

What is a true homeschool co-op? Important Legal Information on Co-ops

With the increase in popularity of homeschooling, we have seen an increase in the many ways that can take place. One way is through the use of group instruction, where parents join forces to hire tutors or special instructors to teach special subjects to children who share a mutual interest in the subject. This is perfectly legal under Conn. Gen. Stat. Sec. 10-184, which directs parents to "instruct" their children or "to cause them to be instructed".

When parents join in group instruction on a regular basis, sometimes this is called a "co-op". This also is legal under Conn. Gen. Stat. Sec. 10-184.

Parents must be aware, however, that if this is done on such a regular basis, for so many hours of the day, for so many days of the week, it may take on the appearance of more than just parental instruction. It may take on the appearance of being a private school. That is where those who run the "co-op" may run afoul of state and local law. This is true especially when the "co-op" meets, for example, Monday through Friday in one location from 9 am to 3 pm. That is typical of the hours and days that a private school operates. Even if the "co-op" meets for fewer than five days per week, a state or local government official could claim that the parents who operate the "co-op" are operating a private school.

When a person operates a private school, that person must operate it by abiding by certain, state fire, health, and building codes, in addition to certain local zoning codes. If the person also allows very young children to attend, that person may also need to be licensed to operate a day care facility.

If parents wish to engage in group instruction on a regular basis several days per week and several hours per day, those parents should seriously consider establishing their group as a private school, and should take all necessary steps to comply with existing laws for operation of a private school. Otherwise, those parents may face sanctions for failing to abide by the law.

The issue with a co-op is not the content of the instruction or whether parents are there. The issue is whether the person or persons running the co-op will be considered to be running a private school. Private schools are regulated to a certain extent, in terms of providing attendance records to the state, complying with federal and state special education requirements, providing certain subjects for instruction, and complying with state and local zoning and building codes. If the person running the co-op is operating it each day, for several hours per day, the local and state government officials may deem it a private school and demand compliance with the private school applicable laws. It doesn't matter who instructs the child, or how parents pay for the instruction or facility. There is no statute or administrative regulation that deals with co-ops or distinguishes them from private schools, so it is possible that a government agency may claim that a co-op is a private school and demand compliance. It is important, therefore, for people to understand the possibilities when considering operating any co-op.

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