

When Officials Come Knocking at Your Door

A True Story

By Elizabeth Vana Bryant, HSC legal volunteer

The Visit

This week, a close friend received a surprise visit from her local school district. It was, of course, a crazy (i.e., typical) homeschooling morning-the house was a mess, my friend was in disarray, and the doorbell rang. Expecting another homeschool family who was due to visit, she flung the door open to find a man in a suit!

He introduced himself as the Private School Liaison from her local school district's Department of Pupil Services and Attendance. Quickly coming to her senses, my friend immediately stepped out onto her front porch, and closed her front door firmly behind her.

The school official stated that he was visiting the new private schools in the district, and, in Impressive Official tone, demanded to see “all the administrative documents.”

Luckily, my friend knew her legal rights. She responded, “What exactly would you like to see? I understand that there are only certain documents which you are entitled by law to see.”

Now, it was the official who was on the defensive! Taken by surprise, he began sputtering, “Uh, you know, your administrative documents.” My friend firmly (albeit nervously) asserted, “Could you show me the code sections on that?” She knew the law, and he clearly didn't.

Mr. Liaison began fumbling through his notes and his department's worksheet for the names of the appropriate documents. She allowed him to search in uncomfortable silence. She did not assist him in any way, nor did she offer any additional information or friendly conversation. Finally, he located some departmental notes and asked for her R-4 (private school affidavit) and attendance records.

My friend simply said, “Oh, those I can show you. Let me get them for you. Please wait here.” She went into her house, closing the door behind her, leaving the official standing alone on the porch. Of course, her heart was racing and it was difficult for her to think straight as she ran through the house! Fortunately, my friend had had the foresight to have prepared a fire-engine red binder last October, just in case this occasion should arise.

In her thin red binder, my friend had filed the following items:

- A copy of her Private School Affidavit, printed off of her computer at the time she filed electronically.
- A copy of the computer-generated confirmation number issued when she filed electronically.
- The white U.S. Postal Service proof of mailing from when she sent her confirmation copy to the California Department of Education.
- The date-stamped green U.S. Postal Service Return Receipt which was proof that the California Department of Education had received her confirming copy.
- Attendance records for her school. My friend prints forms off her computer: one sheet per child per month. Each day of the month is then manually marked [P]resent, [W]eekend, [H]oliday or [S]ick, and the abbreviations used are explained in a key at the bottom of each page.
- A city business license. While most homeschoolers do not obtain a business license, my friend runs a private ISP which includes her child and some of her homeschool friends, so she thought a city business license was an appropriate acquisition. She tells me that it was very easy to obtain, it's free (since she doesn't earn thousands of dollars, she qualifies for Small Business Exemptions), and it looks really official.
- Printed copies of selected sections of the Educational Code (the law) that pertain to homeschooling, including California Education Code §48321.5(e).

My friend keeps “clean” copies with no underlines, no notes on them, in her red binder. (Her marked up copies are elsewhere in her home, so that officials cannot see her notes.) My friend told me that if Mr. Liaison had become insistent, she might have shown him the clean copies of the laws to which they must both adhere. She grabbed her red binder off the shelf and dashed back to her front porch, firmly closing the door behind her, again. She assertively (yet politely) opened her binder directly to the private school affidavit and showed him the Postal Service return receipt.

When Mr. Liaison asked, my friend politely verified that the number of students enrolled was still accurate. At his request, she quickly flipped through the stack of attendance records, not really stopping long enough for him to read the details or the students' names on the sheets. Once she presented the Private School Affidavit and attendance records, and it was clear that he was getting nothing further, the school official realized the visit was over. He gave my friend his business card and offered his assistance for locating curriculum before departing. My friend was polite, but firm, in bidding him goodbye.

Know your rights

You have a constitutional right to privacy, guaranteed by the Bill of Rights. School officials have no authority to enter your home without a warrant. But, if you do permit them to enter, anything that they see or that you reveal to them can be used against you later.

Therefore, be polite, but be firm. You should request the school official's business card or other official identification at the outset of the visit. Don't chat; keep conversation to a crisp, businesslike minimum. Don't allow the school official into your house. Leave him outside on the doorstep, and close the door behind you so he cannot peer over your shoulder.

Public school officials only have the right to view your private school affidavit (R-4) and attendance records. They may verify the attendance of an individual pupil (i.e., "Does Amy Smith attend this school?") but they must request this information by pupil name. They are not entitled to a list of all of the students in the school, nor may they ask to talk to the students.

Don't allow your children to answer the doorbell during school hours. Even when school officials "play dumb"-like my friend's experience where the official fumbled for the names of documents-assume that they are like Detective Columbo, who used to bumble in order to get people to let down their guard. The officials will broadly request "all your administrative records" even if they are only entitled to a few of them.

Do not offer additional information. Know what they are entitled to see, and stand up for your rights. Remember in all your dealings that you are a Private School. This is not about "homeschooling." It is about the legal requirements for Private Schools, whether that be the Our Family Academy or the major parochial school in town. Discuss all official issues acting as Director of your Private School.

Be prepared

Make your "inspection file" now, not while the school official is on the doorstep. When he is on the doorstep, you will probably be nervous. If you are nervous, you are far more likely to (1) provide unnecessary information which opens you to scrutiny, or (2) be unable to locate necessary information, which will also jeopardize your position.

Some people proudly keep all their homeschooling records in one single file folder. But how well does this work when the school official is at the door? School officials are not entitled to see most of the records which established private schools must maintain, including tuberculosis vaccination records, courses of study, and teacher qualifications. And you certainly do not wish to display other information you might maintain, such as journals, reading lists, curriculum, or copies of student work. If you keep all these in one folder, will you be able to extract your private school affidavit and attendance records from this thick mass when the official asks for them? What is the likelihood that you will accidentally display one of the other unrequired documents in your hurry? If you keep your attendance record in your personal calendar, would you want that school official scrutinizing your planned events as he views the attendance record?

It's quite calming, our friend says, to know that your "ducks are in a row" when you run to pick up that waiting red binder with an official at your door! If you are prepared, you will be

confident. Keep your private school affidavit (and the proof that the California Department of Education received it) in the same place as your attendance record. Maintain an attendance record which does not have extraneous information on it. Keep your record easily accessible; my friend keeps hers in a bright colored binder so that she will be able to locate it quickly, no matter how messy her house is, (because you know that the day a school official shows up will be the day when your house is in the depths of disorder!).

My friend's encounter shows that you can meet your local school official and live to tell about it! You can successfully defend your Private School. All that is required is a little planning, preparation, confidence, and knowledge of your legal rights. For more information about your legal rights, see the legal section of our website at www.hsc.org.

Elizabeth Van Bryant is one of several members of HSC who are licensed attorneys in the State of California. These members volunteer their time answering general legal questions that are sent to them through the HSC website or e-list. This advice is not intended to create a lawyer- client relationship or to constitute legal advice. No two factual situations are exactly alike. Therefore, people who ask questions should always do their own research and/or consult their own counsel.

When Officials come knocking at your door . . . But I'm in an PSP!

by Joanne Poyourow

Even if your student is enrolled in a PSP (Private Satellite Program), many of these recommendations still apply.

Know your rights

Enrollment in a private (“homeschooling”) PSP is exactly the same, legally, as enrollment in the local parochial school in your neighborhood. You're the Parent, your child is the Student, and your PSP contact person is like the “School Principal.” The major difference is that you, not any agent of the PSP, are the teacher.

If school district officials come knocking, simply inform them that your child is enrolled in such-and-such Private School. Beyond proof of enrollment, you as Parent have no further obligations. Politely and firmly instruct officials to direct all further questions to the PSP contact person. It is not up to you to produce attendance records, R4s, or any items proving the existence or validity of the PSP. Again, be polite and businesslike. Don't allow the school official into your house, or get chatty, or display unrequired documents, or permit him to speak with your children. You are not required to do any of these things and the official has

no authority to insist upon them. Recall the Columbo example from this article: anything extraneous could potentially be used against you. Be cautious and wise.

Be prepared

Your PSP should give you documents that are proof of enrollment. The exact format of these documents varies by PSP. You might have a Student Identification Card, a letter certifying enrollment, or another document that proves your student is enrolled at the PSP.

Additionally, have available the name, title, and phone number (business card, perhaps?) of your PSP contact person.

In the main article we mentioned preparing a separate “inspection file.” You should do this for an PSP enrollment as well. By placing your student's proof of enrollment document, together with the contact information for the PSP, in a separate file (for each child) ahead of time, you won't be fumbling around with an official standing at the door.

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