

# Here's Why Homeschoolers Oppose House Bill 294

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## **Executive Summary:**

Many Idaho Representatives were surprised to receive personalized emails from 700 homeschool families on the subject of House Bill 294, the *Strong Students Grant and Scholarship Program*. The message of those emails was clear: Please remove homeschoolers from this bill.

The incongruity of parents who are passionate about the education of their children emphatically declining the prospect of state funding for their efforts seems to have puzzled a number of these well-intentioned legislators.

By this packet, Homeschool Idaho would like to clarify the history and reasons for home educators' uniform opposition to House Bill 294. Here is a brief summary:

- 35 years ago, parents who wished to teach their own children at home were prosecuted and imprisoned for their beliefs
- After that tragic start, home educators began the long battle to obtain and preserve the liberty to teach their own children at home
- That journey culminated 25 years later in 2009 when the Idaho legislature unanimously revised Idaho's *Compulsory Education Law* to explicitly establish and preserve for homeschoolers the right to teach their own children at home free from state interference
- Out of this sometimes-painful past, Idaho home educators came to regard state involvement in their educational endeavors with a wary eye.

With that as a backdrop, the proposal to bring any homeschoolers under the legal or regulatory control of the State Board of Education is regarded as a dangerous step in the wrong direction.

In the balance, our precious liberties are more important to us than the prospect of financial assistance from the state.

The solution to all of this? Here is what we request:

- Revise definition of "Eligible Student" to exclude homeschoolers
- Delete "Emergency Declaration" at end of bill

Thank you for the privilege of being heard on this important issue.

Respectfully submitted,

Linda Patchin, President, Homeschool Idaho

## Table of Contents

<u>Section</u>	<u>Page No.</u>
Executive Summary	1
I. Short History of a Long Journey	2
II. What is Homeschool Idaho	3
III. Inevitable Rules & Regulations for Homeschoolers?	4
IV. Participants Endangering all Homeschoolers	4
V. Limits of State Board of Education Authority	5
VI. Wasteful Generosity is still Wasteful	6
VII. Emergency Declaration – What’s the Rush?	6
VIII. Conclusions & Solutions	7
Suggested Amendment	7

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### **I. Short History of a Long Journey: Freedom for Home Education in Idaho:**

In the mid-1980’s, six Idaho homeschooling parents were jailed in Payette County for having the temerity to believe that parents had the right to teach their own children at home. While in jail, custody of their children was handed over to other extended family members by the court.

In the wake of those tragedies, the small homeschool community in Idaho began the long, slow process of taking control of their children’s education through legal and legislative battles across the state.

As the outcome of that decades-long struggle, Idaho’s *Compulsory Education Law* was unanimously amended in 2009 to provide homeschoolers with a clear right to teach their own children free from intrusive government involvement. Then, providing even further protections, homeschoolers in 2015 collaborated with the Idaho Department of Health and Welfare to develop and adopt a clear set of investigation guidelines that would be followed in those rare circumstances where the adequacy of any family’s homeschool program was questioned.

As the result of all of this, Idaho is today regarded by many as the very best state in the country for parents to teach their own children at home.

Because Idaho home educators cherish our hard-won freedoms, we have always been unyielding in our opposition to government funding for home education. We know that with government funding comes accountability, as it should. ***What the government funds, it has the right to control.***

Over the last twenty-nine years at our Homeschool Legislative Pie Days, as we have shared homemade pies at our annual “show-and-tell” event, we have consistently explained to legislators that we opposed any mechanism to publicly fund home education, whether in the form of tax credits, vouchers, educational savings accounts, or now grants and scholarships.

In the end, the concept of “state-funded homeschool student” contradicts and compromises the very autonomy that we have earned and cherish.

If you’d like to learn more about the history of home education in Idaho, please view a short video on our website at [HomeschoolIdaho.org](http://HomeschoolIdaho.org) by scrolling down the home page to the “Learn Idaho’s Homeschool History in 5 Brief Minutes” icon.

An article articulating our views on state funding is available at [HomeschoolIdaho.org/legislation-watch/frec-money/](http://HomeschoolIdaho.org/legislation-watch/frec-money/).

## **II. What is Homeschool Idaho?**

Allow us to introduce ourselves in case you are not familiar with our organization. Homeschool Idaho, Inc. is the oldest and largest statewide homeschool organization in Idaho.

We are an all-volunteer 501(c)(3) organization that endeavors to inspire, promote, and preserve private home education in Idaho. Thousands of Idaho’s homeschooling families look to Homeschool Idaho for leadership and inspiration.

Here’s a short summary of some of our many services:

- We put on an annual state homeschool convention each June
- We email free weekly newsletters to all of our families
- We keep our families informed with special alerts when legal or legislative efforts may affect their right to freely home educate
- We host multiple social media outlets for Idaho’s homeschool families
- We publish a quarterly full-color magazine
- We coordinate a statewide homeschool graduation ceremony each May
- We facilitate online testing for homeschool students using the Iowa Assessments and publish composite test results
- And, best of all, we hold our annual Legislative Pie Day at the capitol so that our families can meet and engage with their legislators

### III. Inevitable Rules & Regulations for Homeschoolers?

Supporters of this bill insist that it does not include any provisions that compromise homeschoolers' freedoms. Unfortunately, that assurance is a bit misleading.

***The bill's sponsors incorrectly claim that House Bill 294 will shield homeschoolers from rules established by the Board of Education.*** They claim that the Board has only limited rulemaking authority and that its authority does not extend to programs such as those in this bill.

But the State Board of Education actually has extensive rulemaking authority. There are already more than 150 pages of fine-print rules in the *Idaho Administrative Code* that have been adopted by the Board. And ***that includes 13 pages of rules that apply specifically to other scholarship programs.*** So, legislator assurances to the contrary, we should expect many more rules in the wake of this bill.

This bill contains a mere skeletal description for the programs it establishes. As is usually the case, that description must be fleshed out with rules and regulations before it can become operational. Indeed, line 25 on page 4 of the bill expressly requires that ***every*** participating parent must sign an agreement that they will ***"comply with all other rules and requirements"*** of the program.

Experienced legislators know that a state scholarship program cannot possibly operate without rules created by the administering agency.

House Bill 294 expressly hands to the Board of Education the far-reaching power to flesh out the program by establishing a vast array of administrative rules concerning everything from determining the information that will be required from families who apply, to the routine reviewing of educational expenditures by program participants.

And that will be the first small breach in the wall that has protected us for the past decade from state oversight of home education. ***These powers of the Board of Education over homeschoolers are an unprecedented recipe for intrusion upon our freedoms.***

In short, if as the supporters point out, the money follows the student, we must not lose sight of the fact that, in the wake of the money, bureaucratic restrictions will likewise follow as sure as night follows day. And, in truth, as taxpayers, we should expect nothing less. Expenditures of taxpayer funds without restrictions or accountability should never occur.

### IV. Participants Endangering All Homeschoolers

The sponsors of this bill dismiss the concerns of the broader homeschool community by arguing, ***"If you don't want the money, don't apply for it."***

If any man really could be an island, this platitude might carry some weight. But like all genuine communities, what is done by one homeschooler impacts the freedoms of all.

Homeschool Idaho and its affiliated families oppose this bill because it creates a new class of homeschoolers. For the moment, we have only (1) parent-funded homeschoolers and

(2) public-school-at-home students who are enrolled in the state's online charter schools or online public school programs. Indeed, the Department of Education website clearly notes that . . . "Idaho does not regulate or monitor home school education . . . **All costs associated with home schooling are the responsibility of the parent/guardian.**" But if passed, House Bill 294 would create a new hybrid, the "state-funded homeschool student."

Currently, those who privately homeschool have essentially no state oversight. Protections are already in place in the rare occurrence that parents fail to teach their children. But the new state-funded homeschoolers would be brought under the ongoing scrutiny and authority of the State Board of Education – the agency that runs the entire public school system. This would, of course, chip away at the wall that has been carefully erected for so many years to separate and protect Idaho's homeschool families.

In the history of home education in Idaho, it was the same public school system that is still operated by the State Board of Education that was the worst persecutor of homeschool families. The prospect of a casual return to those times of tyranny is what elicits such a passionate response against the provisions of this bill.

For thirty years, Homeschool Idaho and their thousands of affiliated families have told legislators that we oppose state funding. **Instead of praising our independence and frugality, the bill's sponsors are trying to force feed us exactly what we have consistently told them we don't want.**

As the frog on the stove reminds us, freedoms are lost one small step at a time.

## V. Limits of State Board of Education Authority

Title IX, section 2 of the *Idaho Constitution* states, "The general supervision of the state educational institutions and public school system of the state of Idaho, shall be vested in a state board of education . . ."

Section 33-101 of the *Idaho Code* states, "For the general supervision, governance and control of all state educational institutions . . . and for the general supervision, governance and control of the public school systems . . . a state board of education is created."

While *Idaho Code* section 33-107 contains a lengthy list of matters that are within the jurisdiction of the State Board, that list does not stray from the narrow bounds of the K-12 public school system and the state's college and university systems.

Neither the bill, nor its sponsors, have suggested any legal basis for the State Board to suddenly step beyond the boundaries of its defined arena to direct this massive scholarship and grant program for private and homeschool students, none of whom are enrolled in the public school system.

In other words, as created and defined within Idaho's existing laws, **the Idaho State Board of Education lacks the legal authority to administer a program that excludes public school students as the scholarship program does.**

## **VI. Wasteful Generosity is Still Wasteful:**

If passed, the scholarship portion of House Bill 294 would allocate state funding for homeschoolers of about \$6,000 per year per student. But bear this in mind: According to a 2009 study by the National Home Education Research Institute, the median amount spent per year on a homeschooled student's education (for textbooks, lesson materials, tutoring, enrichment service, testing, counseling, evaluation, etc.) was between \$400 and \$599.

So how does a government project that plans to reward families with *ten times* that amount make fiscal sense? At least with respect to homeschoolers, this is pork-laden spending at its worst. The very magnitude of the scholarship cannot help but spark a willingness among homeschoolers to make expenditures that normal frugality would preclude.

Further, Homeschool Idaho has heard from public school parents who received Strong Student Grants during the past year. They described a system with a limited number of vendors who raised prices once they became qualified as an approved vendor. Common items from crayons to computers were routinely priced by those vendors at levels significantly higher than the prices charged by the same vendors at their regular retail or online outlets.

It seems that the taxpayer dollars gifted under this year's grant program were regarded as the equivalent of Monopoly money. Recipients willingly paid inflated prices because the money really wasn't theirs. It was "free money."

Ironically, Idaho law prohibits price-gouging during an emergency. But in reaction to the current emergency, legislators are proposing in this bill to not only institutionalize such price gouging, they want to actually fund it.

## **VII. Emergency Declaration – What's the Rush?**

Tacked on the tail end of House Bill 294 is an "emergency declaration." Yet there has been no description or explanation of any such emergency.

If this emergency declaration remains in the bill, the State Board of Education will be obligated to immediately operate the program without any of the multitude of rules and regulations that it will need to consider and formulate before the doors are thrown open for applicants to come forward.

Making this bill effective upon the signing by the Governor is a recipe for disaster as applicants and the Board of Education scramble to play catch up on these new programs.

## VIII. Conclusions & Solutions:

***Here are a couple of very important questions for you:*** Why would legislators decide that they know better than the homeschoolers themselves what is best for those who home educate? Why would legislators even attempt to force feed homeschoolers exactly what we've said we don't want and have proven we don't need?

Please, respect our concerns and remove homeschoolers from this bill.

Here's a quick summary of the responses that we think are warranted by the terms of House Bill 294:

***Remove Homeschoolers*** from the programs by making them only available to public and private school students using the amendment shown at the bottom of this page.

***Delete the Emergency Declaration*** to give the Board of Education adequate time to prepare for the implementation of this bill if it should actually be passed.

**Simple Amendment to Remove Homeschoolers from House Bill 294:** Replace Lines 21-30 on Page 2 with:

***(5) "Eligible Student" means:***

***(a) For purposes of Idaho Code section 1031, a student enrolled full time in kindergarten through grade 12 at a public school or private school located in Idaho; and***

***(b) For purposes of Idaho Code section 1032, a student enrolled full time in kindergarten through grade 12 at a private school located in Idaho.***