



Texas Supreme Court Maintains Homeschool Freedom

A message from Jim Mason

Dear HSLDA Members and Friends:

On June 24, 2016, the Texas Supreme Court issued its decision in the McIntyre case without removing any legal protections for homeschool parents in Texas.

As HSLDA reported two years ago, this case began when Michael McIntyre's parents complained to an attendance officer that Michael and his wife were not adequately teaching their children. According to the McIntyres, the complaints arose out of a contentious dispute about a family business.

The school district prosecuted the family with "failure to provide homeschool verification documentation," but the charges were dismissed after intervention by an HSLDA-associated attorney. The McIntyres then sued the district and several school employees, claiming that the school employees were improperly colluding with the grandparents rather than simply performing their official duties.

An appellate court found in 2014 that the McIntyres should have pursued an administrative appeal to the Texas Commissioner of Education before suing, and threw out the case. But in a 6-3 decision last week, the Supreme Court ruled that because the McIntyres' claims were not issues of "education law," they were not required to go through the bureaucratic tangle of administrative appeals – they could go straight to court. Now the case heads back to the appellate court to deal with other defenses that the school district raised.

Because the Court focused only on the procedural issues, it did not address any issues relating to homeschooling. This leaves the strong legal protections of the Leeper case that Texas homeschoolers have enjoyed for decades untouched.

Homeschools still do not have to initiate contact with a school district, submit to home visits, have curriculum approved, or have any specific teacher certification. Homeschools need only have a written curriculum, conduct the school in a bona fide manner, and teach math, reading, spelling, grammar, and good citizenship.

We encourage you to contact us if your homeschool is ever questioned by school officials, so that we can assist you in drafting a statement of assurance.

Sincerely,



Jim Mason
Vice President of Litigation