

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

CHRISTOPHER J. KLICKA, ESQ.
SENIOR COUNSEL (VA)

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

THOMAS J. SCHMIDT, ESQ.
ATTORNEY (CA)

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

HSLDA

Advocates for Homeschooling

MICHAEL P. FARRIS, ESQ.
CHAIRMAN (DC, WA)

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

SCOTT A. WOODRUFF, ESQ.
ATTORNEY (VA, MO)

DARREN A. JONES, ESQ.
ATTORNEY (CA)

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

June 10, 2008

Ms. Deborah Gist
State Superintendent of Education
441 4th Street, NW, Suite 350 North
Washington, DC 20001

Mr. Robert Bobb, President
District of Columbia State Board of Education
441 4th Street, NW, Suite 723 North
Washington, DC 20001

Dear Ms. Gist and Mr. Bobb:

We appreciate the effort that OSSE and the State Board have invested in attempting to craft homeschool regulations that meet the needs of all stakeholders in the District. As you make revisions to the May 2 proposed regulations, we want to emphasize to you the changes we believe are needed to make the regulations acceptable to home schooling families in the District. We are confident that the modifications described below will significantly improve the proposed DCMR 5200, making them equitable and more administrable while appropriately recognizing the interests of parents, their children and the District Government.

We consider these changes essential to creating a workable and constructive environment for homeschoolers in the District of Columbia. While there are many other changes we would like to see made to the proposed regulations, we understand that you have many other issues to address and cannot spend an unlimited amount of time on the homeschool regulations. We hope that you and your colleagues will agree to these few but critical modifications. The changes are:

1. Insert a statement recognizing parental interests.
2. Allow parents to use a letter or form of their choosing to notify the District of their intent to homeschool.
3. Allow the District to review a portfolio only when it has a reason to believe the parent is not in compliance with the regulation.
4. Remove the high school diploma teacher qualification.
5. Explicitly provide for the right of judicial review upon a determination of non-compliance.

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

NATIONAL OFFICE ■ P.O. BOX 3000 ■ PURCELLVILLE, VA 20134 ■ 540-338-5600 ■ 703-478-8585 METRO ■ 540-338-1952 FAX

CAPITOL HILL OFFICE ■ 119 C STREET, S.E. ■ WASHINGTON, DC 20003 ■ 202-547-9222 ■ 202-547-6655 FAX

EXPRESS & SHIPPING ■ ONE PATRICK HENRY CIRCLE ■ PURCELLVILLE, VA 20132

DISCUSSION AND PROPOSED LANGUAGE FOR MODIFICATIONS

1. Insert Statement Recognizing Parental Interests in a new Section 5200.4

- a. The District of Columbia recognizes that parents have a fundamental right to provide and direct the upbringing and education of their children, which includes the right to educate their children at home. Because the natural family bonds of affection lead parents to act in the best interests of their children, the District respects the private realm of the family and the ability of parents to make the best decisions concerning the education of their children.

2. Modify Section 5202, "WRITTEN NOTIFICATION"

a. Current Language

5202.1 "A parent or legal guardian who chooses to provide home schooling in the District of Columbia shall initially provide written notification on an official form developed by the OSSE which:

- (a) Indicates consent to the requirements in this chapter; and
- (b) Shall be submitted to the OSSE at least 15 days not including Saturdays, Sundays, or District Holidays, prior to the first day of home instruction."

b. Proposed Language

5202.1 "A parent or guardian who chooses to provide home schooling in the District of Columbia shall initially provide written notification ~~on an official form developed by the~~ to the OSSE indicating that the parent will provide regular and thorough instruction to their children in compliance with this chapter. The parent shall also provide the names, ages and addresses of the children who will receive home instruction, which:

- ~~(a) Indicates consent to the requirements of this chapter; and~~
- ~~Shall be submitted to the OSSE at least 15 days not including Saturdays, Sundays, or District Holidays, prior to the first day of home instruction."~~

3. Modify Section 5205, "EDUCATIONAL MATERIALS"

a. Current Language

5205.1 "A parent or legal guardian who chooses to administer a home schooling program shall maintain a portfolio of home schooling materials for each child which includes evidence of a child's current work such as examples of the child's writings, worksheets, workbooks, creative materials, assessments, or any other materials that demonstrate that the child is engaged in thorough, regular educational activities in a range of subjects."

5205.2 "The portfolio shall be maintained for at least one year and made available for review by the OSSE upon written request."

b. Proposed Language

5205.1 "A parent or legal guardian who chooses to administer a homeschooling program shall maintain a portfolio of homeschooling materials for each child which includes evidence of a child's current work such as examples of the child's writings, worksheets, workbooks, creative materials, assessments, or any other materials that demonstrate that the child is engaged in thorough, regular educational activities in a range of subjects."

5205.2 "The portfolio shall be maintained for at least one year. ~~and made available for review by the OSSE upon written request.~~"

4. Modify Section 5206, "REVIEW OF EDUCATIONAL MATERIALS"

a. Current Language

5206.1 "The OSSE may, at its discretion, request to review the portfolio of home schooling materials described in Section 5205, provided that the following requirements are met:

- (a) The review is held at a time and place mutually agreeable to the representative of the OSSE and the parent or legal guardian;
- (b) There are not more than two (2) reviews conducted during a school year; and
- (c) The purpose of the review is to ensure that the child is receiving thorough, regular homeschooling instruction, consistent with this chapter."

b. Proposed language

5206.1 "The OSSE may ~~at its discretion~~, make a written request to review the portfolio of homeschooling materials described in Section 5205, provided that the following requirements are met:

- (a) The review is held at a time and place mutually agreeable to the representative of the OSSE and the parent or legal guardian;
- (b) There are not more than two (2) reviews conducted during a school year; and
- (c) The OSSE has reason to believe ~~purpose of the review is to ensure that the child is~~ not receiving thorough, regular homeschooling instruction, consistent with this chapter."

5. Modify Section 5207, "PARENT OR LEGAL GUARDIAN QUALIFICATIONS"

While most of those engaged in homeschooling in the District have a high school education or its equivalent, this requirement is not necessary. Please consider deleting this section in its entirety.

6. Modify Section 5208, "MONITORING DEFICIENCIES AND COMPLIANCE"

a. Current Language

5208.4 "In the event the plan fails to correct deficiencies to conform to the requirements of this chapter, the OSSE shall issue a letter of non-compliance which shall state the basis for its determination of non-compliance. The letter of non-compliance shall constitute OSSE's final action."

5208.5 "Upon receipt of the OSSE letter of non-compliance, the parent or legal guardian shall immediately enroll the home schooled child in a public or non public school in compliance with District of Columbia law."

b. Proposed Language

5208.4 "In the event the plan fails to correct deficiencies to conform to the requirements of this chapter, the OSSE shall issue a letter of non-compliance which shall state the basis for its determination of non-compliance. The letter of non-compliance shall constitute OSSE's final action. The determination shall provide notice of the remedies and a right to seek de novo judicial review as provided in section 5208.5.

5208.5 "Upon receipt of the OSSE letter of non-compliance, the parent or legal guardian shall ~~immediately~~ enroll the homeschooled child in a public or non-public school in compliance with District of Columbia law, or file an action in the Superior Court of the District of Columbia for de novo review of the OSSE's non-compliance determination."

Ms. Deborah Gist, State Superintendent of Education

Mr. Robert Bobb, President, SBOE

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We, the undersigned, believe that together, we speak on behalf of most if not all of the District's homeschooling families regarding the changes to the home school regulations described above. If you have questions, please do not hesitate to contact any one of us. Also, a member of one of our associations will soon contact you and some other SBOE members to personally discuss these changes and to answer any questions that you may have.

Respectfully submitted,

/s/

Michael P. Donnelly, Esq. HSLDA Attorney for
Member Affairs in, inter alia, the District of
Columbia

Ethan Reedy, DCHEA President

Cyndi Henderson, BAHE President

Jonathan Zischkau, Esq.