

HSC and 2008 Court of Appeals Case Success

On August 8, 2008, the California Court of Appeals for the Second Appellate District ruled that homeschooling is indeed a legal option in California. This was a reversal of a ruling in February of that year that parents must hold a teaching credential to homeschool their children, and confirmed HSC's long-held interpretation of private school laws.

Appellate Court reversal of the In Re Rachel case

http://0104.nccdn.net/1_5/1b5/0f0/033/homeschoolingcase.PDF

In Re Rachel case

http://0104.nccdn.net/1_5/1b5/0f0/033/HomeschoolingCase1.PDF

This is a letter dated October 28, 2012, which was written by HSC's attorney and homeschooling mother, Debbie Schwarzer, to Mark Parnes of the firm Wilson Sonsoni Goodrich & Rosati.

Mark,

I am reminded every year of the gigantic contribution the Firm made to parents in California who want to teach their own children at home, and I wanted to take the opportunity to thank the Firm again for what it did.

You may recall that, in early 2008, a state appellate court in Los Angeles held that parents who did not hold valid state teaching credentials could not teach their own children. The decision affected as many as 200,000 children in the state, instantly making the children truant and the parents guilty of misdemeanors if they did not immediately enroll their children in public or traditional private schools.

I had served as legal chair of the Homeschool Association of California ("HSC") for almost a decade. I knew that the holding was wrong, as did all

of my colleagues in the various California homeschool support and advocacy organizations, but we didn't know how to challenge it ourselves. I reached out to you, and the Firm pledged its help.

The Firm put together a wonderful team, and I worked with that team for over four months to craft an amicus brief in partnership with Morrison & Foerster and Baker & McKenzie, pro bono counsel for the two other statewide homeschool support groups. The Firm and HSC didn't get the sexy argument about constitutional principles or the easy argument about the proper role of the court in cases involving children who were already under its protection. We got the difficult and tangled argument that the court's interpretation of the various statutes was flawed and did not properly take legislative history into account. The Firm also had the unenviable job of weaving three separate briefs into a coherent whole and filing it, with the boxes of ancillary materials, in the proper form by the deadline. Its performance was spectacular. Afterward, I learned that the value of the time spent on this case exceeded \$2 million.

We attended the rehearing in June, and in August, the court essentially reversed itself, holding that state law did expressly contemplate that parents who did not hold state teaching credentials could form private schools and teach their own children. Reading the opinion, it seems clear that the difficult, unsexy statutory arguments were the most persuasive to it.

I am certain that educating my two boys outside of the regular public and private system, using teaching methods and a curriculum tailored to meet their very individual needs, has absolutely been the correct choice. Like thousands of other families in the state, I value the freedom given under state law to make that choice. For a few short months in 2008, that freedom was in grave danger. And so, on behalf of myself and every member of HSC, I would like to express again my gratitude to the Firm for its extraordinary efforts.

Thank you.

Debbie Robbins Schwarzer