



# HOME SCHOOL LEGAL DEFENSE ASSOCIATION<sup>®</sup>



## TEXAS



### BENEFITS FOR TEXAS MEMBERS



#### HSLDA in Texas

HSLDA has retained Houston lawyer and home school father, Tom Sanders, to be our local counsel on behalf of our Texas HSLDA members. Tom has been defending the rights of home schoolers for the last 15 years. He will also serve as a watchdog before the legislature in Austin on behalf of HSLDA members.



#### Weekly E-mail Update for Texas

We will provide weekly updates of legislative activities in Texas that could impact family and home school freedoms. (These e-mail updates will be sent to all Texas members who have registered for HSLDA's e-lerc service. To sign up, go to [www.hsllda.org](http://www.hsllda.org) or call 540.338.5600.)



#### Support Group Seminars

HSLDA will host four regional seminars in 2001. These events will be open to all HSLDA members as well as support group leaders and "leaders-in-training." Watch your mail for details.



#### Third-Party Custody Challenges

In custody cases brought by a non-parent (i.e. grandparent or other relative) where home schooling is a material part of the basis of the challenge, HSLDA will provide members with defense for the home schooling component of the case. We will also provide representation in cases where the third-party is seeking termination of a parent's right to home school.

# ONGOING BENEFITS OF HSLDA MEMBERSHIP FOR TEXAS AND EVERY STATE



## How HSLDA Membership Protects Your Family

- ★ We represent your family in court for home school-related issues when challenged by the government, including social services investigations if home school-related.
- ★ We defend your family in any home school-related conflict with local, state, or federal regulations.
- ★ You have 24-7 access to an HSLDA attorney in case of a home school-related legal emergency.
- ★ We will assist your child upon graduation from home schooling if he or she faces home school-related discrimination in college entrance policies, NCAA (or similar) scholarships, or military enlistment.

## How HSLDA Membership Protects Others—and Your Family

- ★ Every case in Texas affects other Texas home schoolers.
- ★ Cases cross state lines. Your right to home school in Texas is protected by state and federal law. When home schoolers rely on Texas law in Texas courts, their case only affects families in Texas. But each time a family relies on their rights under the United States Constitution, their case affects families across state lines. This is especially true when cases reach the federal Courts of Appeal. Thus, when HSLDA successfully defended Fourth Amendment rights in the Ninth Circuit, families from Arizona to Alaska were better off. When a Massachusetts private school lost a First Amendment case in the First Circuit, home and private schools across New England suffered.
- ★ Your membership in a relatively “safe” state like Texas provides the security for families in less safe states to home school with the assurance that if they ever do have trouble, the resources will be available to defend their rights. In the 1980s, virtually every member family in North Dakota was contacted and many faced court actions. Pooled resources from these North Dakota families alone could never have provided the defense they needed.
- ★ HSLDA’s work at the state level—your membership allows us to:
  - Track legislation in all states that could affect home school freedoms (what surfaces in one state often spreads to others),
  - Assist with drafting new legislation (or amending bad legislation) when requested by state leaders and state legislators,
  - Provide testimony before legislative committees,
  - Notify members by letter or e-mail of proposed state legislation that could affect home schooling,
  - Promote religious freedom, parental rights, and child welfare reform legislation at the state level, and
  - Pursue offensive, precedent-setting litigation to improve and protect home schooling freedoms in social services, truant officer, or school official cases where a family’s civil and constitutional rights have been violated.
- ★ HSLDA’s work at the federal level—your membership allows us to:
  - Monitor federal and international efforts to control home school freedom, parental rights, religious liberty, and family freedom,
  - Build and maintain a nationwide grassroots system to quickly defend these freedoms (the Congressional Action Program),
  - Communicate with legislators and regulators to protect these freedoms,
  - Alert state home school leaders, HSLDA members, and other interested parties to federal threats against home school freedom and to relevant home school issues and research,
  - Hold periodic national legislative briefings on Capitol Hill for state home school leaders, and
  - Provide weekly federal legislative updates and e-lets to subscribing members and state home school leaders.

## How HSLDA Membership Promotes Home Schooling across the U.S.

- ★ Your membership allows us to:
  - Support and encourage state leaders by hosting an annual national conference,
  - Support and encourage local support groups by hosting regional support group seminars,
  - Provide timely information to state leaders,
  - Serve as a resource to the media, and
  - Commission and serve as a clearinghouse for major home school research.

## How HSLDA Membership Promotes Home Schooling Internationally

- ★ Your membership allows us to encourage international efforts to legalize home schooling in other countries. HSLDA is presently working with home schoolers in South Africa, Australia, Canada, Mexico, Germany, Japan, Sweden, Taiwan, Brazil, Hungary, England, France, Belgium, and the Czech Republic.



# THE HISTORY OF HOME SCHOOLING IN TEXAS



When HSLDA began in 1983, Texas had the reputation as one of the most difficult states in which to home school. In the early 1980s, legal contacts were serious. The Texas Education Agency had mandated prosecution of home schoolers. Many families, even where one parent was a certified teacher, were threatened with jail or loss of custody of their children.

In 1994, the Texas Supreme Court *Leeper* decision greatly improved the legal atmosphere in Texas by affirming the right of home schools to operate as private schools without regulation. Despite the fact that the TEA now promotes much more home school-friendly policies, there are still school districts who misunderstand or misapply the law and an increasing number of social services investigations of families who home school.

Even though we're lawyers, our primary objective is to avoid going to court and to resolve problems at the initial contact stage.

When all good faith efforts to avoid litigation fail, we represent our members every step of the way. So far, by God's grace, no HSLDA member family has been forced to stop home schooling.

Texas Members Seeking Legal Assistance in 2000	Truancy Contacts	Social Services Contacts	Legislation	Special Education	General Legal Questions	Total
	39	36	2	27	368	472

## SOME HIGHLIGHTS FROM OUR CASE RECORD

1984

**Katy/Houston**—Area school districts filed truancy charges against nine HSLDA member families for home schooling, despite the fact that two of the mothers were certified teachers. With the assistance of Tom Sanders as local counsel, HSLDA protected the right of these member families to continue home schooling.

1985

**Texas Education Agency, et al. v. Leeper, et al. Filed March 12, 1985**

**Forth Worth**—HSLDA participated financially and as a plaintiff in this home school class-action suit. The suit asked a state court to either declare home schooling legal under current Texas law or to declare the law void for vagueness, because the law did not state whether a home school is a legal private school or not.

1986

HSLDA defended 36 member families who were either prosecuted or threatened with prosecution. All of the cases were ultimately dismissed.

1987

**Tarrant County**—On April 13, 1987, the district court ruled in favor of the home schoolers in *Texas Education Agency, et al. v. Leeper, et al.* The state and school districts appealed.

HSLDA represented nearly 100 families who were being threatened with prosecution by truancy officers and social workers.

1988

**Post**—HSLDA was able to get seven truancy cases dismissed against member families.

**Linden**—A local judge gave an HSLDA father one week to send his children to public school, telling him that "home schooling is not allowed in our town." After intervention by HSLDA, the school district backed off.

1989

Criminal charges of truancy were brought against the Brazell family right before Christmas. HSLDA attorney Christopher Klicka immediately called the truant officer and the charges were dismissed.

1991

**Texas Court of Appeals**—On November 27, 1991, the court of appeals affirmed the Tarrant County District Court's 1987

decision in *Texas Education Agency, et al. v. Leeper, et al.* The TEA appealed again, this time to the Texas Supreme Court.

1992

**San Antonio**—A home schooling mother was visited by a social worker who alleged that her children were not in school, unsupervised, dirty, and abused, and that the house was possibly used for drug trafficking. HSLDA convinced the social worker that home schooling was a completely legitimate option and explained that the other allegations were false since: the mother had a fenced-in yard, the boys were dirty only from play, and people were coming and going from her house because she sold curriculum from her home. HSLDA refused the social worker's demand to interview each of the children separately, and despite threats of a court order, the case was deemed unfounded and was closed.

**Nueces County**—The 214<sup>th</sup> Judicial District Court was called to order on August 28, 1992, to review the case of a young man named "Brian" (not his real name). "Brian's" natural mother challenged his legal guardians' decision to remove him from a special education classroom and teach him at home. HSLDA's Special Needs Coordinator attended the hearing and testified on behalf of Paul and Janis Chapman's decision to home school "Brian." The judge ordered that the Chapmans be allowed to continue home schooling the boy.

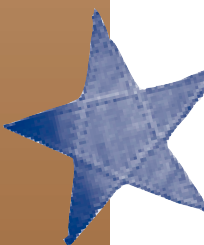
**Tyler**—John and Rachel Stephens were summoned to appear before the justice of the peace on the allegation that their child was not attending school. The school district had not made any inquiries or notified the family—an official had simply turned the matter over to the justice of the peace. HSLDA convinced the justice to cancel the hearing and dismiss the allegations.

1993

**Austin**—On January 26, 1993, the Texas Supreme Court heard oral arguments in the case of *Texas Education Agency, et al. v. Leeper, et al.* Under questioning by the justices, the attorney representing *Leeper* emphasized that the statutes do not give the TEA any authority to regulate home schools or private schools. The lawyers for the state, on the other hand, pointed out that the previous rulings severely restricted their authority to monitor home schools. Outside the courtroom, over 5000 people gathered at the south steps of the capitol in Austin to demonstrate their support of parental rights and family values.

**In the Interest of A.B. Filed December 8, 1993**

**Tarrant County**—As the result of an anonymous tip, the Brown





1994

family was investigated by social services. The tip alleged neglect, and physical and emotional abuse. CPS demanded an interview with the children. HSLDA refused, arguing an anonymous tip without corroborating evidence is not sufficient to order an interview. Mike Farris appeared on behalf of the family in court. In this precedent-setting case, the judge agreed with HSLDA and refused to allow social workers' petition to enter the home or interview the children and dismissed the case on March 1, 1994.

**Santa Fe**—The Moser family was prosecuted for withdrawing their child from public school and initiating a home schooling program. Through phone contact, HSLDA persuaded the school district and the court to drop the charges.

**Austin**—On June 15, 1994, the Texas Supreme Court handed down a unanimous decision in favor of the home school plaintiffs in *Texas Education Agency, et al. v. Leeper, et al.* The rights home schoolers enjoyed since the first decision of the *Leeper* case in 1987 remained securely in place. In fact, the Texas Supreme Court affirmed the right of home schools to operate as private schools without regulation.

1995

**Garland**—After the Spencer family withdrew their children from public school and even submitted a letter indicating their compliance with the *Leeper* decision, a school official turned them over to the justice of the peace. HSLDA persuaded the court to drop the charges because the family was legally home schooling.

1996

**State of Texas v. Diana Billingslea**  
**Filed September 3, 1996**

**El Paso**—On September 10, 1996, this single mother of a six-year-old was served with a summons to appear before the justice of the peace. Ms. Billingslea was charged with "thwarting the compulsory attendance act."

HSLDA explained to the school principal who initiated the charges that a home school is a private school in the State of Texas and the parent need only provide assurance that she has a written curriculum and that she is providing instruction in five required subjects. At the same time, Ms. Billingslea provided written assurance to the school district that she had a written curriculum and was providing education in the five required subjects. The superintendent dropped the case.

1997

**State of Texas v. Patricia Rogers**  
**Filed February 6, 1997**

Patricia Rogers and her 16-year-old daughter were summoned before the justice of the peace on truancy charges. After HSLDA provided Mrs. Rogers' notice of intent, the school principal dismissed the charges.

**State v. Dorcas Hill**  
**Filed October 6, 1997**

**Dallas**—Dorcas Hill began home educating her 14-year-old daughter at the beginning of the 1997–98 school year, but the Dallas Independent School District was not satisfied with Mrs. Hill's verbal and written notices of intent to home school and charged her with thwarting the compulsory attendance law.

HSLDA obtained dismissal of the charge, but the school district again initiated criminal complaints against Mrs. Hill and her daughter. On June 22, 1998, HSLDA appeared for trial on their behalf. The case was dismissed on September 14, 1998.

**State of Texas v. Richard G.**  
**Filed November 18, 1997**

**Houston**—Teenage home school student Richard G. was separated from his father while they were traveling to downtown Houston in the middle of the day. A police officer arrested the

young man for violation of the city's daytime curfew ordinance. HSLDA represented Richard at trial on September 1, 1998. The case was dismissed on September 17, 1998.

**State of Texas v. Gini H.**  
**Filed February 9, 1998**

**Galveston**—After this mother withdrew her two teenage daughters from a Galveston County public high school, the district initiated criminal action. Without representation at the hearing, Mrs. H. was found guilty of violating the state's compulsory attendance law. The justice ordered her to return her children to public school. HSLDA intervened on her behalf and the case was dismissed on February 26, 1998.

**State v. Mr. & Mrs. Edward Ortiz**  
**Filed September 10, 1998**

**San Antonio**—Unsatisfied with the Ortiz family's letter of assurance, the school district demanded additional curriculum information. The family refused and was charged with thwarting compulsory attendance. HSLDA argued that Mr. and Mrs. Ortiz were in full compliance with Texas law, and the case was dismissed.

**City of Balch Springs v. Edmon James**  
**Filed November 4, 1998**

**Balch Springs**—Fourteen-year-old Edmon James was cited twice for violating his town's daytime curfew, and criminal prosecution was in progress. On both occasions, he had the permission of his parents (and thus his home school) to be outside. HSLDA requested a trial by jury on his behalf. While we were awaiting a trial date, the city prosecutor dismissed all charges.

**State v. Family of P**  
**Filed December 14, 1999**

**Houston**—Upon withdrawing their daughter from public school in November 1999, these first-time home schoolers were prosecuted for thwarting compulsory attendance. The judge continued the case for three months to review the child's academic progress and he contemplated testing. HSLDA demonstrated that this testing is not legally required. After HSLDA presented the family's home instruction materials to the court in March, and a sample of progress in May, the judge dismissed charges on July 5, 2000.

**State v. Mrs. E**  
**Filed April 3, 2000**

**Houston**—Mrs. E withdrew her 4<sup>th</sup> grade son on February 2, 2000, notifying the school that she would home school until the child's school-induced anxiety subsided. In April, she provided a letter of assurance to the school superintendent—indicating that she intended to continue home schooling. The school charged the mother with "thwarting compulsory attendance." Once HSLDA explained to the attendance officer that the child was properly withdrawn from the public school and was receiving a private education, the charges were dismissed.

**State v. Mr. & Mrs. B**  
**Filed December 11, 2000**

**Houston**—During Thanksgiving break, the B family withdrew their six-year-old son from public school and advised the school that they would be privately educating him. Two weeks later, Mr. and Mrs. B were charged with violation of the compulsory attendance law and served with a summons to appear in court. In compliance with Texas law, the B family then delivered a letter of assurance to the school district on December 26, 2000. HSLDA convinced the prosecutor to dismiss the case.

1998

1999

2000

