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Colleges Now Required to Determine "Validity" of High School Diplomas

November 2, 2010

First, the bad news:

The U.S. Department of Education has promulgated a new regulation that requires colleges that receive federal funds to adopt procedures to determine the validity of a student's high school diploma when the student applies for Federal Student Aid (FSA).

Now, the good news:

This new rule does not apply to homeschoolers. But homeschoolers need to be careful to check "homeschooled" when filling out the Free Application for Federal Student Aid (FAFSA) to avoid delays in the processing of their application.

Background

The federal Title IV of the Higher Education Act of 1965, makes federal aid available to participating colleges and participating students. The U.S. Department of Education has the authority to promulgate rules to implement the Act. Title IV and its implementing regulations require participating colleges and students to meet certain requirements to be eligible for federal aid.

A student who wishes to apply for FSA must have a high school diploma, GED, pass an "ability-to-benefit test" or must have "completed a secondary education in a home school setting that qualifies as an exemption from compulsory attendance requirements under State law."

According to the DOE, "Though homeschooled students are not considered to have a high school diploma or equivalent, they are eligible to receive FSA funds if their secondary school education was in a homeschool that state law treats as a home or a private school." The reasons for the DOE's distinction between "high school diploma" and "homeschooled" are complicated and not entirely satisfactory, but this distinction is not new. In part, it is intended to accommodate homeschoolers who wish to receive FSA without requiring the student to obtain a GED or take the ability-to-benefit test.

All students seeking FSA must fill out the FAFSA. Before the new regulation went into effect, students were able to self-certify on the FAFSA that they either had a high school diploma or were homeschooled by simply checking the appropriate box. In 2009, the U.S. Government Accountability Office (GAO) conducted an audit of student-loan defaults. It discovered several areas of concern, including so-called "diploma mills" that were wrongly issuing high school diplomas to ineligible students who later defaulted on their federally guaranteed student loans at a higher rate than others.

In response to this GAO audit, the new regulation, when fully implemented in 2011, will require participating colleges to have procedures in place to ensure that when a student checks "high school diploma" on the FAFSA that it is a "valid" high school. Additionally, the FAFSA will be changed so that if a student checks high school diploma he will have to give the name and location of the high school.

To assist colleges, the USDOE will be compiling a list of "valid" high schools. If a student checks high school diploma, and the school he names is not on the DOE's list, the college will red-flag that FAFSA and will investigate whether the issuing high school is legitimate or a so-called diploma mill.

Homeschoolers, however, will be able to continue self-certifying that they completed secondary education in a homeschool setting. That is true whether they operate as a "home" school or private school under state law. But if a homeschooled student checks "high school diploma" and then identifies "Smith's Home School Academy" as the issuing school the college will most likely audit the FAFSA, causing considerable delay. To be clear, even if your homeschool is considered to be a private school under your state's laws, you should check "homeschooled" on the FAFSA if you want FSA.

Our Commitment

HSLDA has a Federal Relations Department that monitors Congress and federal agencies to ensure that neither adopts federal law that would adversely affect homeschoolers. Our main office is located in the Washington, D.C. area, which has enabled us to establish long-term relationships and credibility with Congress and with staff in the DOE.

Our purpose has been twofold. First and foremost we work to prevent federal regulation of homeschooling. Most notably, we helped mobilize thousands of homeschoolers to prevent Congress from enacting HR 6 in 1994, which would have required all teachers to hold state-issued teaching credentials.

Second, we have worked to ensure that federal law doesn't indirectly harm or discriminate against homeschoolers in the provision of federal benefits. Over the years we have helped homeschoolers in the [Veterans Administration](#), [Social Security Administration](#), [military enlistments](#), and where [Title IV and college admission and FSA](#) are concerned.

Like many of you, we are dismayed by the sweep of federal involvement in education. Rest assured that we will remain vigilant to protect homeschool freedom and to prevent discrimination against homeschoolers.

J. MICHAEL SMITH, ESQ.
PRESIDENT

MICHAEL P. FARRIS, ESQ.
CHAIRMAN

FAFSA Form: Which Box to Check?

In the past, some parents were advised to choose "high school diploma" on the FAFSA form. However, due to the regulation change, making this selection could be problematic for homeschoolers whose schools do not appear on the Department of Education's list. If you previously checked "high school diploma" on the FAFSA, you may wish to revise your application by choosing "homeschooled."

Please contact HSLDA at 540-338-5600 with any questions.

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