

# Illinois Law on Homeschooling

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*[NOTE: This article should not be considered legal advice. For specific legal questions, please consult with a licensed attorney. Homeschool families may be eligible for legal assistance by contacting [Home School Legal Defense Association](#).]*

## Compulsory Attendance

Illinois law requires that students between the ages of 7 and 17 attend either a public or private school. A homeschool is considered a private school. All private schools, including home schools, are required to teach the branches of education that are taught to children of the same age and grade as in the public schools, and those classes must be taught in the English language.

In 1950, the Illinois Supreme Court ruled that homeschools are to be considered as private schools. In "People vs. Levisen" the court ruled that a private school is:

"a place where instruction is imparted to the young  
. . . the number of persons being taught does not determine whether a place is a school."

In 1974, the US District Court stated in the case "Scoma vs. Chicago Board of Education" that the "Levisen" decision quoted above was "reasonable and constitutional." Thus, the federal and state courts have recognized that the legal requirements for a homeschool are the same as any other private school in Illinois.

There is room for discussion about what the traditional "branches of education" include, but they are generally accepted as: Language Arts, Biological and Physical Sciences, Math, History and Social Sciences (including both U.S. and Illinois Constitutions), Fine Arts, Health and Physical Development. If you are teaching the branches of education taught to children of similar age and grade as public schools, then you are complying with the laws of Illinois concerning education.

## Character Development

The Illinois School Code contains a requirement that every PUBLIC school teacher provide "character education, which includes the teaching of respect, responsibility, fairness, caring, trustworthiness, and citizenship, in order to raise pupils' honesty, kindness, justice, discipline, respect for others, and moral courage . . ." (quoted from 105 ILCS 5/27-12). Although this requirement is not expressly placed on private schools, ICHE believes that all education is a matter of character development, and a sound home education is no different.

## Testing, Registration, and Filing requirements

In Illinois, you enjoy the freedom to shape your school day and your curriculum for your children's specific needs and talents. Illinois government does not require testing, evaluation, or special oversight. You are NOT required to administer standardized testing, but you MAY choose to do so. You are NOT required to register or file any documentation with the state or local school district, but you MAY choose to do so.

## ICHE & Legal Representation

ICHE participates as a member of the Ad Hoc Committee for Illinois Home Education Legal and Legislative Matters. Other organizations which are also members of Ad Hoc are: Home Oriented Unique Schooling Experience (HOUSE); Christian Liberty Academy (CLA); Clonlara Home Based Education Program (HBEP).

This committee is dedicated to protecting private Home Schools from state regulations which infringe upon the liberty of parents in the education of their children. Through Ad Hoc, ICHE has representation on The Illinois Advisory Committee on Non-Public Schools.

Along with other Ad Hoc members, ICHE has presented workshops for Regional Superintendents, Truant Officers, and other public school officials, and has testified before legislative committees.

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