

MICHAEL P. FARRIS, JD, LL.M.
CHAIRMAN (DC, WA)

J. MICHAEL SMITH, ESQ.
PRESIDENT (CA, DC, VA)

DEWITT T. BLACK III, ESQ.
SENIOR COUNSEL (AR, SC, DC)

SCOTT A. WOODRUFF, ESQ.
SENIOR COUNSEL (VA, MO)

JAMES R. MASON III, ESQ.
SENIOR COUNSEL (DC, OR)

DARREN A. JONES, ESQ.
ATTORNEY (CA)

HSLDA

ADVOCATES FOR HOMESCHOOLING

THOMAS J. SCHMIDT, ESQ.
ATTORNEY (CA)

MICHAEL P. DONNELLY, ESQ.
ATTORNEY (MA, NH, WV, DC)

WILLIAM A. ESTRADA, ESQ.
ATTORNEY (CA)

PETER K. KAMAKAWIWOOLE, ESQ.
ATTORNEY (MO, VA)

MARY E. SCHOFIELD, ESQ.
OF COUNSEL (CA)

SCOTT W. SOMERVILLE, ESQ.
OF COUNSEL (VA, MD)

September 20, 2013

Lori Batts, Supervisor of Counseling
Wicomico County Public Schools
101 Long Avenue
P.O. Box 1583
Salisbury, MD 21802-1538

Via Fax: (410) 677-4444

Re: Your Letter of Sept. 16 to Homeschool Parents

Dear Ms. Batts:

By way of introduction, Home School Legal Defense Association is a national organization that has as its primary purpose the protection of the right of parents to direct the education of their children. We presently have more than 80,000 member families in all 50 states and the District of Columbia, with over 1,200 member families in Maryland.

One of our members has given me a copy of the letter of September 16 that you recently sent to area homeschool families. I am sure your intention was to administer the state homeschool regulations properly, but your letter is out of line with state policy in a number of respects. I would appreciate it if you'd send a letter of correction.

First. Your letter refers to a "notice of continuation". There is nothing by that name in state law. Regulation 13A.10.01.01(B)(2) refers to an "annual verification." It will help avoid confusion if you use terminology consistent with the regulation.

Second. Your letter refers to the notice as a "form." Under the Maryland homeschool regulations, however, it is not necessary for a family to use any type of form when they submit an annual verification. They can submit the verification in a handwritten letter or even buy a phone call, if they wish. Your letter implies that a family is derelict in its duty if they did not file a "form." I would appreciate it if your follow-up letter makes it clear that no form is necessary.

Third. Your letter asks families to provide you with "proof of enrollment" if they are operating under an umbrella program. Maryland homeschool regulations, however, do not require families to submit proof of enrollment, either in the initial notice of consent, or in the annual verification. I would appreciate it if your follow-up letter would make it clear that families are not required to submit such proof.

Fourth. Families who homeschool under an umbrella program do not file their annual verification with the public school system. They file it only with their umbrella program. Regulation 13A.10.01.01(B)(2) says that families file their annual verification "with the local school superintendent or with the supervising nonpublic school" program. I would appreciate it if your follow-up letter explains to families that if they are in an umbrella program, they are to communicate their annual verification to the umbrella program, not the public school system.

Fifth. The second page of your letter, which appears to be a stand-alone letter, contains the same error. The second sentence of the letter erroneously states that "the amendment requires the parents ... to annually verify the status of their child ... to the local school system." This is not correct. Families enrolled in an umbrella program provide the annual verification only to their umbrella program as I explained above. I would appreciate it if you would include this in your follow-up letter.

Sixth. The third sentence of the stand-alone letter contains a similar error. It says "the amendment ... requires the parent to advise the local school system if the status of the child ... changes during the school year." Under Maryland Regulation 13A.10.01.01(B)(3), a family in an umbrella program reports their change in status only to their umbrella program.

Seventh. The last sentence of the stand-alone letter requests that families notify you if they are no longer homeschooling a particular child. However, Maryland Regulation 13A.10.01.01(B)(3) explains that families who are in an umbrella program report such a change in status only to their umbrella program. I would appreciate it if your follow-up letter would state that families are only required to report a change of status to their umbrella program, if they are in an umbrella program.

Eighth. The attached "notice of continuation" form is also out of line with state regulations. The top box on the form asks for physical location, mailing address, home phone, cell phone, and e-mail. Maryland regulations do not require families to supply any of this information on the annual verification. I would appreciate it if you would remove these items from the form.

Ninth. The second box on your form asks families to identify the name of their umbrella program or the name of their own program (not to an umbrella). Maryland Regulation 13A.10.01.01(B)(3) does not require families to submit this information in the annual verification. Please edit your form to remove the request for this information.

Tenth. The third box on your form asks for the following information about the children being homeschooled, none of which is required to be supplied in the annual verification under Maryland regulations: race, sex, date of birth, and child's grade level. Please remove these requests for information from the form.

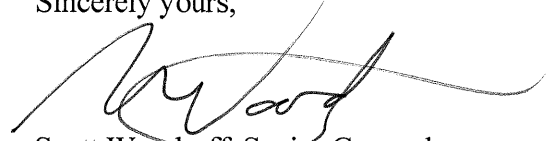
Eleventh. The final section of the form asks parents to supply an explanation for their decision to discontinue the homeschool program for a child. This is out of line with state law. Maryland Regulation 13A.10.01.01(B)(3) is quite simple in its requirement: a family is required to verify only that the homeschool program for a child will be continued. This can be communicated in one simple sentence.

Maryland regulation 13A.10.01.01(F) states that "A local school system may not impose additional requirements for home instruction programs other than those in these regulations." Your letters and the form you sent to families certainly appear to constitute a violation of this regulation. Area families

will welcome a follow-up letter from you retracting the items in your letters and form that are out of line with state law.

I have had the privilege of helping Maryland homeschool families understand the statutes and applicable regulations for more than 15 years. I was at the table when changes to the homeschool regulations were agreed upon in 2003. I would be very happy to use this background to help you administer Wicomico's homeschool functions in a way that is consistent with state law.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Woodruff", with a long horizontal flourish extending to the right.

Scott Woodruff, Senior Counsel
Home School Legal Defense Association