To: Representative Robert Sanchez, Co-Chair  
    Senator Douglas McCrory, Co-Chair  
    Representative Kathleen McCarty, Ranking Member  
    Senator Eric Berthel, Ranking Member  
    Representative Jill Barry, Vice Chair  
    Senator Mary Daugherty Abrams, Vice Chair  

From: Pamela Lucashu, Legislative Liaison  
    The Education Association of Christian Homeschoolers of Connecticut (TEACH CT)

Re: Opposition to Sections 17 and 18 of SB 874  March 1, 2019

    Representative Sanchez, Senator McCrory and distinguished members of the Education Committee, *I ask you to vote No on Sections 17 and 18 of SB 874, the Governor’s bill, which call for regulation of and involvement with home instruction.*

**HISTORY**

What has prompted a call for registration of homeschoolers? Homeschoolers have been operating in Connecticut with a voluntary Notice of Intent system since 1994. Has anything happened that would necessitate changing that?

    In 2017, after the death of Matthew Tirado (a public school student); the Office of Child Advocate issued a report that was presented to the Committee on Children. For 79 pages, the report detailed multiple failures of state agencies and officials who came in contact with Matthew, over a 12 year period. Those who failed to help Matthew included the Hartford Public Schools, the attorneys involved, the juvenile court and DCF. Three months before Matthew’s death, near the time that DCF asked the court to close his neglect petition, Matthew’s sister was ostensibly withdrawn from Hartford Public Schools to homeschool. On page 78 of the report, the Child Advocate called for regulation of homeschoolers in Connecticut, pointing out that we are one of 10 states that do not require notification to the state.

    In April 2018, at a Legislative forum before the Children’s Committee, the Child Advocate made available for the first time a supplemental report of a study of 6 towns (naming only Hartford), that “discovered” 139 cases of accepted reports of abuse or neglect over a 3 year period of families who had withdrawn their children to homeschool. *The number of those that were substantiated was not clarified.* ¹ There was a renewed call for regulation of

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¹ The significance of the distinction between “accepted” and “substantiated” reports is discussed in “Numbers Don’t Lie” by Peter Kamakawiwoole of HSLDA. See Appendix attached hereto.  
homeschoolers. *There is no way to understand from the report how many cases were substantiated.*

On the heels of the forum, the Child Advocate began to issue subpoenas to multiple school districts, for additional records of homeschool students who withdrew from public school to homeschool. On June 6, 2018, the Child Advocate emailed every legislator again calling for regulation of homeschoolers, insisting that additional regulation is required to keep children safe because “due to having no law or regulation addressing homeschooling, [Connecticut] does not authorize school districts to follow up with homeschooled children.” This sentence contains two erroneous assumptions. The first is that the primary duty to safeguard children in the state lies with public schools, and the second is that it is the failure of the schools to monitor homeschoolers that renders children unsafe.

In various interviews held across the state in print and on the radio after the Forum, calls for regulation from the Child Advocate were coupled with claims that homeschooled children could “fall through the cracks”, that homeschooling was being used to hide abuse, and that once homeschool students leave the public school system, everyone’s hands are tied - including those of DCF. All of these claims are untrue.

Despite the failures of so many state authorities to keep Connecticut children safe, Connecticut’s Child Advocate appears to have disproportionately focused on homeschoolers.

**ARE CONNECTICUT HOMESCHOOLERS IN DANGER?**

Studies show that homeschool children are many times safer than public school students.\(^2\) At the time of this writing, the Child Advocate has yet to file any additional information about substantiated cases of abuse within Connecticut’s homeschooling community, so we will address the information released to-date.

In reviewing any numbers presented by the Child Advocate, it is critical to note the unstated fact that any of the cases mentioned can be enumerated precisely because they have already had, or currently have, contact with DCF. This means that Connecticut’s primary agency tasked with keeping children safe is aware of these children and empowered by statute to continue to deal with the families until their cases are resolved.

Despite various suggestions that DCF’s hands are tied, or that once children leave the public school system they will fall through the cracks, current law empowers DCF to address reasonable complaints of abuse and neglect.

Looking at national statistics, studies show that homeschooled children are significantly safer than children in the public schools. For instance, one study showed that homeschooled child fatalities from 2003-2012 were 40% lower than the national average. Homeschooled children are 257% less likely to be sexually abused than students who attend public schools. These numbers, and other research, bear out the truth that loving parents are the best ones to care for and safeguard their children.

ARE PUBLIC SCHOOL CHILDREN SAFE?

Sadly, public school children are less safe than homeschooled children. In addition to the reports cited above, a quick google search can turn up story after story of abuse problems in the public schools that include teacher-on-student abuse, student-on-student abuse, and unaddressed bullying. Many of these cases have been collected in the Facebook groups The Real Truth About Public Schools and Connecticut Research.

In the past 6 months, Connecticut Research has collected articles of 26 cases of abuse in the Connecticut schools, including teacher-on-student sexual and physical abuse, student-on-student abuse and bullying. A list of the articles is attached to this testimony. The list does not include the national stories posted, or stories about other mandatory reporters such as doctors and child services workers who have also been accused of some form of child abuse.

These cases reflect the stories heard by Connecticut homeschool leaders who are increasingly contacted by parents who want to homeschool because of the dangers and unaddressed problems in the public schools. In other words, they are fleeing the “safety net” of government officials because they are not providing safety.

Matthew Tirado’s case is a classic example of the multiple failures of the current system. It is absurd to suggest that “just one more visit” or “just one more piece of paper” would have finally prompted officials to protect Matthew after 12 years of missed opportunities.

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4 https://homeschoolingbackgrounder.com/homeschool-child-fatalities-fewer-than-national-average/
7 https://www.facebook.com/groups/1498246906952977/
IS THERE EVIDENCE TO SUGGEST THAT MORE REGULATION WOULD HELP?

REGULATION DOESN’T MAKE CHILDREN SAFER

There is no evidence that more regulation would save children. It is significant that in 2017, the Pennsylvania Auditor General reported that the state’s attempt to reduce its child abuse numbers by expanding the definition of abuse and expanding the number of mandatory reporters actually placed more children at risk. He concluded, “Overregulation and a shortage of critical resources have resulted in kids being left in situations that led to their deaths. It’s that simple.”

In Connecticut, the Federal monitor’s report of Connecticut’s DCF agency, released this week, showed that only five of ten measures are in compliance with the court supervised exit plan. DCF is receiving a failing grade in compliance measures ordered by the court since 1992. It remains understaffed, overworked and lacking in the technology that would allow workers to track cases accurately.

The highest incidence of child abuse occurs before age 5, in families with specific risk factors. In addition, our country operates on the presumption of innocence and our 4th Amendment requires probable cause of criminal activity before entering a home.

WHAT DOES HELP SAFETY?

The Pennsylvania Auditor’s follow-up Action Plan issued in September of 2017 report did not address school setting. Similarly, a federal study was conducted in 2016 by the US Department of Health and Human Services. The final 168 page report, “Within Our Reach – A National Strategy to Eliminate Child Abuse and Neglect Fatalities” did not mention school setting in relation to child abuse risk factors. Those states that have successfully reduced their child fatalities have done so by doing a thorough analysis of existing case load, focusing resources on high risk cases, and improving communication amongst state agencies. Abuse is not a homeschooling issue.

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REGULATION DOES NOT IMPACT ACADEMIC PERFORMANCE

HOMESCHOOLERS HAVE PROVEN THEMSELVES SUCCESSFUL ACADEMICALLY AND SOCIALLY FOR MORE THAN 20 YEARS

Homeschoolers have scored higher than their public school counterparts on the ACT college entrance exams for the past 20 years. 14 “Seventy eight % of peer-reviewed studies ... showed a statistically significant positive connection [between academic achievement] and home education. 15 A 2010 study showed no relationship between the degree of state regulation of homeschoolers and student achievement. 16

Similarly, studies of the socialization aspects of homeschoolers, “research suggests they have higher quality friendships and better relationships with their parents and other adults. They are happy, optimistic, and satisfied with their lives. ... As adolescents, they have a strong sense of social responsibility and exhibit less emotional turmoil and problem behaviors than their peers.”17 “Those who go on to college are socially involved and open to new experiences. Adults who were homeschooled as children are civically engaged and functioning competently in every way measured so far.” 18 There is no mystery to the success of devoted, loving parents investing in one-to-one instruction of their children.

THE TREND IN REGULATION IS TO DE-REGULATE

Perhaps due to the proven academic and social success of homeschoolers, the trend since 1984 has been towards de-regulation of homeschooling. In 1984, 23 states had high regulation, and 1 state did not allow homeschooling. Thirteen states had moderate regulation, eight states had low regulation, and five states had no regulation. In 2018, 18 states had moderate regulation, 16 states had low regulation, 11 states had no regulation, and only five remaining states (our neighbors) persisted with high regulation. 19

IS IT THE STATE’S DUTY TO ENSURE THAT EVERY CHILD RECEIVES AN ADEQUATE EDUCATION?

Connecticut’s primary education statute, 10-184, which incorporates language existing since 1650, recognizes parents as having the primary duty to “bring ...up [their children] in some lawful and honest employment and instruct them or cause them to be instructed in

14 https://a2zhomeschooling.com/teens/act_test_results_homeschoolers/
15 https://homeschoolingback grounder.com/peer-reviewed-research-academic-achievement/.
  See additional studies on homeschooling academic achievement at https://homeschoolingback grounder.com/category/research/academics/
16 https://www.nheri.org/academic-achievement-and-demographic-traits-of-homeschool-students-a-nationwide-study-2010/
17 https://homeschoolingbackgrounder.com/homeschooling-socialization-question-revisited/
18 Id.
19 See Homeschool Laws by State, courtesy of HSLDA, two charts appended.
reading, writing, spelling, English grammar, geography, arithmetic, and United States history and in citizenship, including a study of the town, state and federal governments.” In other words, the default mode of education is home instruction. Only if the parents do not provide that instruction are they mandated to attend public schools.

The U.S. Supreme Court has affirmed that children are not creatures of the state. In Connecticut, the state Constitution provides in Article VIII, Section 1 that “There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.” The Connecticut Supreme Court has interpreted this to impose a duty on public schools to provide a minimally adequate education, (CCJEF I), but it has not mandated proof that Johnny and Suzy are educated. In other words, the state’s mandate is to offer the opportunity, not to compel participation.

CONNECTICUT HOMESCHOOLING DOES NOT NEED INTERVENTION

As previously stated, studies show that neither safety nor academics is enhanced by additional regulation. In the case of Pennsylvania, the State Auditor, reviewing the impact of the burden of additional abuse regulations, stated clearly that it resulted in their deaths.

Connecticut parents have been successfully homeschooling their children, at their own expense, since 1650 when it was the default mode of instruction. When the state attempted to impose specific regulation in 1989, and again in 2003, homeschoolers opposed the regulation and we have remained a no-regulation state.

THERE IS NO NEED TO CODIFY AN OFFER OF FREE CURRICULUM

Section 18 of the bill offers free preK through 4th grade model curriculum to homeschoolers via the state website. The State Department of Education website already offers a variety of resources online to the public.

SB 874 is an answer in search of a problem that does not exist. Connecticut homeschoolers are successful at finding curriculum to suit the needs of each child. We do not desire free material from the state.

Sections 17 and 18 increase the paperwork burdens on public education at a time when we are dealing with a deficit. Please vote No on Sections 17 and 18 of SB 874.

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23 http://ctcorestandards.org/?page_id=869
APPENDIX

1. “Numbers Don’t Lie”: A response to the Office of Child Advocate’s report on homeschooling. Peter Kamakawiwoole, HSLDA attorney (3pp)

2. 1984 Homeschool Laws by State, courtesy HSLDA
   2018 Homeschool Laws by State, courtesy HSLDA

3. How Safe Are Connecticut Schools- a collection of news articles of abuse in the public and schools from September 2018 to February 2019 (3pp)
A message from Peter Kamakawiwoole

Dear HSLDA Members and Friends,

Yesterday morning, the Office of the Child Advocate (OCA) published a 28-page supplemental report on homeschooling in Connecticut. The report claims that from 2013 through 2016, 139 out of 380 students who were withdrawn from public school to be homeschooled also lived in families that were the subject of at least one accepted report for suspected abuse or neglect. The data is drawn from six of Connecticut’s 206 public school districts, five of which are unidentified.

Based on this data, the OCA concluded that “the absence of any specific state law or regulation regarding the withdrawal of students to be homeschooled has allowed certain children, some of whom may be documented victims of abuse or neglect or prior alleged victims of abuse or neglect, to be withdrawn from school without any plan for follow up or assurances that the child will receive any education at all.”

The problem with this argument is that the OCA’s report overstates its findings and their significance. The report does not show, as the Hartford Courant’s editorial board suggested this morning, that “far too many [homeschooling] parents aren’t providing safe environments for quality education to happen.”

“Accepted” is not “Substantiated”

The OCA claims that in six school districts over a three-year period, 139 out of 380 homeschooled students (roughly one-third) “lived in families that had been the subject of a previous accepted report to DCF.” This, of course, begs the question: what is an “accepted report”?

The report explains in a footnote that “accepted” reports are reports which, if true, would rise to the level of abuse or neglect. Thus, an allegation that a child is being starved or a newborn is left alone at home would be “accepted” because both allegations, if true, would constitute abuse or neglect. Conversely, an allegation that a parent paints a child’s toenails purple or failed to file a notice of intent would not be “accepted,” because neither act constitutes abuse or neglect under Connecticut law.

“Accepted” reports can then be investigated by the Department of Children and Families (DCF).

How many reports each year are “accepted”? The OCA’s report doesn’t say, but according to state data compiled by the U.S. Department of Health and Human Services, Connecticut received more than 40,000 reports of child abuse and neglect in 2016. Of these, 55 percent—or more than 22,000 “reports”—were screened out (not-accepted) because they failed to even allege abusive or neglectful conduct. And “accepted” reports
can come from a number of sources, ranging from mandatory reporters (which includes all school officials in Connecticut) to anonymous, false, and even malicious reports from people with a personal axe to grind. The OCA report also fails to clarify that there is a fundamental difference between “accepted” reports (the allegation might be abuse or neglect, if true) and “substantiated” reports (there is actual evidence to either suspect or conclude that the allegation is true). Yet outside of the six “case examples,” the phrase “substantiation” appears only once in the OCA’s report: at the top of page 7, which states that “17 children [of the 139 children examined in the report] lived in families with 1 prior accepted report to DCF and where there was no substantiation for abuse/neglect.” Every other reference to “reports” are to “accepted” reports, not “substantiated” reports. The OCA never specifies how many of these reports ultimately proved genuine, and how many were groundless. Without this clarification, the OCA’s data does nothing to quantify the actual danger posed to homeschooled children. On the contrary, the data shows that the vast majority of “accepted” reports turn out to be “unsubstantiated.” According to the U.S. Department of Health, nearly 27,000 Connecticut children were investigated in 2016; more than 18,000 (68%) proved unsubstantiated. The Courant’s editorial board opines that “far too many parents aren’t providing safe environments for quality education to happen.” But the only definitive finding of unsafe home environments in the OCA’s report is the isolated example in “Case Example (3),” which also happens to be the only case study in the report where allegations against the family were found to be substantiated. One isolated example does not establish a trend. The OCA’s report also doesn’t quantify the percentage of “accepted” reports for abuse as opposed to the percentage of “accepted” reports for neglect, or even what forms of “abuse” or “neglect” were alleged. Again, the Department of Health’s data sheds light on the topic. In 2016, 84.9% of substantiated reports in Connecticut involved some form of neglect. The percentage involving physical or sexual abuse were far smaller: just 6.7% and 4.7%, respectively. There is no data on the number of children found to be in “unsafe homes,” whether homeschooled or otherwise. **Spotlighting “homeschooling” is unlikely to prevent abuse or neglect** Matthew Tirado’s death was a terrible tragedy, and the December 2017 OCA report brought many details about that tragedy to light. We know that Matthew was the subject of multiple child welfare investigations both before and after he was withdrawn from school, some of which ended up before the juvenile court. School officials before, during, and after Matthew’s death were and remain mandatory reporters, charged by law to
report suspicions of abuse and neglect to DHS. DHS was and remains charged with investigating those reports. And the juvenile court was and remains charged with ensuring that petitions brought before it are properly resolved.

Given these facts, OCA’s initial report approached Matthew’s death comprehensively. It referenced “homeschooling” only seven times, and less than six pages (out of 80) were spent on how the education system as a whole failed to identify Matthew Tirado as a child abuse victim. The new report’s subsequent emphasis on homeschooling is therefore surprising, given that the data fails to establish any connection between a child’s education setting in general—or homeschooling in particular—and the risk of a child to suffer abuse or neglect.

In 2016, the Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF) published a comprehensive, 168-page report. The Commission did not identify “homeschooling” as a risk factor for abuse or neglect. Nor have studies conducted by the World Health Organization, the Mayo Clinic, the American Psychological Association, or the U.S. Centers for Disease Control and Prevention. Instead, the Commission found that 75% of all child fatalities involved children 3 years of age or younger, too young to be affected by any education law reforms.

HSLDA is extremely disappointed that the OCA’s report failed to appreciate—or advise its readers—about the difference between “accepted” and “substantiated” reports. As a result, numerous stories on the report contain assertions about homeschooling families that are both false and inflammatory. We fully endorse the calls by other homeschool leaders in Connecticut for the OCA to disclose the information relied upon in the report, so that the record can be set straight.

Finally, despite the errors in the OCA’s report, we anticipate that it will continue to gain local and national attention in the upcoming weeks. We are currently working with homeschool leaders on the best strategy moving forward. In the interim, you can sign up for HSLDA’s free email alert service to get the latest information about the OCA’s report, and don’t forget to make sure your contact information is current with your state organization (if you’ve never joined, now is a great time to do so). Let’s remain bold and vigilant for the truth, and for homeschool freedom.
HOW SAFE ARE CONNECTICUT SCHOOLS? HOW SAFE IS CONNECTICUT?

TEACHER ON STUDENT ABUSE

SEXUAL ABUSE

Cheshire Academy teacher Sexual misconduct by against two students

Manchester School Resource officer fired over inappropriate texts with students

Shelton teacher molested teen in woods outside school
https://www.ctpost.com/local/article/Former-Shelton-teacher-molested-teen-in-woods-

Norwich Free Academy former coach charged with sexual assault

Plainville High special ed instructor busted by sexual predator site

South Windsor teacher pleads no contest to rape of minor.

Bridgeport teacher found guilty of sexual assault of two special ed students
https://bit.ly/2Rd9BSR?utm_medium=social&utm_source=facebook_WTNH_News_8&fbclid=IwAR3A9I0KTzKB5OFTCtn64xbn1TMo6EHwzN4EI9H25-2aMGYC1OCJSyg1fXY

Danbury BOE Chair pleads guilty for sexual abuse of child

Waterford teacher fired for inappropriate contact with student

PHYSICAL ABUSE, THREATENING AND ENDANGERMENT: TEACHER OR STAFF ON STUDENTS

SPECIAL ED

Three Suffield Public School Administrators Arrested for Failure to Report Abuse; One cleared
Oxford High School teacher charged after failing to report suspected sexual child abuse

Citizens request investigation of Special Needs Services
and
70 People Sign Petition Claiming Problems in Special Ed

Special Needs Student Bus Driver Treated with Narcan After Crashing School Bus with 12 aboard

New Haven Barnard School officials subject of misconduct investigation in charge of dragging special needs child.

OTHER

Seventeen New Haven school administrators on paid leave on charges of misconduct. Accusations not identified.

Montville lunch monitor fired for pushing student

Norwalk cafeteria worker threatens to come with an AK-47

Shelton high school coach fired after racist and sexist slurs

STUDENT-ON-STUDENT ABUSE AND BULLYING

Cheshire 6th Grader commits suicide after bullying

Connecticut teen commits suicide to escape public school bullying
https://www.dailymail.co.uk/news/article-6692509/Bullied-teenage-girl-16-jumps-death-mall-parking-garage-roof

Voyeurism at Connecticut Community College
https://www.theday.com/policefirecourts/20190206/reported-voyeurism-under-investigation-at-conn-college
New Haven student’s hair lit on fire by classmate

Bulkeley High students taken to hospital after eating marijuana brownie

Rocky Hill mother complains of school failure to address bullying

Bomb threat at Sandy Hook school prompts evacuation