

Please note that State Education Commissioner Dianna Wentzell gave false testimony during the March 1 public hearing on SB-874.

What is the truth about the law and the Commissioner and the DOE's responsibility?

It is not the "responsibility" of the Commissioner and the State Department of Education "to make make sure that all of the children in our state are receiving an education that meets a standard".

thank you,
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Below is the statement from National Home Education Legal Defense attorney Deborah Stephenson:

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Why didn't the State Education Commissioner tell the whole truth about the law and the purpose of the plan to "register" all homeschoolers at a recent public hearing?

Didn't she know the law, or, was she intentionally trying to obfuscate?

At the legislature's Education Committee public hearing on March 1, State Education Commissioner Dianna Wentzell testified about the Governor's education proposals in Senate Bill #874. Sections 17 of the bill requires all homeschoolers to "register" with the local public school. Section 18 allows "registered" homeschoolers to access some State Department of Education (DOE) "frameworks" for curricula.

Committee member Representative Henry Genga asked the Commissioner about the registration of homeschoolers. Lest we be accused of “doctoring” anything, the verbatim exchange is provided below:

Question from Rep. Henry Genga:

“Just one question in here there’s a requirement that homeschoolers register with their school district. Could you explain the purpose of that?”

Answer from State Education Commissioner Dianna Wentzell:

“We have a responsibility at Department of Education, and all of us collectively who care so much about education, to make make sure that all of the children in our state are receiving an education that meets a standard that will set them up for being ready for college or career after high school, wherever they are receiving their education. So it’s very important to support a collaborative relationship between parents and the communities in which they live, and to make sure that those parents have the resources that the state has invested the local community with. And we particularly support the curriculum being available to the families so that they could choose to use it in order to make sure that students stay on track and are ready for their futures regardless of how their parents choose to educate them.”

Question from Rep. Jenka:

“Will that list be shared with any other agencies.”

Question from Commissioner Wentzell:

“The curricula?”

Answer from Rep. Genga:

“The registry of homeschoolers.”

Answer from Commissioner Wentzell:

“It is not the intention that that...that would be a local registration and it would not be shared. It would be for local purposes.”

The Commissioner, quite simply, at worst, did not tell the truth about what her “responsibility” is, or, at best, did not know what the truth is. Either way, what she said was misleading - to the legislators, and to the public.

What is the truth about the law and the Commissioner and the DOE's responsibility? Here are the facts.

It is not the “responsibility” of the Commissioner and the State Department of Education “to make make sure that all of the children in our state are receiving an education that meets a standard”.

According to our State Supreme Court, in the CCJEF case (Connecticut Coalition for Justice in Education Funding), it is the responsibility of the state under our Constitution to ensure only that all students have an **equal opportunity to receive** a free public education, and then, only if they choose to take advantage of it.

The state is not required to provide a “standard” of a particular kind, even to those students to accept the opportunity and take advantage of it. In fact, the Supreme Court has said that the state is required only to offer educational services that are “minimally adequate”, and that “minimally adequate” does not mean equal, or identical, even from one public school to another public school.

Didn't the Commissioner know this? Didn't she read one of the most important educational cases in our state's recent history? Didn't she read how the court interpreted our state Constitution and its applicability to the state's “responsibilities”? If she did, why didn't she correctly define what the state's “responsibilities” are? Could it be that she intentionally was misrepresenting what the state's “responsibilities” are? Could it be that she was intentionally misleading when she said it is the state's responsibility to ensure that all children “receive an education that meets a standard”, when even the Court didn't say that?

While it is true that the state Department of Education establishes “standards” for public school students to meet, that is the extent of the state's jurisdiction - to the public schools. The state cannot require that “all of the children in our state receive an education that meets a standard”.

Why? Because the United States Supreme Court has declared that parents are free to choose the kind of education they want for their children. The Supreme Court said that in several important cases, over many years. In fact, in those cases the Court declared that the state **cannot compel students to receive any public school education, period**, regardless of what standards they

employ. Parents are free to choose whatever “standards” they want for their children by choosing public, private, or homeschooling.

So the Commissioner is **dead wrong** that she and the state DOE are “responsible to make make sure that all of the children in our state are receiving an education that meets a standard wherever they are receiving their education”. Why didn’t the Commissioner say that the government cannot compel students to receive a public school education with its public school standards? Didn’t she know the state couldn’t compel that? Or, was she trying to mislead?

The Commissioner also said that the state had “to make sure” that those “registered” homeschooling parents “have the resources” and “curriculum” to “make sure that students stay on track”. What does “stay on track” even mean? Also, is “making sure” any different than “compelling”? The state can’t “make sure” that children “stay on track” with a public school “standard”. That would be an infringement of the parental right to choose private school and homeschooling. They can’t even “make sure” that children “stay on track” in the public schools with their required “standards”. Why would the Commissioner say such a thing?

At the hearing, another Representative, Jillian Gilchrist, asked the Commissioner about the homeschooling.

Question from Rep. Jillian Gilchrist:

“If someone decides to homeschool their children, what are the current steps that they need to take?”

Answer from Commissioner Wentzell:

“The proposal actually conforms very much with the current steps but it formalizes them. So when a family decides to educate their child at home, they are currently already supposed to connect with the local public school to get the support and the curriculum and different local districts handle this differently. So in some districts, for instance, there is a more formalized process. This would allow all families access to that same formalized process that is happening in a lot of our districts. For instance, families are entitled under current law to textbooks if they want them from the school districts. Very similar to the way that some of our private schools are entitled to that kind of support from the district in which the private school is located. So the intention is to provide equal access to high quality materials and curriculum that have been developed by our districts in accordance with the standards that have been passed by our state board of

education so that all children regardless of how they are being educated have the same chance of to be ready for life after high school.

Again, the Commissioner did not tell the whole truth. She didn't even answer the question asked. She never explained exactly what the "current steps" are. Actually, the "current steps" are clearly enunciated in Connecticut General Statute 10-184. Parents are required "to instruct their children or cause them to be instructed in "reading, writing, spelling, English grammar, geography, arithmetic and United States history and in citizenship, including a study of the town, state and federal governments". The statute leaves it to the parents to choose whatever method of instruction and curriculum they want to use to teach those subjects. The law does not say, **at all**, that parents "are supposed to connect with the local public school to get support and curriculum". That may be what the Commissioner and the DOE wish, but that definitely is not what the law says.

Do some school districts treat homeschool families differently? Yes, they do. Do some districts tell parents they "are supposed to" do things that are not required by law? Yes, they do. Perhaps this is why the Commissioner wants to get the "same formalized process that is happening in a lot of our districts". Perhaps this is why the Commissioner's "intention" is to provide curriculum with state and public school approved "standards" so that all school districts may "formalize" their procedures and tell parents what they "are supposed to" do. Perhaps they mean by "formalize", they want to take a first step to making it required.

Why would the Commissioner not inform the legislators of what the law actually is? Why would she tell them that parents "should be" doing something when they are not required by law to do it? Did she know what the law actually says, or, did she intentionally mislead the legislators?

Most importantly, remember that question from Rep. Genga about whether the list of "registered" homeschoolers would be shared with any other agencies? Remember what the Commissioner said - "It would not be shared. It would be for local purposes"?

Why did Rep. Genga ask that question, and why did the Commissioner assure that "it would not be shared"? Could it be that they were aware that Rep. Liz Linehan spilled the beans as to the real purpose behind the proposal? Linehan wrote to one of her inquiring constituents, in an email shared with each member of the committee, that, in fact, "By registering, if DCF cross checks families with neglect investigations, they can better serve these kids who are actually being

neglected and abused". To cross check, obviously, means to share the information. Is this why the Commissioner stuttered in an attempt to deny that the information would not be shared with any agencies? And how can that be true, when if DCF is investigating parents for neglect, they already have the statutory authority to investigate all aspects involving the child, including the child's education, and including by getting information from the public school? The simple fact is that data is shared between agencies. Why is the Commissioner saying otherwise?

We have some final questions for the Commissioner:

Commissioner, do you actually know what the law does and doesn't require, or are you intentionally trying to mislead the legislators and the public?

Either way, you owe us all an explanation. We need an answer to that question. Now.

Why don't you let us all know what the larger agenda is? After all, you did say that the Governor's bill reflects only a "first step" in a longer process.

Is this the first step in more regulation of homeschoolers?

When are you going to tell us all the whole truth?