

## IDAHO

<b>Compulsory Attendance Ages:</b>	“attained the age of 7 years at the time of the commencement of school in his district but not the age of 16 years.” Idaho Code § 33-202.
<b>Required Days of Instruction:</b>	Not applicable.
<b>Required Subjects:</b>	Children must be “instructed in subjects commonly and usually taught in the public schools” of Idaho. Idaho Code § 33-202.

**Home School Statute:** Idaho Code § 33-202.

A child shall be instructed by, or at the direction of, the parent or guardian, in subjects commonly and usually taught in Idaho public schools. (§ 33-202, Idaho Code, effective 7-1-09.)

1. The statute, § 33-202, specifically recognizes the right of parents to teach their own children.
  - a. Homeschools do not have to initiate contact with the school district or have their curriculum approved.
  - b. If a parent so chooses, she may have another family, relative, or individual homeschool her children because the law allows children to be instructed “at the direction of” the parent.
  - c. The legislature specifically amended this statute in the 2009 session removing the vague requirement that children be “comparably” instructed thereby demonstrating its intent that hour and day requirements do not apply to homeschoolers.
2. In *Welker v. Independent School District of Boise City No. 1*, No. 93225, (Id. Dist. Ct. May 25, 1990) p. 4, Judge McKee ruled that home schoolers are not required by law to answer questionnaires from the school district concerning the nature of their home study program.

“...There is no constitutional or statutory impediment to anyone asking questions. While the parents have objected to answering the [school district’s] questions on constitutional grounds, in practicality they could have simply discarded the document without comment. There is no statute or rule which compels them to answer, and there is no direct sanction provided for any refusal to do so.”

3. In another Fourth District Court decision, *In the Interest of Patterson*, No. 13477, 13478, (Id. Dist. Ct. Oct. 2, 1990), Judge Dutcher ruled the school district, not the parents, has the burden to prove the home school is not in compliance with the law.

“...In a proceeding under the Youth Rehabilitation Act, the state must prove lack of comparable instruction... and the burden does not shift to the defense [i.e. the home schooler] to affirmatively defend, or prove compliance, since the full panoply of criminal procedural due process applies to juvenile prosecutions.”

The Court also held that under the Youth Rehabilitation Act, “children cannot be compelled to answer questions about their home schooling program.”

**Teacher Qualifications:** No specific qualifications for homeschool teachers.

**Standardized Tests:** Not required by statute.

**Religious Freedom Act:** Idaho Code § 73-401 et seq.

PLEASE NOTE: Children enrolled in a virtual charter school, public on-line school, or public school independent study program are not eligible for HSLDA membership. Enrollment in these secular programs is enrollment in public school, which gives the public school authority over the student to impose state assessment, approval of curriculum, and supervision by a certified teacher. HSLDA membership extends only to students whose education is primarily administered and controlled by parents privately. If you have any questions about this matter, please call our office.