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**Date:** Friday, November 16, 2012 5:31 PM  
**To:** Ellen Burnham <[eburnham@mde.k12.ms.us](mailto:eburnham@mde.k12.ms.us)>  
**Subject:** [sped\_directors] Home-Schooled Students

The subject of Home Schooled Children in the State of Mississippi has been coming up in phone calls and through emails. As a result of these questions, we thought it best to address all aspects of this subject.

1. The State of Mississippi is considered to be a home-ruled State, meaning that many decisions are left to the discretion of the district to create policy and procedures.
2. According to MS Code 1972 (37-13-91 (2i)) *"Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to private, church, parochial and home instruction programs.* Therefore you can see that a home-schooled student is considered to be part of a nonpublic school.
3. If you have district policy that allows nonpublic students to participate in any way with your district programs, the district may serve the child.
4. For Child Find, district's post flyers and send out newspaper announcements, which would reach the families of home-schooled children. If district policy allows nonpublic students to participate in any way with your district programs, for special education, these children would be included in the district's proportionate share .
5. For MSIS and Child Count, these students can be counted in a regular school or school 500. This is a district decision and should follow the district's policy for home-schooled children. According to OSEP instructions for placement, home-schooled students should be identified as SH.

The short version of the above is if you have a district policy that allows home-schooled students to participate in any of your district programs, then you should follow that policy.