home. These households suffering from the ‘homework gap’ are disproportionately poor, [Black], and Hispanic.”⁴¹⁰

MASSACHUSETTS	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	Notice is required and depending on the local public school district, standardized test results can be submitted or evaluated portfolio with student’s work.
Curricular Requirements	For in home school programs and private schools “the instruction in all studies required by law must equal in thoroughness, efficiency, and progress of the child, that in the public schools of the same town.” Massachusetts state law requires all students to take courses in spelling, reading, writing, English language and grammar, geography, arithmetic, drawing, music, United States history and Constitution, duties of citizenship, health, physical education, and good behavior.
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	47

Compulsory Education. Massachusetts mandates that children ages 6 through 17 attend public school.⁴¹¹ Children granted an employment permit by the school superintendent or who are “being otherwise instructed in a manner approved in advance by the superintendent or the school committee” are exempt.⁴¹² In Massachusetts, students must be taught “orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, health education, physical education and good behavior.”⁴¹³

⁴⁰⁹ *Broadband Rankings, supra n. 59.*

⁴¹⁰ Abell Foundation, *Disconnected in Maryland* (Jan. 2021), <https://abell.org/publication/disconnected-in-maryland/>.

⁴¹¹ 603 MASS. CODE REGS. 8.02; MASS. GEN. LAWS. ch. 76, § 1.

⁴¹² MASS. GEN. LAWS. ch. 76, § 1.

⁴¹³ *Id.* at ch. 71, § 1.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. Homeschools must be approved by local school districts.⁴¹⁴ To be approved, parents must submit an annual notice of intent and a proposed homeschooling plan to the school district, which will assess the proposed plan based on its “content, instructional materials, duration and frequency of instruction, methods of instruction, evaluation, and whether it enables the child to make adequate progress in the areas Massachusetts identifies as essential.”⁴¹⁵ Based on its review, the school district may approve the plan, require modifications, or disapprove the plan.⁴¹⁶ Finally, each school district is also obligated to oversee homeschools and ensure instruction in the required subjects, and students’ progress in those subjects, is equivalent to that of public schools.⁴¹⁷ To that end, the school district may require a homeschool student to undergo periodic testing or other evaluations to assess the student’s educational progress.⁴¹⁸

Private Schooling. Private schools are held to the same standards as home schools in Massachusetts. Private schools must be approved by the school district committee and must offer instruction that “equals the public schools in the same town in thoroughness and efficiency and that private students are making the same progress as public school students”⁴¹⁹ Approval cannot be withheld due to religious teachings.⁴²⁰ The supervisory office of private schools is required to report to student enrollment in a private school to the local superintendent.⁴²¹ Local superintendents must provide an annual report to the Commissioner of Education identifying which students in the district will be attending a nonpublic school.⁴²²

Educational Neglect. In Massachusetts, a child who is “habitually truant” is considered a “child requiring assistance.”⁴²³ Accordingly, parents of habitually truant children may be proceeded against in court and their child may be deemed as legally “requiring assistance.” Such a judgment may ultimately result in the court placing the child in the custody of a relative, probation officer, private childcare organization, or the department of children and families.⁴²⁴

Digital Divide. Massachusetts ranks 47 in the nation for broadband connectivity.⁴²⁵ The digital divide is strongest in Massachusetts’ twenty-six Gateway Cities: “nearly 30,000 gateway city households with school-age children

⁴¹⁴ MASS. GEN. LAWS ANN. ch. 76, § 1.

⁴¹⁵ *Id.*; Mass. Dep’t of Elementary & Secondary Educ., *Home Schooling*, <https://www.doe.mass.edu/homeschool/>.

⁴¹⁶ *Id.*

⁴¹⁷ *Id.*

⁴¹⁸ *See Care and Protection of Charles*, 504 N.E.2d 592, 602 (Mass. 1987).

⁴¹⁹ Mass. Gen. Laws Ann. ch. 76, § 1.

⁴²⁰ *Id.*

⁴²¹ MASS. GEN. LAWS ANN. ch. 72, § 2.

⁴²² *Id.* ch. 72, § 2A.

⁴²³ MASS. GEN. LAWS ANN. ch. 119, § 21.

⁴²⁴ *Id.* ch. 119, § 39G.

⁴²⁵ *Broadband Rankings*, *supra* n. 59.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

do not have a laptop or desktop computer at home.⁴²⁶ Additionally, over 23,000 Gateway City households with school-age children do not have internet access.⁴²⁷

MICHIGAN	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	No
Curricular Requirements	<p><u>Homeschool</u>: required subjects: reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.</p> <p><u>Private school</u>: required subjects: for all grades in mathematics, reading, English, science, and social studies; high school: the US Constitution, the Michigan Constitution, the history and present form of civil government in the US, Michigan, and Michigan’s political subdivisions and municipalities.</p> <p>The basic language of instruction must be English; however, religious instruction can be provided in other languages.</p>
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	27

Compulsory Education. Michigan mandates that children ages 6 through 17 attend public school.⁴²⁸ Exceptions include children who have already graduated, who attend state-approved private schools that provide instruction equivalent to public schools, and those who are homeschooled.⁴²⁹

⁴²⁶ Chloe Liu, *Massachusetts’ digital divide reveals complex problems and a simple solution*, BU NEWS SERVICE (Jan. 4, 2022), <https://bunewsservice.com/massachusetts-digital-divide-reveals-complex-problems-and-a-simple-solution/>.

⁴²⁷ Ben Forman, *Gateway Cities at the center of the digital divide in Massachusetts*, MASSINC (May 5, 2020), <https://massinc.org/2020/05/05/gateway-cities-at-the-center-of-the-digital-divide-in-massachusetts/>. In April 2023, Massachusetts’ Digital Equity Partnership Program awarded \$14 million in grants “to address statewide digital equity gaps.” Massachusetts Technology Collaborative, *Massachusetts Awards \$14 Million to Address Digital Divide* (April 37, 2023), <https://masstech.org/news/massachusetts-awards-14-million-address-digital-divide>.

⁴²⁸ MICH. COMP. LAWS ANN. § 380.1561(1).

⁴²⁹ *Id.* § 380.1561(3).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. Parents who homeschool their children must provide “an organized educational program” in “reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.”⁴³⁰ Parents or legal guardians that register their home school must have at least a bachelor’s degree,⁴³¹ unless they have serious religious beliefs against teacher certification.⁴³² Michigan has not enacted any other homeschool requirements.

Private Schooling. Michigan private schools must be approved by the state.⁴³³ Teacher certification is optional and there are no attendance or instruction length requirements.⁴³⁴ The state’s Department of Education will annually request information from nonpublic schools regarding “the number of students in each grade, teacher qualifications, courses of study offered, and assurance that each nonpublic school complies with the criminal history check requirements that are compiled to create the Nonpublic School Membership Report.”⁴³⁵

Educational Neglect. Michigan does not include educational neglect in its definition of child neglect.⁴³⁶ Under the school code, parents who fail to ensure their children attend school may be fined or imprisoned.⁴³⁷ School district superintendents may investigate and examine homeschools at their discretion.⁴³⁸

Digital Divide. Michigan ranks 27 in the nation for broadband connectivity.⁴³⁹ In Michigan, counties with the worst rates of connectivity are generally located in rural areas.⁴⁴⁰ Students of color are more likely to be without digital access; in school districts with the highest rates of students of color, nearly 1 in 4 children lack digital access.⁴⁴¹

⁴³⁰ *Id.* § 380.1561(3)(f).

⁴³¹ *Id.*

⁴³² *Id.*

⁴³³ *Id.* § 380.1561(3)(a).

⁴³⁴ *See Id.; Clonlara, Inc. v. State Board of Education*, 501 N.W.2d 88 (Mich. 1993) (finding that 180-day school year requirement was not valid).

⁴³⁵ MICH. COMP. LAWS ANN. § 388.555.

⁴³⁶ *Id.* § 722.622(k).

⁴³⁷ *Id.* at §§ 380.1587-380.1589, 380.1599.

⁴³⁸ *Id.* § 388.55.

⁴³⁹ *Broadband Rankings, supra n. 59.*

⁴⁴⁰ John C. Austin, *In Michigan, closing the digital divide can unite the ‘red’ and the ‘blue’*, THE BROOKINGS INSTITUTION (July 23 2020), <https://www.brookings.edu/blog/the-avenue/2020/07/23/in-michigan-closing-the-digital-divide-can-unite-the-red-and-the-blue/>.

⁴⁴¹ Ayat AL-Tamimi, *Michigan’s Digital Divide*, THE EDUCATION TRUST – MIDWEST (Aug. 10, 2020), <https://midwest.edtrust.org/2020/08/10/digital-divide/>.

MINNESOTA	
Compulsory School Attendance	For ages 7 – 16
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice only. A portfolio of student materials must be available upon request. Annual standardized testing is required for non-accredited homeschools.</p> <p><u>Private school</u>: Annual standardized testing is required for non-accredited private schools.</p>
Curricular Requirements	Required subjects: basic communication skills including reading, writing, literature, and fine arts; mathematics; science; social studies including history, geography, and government; health; and physical education. Instruction must be in English.
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	21

Compulsory Education. Minnesota mandates that children ages 7 through 16 attend school.⁴⁴² Exceptions include children who have already graduated and those aged 17 who have written parental consent.⁴⁴³ The local school board can independently authorize “good cause exceptions” to the law, including for physical or mental limitations or family emergencies that impact a student’s ability to attend school. .⁴⁴⁴ Children may also be excused from school instruction to attend religious instruction for a period that does not exceed three hours per week.⁴⁴⁵ Schools in Minnesota must teach reading, writing, literature, fine arts, mathematics, science, history, geography, economics, government, citizenship, health, and physical education.⁴⁴⁶

Homeschooling. Parents who wish to homeschool in Minnesota must provide the school district superintendent with a homeschooling report including their child’s name, the annual standardized test they plan to use to assess their child’s academic progress, and the names of instructors.⁴⁴⁷ Parents must submit an annual letter of intent to continue homeschooling, noting any changes to their instructional program.⁴⁴⁸ Additionally, parents are required

⁴⁴² MINN. STAT. ANN. § 120A.22.5(a).

⁴⁴³ *Id.* at Subd. 8.

⁴⁴⁴ *Id.*

⁴⁴⁵ *Id.* § 120A.22 (12)(a)(3).

⁴⁴⁶ *Id.* at Subd. 9.

⁴⁴⁷ *Id.* § 120A.24.1.

⁴⁴⁸ *Id.* at Subd.1(b).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

to maintain, but not submit, documentation showing that the state-mandated subjects are being taught and that their children are taking annual standardized tests.⁴⁴⁹ These documents must include “class schedules, copies of materials used for instruction, and descriptions of methods used to assess student achievement.”⁴⁵⁰

Private Schooling. There are no requirements for registration, licensing, or approval of private schools in Minnesota.⁴⁵¹ Accreditation of private schools through the Nonpublic Educational Council is optional.⁴⁵² Accredited private schools have fewer reporting requirements, are exempt from annual testing, and do not require teacher certification.⁴⁵³ Conversely, non-accredited private schools must submit a similar report to that required of home schools but that also includes records of immunization and evidence of teacher qualifications either via valid license or completion of a teacher competency examination and a bachelor’s degree.⁴⁵⁴

Educational Neglect. Minnesota’s welfare statute includes truancy and educational neglect in its definition of children “in need of protection or services.”⁴⁵⁵ Accordingly, parents failing to provide adequate education to their children may be proceeded against in juvenile court by Minnesota’s child protection services.⁴⁵⁶ Under the Education code, parents who fail to provide adequate instruction or ensure their children are attending school are required to undergo a mediation process.⁴⁵⁷ Should the mediation process be unsuccessful, parents may be criminally prosecuted by the county attorney.⁴⁵⁸

Digital Divide. Minnesota ranks 21 in the nation for broadband connectivity.⁴⁵⁹ Notably, “Minnesota ranks last out of all states for its poor support for computer science in high schools.”⁴⁶⁰

⁴⁴⁹ *Id.* at Subd.2.

⁴⁵⁰ *Id.*

⁴⁵¹ U.S. Dep’t of Educ., *Minnesota State Regulations*, (Nov. 20, 2012), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/minnesota.html>.

⁴⁵² *Id.*

⁴⁵³ MINN. STAT. ANN. § 120A.22(11)(d).

⁴⁵⁴ *Id.* § 120A.22(10); *Id.* §§ 120A.24(2)(a); 121A.15(1).

⁴⁵⁵ *Id.* § 260C.007.6(3), (14).

⁴⁵⁶ *Id.* § 160C.163.

⁴⁵⁷ *Id.* § 120A.26.3, 4.

⁴⁵⁸ *Id.* at Subd. 6.

⁴⁵⁹ *Broadband Rankings, supra n. 59.*

⁴⁶⁰ DEPT. OF EMPL. & ECON. DEV. OFF. OF BROADBAND DEV., DRAFT DIGITAL OPPORTUNITY PLAN 1, 34 (Aug. 21, 2023), https://mn.gov/deed/assets/draft-digital-opportunity-plan_tcm1045-587873.pdf. In Minnesota, only 21% of schools offer classes in computer science as compared to the 46% national average. *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

MISSISSIPPI	
Compulsory School Attendance	For ages 6 – 16
Notice & Testing Requirements	<u>Homeschool</u> : Notice only <u>Private School</u> : No requirements
Curricular Requirements	No
Attendance & Instruction Length Requirements	<u>Homeschool</u> : Must provide instruction for 180 school days each year. <u>Private school</u> : No requirements
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	45

Compulsory Education. Mississippi mandates that children aged 6 through 16 attend a public or “legitimate non-public” school.⁴⁶¹ Children educated in a “legitimate home instruction program” are exempt.⁴⁶² Exemptions also exist for children who are physically, mentally, or emotionally incapable of attending school.⁴⁶³

Homeschooling. Parents must submit an annual “certificate enrollment” to the school attendance officer in the area where they live.⁴⁶⁴ The certificate of enrollment must provide the names and addresses of the parents and children, as well as a “simple description of the type of education the compulsory-school-age child is receiving.” Homeschools must provide instruction for 180 school days each year.⁴⁶⁵

Private Schooling. The State of Mississippi does not have the authority to “control, manage, or supervise” the private education of children.⁴⁶⁶ Mississippi law states that parents or persons in loco parentis to a child have the primary right to control and manage their child’s education.⁴⁶⁷ Private schools may, but are not required to, request accreditation from the Mississippi State Board of Education or another accrediting agency and must reapply for accreditation annually.⁴⁶⁸ The State Board of Education requires all teachers in an accredited private school to be certified.⁴⁶⁹ Finally, private schools are required to submit three reports to the State Board of

⁴⁶¹ MISS. CODE ANN. § 37-13-91(2)(f).

⁴⁶² *Id.* § 37-13-91(3)(c).

⁴⁶³ *Id.* § 37-13-91(3)(a).

⁴⁶⁴ *Id.*

⁴⁶⁵ *Id.* § 37-13-91(2)(e).

⁴⁶⁶ *Id.* § 37-13-91(9).

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.* § 37-17-7; see also Miss. Dep’t of Educ., *Mississippi Nonpublic School Accountability Standards*, 1, 14 (2023) https://www.mdek12.org/sites/default/files/mississippi_nonpublic_school_accountability_standards_2023.pdf

⁴⁶⁹ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Education: (1)the Annual Compliance Report; (2) the Annual Personnel Data Report which includes personnel data about every school employee; and (3) the Summer School/Extended Year Report.⁴⁷⁰

Educational Neglect. Mississippi includes educational neglect in its definition of neglect.⁴⁷¹ Accordingly, parents who fail to ensure their children attend school or who fail to properly file the homeschooling certificate of enrollment are subject to criminal prosecution.⁴⁷²

Digital Divide. Mississippi ranks 45 in the nation for broadband connectivity.⁴⁷³ Approximately 23% of households in Mississippi do not internet connection, while over 44% do not have access to a computer or tablet.⁴⁷⁴

MISSOURI	
Compulsory School Attendance	For ages 7 – 16
Notice & Testing Requirements	No
Curricular Requirements	<p><u>Homeschool:</u> Students are required to take reading, math, social studies, language arts, and science.</p> <p><u>Private school:</u> Required courses for seventh grade and up on the United States and Missouri constitutions, and American history and institutions.</p>
Attendance & Instruction Length Requirements	<p><u>Home school:</u> 1,000 hours annually.</p> <p><u>Private school:</u> No requirements.</p>
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	43

⁴⁷⁰ *Id.*

⁴⁷¹ MISS. CODE ANN. §§ 37-13-91(5), 97-5-39.

⁴⁷² *Id.*

⁴⁷³ *Broadband Rankings, supra n. 59.*

⁴⁷⁴ *Mississippi Internet Coverage & Availability*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Mississippi>; Sean Buckley, *Mississippi Broadband Association (MSBA) takes aim at closing Mississippi's digital divide*, BROADBAND TECHNOLOGY REPORT (Sept. 28, 2023), <https://www.broadbandtechreport.com/fiber/ftth/article/14299575/mississippi-broadband-association-msba-takes-aim-at-closing-mississippis-digital-divide>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Compulsory Education. Missouri mandates that children ages 7 through 16 attend school.⁴⁷⁵ Children ages 14 through 16 may be excused from attending full-time school by the school superintendent if they are legally employed.⁴⁷⁶ Children who are mentally or physically incapacitated are also exempt.⁴⁷⁷

Homeschooling. Parents may provide notice of their intent to home school by submitting a declaration of enrollment in home school to the local superintendent prior to September 1st and within thirty days of establishing the home school but are not required to do so.⁴⁷⁸ In Missouri, parents are only required to maintain, not submit, instructional records, including daily logs or plans that indicate the “subjects taught and activities engaged in,” as well as samples of the child’s work and evaluations demonstrating the child’s academic progress.⁴⁷⁹ Homeschooling parents should provide at least 1,000 hours of instruction, including at least 600 hours in “reading, language arts, mathematics, social studies and science.”⁴⁸⁰

Private Schooling. Private schools in Missouri are not subject to significant state oversight. Private schools do not have instruction length requirements, teacher certification is not required, and the only recordkeeping requirement pertains to students’ immunization records.⁴⁸¹

Educational Neglect. Missouri includes educational neglect in its definition of child neglect.⁴⁸² Under both Missouri’s welfare code and education code, reports that a parent is failing to adhere to homeschooling requirements or is failing to ensure their child properly attends school must be sent to the school district where the child resides.⁴⁸³ The school district is required to immediately refer the report to the local prosecuting attorney.⁴⁸⁴

Digital Divide. Missouri ranks 43 in the nation for broadband coverage.⁴⁸⁵ In St. Louis and St. Louis County alone, about 150,000 households “struggle to afford high-speed broadband,” while 90,000 households cannot afford internet-connected devices.⁴⁸⁶

⁴⁷⁵ MO. REV. STAT. § 167.031.1., 6.

⁴⁷⁶ *Id.* § 167.031.1(2).

⁴⁷⁷ *Id.* §§ 167.031 (1)(1), 167.031(1)(3).

⁴⁷⁸ *Id.* §167.042.

⁴⁷⁹ *Id.* § 167.031.2.(2)(a).

⁴⁸⁰ *Id.* § 167.031.2.(2)(b).

⁴⁸¹ U.S. Dep’t of Educ., *Missouri State Regulations*, (Apr. 23, 2013), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/missouri.html>; *see also* MO. REV. STAT. §§168.071, 167.181(4).

⁴⁸² MO. REV. STAT. § 210.110(12).

⁴⁸³ *Id.* §§ 167.031.7., 210.167.

⁴⁸⁴ *Id.* § 210.167.

⁴⁸⁵ *Broadband Rankings*, *supra* n. 59.

⁴⁸⁶ Michelle Li, *New study shows depth of digital divide in St. Louis, St. Louis County*, KSDK (April 13, 2022), <https://www.ksdk.com/article/news/local/new-study-digital-divide-st-louis-county/63-c7b4b919-11ec-4f2b-abd7-d34d69dc9323>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

MONTANA	
Compulsory Education Requirements	For ages 7 – 15
Notice & Testing Requirements	<u>Homeschool</u> : Notice only. <u>Private school</u> : Standardized testing required only for accredited schools.
Curricular Requirements	Required subjects: 4 units of English Language Arts, 2 units of mathematics, 2 units of social studies, 2 units of science, 1 unit of health enhancement, 1 unit of arts, and 1 unit of career and technical education.
Attendance & Instruction Length Requirements	360 hours annually for a half-time kindergarten program or 720 hours for a full-time kindergarten program, 720 hours annually for grades 1 through 3, and 1,080 hours annually for grades 4 through 12.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	44

Compulsory Education. Under Montana’s compulsory education law, children ages 7 through 15 or who are finishing the 8th grade must attend public school.⁴⁸⁷ Children are exempted from the requirement if they are excused by a district judge or board of trustees or are enrolled in a nonpublic school or homeschool.⁴⁸⁸

Homeschooling. Parents who wish to homeschool their children must annually notify their county superintendent of schools.⁴⁸⁹ Parents are only required to keep records of pupil attendance and need only make the records available to the county superintendent of schools upon request.⁴⁹⁰ Homeschooling parents must provide minimum hours of instruction (720 hours per year in grades 1-3; 1,080 hours for grades 4-12) in all subjects that are required in public schools.⁴⁹¹

Private Schooling. Private schools are subject to the same instructional length, curricular, and recordkeeping standards as home schools. Standardized testing and curricular reviews (conducted every five years) are only required for accredited private schools.⁴⁹²

⁴⁸⁷ MONT. CODE ANN. § 20-5-102(1).

⁴⁸⁸ *Id.* § 20-5-102(2).

⁴⁸⁹ *Id.* § 20-5-109(5).

⁴⁹⁰ *Id.* § 20-5-109(1).

⁴⁹¹ *Id.* §§ 20-1-301(2), 20-5-109(4).

⁴⁹² *Id.*; see also MONT. ADMIN. R. 10.56.101(1), 10.55.603(4)(b).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Failure to educate is included in Montana’s definition of child abuse and neglect.⁴⁹³ If a parent or guardian fails to ensure their child attends school or receives regular instruction by nonpublic or homeschool, the parent or child may be subject to criminal prosecution.⁴⁹⁴

Digital Divide. Montana ranks 44 in the nation for broadband coverage.⁴⁹⁵ Only 86% of households in Montana have access to the internet.⁴⁹⁶ Moreover, almost 6% of all households in Montana do not have access to a “computing device of any kind.”⁴⁹⁷

NEBRASKA	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice only.</p> <p><u>Private school</u>: accredited and approved private schools are required to administer a standardized test once between grades 4-6, 7-9, and 10-12.</p>
Curricular Requirements	<p><u>Homeschool</u>: Language arts, mathematics, science, and health.</p> <p><u>Private School</u>: Approved and Accredited Private, Denominational, and Parochial schools: must have a core curriculum of language arts, social studies, science, mathematics, career and technical education, world language, visual and performing arts, and personal health and physical education.⁴⁹⁸</p> <p>Grades K-5: at least one hour per week reciting stories of American history or American heroes, singing patriotic songs, developing</p>

⁴⁹³ MONT. CODE ANN. § 41-3-102(3)(c).

⁴⁹⁴ *Id.* §§ 20-1-207, 20-5-106(2).

⁴⁹⁵ *Broadband Rankings, supra n. 59.*

⁴⁹⁶ *Montana Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Montana>.

⁴⁹⁷ Keila Szpaller, *Montana to receive \$629M for broadband, updated plan to be presented July 12*, DAILY MONTANAN (June 29, 2023), <https://dailymontan.com/2023/06/29/montana-to-receive-629m-for-broadband-updated-plan-to-be-presented-july-12/>.

⁴⁹⁸ 92 NEB. ADMIN. CODE. § 13.004.03.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

	<p>reverence for the flag, and instructing proper conduct in its presentation.⁴⁹⁹</p> <p>In at least two grades from 5-8: at least three periods per week to the teaching of American history from approved textbooks.⁵⁰⁰</p> <p>In at least two grades 8-12: Three periods per week with instruction in civics, including the constitutions of the United States and Nebraska; the benefits and advantages of our form of government; the dangers and fallacies of Nazism; communism, and similar ideologies; and the duties of citizenship.⁵⁰¹</p>
Attendance & Instruction Length Requirements	<p>At least 400 hours annually for kindergarten, 1,032 hours annually for elementary school, and 1,080 hours annually for high school.</p> <p>Additionally, accredited and approved private high schools are required to have at least 200 credit hours for graduation, with 80 percent being from the core curriculum.</p>
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	33

Compulsory Education. Under Nebraska’s compulsory education law, children ages 6 through 17 must attend school.⁵⁰² Students are exempt if they have obtained a high school diploma by meeting graduation requirements, completed the program of instruction offered by a school which elects not to meet accreditation or approval requirements, or reached sixteen years of age and withdrawn from school.⁵⁰³

Homeschooling. In Nebraska, homeschools are considered private schools and may elect not to meet state approval and accreditation requirements.⁵⁰⁴ Parents who wish to homeschool their children must either take a nationally recognized teacher competency examination or be deemed competent to provide instruction by the State Board of Education.⁵⁰⁵ If parents decline to do so, they must file with the Commissioner of Education that such approval and accreditation requirements violate sincerely held religious beliefs or interfere with their

⁴⁹⁹ NEB. REV. STAT. § 79-724(3).

⁵⁰⁰ *Id.* § 79-724(4).

⁵⁰¹ *Id.* § 79-724(5).

⁵⁰² *Id.* § 79-201(1).

⁵⁰³ *Id.* § 79-724(3).

⁵⁰⁴ *Id.* § 79-1601.

⁵⁰⁵ *Id.* § 79-1601(5).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

decisions in directing their child's education.⁵⁰⁶ Parents must also annually report compliance with minimum state health and safety standards, attendance, required immunizations, and a sequential program of instruction.⁵⁰⁷ Required subjects of instruction include language arts, math, science, social studies and health.⁵⁰⁸

Private Schooling. All private schools in Nebraska are subject to the state's curricular, assessment, and instruction length requirements. For approved and accredited private, denomination, and parochial schools the core curriculum must include language arts, social studies, science, mathematics, career and technical education, world language, visual and performing arts, and personal health and physical education.⁵⁰⁹ Teachers must hold a Nebraska teaching certificate or permit, unless they are teaching pre-kindergarten religious courses.⁵¹⁰ Administrators must hold a Nebraska administrative certificate and principals must hold a Nebraska administrative supervisory certificate with an endorsement for serving as principal for the appropriate grade levels or for superintendent.⁵¹¹ All private school teachers must keep a record of students enrolled and their attendance.⁵¹² Approved and accredited private schools must prepare an annual written report consisting of student performance and demographics.⁵¹³ Accredited and approved private schools must also participate in annual statewide assessments and report the results to the Nebraska Department of Education.⁵¹⁴ If a school fails to meet accreditation requirements, the Board may put the school on probation or take away its accreditation.⁵¹⁵

Educational Neglect. Educational neglect is not included in Nebraska's definition of child neglect. Under the education code, all members of a learning community, whether public or private, must report violations of mandatory attendance to the attendance office of any school in the district.⁵¹⁶ The juvenile court of the associated county oversees jurisdiction of habitual truancy, subjecting both the parent, guardian, and child to criminal prosecution.⁵¹⁷ Parents who homeschool and fail to establish the school within either state accreditation or approval requirements or the above stated requirements for private schooling are also subject to criminal prosecution.⁵¹⁸ Parents who fail to comply with such standards must send their children to an accredited school or be subject to criminal prosecution.⁵¹⁹

⁵⁰⁶ *Id.* § 79-1601 (3).

⁵⁰⁷ *Id.* § 79-1601 (4).

⁵⁰⁸ *Id.*

⁵⁰⁹ 92 NEB. ADMIN. CODE. §§ 10.002.05; 14.002.03.

⁵¹⁰ NEB. REV. STAT. § 79-802(1); 92 NEB. ADMIN. CODE. §§ 10.003.01; 14.004.01A.

⁵¹¹ 92 NEB. ADMIN. CODE. §§ 10.008; 10.003.01.

⁵¹² 92 NEB. REV. STAT. § 79-205.

⁵¹³ 92 NEB. ADMIN. CODE. § 14.004.02E1.

⁵¹⁴ *Id.* §§ 10.005.01A, 10.005.02.

⁵¹⁵ *Id.* § 10.014.02.

⁵¹⁶ 92 NEB. REV. STAT. § 79-201(5).

⁵¹⁷ *Id.* § 43-247.

⁵¹⁸ *Id.* § 79-1601(6).

⁵¹⁹ *Id.* §§ 79-1606, 17-1607.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Nebraska ranks 33 in the nation for broadband coverage.⁵²⁰ Nebraska’s gaps in broadband coverage affect about 50,000 households.⁵²¹

NEVADA	
Compulsory School Attendance	For ages 7 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only <u>Private school</u> : Required to pass an examination on the Constitution to graduate.
Curricular Requirements	Required subjects: English including reading, composition, and writing; math; science; and social studies including history, geography, economics, and government. Additionally required in private school: Instruction on the U.S. and Nevada Constitution, and “the origin and history, and the study of devoting to American institutions and ideals.”
Attendance & Instruction Length Requirements	<u>Homeschool</u> : No requirements. <u>Private school</u> : 180 days annually for licensed private schools.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	34

Compulsory Education. Under Nevada’s compulsory education law, children ages of 7 through 17 must be enrolled in school.⁵²² Children are exempt from state enrollment and attendance requirements if they attend private school or if a parent has filed a notice of intent to homeschool with the superintendent of schools.⁵²³

Homeschooling. As stated above, parents who wish to homeschool their children must file a notice of intent to homeschool with the local superintendent.⁵²⁴ In the notice, parents assume full responsibility for the education

⁵²⁰ *Broadband Rankings, supra n. 59.*

⁵²¹ Erin Bamer, *Nebraska Broadband Office aims to fill service gaps affecting roughly 50,000 households*, SIOUX CITY JOURNAL (Dec. 7, 2023), https://siouxcityjournal.com/news/state-regional/government-politics/nebraska-broadband-office-aims-to-fill-service-gaps-affecting-roughly-50-000-households/article_28870376-037d-5267-adc0-9877b52a93b9.html.

⁵²² NEV. REV. STAT. § 392.040(1).

⁵²³ *Id.* § 392.070.

⁵²⁴ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

of their child⁵²⁵ and must provide an educational plan including English language arts, mathematics, science, social studies, history, geography, economics, and government.⁵²⁶ Upon receipt of a notice of intent to homeschool that meets the statutory requirements, district superintendents shall not require or request any assurances from the parent, including proof of attendance, adequacy of curriculum, assessment results, or qualification to educate.⁵²⁷

Private Schooling. Private schools must be licensed by Nevada’s Department of Education unless the school is an elementary or secondary educational institution operated by a church, religious organization, or faith-based ministry.⁵²⁸ Private schools must submit paperwork every other year confirming that they still meet licensing standards.⁵²⁹ To maintain accreditation, a private school must follow the following minimum standards: (1) the quality and content of each course of instruction must adequately achieve the stated objective of the course; (2) the school has the adequate space, equipment, materials, and personnel to provide quality education to its students; (3) the education and experience of teachers and instructors are consistent with the objectives of the course of study provided; (4) the school provides students and their families a brochure containing the required information to give them notice of school expenses and the quality of the education the school provides; (5) upon satisfactory completion of coursework, students are given credits to denote the course is completed; (6) adequate records are maintained, (7) the school complies with all safety and health laws; (8) the school does not engage in deceptive, false, or misleading practices; (9) personnel employed at the institution are of good reputation and character; (10) all student housing at the school is safely maintained; and (11) and the school has a fair and equitable cancellation and refund policy.⁵³⁰ Private schools must provide an equivalent curriculum, at least 180 days of instruction, and at least the same instruction time per day as that provided by Nevada public schools.⁵³¹ Teachers must be licensed by the state or have similar qualifications, such as a bachelor’s degree.⁵³²

Educational Neglect. Nevada considers a lack of education due to the “faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so” as negligent treatment and an indication that the child’s welfare is threatened.⁵³³ Parents who fail to provide necessary educational care for their child may be subject to criminal liability.⁵³⁴ However, there is no oversight of homeschool programs outside of the notice of intent to homeschool; therefore, reporting educational neglect is reliant on an individual with “reasonable cause to believe that a child has been abused or neglected.”⁵³⁵

⁵²⁵ *Id.* § 388D.020(5)(c).

⁵²⁶ *Id.* § 388D.050(1).

⁵²⁷ *Id.* § 388D.020(6).

⁵²⁸ NEV. ADMIN. CODE §§ 394.211(1)(d); 394.251(1).

⁵²⁹ *Id.* § 394.251(6).

⁵³⁰ *Id.* § 394.241(1).

⁵³¹ NEV. ADMIN. CODE § 394.215(1)

⁵³² *Id.* § 394.050(2)(a)-(c).

⁵³³ *Id.* §§ 432B.140, 200.508(4)(a).

⁵³⁴ *Id.* § 200.508.

⁵³⁵ *Id.* § 432B.220.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. Nevada ranks 34 in the nation for broadband coverage.⁵³⁶ Approximately 14% of households in Nevada do not have access to the internet.⁵³⁷

NEW HAMPSHIRE	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	<p><u>Homeschooling:</u> Notice only. Portfolio of student's work must be kept and submitted upon request. Annual evaluation of portfolio by certified party or standardized testing is required, but submission of results is not required.</p> <p><u>Private School:</u> No requirements.</p>
Curricular Requirements	Required subjects include science, math, language, government, history, health, reading, writing and spelling, history of the U.S. and New Hampshire constitution, and exposure to/appreciation of art and music.
Attendance & Instruction Length Requirements	<p><u>Homeschooling:</u> No requirements.</p> <p><u>Private School:</u> 450 hours annually for kindergarten, 945 hours annually for students in grades 1-6, and 990 hours annually for students in grades 7-12.</p>
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	2

Compulsory Education. Under New Hampshire's compulsory attendance statute, children ages 6 through 17 must attend school.⁵³⁸ Children in private or home school are exempt, as are those who have graduated high school or received their equivalency certificate.⁵³⁹ Exemptions also apply for those with mental or physical illness, those who have obtained an alternative learning plan at or over the age of sixteen, those enrolled in the education freedom account program, and those already accepted to an accredited postsecondary education program.⁵⁴⁰ An

⁵³⁶ *Broadband Rankings, supra n. 59.*

⁵³⁷ *Nevada Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Nevada>.

⁵³⁸ N.H. REV. STAT. ANN. § 193:1.

⁵³⁹ *Id.* § 193:1(1)(a)-(b), (f).

⁵⁴⁰ *Id.* § 193:1(1)(c), (g)-(i).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

exemption also exists in instances where the welfare of the child would best be served by withdrawal from school.⁵⁴¹

Homeschooling. Parents who wish to homeschool their children must annually notify either the district superintendent, the commissioner of education, or the principal of the child’s school within five business days of starting the program.⁵⁴² New Hampshire’s home education program is under the Department of Education’s purview and requires instruction in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the New Hampshire and United States constitutions, and an appreciation of art and music.⁵⁴³ Parents must maintain a portfolio of records and materials, such as writing samples and worksheets, for two years.⁵⁴⁴ Parents are also required to evaluate their children annually through a national or state assessment, review by a certified teacher or nonpublic school teacher, or through any other valid measuring tool agreed upon by the commissioner of education, resident district superintendent, or nonpublic school principal.⁵⁴⁵ While the evaluations can determine the child’s eligibility to participate in public school and co-curricular activities, they cannot be “used as a basis for termination of a home education program.”⁵⁴⁶

Private Schooling. Registration and approval are mandatory for private schools in New Hampshire.⁵⁴⁷ Private schools must provide courses in history, government, and both the U.S. and New Hampshire constitutions as well as instruction in the operation of the New Hampshire and Federal governments.⁵⁴⁸ The instruction length requirements are 450 hours annually for kindergarten, 945 hours annually for students in grades ones through six, and 990 hours annually for students in grades seven through twelve.⁵⁴⁹ Teachers are not required to be certified to provide instruction at a private school.⁵⁵⁰ There are also no assessment and evaluation requirements for private schooling.⁵⁵¹

Educational Neglect. New Hampshire includes deprivation of education where “the deprivation is not due primarily to the lack of financial means of the parents [or] guardian,” within its definition of child neglect.⁵⁵² Parents may be subject to criminal liability for failing to comply with the compulsory attendance statute and/or by violating

⁵⁴¹ *Id.* § 193:5.

⁵⁴² *Id.* § 193-A:5.

⁵⁴³ *Id.* §§193-A:2, 193-A:4.

⁵⁴⁴ *Id.* § 193-A:6.

⁵⁴⁵ *Id.*

⁵⁴⁶ *Id.*

⁵⁴⁷ N. H. REV. STAT. ANN. § 349:1(l); *State v. Hoyt*, 146 A. 170, 172 (N.H. 1929) (finding the approval of private school as a substitute for public school attendance is a reasonable exercise of the state’s power.)

⁵⁴⁸ N. H. REV. STAT. ANN. § 189:11.

⁵⁴⁹ N.H. CODE R. 401.03(a).

⁵⁵⁰ U.S. Dep’t of Educ., *New Hampshire State Regulations*, (Nov. 17, 2015), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/newhampshire.html>.

⁵⁵¹ *Id.*

⁵⁵² *Id.* § 169-C:3.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

the homeschool provisions.⁵⁵³ However, while mandated, there is no requirement for parents to submit the annual assessments of their child’s school performance to prove proper education, and “no superintendent, school board, school principal, or other school district official shall ... enforce any policy or procedure governing home educated pupils that is ... more restrictive” than the provision in New Hampshire’s homeschool statute.⁵⁵⁴

Digital Divide. Nevada ranks 2 in the nation for broadband coverage.⁵⁵⁵ The digital divide disproportionately affects Black households in Nevada.⁵⁵⁶

NEW JERSEY	
Compulsory School Attendance	For ages 6 – 15
Notice & Testing Requirements	No
Curricular Requirements	<p><u>Homeschool</u>: No specific subject requirements but must be “equivalent” to education in public schools.</p> <p><u>Private school</u>: Must be “equivalent” to education in public schools. Courses in the U.S. Constitution and accident and fire prevention are also required.</p>
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	4

Compulsory Education. Under New Jersey’s compulsory education law, children ages 6 through 15 must be in public school unless they are receiving equivalent instruction elsewhere.⁵⁵⁷ Children may also be exempt if the board of education of the child’s district determines that child has a mental or physical condition that prevents them from benefiting from public school instruction.⁵⁵⁸

⁵⁵³ *Id.* § 193:7.

⁵⁵⁴ *Id.* §§ 193-A:6, 193-A:11.

⁵⁵⁵ *Broadband Rankings, supra n. 59.*

⁵⁵⁶ *New Hampshire Internet Coverage & Availability in 2023*, BROADBAND NOW (Aug. 15, 2023), <https://broadbandnow.com/New-Hampshire>. Approximately 10% of all Black households do not have access to the internet as compared to 4% of White households and 3% of Latinx households. *Id.*

⁵⁵⁷ N.J. REV. STAT. § 18A:38-25.

⁵⁵⁸ *Id.* § 18A:38-26.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. New Jersey only requires that the instruction received be “equivalent” to the instruction provided in public schools.⁵⁵⁹ The homeschool program requires only a showing of academic equivalency, “not equivalency of social development derived from group education.”⁵⁶⁰ There are no other requirements for homeschooling, such as providing the district notice, keeping attendance records, or reporting academic assessment results.

Private Schooling. Private schools have the same “equivalent instruction” requirement as homeschools.⁵⁶¹ The only subject requirements for private school curriculum are courses covering the U.S. Constitution from seventh grade onwards and courses in accident and fire prevention.⁵⁶² There are no requirements for teacher certification, instruction length, or assessment.⁵⁶³

Educational Neglect. New Jersey considers failure of a parent or guardian to “exercise a minimum degree of care in supplying the child with adequate ... education ... though financially able to do so” as child neglect.⁵⁶⁴ Both parents and children can be subject to criminal liability for violating compulsory education requirements.⁵⁶⁵ Since local school boards have no requirements to evaluate the child’s curriculum of instruction or monitor the child’s educational outcomes, there is virtually no oversight to evaluate sufficiency of home education programs.

Digital Divide. New Jersey ranks 4 in the nation for broadband coverage.⁵⁶⁶ The digital divide in New Jersey still affects its school-aged children.⁵⁶⁷ Only 72% of Latinx households in New Jersey always have access to computers or digital devices, while only “59% of those in the lowest household income category” always have access to the internet.⁵⁶⁸

⁵⁵⁹ *Id.* § 18A:38-25.

⁵⁶⁰ *Id.*; *State v. Massa*, 231 A.2d 252, 255 (N.J. Super 1967).

⁵⁶¹ *Id.*

⁵⁶² *Id.* §§ 18A:6-2; 18A:6-3.

⁵⁶³ *Id.*

⁵⁶⁴ N.J. REV. STAT. § 9:6-8.21.

⁵⁶⁵ *Id.* §§ 18A:38-31, 18A:38-27.

⁵⁶⁶ *Broadband Rankings*, *supra* n. 59.

⁵⁶⁷ Stephanie Holcomb et al., *New Jersey Policy Lab: Digital equity for K-12 students*, RUTGERS (Dec. 10, 2021), <https://bloustein.rutgers.edu/new-jersey-policy-lab-digital-equity-for-k-12-students/>.

⁵⁶⁸ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

NEW MEXICO	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only
	<u>Private School</u> : No requirements
Curricular Requirements	<u>Homeschool</u> : Required subjects include reading, language arts, math, social studies, and science.
	<u>Private School</u> : No requirements.
Attendance & Instruction Length Requirements	Same length as public schools (around 180 days annually).
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	39

Compulsory Education. Under New Mexico’s compulsory education statute, “school-aged persons” ages 5 through 17 must attend a public, private, homeschool, or state institution until reaching age 18 or completing high school or its equivalent.⁵⁶⁹ Children not of sufficient physical or mental ability are exempt.⁵⁷⁰ The parent of the school-age person is responsible for the child’s school attendance under New Mexico’s Attendance for Success Act.⁵⁷¹

Homeschooling. New Mexico requires parents who homeschool their children to have at least a high school diploma or equivalent.⁵⁷² Parents who wish to homeschool their children must submit a home school registration form to notify the department of education each school year.⁵⁷³ Children must undergo instruction in the required subjects of reading, language arts, mathematics, social studies and science.⁵⁷⁴ Children must be instructed for approximately the same number of days that local public schools are in session, which is typically around 180 days.⁵⁷⁵ The public education department shall enforce requirements for homeschools and order a student to attend public or private school if the homeschool is not in compliance with the law.⁵⁷⁶ However, homeschooling parents are not required to submit attendance records, samples of their child’s academic work, or standardized testing results.

⁵⁶⁹ N.M. STAT. ANN. §§ 22-12A-4, 22-1-2.

⁵⁷⁰ N.M. Const. art. XII, § 5.

⁵⁷¹ N.M. STAT. ANN. § 22-12A-4.

⁵⁷² *Id.* § 22-1-2.1(C).

⁵⁷³ *Id.* § 22-1-2.1(A).

⁵⁷⁴ *Id.* § 22-1-2(E).

⁵⁷⁵ *Id.* § 22-12A-4(E).

⁵⁷⁶ *Id.* § 22-2-2.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Private Schooling. Accreditation for private schools is optional.⁵⁷⁷ Private schools have the same instruction length requirements as homeschools.⁵⁷⁸ There is no requirement for teacher certification, curricular instruction, or assessments.⁵⁷⁹

Educational Neglect. New Mexico includes a lack of education within its definition of child neglect.⁵⁸⁰ Thus, parents who fail to ensure the adequate education of their children may be subject to criminal liability.⁵⁸¹ However, there are no mechanisms in place to assess homeschool students and their quality of education.

Digital Divide. New Mexico ranks 39 in the nation for broadband coverage.⁵⁸² In 2022, almost 50,000 students did not have access to the internet at home.⁵⁸³ The gaps in broadband coverage disproportionately affect Native American populations in New Mexico, with 24% Native American households lacking internet access.⁵⁸⁴

NEW YORK	
Compulsory School Attendance	For ages 6 – 16
Notice & Attendance Requirements	<p><u>Homeschool:</u> Yes. Standardized testing required all years in high school, and every other year for grades 4-8. For grades 1-3, and years where testing is not taken in grades 4-8, a narrative evaluation by a qualified person must be submitted.⁵⁸⁵</p> <p><u>Private School:</u> No requirements.</p>
Curricular Requirements	<p><u>Homeschool:</u> Grades 1-6 required subjects: mathematics, including arithmetic, science, and technology; English language arts; social studies; the arts; career development and occupational studies; health education, physical education, and family and consumer sciences.⁵⁸⁶</p>

⁵⁷⁷ *Id.* § 22-2-2(G) (“assess and evaluate all state institutions and those private schools that *desire* state accreditation.”)

⁵⁷⁸ *Id.* § 22-12A-4(E).

⁵⁷⁹ *Id.*

⁵⁸⁰ N.M. STAT. ANN. §§ 30-6-1, 32A-4-2.

⁵⁸¹ *Id.*

⁵⁸² *Broadband Rankings, supra n. 59.*

⁵⁸³ Curtis Segarra, *Over 47,000 New Mexico students lack internet access – will that change?*, KRQE NEWS (July 25, 2022), <https://www.krqe.com/news/education/over-47000-new-mexico-students-lack-internet-access-will-that-change/>.

⁵⁸⁴ *New Mexico Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/New-Mexico>.

⁵⁸⁵ N.Y. COMP. CODES R. & REGS. tit 8, § 100.10(h).

⁵⁸⁶ *Id.* § 100.10(e)(2)(i).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

	<p>Grades 7 and 8 required subjects and course units: mathematics (two units of study); English language arts (two units of study); social studies (two units of study); science (two units of study); career and technical education (one and three-fourths units of study); physical education; health education (one-half unit of study); visual arts (one-half unit of study); music (one-half unit of study); library and information skills; and career development and occupational studies.⁵⁸⁷</p> <p>Grades 9-12 required subjects and course units: English (four units of study); social studies (four units of study); mathematics (three units of study); science (three units of study); health (one-half unit of study); physical education (two units of study); the arts (one unit of study).⁵⁸⁸</p> <p><u>Private School</u>: Instruction must be substantially equivalent to instruction given in public school.⁵⁸⁹</p>
<p>Attendance & Instruction Length Requirements</p>	<p><u>Homeschool</u>: Grades 1-6: 900 hours total per year.⁵⁹⁰ Grades 7-12: 990 hours total per year.⁵⁹¹</p> <p><u>Private School</u>: If receiving state aid must be in session for 180 days.⁵⁹²</p>
<p>Educational Neglect Included in Child Neglect Statute</p>	<p>Yes</p>
<p>Digital Divide Ranking</p>	<p>5</p>

Compulsory Education. According to New York’s compulsory education law, children ages 6 through 16 must attend school.⁵⁹³ Children may be exempt if they receive non-public or home instruction; have a mental or physical

⁵⁸⁷ *Id.* § 100.10(e)(2)(ii).

⁵⁸⁸ *Id.* § 100.10(e)(2)(iv).

⁵⁸⁹ N.Y. EDUC. LAW § 3204(2).

⁵⁹⁰ N.Y. COMP. CODES R. & REGS. tit 8, § 100.10(f)(2).

⁵⁹¹ *Id.*

⁵⁹² *Id.* § 175.5(c).

⁵⁹³ N.Y. SESS. LAWS § 3205(1).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

condition that endangers themselves or others, have completed a four-year high school program; or have a full-time employment certificate.⁵⁹⁴ Additionally, school districts may require minors ages 16 or 17 to attend school full-time until completing the school year in which they turned 17.⁵⁹⁵

Homeschooling. New York has multiple laws and regulations pertaining to homeschooling. Children who receive school instruction somewhere other than a public school must receive an education “at least substantially equivalent to the instruction given ... at the public schools.”⁵⁹⁶ Parents who wish to homeschool their child must annually submit a notice of intent to the local school district superintendent each year.⁵⁹⁷ With that notice, parents must include an Individualized Home Instruction Plan (IHIP), detailing a list of syllabi and materials to be used in teaching each required subject; the dates for which the parents will submit quarterly progress reports to the school district; the names of instructors; and an affidavit that parents will comply with state education requirements.⁵⁹⁸ Homeschool programs must provide an equivalent of 180 days of instruction.⁵⁹⁹ Each grade level must complete a list of required subjects, with certain subjects requiring lengthier instruction times than others.⁶⁰⁰ Parents must maintain attendance records which shall be made available to the district upon request.⁶⁰¹ Additionally, parents must file a quarterly report to the school district detailing the number of instruction hours, the curriculum covered, grades for each course, and an explanation if less than 80% of the planned course materials have been covered.⁶⁰² Finally, parents are required to annually submit their children’s results from a “commercially published norm-referenced achievement test.”⁶⁰³ School districts must place a homeschool program on probation if a student’s score is below the 33rd percentile or does not reflect one year of academic growth.⁶⁰⁴ Should this occur, parents must submit a remediation plan.⁶⁰⁵ School districts will remove homeschools from probation only if the child achieves at least 75% of the remediation plan at the end of the probationary semester.⁶⁰⁶ If the child does not, then the board of education will “review the determination of noncompliance ... [and] may require one or more home visits ... conducted by the superintendent or the superintendent’s designee.”⁶⁰⁷

⁵⁹⁴ *Id.* §§ 3502(2); 3508(2).

⁵⁹⁵ *Id.*

⁵⁹⁶ *Id.* § 3204(2).

⁵⁹⁷ N.Y. COMP. CODES R. & REGS. tit. 8, § 100.10(b).

⁵⁹⁸ *Id.* § 100.10(c)-(d).

⁵⁹⁹ *Id.* § 100.10(f).

⁶⁰⁰ *Id.* § 100.10(e).

⁶⁰¹ *Id.* § 100.10(f).

⁶⁰² *Id.* § 100.10(g).

⁶⁰³ *Id.* § 100.10(h).

⁶⁰⁴ *Id.*

⁶⁰⁵ *Id.* § 100.10(i).

⁶⁰⁶ *Id.*

⁶⁰⁷ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Private Schooling. For private schools, instruction must be “substantially equivalent” to the instruction given in a public-school setting.⁶⁰⁸ To assess this standard in an elementary or middle school setting, the New York Department of Education will consider if the curriculum provides instruction that cultivates critical thinking skills; whether the curriculum prepares students to read fiction and nonfiction texts and use information from reading to construct essays that articulate a point of view or argument; if the curriculum provides mathematics instruction that will prepare students to solve real-world problems; if the school provides instruction in social studies that teach students important events in history, the role of geography and economics, and understanding of civics and responsibilities of citizens in world communities; and science instruction that teaches students to gather, analyze, and interpret data to make informed decisions, how to form a hypothesis, and differentiate between correlational and casual relationships.⁶⁰⁹ To assess the substantial equivalency standard in a high school setting, the New York Department of Education will consider if the curriculum “provides academically rigorous instruction that develops critical thinking skills in the school’s students, the outcomes of which, taking into account the entirety of the curriculum, result in sound basic education.”⁶¹⁰ The only standard for teachers in private school is that they are “competent,” however competency is not defined.⁶¹¹

Educational Neglect. Failure to educate is included under New York’s definition of child abuse and neglect.⁶¹² Parents who fail to educate their children are at risk of criminal liability.⁶¹³

Digital Divide. New York ranks 5 in the nation for broadband coverage.⁶¹⁴ In New York City, over 11% of public-school students in each borough do not have adequate internet access, which “amounts to 114,073 students lacking sufficient home internet.”⁶¹⁵

⁶⁰⁸ N.Y. EDUC. LAW § 3204(2).

⁶⁰⁹ *Id.* § 3204(2)(ii).

⁶¹⁰ *Id.* § 3204(2)(iii).

⁶¹¹ *Id.* § 3204(2).

⁶¹² N.Y. FAM. CT. ACT § 1012(f)(i)(A).

⁶¹³ *Id.*

⁶¹⁴ *Broadband Rankings, supra n. 59.*

⁶¹⁵ *Broadband and Equal Access to the Internet in New York City*, NEW YORK CITY COUNCIL, <https://council.nyc.gov/data/internet-access/#:~:text=The%20digital%20divide%20in%20New,%2Dincome%2C%20and%20senior%20households> (last visited Dec. 18, 2023).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

NORTH CAROLINA	
Compulsory School Attendance	For ages 7 – 16
Notice & Testing Requirements	<p><u>Homeschool</u>: Parents must submit a notice of intent to operate to a state representative. Require administration of a nationally standardized test or its equivalent at least once a year.</p> <p><u>Private School</u>: Students must take a national standardized test in grades three, six, and nine.</p>
Curricular Requirements	No
Attendance & Instruction Length Requirements	Minimum of nine calendar months a year.
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	29

Compulsory education. Under North Carolina’s compulsory education law, children must be in school from ages 7 through 16.⁶¹⁶ They must be in school “continuously” for an equal amount of time as the public school to which they are assigned.⁶¹⁷ Exemptions to the law must be approved by the school’s principal, superintendent, or designee of the principal or superintendent.⁶¹⁸ A child can be exempt from school on account of a sickness or “unavoidable cause that does not constitute unlawful absence as defined by the State Board of Education.”⁶¹⁹

Homeschooling. A homeschool in North Carolina is considered a nonpublic school led by parents or guardians.⁶²⁰ Homeschools must submit a notice of intent to operate to a state representative.⁶²¹ To operate a homeschool, the individuals providing instruction must have at least a high school diploma or its equivalent.⁶²² All nonpublic schools must maintain attendance and immunization records that “satisfy the requirements of compulsory school attendance so long as the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year.”⁶²³ Nonpublic schools are also subject to standardized testing, which requires administration of a nationally standardized test or its equivalent at least once a year.⁶²⁴ Grades

⁶¹⁶ N.C. GEN. STAT. § 115C-378(a).

⁶¹⁷ *Id.*

⁶¹⁸ *Id.* § 115C-378(c).

⁶¹⁹ *Id.*

⁶²⁰ N.C. GEN. STAT. § 115C-563 (2023).

⁶²¹ *Id.* § 115C-560.

⁶²² *Id.* § 115C-564.

⁶²³ *Id.* § 115C-556.

⁶²⁴ *Id.* § 115C-557.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

three through six must test English grammar, reading, spelling, and mathematics, while grade nine must test the same subjects or competencies in the verbal and quantitative areas.⁶²⁵ Records of the assessments must only be maintained, though may be subject to annual inspection by a state representative.⁶²⁶

Private Schooling. In North Carolina, there are two types of private schools: private church schools and schools of religious charter and qualified nonpublic schools. Both types of private schools are required to register with the State Board of Education.⁶²⁷ There are no requirements for certification of private school teachers. School must be in session for at least nine calendar months, excluding “reasonable” holidays.⁶²⁸ There are no curricular requirements. For assessment of learning, students must take a national standardized test in grades three, six, and nine.⁶²⁹ Private schools must keep testing records for at least one year and have them available for annual review by the state.⁶³⁰

Educational Neglect. Educational neglect is not included under North Carolina’s definition of child abuse and neglect, and case law has failed to establish precedent concerning educational neglect.⁶³¹

However, if a homeschool is registered, concerned parties can submit a Citizen Complaint Form with the Director of the North Carolina Division of Non-Public Education if they believe the homeschool is not adhering to compulsory attendance laws.⁶³² If a homeschool is not registered, the concerned individual can notify the local public school compulsory attendance officials.⁶³³ Upon receipt of the complaint, the Director of the North Carolina Division of Non-Public Education shall investigate if the homeschool has automatically terminated its legal status as a school by failure to comply with requirements.⁶³⁴ If the homeschool has failed to follow compulsory attendance laws, legal proceedings will be brought against the parents of the students enrolled in the program.⁶³⁵ Any parent or guardian who violates the compulsory attendance law shall be guilty of a Class 1 misdemeanor.⁶³⁶

Digital Divide. North Carolina ranks 29 in the nation for broadband coverage.⁶³⁷ Approximately 50,000 students in North Carolina “do not have the access they need to high-speed internet.”⁶³⁸

⁶²⁵ *Id.*

⁶²⁶ *Id.*

⁶²⁷ *Id.* §§ 115C-552(a); 560(a).

⁶²⁸ *Id.* §§ 115C-548; 556.

⁶²⁹ *Id.* §§ 115C-549(a); 557(a).

⁶³⁰ *Id.* §§ 115C-549(b); 557(b).

⁶³¹ N.C. GEN. STAT. ANN. § 7B-101.

⁶³² N.C. Dep’t of Admin., *Complaints about Homeschools*, <https://www.doa.nc.gov/divisions/non-public-education/homeschools/complaints>.

⁶³³ *Id.*

⁶³⁴ *Id.*

⁶³⁵ *Id.*

⁶³⁶ N.C. GEN. STAT. ANN. §§ 115C-379, 115C-380.

⁶³⁷ *Broadband Rankings*, *supra* n. 59.

⁶³⁸ *Homework Gap*, NORTH CAROLINA DEPT. OF INFO.TECH., <https://www.ncbroadband.gov/node/104> (last visited Dec. 18, 2023).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES &
TERRITORIES

NORTH DAKOTA	
Compulsory School Attendance	For ages 7 – 15
Notice & Testing Requirements	<p><u>Homeschool</u>: Students must take a nationally standardized test in grades four, six, eight, and ten if the homeschool has selected to be treated as a private school.</p> <p><u>Private school</u>: No requirements.</p>
Curricular Requirements	<p>Elementary and Middle School: English language arts, including reading, composition, creative writing, English grammar, and spelling; mathematics; social studies, including the United States Constitution, United States history, geography, and government, and, in the 4th and 8th grades, North Dakota studies, with an emphasis on the geography, history, and agriculture of North Dakota; science, including agriculture; physical education; and health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics.</p> <p>High School: English language arts (includes literature, composition, and speech); mathematics; science (includes biology and chemistry or physical science); social studies (includes U.S. history, civics, economics, and concepts of personal finance); physical education; and foreign languages or fine arts or career and technical education.</p>
Attendance & Instruction Length Requirements	At least four instruction hours a day for 175 days a year.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	26

Compulsory Education. Under North Dakota’s compulsory education statute, children ages 7 through 16 must attend school.⁶³⁹ Students are exempt if they attend an approved non-public school, have already completed high

⁶³⁹ N.D. CENT. CODE § 15.1-20-01.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

school, must work to support their family, are a military-connected student engaging in virtual instruction, has a medical condition that renders them unable to physically attend school, or are homeschooled.⁶⁴⁰

Homeschooling. Parents who wish to homeschool their children must submit a notice of intent to the school district in which they reside.⁶⁴¹ The notice must include the parent’s qualifications to supervise home education.⁶⁴² To be eligible to homeschool, parents must either hold a high school diploma or a GED.⁶⁴³ A parent who is unable to meet these requirements may still homeschool their children but must be monitored for the first two years by an individual assigned by the school district.⁶⁴⁴ During this time, if a homeschooled child receives a score below the fiftieth percentile nationally on a basic standardized achievement test, the parent must be monitored until the child receives a score at or above the fiftieth percentile.⁶⁴⁵ Homeschools must teach the same subjects required by law for public school students as well as for the same duration; homeschooled children must have instruction of “at least four hours each day for a minimum of one hundred seventy-five days each year.”⁶⁴⁶ Parents who homeschool are required to maintain records of both the courses instructed and assessment results.⁶⁴⁷ Parents must submit assessment results to the resident school district when their children complete grades four, six, eight, and ten.⁶⁴⁸ However, parents may notify the district to exempt their child from taking such tests if the “parent has a philosophical, moral, or religious objection to the use of standardized achievement tests,” or if the parent is licensed to teach, has a bachelor’s degree, or passed a national teacher examination.⁶⁴⁹ If a homeschooled child is not making academic progress determined by the standardized testing scores, the superintendent of the school district will implement a remediation plan.⁶⁵⁰

Private Schooling. Private schools must be approved by the superintendent of public instruction.⁶⁵¹ Private school teachers must also be certified.⁶⁵² Private schools have the same attendance and curricular requirements as homeschool programs.⁶⁵³ However, standardized testing is not required.

⁶⁴⁰ *Id.* § 15.1-20-02(1).

⁶⁴¹ *Id.* § 15.1-23-02.

⁶⁴² *Id.*

⁶⁴³ *Id.* § 15.1-23-03.

⁶⁴⁴ *Id.* §§ 15.1-23-06, 15.1-23-07.

⁶⁴⁵ *Id.* § 15.1-23-06.

⁶⁴⁶ *Id.* § 15.1-23-04.

⁶⁴⁷ *Id.* § 15.1-23-05.

⁶⁴⁸ *Id.* §§ 15.1-23-08, 15.1-23-09, 15.1-23-11.

⁶⁴⁹ *Id.* § 15.1-23-09.

⁶⁵⁰ *Id.* § 15.1-23-12.

⁶⁵¹ *Id.* § 15.1-06-06.1(1).

⁶⁵² *Id.* §§ 15.1-18-07; 18-08; 18-09.

⁶⁵³ *Id.* §§ 15.1-21-01; 21-02.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Failing to provide proper education as required by law is included under North Dakota’s definition of child neglect.⁶⁵⁴ School officials are also required to report abuse and neglect.⁶⁵⁵ Parents or guardians are at risk of criminal liability for failing to comply with compulsory attendance laws.⁶⁵⁶ Additionally, parents who fail to implement a remediation plan after their homeschooled child failed to achieve the required assessment scores are in violation of compulsory attendance laws and are at risk of criminal liability in addition to losing the right to supervise their child’s home education.⁶⁵⁷

Digital Divide. North Dakota ranks 26 in the nation for broadband coverage.⁶⁵⁸ In North Dakota, the digital divide disproportionately affects Native American households; 12% do not have internet access.⁶⁵⁹

OHIO	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	Notice only
Curricular Requirements	Required subjects: Language, reading, spelling and writing; geography, history of the United States and Ohio, and national, state, and local government; mathematics; science; health; physical education; fine arts, including music; and first aid, safety, and fire prevention.
Attendance & Instruction Length Requirements	<u>Homeschool</u> : 900 total hours of instruction per year. <u>Private school</u> : 910 hours annually for grades 6 and below, and 1,001 annually for grades 7 to 12.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	38

Compulsory Education. Under Ohio’s compulsory education law, children ages 6 through 18 must attend school.⁶⁶⁰ Students are exempt if they already received a high school diploma, are over the age of 14 and lawfully

⁶⁵⁴ N.D. CENT. CODE § 14-09-22.1.

⁶⁵⁵ *Id.* § 25-01.2-04.

⁶⁵⁶ *Id.* § 15.1-20-03.

⁶⁵⁷ *Id.* § 15.1-23-11.

⁶⁵⁸ *Broadband Rankings, supra n. 59.*

⁶⁵⁹ North Dakota Internet Coverage & Availability in 2023, BROADBANDNOW (Aug, 15, 2023), <https://broadbandnow.com/North-Dakota>.

⁶⁶⁰ OHIO REV. CODE ANN. §§ 3321.01(A)(1), 3321.04.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

employed for essential work, have a physical or mental condition that does not permit schooling, or are instructed at home.⁶⁶¹

Homeschooling. Parents who wish to homeschool their children in Ohio must submit a notice of intent to the school district superintendent.⁶⁶² The notice of intent must include an affidavit that the child will receive an education as required by law.⁶⁶³ Parents must be “qualified to teach the branches in which instruction is required.”⁶⁶⁴ Homeschools are required to conform to the minimum standards of public schools in regards to hours and term of attendance.⁶⁶⁵ Students must have at least four instruction hours a day for 175 days a year.⁶⁶⁶ Parents must provide instruction in the subjects of English language arts, mathematics, science, history, government, and social studies.⁶⁶⁷

Private Schooling. For private schools, chartering with the state board of education is optional.⁶⁶⁸ If a school is not chartered, it must certify in a report to the parents of the students that attend the school that it meets Ohio minimum standards outlined in *Ohio Admin Code* § 3301-35-08(A)-(G).⁶⁶⁹ These standards include that students attend school for 910 hours annually for grades 6 and below and for 1,001 hours annually for grades 7 through 12, that teachers and administrators have at least a bachelor's degree or an equivalent degree from a recognized college or university, that the school teaches the required courses, that the school follows regular procedures for promotion, that the school complies with all safety and health codes, and that the students are not entitled to transportation.⁶⁷⁰ Private schooling curricular requirements are the same as for homeschooling.⁶⁷¹ Chartered private schools must adhere to strict requirements. Such schools must assure the state board of education that its students are either provided a high-quality education either by being accredited by an association approved by the state board of education or by showing compliance with *Ohio Admin Code* § 3301-35-01 through 3301-35-07.⁶⁷² Private and parochial schools must report to the treasurer of the local board of education the names, ages, and residences of all pupils under age 18 within the first two weeks of school to facilitate carrying out the laws relating to compulsory education and the employment of minors.⁶⁷³

⁶⁶¹ *Id.* § 3321.04(A).

⁶⁶² *Id.* § 3321.042(C).

⁶⁶³ *Id.*

⁶⁶⁴ *Id.* § 3321.04(A)(2).

⁶⁶⁵ *Id.* § 3321.07.

⁶⁶⁶ *Id.* §§ 15.1-23-04.

⁶⁶⁷ *Id.* § 3321.042(B).

⁶⁶⁸ *Id.* §§ 3301-35-08; 3301-35-09(A).

⁶⁶⁹ *Id.* § 3301-35-08.

⁶⁷⁰ *Id.* § 3301-35-08(A)-(G).

⁶⁷¹ *Id.* § 3301-35-08(D).

⁶⁷² *Id.* § 3301-35-09(F).

⁶⁷³ OHIO REV. CODE ANN. § 3321.12.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Ohio considers the failure of parents or guardians to provide proper education as child neglect.⁶⁷⁴ Further, it is the responsibility of parents specifically to ensure that their children receive an education.⁶⁷⁵ Parents who fail to comply with compulsory school attendance laws or homeschooling requirements are at risk of criminal liability.⁶⁷⁶

Digital Divide. Ohio ranks 38 in the nation for broadband coverage.⁶⁷⁷ An estimated 39,000 students in Ohio do not have access to the internet and/or technology devices at home.⁶⁷⁸

OKLAHOMA	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	No
Curricular Requirements	<p><u>Homeschool:</u> No requirements.</p> <p><u>Accredited Private schools:</u></p> <p>Elementary and secondary grades must instruct students in social studies, literature, languages, the arts, health, mathematics, and science.</p> <p>Grades nine through twelve must have a curriculum including four units of English; three units of mathematics; three units of laboratory science approved for college admission requirements; two units of history and citizenship skills including one unit of American history, 1/2 unit in Oklahoma history, 1/2 unit in U.S. government, and one unit in either history, geography, economics, civics, or non-western culture; two units in a non-English language or computer technology; and one unit in fine arts including music, art, or drama, or one unit in competencies of speech.</p>

⁶⁷⁴ *Id.* § 2151.03(3).

⁶⁷⁵ See *Badgett v. Badgett*, 120 Ohio App. 3d 448, 698 N.E.2d 84 (7th Dist. Mahoning County 1997).

⁶⁷⁶ OHIO REV. CODE ANN. § 3321.38.

⁶⁷⁷ "Internet Access in Ohio: Stats & Figures." BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁶⁷⁸ *Data Insights: Ohio Students' Internet Connectivity and Technology Access*, OHIO DEPT. OF ED. & WORKFORCE, <https://education.ohio.gov/Topics/Research-Evaluation-and-Advanced-Analytics/Data-Insights/Data-Insights-Ohio-Students-Internet-Connectivity#:~:text=These%20six%20major%20urban%20districts,delivery%20model%20and%20district%20typology> (last visited Dec. 18, 2023).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Attendance & Instruction Length Requirements	<u>Homeschool</u> : 180 days a year. <u>Private school</u> : 6 hours a day; 1,080 hours per year.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	37

Compulsory Education. Under Oklahoma’s compulsory education law, children ages of 5 through 17 must attend school.⁶⁷⁹ However, children can be exempt from the attendance requirement if they are at least 16 and have entered an agreement to leave school with parental and school administration permission.⁶⁸⁰

Homeschooling. Children are required to receive 180 days of school instruction.⁶⁸¹ There are currently no notification, parental qualifications, student assessment, bookkeeping, or subject requirements for homeschooling in Oklahoma. However, Attorney General Opinion No. 73-129 states that a homeschool will satisfy state standards “so long as the private instruction is supplied in good faith and *equivalent* in fact to that afforded by the State.”⁶⁸² Equivalency has never been defined.

Private Schooling. For private schools, accreditation with an association is optional.⁶⁸³ Teachers are required to have a bachelor’s degree and meet Oklahoma certification standards.⁶⁸⁴ Attendance requirements are six hours a day, 1,080 hours per year.⁶⁸⁵ To receive accreditation, elementary and secondary private schools must instruct students in social studies, literature, languages, the arts, health, mathematics, and science.⁶⁸⁶ Private schools instructing grades nine through twelve must provide four units of English; three units of mathematics; three units of laboratory science approved for college admission requirements; two units of history and citizenship skills including one unit of American history, ½ unit in Oklahoma history, ½ unit in U.S. government, and one unit in either history, geography, economics, civics, or non-western culture; two units in a non-English language or computer technology; and one unit in fine arts including music, art, or drama, or one unit in competencies of speech.⁶⁸⁷

Educational Neglect. Oklahoma does include educational neglect in its definition of child neglect. In Oklahoma, educational neglect is defined as failing to provide appropriate education.⁶⁸⁸ Thus, parents are at risk of criminal

⁶⁷⁹ OKLA. STAT. tit. 70 § 10-105.

⁶⁸⁰ *Id.*

⁶⁸¹ *Id.* § 4516.

⁶⁸² *Id.*

⁶⁸³ OKLA. STAT. tit. 70 § 3-104(7) (“private and parochial schools *may* be accredited and classified in like manner as public schools...”)

⁶⁸⁴ OKLA. ADMIN. CODE § 210:35-3-86(a).

⁶⁸⁵ OKLA. STAT. tit. 70 § 3-109(A)(2); 3-111(A).

⁶⁸⁶ *Id.* §§ 3-104.3(B); 11-103.6(A)(3).

⁶⁸⁷ *Id.* § 11-103.6(B).

⁶⁸⁸ *Id.* at tit. 10A § 1-1-105(49).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

liability for neglecting or refusing to “cause or compel [children] to attend and comply with the rules of ... school.”⁶⁸⁹

Digital Divide. Oklahoma ranks 37 in the nation for broadband coverage.⁶⁹⁰ An estimated 342,000 students in Oklahoma do not have internet access at home.⁶⁹¹

OREGON	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Standardized testing is required in grades three, five, eight, and ten. <u>Private school</u> : No requirements.
Curricular Requirements	No
Attendance & Instruction Length Requirements	<u>Homeschool</u> : No requirements. <u>Private school</u> : Equivalent to the length of public school, but no specific day or hour requirement.
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	15

Compulsory Education. Under Oregon’s compulsory education law, children ages 6 through 18 must attend school.⁶⁹² Students are exempt if they attend private school, are homeschooled, have proof of equivalent subject knowledge through 12th grade, or are at least 16 years of age and lawfully employed.⁶⁹³

Homeschooling. To begin homeschooling, parents must register their child with their local Education Service District (EDS).⁶⁹⁴ In Oregon, there are no parental qualifications, hours of instruction, bookkeeping or subject requirements. However, there are assessment requirements for grades 3, 5, 8 and 10, which must be administered by a state-qualified individual.⁶⁹⁵ In the event that a child’s comprehensive examination score is below the 15th

⁶⁸⁹ OKLA. STAT. tit. 70 § 10-105(D).

⁶⁹⁰ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁶⁹¹ Kevin Smith, *Guest column: It’s time to close digital divides within Oklahoma’s rural communities*, THE OKLAHOMAN (Oct. 23, 2022), <https://www.oklahoman.com/story/opinion/2022/10/23/its-time-to-close-digital-divides-within-oklahomas-rural-communities/69569066007/>.

⁶⁹² OR. REV. STAT. § 339.010(1).

⁶⁹³ *Id.* § 339.030.

⁶⁹⁴ *Id.* § 339.035(2).

⁶⁹⁵ OR. REV. STAT. § 339.035(3), OR. ADMIN. R. 581-021-0026(1)(i).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

percentile, the child must be tested again the following year.⁶⁹⁶ If the child continues to score poorly on the assessment, the superintendent of the ESD may require additional assessments, place the homeschool under the supervision of a licensed teacher at the expense of the parent, or require that the child attend public school for up to one year.⁶⁹⁷ In addition to the requirements above, homeschooled children with special needs are instructed to obtain either an individualized education plan (IEP), which has been obtained through a public school, or a privately developed plan (PDP), which parents can develop in conjunction with one or more service providers.⁶⁹⁸

Private Schooling. Private schools in Oregon are not required to receive approval or accreditation. However, if a private school has a special education program or is a private alternative school that receives public funds, the school must be approved by the district school board.⁶⁹⁹ Teacher certification is not required unless the school is a private alternative school. In private alternative schools, teachers must be licensed by the Oregon Teacher Standards and Practices Commission.⁷⁰⁰ Private schools in Oregon are required to provide instruction for a length equivalent to that provided in public schools, but there are no specific day or hour requirements.⁷⁰¹ There are no specific subject requirements for private school curriculums.⁷⁰²

Educational Neglect. Failure to educate is not included in Oregon’s state definition of neglect.⁷⁰³ Individuals who believe that a child is not being adequately educated can file a report, but the report must meet the statutory definition of abuse and must include other forms of neglect.⁷⁰⁴

Digital Divide. Oregon ranks 15 in the nation for broadband coverage.⁷⁰⁵ In Oregon, the nine Native American Tribes “have been among the most underserved communities in the state with regard to broadband infrastructure and connectivity.”⁷⁰⁶

⁶⁹⁶ OR. REV. STAT. § 339.035(4), OR. ADMIN. R. 581-021-0026(7).

⁶⁹⁷ OR. REV. STAT. 339.035(4), OR. ADMIN. R. 581-021-0026(7)(c).

⁶⁹⁸ OR. ADMIN. R. 581-021-0029.

⁶⁹⁹ OR. REV. STAT. § 336.631(1); OR. ADMIN. R. 581-015-2270.

⁷⁰⁰ OR. ADMIN. R. 581-021-0072(5)(r)(D).

⁷⁰¹ OR. REV. STAT. § 339.030(1)(a).

⁷⁰² *Id.*

⁷⁰³ *Id.* § 163.547.

⁷⁰⁴ *Id.*

⁷⁰⁵ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁷⁰⁶ *The Oregon Broadband Office Must Continue to Take Aggressive Steps to Close the Digital Divide and Fully Meet its Statutory Duties*, OREGON BUS. DEV. DEPT. (Jan. 2023), <https://sos.oregon.gov/audits/Documents/2023-02.pdf>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

PENNSYLVANIA	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	<p><u>Homeschool</u>: Annual evaluation of student performance through student interview & review of student portfolio by certified parties required. Standardized testing is required in grades three, five, and eight (requirements only for homeschooling Option 1).</p> <p><u>Private School</u>: No requirements.</p>
Curricular Requirements	<p><u>Home Schools and Religious Private Schools</u>: Elementary-Level (K–6th grade) required subjects: English, including spelling, reading, and writing; arithmetic; civics; history of the U.S. and Pennsylvania; health and physiology; physical education; music; art; geography; science; safety education, which must include instruction in the dangers and prevention of fires.</p> <p>Secondary level (7th–12th grade) required subjects: English, including language, literature, speech, and composition; mathematics, including general mathematics, algebra, and geometry; social studies, including civics, history of the U.S. and Pennsylvania, world history; health; physical education; music; art; geography; science; safety education, which must include regular and continuous instruction in the dangers and prevention of fires.</p> <p>High School Graduation Requirements (only for homeschooling): 4 years of English, 3 years of math, 3 years of science, 3 years of social studies, 2 years of art and humanities.</p> <p><u>Private Academic Schools</u>:</p> <p>Elementary level required subjects: English, including spelling, reading and writing, arithmetic, geography, the history of the United</p>

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

	States and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music, and art. Secondary level (7 th - 12 th grade) required subjects: four semesters in the history and government of the United States and Pennsylvania to develop an appreciation for the American republican representative form of government, the benefits of the American way of life, and the individual's duty to exercise the right to vote.
Attendance & Instruction Length Requirements	Elementary: 180 days/900 hours annually. Secondary: 180 days/990 hours annually.
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	12

Compulsory Education. Under Pennsylvania’s compulsory education law, children no later than 6 years of age through age 17 must attend school.⁷⁰⁷ Students are exempt if they are 16 years of age and are regularly employed or are at least 14 years old and hold a permit to engage in farm work or domestic service in a private home.⁷⁰⁸ Children who receive a home education are considered to be in compliance with compulsory school attendance services.⁷⁰⁹ Regular instruction by a qualified tutor certified by the Commonwealth of Pennsylvania also satisfies compulsory attendance requirements.⁷¹⁰

Homeschooling. In Pennsylvania, parents may choose to educate their children through homeschooling or private tutoring.⁷¹¹ Parents who wish to provide instruction must have a high school diploma or an equivalent degree.⁷¹² Students may also receive instruction from a qualified private tutor, meaning one who is certified to teach in Pennsylvania public schools.⁷¹³ Private tutors are required to submit a copy of their Pennsylvania teaching certificate and criminal background check to the local school district.⁷¹⁴ Under the Pennsylvania Homeschool Statute, parents must annually submit a notarized affidavit to the local superintendent giving notice of their intent

⁷⁰⁷ 24 PA. CONS. STAT. §§ 13-1326, 13-1326.

⁷⁰⁸ *Id.* § 13-1330.

⁷⁰⁹ *Id.* § 13-1327(d).

⁷¹⁰ *Id.* § 13-1327(a).

⁷¹¹ *Id.* at §§ 13-1327.1(a), 13-1327(a).

⁷¹² *Id.* § 13-1327.1(a).

⁷¹³ *Id.* §13-1327(a).

⁷¹⁴ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

to homeschool.⁷¹⁵ The affidavit must include which subjects will be taught and an outline of subject area objectives.⁷¹⁶ Parents must provide 180 days or 900 hours of instruction for elementary school children and 180 days or 990 hours for secondary school children.⁷¹⁷ To graduate from a homeschooling program, children must receive four years of English, three years of mathematics, three years of science, three years of social studies, and two years of arts and humanities.⁷¹⁸ Once students reach grades 3, 5, and 8, they must take a nationally standardized achievement test in mathematics and reading/language arts administered by a party that is not the parent or guardian.⁷¹⁹ Additionally, parents must maintain a portfolio containing any reading materials, samples of the student's writings, worksheets, workbooks or creative materials, the results of standardized state assessments in mathematics and reading/language arts, as well as an annual written evaluation of the students' educational progress.⁷²⁰ This evaluation must be written by either a state certified teacher, a nonpublic school teacher or administrator with at least two years of teaching experience in Pennsylvania public or nonpublic schools, or a person with qualifications based on the approval of the superintendent.⁷²¹ If the superintendent believes that an inadequate education is being offered at a homeschool, then the officer may request additional information, request a hearing, or enroll the child back into public school if the homeschool is not determined to be adequate.⁷²²

Private Schooling. Registration is required for religious private schools by filing a principal's notarized certification or affidavit.⁷²³ For non-religious private academic schools, licensing is mandatory.⁷²⁴ Teacher certification is also required.⁷²⁵ All private schools must be in session for 180 days annually and provide 900 and 990 hours of instruction per year for elementary and secondary schools respectively.⁷²⁶ The curricular requirements for religious private schools are the same as those for required for homeschools.⁷²⁷ For academic private schools, English, reading and writing, arithmetic, geography, U.S. and Pennsylvania history, civics, health, physical education and physiology, as well as music and art are required at the elementary school level.⁷²⁸ Students in grades 7 through 12 are required to take four semesters of U.S. and Pennsylvania history and to receive instruction in the benefits of the American way of life, and the individual's duty to exercise the right to vote.⁷²⁹ There are no assessment or evaluation requirements.

⁷¹⁵ *Id.* § 13-1327.1(b)(1).

⁷¹⁶ *Id.* at §§ 13-1327.1(b)(1), 13-1303a.

⁷¹⁷ *Id.* § 13-1327.1(c).

⁷¹⁸ *Id.* § 13-1327.1(d).

⁷¹⁹ *Id.* § 13-1327.1(e)(1).

⁷²⁰ *Id.*

⁷²¹ *Id.* § 13-1327.1(e)(2).

⁷²² *Id.* § 13-1327.1.

⁷²³ *Id.* § 13-1327(b).

⁷²⁴ *Id.* § 6706.

⁷²⁵ 22 PA. CODE § 51.34(a).

⁷²⁶ *Id.* § 51.61; 24 PA. CONS. STAT. § 13-1327(b).

⁷²⁷ 24 PA. CONS. STAT. § 13-1327(b).

⁷²⁸ *Id.* § 15-1511.

⁷²⁹ *Id.* § 16-1605(a).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Failure to educate is not included in the state’s definition of educational neglect.⁷³⁰ The Pennsylvania Department of Human Services only intervenes in homeschooling settings if abuse or other forms of neglect are involved.⁷³¹ If the local school district superintendent has “a reasonable belief, at any time during the school year, that appropriate education may not be occurring in the home education program,” they may require that an evaluation occur within thirty days.⁷³² While both students and parents are at risk of criminal liability for failing to comply with compulsory attendance laws, homeschooled children are assumed to be in compliance with compulsory attendance as long as they are in compliance of the home education statute.⁷³³

Digital Divide. Pennsylvania ranks 12 in the nation for broadband coverage.⁷³⁴ Approximately 533,575 households in Pennsylvania “do not have a computer or access to a data-enabled smartphone.”⁷³⁵

RHODE ISLAND	
Compulsory School Attendance	For ages 6 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only <u>Private School</u> : No requirements
Curricular Requirements	“Substantially equivalent” to teaching in public schools. Required subjects: reading, writing, geography/social studies, arithmetic, the history of the United States and Rhode Island, civics education, and the principles of American government.
Attendance & Instruction Length Requirements	“Substantially equal” to public school requirements (180 days).
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	6

⁷³⁰ *Id.* § 6303.

⁷³¹ *Id.*

⁷³² *Id.* § 13-1327.1(i.1)

⁷³³ *Id.* §§ 13-1333.3, 13-1327(c).

⁷³⁴ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁷³⁵ Mary Godleski-Cantin, *Plugged In: Tools, Skills, and Inclusion in an Increasingly Digital World*, FED. RESERVE BANK OF PHILADELPHIA (Mar. 28, 2023), <https://www.philadelphiafed.org/community-development/plugged-in-tools-skills-and-inclusion-in-an-increasingly-digital-world>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Compulsory Education. Under Rhode Island’s compulsory education law, children ages of 6 through 17 must attend school.⁷³⁶ Students are exempt if they are being instructed at home, have been accepted into an accredited postsecondary education program and the superintendent issues a waiver that approves an “alternative learning plan for obtaining higher education or a high school diploma,” or where physical or mental conditions make attendance impracticable.⁷³⁷

Homeschooling. In Rhode Island, parents are required to obtain approval from the local school committee after a presentation of their homeschool program.⁷³⁸ Additionally, parents are required to provide instruction in reading, writing, geography, arithmetic, history of the United States and Rhode Island, for a term “substantially equal to that required by law in public schools,” which is defined as 180 days.⁷³⁹ Parents must also maintain attendance records using the same forms as public schools.⁷⁴⁰ There are no assessment reporting or intervention requirements.

Private Schooling. Private schools must be approved by the Rhode Island Department of Elementary and Secondary Education.⁷⁴¹ Teachers at private schools do not need to be certified.⁷⁴² Private schools are subject to the same attendance, curricular, and substantial equivalency requirements as homeschools.⁷⁴³

Educational Neglect. Rhode Island does include failure to educate in its child neglect statute.⁷⁴⁴ Homeschools are evaluated by a local approval authority, which give school districts the ability to intervene if needed.⁷⁴⁵ Parents may be subject to criminal liability for violating the compulsory education statute if they fail to ensure their children attend school or homeschool.⁷⁴⁶

Digital Divide. Rhode Island ranks 6 in the nation for broadband coverage.⁷⁴⁷ Despite this high ranking, the digital divide in Rhode Island greatly affects households experiencing poverty; 36% of households earning less than \$20,000 per year do not have internet access.⁷⁴⁸

⁷³⁶ 16 R.I. GEN. LAWS § 19-1(a).

⁷³⁷ *Id.* §§ 19-2; 16-19-19(a).

⁷³⁸ *Id.*

⁷³⁹ *Id.* § 16-19-2; 200-20; R.I. CODE R. § 20-05-1.2.

⁷⁴⁰ *Id.*

⁷⁴¹ 16 R.I. GEN. LAWS §16-19-2.

⁷⁴² U.S. Dep’t of Educ., *Rhode Island State Regulations*, (June 25, 2013), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/rhodeisland.html>.

⁷⁴³ 16 R.I. GEN. LAWS §16-19-2; 200-20; R.I. CODE R. § 20-05-1.2.

⁷⁴⁴ 40 R.I. GEN. LAWS ANN. § 11-2.

⁷⁴⁵ 16 R.I. GEN. LAWS § 19-2.

⁷⁴⁶ *Id.* § 19-1.

⁷⁴⁷ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁷⁴⁸ *Rhode Island Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Rhode-Island>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

SOUTH CAROLINA	
Compulsory School Attendance	For ages 5 – 16
Notice & Testing Requirements	<u>Homeschool</u> : Students must take the annual statewide testing program and the Basic Skills Assessment Program (Only for Option 1 of homeschooling). <u>Private school</u> : No requirements.
Curricular Requirements	Required subjects: reading, writing, math, science, social studies, and, in grades 7–12, composition and literature.
Attendance & Instruction Length Requirements	180 days annually (additional specific requirement of 4.5 hours per day of teaching for Option 1 of homeschooling).
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	22

Compulsory Education. Under South Carolina’s compulsory education law, children ages 5 through 17 must attend school.⁷⁴⁹ Children who have obtained a high school diploma or an equivalent degree are exempt, as are those with physical or mental disabilities and those who have completed 8th grade and are lawfully employed out of necessity for the maintenance of his or her home.⁷⁵⁰ Children aged sixteen may also be exempt when a court of competent jurisdiction has adjudicated that continuing education is disruptive to the educational program of the school, unproductive of further learning, or is not in the child’s best interest.⁷⁵¹

Homeschooling. South Carolina’s homeschool statute offers three different options: homeschooling through the local school district, through an alternative program, or through a homeschool association.⁷⁵² In the first option, parents submit to the district board of trustees an application to homeschool, including a description of the curriculum, the texts and materials that will be used, the methods of evaluation, and the place of instruction.⁷⁵³ Parents must also have a high school diploma/GED with a passing score on the State Department of Education’s basic skills examination, or hold a bachelor’s degree.⁷⁵⁴ Students must receive either 4.5 hours of instruction per day or 180 days of instruction.⁷⁵⁵ The curriculum should include reading, writing, math, science, and social

⁷⁴⁹ S.C. CODE ANN. § 59-65.10.

⁷⁵⁰ *Id.* § 59-65-30(a)-(e).

⁷⁵¹ *Id.* § 59-65-30(f).

⁷⁵² *Id.* at §§ 59-65-40, 59-65-45, 59-65-47.

⁷⁵³ *Id.* § 59-65-40(B).

⁷⁵⁴ *Id.* § 59-65-40(A)(1).

⁷⁵⁵ *Id.* § 59-65-40(A)(2).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

studies, and additionally include composition and literature from grades seven through twelve.⁷⁵⁶ Homeschooled students are required to take annual statewide assessments administered by a school district employee, in which they must meet adequate scores or risk intervention by the district.⁷⁵⁷ Parents are also required to maintain records and submit to the district for inspection through a written record of both the subjects taught and student engagement, samples of the student's academic work, and evaluations of the student's academic progress. The second and third homeschool options are similar: parents who are members of the South Carolina Association of Independent Home Schools or provide instruction "conducted under the auspices of an association for home schools which has no fewer than fifty members" may also elect to teach their children at home.⁷⁵⁸ For both options, parents must bear at least a high school diploma/GED and students are required to receive 180 days of instruction in reading, writing, mathematics, science, and social studies, and in grades seven to twelve, composition and literature.⁷⁵⁹ Both options must report grade levels of children homeschooled to the child's school district annually, but only the third Association option requires documenting educational records including attendance and progress in each subject.⁷⁶⁰

Private Schooling. In South Carolina, private schools are not required to seek approval or accreditation through the state Board of Education.⁷⁶¹ Private schools may be approved by the South Carolina Independent Schools' Association; the South Carolina Association of Christian Schools; or a similar parochial, denominational, or church-related association.⁷⁶² There are no teaching certification, attendance, or curricular requirements.⁷⁶³ Upon request of the superintendent of the county in which the school is located, a private school must report the numbers of students receiving instruction, regular attendance, and teachers employed, as well as information regarding students' substantive work.⁷⁶⁴

Educational Neglect. South Carolina defines a failure to provide adequate educational to be child abuse or neglect.⁷⁶⁵ Childcare workers, school teachers, principals, and other school personnel are mandated reporters and must report to the Department of Social Services if they believe that a child is experiencing educational neglect.⁷⁶⁶ Additionally, parents or guardians who neglect to enroll their child in school will be at risk of imprisonment for violating the state compulsory attendance statute.⁷⁶⁷

⁷⁵⁶ *Id.* § 59-65-40(A)(3).

⁷⁵⁷ *Id.* at §§ 59-65-40(A)(6), 59-65-40(D).

⁷⁵⁸ *Id.* at §§ 59-65-45, 59-65-47.

⁷⁵⁹ *Id.*

⁷⁶⁰ *Id.*

⁷⁶¹ *Id.* § 59-65-10.

⁷⁶² *Id.*

⁷⁶³ U.S. Dep't of Educ., South Carolina State Regulations, (Aug. 18, 2016), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/southcarolina.html>.

⁷⁶⁴ S.C. CODE ANN. § 59-13-130.

⁷⁶⁵ *Id.* § 63-7-20(6)(a)(iii).

⁷⁶⁶ *Id.* § 63-7-310.

⁷⁶⁷ *Id.* § 59-65-20.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Digital Divide. South Carolina ranks 22 in the nation for broadband coverage.⁷⁶⁸ Across South Carolina, the digital divide disproportionately affects minority populations, with approximately 17% of all Black, Native American, and Latinx households lacking internet connectivity as compared to 6% of White households.⁷⁶⁹

SOUTH DAKOTA	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only
	<u>Private school</u> : No requirements
Curricular Requirements	<u>Homeschool</u> : Curriculum must lead to mastery of English language and basic skills of language arts and math.
	<u>Private School</u> : “Mastery of the English language in oral and written communications” and provide instruction on the U.S. and South Dakota Constitutions.
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	30

Compulsory Education. Under South Dakota’s compulsory education law, children ages 5 through 17 must attend school.⁷⁷⁰ Students may be exempt if they are at least 16 years old and enrolled in a high school equivalency test preparation program, or through a religious exemption once they have completed 8th grade if the parents or legal guardians are members of a recognized church or religion, and the child receives a regularly supervised program of instruction in which the child learns skills appropriate for an adult occupation.⁷⁷¹

Homeschooling. In South Dakota, parents can choose to provide homeschooling as a form of alternative instruction.⁷⁷² Parents must submit an annual notice to the school district that includes biographical information of both the student and parent of the child, but not necessarily the instructor.⁷⁷³ The school board must keep a permanent file of all records excusing compulsory attendance, which must additionally be forwarded to the

⁷⁶⁸ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁷⁶⁹ *South Carolina Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/South-Carolina>.

⁷⁷⁰ S.D. CODIFIED LAWS § 13-27-1.

⁷⁷¹ *Id.* at §§ 13-27-1.1(1)-(2).

⁷⁷² *Id.* § 13-27-3.

⁷⁷³ *Id.* § 13-27-7.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Department of Education.⁷⁷⁴ There are no parental qualifications and no official bookkeeping requirements, but parents may not teach more than 22 children at a time and are required by law to submit a birth certificate to the Department of Education.⁷⁷⁵ There are no specific subject requirements aside from instruction in the “basic skills of language arts and mathematics” and “a mastery of the English language.”⁷⁷⁶

Private Schooling. For private schools, there are no mandatory accreditation, registration or approval requirements.⁷⁷⁷ There are also no teacher certification requirements for non-accredited private schools; only teachers that provide instruction at an accredited private school must be certified.⁷⁷⁸ There are no curricular requirements beyond instruction on the U.S. and South Dakota state Constitutions, but the curriculum must lead to “mastery of the English language in oral and written communications” and provide instruction on.⁷⁷⁹ Church private schools must provide instruction in the basic skills of language arts and mathematics for an equivalent time as in the public schools.⁷⁸⁰

Educational Neglect. South Dakota defines failure of a parent to provide proper or necessary education as neglect and may be reported to the Department of Social Services.⁷⁸¹ Violating the compulsory school attendance statute will subject parents to criminal liability.⁷⁸² Individuals who believe a child is not receiving an appropriate education can also make a report to the Office of the Secretary of the local school district board.⁷⁸³ The Office of the Secretary can evaluate claims and request further records from the homeschooling parent and upon investigation have the power to make a recommendation to the school board to revoke the parent or legal guardian’s right to homeschool.⁷⁸⁴ Parents whose children are denied exemption from compulsory school laws may appeal to the South Dakota Board of Education Standard, which will conduct a hearing.⁷⁸⁵

Digital Divide. South Dakota ranks 30 in the nation for broadband coverage.⁷⁸⁶ In South Dakota, Native Americans are most affected by the digital divide; an estimated 22% of all Native American households do not have internet access as compared to 5% of White and Black households.⁷⁸⁷

⁷⁷⁴ *Id.* § 13-27-9.

⁷⁷⁵ *Id.* at §§ 13-27-3, 13-27-3.2.

⁷⁷⁶ *Id.* § 13-27-3.

⁷⁷⁷ U.S. Dep’t of Educ., *South Dakota State Regulations*, (Nov. 25, 2015), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/southdakota.html>.

⁷⁷⁸ S.D. ADMIN. R. 24:28:06:01.

⁷⁷⁹ S.D. CODIFIED LAWS §§ 13-33-4; 13-33-11.

⁷⁸⁰ *Id.* § 13-27-3.

⁷⁸¹ *Id.* § 26-8A-2(4).

⁷⁸² *Id.* § 13-27-3.1.

⁷⁸³ *Id.* § 13-27-20; See Coalition for Responsible Home Educ., *supra* n. 70.

⁷⁸⁴ Coalition for Responsible Home Educ., *supra* n. 70.

⁷⁸⁵ S.D. CODIFIED LAWS § 13-27-8.

⁷⁸⁶ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁷⁸⁷ *South Dakota Internet Coverage & Availability*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/South-Dakota>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

TENNESSEE	
Compulsory School Attendance	For ages 6 – 16
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice and standardized testing is required in grades 5, 7, and 9 (only for homeschooling Option 1).</p> <p><u>Private school</u>: Notice and nationally standardized test is required covering the areas of English language arts and mathematics for every student in grades 3 through 11.</p>
Curricular Requirements	<p><u>Homeschool</u>: English language arts, mathematics, social studies, and science, and must offer art, music, health, physical education, and world language (only for Option 3 homeschools).</p> <p><u>Private School</u>: English language arts, mathematics, social studies, and science, and are encouraged to offer art, music, health, physical education, and world language.</p>
Attendance & Instruction Length Requirements	<p><u>Homeschool</u>: At least 4 hours per day for 180 days per year (only for homeschooling Option 1). For Option 2 and 3 homeschools, must provide instruction for 180 days per year.</p> <p><u>Private School</u>: 6.5 hours per day for 180 days per year is required for all private schools.</p>
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	17

Compulsory Education. Under Tennessee’s compulsory education law, children ages 6 through 16 must attend school.⁷⁸⁸ Parents who believe their child is not ready to enter school may ask for a one-year deferral.⁷⁸⁹ Students are exempt from the compulsory education requirement if they have already received a high school diploma, are enrolled in a state-approved high school equivalency program, or are enrolled in a homeschool.⁷⁹⁰ Additional exemptions apply to students who are mentally or physically incapacitated.⁷⁹¹

⁷⁸⁸ TENN. CODE ANN. § 49-6-3001(c)(1).

⁷⁸⁹ *Id.* § 49-6-3001(c)(5).

⁷⁹⁰ *Id.* § 49-6-3001(2).

⁷⁹¹ *Id.* § 49-6-3005(a)(1).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. In Tennessee, there are three legal options that parents can pursue to homeschool their children: the general homeschool option, homeschooling in association with a church-related school, and a distance-learning program.⁷⁹² The General Homeschool Option requires parents to file an annual notice of intent to the director of the school, including the curriculum that will be instructed, the proposed hours of instruction and the qualifications of the parent-teacher.⁷⁹³ Parents must have a high school diploma or GED and are required to instruct for 4 hours each day for 180 days.⁷⁹⁴ Parents must also maintain attendance records.⁷⁹⁵ Children must take the standardized tests required by the public schools and administered by the commissioner of education, the commissioner's designees, or an approved testing service at the end of grades 5, 7, and 9.⁷⁹⁶ Parents must report results to the director of schools and the state board of education.⁷⁹⁷ In the event that the student falls 6 to 9 months behind their grade level in reading, language arts, mathematics, or science, parents must design a remedial plan with a licensed teacher.⁷⁹⁸ If the student falls more than one year behind, then the child must be enrolled in a public, private, or church-related school.⁷⁹⁹ The homeschool statute also gives parents the opportunity to enroll their children in a Category IV church-related school.⁸⁰⁰ While Category IV schools include private church-related schools, parents may also homeschool their children within this category if they meet the above listed homeschool requirements as well as the Category IV specific requirements.⁸⁰¹ Parents must have a high school diploma or GED if they intend to homeschool children from grades 9 through 12.⁸⁰² Students must also receive 180 days of instruction.⁸⁰³ There are no state requirements for the subjects taught, the assessments given or the modes of intervention, and the state is prohibited from regulating the selection of faculty, textbooks, or curriculum in church-related schools.⁸⁰⁴ Lastly, parents can choose to pursue a distanced learning program of a Category III accredited private school.⁸⁰⁵ Each Category III school must maintain minimum standards as determined by a Category III accrediting agency for attendance, health and safety of the facility, curriculum, instructor licensure, and administration.⁸⁰⁶

Private Schooling. There are three types of private schools in Tennessee— Category I special purpose private schools, Category II private schools that are accredited by an agency approved by the State Board, and Category V private schools that are registered with the Tennessee Department of Education.⁸⁰⁷ Category I private schools

⁷⁹² *Id.* at §§ 49-6-3050, 49-50-801, 49-6-3001(c)(3)(A)(iii).

⁷⁹³ *Id.* § 49-6-3050(b)(1).

⁷⁹⁴ *Id.* at §§ 49-6-3050(b)(3), 49-6-3050(b)(4), 49-6-3004,(a)(1).

⁷⁹⁵ *Id.* § 49-6-3050(b)(2).

⁷⁹⁶ *Id.* § 49-6-3050(b)(5).

⁷⁹⁷ *Id.*

⁷⁹⁸ *Id.* § 49-6-3050(b)(6).

⁷⁹⁹ *Id.* § 49-6-3050(b)(6)(C)(i).

⁸⁰⁰ *Id.* § 49-6-3050(a)(2)(A).

⁸⁰¹ TENN. COMP. R. & REGS. 0520-07-02-.05.

⁸⁰² TENN. CODE ANN. § 49-6-3050(a)(2)(A).

⁸⁰³ *Id.* § 49-6-3004,(a)(1).

⁸⁰⁴ *Id.* § 49-50-801.

⁸⁰⁵ TENN. COMP. R. & REGS. § 0520-07-02-.04.

⁸⁰⁶ *Id.* § 0520-07-02-.04(2)(a)(8).

⁸⁰⁷ *Id.* at §§ 0520-07-02.02; 0520-07-02.03; 0520-07-02.06.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

must submit an application to the Tennessee Department of Education for approval.⁸⁰⁸ Category I private schools are also required to instruct students in English, language arts, mathematics, social studies, and science, and are encouraged to offer art, music, health, physical education, and world languages.⁸⁰⁹ Additionally, Category I schools must administer nationally standardized tests for grades three through eleven.⁸¹⁰ All teachers and principals must possess an active Tennessee educator license and the school must maintain an operating schedule of 180 days for a minimum of six and a half hours per day.⁸¹¹ Category II private schools have the same instruction length, curricular, and standardized testing requirements as Category I schools.⁸¹² Teaching requirements for Category II schools are defined by the accrediting agency.⁸¹³ Category V private schools must register with the Tennessee Department of Education and comply with all Department standards.⁸¹⁴ Category V private schools are also required to maintain an operating schedule for 180 days for a minimum of six and a half hours a day.⁸¹⁵ Additionally, they must administer a nationally standardized test in English language arts and math to each student in the third through eleventh grades.⁸¹⁶

Educational Neglect. Tennessee does not include educational neglect within its child neglect statute but has used a failure to meet educational needs within caselaw determining child neglect.⁸¹⁷ As such, parents who educationally neglect their child are subject to criminal liability.⁸¹⁸ The Department of Children’s Services can investigate, and if there is an ongoing and active case of child abuse or neglect, a parent who hinders the investigation by changing the location of the child’s school enrollment is subject to criminal liability.⁸¹⁹

Digital Divide. Tennessee ranks 17 in the nation for broadband coverage.⁸²⁰ Across Tennessee, 41% of all households earning less than \$20,000 per year do not have internet access as compared to 5% of households earning over \$75,000 per year.⁸²¹

⁸⁰⁸ *Id.* § 0520-07-02.02(2).

⁸⁰⁹ *Id.* § 0520-07-02.02(c)(1).

⁸¹⁰ *Id.* § 0520-07-02.02(c)(4).

⁸¹¹ *Id.* at §§ 0520-07-02.02(d)(1); 0520-07-02.02(e)(1).

⁸¹² *Id.* at §§ 0520-07-02.03(c)(8)(iii)(I); 0520-07-02.03(c)(8)(iii)(IV); 0520-07-02.03(v)(I).

⁸¹³ *Id.* § 0520-07-02.03(c)(8)(iv)(I).

⁸¹⁴ *Id.* § 0520-07-02.06(2)-(3).

⁸¹⁵ *Id.* at §§ 0520-07-02.06(3)(h); 0520-07-02.06(3)(i); 0520-07-02.06(3)(k); 0520-07-02.06(3)(m).

⁸¹⁶ *Id.* at §§ 0520-07-02.06(3)(h); 0520-07-02.06(3)(i); 0520-07-02.06(3)(k); 0520-07-02.06(3)(m).

⁸¹⁷ TENN. CODE ANN. § 37-1-102, *See Holley v. Holley*, 420 S.W.3d 756 (2013).

⁸¹⁸ TENN. CODE ANN. § 37-1-102

⁸¹⁹ *Id.* § 49-6-3025.

⁸²⁰ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁸²¹ *Tennessee Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Tennessee>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

TEXAS	
Compulsory School Attendance	For ages 6 - 18
Notice & Testing Requirements	No
Curricular Requirements	Reading, spelling, grammar, mathematics, and good citizenship.
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	16

Compulsory Education. Under Texas’ compulsory education law, children ages 6 through 18 must attend school.⁸²² Students may be exempt if they have a physical or mental condition that makes the attendance infeasible; attend a private or parochial school, are enrolled in the high school equivalency examination, or have already earned a high school certificate.⁸²³

Homeschooling. In Texas, a homeschool can be a private school as long as students are taught a curriculum designed to meet Texas’s basic education goals.⁸²⁴ These goals include “exemplary performance” in reading and writing English, understanding mathematics, science, and social studies, and good citizenship.⁸²⁵ The public education mission also includes informing students of American patriotism and the foundation of both the United States and Texas.⁸²⁶ There are no notification, parental qualifications, instruction time, bookkeeping of academic progress, assessment requirements, or required interventions. Private schools may voluntarily assess their students; however, there are no guidelines and requirements for these assessments.⁸²⁷ Academic achievement tests can be considered when investigating whether the homeschool is following state education goals but cannot be used as a determining factor.⁸²⁸

Private Schooling. Private schools in Texas have no approval or registration requirements, though a school may choose to seek accreditation through the Texas Private School Accreditation Commission (“TEPSAC”).⁸²⁹ The standards for private schools are the same as those required of home schools.

⁸²² TEX. EDUC. CODE ANN. § 25.085(b).

⁸²³ *Id.* § 25.086(a).

⁸²⁴ *Id.* at §§ 25.085, 25.086(a)(1).

⁸²⁵ *Id.* § 4.002.

⁸²⁶ *Id.* § 4.001.

⁸²⁷ *Id.* § 39.033.

⁸²⁸ *Id.* § 25.085.

⁸²⁹ Tex. Priv. Sch. Accreditation Comm’n, *Quality Private Education in Texas*, <https://www.tepsac.org/app/index.html#/home#about>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. The failure to educate is not included in Texas’s definition of child neglect.⁸³⁰ As a result, the Department of Family and Protective Services cannot intervene unless other forms of neglect are also present.

Digital Divide. Texas ranks 16 in the nation for broadband coverage.⁸³¹ In Texas, about 33% of all K-12 children do not have access to internet coverage or a computer at home.⁸³²

UTAH	
Compulsory School Attendance	For ages 6 - 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only
	<u>Private</u> : No Requirements
Curricular Requirements	No
Attendance & Instruction Length Requirements	No
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	13

Compulsory Education. Under Utah’s compulsory education law, children ages 6 through 17 must attend either a public or an established private school.⁸³³ Students are exempt if they are 16 years of age and maintain a negative attitude toward discipline which interferes with education or have obtained employment that provides proper and positive influences as well as adequate educational opportunities.⁸³⁴

Homeschooling. Parents who wish to homeschool their children must submit a one-time notice with the local school district.⁸³⁵ The school board may not accept an affidavit to homeschool if the parent has been convicted of child abuse.⁸³⁶ The school board cannot require parents who homeschool to maintain records indicating attendance or instruction given, require parents to hold any credentials prior to giving instruction, inspect

⁸³⁰ TEX. FAM. CODE ANN. § 261.001.

⁸³¹ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁸³² Public Policy Associates, Inc., *Closing the Digital Divide for Students in Texas*, TEXAS STATE TEACHERS ASS’N.(Aug. 2020), <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900002/b92ddedb-1c5a-43ab-b889-b438ed84dce7.PDF>; *Digital Equity in Texas*, COMMUNITY TECH NETWORK (May 9, 2023), <https://communitytechnetwork.org/blog/the-state-of-digital-equity-in-texas/>.

⁸³³ UTAH CODE ANN. §§ 53G-6-201(7), 53G-6-202(2).

⁸³⁴ *Id.* § 53G-6-204(1)(a).

⁸³⁵ *Id.* § 53G-6-204(2)(a)(ii)(A).

⁸³⁶ *Id.* § 53G-6-204(2)(a)(iii).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

homeschools, or require standardized testing.⁸³⁷ A parent can request that the local school board identify whether a homeschooled student has reached a level of competency for their corresponding grade level.⁸³⁸

Private Schooling. Private schools in Utah do not have accreditation, instruction length, teacher certification, curricular, or assessment requirements.⁸³⁹ Private schools are otherwise subject to the same standards as home schools.

Educational Neglect. Utah has a specific child neglect statute detailing the educational neglect of a minor.⁸⁴⁰ However, the instances in which a child may be identified as neglected due to lack of education require oversight of instruction, attendance, and regular assessment.⁸⁴¹ Since these are not mandated or monitored in Utah, there are few methods to applying the educational neglect statute to homeschooled children. However, parents could be subject to criminal liability if they fail to properly notify the district of their intent to homeschool or have their affidavit rejected and subsequently fail to enroll their child in an established school.⁸⁴²

Digital Divide. Utah ranks 13 in the nation for broadband coverage.⁸⁴³ The Native American population in Utah suffers most from the digital divide, with an estimated 15% of all Native American households lacking internet access as compared to 4%-7% for households of other races.⁸⁴⁴ Additionally, an estimated 26,000 Utah households do not have devices that connect to the internet.⁸⁴⁵

⁸³⁷ *Id.* § 53G-6-204(2)(d).

⁸³⁸ *Id.* § 53G-6-204(2)(e).

⁸³⁹ U.S. Dep't of Educ., *Utah State Regulations*, (Jan. 25, 2017), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/utah.html>.

⁸⁴⁰ UTAH CODE ANN. § 53G-6-210.

⁸⁴¹ *Id.*

⁸⁴² *Id.* § 53G-6-202(5).

⁸⁴³ "Internet Access in Ohio: Stats & Figures." BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁸⁴⁴ *Utah Internet Coverage & Access in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Utah>.

⁸⁴⁵ Grace Tepper, *Achieving Digital Independence in Utah*, BENTON INST. FOR BROADBAND & SOCIETY (June 28, 2023), <https://www.benton.org/blog/achieving-digital-independence-utah>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

VERMONT	
Compulsory School Attendance	For ages 6 - 15
Notice & Attendance Requirements	<u>Homeschool</u> : Students may have to take a standardized test under the annual attestation requirement. <u>Private school</u> : No requirements.
Curricular Requirements	Basic communication, including reading, writing, and the use of numbers; citizenship, history, and government in Vermont and the United States; physical education and comprehensive health education; English, American, and other literature; the natural sciences; and the fine arts.
Attendance & Instruction Length Requirements	<u>Home School</u> : Minimum of 175 days. <u>Private School</u> : Students must be in session an amount of time “substantially equivalent” to that required for public schools (no specific day/hour requirements).
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	31

Compulsory Education. Under Vermont’s compulsory education law, children ages 6 through 15 must attend school.⁸⁴⁶ Students are exempt if they have completed 10th grade, are excused from attending school by the superintendent or a majority of school directors, or are enrolled and attending an accredited postsecondary school in Vermont or another state.⁸⁴⁷

Homeschooling. Parents who wish to homeschool must provide a written notice of intent to homeschool to Vermont’s Secretary of Education that includes both the parent and child’s biographical information, an attestation that the child will receive an end-of-year academic assessment, that such assessments will be documented, and that the child will be instructed for at least 175 days per year.⁸⁴⁸ Parents may follow their own program but are required to provide instruction in English, reading, writing, the use of numbers, citizenship, history and government in Vermont and the United States, natural sciences, fine arts, and physical education and health

⁸⁴⁶ VT. STAT. ANN. tit 16 § 1121.

⁸⁴⁷ *Id.*

⁸⁴⁸ *Id.* § 166b(a).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

education that includes the effects of tobacco, alcohol, drugs.⁸⁴⁹ In addition, parents must annually provide standardized assessment results, review of the student's progress by a Vermont licensed teacher, a portfolio of the student's work, grades from an online academy, or evidence of a passing GED.⁸⁵⁰ There are no requirements for parents to give instruction or intervention methods in the event that the reviewed assessments are inadequate.

Private Schooling. Private, or "independent schools", must be recognized and approved by the Vermont Agency of Education.⁸⁵¹ To be approved, the independent school must provide the minimum education requirements outlined for home study programs and must provide the Secretary required demographic data of all students attending.⁸⁵² Independent schools must be in session for an amount of time substantially equivalent to that required for public schools but there are no specific time or day requirements.⁸⁵³ Teachers at approved independent schools must hold at a minimum a bachelor's degree in the field of instruction or substantially equivalent time in training and experience in their field of instruction.⁸⁵⁴ The Vermont Agency of Education has the authority to revoke, suspend, or impose conditions upon independent schools if they fail to comply with the requirements stated above.⁸⁵⁵

Educational Neglect. Vermont includes educational neglect in its definition of child neglect. In Vermont, a child who is not receiving proper education is considered a child in need of care or supervision.⁸⁵⁶ Any individual who interferes with a child's school attendance is subject to criminal liability for violation of the compulsory attendance statute.⁸⁵⁷

Digital Divide. Vermont ranks 31 in the nation for broadband coverage.⁸⁵⁸ Approximately 39% of all households earning less than \$20,000 per year do not have access to the internet, as compared to 6% of households earning more than \$75,000 per year.⁸⁵⁹

⁸⁴⁹ *Id.* § 906(b).

⁸⁵⁰ *Id.* § 166b(a)(3).

⁸⁵¹ *Id.* § 166(a).

⁸⁵² *Id.* at §§ 166(b);166(b)(4).

⁸⁵³ *Id.* § 166(c)(1)(A).

⁸⁵⁴ 7-1-3 VT. CODE R. § 2227.5.1.

⁸⁵⁵ VT. STAT. ANN. tit. 16, §166(b)(5).

⁸⁵⁶ *Id.* at tit. 33 § 5102(3)(B).

⁸⁵⁷ *Id.* at tit. 16 § 1127(c).

⁸⁵⁸ "Internet Access in Ohio: Stats & Figures." BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁸⁵⁹ *Vermont Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Vermont>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

VIRGINIA	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Annual standardized testing or evaluation (only applies to Option 1). <u>Private school</u> : No requirements.
Curricular Requirements	No
Attendance & Instruction Length Requirements	<u>Homeschool</u> : Same as public schooling which is defined as 180 days or 990 hours (Only for Option 1 and 3). <u>Private School</u> : Same as public schooling.
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	9

Compulsory Education. Under Virginia’s compulsory education law, children ages 5 through 17 must attend school.⁸⁶⁰ Students may be exempt under a religious exemption, on the recommendation of the juvenile court, or if they live a significant distance from the school.⁸⁶¹ Students with specific approved health or safety concerns, those who are believed to not be able to benefit from education, and those suffering from diseases or who are immunocompromised may also be exempt.⁸⁶²

Homeschooling. In Virginia, there are three options that render exemption from compulsory attendance law: the homeschool statute, through a religious exemption, or by using a private tutor.⁸⁶³ Under the homeschool statute, parents must first provide an annual notice to the division superintendent that outlines the subjects to be studied during the academic year as well as parental qualifications.⁸⁶⁴ A parent may instruct homeschool if they have a high school diploma, have Board of Education teaching qualifications, provide a curriculum that can be delivered through a correspondence course, or provide other satisfactory evidence that the child will receive adequate education.⁸⁶⁵ There are no academic bookkeeping or subject requirements.⁸⁶⁶ Following each year a child receives home instruction, parents must submit to the division superintendent evidence that the child scored within the “fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test,” or an evaluation showing the student’s academic progress through a transcript or evaluation

⁸⁶⁰ VA. CODE ANN. § 22.1-254(A).

⁸⁶¹ *Id.* § 22.1-254.

⁸⁶² *Id.* at §§ 22.1-254(B)(1)-(2); 22.1-254(C)-(D); 22.1-254(I)(1)-(5).

⁸⁶³ *Id.* §§ 22.1-254, 22.1-254.1.

⁸⁶⁴ *Id.* § 22.1-254.1(B).

⁸⁶⁵ *Id.* § 22.1-254.1(A).

⁸⁶⁶ *Id.* § 22.1-271.4.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

letter.”⁸⁶⁷ If the required documentations are not provided or the documents do not show academic progress, then the homeschool will be on probation for one year and parents are mandated to provide evidence of a remediation plan.⁸⁶⁸ Parents who choose a religious exemption or private tutor option to homeschool their children must also provide a notice to the division superintendent.⁸⁶⁹ Private tutors must hold Board of Education teaching qualifications and provide instruction for the same number of days and hours as public schools.⁸⁷⁰ The only bookkeeping requirements for both religious exemption and private tutors are immunization records.⁸⁷¹ There are no further requirements for the religious exemption or private tutors.

Private Schooling. Private schools in Virginia are not required to be accredited by the Virginia Board of Education but a school can request accreditation if it so chooses.⁸⁷² There are no assessment, teacher certification or curricular requirements. Instruction at private schools should take place for the same length as public schools, which is defined as 180 days or 990 total hours.⁸⁷³

Educational Neglect. Virginia does not include failure to educate in its child neglect statute.⁸⁷⁴ Therefore, Virginia’s Department of Social Services will not investigate educational neglect unless other forms of neglect are also present. There are also no intervention requirements for homeschools. However, parents may be subject to criminal liability for violating the compulsory attendance statute if they fail to meet the requirements for exempting their child from attendance.⁸⁷⁵

Digital Divide. Virginia ranks 9 in the nation for broadband coverage.⁸⁷⁶ Across Virginia, there are approximately 160,000 locations that still lack internet access.⁸⁷⁷

⁸⁶⁷ *Id.* § 22.1-254.1(C).

⁸⁶⁸ *Id.*

⁸⁶⁹ *Id.* § 22.1-271(A).

⁸⁷⁰ *Id.* § 22.1-254(A).

⁸⁷¹ *Id.* § 22.1-271.4.

⁸⁷² *Id.* § 22.1-19.

⁸⁷³ *Id.* § 22.1-254(A); 8 VA. ADMIN. CODE § 20-671-420(A).

⁸⁷⁴ VA. CODE ANN. § 18.2-371.1.

⁸⁷⁵ *Id.* § 22.1-263.

⁸⁷⁶ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁸⁷⁷ *Governor Youngkin Celebrates Virginia’s Release of Broadband Plans*, GOVERNOR OF VIRGINIA (Sept. 1, 2023), <https://www.governor.virginia.gov/newsroom/news-releases/2023/august/name-1013274-en.html>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

WASHINGTON	
Compulsory School Attendance	For ages 8 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice and either a standardized test approved by the school board or a child evaluation by a certified person (only required for the main homeschooling option). <u>Private school</u> : No requirements.
Curricular Requirements	Occupational education, science, math, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music.
Attendance & Instruction Length Requirements	180 days or 1,000 hours annually.
Educational Neglect Included in Child Neglect Statute	No
Digital Divide Ranking	10

Compulsory Education. Under Washington’s compulsory education law, children ages 8 through 17 must attend school.⁸⁷⁸ Students are exempt if they attend a private school, receive home-based instruction, attend an education center, have a religious exemption, are 16 years or older and are legally employed, or have met graduation requirements and have received a certificate of educational competence.⁸⁷⁹

Homeschooling. In Washington, parents may homeschool their children through either home-based instruction or an extension program.⁸⁸⁰ Parents who elect to give their child home-based instruction must file an annual declaration of intent to homeschool their child, including the child’s name and whether a certified teacher will be giving the instruction. A parent may qualify to be an instructor if they have earned, at minimum, 45 college level credit hours, or completed a course in home-instruction by the resident superintendent.⁸⁸¹ For primary home-based instruction, the local school district superintendent can determine if the academic progress of the student is not adequate.⁸⁸² In these cases, the superintendent can make recommendations to improve student performance, and in some cases, can require further action.⁸⁸³ Private schools may also offer an extension programs for parents or guardians to teach their children at home under the supervision of a certified employee

⁸⁷⁸ WASH. REV. CODE § 28A.225.010(1).

⁸⁷⁹ *Id.*

⁸⁸⁰ *Id.*

⁸⁸¹ *Id.* § 28A.225.101(4).

⁸⁸² *Id.* § 28A.200.010(1)(c).

⁸⁸³ *Id.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

of the private school.⁸⁸⁴ Both the homeschooling instructor and supervising individual must have at least one contact hour per week with the homeschooled child and evaluate the child's progress.⁸⁸⁵ Additionally, they may not instruct more than thirty students at a time.⁸⁸⁶ Both homeschools and extension schools must instruct students for an amount of time equivalent to the "total annual program hours per grade level established for approved private schools" in the subjects of "occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music"⁸⁸⁷ Homeschools are required to both administer state-approved standardized tests as well as document performance, but parents are not required to submit such records.⁸⁸⁸

Private Schooling. Private schools must be approved by the state and must annually file a statement certifying their compliance with the minimum requirements for private schools with the Washington Board of Education.⁸⁸⁹ Teaching certification is required, except for religious classes, and instruction must occur for 180 school days or about 1,000 hours annually.⁸⁹⁰ The curricular requirements for private schools are the same as those for homeschools, with some religious exemptions permitted.⁸⁹¹ Private schools that do not meet the requirements mandated by the Board of Education may be placed on provisional status for a year.⁸⁹²

Educational Neglect. The failure to educate is not included in Washington's child neglect statute.⁸⁹³ Therefore, Washington's Department of Social and Health Services will only intervene should other forms of neglect also be present. Parents may be at risk of criminal liability for violating the compulsory attendance statute if they fail to place their children in school when they are of school-age.⁸⁹⁴

Digital Divide. Washington ranks 10 in the nation for broadband coverage.⁸⁹⁵ Across Washington, the digital divide disproportionately affects Latinx and Native American households; approximately 72% of these households have access to high-speed internet, as compared to over 80% for all other households.⁸⁹⁶ Additionally, over 70,000 K-12 students in Washington do not have access to a computer at home.⁸⁹⁷

⁸⁸⁴ *Id.* § 28A.195.010(4).

⁸⁸⁵ *Id.* at §§ 28A.200.010(1), 28A.195.010(4).

⁸⁸⁶ *Id.*

⁸⁸⁷ *Id.*

⁸⁸⁸ *Id.* § 28A.200.010(1)

⁸⁸⁹ *Id.* § 28A.195.010.

⁸⁹⁰ *Id.* at §§ 28A.195.010(1); 28A.195.010(3(a)).

⁸⁹¹ *Id.* § 28A.195.010(7).

⁸⁹² *Id.* § 28A.195.010.

⁸⁹³ *Id.* § 26.44.020.

⁸⁹⁴ *Id.* § 28A.225.030(1).

⁸⁹⁵ "Internet Access in Ohio: Stats & Figures." BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁸⁹⁶ Isaac Kwakye et al., *The Digital Divide: Examining High-Speed Internet and Computer Access for Washington Students*, WASHINGTON STUDENT ACHIEVEMENT COUNCIL 1, 7 (May 2021), <https://wsac.wa.gov/sites/default/files/2021-05-24-Digital-Divide-Report.pdf>.

⁸⁹⁷ *Broadband Rankings, supra n. 59.*

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

WEST VIRGINIA	
Compulsory School Attendance	For ages 6 – 16
Notice & Testing Requirements	<p><u>Homeschool</u>: Standardized testing in grades three, five, eight, and eleven is required. Additional assessment options are available in other years (Only Option 2).</p> <p><u>Private school</u>: Must administer an annual nationally normed standardized achievement test that is administered to the same grade levels and in the subject areas as required in public schools. (Only Option 1).</p>
Curricular Requirements	<p><u>Homeschool</u>: Required subjects: reading, language, mathematics, science, and social studies (This requirement is only for homeschooling Option 2; local school board determines subject requirements for homeschooling Option 1).</p> <p><u>Private school</u>: Shall establish curriculum requirements that enable students “to develop the potential for becoming literate citizens” (Only Option 1).</p>
Attendance & Instruction Length Requirements	<p><u>Homeschool</u>: At least 180 days and 315 minutes of instructional time a day for grades kindergarten through five, 330 minutes of instructional time a day for grades six through eight, and 345 minutes of instructional time a day for grades nine through twelve (Only Option 1).</p> <p><u>Private school</u>: At least 180 days and 315 minutes of instructional time a day for grades kindergarten through five, 330 minutes of instructional time a day for grades six through eight, and 345 minutes of instructional time a day for grades nine through twelve (Only Option 2).</p>
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	50

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Compulsory Education. Under West Virginia’s compulsory education law, children ages 6 through 16 must attend school.⁸⁹⁸ Students may be exempt if they receive instruction at home, conditions rendering attendance are impossible or hazardous to the life, health or safety of the child, the child has completed the 8th grade and holds a work permit, there is serious death or illness in the family, they receive religious instruction, or there is destitution in the home.⁸⁹⁹

Homeschooling. West Virginia has two options by which homeschools operate: through either an approval system or a notice system.⁹⁰⁰ The approval option requires the instruction to take place either at the child’s home or in a county-approved location for a term of equal duration as required for public schools.⁹⁰¹ Instructor qualifications are prescribed by the county superintendent and county board.⁹⁰² Instructors must provide documentation showing attendance, instruction, and academic progress upon request.⁹⁰³ If any of these criteria are not met, the county board may deny the request to homeschool.⁹⁰⁴ The second option requires parents to give notice to the county superintendent or county board of their intent to homeschool, which must include the biographical information of the child and assurance that the child will be instructed in reading, language, mathematics, science, and social studies and assessed annually.⁹⁰⁵ The instructor must have a high school diploma or its equivalent.⁹⁰⁶ Children under this option must be assessed annually by either a nationally recognized standardized achievement test administered by its respective guidelines, participating in state public school examinations, compiling a portfolio of the student’s work upon review by a certified teacher, or through an alternative academic assessment agreed upon by the county superintendent.⁹⁰⁷ Parents are required to maintain copies of their child’s academic assessments for three years and submit the results of tests taken in grades three, five, eight, and eleven.⁹⁰⁸ If the assessments do not show “acceptable progress,” then the county board will initiate a remedial program for the homeschool. The parent must then submit further evidence that the appropriate instruction is being provided.⁹⁰⁹

Private Schooling. There are two types of private schools in West Virginia—alternative private schools who elect to follow provisions of *W. Va. Code Ann. § 18-28-1 et seq.* in lieu of approval requirements (Option 1) and private schools approved by the county board under *W. Va. Code Ann. § 18-8-1(b)* (Option 2).⁹¹⁰ Option 1 private schools must operate for a minimum instructional term of 180 days with an average of five instructional hours a day, maintain attendance and immunization records, administer an annual nationally normed standardized achievement

⁸⁹⁸ W. VA. CODE § 18-8-1a(a).

⁸⁹⁹ *Id.* § 18-8-1.

⁹⁰⁰ *Id.* § 18-8-1(c).

⁹⁰¹ *Id.* § 18-8-1(c)(1).

⁹⁰² *Id.*

⁹⁰³ *Id.*

⁹⁰⁴ *Id.*

⁹⁰⁵ *Id.* § 18-8-1(c)(2)(A).

⁹⁰⁶ *Id.* § 18-8-1(c)(2)(B).

⁹⁰⁷ *Id.* § 18-8-1(c)(2)(C).

⁹⁰⁸ *Id.* § 18-8-1(c)(2)

⁹⁰⁹ *Id.* § 18-8-1(c)(2)(D).

⁹¹⁰ *Id.* at §§ 18-8-1(b); 18-8-1(k).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

test and make the results available to parents and legal guardians, and must establish curricular requirements that enable students “to develop the potential for becoming literate citizens.”⁹¹¹

For Option 2 private schools, instruction must be approved by the county board and the instructional time must be equivalent to that mandated for public schools which is at least 180 days and 315 minutes of instructional time a day for grades kindergarten through five, 330 minutes of instructional time a day for grades six through eight, and 345 minutes of instructional time a day for grades nine through twelve.⁹¹² Curricular requirements must be approved by the county board and the county superintendent can request that the school submit information with respect to attendance, instruction, and student academic progress.⁹¹³ Teacher certification and subject matter requirements are not specified.

Educational Neglect. West Virginia does include educational neglect in its child neglect statute.⁹¹⁴ Any individual, including parents, who prevent a school-age child from attending school are at risk of criminal liability.⁹¹⁵

Digital Divide. West Virginia ranks 50 in the nation for broadband coverage.⁹¹⁶ Across West Virginia, an estimated 271,000 locations do not have “reliable access” to the internet.⁹¹⁷ This amounts to roughly 30% of households that do not have high-speed internet access.⁹¹⁸

⁹¹¹ *Id.* at §§ 18-28-2(a)-(b); 18-28-3(a); 18-28-3(e)(1).

⁹¹² *Id.* at §§ 18-8-1(b); 18-5-45(a)(1)(A)(i)-(iv); 18-5-45(c)(2).

⁹¹³ *Id.* § 18-8-1(b).

⁹¹⁴ *Id.* § 61-8D-1.

⁹¹⁵ *Id.* at §§ 18-8-2(a), 18-8-7.

⁹¹⁶ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁹¹⁷ John Mark Shaver, *Broadband expert share insight into West Virginia’s issues and answers*, THE STATE JOURNAL (Sep. 18, 2023), https://www.wvnews.com/statejournal/news/broadband-expert-share-insight-into-west-virginias-issues-and-answers/article_cef1649c-5305-11ee-ab0e-5b382cf2b689.html.

⁹¹⁸ Crystal Good, *Crystal Good: Closing the digital divide in West Virginia*, CHARLESTON GAZETTE-MAIL (May 5, 2023), https://www.wvgazette.com/opinion/op_ed_commentaries/crystal-good-closing-the-digital-divide-in-west-virginia-opinion/article_cf844255-0cd5-5323-a185-d81bcc480dc3.html.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

WISCONSIN	
Compulsory School Attendance	For ages 6 - 17
Notice & Testing Requirements	Notice only
Curricular Requirements	Curriculum must be “sequentially progressive.” Required subjects: reading, language arts, mathematics, social studies, science, and health.
Attendance & Instruction Length Requirements	875 hours annually.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	28

Compulsory Education. Under Wisconsin’s compulsory education law, children ages 6 through 17 must attend school.⁹¹⁹ Students are exempt from the compulsory education requirement if they have already graduated high school or received an equivalent certificate, have a physical or mental condition that does not permit schooling, or have turned sixteen years of age and attend technical school or a modified curricular program.⁹²⁰ Instruction in a home-based private program meets the attendance requirement as enrollment in a private school.⁹²¹

Homeschooling. In Wisconsin, parents must notify the Department of Public Instruction that they will provide a “home-based private educational program” by submitting the appropriate form to the department.⁹²² Students must receive 875 hours of instruction per year in a “sequentially progressive curriculum” that includes reading, language arts, math, social studies, science and health.⁹²³ There are no parental qualifications, bookkeeping or assessment requirements, as well as no intervention recommendations or oversight of homeschool programs.

Private Schooling. There are no licensing or accreditation requirements for private schools in Wisconsin unless the school is participating in one of the three available voucher programs.⁹²⁴ There are no teacher certification requirements. The attendance and curricular requirements for private schooling are the same as for homeschooling.⁹²⁵

⁹¹⁹ WIS. STAT., § 118.15.

⁹²⁰ *Id.* at §§ 118.15(1)(b); 118.15(3)(a).

⁹²¹ *Id.* § 118.15(4).

⁹²² *Id.* § 115.30.

⁹²³ *Id.* § 118.165(1).

⁹²⁴ *Id.* § 119.23(2)(a)(7).

⁹²⁵ *Id.* § 118.165(1).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Educational Neglect. Preventing a child from receiving an education is not defined in Wisconsin’s child neglect laws, but failing to comply with the state’s compulsory education statute amounts to child neglect.⁹²⁶ Any individual who is responsible for a child’s welfare and fails to comply with the compulsory education statute is at risk of criminal liability.⁹²⁷

Digital Divide. Wisconsin ranks 28 in the nation for broadband coverage.⁹²⁸ Amongst Wisconsin’s public-school students, 21% lack acceptable internet performance at home and/or school, and 10.4% have no access to an internet-connected device at home and/or at school.⁹²⁹

⁹²⁶ *Id.* § 948.21(2)(f).

⁹²⁷ *Id.*

⁹²⁸ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁹²⁹ WISEdash, *Digital Equity*, Wis. DEPT. OF PUB. INSTRUCTION, <https://wisedash.dpi.wi.gov/Dashboard/dashboard/22066> (last visited Dec. 20, 2023).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

WYOMING	
Compulsory School Attendance	For ages 7 – 15
Notice & Testing Requirements	Notice only
Curricular Requirements	<p>The curriculum must be “sequentially progressive.”</p> <p><u>Homeschool</u>: Reading, writing, mathematics, civics, history, literature, and science.</p> <p><u>Private school</u>: Reading/language arts; social studies; mathematics; science; fine arts and performing arts; physical education; health and safety; humanities; career/vocational education; foreign cultures and language; applied technology; and government and civics, including state and federal constitutions; and problem-solving; interpersonal communications; keyboarding and computer applications; critical thinking; creativity; and life skills, including personal financial management skills. (Subject requirements only exist for non-religious schools).</p>
Attendance & Instruction Length Requirements	<p><u>Homeschool</u>: No requirements</p> <p><u>Private school</u>: Same duration as public schools (usually 175 days).</p>
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	35

Compulsory Education. Under Wyoming’s compulsory education law, children ages 7 through 15 must attend school.⁹³⁰ Students are exempt if they have undue hardship, are expelled, or are suspended from school.⁹³¹ Homeschools satisfy the state mandated attendance requirements if the homeschool administrator submits proof to the local board of trustees that the program complies with compulsory attendance laws.⁹³²

Homeschooling. There are two homeschooling options in Wyoming. Option 1 is a traditional homeschooling program.⁹³³ A curriculum must be submitted annually to the local board of trustees, and the curriculum should

⁹³⁰ WYO. STAT. ANN. § 21-4-102(a).

⁹³¹ *Id.*

⁹³² *Id.* § 21-4-102(b).

⁹³³ *Id.* § 21-4-102(b).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

show “sequentially progressive” instruction and must include instruction in reading, writing, mathematics, civics, history, literature, and science.⁹³⁴ In the event that a parent fails to submit the curriculum, the local school district may intervene.⁹³⁵ There are no requirements for teacher qualification, minimum required days of instruction, bookkeeping or other assessment reporting obligations. Option 2 is homeschooling at a church or religious school. To qualify for this option, the instruction must be under the control of a religious organization.⁹³⁶ This option exempts students from any subject requirements.⁹³⁷

Private Schooling. Private schools in Wyoming must be licensed unless the school is a religious school.⁹³⁸ Teachers at non-religious private schools require a certificate as specified by the Professional Teaching Standards Board.⁹³⁹ Private schools must be open for the entire time as local public schools (175 days usually). Non-religious private schools have curricular requirements and students are required to meet the performance standards set by the private school, in the subjects of reading and language arts; social studies; mathematics; science; fine arts and performing arts; physical education; health and safety; humanities; career and vocational education; foreign cultures and language; applied technology; and government and civics, including state and federal constitutions; and problem-solving; interpersonal communications; keyboarding and computer applications; critical thinking; creativity; and life skills, including personal financial management skills.⁹⁴⁰

Educational Neglect. Wyoming defines educational neglect in its child neglect statute as “a failure or refusal by those responsible for the child’s welfare to provide adequate...education.”⁹⁴¹ Cases of educational neglect are usually reported to and investigated by the Department of Family Services once a credible report is provided. Parents who are in violation of compulsory attendance laws are at risk of criminal liability and may be subject to proceedings under the Child Protection Act of the state.⁹⁴²

Digital Divide. Wyoming ranks 35 in the nation for broadband coverage.⁹⁴³ The digital divide disproportionately affects Native American households in Wyoming, with 21% lacking internet access as compared to 6-8% for all other households.⁹⁴⁴ Additionally, rural households are greatly affected by the digital divide; roughly “30% of the 30 rural districts in Wyoming had high levels of connectivity, and many had low or very low levels.”⁹⁴⁵

⁹³⁴ *Id.* § 21-4-101(a)(vi); 21-4-102(b).

⁹³⁵ *Id.* § 21-4-102(b).

⁹³⁶ *Id.* § 21-4-101(a)(iv).

⁹³⁷ *Id.* § 21-4-101.

⁹³⁸ *Id.* § 21-2-401(a).

⁹³⁹ 18 WYO. CODE R. § 12.

⁹⁴⁰ *Id.* at §§ 7; 8; 9.

⁹⁴¹ WYO. STAT. ANN. § 14-3-202.

⁹⁴² *Id.* § 21-4-105.

⁹⁴³ “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁹⁴⁴ *Wyoming Internet Coverage & Availability in 2023*, BROADBANDNOW (Aug. 15, 2023), <https://broadbandnow.com/Wyoming>.

⁹⁴⁵ Kevin Taglang, *Broadband is Part of Wyoming’s Strategy to Survive, Drive, and Thrive*, BENTON INST. FOR BROADBAND & SOCIETY (Feb. 24, 2023), <https://www.benton.org/blog/broadband-part-wyomings-strategy-survive-drive-and-thrive>.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

WASHINGTON, D.C.	
Compulsory School Attendance	For ages 5 – 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice only. Portfolio of student materials should be kept and submitted upon request. <u>Private school</u> : No requirements.
Curricular Requirements	<u>Homeschool</u> : Language arts, mathematics, science, social studies, art, music, health, and physical education. <u>Private school</u> : “Acceptable subject matter” as determined by the D.C. Board of Education.
Attendance & Instruction Length Requirements	<u>Homeschool</u> : Same period that public schools are in session, but no exact day or hour requirements. <u>Private school</u> : 1080 hours annually.
Educational Neglect Included in Child Neglect Statute	Yes
Digital Divide Ranking	8

Compulsory Education: In Washington, D.C., children ages 5 through 17 must attend school.⁹⁴⁶ Individuals who have completed “the senior high school course of study prescribed by the Board and ha[ve] been granted a diploma” are excused from compulsory attendance.⁹⁴⁷ Additionally, school boards are expected to “establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction.”⁹⁴⁸

Homeschooling: Parents who wish to homeschool in Washington, D.C., must provide the Office of the State Superintendent of Education (OSSE) with the child’s biographical information and notice that the child will be enrolled in an independent or private school.⁹⁴⁹ Parents must have a high school diploma or its equivalent to be eligible to provide instruction at home; however, parents without such qualifications may also apply for a waiver.⁹⁵⁰ Homeschooled students must receive instruction in the subjects of “language arts, mathematics, science, social

⁹⁴⁶ D.C. CODE § 38-202(a).

⁹⁴⁷ *Id.* § 38-202(b).

⁹⁴⁸ *Id.* § 38-202(d).

⁹⁴⁹ *Id.* § 38-205.

⁹⁵⁰ D.C. MUN. REGS. tit. 5 § 5207.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

studies, art, music, health, and physical education.”⁹⁵¹ Parents must keep attendance records and make them available to the Board of Education or other authorized officers.⁹⁵² Additionally, parents must maintain a portfolio of materials, including the child’s work, assessments, and other materials that show the child’s academic progress.⁹⁵³ There are no specific assessment requirements, but the OSSE may request to review a student’s portfolio.⁹⁵⁴ Upon such a review, if the OSSE determines that the homeschooled student is not making sufficient progress, then a Corrective Action Plan may be implemented to address each deficiency.⁹⁵⁵ The parents must then address each area in which their child was deficient and if they fail to do so, the OSSE can issue a Letter of Non-Compliance.⁹⁵⁶

Private Schooling. Private schools are required to be approved by the D.C. Board of Education.⁹⁵⁷ To be approved, private schools must show that they operate for the same instructional time as public schools, they teach “acceptable subject matter,” and all teachers have qualifications that are acceptable to the board though teaching certifications are not required.⁹⁵⁸ There are no curricular subject or assessment requirements.

Educational Neglect: Washington, D.C. includes educational neglect in its child neglect statute.⁹⁵⁹ As such, the district will investigate cases where educational neglect is suspected. There is also established caselaw precedent that not providing proper education amounts to child neglect.⁹⁶⁰ Parents are at risk of criminal liability if they make false statements or refuse to comply with the compulsory attendance laws of Washington, D.C.⁹⁶¹

Digital Divide. Washington, D.C. ranks 8 in the nation for broadband coverage.⁹⁶² Over 120,000 D.C. households do not have an internet connection.⁹⁶³ The digital divide in Washington, D.C. “has become a significant barrier to educational access, especially for DC’s students of color,” with an estimated “27% of Black students and 25% of Latin[x] students” without high-speed internet at home, as compared to “just 5% of DC’s white students.”⁹⁶⁴

⁹⁵¹ *Id.* § 5204.2.

⁹⁵² D.C. CODE § 38-203(a).

⁹⁵³ D.C. MUN. REGS. tit. 5 § 5205.

⁹⁵⁴ *Id.* § 5206.

⁹⁵⁵ *Id.* § 5208.

⁹⁵⁶ *Id.*

⁹⁵⁷ D.C. CODE § 38-201(d).

⁹⁵⁸ D.C. MUN. REGS. tit. 5, § 2100.2.

⁹⁵⁹ D.C. CODE § 16-2301(9)(A)(ii).

⁹⁶⁰ *See In re Am. V.*, 833 A.2d 493 (D.C. 2003).

⁹⁶¹ D.C. CODE § 38-206.

⁹⁶² “Internet Access in Ohio: Stats & Figures.” BroadbandNow, September 1, 2020. <https://broadbandnow.com/Ohio>.

⁹⁶³ Anna-Lysa Gayle, *Tens of thousands without internet in D.C., city working to close digital divide*, DC NEWS NOW (May 24, 2023), <https://www.dcnnewsnow.com/news/local-news/washington-dc/tens-of-thousands-without-internet-in-dc-city-working-to-close-digital-divide/>.

⁹⁶⁴ Joshua Montgomery-Patt, *Local and federal efforts aim to address the digital divide in the Washington region*, GREATER GREATER WASHINGTON (Jan. 18, 2022), <https://ggwash.org/view/83538/local-and-federal-efforts-aim-to-address-the-digital-divide-in-the-washington-region>.

AMERICAN SAMOA	
Compulsory School Attendance	For ages 5-18
Notice & Testing Requirements	Authorization is required as well as submissions of annual reports and monthly enrollment reports.
Curricular Requirements	There are no strict subject requirements, just “citizenship.” Otherwise, coursework should be roughly “equivalent” to that provided in the public schools.
Attendance & Instruction Length Requirements	Same length as public schools.
Educational Neglect Statute	Yes
Digital Divide	Not Ranked

Compulsory Education: In American Samoa children ages 5 through 18 years must attend school unless excused or excluded for “good reason” by the Director of Education.⁹⁶⁵

Homeschooling. An authorization form must be submitted annually to the Department of Education to receive approval for home-based education.⁹⁶⁶ For initial authorization, the form must include a statement of the aims and purposes of the school, demographic information of the children attending the home school, the teachers’ names, ages, experience, and professional qualifications, a certificate of health for each teacher, a schedule of classes, and the curriculum to be taught at the school.⁹⁶⁷ Monthly enrollment reports must also be submitted to the Department of Education.⁹⁶⁸ All teachers are required to hold a certificate of qualification from the Department of Education.⁹⁶⁹ There are no strict subject requirements just that “good citizenship” should be taught.⁹⁷⁰ Students are to be instructed for about the same length as public schools which is.⁹⁷¹ The law in American Samoa requires that home schools provide regular educational coursework “equivalent” to the public-school curriculum.⁹⁷²

Private Schooling. Private schools must annually receive a certificate of authorization from the American Samoa Department of Education after a successful inspection of the school.⁹⁷³ Private schools have the same curriculum

⁹⁶⁵ AM. SAMOA CODE ANN. § 16-3-16.0302.

⁹⁶⁶ *Id.* § 16.0701(b).

⁹⁶⁷ *Id.* § 16.0701(c).

⁹⁶⁸ *Id.*

⁹⁶⁹ *Id.* § 16-3-16.1001

⁹⁷⁰ *Id.* § 16.0704.

⁹⁷¹ *Id.* § 16.0702.

⁹⁷² *Id.* § 16.0701(a).

⁹⁷³ *Id.* § 16.0701(b).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

requirements and instructional length requirements as homeschools.⁹⁷⁴ Both homeschools and private schools must annually receive a certificate of authorization upon inspection.⁹⁷⁵ Therefore, if a school does not pass inspection its approval will be revoked.

Educational Neglect. American Samoa includes educational neglect as a form of child neglect under the law and therefore can be reported to the Child Protection Agency of the Department of Human Resources.⁹⁷⁶

Digital Divide. Not Ranked. American Samoa faces many barriers to providing residents with affordable, accessible, high-speed internet including geographic location, economic structure, and physical constraints.⁹⁷⁷ Low-income households and minorities were less likely to have home internet connection and, if they did, were more likely to be accessing the internet via a mobile device.⁹⁷⁸

GUAM	
Compulsory School Attendance	For ages 5-18
Notice & Testing Requirements	No
Curricular Requirements	<u>Homeschool</u> : Same subjects as public school. <u>Private school</u> : No requirements.
Attendance & Instruction Length Requirements	<u>Homeschool</u> : Three hours a day for 170 days a year. <u>Private school</u> : No requirements.
Educational Neglect Statute	No
Digital Divide	Not Ranked

Compulsory Education. Under Guam’s compulsory attendance law, all children at least five years of age to eighteen must attend public or private school.⁹⁷⁹ Students are exempted from the compulsory attendance requirement if they obtain a GED before turning eighteen or if they attend a home school program.⁹⁸⁰

⁹⁷⁴ *Id.* §§ 16.0702; 16.0704.

⁹⁷⁵ *Id.* § 16.0701(b).

⁹⁷⁶ *Id.* § 46.3812(a)(2).

⁹⁷⁷ American Samoa Gov’t, Dep’t of Commerce, Office of Governor, *American Samoa BROADBANDiNEI Digital Equity Plan (2023)*, retrieved from <https://www.benton.org/blog/american-samoas-broadbandinei-digital-equity-plan>.

⁹⁷⁸ *Id.*

⁹⁷⁹ 17 Guam Code Ann. § 6102(a).

⁹⁸⁰ *Id.* §§ 6102(b); 6109.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Homeschooling. There is no notification requirement for homeschooling in Guam. The curricular subject requirements are the same as that provided for in the public schools and instruction is required to be in English.⁹⁸¹ Students must be taught for at least three hours a day for 170 days a year.⁹⁸² There are no teaching or assessment requirements.

Private Schooling. There are no licensing or approval requirements for private schools in Guam. There is no curricular subject, instruction length, assessment, or teaching requirements for private schooling.⁹⁸³

Educational Neglect. Guam does not have an educational neglect statute. Any parent or legal guardian who fails to comply with Guam's compulsory attendance requirements will be guilty of a violation in the first offense and subject to perform 100 hours of community service.⁹⁸⁴ For every subsequent offense, the parent or legal guardian is guilty of a petty misdemeanor.⁹⁸⁵

Digital Divide. Not ranked. The people of Guam face significant barriers to equitable internet access including geographic location and socioeconomic structure. Notably, more than 20% of the population fall below the poverty line and thus home internet service is simply unaffordable for most.⁹⁸⁶ The devastation of Typhoon Mawar in May 2023, caused significant damage to the island's infrastructure, leaving many residents physically and digitally isolated.⁹⁸⁷ In 2023, President Biden implemented the Broadband Equity, Access, and Deployment, or BEAD, program with the goal of providing all U.S. states and territories with low to no cost broadband internet access. Under that program, Guam is receiving \$156 million to fulfill that aim.⁹⁸⁸

⁹⁸¹ *Id.* § 6109.

⁹⁸² *Id.*

⁹⁸³ U.S. Dep't of Educ., *Guam Regulations*, (Aug. 23, 2017), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/guam.html>.

⁹⁸⁴ *Id.* § 6102(c).

⁹⁸⁵ *Id.*

⁹⁸⁶ Office of Infrastructure Policy & Development, *Digital Equity Plan Guam*, INTERNET FOR ALL (Feb. 2024), retrieved from <https://broadband.guam.gov/digital-equity-plan>

⁹⁸⁷ *Id.*

⁹⁸⁸ *Id.*

NORTHERN MARIANA ISLANDS	
Compulsory School Attendance	For ages 5- 17
Notice & Testing Requirements	<u>Homeschool</u> : Notice and monthly, quarterly, and annual reports on student progress are required. <u>Private school</u> : No requirements.
Curricular Requirements	<u>Homeschool</u> : No requirements. <u>Private school</u> : No strict requirements but the potential subjects that could be taught are English, reading, social studies, music, mathematics, modern foreign languages, physical science, and physical education.
Attendance & Instruction Length Requirements	<u>Homeschool</u> : Must consist of 300 minutes of instruction per day and operate for 180 a year. <u>Private School</u> : No requirements.
Educational Neglect Statute	No
Digital Divide	Not Ranked

Compulsory Education. Under the Northern Mariana Islands compulsory attendance law, all children between the ages of five and seventeen must attend a public and non-public school.⁹⁸⁹ The Commissioner can grant waivers to the compulsory attendance requirement on an individual basis and for approved home study programs.⁹⁹⁰

Homeschooling. An application must be submitted to provide homeschooling in the Northern Mariana Islands.⁹⁹¹ The application requires information such as intended instruction length and curricular materials.⁹⁹² There are no specific curricular subject requirements, but attendance logs should be kept and submitted annually to the local school.⁹⁹³ The homeschool must operate for 300 minutes per day and 180 a year.⁹⁹⁴ Progress reports must be submitted monthly, quarterly, and annually, containing updates on student progress and goals of the curriculum.⁹⁹⁵

⁹⁸⁹ 3 N. MAR. I. CODE § 1131

⁹⁹⁰ *Id.*

⁹⁹¹ N. MAR. I. ADMIN. CODE § 60-20-535(a).

⁹⁹² *Id.*

⁹⁹³ *Id.* § 60-20-535(d).

⁹⁹⁴ *Id.* § 60-20-535(f)(1).

⁹⁹⁵ *Id.* § 60-20-535(e).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

Private Schooling. There is no licensing or approval requirement for private schools in the Northern Mariana Islands. The suggested, but not strictly required curricular subjects include English, reading, social studies, music, mathematics, modern foreign languages, physical science, and physical education.⁹⁹⁶ There are no requirements for teacher certification, instruction length, or assessments for private schooling.⁹⁹⁷

Educational Neglect. Though educational neglect does not fall under the definition of child neglect in the Northern Mariana Islands, concerned individuals may report it to school authorities. The Northern Mariana Islands has a school Attendance Review Committee which enforces truancy laws.⁹⁹⁸

Digital Divide. Not ranked. At the start of 2024, the internet penetration rate on the Northern Mariana Islands was 50.6% of the total population, meaning that 49.4% of the population remained offline at the beginning of the year.⁹⁹⁹ The Northern Mariana Islands Broadband Policy and Development Office (BPD) received an award of \$81 million under President Biden’s Broadband Equity, Access, and Deployment (BEAD) Program to help provide Island residents with low or no cost access to the internet.¹⁰⁰⁰

PUERTO RICO	
Compulsory School Attendance	For ages 5- 18
Notice & Testing Requirements	No
Curricular Requirements	No
Attendance & Instruction Length Requirements	<u>Homeschool</u> : No requirements. <u>Private school</u> : Same length as public schooling.
Educational Neglect Statute	Yes
Digital Divide	Not ranked

Compulsory Education. Under the Puerto Rico compulsory attendance law, all children between the ages of five and eighteen must attend school.¹⁰⁰¹ Children are exempt from the compulsory education requirement if they are participating in an alternative school program or its equivalent, they are enrolled in a high school equivalency

⁹⁹⁶ 3 N. MAR. I. CODE § 1175.

⁹⁹⁷ U.S. Dep’t Educ., *Northern Mariana Islands Regulations*, (Aug. 23, 2017), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/northernmarianaislands.html>.

⁹⁹⁸ 3 N. MAR. I. CODE § 5163.

⁹⁹⁹ Simon Kemp, *Digital 2024: The Northern Mariana Islands*, DATAREPORTAL, available at <https://datareportal.com/reports/digital-2024-northern-mariana-islands>

¹⁰⁰⁰ *Id.*

¹⁰⁰¹ P.R. LAWS ANN. tit. 3, § 9801c(a).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

program for adults or other program that helps prepare students to be readmitted to school or have taken a GED test.¹⁰⁰²

Homeschooling. Attendance at public school is not compulsory for those receiving “education in schools established under the auspices of nongovernmental entities.”¹⁰⁰³ There are no requirements for homeschooling in Puerto Rico.¹⁰⁰⁴ No notification is required.¹⁰⁰⁵

Private Schooling. Licensing is mandatory for private schools in Puerto Rico.¹⁰⁰⁶ Private school teachers must be certified; the private school must have an educational plan or academic program and show the Puerto Rico Department of Educational how the plan will be implemented; and facilities, equipment, library, and laboratory services that are compatible with the school’s objectives.¹⁰⁰⁷ Instruction should be provided for roughly the same length as in public schools.¹⁰⁰⁸ There are no curricular or assessment requirements.

Educational Neglect. Educational neglect is included under Puerto Rico’s child neglect statute and thus can be reported to the authorities or to the local office of the Department of the Family of the Commonwealth of Puerto Rico.¹⁰⁰⁹ Any parent or legal guardian who violates the compulsory attendance requirement shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000.00 or 100 hours of community service at the institution in which the child attends.¹⁰¹⁰ It is the responsibility of the school’s principal to enforce compulsory attendance.¹⁰¹¹

Digital Divide. Not ranked. Puerto Rican residents face significant barriers to digital equity including geographic location and high rates of poverty. These challenges have been exacerbated by natural disasters that devastated the Island’s infrastructure. For example, Hurricane Maria in 2017 destroyed a large portion of the electrical system leaving many residents with no internet access at all for over 4 months.¹⁰¹² When the Island shifted to online learning in the wake of the COVID-19 pandemic, many students were unable to complete their schoolwork as nearly 40% of Puerto Rican households do not have a computer. Even if residents have access to a home-based computer, the fragile infrastructure results in unreliable service such that 64% of households in Puerto Rico elect

¹⁰⁰² *Id.*

¹⁰⁰³ *Id.* at tit. 18, § 2.

¹⁰⁰⁴ U.S. Dep’t of Educ., *Puerto Rico State Regulations*, (Oct. 5, 2017), <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/puertorico.html>.

¹⁰⁰⁵ *Id.*

¹⁰⁰⁶ P.R. LAWS ANN tit. 18, § 2111.

¹⁰⁰⁷ *Id.* § 2113(b)-(d).

¹⁰⁰⁸ *Id.* at tit. 29, § 450.

¹⁰⁰⁹ *Id.* at tit. 8, § 444(w).

¹⁰¹⁰ *Id.* § 9801c(c).

¹⁰¹¹ *Id.* § 9801c(e)(1).

¹⁰¹² *Impact of Hurricane Maria on Puerto Rico’s Children*, INSTITUTO DEL DESARROLLO DE LA JUVENTUD (Dec. 2018), retrieved from https://parsefiles.back4app.com/NnOrAmAotAZqACgSOms8WkAwkOlqpZ6VWjofVKeJ/e7cb314c136dca44c72d8570b9afb3f4_20511.pdf.

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

not to purchase internet services at all.¹⁰¹³ Thus in 2020 when series of earthquakes forced many school buildings to close for safety reasons, many children were left without reliable power as well as computer and internet access.¹⁰¹⁴

U.S. VIRGIN ISLANDS	
Compulsory School Attendance	For ages 5-18
Notice & Testing Requirements	<p><u>Homeschool</u>: Notice and assessment is required. All homeschool students in grades three, five, seven, and eleven are required to take a Virgin Islands Summative Assessment.</p> <p><u>Private school</u>: No requirements.</p>
Curricular Requirements	<p><u>Homeschool</u>: Primary-level education requirements are reading, language arts, math, science, social studies, and electives. The subject requirements for secondary-level education are English, mathematics, science, Virgin Islands culture and history, physical education, foreign language, and digital literacy.</p> <p><u>Private school</u>: No requirements.</p>
Attendance & Instruction Length Requirements	No
Educational Neglect Statute	Yes
Digital Divide	Not ranked

Compulsory Education. Under the U.S. Virgin Island compulsory attendance law, children between the ages of five and eighteen must attend school.¹⁰¹⁵ Students who are attending the National Guard Youth Challenge Program or any other program approved by the U.S. Virgin Islands which are considered equivalent to a high school diploma are exempt.¹⁰¹⁶

Homeschooling. To initiate homeschooling, a parent or legal guardian must file a notice of intent with the Commissioner of Education and the notice must be approved.¹⁰¹⁷ The subject requirements for primary-level education are reading, language arts, math, science, social studies, and electives.¹⁰¹⁸ The subject requirements for

¹⁰¹³ *Id.*

¹⁰¹⁴ *Id.*

¹⁰¹⁵ U.S.V.I. CODE ANN. tit. 17 § 82(a).

¹⁰¹⁶ *Id.*

¹⁰¹⁷ *Id.* § 84.

¹⁰¹⁸ *Id.* § 84-7(a).

IV. ANALYSIS OF THE EDUCATION SYSTEMS IN EACH OF THE U.S. STATES & TERRITORIES

secondary-level education are English, mathematics, science, Virgin Islands culture and history, physical education, foreign language, and digital literacy.¹⁰¹⁹ All homeschooled students in grades three, five, seven, and eleven are required to take a Virgin Islands Summative Assessment.¹⁰²⁰ If assessment scores are below proficiency level, the Department of Education will advise the parent or legal guardians on how to enhance the student's academic skills.¹⁰²¹ The parent or legal guardian must submit an annual portfolio of the student's educational activities, samples of the student's work, and evaluations the student has taken.¹⁰²² There are no teaching or instruction length requirements.

Private Schooling. Private schools are required to obtain a certificate of operation.¹⁰²³ All private school teachers must be licensed.¹⁰²⁴ There are no curricular subject or assessment requirements.

Educational Neglect. The U.S. Virgin Islands does include educational neglect within their definition of child neglect and parents or legal guardians who fail to comply with the compulsory attendance requirement can be reported to local authorities.¹⁰²⁵

Digital Divide. Not ranked. The people of the U.S. Virgin Islands face significant barriers to equitable internet access including geographic location and socioeconomic structure. Nevertheless, when the COVID-19 pandemic forced the Island to shift to online learning the U.S. Virgin Islands Department of Education was able purchase enough laptops for every public-school student in the territory to ensure that they had the basic resources necessary to participate in virtual education.¹⁰²⁶

¹⁰¹⁹ *Id.* § 84-7(b).

¹⁰²⁰ *Id.* § 84-8(a).

¹⁰²¹ *Id.* § 84-8(d).

¹⁰²² *Id.* § 84-9(a).

¹⁰²³ *Id.* § 194(a).

¹⁰²⁴ *Id.* § 126(a).

¹⁰²⁵ V.I. Code Ann. tit. 14 § 503(e)(2).

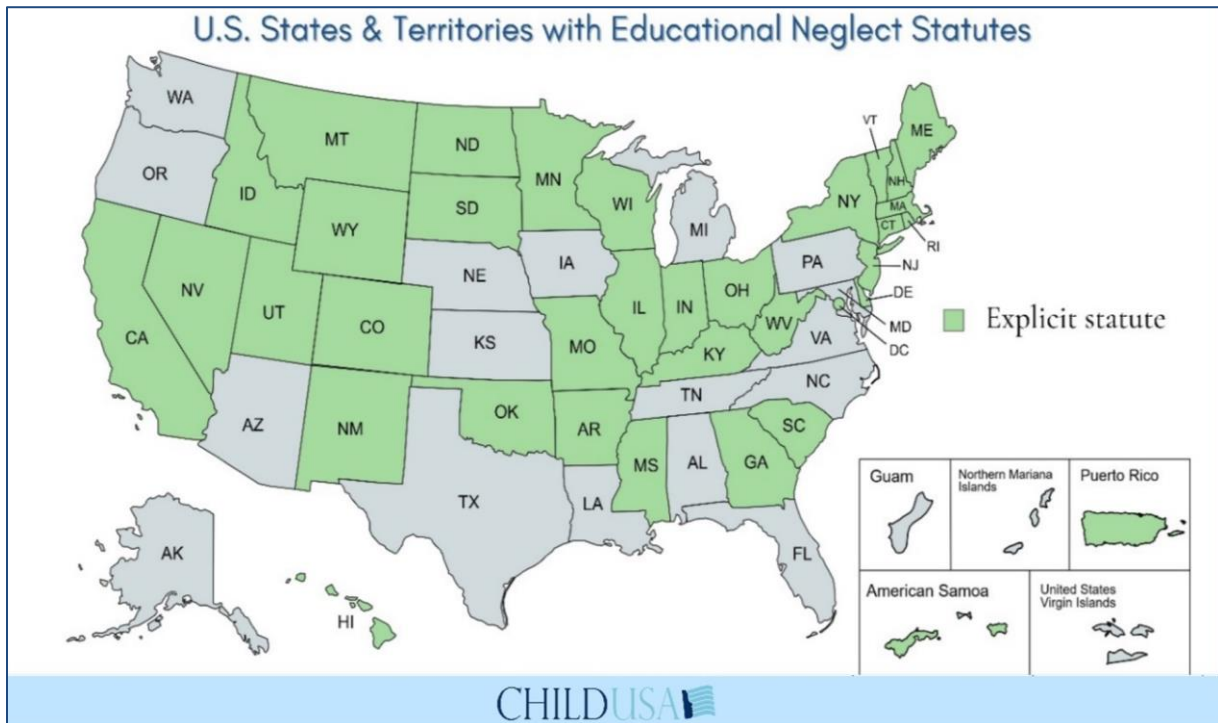
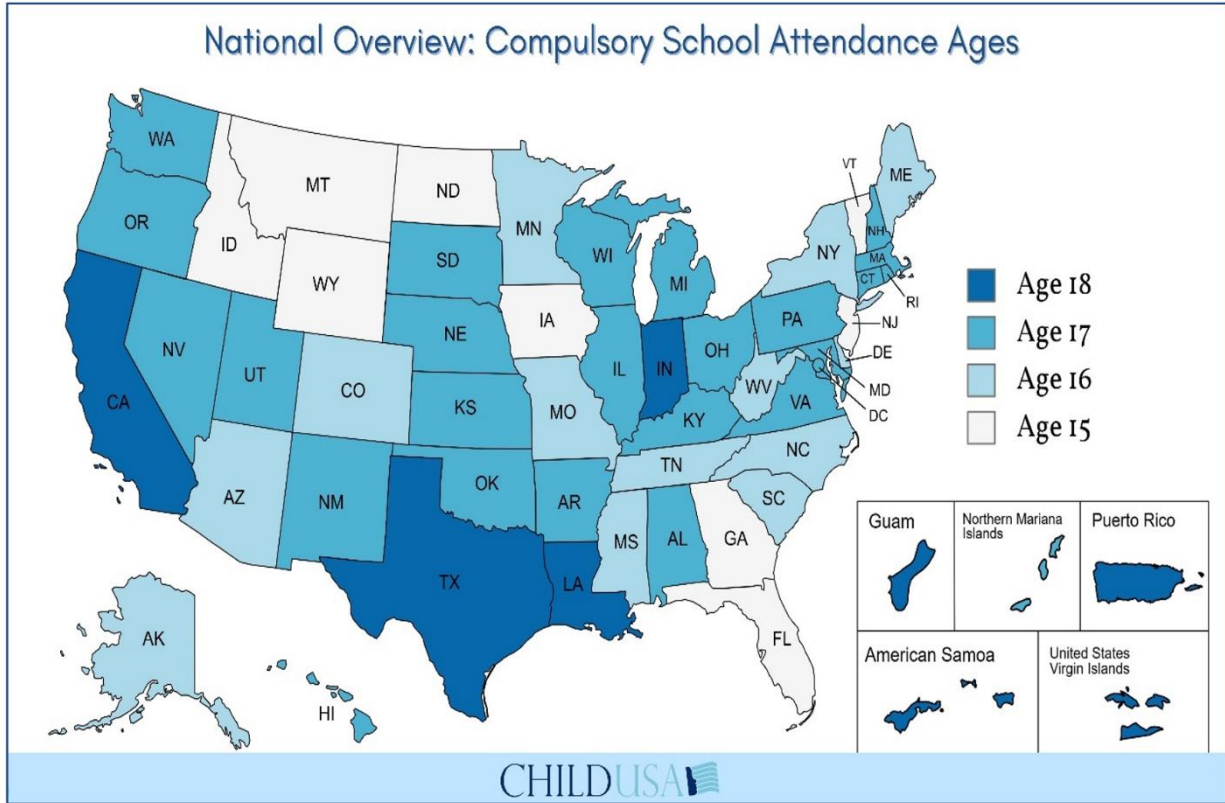
¹⁰²⁶ Grace Tepper, *Achieving Digital Equity in the U.S. Virgin Islands*, BENTON INSTITUTE FOR BROADBAND & SOCIETY (April 19, 2024), available at <https://www.benton.org/headlines/achieving-digital-equity-us-virgin-islands>

V. CHILD USA'S RANKINGS OF THE U.S. STATES & TERRITORIES


To conceptualize the strength of the nation's education laws and regulations, CHILD USA has developed a structured method to evaluate and compare the education systems of all 50 U.S. states and territories based on four key regulatory and statutory criteria: compulsory school attendance age, notice and assessment requirements for private and home-based schooling, curricular and attendance/instruction length requirements for private and home-based schooling, and whether or not the jurisdiction has an explicit educational neglect statute.

The charts below provide a visual comparison of the compulsory school age requirements across jurisdictions and indicate which ones explicitly include educational neglect in their state codes. For private and home-based schooling, a numerical score was calculated for each jurisdiction based on four key requirements—notice, assessment, instruction length, and curricular—and then translated into letter grades—A, B, C, D, or F—and presented in a final “report card.” **The “report cards” reflect only the black-letter law and they do not account for implementation systems or the strength of the laws’ enforcement.** Moreover, jurisdictions that appear to have more stringent requirements for private and home-based education often fall short on closer examination. For example, in Maryland only publicly funded private schools must adhere to notice and assessment requirements.¹⁰²⁷ **Indeed, it is impossible to overstate the inadequacy of even the most stringent private and home-based education requirements presently in effect across the states and territories.** Most jurisdictions lack even the most basic safeguards to ensure that children who are educated outside of the public-school system receive an adequate education. There is much work left to do.

¹⁰²⁷ MD. CODE REGS. 13A.09.09.04(C); 13A.09.09.09(A).



National Report Card: Homeschooling Laws	
A	Maine, Maryland, New York, North Dakota, Pennsylvania, South Carolina, Tennessee, Vermont, West Virginia
B	Arizona, Colorado, Georgia, Iowa, Kentucky, Massachusetts, Montana, Nebraska, New Mexico, Ohio, Rhode Island, Virginia, Washington, Wisconsin, D.C., American Samoa, NMI, USVI
C	California, Delaware, Florida, Hawaii, Idaho, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, North Carolina, Oregon, South Dakota, Wyoming, Guam
D	Alabama, Arkansas, Connecticut, Illinois, Michigan, New Jersey, Oklahoma, Texas, Utah
F	Alaska, Puerto Rico

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States and territories that received an “F” grade for their homeschooling laws had no notice or assessment requirements and no instruction length or curricular requirements. Children educated outside the public-school setting in these jurisdictions are perhaps the most vulnerable to educational neglect in addition to other forms of child maltreatment. States and territories that received a “D” grade had only one requirement—notice, assessment, instruction length, or curricular—for home-based schooling and those that received a “C” or “B” grade had two and three out of the four criteria respectively. States and territories that received an “A” grade had notification and assessment requirements as well as instruction length and curricular requirements for homeschooling in at least some circumstances.

National Report Card: Private School Laws	
A	Indiana, Montana, Nevada, American Samoa
B	Colorado, Hawaii, Iowa, Kansas, Kentucky, Maine, Maryland, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, Pennsylvania, Rhode Island, Tennessee, Washington, West Virginia, Wyoming, D.C.
C	Arizona, California, Delaware, Florida, Georgia, Idaho, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Oklahoma, Oregon, South Carolina, Vermont, Wisconsin, Puerto Rico
D	Alabama, Alaska, Connecticut, New Mexico, South Dakota, Texas, Virginia
F	Arkansas, Mississippi, Utah, Guam, NMI, USVI

CHILDUSA 

States and territories that received an “F” grade for their private school regulations had no accreditation/registration or assessment requirements and no instruction length or curricular requirements. In these jurisdictions, where oversight is absent, children (and their parents) are at greater risk of exploitation by private, for-profit “schools.” Ultra-religious institutions in these states are free to emphasize religious study above and often at the expense of secular subjects like math and English; there is no way of knowing whether children attending these schools are being sufficiently prepared for participation in civic life. States and territories that received a “D” grade had only one requirement—accreditation, assessment, instruction length, or curricular—for private schools and those that received a “C” or “B” grade had two and three out of the four criteria respectively. States and territories that received an “A” grade had accreditation and assessment requirements as well as instruction length and curricular requirements for private schools in at least some circumstances.

VI. CONCLUSION

In the United States, the landscape of educational regulation is diverse and highly state specific. This report explored jurisdictional trends across four dimensions: compulsory education laws, private and home-based schooling requirements, educational neglect statutory frameworks, and the digital divide. As evidenced in this report, some states and territories have adopted strict educational standards and oversight mechanisms, while many others are far behind, with loose requirements that serve virtually no check on potential parental neglect.

It is a tragic reality that scores of children are unaccounted for in our nation's education system every year, in no small part because states have refused to adopt common-sense notification laws. Providing notice of enrollment to the local school district or board of education should be the floor for parents who want their children to receive a private or home-based education.

Even in jurisdictions with notification requirements, children can easily slip through the cracks due to lax oversight. Indeed, 42.8% of U.S. states and territories do not require homeschools to submit either portfolios of student work or standardized test results.¹⁰²⁸ Reporting requirements for private school students are even more abysmal. Forty-two U.S. states and territories, or 84%, do not require student submission of any academic progress report or standardized testing for private schools.¹⁰²⁹ In these jurisdictions it is virtually impossible for the state to know how these youth are performing academically in comparison to their publicly educated peers.

Equally problematic, 30.4% of U.S. states and territories have no attendance or instruction length requirements for homeschooling and 21.4% lack these requirements for private schooling.¹⁰³⁰ Moreover, thirty-nine states and territories do not impose educational or certification requirements on homeschool instructors and twenty-nine states and territories lack the same for private school instructors.¹⁰³¹

These glaring lapses in regulation provide easy loopholes to otherwise comprehensive compulsory education requirements and may facilitate educational neglect. To prevent such outcomes, clear enforcement mechanisms must be adopted in every U.S. jurisdiction. Despite the importance of clear definitions for enforcement purposes, only 66% of U.S. jurisdictions have explicit definitions for educational neglect in their codes. Jurisdictions without such statutes, like Alabama, have policies where investigations into educational neglect hinge on important

¹⁰²⁸ See *Figure 1* of the Appendix.

¹⁰²⁹ See *Figure 2* of the Appendix.

¹⁰³⁰ See *Figures 3 and 4* of the Appendix.

¹⁰³¹ See *Figures 5 and 6* of the Appendix.

external prerequisites, such as another form of abuse being reported. These systems let legitimate instances of educational neglect slip through the cracks.

Finally, the digital divide is an essential disparity to consider in light of the growing shift to online and computer-assisted learning. Though some states offered preliminary data into how the digital divide maps across socioeconomic and racial lines, more data is needed on how different demographics are disproportionately affected by this issue. Absent intervention, we can expect these historical inequalities to continue in the future.

To better protect children's rights to education, the states and territories should immediately work to enact regulations that require: (1) school attendance until attainment of a high school diploma or its equivalent; (2) notification of enrollment in private or homeschool and annual submissions of children's standardized test results to local school districts for review; (3) placement of homeschooled children in accredited public or private schools should their test results demonstrate inadequate academic progress and remediation of the issue has failed; (4) curricular as well as attendance and instructional length requirements substantially equivalent to that required by the state's public schools; and (4) definitions of criminal child neglect include educational neglect. Implementing these recommendations will ensure that students have the opportunity to reach their full academic potential and improve each jurisdiction's ability to meet its obligation to ensure an educated citizenry consistent with the democratic principles upon which this nation founded.

VII. APPENDIX

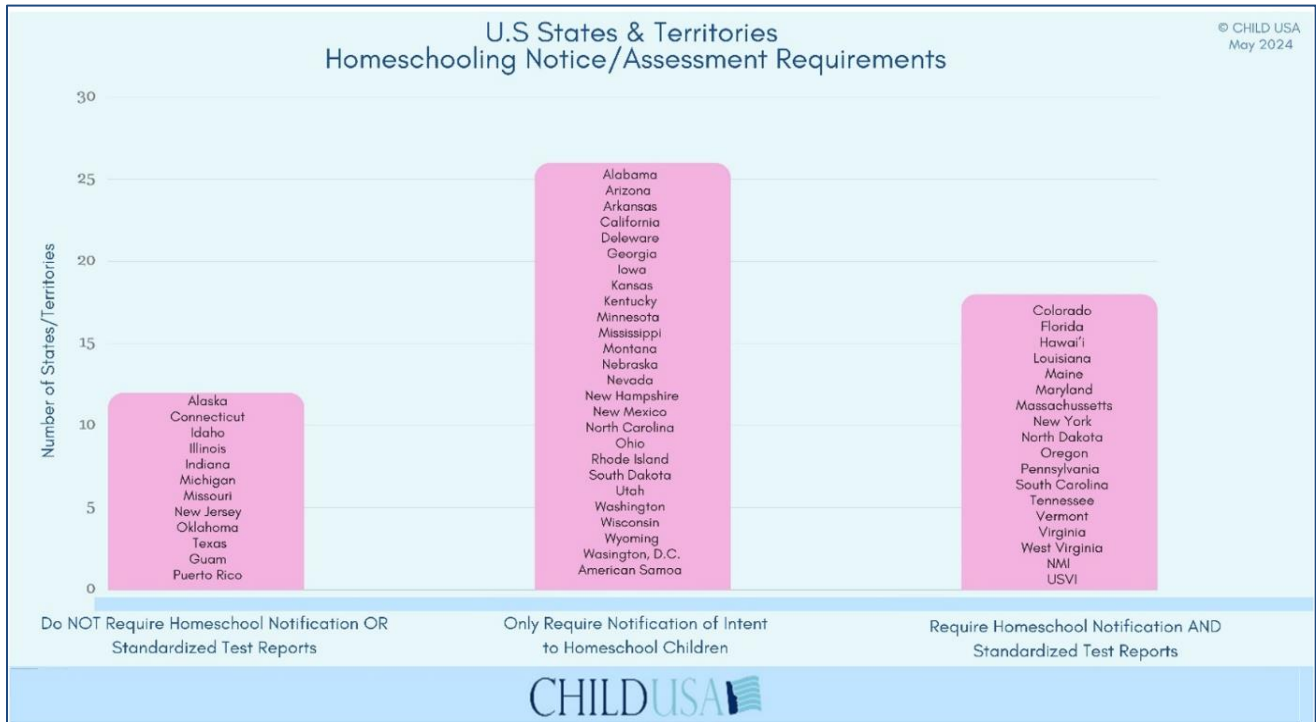


Figure 1: Homeschooling Notice/Assessment Requirements

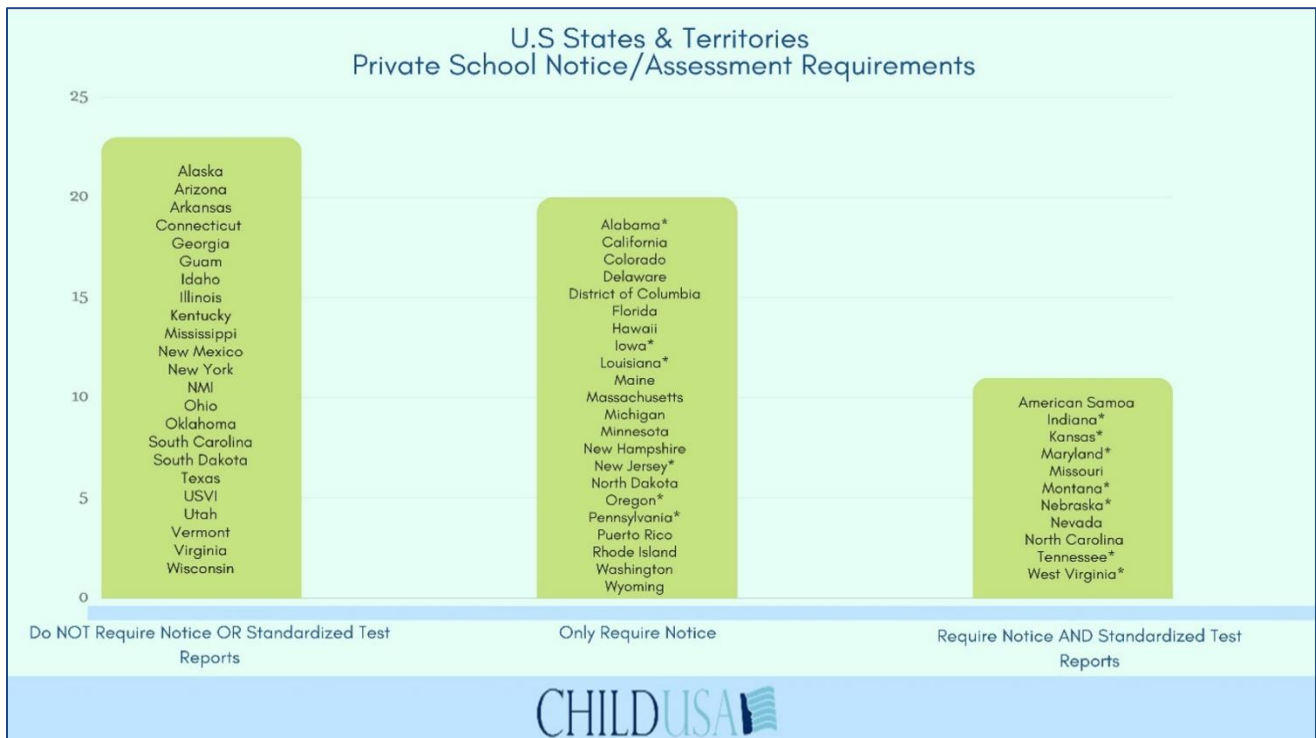


Figure 2: Private School Notice/Assessment Requirements

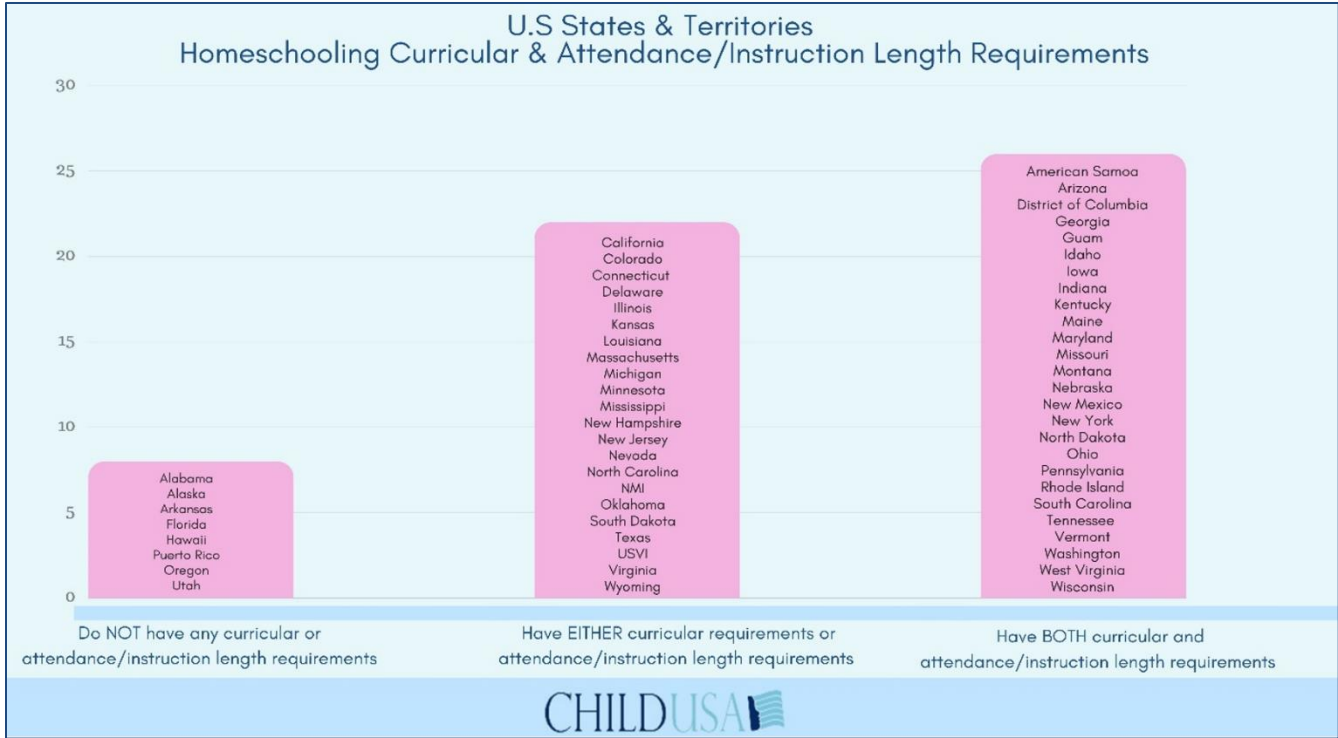


Figure 3: Homeschooling Curricular & Attendance/Instruction Length Requirements

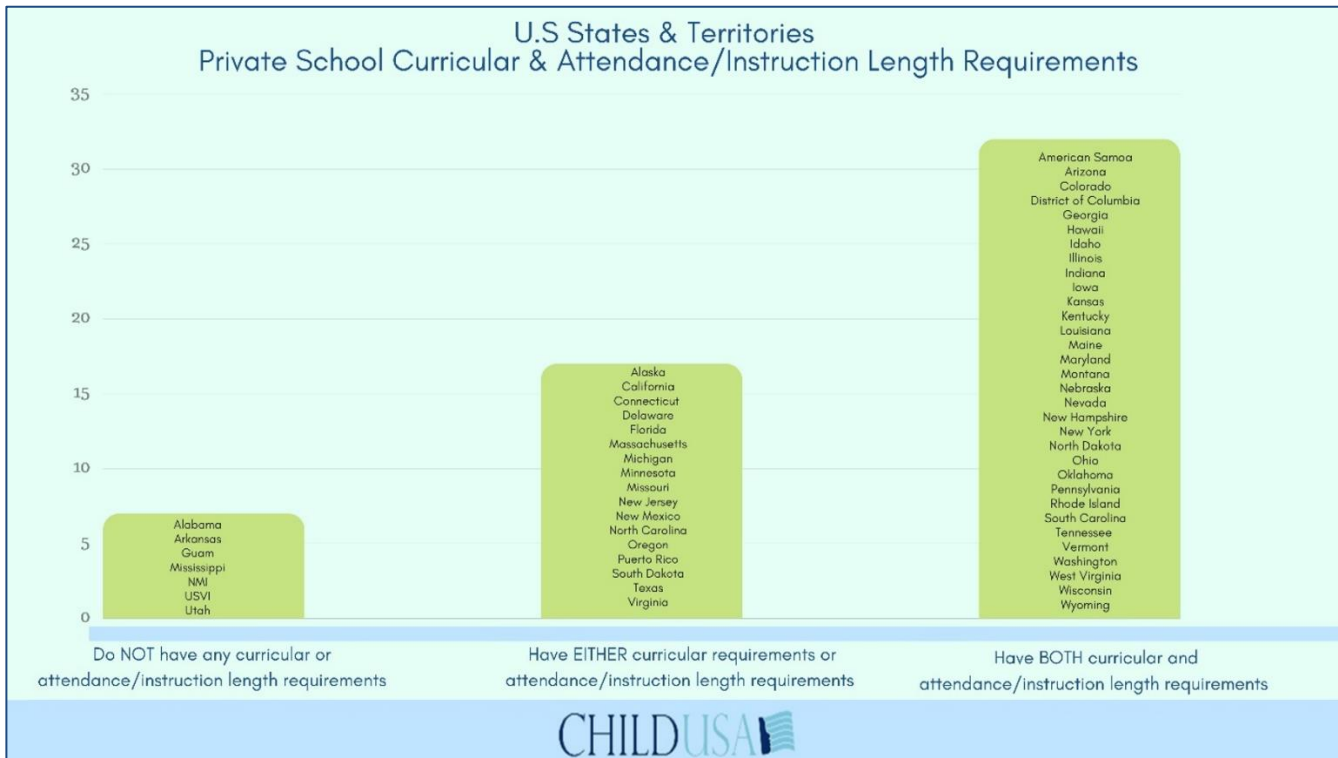


Figure 4: Private School Curricular & Attendance/Instruction Length Requirements



Figure 5: Homeschooling Teaching Requirements

Private School Teaching Requirements

HIGH SCHOOL DIPLOMA/GED

Alabama
Alaska
California (vague - teacher must be “capable”)
Hawaii
Idaho (accredited)
Indiana (accredited)
Iowa
Kansas (accredited)
Kentucky (proprietary)
Louisiana
Maine
Maryland
Mississippi (accredited)
Montana (accredited)
Nebraska
Nevada
New York (vague - teacher must be
“competent”)
North Dakota
Ohio
Oklahoma
Tennessee (some school categories)
Vermont (approved schools)
Washington
Wyoming
Puerto Rico
U.S. Virgin Islands
Washington D.C.

NO REQUIREMENTS

Arizona
Arkansas
Colorado
Connecticut
Delaware
Florida
Georgia
Illinois
Massachusetts
Michigan
Minnesota
Missouri
New Hampshire
New Jersey
New Mexico
North Carolina
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Texas
Utah
Virginia
West Virginia
Wisconsin
American Samoa
Guam
Northern Mariana Islands

Figure 6: Private School Teaching Requirements

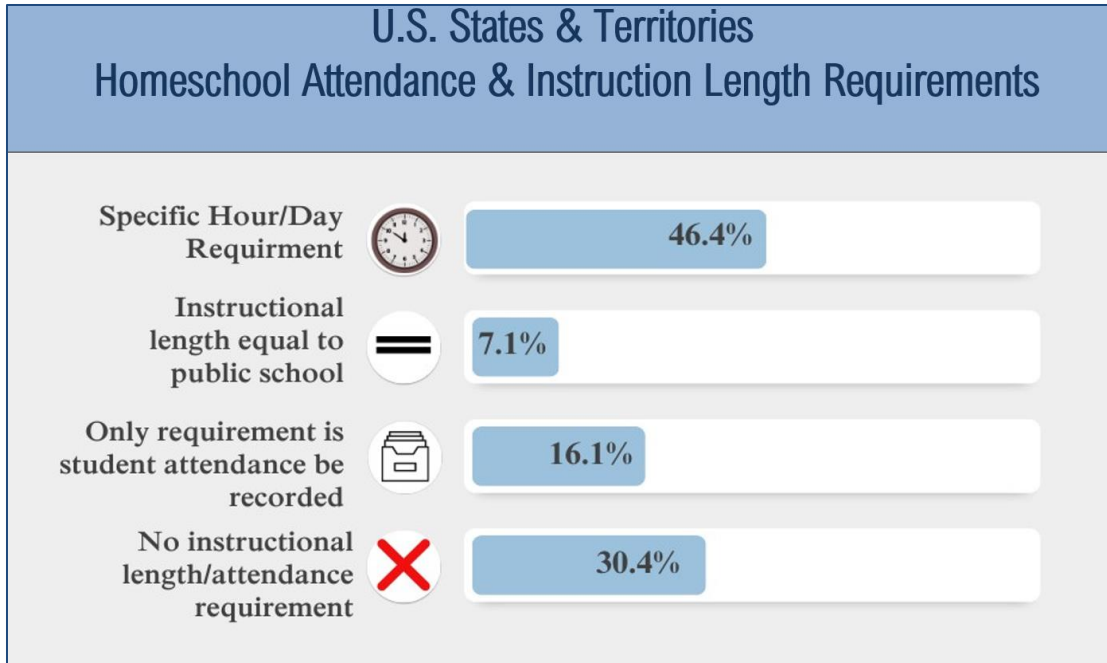


Figure 7: U.S. States & Territories Homeschool Attendance & Instruction Length Requirements by Percentage

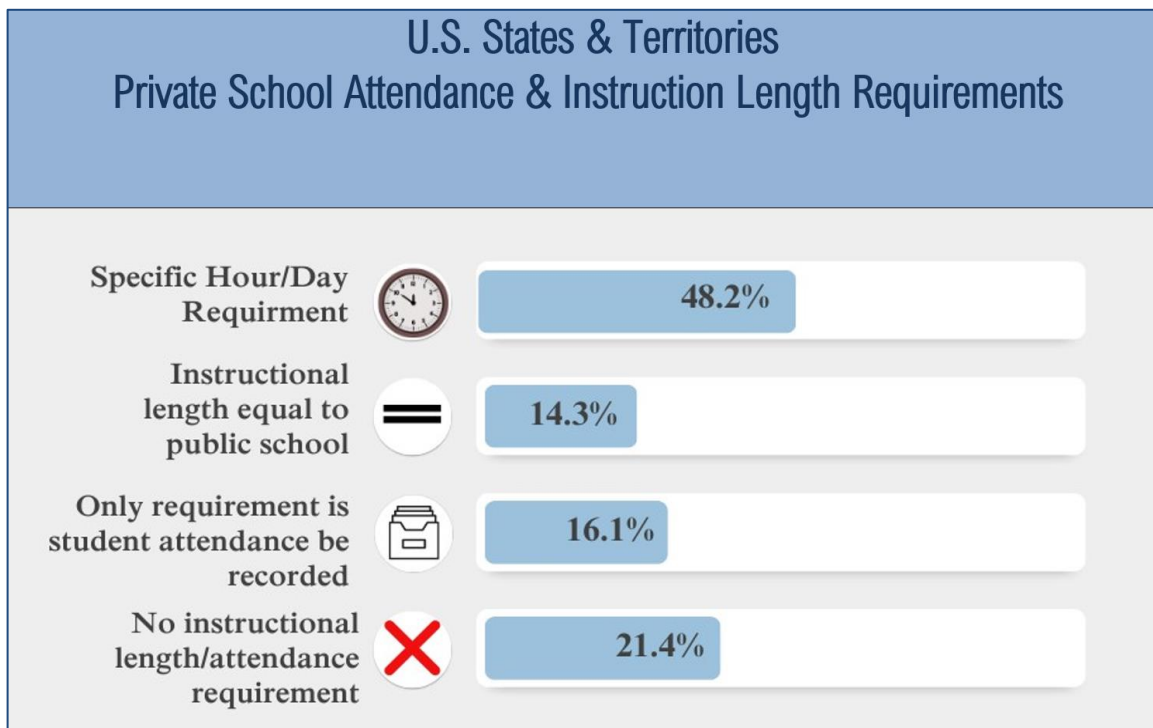


Figure 8: U.S. States & Territories Private School Attendance & Instruction Length Requirements by Percentage

Figure 9: Ranking Calculations:

a. *Homeschooling Laws*

State	Homeschooling Notice/Assessment	Homeschooling Curricular/ Instruction Length	Overall Score	Letter Grade
Alabama	1	0	1	D
Alaska	0	0	0	F
Arizona	1	2	3	B
Arkansas	1	0	1	D
California	1	1	2	C
Colorado	2	1	3	B
Connecticut	0	1	1	D
Delaware	1	1	2	C
Florida	2	0	2	C
Georgia	1	2	3	B
Hawaii	2	0	2	C
Idaho	0	2	2	C
Illinois	0	1	1	D
Indiana	0	2	2	C
Iowa	1	2	3	B
Kansas	1	1	2	C
Kentucky	1	2	3	B
Louisiana	1	1	2	C
Maine	2	2	4	A
Maryland	2	2	4	A
Massachusetts	2	1	3	B
Michigan	0	1	1	D
Minnesota	1	1	2	C
Mississippi	1	1	2	C
Missouri	0	2	2	C
Montana	1	2	3	B
Nebraska	1	2	3	B
Nevada	1	1	2	C
New Hampshire	1	1	2	C
New Jersey	0	1	1	D
New Mexico	1	2	3	B
New York	2	2	4	A

New Hampshire	1	1	2	C
New Jersey	0	1	1	D
New Mexico	1	2	3	B
New York	2	2	4	A
North Carolina	1	1	2	C
North Dakota	2	2	4	A
Ohio	1	2	3	B
Oklahoma	0	1	1	D
Oregon	2	0	2	C
Pennsylvania	2	2	4	A
Rhode Island	1	2	3	B
South Carolina	2	2	4	A
South Dakota	1	1	2	C
Tennessee	2	2	4	A
Texas	0	1	1	D
Utah	1	0	1	D
Vermont	2	2	4	A
Virginia	2	1	3	B
Washington	1	2	3	B
West Virginia	2	2	4	A
Wisconsin	1	2	3	B
Wyoming	1	1	2	C
D.C.	1	2	3	B
AM. Samoa	1	2	3	B
Guam	0	2	2	C
NMI	2	1	3	B
Puerto Rico	0	0	0	F
USVI	2	1	3	B

b. Private School Laws

State	Private School Notice/Assessment	Private School Curricular/ Instruction Length	Overall Score	Letter Grade
Alabama	1	0	1	D
Alaska	0	1	1	D
Arizona	0	2	2	C
Arkansas	0	0	0	F
California	1	1	2	C
Colorado	1	2	3	B
Connecticut	0	1	1	D
Delaware	1	1	2	C
Florida	1	1	2	C
Georgia	0	2	2	C
Hawaii	1	2	3	B
Idaho	0	2	2	C
Illinois	0	2	2	C
Indiana	2	2	4	A
Iowa	1	2	3	B
Kansas	1	2	3	B
Kentucky	1	2	3	B
Louisiana	1	2	3	B
Maine	1	2	3	B
Maryland	1	2	3	B
Massachusetts	1	1	2	C
Michigan	1	1	2	C
Minnesota	1	1	2	C

Mississippi	0	0	0	F
Missouri	2	1	3	B
Montana	2	2	4	A
Nebraska	1	2	3	B
Nevada	2	2	4	A
New Hampshire	1	2	3	B
New Jersey	1	1	2	C
New Mexico	0	1	1	D
New York	0	2	2	C
North Carolina	2	1	3	B
North Dakota	1	2	3	B
Ohio	0	2	2	C
Oklahoma	0	2	2	C
Oregon	1	1	2	C
Pennsylvania	1	2	3	B
Rhode Island	1	2	3	B
South Carolina	0	2	2	C
South Dakota	0	1	1	D
Tennessee	1	2	3	B
Texas	0	1	1	D
Utah	0	0	0	F
Vermont	0	2	2	C
Virginia	0	1	1	D
Washington	1	2	3	B
West Virginia	1	2	3	B
Wisconsin	0	2	2	C
Wyoming	1	2	3	B
D.C.	1	2	3	B
AM. Samoa	2	2	4	A
Guam	0	0	0	F
NMI	0	0	0	F
Puerto Rico	1	1	2	C
USVI	0	0	0	F