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December 15, 2020

VIA ELECTRONIC MAIL (RICEM6@MICHIGAN.GOV)

Dr. Michael F. Rice
State Superintendent
Michigan Department of Education
608 W. Allegan Street
Lansing, MI 48909

Dear Dr. Rice,

By way of introduction, the Home School Legal Defense Association (HSLDA) is a national organization committed to preserving homeschool freedom and supporting homeschool families. With more than 100,000 member families, we are the world's largest homeschool advocacy organization.

You were recently quoted in a Michigan live *online news story* stating, “we can’t distinguish between children who are being home schooled at the present time and children who aren’t being educated at all,” Rice said. “This gap needs to be addressed with a change in state law to help us identify and serve children who aren’t in public, private, parochial, or homeschool environments at the present time.” (<https://www.mlive.com/news/ann-arbor/2020/12/many-michigan-parents-chose-home-schooling-during-the-pandemic-will-they-return.html>).

Homeschool programs in Michigan are governed by the provisions of Section 380.1561 of Michigan Compiled Laws Annotated. Sub-section (4) of this section exempts children from compulsory school attendance when they comply with either or both of M.C.L.A 380.1561(3)(a) or (f). Subsection (3)(f) requires parents to educate their children “in an organized educational program” in certain subject areas. Subsection (3)(a) allows parents to form a nonpublic school teaching subjects comparable to those taught in public schools.

Mich. Comp. Laws Ann. § 380.10 states that “it is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the



pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.”

Section 3 of the Michigan State Constitution states that “[l]eadership and general supervision over all *public education*...is vested in a state board of education ... [who shall] appoint a superintendent of public instruction...”(emphasis added).

For nearly 30 years, these laws have met the needs of families and satisfied any legitimate state interest. Pursuant to the law and constitution of the state there is no role for the State Superintendent of *public instruction* in *private education*.

These are challenging times for everyone, and it seems that your time and energy would be better spent focusing on making public schools the best they can be rather than creating suspicion or imposing unnecessary burdens on others outside of your area of responsibility. HSLDA and our friends at the Michigan Christian Homeschool Network, along with other freedom loving organizations and citizens, would strongly resist any attempts to change state laws regarding home schooling.

Very respectfully,



Michael P. Donnelly J.D., LL.M.
Senior Counsel

MPD/sdm

cc: HSLDA Member Families
Sen. Lana Theis
Rep. Pamela Hornberger
Mike Winter, President of MICHN