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Family Protection Ministries' **Legal/Legislative Update** newsletter and Email Alerts provide firsthand reports of any changes in the law and legal threats to home education in California. FPM is the only full-time organization based in the Sacramento area monitoring and advocating in regard to all legislative and administrative actions that directly affect California private home educators. FPM is 100% funded by donations from supporters of private/home education and parental rights.

We send our Email Alerts to individuals who are interested in our ministry and getting involved when we have Action Alerts.

You can sign up for our emails at
www.fpmca.org/contactus.

Our printed newsletters are available on a complimentary basis by contributing at least \$5 each calendar year through our website at www.fpmca.org/donate or as a check written out and mailed to "Family Protection Ministries" and sent to the address in the red box below.

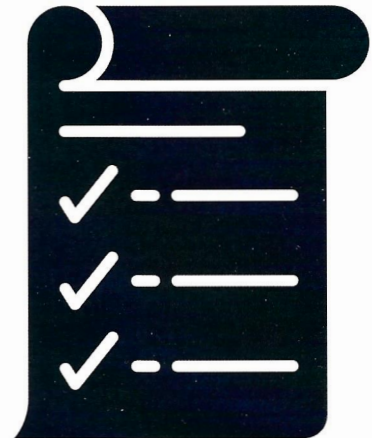
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The Law for Homeschoolers in California



MISSION

Defending the freedom of parents to train, educate and care for their children privately, without governmental interference

Working to detect, analyze, monitor, and intervene in all legislation affecting the legality of private home education in California since 1986

4 Legal Alternatives for Home

1

Single Family Home-Based Private School

California is one of fifteen states in which "homeschooling" is accomplished under a private school exemption. Home educators may establish a private school, based in their home, and must file a private school affidavit with the Superintendent of Public Instruction of California (normally between October 1st and 15th every school year). On August 8, 2008, the California Court of Appeals for the Second Appellate District confirmed in their *In re Jonathan L.* ruling (formerly *In re Rachel L.*) that "California statutes permit homeschooling as a species of private school education." Children enrolled in a private school are exempt from attendance in a public school. Under this provision [E.C. §§ 48222 and 33190], the following requirements apply to all private schools:

- The instructors must be capable of teaching (determined by the private school administrator).
- The instruction must be in English.
- The instruction must be in the several branches of study required in public schools.
- Certain pupil and school records must be on file.
- Certain Health Department forms must be on file.



2

Private School Satellite Program

Homeschooling parents may enroll their children in a private school PSP (private school satellite program) that has filed a private school affidavit with the Superintendent of Public Instruction of California [same legal exemption and requirements as (1) above]. A private school satellite program (PSP) may be composed entirely of home educators or may be an extension program of a campus-based private school:

- There is technically no more or no less legal protection or covering in our current Education Codes [E.C. §§ 33190 & 48222] for either options 1 or 2. Based upon past experience, every homeschooling family would be very wise to join and secure the protection of the Home School Legal Defense Association (HSLDA). For both options 1 and 2, parents should properly state that their children are enrolled in a **private school** when communicating with school and other officials.
- Families enrolled in **Out-of-State** schools/programs are required by state law to be enrolled in a California private school (single home-based or PSP) with a California physical address for its location. It is unnecessary and unwise to voluntarily mention enrollment in out-of-state schools/programs. It is not illegal in California to be enrolled in an out-of-state program, as long as it is represented as a source of curriculum and/or services and not as a means of legal compliance. Public school pupil records (called cumulative files) should be sent for but not by an out-of-state program. (See Withdrawing Your Child from School at www.fpmca.org/withdraw)

e Educators

3 Private Tutor

A child being taught by a homeschooling parent, who has a valid California teacher's credential for the grades and subjects taught, is exempted from attendance in a public school under the tutorial exemption [E.C. § 48224].

4 Public School ISP or Charter School

The homeschooled pupil may enroll in a public school independent study program (ISP) [E.C. §§ 51745-51747] or a charter school offering home study [E.C. § 47600 et al.] if available in your school district or county. In these two programs, the homeschooling family is totally under the authority of the public schools. We do not recommend these two public school options. For more details on the problems with these options, visit our website at www.fpmca.org/charter-schools.



See the latest version of this California Homeschool Law information at our website at www.fpmca.org/LFS.



Important Note: Before transferring your child out of their current school, please read *Withdrawing Your Child from School* at www.fpmca.org/withdraw

Legal Requirements

- There are no statutes in California that specifically and exclusively deal with private "home education" as distinct from private schools.
- Compulsory attendance at public schools is required for all pupils who are age 6 by Sept. 1st (of the new current school year) until they reach the age of 18 years [E.C. §§ 48200, 48400, et al.], with special provisions and exemptions for 16- and 17-year-olds [E.C. § 48410]. Exemption from attendance in a public school is provided by the first three of the following four legal alternatives.

Legal Problems

Under both the U.S. Constitution and California statutes, home-based private education is legal. However, there continue to be challenges that are a potential direct threat to any home educator in California. Most of these challenges are based on **erroneous charges** of either truancy or child abuse/neglect:

- *Charge of Habitual Truancy* – an infraction. [E.C. §§ 48260, 48293, et al.] This charge is used more than 90% of the time in legal challenges to home education in California.
- *Charge of Child Abuse/Neglect* – rare, but could involve temporary or permanent loss of custody of children.

Additional Resources



For detailed information on the two legal private alternatives for home educators (options 1 and 2 inside this brochure) and how to fulfill their requirements, order *The California Homeschool Manual* by Susan Beatty and Karen Woodfin Middleton, and, for older students, *The High School Handbook* by Mary Schofield. For ordering these and other resources, and for other homeschool information, as well as referrals to support groups, contact **Christian Home Educators Association of California (CHEA)** at the following:

- (562) 864-2432
- www.cheaofca.org
- 12672 Limonite Ave., Suite 3E, #514; Eastvale, CA 92880

About CHEA: The mission of the Christian Home Educators Association of California is to advance the Kingdom of Jesus Christ by promoting private Christian home education as an outstanding educational opportunity; providing information, training and support to the homeschool community; and protecting the God-given right of parents to direct the education and training of their children, to the glory of God.



Join the Home School Legal Defense Association (HSLDA). Discount memberships are available. Join before beginning your home education

and before withdrawing your child from another school. It is best to withdraw during summer. You must join before receiving a legal challenge to your homeschooling, so join now. Contact HSLDA at the following:

- (540) 338-5600
- www.hsllda.org
- P.O. Box 3000; Purcellville, VA 20134

About HSLDA: HSLDA is the only full-time attorney-staffed organization that assures you of immediate and thorough representation by an attorney with expertise in this area of law from the very beginning of any legal challenges to your home education. There is no in-state or out-of-state school or educational program available to private California homeschoolers that offers absolute legal protection. There are no other legal protection programs or plans which guarantee expert attorney consultation and representation to families for all legal contacts related to their home education like HSLDA does. HSLDA can answer legal compliance questions for their members. HSLDA has been at the center of defending our freedom to homeschool in California. It is the individual family that will be challenged by school and other authorities and not the private school PSP administrator. Each family must take the responsibility to secure the best legal protection available.