

## Recognizing Home School Diplomas for College Admittance and Financial Aid

Colleges and universities frequently ask two questions about home schoolers: (1) Are home schoolers 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 home school 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 home schoolers 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 home school 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 home school applicants, these new requirements have only slowly reached local financial aid offices. Not wanting any institution or student to be caught uninformed HSLDA has put together the following information for financial aid and admissions officers.

### Student Eligibility for Financial Aid

Having personally authored the home school amendment to the Higher Education Act of 1998 and also worked with the United States Department of Education’s regulatory process on this measure, I can assure financial aid officers that home schoolers 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 home schooled 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, home schoolers 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 home schooled, and either (1) obtained a secondary school completion credential as provided by state law, or (2) has completed a secondary school education in a home school setting under state law. 34 CFR § 668.32(e)(4).

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

Some colleges and universities have incorrectly interpreted the Higher Education Act amendment language to mean that each college carries the burden of proof to determine the legality of a particular home school applicant’s “home school setting.” Contrary to this understanding, educational institutions carry no such burden. According to a Department of Education notice of proposed rulemaking (NPRM), the Department stated that it would allow a **“home-schooled student to self-certify his or her eligibility in the same way a high school graduate or GED recipient may.”** *Federal Register*, Vol. 64, No. 136, 64 FR 38504. During the comment period following the notice, the Department received a number of comments supporting the Department’s statement, which was affirmed *Federal Register*, Vol. 64, No. 204, 64 FR 57356.

### **Inaccurate Federal Financial Aid Guidelines**

In spite of the clarity of the law, bureaucrats in the U.S. Department of Education under former President Clinton issued a new student financial aid manual, the *Federal Student Handbook*, which was distributed to colleges at the beginning of the 2001 school year. In January 2002, HSLDA obtained a copy of this manual and determined that it is the source of today's confusion regarding aid for homeschool graduates.

The manual only recognizes a homeschool student as eligible for federal financial aid if "the student's home state recognizes their certificate as an equivalent of a high school diploma. "This is inaccurate. The manual also stated, "Note, however, that these students must be above the age of compulsory attendance in order for your school to enroll them without jeopardizing its institutional eligibility." Also false.

In response to these inaccurate guidelines HSLDA has requested three repairs:

First, HSLDA persuaded the Department of Education general counsel's office to draft a "guidance letter." All higher education institutions that receive federal funds must follow the letter, effective immediately. It states:

*A home school student can be admitted to a post-secondary institution as a regular student without jeopardizing either the institutions eligibility to participate in federal student assistance programs or the students' eligibility to participate in such programs.*

*In essence, the inaccurate instructions in the Federal Student Handbook must be ignored. Secondly, the Department of Education promised that the Federal Student Handbook would be corrected. HSLDA has already helped draft language for the new*

*edition and the Federal Rule Negotiating Committee for Higher Education has approved the proposed changes.*

Finally, HSLDA requested a technical amendment to the Higher Education Act further clarifying the law so that bureaucrats could not misinterpret it. This amendment has already been incorporated into current federal legislation and should be passed in the near future.

### **Institutional Eligibility & Under-Age Students**

Although home school high school diplomas are clearly recognized by Congress for students' financial aid eligibility, some college admissions officers are concerned that admitting home schoolers who are under compulsory attendance age will jeopardize institutional eligibility for federal funding. This concern originates from the definition of an "institution of higher education" found in Title 34 CFR Part 600.4 which states:

"An institution of higher education is a public or nonprofit educational institution that . . . (2) admits as regular students only persons who (i) have a high school diploma or (ii) have a recognized equivalent of a high school diploma or (iii) are beyond the age of compulsory school attendance in which the institution is physically located."

Most home schooled college applicants easily satisfy the option stated in subsection (2)(iii) above, since they are beyond compulsory attendance age. However, some home schoolers graduate from high school while still within compulsory attendance age limits. These students—and all home school graduates for that matter—fit under the option in subsection (2)(i), since they have received a high school diploma through their home school.

Home school graduates legitimately earn their diplomas by completing their high school education in a home school 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 home school high school diploma from being accepted as a valid high school diploma for purposes of Part 600.4.

This interpretation coincides with the United States House of Representatives and Senate Committee Reports accompanying Pub. L. No. 105-244 (Reauthorization of the Higher Education Act) encouraging colleges and universities receiving federal funding to discontinue discrimination against home schoolers. The House Report specifically recommends that colleges and universities change any admissions policies which force home schooled 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.<sup>1</sup>

When this is put into perspective with the 1998 Higher Education Act Amendment's inclusion of home schoolers 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 home school graduates from high school dropouts. It would be ludicrous to contend that Congress would allow home schoolers, regardless of age, to obtain financial aid for college based on obtaining a self-certified home school 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 home school graduates.

**Finally, any students, of *any* age, who have graduated from any high school—whether public, non-public, or home school—are outside the compulsory attendance requirements imposed by their state statutes. Home school graduates need only to demonstrate that they have successfully completed a secondary school education in a home school 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 home schoolers. The U.S. Department of Education has changed its policy as well. Both point to a common principle: Home schoolers 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 home school 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 discriminatory.

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1. 105TH CONGRESS, 2d Session, House of Representatives, REPORT 105-481, Higher Education Amendments of 1998, April 17, 1998, p.147