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ISSUE ANALYSIS

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Federal Requirements for Homeschoolers Seeking College Admission and Financial Aid

Colleges and universities frequently ask two questions about homeschoolers: (1) Are homeschoolers eligible for financial aid without obtaining a GED or passing an ability-to-benefit test? and (2) Can a university admit a student with a homeschool high school diploma who is under the age of compulsory attendance and still retain its eligibility for federal funding? The answer to both questions is “Yes.”

Colleges and universities have often—and unnecessarily—insisted that homeschoolers obtain a General Equivalency Diploma (GED) for financial aid. Because this requirement was usually based on the institution’s concerns about federal funding regulations, Home School Legal Defense Association addressed the situation at its root. The Association drafted federal legislation to place homeschool college applicants for admissions and financial aid on the same footing as traditionally schooled applicants.

This language was included in The Higher Education Act Amendments of 1998 (Pub. L. No. 105-244). Although these amendments, enacted in early October 1998, changed what post-secondary schools could require of homeschool applicants, these new requirements have only slowly reached local financial aid offices. Another reason for financial aid offices being slow to implement the changes was the Federal Student Aid Handbook that was issued during the last year of the Clinton administration, which contained inaccurate information indicating that colleges would lose their institutional eligibility if they admitted homeschool students.

Student Eligibility for Financial Aid

Chris Klicka, Senior Counsel of Home School Legal Defense Association authored the homeschool amendment to the Higher Education Act of 1998 and also worked with the United States Department of Education’s regulatory process on this measure. He can verify to financial aid officers that homeschoolers are eligible for federal financial aid without having to take an ability-to-benefit test or obtain a GED.

Here is how it works. Once accepted by a university, a homeschooled student may be eligible for financial aid or an academic scholarship. When a college receives federal

funds, its financial aid and scholarship programs are subject to federal regulations. In the past, these colleges instructed that, pursuant to federal law, homeschoolers must take a GED exam or an ability-to-benefit test in order to qualify for federal aid.

However, this has all changed. In 1998, Congress created a third option for non-high school graduates to demonstrate that they had the “ability to benefit” from federal financial aid. (Pub. L. No. 105-244, Section 483.) This third option allows students who have **“completed a secondary school education in a home school setting that is treated as a home school or a private school under state law”** to receive financial aid. 20 U.S.C. § 1091(d)(3). The U.S. Department of Education’s regulations restated the above law, explaining that a student is eligible for financial aid if he was homeschooled, and either (1) obtained a secondary school completion credential as provided by state law, or (2) has completed a secondary school education in a homeschool setting under state law. (34 CFR § 668.32(e)(4).)

Nothing else is required. Homeschoolers no longer have to produce a GED. Furthermore, the Department of Education made it clear that homeschool students **“are not required to take an ability-to-benefit test.”** (*Federal Register*, Vol. 64, No. 204, 64 FR 57356.) Neither must their homeschool diploma be officially recognized by the state.

Federal Student Aid Handbook Revisions

The Federal Student Aid Handbook did not help matters by indicating to financial aid officers and college admissions officers that they would lose their institutional eligibility if they admitted homeschool students. The Handbook was inaccurate and contradicted the federal law.

A federal law states that colleges can only receive federal funding for their institution if the students they admit have either a high school diploma, a GED, or if the students are beyond compulsory school attendance age.

HSLDA worked with many colleges to convince them that the Handbook was wrong and that they could admit homeschoolers, even if the students were under compulsory attendance age.

Chris Klicka worked with Eric Jasso, the Deputy Counsel for the Postgraduate Education, to resolve the discrepancy in the Handbook. On March 6, 2002, Attorney Klicka testified before the Regulatory Board of the U.S. Department of Education. Klicka explained that the Higher Education Amendments of 1998, which HSLDA drafted, make it clear that students who complete a secondary education in a homeschool setting are eligible for federal financial aid, yet the Handbook indicates that if those same students are accepted into a college, the college will lose its federal funding. The Regulatory Commission signed off on new language drafted by Klicka and Eric Jasso to correct the Handbook errors.

In the meantime, in April, Eric Jasso issued a letter which HSLDA widely distributed to help clarify the problem in the interim period, while the Handbook was being revised. HSLDA attorneys worked many hours with colleges and universities helping homeschool students finally gain admission in nearly every case.

Official U.S. Department of Education Clarification Finally Issued

At the end of November, the U.S. Department of Education finally issued a formal “Dear Colleague” letter to all universities clarifying admission of homeschooled students to college. Attorney Klicka worked with Jeffery Andrade, Deputy Assistant Secretary of the Office of Postsecondary Education, to produce this “Dear Colleague” letter. The summary of the letter states, “An institution can admit most home-schooled students as regular students without jeopardizing its eligibility to participate in the Title IV, HEA student financial assistance programs. The Department considers that a home-schooled student is beyond the age of compulsory school attendance if the State in which the institution is located does not consider the student truant once he or she has completed a home-school program.”

We are thankful for this important clarification since it resolves the frequent problem associated with “underage” homeschool students who are being denied admission. This “Dear Colleague” letter makes it absolutely clear that students who graduate from their homeschool program before reaching the state’s compulsory age can be admitted to a college without that college losing any of its federal financial aid. The letter states that, “Because homeschool students under the HEA are considered not to have high school diplomas or GEDs, an extremely literal, non-harmonious reading of the two HEA sections (institutional eligibility and student eligibility) would produce the illogical result of making institutions ineligible to participate in the Title IV, HEA programs if they enrolled “under age” homeschooled students who are eligible to receive Title IV, HEA program assistance.”

In other words, in the past, homeschool students below the compulsory attendance age were able to receive federal student aid for college, but yet the Handbook stated that those same students could not be accepted into a college because the *college* would lose its financial aid. This absurd result was clearly fixed by the “Dear Colleague” letter, which can be found at the U.S. Department of Education’s financial aid website at: <http://ifap.ed.gov/dpccletters/GEN0211.html>.

The “Dear Colleague” letter also states that homeschoolers can self-certify their completion of their secondary education in a homeschool setting. No proof is required to be submitted in order to receive student financial aid.

Federal Student Aid Handbook Revised

All of these issues were further clarified in the Federal Student Aid Handbook. This Handbook is sent to virtually all the colleges in the country and is accessible on the U.S. Department of Education’s financial aid website. Volume 1, chapter 1 of the Handbook

specifically states that a homeschool student is “eligible to receive FSA funds if their secondary school education was in a homeschool that state law treats as a home or private school.” It also states that “the Department considers a homeschool student to be beyond the age of compulsory attendance if your school’s state would not require the student to further attend secondary school or continue to be homeschooled.” The citation on the U.S. Department of Education website for this section of the Handbook is:

<http://ifap.ed.gov/sfahandbooks/attachments/0708FSAHBKVol1Ch1.pdf>

The most helpful section of the Handbook is found in Volume 2, chapter 1, page 6: <http://ifap.ed.gov/sfahandbooks/attachments/Vol2FSAHBKCh10708.pdf>. This section makes it clear that homeschool students who complete their homeschool curriculum before reaching the minimum age in compulsory education “can properly be admitted to a post-secondary school participating in federal financial assistance programs.” The U.S. Department of Education confirms that homeschoolers fit into the third category of eligibility as listed below.

The Handbook states that an eligible institution may “admit as regular student only individuals with a high school diploma or its recognized equivalent, or individuals beyond the age of compulsory school attendance in the state where the institution is located.”

Of these three options, the U.S. Department of Education clarifies in the Handbook that, “The Department considers a homeschooled student to be beyond the age of compulsory attendance if your school’s state would not require the student to further attend secondary school or continue to be homeschooled.”

On the issue of proof of their completion of a homeschool program, the Handbook says on page 6 of Volume 2, chapter 1 that an institution “may rely on a home-schooled student’s self-certification that he or she completed secondary school in a home school setting.” This puts to rest the often-abused procedure that some colleges have tried to apply to homeschoolers, demanding that they present a high school diploma that is specifically recognized by the state. This has never been a lawful requirement, and this clarification makes it perfectly clear that homeschoolers do not have to obtain state recognition of their diploma. Presently, of the 50 states, there are no states that require homeschoolers to obtain such a certification of their high school diploma, and only one state offers some homeschoolers a voluntary procedure for obtaining a diploma.

College Admission

Homeschool graduates legitimately earn their diplomas by completing their high school education in a homeschool setting. On the other hand, a GED carries the stigma that the student is a high school dropout. The regulations contain no definition prohibiting a homeschool high school diploma from being accepted as a valid high school diploma.

This interpretation coincides with the United States House of Representatives and Senate Committee Reports accompanying the Reauthorization of the Higher Education Act (Pub.

L. No. 105-244), encouraging colleges and universities receiving federal funding to discontinue discrimination against homeschoolers. The House Report specifically recommends that colleges and universities change any admissions policies which force homeschooled students to take additional tests beyond what is required of traditionally schooled students, including the GED and the SAT II exams:

The Committee is aware that many colleges and universities now require applicants from non-public, private, or non-traditional secondary programs (including home schools) to submit scores from additional standardized tests . . . (GED or . . . SAT-II) in lieu of a transcript/diploma from an accredited high school. Historically . . . [the] SAT II was not design for, and until recently was not used to determine college admissions. Given that standardized test scores (ACT or SAT) and portfolio- or performance-based assessments may also provide a sound basis for an admission decision regarding these students, the Committee recommends that colleges and universities consider using these assessments for applicants educated in non-public, private, and non-traditional programs rather than requiring them to undergo additional types of standardized testing. Requiring additional testing only of students educated in these settings could reasonably be seen as discriminatory

The Committee believes that college admissions should be determined based on academic ability of the student and not the accreditation status of the school in which he or she received a secondary education.

105TH CONGRESS, 2d Session, House of Representatives, REPORT 105-481, Higher Education Amendments of 1998, April 17, 1998, p.147

When this is put into perspective with the 1998 Higher Education Act Amendment's inclusion of homeschoolers among students eligible for financial aid without having to take a GED or ability-to-benefit test, it is clear that Congress intended to distinguish homeschool graduates from high school dropouts. It would be ludicrous to contend that Congress would allow homeschoolers, regardless of age, to obtain financial aid for college based on obtaining a self-certified homeschool high school diploma if it did not also intend to allow their admittance into the college on this basis. In light of 20 U.S.C. § 1091(d), as amended in 1998, it is clear that Congress intended to officially recognize high school diplomas earned by homeschool graduates.

Finally, any students, of *any* age, who have graduated from any high school—whether public, non-public, or homeschool—are outside the compulsory attendance requirements imposed by their state statutes. Homeschool graduates need only to demonstrate that they have successfully completed a secondary school education in a homeschool setting and have met state law requirements. No college may refuse admittance based on the argument that these graduates are under compulsory attendance age.

Conclusion

Congress has revised and clarified federal law affecting homeschoolers. The U.S. Department of Education has changed its policy as well. Both point to a common principle: homeschoolers should be admitted to colleges and granted financial aid without having to take additional tests beyond what is required of traditionally schooled students. Ignoring a homeschool graduate's diploma and requiring him to take a GED, SAT II, or ability-to-benefit test, while graduates from traditional high schools are not required to do so, is seen as discriminatory by Congress.

Furthermore, institutions of higher learning that receive federal aid can admit homeschool graduates, at any age, without endangering their institutional eligibility. For federal financial aid, homeschoolers need only self-certify their homeschool diplomas.