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HSLDA concerned with more than just homeschool

Griffin Kelly and Keith Paul Medelis

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On a warm summer morning in 2010, Jodi Ferris was in labor in the back of an ambulance rushing her to Hershey Medical Center in central Pennsylvania.

Something was wrong.

Her baby was not due for another month. The umbilical cord was wrapped around its neck. Ambulance workers told the expectant mother not to push, fearing for the infant's safety. Ferris still pushed. The ambulance was parked by the hospital emergency room. The baby girl, delivered in the vehicle, arrived blue, bruised and not breathing.

Ferris's daughter was resuscitated and there were still complications. Her respiratory system was under stress and she had bruising on her forehead, a possible sign of jaundice. On top of that, Ferris denied basic postnatal care and testing to see if the baby was suffering from Group B Strep, which could lead to life-threatening meningitis, sepsis and pneumonia.

What unfolded was not only a tense fight over the infant's medical care—with her life in the balance—but also a constitutional legal battle that unfolded for years.

Ferris did not want medical attention for the baby. When asked, she told hospital staff she had standard prenatal care, but her own midwife said that was not true. Ferris wanted to continually hold her baby. She demanded to hold the child while she underwent a procedure to fix a perineal tear. Ferris even refused to let the baby go while she urinated in their hospital room's bathroom, putting the child down only to wash her own hands.

Doctors brought in a county social worker. They all concluded that the newborn was in "imminent danger" and undertook life-saving measures.

All of this happened in the span of about 13 hours, [according to documents](#) filed with the U.S. District Court for the Middle District of Pennsylvania.

Ferris and her husband, Scott, sued the hospital, doctors and the social worker, alleging they overreached their authority and violated the couple's rights. The Ferrisses asserted that the effort to save the child was essentially an unlawful seizure and that they were not given due process.

To argue their case, the Ferrisses got help from a seemingly unlikely source—the [Home School Legal Defense Association](#), a nonprofit organization based in Virginia with a stated purpose to help homeschooling families. The association advocates for homeschooling before legislatures and offers legal aid, including the money for courtroom battles.

A U.S. District Court and the U.S. Court of Appeals granted summary judgments for the defendants.

In an interview with the New York City News Service, HSLDA Vice President of Litigation and Development Jim Mason said the Ferris case was outside of what the group normally does.

“We thought this would be an opportunity to set a precedent that the medical providers have to respect what parents want in the hospital, especially with newborn children,” he said.

A News Service review of federal and state judicial opinions shows the HSLDA occasionally litigates cases not directly related to homeschooling.

The News Service examined every court opinion in LexisNexis, a commercial database that collects decisions from courts in the nation. From 1989 to 2021, the HSLDA served as counsel or filed friend-of-the-court briefs in at least 84 cases. These are just a small sampling of cases with published judges' decisions and the exact number of cases is likely much higher. Of the judicial decisions that involved HSLDA lawyers, almost half—41 cases—do not pertain directly to homeschooling.

In addition to homeschooling, the HSLDA's concerns lie in small government, religious (mainly Christian) freedoms, parent's rights and keeping its members out of the hands of child protective services.

The HSLDA has often contested child-abuse cases in which homeschool parents alleged police officers or social workers entered their homes illegally—even though authorities said they had reasonable cause to be concerned about the safety of children.

“When homeschoolers are homeschooling in their homes, we feel that that should be a very highly protected place,” Mason said on a video call.

Critics of HSLDA argue that its assertion that parents should have unquestioned authority over the children in their home can breed abuse.

“Part of its pitch is that parents have an absolute right to control their children, educate their children, keep the state out and therefore there shouldn't be any regulation whatsoever,” said Elizabeth Bartholet, a Harvard Law School professor.

A 2020 article by Bartholet in the [Arizona Law Review](#) looking at the “rapidly growing homeschooling phenomenon and the threat it poses to children and society” drew backlash from the HSLDA, [Rush Limbaugh](#), [Ted Cruz](#) and some educational scholars.

In an [Education Next](#) blog post, two professors from the University of Arkansas and one from John Hopkins University criticized Bartholet's article, saying it suffers from "contradictions, factual errors, statements of stereotyping."

A sense of scale

The judicial decisions appear to represent just a fraction of the cases handled by HSLDA attorneys.

In a [2020 report](#), the HSLDA claims to have represented 797 discrimination cases and appeared in court 21 times in that year alone, indicating that there may well be many legal disputes it has engaged in that never reach the stage when a judge writes a decision.

According to its most recent publicly available tax returns, the HSLDA spent nearly \$2.4 million on legal advocacy, education and protection for homeschool parents in 2018. The group claims to have 100,000 families in its memberships. The HSLDA described itself on previous tax forms as "a tool increasingly used by God" to protect homeschoolers.

Regulations, who needs 'em?

To be sure, the HSLDA has long been involved in many cases that directly involve homeschooling.

"We've done more homeschool cases than, obviously, anyone ever," Michael Farris, founder, board chairman and frequent attorney for HSLDA, told a [Conservation Political Action Conference in 2011](#). He now is CEO of the [Alliance Defending Freedom](#), a conservative Christian nonprofit advocacy group.

Mason told the News Service that the HSLDA's team is primarily interested in what he described as the "meat and potatoes" homeschooling issues—matters such as understanding parental obligations to notify school districts and promoting homeschooling freedom—that are not necessarily the subject of litigation.

"The court cases tend to get more attention, but they're a fairly small part of what we do," he said. "We don't do that many."

State homeschooling regulations vary widely across the U.S. For instance, Alaska doesn't require test taking, teacher certifications or any notification of authorities. In New York, parents are required to provide detailed curricula to the state, administer standardized tests and teach specific subjects based on grade level.

The HSLDA has challenged requirements of all kinds.

In a 2006 federal court case in Pennsylvania, the HSLDA lost when it defended parents in the Homer School District, about an hour east of Pittsburgh, who said being required to submit a curriculum and attendance records violated their religious beliefs.

In 1992, the Dekalb County District Court in Alabama found Randy Maas guilty of violating the state's compulsory attendance policy when he began homeschooling his daughter. But Maas was arrested before receiving a written notice that he was allegedly violating the law. That fact helped the HSLDA in reversing the judgment in the Court of Criminal Appeals of Alabama.

"HSLDA has been a powerful force in promoting the right to homeschool from a legal standpoint," said Daniel Hamlin, assistant professor of educational leadership and policy studies at the University of Oklahoma. "Whether they have won or lost those cases, HSLDA has been able to shine a light on homeschooling through its work in the courts, and subsequently, help to force states to clarify homeschooling rights with legislation."

In the early 1980s, only three states allowed homeschooling explicitly, Hamlin said. By the 1990s, through legal action by HSLDA and other homeschool advocates, all 50 states had adopted various legislation to allow for and clarify the use of homeschooling.

"The debate on homeschooling has shifted from whether or not a parent has the right to homeschool but what regulations on homeschooling should be in place," Hamlin said. "HSLDA prefers very little state intervention and regulation."

When the protective services are called

Outside of homeschooling cases, the News Service review of judges' opinions found six involving abuse allegations.

On April 17, 2012, police were called to the home of the Batts family in Orchard Park, New York. A family relative had reported that an elderly man was in grave danger. The man was in his late 80s, with dementia and other chronic illnesses.

The family demanded an officer show a warrant for the welfare check. Warrants are not needed in New York when police check on someone's welfare.

The Batts family had long been HSLDA members. According to the HSLDA Facebook page, "after much prayer and thought, the Batts decided to sue." HSLDA represented the family and argued that authorities had illegally entered their home.

The Batts and HSLDA lost the case despite multiple appeals.

Mason said the HSLDA has occasionally taken on cases that don't involve members.

He referenced an incident in 2014 where the HSLDA helped Vanessa Wilson of Riverside, California, regain custody of her 7-year-old son and 4-year-old daughter from

child protective services. According to Mason, an investigator believed Wilson was not properly caring for her daughter, who had recently been diagnosed with diabetes. Upon learning the children were homeschooled, the investigator asked the boy a series of math questions and felt that his education wasn't adequate. Both children were removed from the home.

Wilson, Mason said, "had been sent to us by another homeschooling group in California, and we felt that she'd been treated unjustly. We worked to get her kids back. And once we got her kids back, we sued."

According to an [HSLDA blog post](#) by Mason, Wilson reunited with her kids 50 days later and received a \$700,000 settlement from CPS. A representative from the Riverside County offices confirmed this.

"Too many people are investigated by CPS for reasons that are not sufficient," Mason said, "and it's such an intrusive and invasive system."

The bizarre

Then there are lawsuits that have nothing to do with family life but rather HSLDA's interest in small government and Constitutional law.

In 1996, HSLDA's Farris represented Michael New, an Army soldier who was court martialed. As a child, he was homeschooled, according to one article in the Toronto Star, but that incidental fact was not at issue in his case.

In 1995, New, trained as a medical specialist, objected when his unit was set to be deployed to the Balkans as part of the United Nations peacekeeping operation to help end the war there. His unit was told they would need to wear blue U.N. helmets and shoulder patches.

"I am not a citizen of the United Nations. I am not a United Nations Fighting Person," he told his superiors. "I have never taken an oath to the United Nations, but I have taken the required oath to support and defend the Constitution of the United States of America."

The Army charged New with failing to obey a direct order and demoted him to a file clerk position.

New petitioned Secretary of Defense William Perry and Secretary of the Army Togo West to dismiss the case and discharge him. Farris and three other non-HSLDA lawyers represented New on his petition, which was ultimately denied.

In a 2013 federal case, the HSLDA filed an amicus brief in support of Carol Anne Bond. She was a microbiologist from Lansdale, Pennsylvania, who stood [accused of poisoning](#) the mistress of her husband after she learned that the mistress was carrying his child.

The chemicals had been stolen from her workplace, a chemical manufacturing company, as well as purchased online.

Federal prosecutors charged Bond with violating a 1997 law enacted to comply with an international chemical weapons treaty. At the state level, Bond faced only harassment charges for threatening the mistress by phone and in writing, to which she pleaded guilty.

The federal case made it to the U.S. Supreme Court, where the HSLDA along with several other legal advocacy groups argued that Bond should not be subject to the ruling of the [Chemical Weapons Convention](#), an international treaty ratified by the U.S. [The HSLDA argued](#) that it “vigorously opposes the adoption of international treaties” that would “usurp state authority.

In the end, Bond was not charged under federal law. The Supreme Court decided the Chemical Weapons Convention was not meant to cover small, local matters like Bond’s poisoning attempt.

‘You need to get ready to fight’

The HSLDA also has handled religious liberty cases that have no connection with homeschooling.

In 1980, the Fairfax Covenant Church had been renting out space from the Fairfax County School Board in Virginia on Sunday mornings. By 1987, the church was paying five times as much as non-religious groups that rented from the school board.

School board policies allowed it to charge religious groups more for rent after the first few years. It contended this two-tier pricing was needed to avoid inappropriate favoring faith groups. The church countered that between 1987 and 1993 it was unfairly charged roughly \$290,000.

The HSLDA represented the church and won in federal courts.

The HSLDA has connected religious-liberty cases to its defense of homeschooling.

In a speech delivered before the Christian Home Educators of Ohio in 2010, Farris warned that anti-Christian wave was coming to crush homeschoolers.

“You need to know about it. You need to get ready to fight it,” he said. “Homeschoolers need to show the Body of Christ how to respond to the days that are coming. Persecution is on its way.”

“It will be in the courtrooms tomorrow,” he said. “They are going to try to win. They are going to throw everything at us they can.”