

Hello homeschool hopefuls! Today, we will discuss a critical topic that some of you may have already been thinking about, and that is, is homeschooling legal in my state?

Short Answer

Yes, but homeschooling regulations vary by state and must be followed.

Medium Answer

According to the Home School Legal Defense Association (HSLDA), *the homeschool-funded enforcer* and advocate of homeschoolers nationwide, homeschooling is legal in all 50 states.

That said, there are various levels of homeschooling regulations, and those levels depend on the laws of each state, which range from virtually no regulations in states such as Texas to heavy regulations in states such as New York.

The consequences for not following the homeschooling regulations of your state can be severe, which may result in criminal charges. I don't want to scare anyone but, at the extreme worst possible case, states may have a legal leg to stand on in taking away your child for abuse (for not providing education as approved by your state). Again, this last point is not to frighten anyone, but rather to stress the importance of following the homeschooling regulations of your state. Rest assured, for a vast majority of homeschool families, these regulations are not an issue and become a regular part of the homeschool journey.

Long (but important) Answer

Although homeschooling is legal in the U.S. as stated by the HSDLA, homeschooling regulations vary across states. But the most important thing to know is that you **MUST** follow the homeschooling regulations for your state. The consequences of not following the rules are just not worth it (see above for possible consequences).

Homeschool advocacy groups have worked hard and done an excellent job in fighting for the rights of homeschoolers. But it wasn't very long ago that the "early modern" homeschoolers (*circa* 1970-1980) had to look behind their shoulders to make sure child custody services or public school officials weren't harassing them by threatening truancy and child abuse.

However, although homeschooling is now more accepted than at any time since the 70's, there is still room for misinterpretation by both state and local school agencies which can result in grave consequences for homeschool families. For example, as recently as February 2008, the 2nd Appellate Court in Los Angeles delivered a sudden and stunning blow on behalf of California, effectively banning homeschooling. The Court interpreted the current laws to say that the teachers of homeschooled children had to be credentialed in order to teach, implying that the current rule to file an affidavit with the state registering the homeschool as a private school was insufficient in the eyes of the state. Instantly, 166,000 families were at risk of being criminally prosecuted for truancy.

Incidentally, this case had nothing to do at all with homeschooling, but rather started out as a physical child abuse case in which the court-appointed lawyers representing the children asked the court to have the children attend school outside the home (the children were currently being taught by the mother). When the request was denied by the lower court (the court stood on the right of the family to

homeschool their children), the lawyers appealed and the appellate court not only reversed the decision, but placed homeschooling at risk for all homeschoolers in California.

Long story short, everyone in the state government (including the "the Governor" himself), even the State Superintendent of Public Schools, derided the ruling. Eventually, the appellate court reversed the decision in August 2008 and so homeschooling survives under current California rules today. Still, California parents were in a homeschooling grey zone for at least 5 months (we know since we were one of them), promoting this issue to the top of the "Top Things Keeping Us Awake" list.

This case illustrates our point that although homeschooling is on a significant uptrend with all its support from the U.S. Constitution, there are entities out there that inadvertently can have serious detrimental consequences to the homeschool institution by misinterpreting the rules, regardless of how well-intentioned they are – sort of like a baby wielding a gun. And that is exactly why organizations such as HSLDA exists, to uphold and clarify homeschooling laws (HSLDA was *the organization* that advocated in the court to reverse the California homeschooling ruling above).

"That doesn't affect me since I don't live in California", you say? Think again.

Any ruling against homeschooling in the 50 states will ripple across eventually to impact your state, inevitably requiring it to address the ruling in the face of your own state laws. Therefore, we strongly recommend that you keep abreast of all homeschool rulings in the country. You can get homeschool ruling updates from HSDLA at www.hsdla.org.

As an afterthought, can you guess the only organization that favored requiring teaching credentials in the homeschool ruling? Yup, the California Teachers Union, which is consistent with their interests since each head, er, child, represents additional money for the school districts, which creates more chances to raise teacher salaries. Anyway, enough said about that – I can write a great zinger or two about school district/teacher interests all day long, but I digress.

So, how can you find information about your state regulations on homeschooling? Again, check out www.hsllda.org – this site has a summary of the regulations for each state.

Examples of Homeschooling Regulations – Texas vs. New York

Fortunately for us, living in Texas, there are only two requirements:

- 1) School instruction must begin for a child who is either six years old or who has attended first grade, and
- 2) A written curriculum consisting of reading, spelling, grammar, math, and a course in good citizenship while operating as a private school.

Operating as a private school does not require any documentation other than that mentioned in #2. As you can figure out, Texas is one of the most regulation-free states when it comes to homeschooling.

New York, on the other hand has one of the most stringent homeschooling regulations. New York requires:

- 1) A notice of intent to be submitted to the district superintendent,
- 2) A completed Individualized Home Instruction Plan (IHIP), stating a whole slew of details regarding the child, teacher, curriculum, and dates for quarterly submission of progress reports,
- 3) Written records of attendance,
- 4) Quarterly progress reports, and
- 5) An annual assessment.

Please note that the requirements above are to only illustrate the vast range of state regulations on homeschooling. To obtain the specific regulations for your state, visit www.hsdla.org.

To wrap up, homeschooling is legal in your state. However, you **MUST** follow the rules for your state **AND** those rules are subject to change. Finally, you, as the homeschool parent, are responsible to be aware of all rulings and developments happening in the nation even if those rulings did not originate from your own state.

So there you have it. In my next article, we'll take a deep dive into homeschool finance to measure the true costs of homeschool. See you then!

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