

ILLINOIS HOMESCHOOLING LEGALITIES

Illinois homeschools are considered private schools; at the same level as any brick and mortar or other private school. The parent(s) function as administrator (principal/superintendent) and teacher/education facilitator.

This legal determination came about via a 1950 Illinois Supreme Court ruling [1] that has prevailed. The Court ruled: that by receiving instruction in her home in the manner shown by the evidence the child [7 year old Levisen daughter] was attending a private school.

Homeschools in Illinois are not required to register their students with school district authorities, the Regional Superintendent's office and/or the IL State Board of Education. Illinois homeschoolers' exemption from public school compliance of Illinois School Code Chapter 105, Section 26-1 [2], requires that their child (from 7-17 years of age) does "attend a private or parochial school where the branches of education are taught in the English language to children of the same age and grade as in the public schools". Your home is that "private school".

If your child hasn't attended public schools; no reporting, notification or documentation is required for the public school system. If questions are asked by the public school authorities, a letter stating compliance with Section 26-1 may be sent to your Regional Superintendent. [3] Make sure that you confirm proof of delivery via a postal receipt and request that all school communications be in written form.

If withdrawing your child from public school to homeschool, a letter of transfer notification [4] is required of your private school as a transferee and should be provided to your child's building principal transferor.

Upon notification, the school should provide an ISBE Student Transfer Form [5] that will also confirm transfer notification.

Sample letters for transfer: <http://homepage.bushnell.net/~peanuts/illaws.html#LETTERS> [7]

You may also request transfer of your child's academic transcripts or medical records to your school's address (your home address). This request can also be documented, without limitation, as proof of transfer enrollment. It must be written within 150 days of your child's withdrawal from public school. If transfer proof is not provided, the public school can count your child as a dropout [8].

This information is not from a lawyer and should not be considered legal advice. Homeschoolers should research, know and understand their rights and responsibilities in educating their children at home. If you have questions, please join the Illinois Homeschool Freedom Watch List [9]. You may also contact us at ilhomeschoolfreedom@gmail.com if you have questions and we'll do our best to find answers.

[1] The People of the State of Illinois, Appellee, v. Marjorie Levisen: Court Opinion:

<http://www.eduwrit.com/blog/?p=361>

[2] Illinois School Code 105 ILCS 5/26-1: Compulsory school age-Exemptions:

<http://www.ilga.gov/legislation/ilcs/documents/010500050K26-1.htm>

[3] Directory of Regional Superintendents: <http://www.iarss.org/directory/state-map.html>

[4] Illinois School Code 105 ILCS Sec. 2-3.13a School records; transferring students:

<http://www.ilga.gov/legislation/ilcs/documents/010500050K2-3.13a.htm>

[5] Illinois School Code 105 ILCS Sec. 2-3.13b ISBE Student Transfer Form from Public School to Private School http://www.isbe.state.il.us/accountability/pdf/33-78_student_transfer.pdf

[6] Illinois Homeschool Freedom Watch blog: <http://ilhomeschool.info>

[7] Lynn Hocraffer's Popcorn & Peanuts: ALL the Illinois Home Education Laws in One Place

[8] School Code: Report Student Statistics- Public Act 93-0859 Effective Date: 1/1/2005:

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=093-0859&GA=093>

[9] Illinois Homeschool Freedom Watch List:

<http://groups.yahoo.com/group/ILHomeschoolFreedomWatch/>