



## 2017 – The Game Changes



The 2016 election season is over – finally! Now the 2017 legislative season begins. And this coming year marks a major shift in our work with the Missouri General Assembly. Please keep reading to understand this shift. And please, prepare yourself for the battles to come!

### Homeschool History:

In 1986, brave home schoolers from around the State risked everything to come to the Missouri State Capitol and fight for a new law recognizing the right to home education. Compulsory education laws were deemed too ambiguous by a federal court judge in a case brought before it by key founding members of Families for Home Education. In the latter half of 1985 the federal judge issued a decree for the State Legislature to rewrite and clarify the law in regard to home schooling. His ruling was clear and simple to the General Assembly – either clarify the State’s statutory framework pertaining to home education in the following Legislative Session (1986), or he would issue a ruling that would interpret the vague laws himself. (He never hinted at which way he may have ruled had lawmakers failed to respond in time.)

As multiple proposals were batted back and forth through the following Legislative Session in 1986, a final measure was ultimately adopted by both the Missouri Senate and House. The bill was sent to Governor John Ashcroft, who readily signed the proposal into law.

Missouri had just become the freest home school State in the nation! For the next several years States around the country used our law as a pattern to improve their own overly restrictive laws. In a sense, Missouri became the model State for home education freedoms and helped multiple other States alter their laws!

In the end, our law helped make home schooling a reality in all 50 States. And along the way, a few States actually improved on our model and earned a better status for home education freedoms than even us!

### Homeschool Background:

Of course our law is not perfect. However, passage of the 1986 home school bill was a major victory for home schoolers and most everyone saw it

as much of a spiritual victory as it was political. FHE and what few allies we had at the time quickly realized that our political enemies who hate home schooling were not going to just give up and go away.

We adopted a long term approach to defending our new found legal respect for home education by advocating in the next several years that home schooling was working well and that we were not going to flex our young political muscles to demand anything more. We developed and fostered the position that we just wanted to be left alone and no longer harassed by government officials.

(Bear in mind that the federal lawsuit which we brought against the State was triggered by years of heavy handed abuses. Home school families were facing serious troubles from social workers and various other officials. The camel’s back was broken when the State Division of Family Services literally began taking children out of homes and placing them in State custody and foster care for no other reason than that they were being home schooled!)

Missouri had swung from being neutral on the issue of home education to being very anti-home school, with an unusually fast developing practice of persecuting home schooling parents and families. And the new law changed everything in a drastic manner.

For over ten years we were still finding pockets of home school communities that still did not know that what they were doing was completely legal, because government officials were still harassing them in various areas of the State.

Thirty years have now passed.

Over the course of time home education has come into vogue. In more recent years the “face” of home education has evolved and looks very different from what it was 30 years ago. With a full 10% of the State’s student body being home schooled, we are everywhere! We come from every background imaginable. We are much more complex and sophisticated than anyone ever thought we would become. We are a remarkable community!

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## Homeschool Oppressions:

However, our political enemies have never gone away, and they have never given up. Every year we have to deal with a number of political attacks at the Legislature. And every time we turn around a new skirmish pops up where home school families find themselves in some bureaucrat's cross-hairs.

In passing our 1986 law through the "sausage grind" of the legislative process in Jefferson City, a couple of tweaks in the bill that ultimately passed have turned into frustrating thorns which we have always agreed to live with. And it is these items which have become some of our deepest thorns.

One issue is how the law offers home schoolers the option of registering their home school with the County Recorder of Deeds or the chief school officer of the local public school. From the beginning we have always asked that home school families not utilize this option – and very few ever do. The idea is that we have always believed that if a fair number of families registered but others did not, it would make those who did not look questionable. This in turn would be used against home education in future legislative sessions.

However, as some public school districts have seemingly misunderstood this option, they have created much anxiety for home schoolers by asserting that their home school "must" be registered with the public school. Over time a variety of spins on this optional law have been used to create fear and intimidation to get home schoolers to register.

(The primary motive for this recurring harassment is from a supplementary federal funding source for public schools. For every non-public student they can identify within their district, the public school can receive an additional ½ day funding. This is also why public school districts sometimes try to force home schoolers to reveal names and addresses of other home schoolers.)

In more recent years the often repeated tactics of certain public school districts, despite our efforts to inform them of the law, demonstrates that they are knowingly and willfully harassing home schooling families.

A second issue within the law is that home education records maintained on behalf of students are only subject to review by the county prosecuting attorney (who is charged with enforcing State laws). Through the years this has been a very effective protection for home educators. However, more recent experiences reveal a troubling pattern in some areas.

It appears that some School administrators are using the offices of their county prosecutors to unduly harass home schoolers by demands for records when there is no legitimate cause (other than discriminations against home schoolers).

And even more egregious, at least one local judge (working in conjunction with public school officials) was actually mailing summons to home schoolers, requiring them to appear in court with their records. Even though no charges had been filed and no notice of anything wrong had occurred, families found themselves being illegally intimidated by the judge in his courtroom!

Thirdly, a newer issue has now developed in which home schoolers privacy is being violated due to a lack of basic protections required to be maintained for public school students. This is being done as a form of harassment and is completely legal. As student privacy guidelines have been developed in more recent years, those protections are not extended to home schoolers. So as public school districts are motivated to collect data on home schoolers for additional federal funding, they have no responsibility to protect that data!

## Homeschool Freedoms?:

Families for Home Education is dedicated to advocating, defending, and protecting all home schoolers. Therefore the Board of FHE has determined that after 30 years of continued success, and having earned the respect of both the State and the nation, we must adopt a new approach to deal with developing contemporary harassments.

While we have historically worked quietly to address problems from behind the scenes (quite effectively I might add) it is time to make some noise. So we are prayerfully planning to initiate some

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offensive political moves in the Missouri Legislature and asking for a modern revision of our 30 year old home school law.

1). It is our goal to remove and eliminate the antiquated provision known as 167.042 RSMo. This is the optional voluntary registration of a home school with "the Recorder of Deeds or chief school officer of the public school district". In most counties not a single home schooler has ever used this pointless option. It has proven to be of no use and serves absolutely no purpose other than to be abused by harassing public school administrators and/or other officials.

2). There are no legal standards to guide a local prosecuting attorney when it comes to requests to review home school records. Civil and criminal laws are based on various legal standards. Therefore we intend to ask the General Assembly to place a condition of such requests for records and restrict such a move to only those situations in which there is "probable cause" for the prosecutor to believe the law has been violated.

3). We desire to have the same privacy rights established for home school students which currently exist for public school students. This is no more than a reasonable expectation for equitable treatment of our students.

4). In pursuit of establishing these protections for home schoolers, it would be advisable to attempt to remove the motivations of public school administrators to harass home schoolers. Since that motivation comes from their effort to qualify for more and more federal funding, we believe it would be advisable to help them achieve their goal. Since we (at the State level) cannot nullify the federal law, we have an idea to satisfy that law without jeopardizing home school families in any way. If we can propose that public school districts may use a standardized 10% rule as a reflection of basic demographics within State statutes, they could simply claim an additional 10% of their enrolled student body as non-public students residing in their district.

#### **Homeschool Call To Action:**

These proposals mark a change in FHE's traditional stance before the Missouri Legislature. We have

a strong and well established (and respected) reputation for not being greedy like most organizations who are always pushing for more money or other perks. It will be necessary for member families of FHE, and other home school families, to help us communicate our interest to lawmakers in the upcoming 2017 Legislative Session beginning in early January.

Please help spread the word regarding these plans outlined above. Then be watching for legislative alerts and calls for action through your various networks.

(As the forthcoming legislative battles unfold in the coming months, please remain vigilant and make sure any calls for action are being directed by FHE. These kinds of skirmishes are prone to alerting people but the flow of information is easily confused with other's agendas. Please be sure of where your information is coming from and is in agreement with the calls for action you will find on the official FHE website. )

Thank you in advance for helping us keep Missouri free for home education – a State where our home schooling rights are recognized, and respected.

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