

# How Can Homeschoolers Avoid Truancy Officers or CPS

How Can Homeschoolers Avoid Truancy Officers or Children's Protection Service?by Linda J. Conrad Jansen, Esq.

Most homeschoolers will never meet a truancy officer, child welfare worker or social worker. Thousands of homeschoolers peacefully and openly educate their children at home and in the community. There are, however, certain risk factors that may bring certain homeschooling families to the attention to government authorities or escalate the contact to the point of requiring judicial intervention. Some of these risk factors are:

- Removal from public, private, independent study or charter school
- Custody battles
- Welfare recipients
- Unsupportive families, friends or neighbors or members of the community

(1) Removal from public, private, independent study or charter school.

Several things may happen when a child is removed from public, private, independent study or charter school, whether the switch is made during the summer or mid-session. Problems can arise when the family (a) Neglects to advise the public school that the child is now attending private school; (b) Is involved in an ongoing dispute with the public school prior to the decision to homeschool; or (c) Is receiving special education services. You can minimize your risk of contact or referral to a truancy board by following these steps:

Do not tell government officials you are planning to homeschool or ask them how to homeschool, unless you know they are supportive of independent homeschooling. Tell them you are putting your child in private school or starting a private school.

Obtain a Private School Affidavit (R-4) from the County Superintendent of Schools (or State Superintendent if you live in Los Angeles, Alameda or Tehama Counties). Tell them that you are starting a private school.

Fill out and return the Affidavit by mail or in person as soon as you decide to start your school. After the first year the Education Code requires that it be filed between October 1 and 15.

Send a letter to your child's prior school (public or private) on your new school letterhead advising them that (name of your child) is now enrolled in XYZ School. Request that the cumulative record be sent to XYZ School and sign it as the Principal, Administrator, or other title. You can send this letter prior to sending the R-4 for filing. The R-4 does not establish your school; it merely proves that it has been established.

Familiarize yourself with, and follow, the other [requirements for starting a home-based private school](#).

If your child is receiving special education services, the school may be reluctant to let you

leave their program for financial reasons as well as out of concern for your child. You are still entitled to special education services, although recent interpretations of the regulations are changing the way that agencies are handling the disbursement of services. If your child is in need of services, make sure that your child will be able to receive the services while enrolled in a private school. If the public school is unwilling to provide the services your child needs, you may wish to consider a public school independent study or charter school alternative. HSC is researching the law in this area, and hopes to have more information about homeschoolers receiving special education services in future issues.

If you no longer want to receive special education services, the school cannot force you to continue to receive them. Advise them that you will be obtaining the services privately. Contact me immediately if you are questioned or harassed about your decision to start a home-based private school and homeschool your child. Our early intervention often resolves problems quickly and easily.

### (2) Custody Battles.

Although parents have the absolute right to choose the educational alternative for their children, when parents cannot agree, the court will decide. Homeschooling is generally being awarded in those cases where the parents were homeschooling by agreement prior to the divorce or where the evidence is overwhelming that it is in the best interest of the child to homeschool. Good legal representation is essential.

Child support and custody battles that turn acrimonious can lead to even greater problems for a single homeschooling parent. In some cases, custody battles become so bitter that the parents forget the best interest of the children and start making accusations and counter accusations that end up in referrals to truancy officers or child protection services. The way to avoid or handle these referrals is:

Reach an agreement with the other parent to homeschool your child. Point out that homeschooling can enhance the other parent's relationship with the child because the child will have more time available to be with both parents.

Consider using a private mediator to help you reach an agreement.

At all times consider the best interest of the child. It is not in the best interest of any child for his or her parents battling. It may be better to send your child to school outside the home than to fight.

### (3) Welfare Recipients.

Occasionally welfare benefit workers attempt to reduce aid benefits, claiming the children are truant. The law recently changed requiring that benefits be reduced if children are truant. This is a government attempt to keep children in school by coercing the parents to get them to school or lose their benefits. Some welfare benefit workers do not understand homeschooling law and may refer legal homeschoolers to a truancy board. Such a referral can be avoided by taking the following steps:

Take care of this problem immediately. Let your worker know you have chosen a legal way to homeschool. Contact us if you need help convincing your worker. Your worker will not stop questioning you until he or she is convinced that independent homeschooling is legal. Do not feel that you need to enroll in a public school or another option approved by the social worker. You are legally entitled to choose the best option for your child. Enrolling in an option that does not meet the needs of your child or that has requirements that you cannot fulfill may complicate the issue if the case goes to the District Attorney.

If your worker questions your schooling, provide him or her with a copy of your R-4 and verification on school letterhead that your child is enrolled in and attending your school. Contact HSC immediately. Do not try to handle this problem without guidance.

(4) Family, Friend or Neighborhood Referrals.

Occasionally well meaning but misguided, or maybe just nosey, family members, friends or neighbors will refer families to the truancy board or children's protective services. This is extremely rare, but it happens. The following steps may help avoid these kinds of referrals: Involve your family and friends in your decision to homeschool. If they are skeptical, provide them with information, books, and literature about homeschooling and involve them in your educational decisions.

Do not leave your children unattended.

Spend time in the community, even during school hours.

Meet with other homeschooling families to provide support.

In my experience, our children are our best ambassadors, and often can turn even the most vehement anti-homeschooling relative or friend into a homeschooling advocate.

What Should You Do If CPS Worker Contacts You?

Do not allow a worker or police officer into your home without a warrant. Deny permission to enter the house and demand a warrant.

Call an attorney experienced in juvenile dependency cases immediately.

Call HSC at 888-472-4440

What Should You Do If a Truancy Officer Contacts You?

In most cases the first contact will be by letter. Do not ignore this letter.

If a truancy officer comes to your home, take any information they want to give you, but do not let him or her in your home without a warrant.

As soon possible, provide the investigating officer a copy of your R-4 and written verification that the child is enrolled in and attending your school.

Call HSC at [info@hsc.org](mailto:info@hsc.org). Early intervention is essential.