

HOMESCHOOL LEGAL
ADVANTAGE



Massachusetts 2012

www.homeschoollegaladvantage.com

Massachusetts Homeschooling Requirements:

<u>Approach</u>	Establish a homeschool which has the approval of the local school committee or superintendent
Compulsory Attendance	Applies to children who are at least 6 years of age (or younger than 6 if they had previously been enrolled in first grade) and who have not yet reached their 16 th birthday.
Source of Law	Massachusetts General Laws Ch 76 §1 (compulsory attendance); 71 §1 (hours, subjects) Code of Mass Regulations Title 603 § 8.02 and §27.03 - .04
Restrictions	Teacher certification not required.
Reporting	Covered as part of the approval process.
Record Keeping	None.
Requirements	Required to seek approval by the superintendent or the school committee for a program that is equivalent to that of public schools, with the parent free to choose any appropriate materials or means of education. Subjects required include spelling, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, health education (including CPF), physical education and good behavior. Public schools require 900 hours at elementary level and 990 hours at secondary level in attendance; requirements for private homeschools are not stated, but these numbers are provided for purposes in planning equivalent instructions.
Testing	Standardized test results or alternative form of assessment may be required as part of approval process attainment of minimum standards.

Massachusetts Department of Education: <http://www.doe.mass.edu/>

NOTE: Local school districts set their own policies and approval processes. Locate your school district through the link above.

SAMPLE LETTER OF WITHDRAWAL...

If your child is currently in school, whether public or private, this letter will formally withdraw them from the public or private education system. We suggest: (1) Mail via postal service with a return receipt requested; or (2) Hand delivery to the child's current school.

Courtesy Letter of Withdrawal - From a Massachusetts Public School to Homeschool

Printed Name(s) of Parent(s) and Address:

Name(s) of child(ren) being withdrawn from public school:

Dear Principal _____ :

Please be advised that I will be withdrawing the above children from your school as of _____, when they will be homeschooled. A notice of intent will be filed with the superintendent according to Mass. General Laws Ch. 76 §1.

If you have any questions, please send them to me in writing. Thank you.

Sincerely,

Parent or Guardian's Signature

Date

Parent or Guardian's Signature

Date

When Legal Challenges Present Themselves . . .

- Calmly find out, know, and follow your state's laws. State summaries are available at our website and we are always available to answer questions.
- As you teach your children at home, know that you are a "walking advertisement" for homeschooling. Our relatives, neighbors, and others we encounter are watching. It is a good idea to watch your outside activities during school hours. Try to share some homeschool highlights with your relatives so they might be won over. Avoid disciplining your child in public, because understandings of what is appropriate vary considerably.
- Respecting ourselves and others includes respecting our context within the community. Leaving children at home alone is always risky, especially if you frequently leave older children home alone with younger children. Is there an appropriate age when it is OK to leave them alone? Consider calling your local social services agency to ask their opinion.

**Above all - Be calm.
Be Polite. Be Respectful.
And Know Your Rights.**

If You Receive a Phone Call . . .

1. If a homeschooler gets a phone call from someone representing themselves as a school or social service authority, never, never, never give information over the phone. Make it your goal to GET information from the caller. Ask what has prompted this call, the caller's name, telephone number, title, and the agency they represent. Give yourself time to calm down and consider the request. Tell the caller that you will either get back to them or that your attorney will get back to them. Above everything keep calm, as this initial call can set a tone for the entire encounter.
2. If the caller wishes to arrange a meeting, and you agree to meet, allow yourself plenty of calendar time between the day of the call and the day of a future meeting. You will want to decide on a strategy and/or consult an attorney. If you do agree to meet, arrange to meet in the bureaucrat's or official's office, and definitely not in your home.



If You Receive a Letter in the Mail . . .

1. Read the letter slowly and carefully. Make sure you know what is being asked of you and by whom. If the request is clear and unambiguous (such as asking for a copy of a birth certificate and the law clearly specifies that it is required) it may be best to comply. Before supplying any information, either by mail or in person, check out the authenticity of the person and the agency making the request, as well as the necessity for the information.
2. If the request is at all questionable, take time to study the issue and consult your attorney. If it means you need more time, write or call the sender to say that you'll need more time.
3. Remember, if you mail anything or bring anything to an official's office, keep copies of what you mailed or brought, for your files. If you decide to mail any items, mail them return-receipt requested. This documentation from the Post Office means you will receive proof that the letter you sent was signed for and, therefore, received.
4. An electronic or e-mail notification is not sufficient notice to you of a legal challenge. Do not reply to an electronic notification of a legal challenge without seeking legal advice.



If a Visitor is at Your Door . . .

1. First, you are entitled to know the reason for any visit. The visitor may tell you they do not have to tell you the reason, or they may tell you that they need to come inside your home to talk to you. Neither of these is true. Indeed, they are required to tell you the specific allegations that led to their visit.
2. Be polite, but ask for a business card or an ID badge. If the visitor wants to enter the home, ask if they have a search warrant. Without a search warrant, they have no legal authority to enter your home. Getting a warrant is no easy task. The visitor will have to demonstrate to a judge that they have probable cause to believe that a crime has been committed, or that some other compelling reason exists for the this agency to violate your Fourth Amendment protection against unreasonable searches and seizures. That requires a lot more than an anonymous tip or someone's suspicion. Remember: No warrant – No entry.
3. Be calm. If you have a local lawyer or are a member of Homeschool Legal Advantage call your attorney on the phone while the visitor is still at your door. Then hand the phone over to the visitor and have your attorney do the talking.
4. Be respectful of the visitor, but also respect yourself and your family. If the visitor insists on seeing your child(ren) bring the children outside the door. Allowing an official inside gives them too great an opportunity to go on a "fishing expedition." The visitor may request immediate answers to one or more questions, but tell them you will speak to them only after you have consulted with your attorney.
5. The visitor may threaten to obtain a warrant. Don't be frightened by this. Of course, you will fully cooperate if they return and show you the warrant, but chances are they are merely trying to frighten you. Do not be frightened, but seek legal counsel.



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Dear Fellow Homeschooler,

It is a blessing and a privilege to be of service to you. The *Homeschool Legal Advantage* (HLA) is a ministry to homeschool families and operates as an outreach of the *Christian Law Association* (CLA), a non-profit 501(c)(3) organization. **CLA has been protecting the rights of believers and homeschoolers for over 40 years.** Due to a steadily increasing number of homeschooling families requesting and receiving help from the *Christian Law Association*, the decision was made to create a division of CLA dedicated specifically to serving homeschooling families. With this objective, the HLA was launched in 2009 as a critical resource for today's homeschooling family. We have been gratified and humbled at the outpouring of acceptance and support we have received.

Along with your attendance at this event, you are entitled to a free first-year membership in HLA. Our heart is to serve today's homeschooling family. Other organizations require an "application" process and require you to follow their defined rules. *Homeschool Legal Advantage* simply invites you to complete a simple "registration" process in order to join. We do not want to control your homeschooling efforts. We are here to provide you with information, encouragement, and support as you diligently homeschool your children.

We are pleased to be able to offer you an exciting benefit along with your first-year membership: HLA offers our first-year members a complimentary Last Will and Testament. Most young couples with children do not have a will, and it is estimated that as many as two-thirds of adults do not have a will. Consequently, HLA provides a great (optional) value-added benefit of membership to our first-time families as a part of our commitment to honor the family's decisions both now and the future. Please ask us for more information on this and other benefits of membership in HLA.

HLA attorneys and support staff serve as legal missionaries. As a faith-based ministry, we give God all of the glory for the churches and individuals who have supported the ministry of the *Christian Law Association* these past forty years.

HLA is a team of committed attorneys across the nation (more than 200) available to you and your family at a moment's notice.

We are called of God and committed to serving you and your family.

Thank you for the privilege,

A handwritten signature in cursive script that reads "David C. Miller III".

Standard Membership Benefits ...

- When you join ***Homeschool Legal Advantage***, you are given the telephone number of an attorney who is available to answer any legal question related to homeschool issues.
- ***Homeschool Legal Advantage*** members receive all homeschool-related legal representation free of charge. HLA pays for all attorney fees, expert witness costs, travel expenses, and court costs allowable by law.
- In addition, HLA members receive **FREE LEGAL REPRESENTATION** as a service of the *Christian Law Association* for religious liberty issues even if the cause of action is not related to homeschooling. This includes matters such as workplace discrimination, Christian employer obligations, the right to witness, public prayer, and any other matter related to Christians in matters of faith.
- Most legal matters related to homeschooling and Christian liberty are resolved quickly without court action. Often, HLA and CLA attorneys can successfully defend an attack by contacting local officials on behalf of our member. If a court case is necessary, ***Homeschool Legal Advantage*** provides full representation every step of the way. Members can take comfort in knowing they enjoy full legal protection for homeschooling and Christian liberty issues.



Additional Membership Benefits ...

- A **LAST WILL AND TESTAMENT** drafted by an attorney that will thoughtfully distribute your estate to your heirs and outline your wishes for your children.
- Access to a comprehensive website with homeschool laws for your state, legal alerts, and instructional videos to prepare you to counter legal problems.
- A **20% DISCOUNT ON LEGAL AND EDUCATIONAL RESOURCES** from the Christian Law Association.