

BEWARE OF INACCURACIES IN INFORMATION PROVIDED BY HSLDA. A CONNECTICUT EXAMPLE TO PONDER.

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In an effort to continue our policy of transparency with the homeschool community, NHELD (National Home Education Legal Defense, LLC) and CHN, (Connecticut Homeschool Network), are setting forth the following information.

It recently came to our attention that HSLDA (Home School Legal Defense Association), was providing to its members, behind a paywall, a sample letter of withdrawal from public school, which also contained reference to the children being "privately educated" and a promise that the parents would educate their children "in accordance with the procedures established by the State Department of Education". This was quite disturbing, given that there is no law in Connecticut requiring any parent to educate their children "in accordance with the procedures established by the State Department of Education".

The actual law only requires parents to instruct their children in certain subjects as identified in Connecticut General Statutes §10-184. Needless to say, we began researching, and reached out to the local HSLDA affiliate, TEACH CT, to find out more information about the HSLDA withdrawal letter. WE found out that the HSLDA letter of withdrawal apparently had been provided to parent members of HSLDA since about 2009. While this information was new to us, we have been aware that HSDLA, for decades, has urged Connecticut parents to file the "Notice of Intent", which was developed by the State Department of Education, which also is not required by law. It was part of a "Suggested Procedure for Home Instruction" adopted as the state's "policy", but was never adopted as enforceable law.

HSLDA traditionally has advised parents to do as the state and local government request, even though the things requested by the government are not required by law. HSLDA has noted in many of its writings that complying with government requests is biblically required, citing several scriptures. While NHELD and CHN are secular organizations, they are open to everyone of every faith who believe in the freedom of parents to instruct their own children. CHN, for example, has noted that a large number of its members are Christians, but many dispute the biblical interpretations espoused by HSLDA that it is necessary to comply with whatever the government requests, regardless of whether required by law.

NHELD and CHN believe in the freedom of choice, but, unlike HSLDA, we urge parents, after doing their own research about the issue, to not file the Notice of Intent, and to not simply acquiesce to whatever the government requests parents to do that is not required by law. We believe that is the fastest way, and the surest way, to losing parental freedom. Regarding the new knowledge to us that HSLDA, from approximately 2009, has provided to its new member parents, that letter of withdrawal, NHELD provides the following information underlying the reasons why submitting such a form, and/or advocating for compliance with government requests not required by law, are very bad ideas.

In order to inform the homeschool community, and in the nature of true transparency, we are the following facts as we know them. In Connecticut, there is only one law that parents

must follow describing the "Duties of Parents". It is General Statute Section 10-184. Only the first sentence of that statute applies to parents who choose to instruct their own children, aka, "homeschoolers".

That sentence is as follows: "All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States history and in citizenship, including a study of the town, state and federal governments." In other words, parents are required to instruct their children in those subjects. They are otherwise free from governmental control, supervision, or oversight to do so.

The parents in this state have fought long, and hard, for decades, to retain their freedom to instruct their children in those subjects in whatever manner they choose that meets the needs of their children. Notice in that statute, there is no requirement that parents "must file" anything, with any government official. There is no requirement to follow any "procedures established by the State Department of Education". There is no authority given to any government official to grant "permission" to a parent to withdraw. The parent has an unconditional right to withdraw a child from school, unilaterally, at any time the parent wishes.

Again, we fought long and hard to retain the freedom from any government regulation or so-called "procedures" of any kind, and we will continue to do so. It also is important to note that for children under 17 years of age, Connecticut General Statute §10-184 is silent as to how to withdraw a child from enrollment in a public school. Nonetheless, NHELD and CHN have always recommended that parents withdraw the child, in writing, by sending their own letter of withdrawal to the superintendent of the public school district, by certified mail, return receipt requested. That way, there is proof that the parents sent the letter of withdrawal, and proof that the school district received it.

The sample letter of withdrawal, that NHELD and CHN have recommended parents sign and send to the superintendent of the local school district, contains only the following language: "As of ____ (Date) ____, my/our child/children, ____ Name(s) ____, Age(s) ____, no longer will be enrolled in ____ (Name of school district) ____. They will be instructed in accordance with Connecticut General Statute §10-184." That is all that parents need to say to inform the school district that their children are withdrawn.

(As an aside, parents should note that as of July 1, 2023, the parents of a seventeen year old, who wishes to withdraw from enrollment in a public school in order to attend adult education, does have to appear in person at the public school and sign school paperwork. Similarly, the parents of an eighteen year old who wishes to withdraw from enrollment to basically "drop out" of all education, also must appear personally to sign school paperwork. Parents of children of other ages who wish to withdraw to instruct their own children, however, are not required to appear in person or to sign any school paperwork of any kind.) Yet, the template for withdrawal of children that HSLDA developed and provided to new homeschoolers to send to public school districts, apparently since 2009, stated the following: "This is to notify you that I will be withdrawing the above-listed children from your school as of _____ to privately educate them pursuant to the procedures established by the Connecticut State Department of Education.

I will file a notification with the superintendent as stated by these procedures." This was disturbing to us on many levels. First of all, parents in Connecticut who instruct their own children are not considered to be "privately educating them". When a parent "privately educates" a child, most people understand that to mean that the parents have enrolled the child in a "private school". Why would HSLDA use that term? Could it be that they want parents who homeschool in this state to be considered as "private schools"? You may think that's a stretch to believe, but, in fact, HSLDA was pushing for parents who homeschool in Connecticut to be considered "private schools" way back in 1989. The parents of this state, however, resoundingly rejected that idea, for good reason. Private schools already were, and are, subject to a certain amount of government regulation - in sending attendance records to the state, for example, in complying with truancy and vaccination statutes, and in making reports and returns about the private school to the state's Commissioner of Education. That's called government control and regulation. That's what Connecticut homeschoolers rejected.

HSLDA went on to other states across the country, however, and, guess what happened? They convinced parents in other states to accept the terminology that homeschoolers are "privately educated", i.e., "private schools". In many states, to this day, homeschoolers are considered to be "private schools" or under the umbrella of a "private school", and in those states, those homeschoolers are subject to many government regulations and control, as a result.

Parents may have thought it was a good idea to be called private schools or privately educating their children, but they lost their freedom in the process. It remains a mystery why HSLDA, for so long, and up until this point, would want Connecticut homeschoolers, the parents who are the most free in this country, to be considered as "privately educating" their children.

Let's look at the next portion of the form letter, in which those who would sign that form letter, not only would be saying they will be "privately educating" their children, but also would be saying that they will be doing so "pursuant to the procedures established by the Connecticut State Department of Education". Why, when parents are not required by any law to instruct their children "pursuant to" any "procedures established by the Connecticut State Department of Education"? Why would HSLDA want parents to sign a document telling a government official that they will follow those "procedures"? What "procedures" would the parents be committing to follow? In the HSLDA form, there was no definition of the kind of "procedures" they would be agreeing to follow, so that would leave it open to agreeing to follow any "procedures" that the State Department of Education has adopted, or will adopt in the future.

Why would HSLDA want parents to agree to that?

In addition, think about what the term, "procedures" means, legally speaking. "Procedures" are not enforceable law. Statutes adopted by the legislature are enforceable law.

Administrative regulations adopted by state agencies after public hearings and approval of the state legislature are enforceable law. "Procedures" are meaningless. They are simply whatever a government official tells someone that's the way they do things, and you should do what we tell you to do. Nobody is required to follow any government official's "procedures", unless those "procedures" were adopted by the state legislature as statutes, or, by a state agency as administrative regulations.

Simple "procedures" outlined by a government official are not enforceable law. So, why would HSLDA want parents to agree, in writing, to educating their children "pursuant to the procedures established by the Connecticut State Department of Education"? There's more. In that form letter, HSLDA would have parents confirm, in writing, that they "will file a notification with the superintendent as stated in these procedures". What notification? Does HSLDA mean a "Notice of Intent"? If so, the "Notice of Intent" that the State Department of Education would like parents to fill out, and to file with the superintendent, is not required by law. That "Notice of Intent" was adopted by the State Board of Education as its "policy".

Again, a "policy", just like the term, "procedures", is not enforceable law. A "policy" is, once again, something that a government entity thinks is a good idea, and that's the way they do things, so you should do it too. Nobody outside that government entity is required to follow any "policy" of any agency. Unless, and until, that "policy" is adopted by the legislature as a statute, or by an agency as an administrative regulation, that "policy" is not enforceable law.

Again, why, then, would HSLDA want parents to confirm that they "will file a notification" with the superintendent, that remains only a "policy", as a condition of withdrawal? Through three decades, many parents in this state have questioned the position of HSLDA and its affiliates as to why they encouraged parents, voluntarily, to file a Notice of Intent, as the state desired. Many parents have had discussions with HSLDA, and their affiliates, about the fact that a "Notice of Intent" is not enforceable law in Connecticut, and filing it would threaten the loss of the hard fought freedom from government interference that we have retained.

Yet, HSLDA and its affiliates remained steadfast in encouraging the voluntary filing of the "Notice of Intent". The HSLDA developed form letter of withdrawal, however, would take the HSLDA position much further. No longer would their advice be that filing a "Notice of Intent" should be done. Through this form letter, HSLDA advised parents to put it in writing that they "will file a notification" with the superintendent, and they "will be" "privately educating" their children "pursuant to the procedures established by the Connecticut State Department of Education."

Why would HSLDA, apparently from 2009, do this? Their lawyers knew exactly what the law is, and what the law is not in this state. Their lawyers knew exactly how many parents in this state have fought long and hard to retain their freedom from any government interference. Yet, nonetheless, HSLDA put forth this form letter knowingly.

Why would HSLDA intentionally advise parents to comply with government wishes, when parents absolutely are not required by law to do so? We do have to say one last thing. While researching this issue, and just prior to completing this article, NHLD and CHN were informed that HSLDA has now changed its letter of withdrawal form to state the following: "Parent/Guardian Name(s): Place of Residence: Child(ren) to be withdrawn: (Names of any additional children attached.) This is to notify you that I will be withdrawing the above-listed children from your school as of _____ to instruct them pursuant to Connecticut General Statute 10-184. If you have any questions, please feel free to submit them in writing."

We do not have any confirmation, however, that HSLDA has changed its letter of withdrawal to the above language yet, because HSLDA's letter remains behind a paywall

for members only to see. In any case, assuming HSLDA now has changed the letter of withdrawal it provides to members, ostensibly eliminating the many problematic portions previously included in it since 2009, we do appreciate the change, albeit long in coming, so that all in the homeschool community, especially parents new to homeschooling, can understand what really is required by law, and what is not required by law.

While we strive to provide as accurate information as possible, NHELD and CHN, as always, caution all parents not to take the word of anyone for what the law requires you to do, or for what it does not require you to do. Parents must empower themselves to know the truth, by doing their own research, and by finding and understanding the original source of the law, and not just taking the word of what someone who says the law is.

Only then, will parents truly understand whether they are being duped and are in danger of loss of their rights or not. Only then, will parents truly feel confident in standing up and fighting to retain their rights, and their freedom. Freedom is too precious to lose, especially for our children, and their children to come.

Continue to be ever vigilant, and ever empowered with the truth. Attorney Stevenson is the founder of National Home Education Legal Defense, LLC. nheld.us