

Use Courts First - Legislation A Last Resort

Why We Must Exhaust All Court Remedies Before Seeking Homeschool Legislation

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We have been working full-time with the California State Legislature in Sacramento for 21 years. God has blessed us in protecting our home education freedoms in the Legislature during this time. We are grateful to God for allowing us to lead the battle to successfully defeat several dangerous bills each legislative session. However, this recent California Appellate Court published decision is the first time we have faced this kind of serious challenge.

This article is intended to address the legislative aspect of this complex situation. For a discussion of the court case, and how we arrived at this point, read our article "Court Rules Home Schooling Illegal" in this newsletter or at www.pheofca.org.

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Anyone interested in specifically outlined reasons not to pursue homeschooling legislation, should view our document "Reasons to Oppose Legislation for 'Home Schooling'." It is located at www.pheofca.org and is designed primarily for legislators to read.

The most important thing we must keep in mind is: **Now is not the time to seek any legislation to change the law to protect our homeschooling freedoms. There are many reasons for waiting, including the following:**

(1) The Appellate Court's decision is not the final say. If any one of the possible "winning" scenarios being pursued in the courts at this time turns out to be successful, any need to seek legislation would prove to be unnecessary. In this light, if home schoolers were to seek legislation at this time, it could create very severe problems, which we would not otherwise have to face.

(2) Our observation and our experience has taught us that in California it is 10 to 20 times easier to stop a bad bill than it is to get a good bill passed and signed. It has been difficult and sometimes next to impossible to stop the bad bills introduced during the last 10 years.

(3) During this same 10-year time period, fewer than 2% of the bills that clearly promoted parental rights values were actually passed into law by this Legislature, which is firmly under liberal control. Approximately 98% of good parental rights bills have failed.

(4) In California, legislation on controversial matters never ends up with the original language or in the way its supporters hoped it would turn out. The bills that promote traditional family values, including parental rights are frequently "taken over" or "hijacked" by policy committees. There they are usually either "killed" or amended until the bill is unrecognizable and difficult to accept.

(5) There are some excellent conservative legislators who support parental rights but these courageous legislators are in the minority. Without bipartisan support, good protective legislation will not have a chance to pass.

(6) Any homeschool bill, which would change current law and would have any possibility of getting through the Legislature, is almost certain to have intrusive controls with many more restrictions than we have now under current law. ACR 115 (which we strongly support) is a resolution and therefore does not change the law. However, it is very important because in it the Legislature would be expressing their support for private home schooling. For more details on ACR 115, or to read the resolution itself, see our Action Alert at www.pheofca.org.

(7) Seeking legislation is a risky, last resort. We will not take any steps to seek legislation for home schoolers without serious and careful discussions with the leaders of all of California's statewide private homeschool groups: CHEA, CHN, HSC, as well as HSLDA, and other key

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persons. If, as a last resort, it ever becomes necessary to try to get the best legislation possible, we are hopeful that there will be enough homeschoolers willing to do their part. We are to do

our duty and trust the results to God who is our great Deliverer and has delivered us many times before.

(8) There are too many ways that a homeschool battle can be lost in the Legislature. We don't want to start this particular battle unless and until absolutely necessary. And we will not

benefit from our friends trying to help us by introducing their own legislation. We appreciate all of the private school organizations and other activist groups who have contacted us to express their support and their decision to defer to us and the other statewide homeschool groups regarding the best strategy to protect private home schooling. We continue to be in regular communication with these key players. We, along with these statewide private homeschool groups and HSLDA, already have clear agreements on how best to deal with the challenges at hand.

Now is not the time for legislation.

We are deeply involved in many complex behind-the-scenes discussions in our attempts to maintain the current level of freedoms.

(9) If it ever comes to the point that homeschool legislation is inevitable in California, it is likely we will have only one opportunity to make it as unobtrusive as possible. Therefore we must work cooperatively, carefully and correctly now. **Homeschoolers will be hurt by any unilateral action in the Legislature by "Lone Rangers" regardless of how helpful they may appear.**

If you become aware of any specific attempt to have a legislator introduce legislation addressing or dealing with home schooling, please contact us at contact@pheofca.org or call us at 916-786-3523 immediately!

For up-to-date information on **legislation** in response to the Appellate Court decision affecting homeschooling in California go to www.pheofca.org.

For up-to-date information on **court action** in response to the Appellate Court decision affecting homeschooling in California go to www.hslda.org.