



Home School Legal Defense Association

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March 14, 2025

VIA ELECTRONIC MAIL

To: Members of the Illinois House Education Policy Committee

Re: Amendment 001 to H.B. 2827, Opposition Witness Written Testimony

Dear Members of the Illinois House Education Policy Committee,

By way of introduction, the Home School Legal Defense Association (“HSLDA”) was founded in 1983 to defend, advance, and promote homeschooling. As a public interest advocacy organization, HSLDA works to encourage local agencies and school districts to align their activities with the requirements of state homeschool laws, as well as federal anti-discrimination statutes, for the general benefit of homeschool families nationwide. We currently have almost 100,000 families who are members of our association across the nation. These families have chosen to stand with us in this work as we seek to advocate for homeschool freedom and related Constitutional rights.

We thank you for your work on behalf of the people of Illinois, and are grateful for the chance to submit written testimony in opposition to H.B. 2827, as amended by Amendment 001, on behalf of our thousands of HSLDA member families in Illinois. We respectfully ask that you reject H.B. 2827, as amended by Amendment 001, and provide the following background information about H.B. 2827, as amended by Amendment 001, and how it would work in actual practice, to support our request.

For your convenience, the following points reference the page numbers of H.B. 2827, as amended by Amendment 001, in the official PDF version of Amendment 001, as filed on March 13, 2025, and as available online at <https://ilga.gov/legislation/104/HB/PDF/10400HB2827ham001.pdf>.

It is important to note that HSLDA strongly opposes H.B. 2827 as originally introduced, as well as Amendment 001.

1. Amendment 001 to H.B. 2827 includes legislative findings (Section 10 on pages 1-2) which are incorrect and biased against home education and home education families and students, particularly when the evidence



shows that home educated students do well academically,¹ are not more likely to suffer abuse and neglect than their public school peers,² and when recent NAEP scores show that only a third of Illinois public school students in eighth grade are proficient.³

2. Amendment 001 to H.B. 2827 overrules 75 years of judicial precedent of home education in Illinois being treated as a type of private school under *People v. Levisen*, 404 Ill. 574, 90 N.E.2d 213 (1950). *Levisen* established a robust system for home education, including making it clear that children must be educated, and that if a truancy action has been filed against the parents in court, the parents must come forward with evidence to show that they are in compliance with the law. **It is incorrect to state that there is no way under current Illinois law to ensure that home educated children in Illinois receive an appropriate education.** Illinois also has robust educational neglect laws to ensure that children receive an appropriate education. *See, e.g.*, 705 ILCS 405/2-3.
3. Amendment 001 to H.B. 2827 uses several unique terms, including “regional offices of education,” “intermediate service centers” and “a school district organized under Article 34 of the School Code.” This link provides background on “regional offices of education” and “intermediate service centers” (<https://www.isbe.net/roe>). It is important to note that Chicago Public Schools is the only district that meets the requirements of Article 34 of the school code. What this means is that, practically speaking, only “regional offices of education,” intermediate service centers,” or Chicago Public Schools would have any regular interaction with homeschoolers (other than serving as the recipients of the “Homeschool Declaration Form” filed by homeschool families) if H.B. 2827 becomes law. Local school districts, local principals, local school boards, and local superintendents (other than in Chicago Public Schools) would not conduct any investigations of homeschool families or review portfolios if Amendment 001 to H.B. 2827 becomes law. This would be done by more centralized public education bureaucracies.
4. Amendment 001 to H.B. 2827 creates an annual notice regime (Section 20 on page 3), requiring families to file a “Homeschool Declaration Form” by August 1 of every year. This form will be created by the Illinois State Board of Education. The form will be filed by the family to the principal of the public school the child would attend or the family’s public school district. The public school or district then transmits the information to the “regional office of education,” “intermediate service center,” or the Chicago Public Schools superintendent. **This massive paperwork transfer and shuffling of paperwork will create an immense and unfunded paperwork burden on local schools, local school districts, regional offices of education, intermediate service centers, and Chicago Public Schools. Sensitive student data will inevitably be**

¹ *See, e.g.*, Lindsey M. Burke, *Bringing Achievement Home: A Review of the Academic Outcomes of Homeschooling Students in the United States* (2019), available online at <https://www.efinstitute.org/wp-content/uploads/2020/04/Bringing-Achievement-Home.pdf>.

² *See, e.g.*, Brian D. Ray and M. Danish Shakeel, *Demographics are Predictive of Child Abuse and Neglect but Homeschool Versus Conventional School is a Non-issue: Evidence from a Nationally Representative Survey* (Aug. 4, 2022), available online at <https://www.tandfonline.com/doi/full/10.1080/15582159.2022.2108879>.

³ *See e.g.*, The Nation’s Report Card, Illinois Overview, 8th Grade, 2024, available online at https://www.nationsreportcard.gov/profiles/stateprofile/overview/IL?sfj=NP&chort=2&sub=MAT&sj=IL&st=MN&year=2024R3&cti=PgTab_OT.

mishandled, leading to potential data thefts and loss of paperwork.⁴ The loss of paperwork could lead to truancy proceedings against innocent homeschool families, as discussed further.

5. The “Homeschool Declaration Form” includes detailed information and can be expanded by the Illinois State Board of Education simply through regulation. According to page 4, lines 6 – 7 of Amendment 001 to H.B. 2827, “The Homeschool Declaration Form shall include, **but not be limited to:** the name, birth date, grade level, and home address of the child; the name, birth date, contact information, and home address of the homeschool administrator; and assurance that the homeschool administrator has received a high school diploma or its recognized equivalent.” (emphasis added) Page 13, line 1 of Amendment 001 to H.B. 2827 also requires school districts to provide a report to the Illinois State Board of Education that includes the “gender” of the homeschool students in the district, so the “Homeschool Declaration Form” will also seek to determine this information. And even more concerning, Section 905 on page 13 of Amendment 001 to H.B. 2827 states that the Illinois State Board of Education “may adopt any rules necessary to implement and administer this Act.” This would mean the Illinois State Board of Education is authorized to add more data collection to the annual form, or even place more restrictions on homeschool families.
6. Page 5, lines 14 – 21 of Amendment 001 to H.B. 2827 require families to file the “Homeschool Declaration Form” annually by August 1, within ten days of withdrawing their child from public school, and within ten days of moving to a different school district.
7. Page 5, lines 22 – 26, and page 6, lines 1 – 3 of Amendment 001 to H.B. 2827 put the burden on the family if they accidentally file the “Homeschool Declaration Form” with the wrong public school or public school district. **This will disproportionately affect low income, and vulnerable families, who may not have the means to seek legal advice on how to file their “Homeschool Declaration Form.” This can lead to truancy actions against vulnerable homeschool families, as discussed further.**
8. Page 6, lines 15 – 19 of Amendment 001 to H.B. 2827 allow public school districts to retain information on homeschool students “in order to offer homeschooled children in the school district access to school programming, including, but not limited to, dental, vision, and hearing screenings, school newsletters, parent education programs, and field trips.”
9. Section 25 (starting on page 7 page of Amendment 001 to H.B. 2827) **establishes criminal truancy penalties** if a family does not file the “Homeschool Declaration Form.” The bill cites Sections 26-10 and Sections 26-11 of the Illinois School Code. **These sections of law create criminal penalties for parents for truancy, which is a Class C misdemeanor, conviction of which includes fines of up to \$500 and/or up to 30 days in jail. Conviction would also include the parent having a criminal record, and can also lead to investigation by the Department of Children and Family Services (DCFS), and potential removal of children from the child’s home and placement in temporary foster care. It is important to note that**

⁴ See, e.g., *Data from hundreds of thousands of CPS students exposed in recent breach*, Chicago Tribune (Mar. 9, 2025), available online at <https://www.chicagotribune.com/2025/03/09/cps-students-data-breach/>.

these truancy proceedings, criminal investigations, criminal charges, criminal convictions, and potential DCFS involvement will disproportionately affect vulnerable communities and vulnerable families. It is also important to note that not a single state in the nation, even states requiring annual filing, has such a penalty simply for failing to file homeschool paperwork. Indeed, most states, including Illinois, are working to reduce or avoid criminal penalties for truancy of children enrolled in public schools.

10. Paragraph (c) on page 9 of Amendment 001 to H.B. 2827 authorizes a regional office of education, intermediate service center, or Chicago Public Schools to **demand at any time and without any reason given** for a family to produce an “educational portfolio as evidence that the homeschool administrator's homeschool program provides a course of instruction that is sufficient to satisfy the education requirements set forth in Sections 26-1 and 27-1 of the School Code and that is at least commensurate with the standards prescribed for public schools.” **No limiting language is included, meaning regional offices of education, intermediate service centers, or Chicago Public Schools could use this to harass homeschooling families, potentially even asking for portfolio reviews throughout the year.** H.B. 2827 will make the portfolio review requirement at a minimum a *de facto* annual reporting requirement.
11. Section 30 starting on page 9 of Amendment 001 to H.B. 2827 requires families to comply with all public school health, medical, and immunization reporting requirements if their children participate in any public school activity. Based on how this section is written, it would be very easy for a future Illinois legislature to expand this requirement to ALL home education families as part of the annual “Homeschool Declaration Form.”
12. Section 35 starting on page 10 of Amendment 001 to H.B. 2827 requires parents to have, at a minimum, a high school diploma or its recognized equivalent, and to provide proof of this to the local school district if requested, making submission of a high school diploma by a home education parent a *de facto* requirement if H.B. 2827 becomes law in Illinois. **This will disproportionately affect vulnerable families and communities, particularly families trying to homeschool a child due to bullying in the local public school, who cannot afford traditional private school, and who may not have a copy of their high school diploma, or who may have immigrated to the United States, and either lost, or never received, a high school diploma.**
13. Section 40 starting on page 11 of Amendment 001 to H.B. 2827 requires the Department of Children and Family Services (DCFS) to alert the local school district if DCFS simply “has had contact” with a homeschool child. This then triggers an investigation, as described on page 11 line 22 of Amendment 001 to H.B. 2827: “The regional office of education, intermediate service center, or [Chicago public schools] **has the power** to conduct an investigation to see if a Homeschool Declaration Form under Section 20 has been submitted for the child **and any other investigations as needed.**” (emphasis added) This “any other investigations as needed” line is incredibly broad, allowing regional offices of education, intermediate service centers, or Chicago Public Schools to conduct invasive and potentially traumatic investigations of homeschool families and children “as needed.” **The authorities will have complete authority to determine what “as needed” means. Again, this will disproportionately affect vulnerable communities and vulnerable families.** According to an independent study, 37% of all children will be investigated by child protective services, which

is already a staggeringly high number, which disproportionately affects minority families.⁵ Increasing the number of families and children who will come into contact with DCFS, and putting more paperwork burdens on DCFS, increase in workload on DCFS workers who are already stretched thin.

14. Section 905 on page 13 of Amendment 001 to H.B. 2827 states that the Illinois State Board of Education “may adopt any rules necessary to implement and administer this Act.” This language is exceptionally broad and would allow the Illinois State Board of Education to place more restrictions on homeschool families, with little legislative oversight, simply if state education bureaucrats feel like doing so.
15. **Impact on families with children with special needs:** As discussed above, Amendment 001 to H.B. 2827 changes Illinois home education from legally being a type of private school, to a homeschool law. As a result, this will **likely prohibit** families with children with special needs, those who have an IEP, or those who have a 504 plan, from accessing special education services through their local public schools. This is because federal IDEA law applies to public and private schools for families who desire services through the local school district but not homeschools.⁶ **H.B. 2827 will likely make it impossible for families who desire special education services through the local public school to receive such services.**
16. Amendment 001 to H.B. 2827 will also create new regulations on traditional brick and mortar private schools, including religious and sectarian private schools. Page 24 lines 13 – 15 of Amendment 001 to H.B. 2827 state “beginning on August 1, 2026, all non-public elementary and secondary schools in the State of Illinois **shall register with the State Board of Education on an annual basis.**” (emphasis added). And page 24 line 26 and page 25 lines 1 – 2 of Amendment 001 to H.B. 2827 require a high school diploma for all “individuals in the [private or non-public] school assigned to a teaching or administrative position...” **Page 25 lines 3 – 18 of Amendment 001 to H.B. 2827 also require massive data collection and reporting on the part of traditional brick and mortar private schools.** This shows that the intent of encroaching government regulation and control in Amendment 001 to H.B. 2827, as well as H.B. 2827 as originally introduced is not just limited to home education families – the intent is to regulate every single family and school that is not a government public school. **And at this time in our nation’s history, government data collection and reporting of family information can be deeply harmful and even dangerous to vulnerable communities and families.**
17. Supporters of Amendment 001 to H.B. 2827, as well as H.B. 2827 as originally introduced, argue that it is needed because of a major truancy issue in Illinois public schools. They *are correct* that there is a major public school truancy problem, both in Illinois, and nationwide. But supporters of Amendment 001 to H.B. 2827, as well as H.B. 2827 as originally introduced, *are incorrect* that it is related to a lack of regulations on home educators. Just a quick online search of truancy in Illinois public schools and particularly Chicago Public

⁵ Kim, et. al, *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*, Am. J. Public Health (Feb. 2017), available online at <https://pmc.ncbi.nlm.nih.gov/articles/PMC5227926/#:~:text=Results,investigation%20by%20age%2018%20years>.

⁶ See, e.g., *Hooks v. Clark County School Dist.*, 228 F.3d 1036 (9th Cir. 2000), *cert denied*, 532 U.S. 971 (Apr. 16, 2001).

Schools will show that the absent students are all students who are still enrolled in public schools. These students are just not showing up to public school. In Illinois, as in all states, parents notify their child's school **in writing** when they withdraw a child to enroll him or her in a traditional brick and mortar private school, a virtual private education program, or a home education program. Amendment 001 to H.B. 2827, and H.B. 2827 as originally introduced, will exacerbate Illinois' ongoing public school truancy problem by making tens of thousands more children (home education students) be subject to review and investigation by truancy officers, without any increase in funding for more truancy investigators and truancy officers.⁷

18. Supporters of Amendment 001 to H.B. 2827, as well as H.B. 2827 as originally introduced, argue that a majority of states currently require homeschoolers to file info with the state or local school districts. While numerous states do require homeschool families to file with the government, Illinois is currently in good company as one of 12 states (Alaska, Idaho, Texas, Oklahoma, Missouri, Iowa, Illinois, Indiana, Michigan, New Jersey, Connecticut, and Wyoming) which do not require homeschoolers to file anything with the government. Wyoming just joined this number, with passage of H.B. 46 in February of 2025. Since the 1980s, every single state has gradually reduced red tape for homeschoolers. As shown by Wyoming, this trend is continuing. So, Illinois would be actually going in the opposite direction from the national trend by passing H.B. 2827.

Because of this multitude of reasons, we respectfully request that you reject H.B. 2827, Amendment 001 to H.B. 2827, and any other versions of H.B. 2827.

Sincerely Yours,



William A. Estrada
Senior Counsel

⁷ See, e.g., *Chronic absenteeism, a worrying metric for schools, hinders academic recovery*, Crain's Chicago Business (June 24, 2024), available online at <https://www.chicagobusiness.com/craigslist-forum-school-pandemic-recovery-and-funding/cps-takes-problem-chronic-absenteeism>.