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November 28, 2012

Staatliches Schulamt
z. Hd. Frau Christa Lettau
Rheinstr. 95
64295 Darmstadt
FR GERMANY

Via e-mail to: Christa.Lettau@da.ssa.hessen.de

Re: Exercise Discretion to permit the Wunderlich family to homeschool

Dear Frau Lettau,

By way of introduction, the Home School Legal Defense Association (HSLDA) is an international organization located in the United States with our headquarters in the Washington, DC area. Our mission is to protect and advance the fundamental human right of parents to direct the education and upbringing of their children. Presently, we have more than 81,000 member families in all 55 of the United States and its territories and in 36 countries.

We have been supporting the Wunderlich family and closely following their case for some time. It has come to my attention that in a recent visit to the family, you and your colleagues threatened to take their four children by force with the help of the police, if necessary. I am writing to urge you to keep this family together and to remind you that numerous international treaties and declarations explicitly protect their choice to homeschool their children. I also wish to provide you with documented evidence below that homeschooling produces well-developed, mature adults who do not create parallel societies but rather become members of society who make positive contributions. Finally, I urge you to use your authority and discretion to permit the family to home educate. Too many officials like yourself in Germany have shrunk from permitting home education even though they can in most cases under the school law. You have an opportunity here to exercise leadership and to set an example for others in Germany to follow—please use it.

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

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International Treaties and Law Protect the Wunderlich's Rights

The United Nations Universal Declaration of Human Rights of 1948 clearly states that "*parents have a prior right to choose the kind of education that shall be given to their children.*" The International Covenant on Economic, Social and Cultural Rights states in Article 13.3 that the

States Parties to the present covenant undertake to have respect for the liberty of parents [...] to choose for their children schools, other than those established by public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure that religious or moral education of their children is in conformity with their own convictions.

The International Covenant on Civil and Political Rights provides in Article 18, paragraph 4 that

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 provides in Article 2 of Protocol 1 that

In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Furthermore, in his report on the German education system in 2006, United Nations Special Rapporteur on Education Vernor Munoz writes,

[A]ccording to reports received, it is possible that, in some Länder, education is understood exclusively to mean school attendance. Even though the Special Rapporteur is a strong advocate of public, free and compulsory education, it should be noted that education may not be reduced to mere school attendance and that educational processes should be strengthened to ensure that they always and primarily serve the best interests of the child. Distance learning methods *and home schooling represent valid options which could be developed in certain circumstances, bearing in mind that parents have the right to choose the appropriate type of education for their children, as stipulated in article 13 of the International Covenant on Economic, Social and Cultural Rights.* The promotion and development of a system of public, government-funded education should not entail the suppression of forms of education that do not require attendance at a school.

In this context, the Special Rapporteur received complaints about threats to withdraw the parental rights of parents who chose home-schooling methods for their children. (Emphasis added.)

We are mindful that Germany has its own culture and laws. However, the conventions above protect the role of parents in the education and upbringing of their children as a non-derogable right—a right that is fundamental, natural, and worthy of respect from the State. Transferring legal custody of the Wunderlich children to the German government and seeking to remove the children from their home simply for their choice to home educate is in direct contradiction to laws that Germany has agreed to uphold. I encourage you to read the Berlin Declaration at www.theberlindeclaration.org for more sources of international law that support this interpretation.

Homeschooling Does Not Create Parallel Societies

Despite the uninformed and inaccurate pronouncements of your high courts, scientific research and practical experience around the world has conclusively proven that homeschooling is at least as effective as public schools both academically and in producing well-socialized and productive members of society. The United States alone has more than two million students are currently homeschooled. Countries such as Australia, Canada, France, South Africa, and the United Kingdom also boast significant numbers of homeschooled students, ranging from tens to hundreds of thousands. These numbers indicate not only that homeschooling is well-supported, but that it has become a large movement, ready to be defended by its supporters. National homeschool organizations similar to ours exist in many other countries, including, among others: HSLDA of Canada, Les Enfants d'Abord in France, Pestalozzi Trust Legal Defence in South Africa, and the Home Service in the United Kingdom.

Numerous studies demonstrate that homeschooled students become responsible citizens who are productive members of society. In our experience, homeschoolers are more involved in their community, civics, and higher education than students from public or private school settings.ⁱ As well-adjusted, academically successful students who become responsible and engaged citizens, homeschoolers are an asset to any community.

Studies have also concluded that students schooled at home develop into well-rounded and socially integrated adults. Indeed, experience shows that homeschooled children are more mature and better socialized than their public school counterparts.ⁱⁱ Homeschooled children often interact with a range of age groups. In addition, the flexible schedule that homeschooling allows for provides more time for children to become involved in a variety of extracurricular activities.ⁱⁱⁱ These

factors, among others, cause researchers to observe that “homeschooled children’s social skills are exceptional.”^{iv}

Homeschooling also produces academically successful students. Educational achievement tests document that homeschooled students attain higher scores than public school students. Homeschoolers achieve, on average, between 15 and 30 percentile points above public school averages. A number of studies reveal that this is true for all grade levels and subjects.^v Research also shows there is no correlation between high test scores and government regulation.

The Wunderlich Family

In light of the preceding international treaties and evidence in favor of homeschooling, I urge you to keep the Wunderlich children at home with their parents and to respect their choice to homeschool. Mr. and Mrs. Wunderlich are loving, competent parents who provide for their children’s best interests. The Wunderlich children have clearly expressed that they wish to continue being homeschooled. Please do not hesitate to contact me on this matter at +1 (540) 338-8626 or on my mobile at +1 (540) 454-7780.

Very Truly Yours,



Michael P. Donnelly, Esq.
Director of International Relations

MPD/blp

Cc: Frau B. Kissel
Herr R. Harms
Judge Markus Malkmus

ⁱ Brian D. Ray Home educated and now adults: Their community and civic involvement, views about homeschooling, and other traits (Salem, OR: National Home Education Research Institute, 2004).

ⁱⁱ Thomas C. Smedley, Socialization of Home School Children, Home School Researcher 8(3), 9-16, (1992).

ⁱⁱⁱ Richard G. Medlin, The Question of Socialization, Peabody Journal of Education 75(1 & 2), 107-123, 117, (2000).

^{iv} Richard G. Medlin, Homeschooled Children's Social Skills, Home School Researcher 17(1), 1-8, (2006).

^v Tennessee Department of Education. Tennessee statewide averages, home school student test results, Stanford Achievement Test, grades 2, 5, 7 and 9 (Nashville, TN, 1988).

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