

Private and Home Educators of California  
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**Roy Hanson's HELP Tree Newsflash:  
California Court against Home Schooling**  
**LEGISLATIVE NEWSFLASH – March 7, 2008**  
**From: Roy Hanson's Private and Home Educators of California**

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As you probably know, on Thursday, February 28th, The Second Appellate District in Los Angeles County ruled that a homeschooling family from Southern California (not a member of HSLDA) did not have a right to “homeschool” under the California Constitution unless the parent is a credentialed tutor.

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**Current Situation**

Nothing has changed in California regarding your homeschool. [HSLDA](#) maintains that the advice they have given home school families for some twenty-five years is still accurate and that filing a private school affidavit, or enrolling in a private school independent study program (I.S.P) are valid options under the law in California.

In summary, homeschoolers should not panic but continue to home school as in the past. The leaders of the statewide homeschool groups and HSLDA are coordinating with each other on this issue on a regular basis. Pray for a positive outcome. The attorneys at HSLDA are working very hard during this time to prepare for additional legal action to reverse this decision. Seeking legislation at this time is unnecessary and likely dangerous.

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**Governor's office press release Friday, March 7, 2008**

**Gov. Schwarzenegger Issues Statement Regarding Court of Appeals Home Schooling Ruling**

Governor Arnold Schwarzenegger today issued the following statement regarding the recent Second District Court of Appeals ruling on home schooling:

"Every California child deserves a quality education and parents should have the right to decide what's best for their children. Parents should not be penalized for acting in the best interests of their children's education. This outrageous ruling must be overturned by the courts and if the courts don't protect parents' rights then, as elected officials, we will."

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**Background**

This ruling resulted from a Juvenile Court case on allegations of abuse or neglect, which originally had nothing to do with homeschooling. When the Juvenile Court judge would not prohibit the parents from home schooling their children, the court-appointed attorneys for the children went to the California Court of Appeals. The Appellate Court went further than they needed to, and essentially ruled that State law does not provide any options that allow parents to teach their own children at home.

Future court action on this Appellate Court ruling cannot occur until after March 29<sup>th</sup>. This ruling is a very serious matter but not a cause for panic. There are legal options still open to pursue in the Courts. HSLDA is working to overturn this decision in the courts. In other words, this Appellate Court ruling is not the final say.

It is important to realize that no laws have changed that affect private schools whether in one's home or on a campus. California is still one of twelve states where homeschoolers can operate legally under the private school provision. See our [Legal Fact Sheet](#). The Court does not have the power to change the law but only to interpret it, and this court has made critical errors in their interpretation of private school laws as they apply to private home education.

No court has the authority to universally order every homeschooler into a public or private campus school. Under due process the court can only issue orders directed to the parties before the court. Any attempts of enforcement would have to be one family at a time. As in the past, a family could be charged with truancy and then go to a SARB hearing even before any court hearing. This should not be a dread for anyone who is a member of HSLDA. If you are not a member of HSLDA you should join now!

If a public official comes to your door and tells you that home schooling is illegal and that you must put your kids in a public school or a private campus school, do not let them in your house, call HSLDA if you are a member, and let the HSLDA attorney talk to the person at the door. HSLDA attorneys are available to their members 24 hours a day seven days a week.

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**What can homeschoolers do right now to help?**

(1) This court's ruling could provoke well-meaning individuals to seek a legislative remedy. Legislation at this time would be detrimental to our current freedom to home school privately in California. If you become aware through first hand knowledge of any such attempt to have a legislator introduce legislation addressing or dealing with home schooling, [please contact us at contact@pheofca.org immediately!](mailto:contact@pheofca.org)

(2) Please encourage your home schooling friends to [join HSLDA now](#) for two reasons! (a) Membership in and contributions to HSLDA will help provide the financial resources needed to carry on this complex and lengthy court process for judicial relief from this current ruling. This will benefit all homeschoolers. (b) HSLDA membership will protect your family should you be contacted as a result of this Appellate Court ruling. This will also give you the peace of mind that, whenever you might need it, you have immediate support from the only experienced highly successful team of attorneys specialized in defending private home schoolers in California and our Nation.

(3) In all situations, it is the Lord Jesus Christ Who is our refuge, provider, and protector (Psalm 50:10-15). He is sovereign over all. Our Lord reigns! We are asking that you **pray daily** and also consider some kind of periodic fasting during this protracted battle that is shaping up. Pray for:

- \* those in authority, especially the judges involved in this case,
- \* the Long family involved in this case,

**every fellow private homeschooling family**

- \* HSLDA as they prepare to not only handle this situation but as they respond to all future legal contacts,
- \* for us here at Family Protection Ministries that God would sustain us and that we will be able to intercept every legislative proposal that could further erode our freedoms,
- \* CHEA and every other home school organization in California, and
- \* all other individuals and groups supporting this effort to defend home education.

(4) Continue on with a peaceful heart in your homeschooling and family life.

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The purpose of this communication is to present information and express our position on the issues addressed. We encourage you to research this for yourself and come to your own conclusions. Regardless of your position, we strongly urge you to exercise your constitutional right to express your position to your elected representatives. We have included an example of how we have expressed our position.

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