

\*\*\*CHN & NHELD STATEMENT ON FEDERAL FUNDING OF HOMESCHOOLS\*\*\*

please read!

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NHELD has taken a position for decades against any federal bill that mentions the term "home school", for all of the reasons HSLDA now espouses, and more. Most importantly, HSLDA neglects to mention that Congress has absolutely no Constitutional authority over education.

Education is not an enumerated power granted to the federal government. The only way that Congress can adopt a statute that would compel states to do anything about education is through the spending clause of the Constitution. Congress has the enumerated power to tax individuals and to spend the money received on in a Constitutionally permissible way for Constitutionally delegated powers. Congress has ensnared states into taking action by spending money by giving it to states on the condition that the states do as the Congress asks.

If the state does X, then the state gets the money. Or, to put it another way, because the state got the money, the state is required to do X as it agreed to that condition in order to get the money.

Only if the states accept the money, do they become compelled to fulfill the condition. The states are free to say no to the money, then they will not be compelled to fulfill any condition.

The problem is that states always take the money and become compelled to comply with federal conditions.

The same is true if individuals accept federal money. Congress has absolutely no power to compel parents to do anything regarding education. If Congress spends money and if individuals accept the money, then individuals will be compelled to comply with the conditions for receipt of that money. It really is that simple.

It is unConstitutional for Congress to act otherwise concerning education.

The question is this: why, then, has HSLDA, for decades, lobbied Congress to adopt legislation that purports to "help" homeschool families? If HSLDA truly understands these Constitutional principles, why would it have lobbied for homeschool families to accept any kind of federal benefit when there always are strings attached to any federal benefit?

While NHELD is certainly glad that HSLDA finally has seen the light regarding the latest bill and is advocating against individuals accepting federal money, NHELD has been steadfast in its position since its inception. Furthermore, NHELD believes that there should be no mention, at all, in any federal bill or statute, regarding "home school". When individuals do

not accept any benefit from the federal government, of any kind, whether or not it purports to "assist" them, only then can they truly remain free.

Attorney Stevenson is a CT mom and attorney of two grown daughters who were always homeschooled. She has been a homeschool advocate, and provided legal counsel to CHN and many homeschoolers throughout the years.

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