

Open Letter Regarding Homeschooling Legality

March 9, 2015

Attention California parents, lawmakers, and other interested parties:

It has recently come to my attention, in the course of my duty as an attorney member of the Homeschool Association of California's legal team, that there is some confusion being spread as to the status of homeschooling in California.

Homeschooling is legal in California. It is NOT a grey area. It is NOT unclear whether it is legal.

The California Court of Appeals reached a definitive decision in a case which personally involved attorneys from HSC, and many many other organizations, interested parties, and homeschool advocacy groups. This was an immense undertaking, and in the end homeschooling was definitively found to be a legal and established right of parents within California. That the statutes which permit homeschooling leave much to be desired in terms of a less circuitous route is of no import: homeschooling in California is legal.

The following is language from the case itself, JONATHAN L. et al., Petitioners, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Cal. Ct. App., 2nd Dist., Div. 3 (2008), B192878

"we first consider whether home schooling is permitted under California statutes. We conclude that it is."

Furthermore, information has been incorrectly disseminated through multiple outlets, and on multiple occasions, regarding the ability of a local educational agency to determine the validity of a homeschool that operates subject to the requirements of a Private School Affidavit.

Allow me to clearly state the role of such agency, found within the same opinion referenced above:

"As long as the local school district verifies that a private school affidavit has been filed, there is no provision for further oversight of a home school." [emphasis added].Jonathan L., *ibid*.

Therefore, while the local educational agency is by no means required to verify a private school affidavit, if it does so decide, once that action is taken, that is where the inquiry must end.

Parents are not required to provide ANY documents to the local school district regarding the efficacy of their homeschool. Parents may provide a courtesy copy of the PSA, which the local school district can also secure directly from the state, if local school district sees such action as an extension of its due diligence. This is the complete and full extent of the matter.

Please feel free to forward any subsequent inquiries or questions regarding this well established area of the law to my attention.

Regards,

Caitlyn Obolsky, Attorney at Law
Homeschool Association of CA