



Home School Legal Defense Association

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SENIOR COUNSEL	Darren A. Jones, Esq. CA, DC
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	William A. Estrada, Esq. CA, DC
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OF COUNSEL	Mary E. Schofield, Esq. CA
	Tom Sanders, Esq. TX

December 20, 2023

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL (ewoolf@troyareasd.org)

Troy Area School District
68 Fenner Avenue
Troy, PA 16947

Re: Home Education Families, Immunizations, and Religious Exemptions

Dear Official:

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 over 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.

When necessary, we engage local counsel to provide legal representation for individual member families. Our associated local counsel in Pennsylvania is Mr. James N. Clymer of Lancaster.

This letter does not constitute legal advice to you, your agency, or any person. We encourage you to direct any questions you may have to an attorney who represents you or your school district.

We understand that you recently sent emails to certain homeschool families in your district, asking them for information regarding their immunization records or exemption letters. If families filed exemptions from immunizations with your office, your email asked if the family’s child or children had ever received an immunization.

This information is not something that any other school district in Pennsylvania has ever requested. Therefore, we wish to raise the following four points for your consideration.

First, Pennsylvania law governing religious exemptions, 24 P.S. § 13-1303a(d), makes no requirement that a parent provide a school district with their reason for exercising their Constitutionally protected rights under the First Amendment to the U.S. Constitution, and Article I, Section 3 of the Pennsylvania Constitution.



Likewise, there is no requirement that a particular form be used, or that the parent or guardian provide a signature, or that the parent or guardian provide background information regarding their history (or non-history) of immunizations, or *anything* related to their reasoning. The law merely states “[t]he provisions of this section shall not apply in the case of any child whose parent or guardian objects in writing to such immunization on religious grounds.”

Second, the Pennsylvania regulation governing exemption from immunization, 28 Pa. Code § 23.84(b), also makes no requirement that a parent provide a school district with their reason for exercising their Constitutionally protected rights. Likewise, there is no requirement that a particular form be used, or that the parent or guardian provide a signature, or that the parent or guardian provide background history regarding their exemption. The regulation merely states “[c]hildren need not be immunized if the parent ... objects in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.”

Third, we express doubt that a Pennsylvania school district’s attempt to obtain background or historical information regarding a homeschool family’s decision to exercise their right to claim a religious exemption from immunization laws originally drafted to protect children in a traditional school setting would pass the heightened scrutiny demanded by the Free Exercise Clause of the First Amendment, the Pennsylvania Constitution, and Pennsylvania’s Religious Freedom Protection Act (71 P.S. §§ 2401, *et seq.*). *See, e.g., Fulton v. City of Philadelphia, Pennsylvania*, 141 S. Ct. 1868 (2021); *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017); *Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 132 S. Ct. 694 (2012).

Fourth and finally, in keeping with the founding of Pennsylvania by William Penn – a man who was persecuted by the English Government because of his religious beliefs – the drafters of the Pennsylvania Constitution had this to say about religious freedom in Article I, Section 3 of the Pennsylvania Constitution:

“All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.”

We trust that this information is helpful to your office, and that you will withdraw any requests of homeschool families in Troy Area School District that they provide you with information related to the medical history of their children or provide a reason or background information in order to exercise their right to claim an exemption to immunizations.

If you wish to discuss anything in this letter, I would be happy to talk with you. I can be reached via phone at (540) 338-5600, or via email at will.estrada@hslida.org.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Wid", written in a cursive style.

William A. Estrada
Senior Counsel

cc: James N. Clymer, Esq., HSLDA Associated Local Counsel for Pennsylvania

HSLDA Member Families in Troy Area School District