



J. MICHAEL SMITH, ESQ.
PRESIDENT

MICHAEL P. FARRIS, JD, LL.M.
CHAIRMAN

June 2011

Homeschool Priorities in the 112th Congress

William A. Estrada, Esq.
Director of Federal Relations

On behalf of our 85,000 member families and the approximately 1.5 million home schooled students nationwide, Home School Legal Defense Association serves as a voice for homeschool freedom in Washington, DC.

Homeschoolers have long fought to ensure that homeschooling remains completely free from any federal control. Additionally, homeschoolers have fought to ensure that homeschoolers are not discriminated against, including when they enroll in colleges and universities, apply for federal financial aid, and enlist in the military.

HSLDA's federal relations department works closely on the issues summarized below. Thanks to support of homeschoolers across the nation and their willingness to pick up the phone and call Congress, homeschooling continues to be free of federal control.

We are working on the following legislative priorities in the 112th Congress.

1. Elementary and Secondary Education Act (ESEA) Reauthorization

The Elementary and Secondary Education Act came before Congress for reauthorization in early 2001 in the form of H.R. 1, *The No Child Left Behind Act*. HSLDA worked hard with Congress to protect homeschoolers from any language in NCLB that would threaten homeschool freedoms and parental rights, and the completed Act fully protected homeschool freedoms. An amendment was inserted that completely exempted homeschools and private schools that do not take federal funds from any federal regulations or control. We will continue to lobby to ensure that this language remains in any ESEA reauthorization.

2. Protect parental rights in the U.S. Constitution

HSLDA continues to work hard to support ParentalRights.org in passing a Parental Rights Amendment to the U.S. Constitution. We are working behind the scenes to put

together a powerful coalition of freshmen and veteran lawmakers who will reintroduce the Amendment in the next few weeks. You can receive updates at www.parentalrights.org

3. Stand vigilant against dangerous U.N. treaties

HSLDA continues to monitor and lobby against dangerous U.N. treaties.

- **Convention on the Rights of the Child (CRC):** If ratified by the U.S. Senate, this treaty would allow the government to intervene in any dispute between a child and his or her parents using the “best interests of the child standard.” An unelected U.N. body – the Committee on the Rights of the Child – would have the power to provide binding guidance and interpretations on the implementation of the treaty.
- **Convention on the Rights of Persons with Disabilities (CRPD):** While this treaty sounds beneficent, it would cause the same problems as the CRC because it gives the federal government the power to apply the “best interests of the child standard” in all issues concerning children with disabilities. This would allow the government, not parents, to have the final say in any matter that involves a child with a disability.
- **Convention for the Elimination of all forms of Discrimination Against Women (CEDAW):** While this treaty sounds harmless, if ratified by the U.S. Senate, it would allow the federal government to supervise all curriculum, teaching methods, and education in all schools to eliminate any “gender bias.” This could lead to regulation and control on homeschoolers under the guise of “eliminating bias.”

4. Protect the publicly-held records of students educated at home

Under the federal Family Educational Records and Privacy Act (FERPA), the records of students held by public schools are not freely available to the public. However, many homeschoolers are required by state law to file information with public education officials. These records are not protected from disclosure under FERPA. Furthermore, freedom of information laws may actually require these records to be open to whoever would inquire about them, even where the public school is trying to keep them private. This is a violation of privacy for those homeschoolers who willingly comply with the law and whose records are held by government institutions. This could be easily remedied by granting homeschool students’ records FERPA protection in the same way FERPA protects public school student records.

5. End unfair treatment of homeschool students who work outside public school hours

Under 29 C.F.R. § 570.2 the Department of Labor limits the work of students between the ages of 14 and 16 to hours outside traditional school hours. “School hours” has been interpreted by the Labor Department as the hours in the public school district where the 14 and 15 year old minor is living; not hours based on the individual child’s school attendance.

Regulating homeschooled students according to the school hours of public school students discriminates against one of the key assets of homeschooling—flexibility.

This discrimination against homeschoolers could be easily remedied by an amendment to the child labor laws to permit work during traditional school hours, or by pressure on the Department of Labor to make a rules change. Homeschool students would, however, still be subject to all other child labor laws, including the number of hours worked.

6. Ensure that homeschool graduates are able to receive equitable treatment when they enlist in the Armed Services

HSLDA has long fought to ensure that homeschoolers who wish to serve in the U.S. Armed Forces are able to enlist as Tier I graduates just as any other high school graduate. In the past, some homeschool graduates had been told that they were required to take the GED before they are allowed to enlist.

The military is currently completing a pilot program that allows homeschoolers to enlist as Tier I graduates just as any other high school graduate. This pilot program will end in October 2011. We are currently working to ensure that the military’s final enlistment policy fully allows homeschool graduates to enlist as Tier I graduates just as any other high school graduate.