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July 16, 2008

### **Testimony of Chris Klicka Before the D.C. School Board Regarding Proposed Rule For Homeschooling**

For the last 23 years I have worked as Senior Counsel at the Home School Legal Defense Association. When I began in 1985 it was only legal to homeschool in about five states. However, after many court cases and legislative battles, we were able to win the right to homeschool throughout the United States.

As a result, I am very acquainted with the homeschool laws and cases in the 50 states, and I know what works and what does not. The proposed homeschool regulations that are before us today have two major problems which must be corrected in order for parental freedom to be protected.

As you know, the Board has already held two public working sessions to discuss possible revisions—the catalyst for these sessions and revisions has largely been due to the over 2,800 emails, written comments, and over 400 phone calls which you received from concerned homeschoolers. Needless to say, parents are concerned and desire protection of their current freedom to homeschool their children.

The two changes that **must** be made to protect the rights of parents in Washington, D.C. are the following:

1. Section 5202.1 needs to be amended to remove the requirement of “on an official form developed by the OSSE,” and the following language needs to be added: “shall initially provide written notification to the OSSE indicating that the parent will provide regular and thorough instruction to their children in compliance with this chapter. The parent shall also provide the names, ages, and addresses of the children who will receive home instruction.” This is crucial to add in order to prevent the OSSE from having arbitrary discretionary power to require anything it wants on the form. You will notice the attachments of the Virginia and Maryland laws where Virginia does not require a state form and Maryland dictates what is on the form in order to avoid vagueness.

2. Section 5205.1 requires parents to maintain a portfolio of homeschooling materials, which is not a problem. Such a requirement is common in other states, however, what is not common is that the current proposed D.C. Regulations require that this portfolio be “made available for review by the OSSE upon written request.”

Again, this will cause the D.C. Regulations to be unconstitutionally void for vagueness, since the OSSE is given arbitrary and discretionary approval of the portfolio. The reasonable homeschooler has no idea what will be good enough for the OSSE. As a result, we would have to advise our homeschooling members in D.C. not to submit this material for such arbitrary approval.

We suggest that the portfolio only be maintained for one year and not submitted. This will avoid the vagueness problem mentioned above. Furthermore, if you believe the portfolio must be submitted, then we suggest this language be added: “The portfolio must be made available for review by the OSSE upon 14 days written notice if the superintendent has probable cause to believe the homeschool is not in compliance with the Regulations.” This language has worked well in other states, including Colorado and South Dakota. It restores constitutional protection to parents to prevent arbitrary demands by the OSSE for review. This must be changed.

If these two changes are made HSLDA believes this will be acceptable to homeschoolers and protect parental liberty.

It is important to recognize that in Virginia and Maryland and throughout the states, when it comes to requiring any type of evaluation or portfolio that parents have several options. The keyword is “options.” The more options a family has to meet requirements, the less potential for the regulation to conflict with the religious beliefs or parental rights of the family. Although your comparison chart that was written by the OSSE points similarities of the proposed regulations to Virginia and Maryland, they neglect to list the several options in Virginia and Maryland. Since the D.C. proposed regulations do not have options, it is necessary they have this probable cause language.

Finally, it is important to note that homeschooling has a proven track record of success for the last 25 years. Homeschoolers throughout D.C. and the 50 states in scores of studies and surveys have scored 20 to 30 points above the national average, on the average, on national standardized achievement tests. Also, the publishers of the SAT and ACT College Entrance Exams have tracked homeschoolers for the last 10 years and found that on average they score above the national average. Furthermore, homeschool graduates who enroll in universities also do above average as the various studies and surveys in universities of their student body have shown. All of these statistics are documented in my additional submission to you of the memorandum entitled “Homeschoolers Excel In College.”

Thank you for your time and consideration.

You have all received by fax a letter from the Congressional Oversight Committee for D.C., urging you to work with HSLDA to create regulations that will “not have an adverse impact on homeschooling families in the District.” This was signed by Congressmen Davis, Jordan, Marchant, Issa, Burton, Foxx, Sali, Souder, McHenry, and Westmoreland. Congress is watching you and counting on you making these necessary changes to protect families.

We expect the D.C. Board will make the recommended changes in order to preserve parental rights in D.C. Thank you very much.

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