

# SAMPLE OF LETTER TO USE FOR STUDENT WITHDRAWAL FROM PUBLIC SCHOOL AND FOR ASSURANCE OF HOMESCHOOLING

(NOTE: Be sure to delete all of the information above this starred line from the letter you actually send to the school.)



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Mr. and Mrs.xxxxxxxxxxx  
Your Street Address  
Your City, State, Zip

(Insert Today's Date Here)

[Insert Name of School]  
[Insert specific name] Independent School District  
[Insert Correct Street Address]  
[Insert Correct City, State & Zip Code]

RE: Notification of Student  
Withdrawal and Assurance  
of Home Schooling

ATTENTION: [Insert here the name of the Principal or other administrative person with whom you have had contact/communication regarding your student]

This is to notify you of my withdrawal of my [insert "son" or "daughter"], [Insert Full Name of your Student], from [Insert Name of Public School] and the [Insert Name of School District], effective immediately.

For your records, this is your assurance that [Insert First Name of Student] is being homeschooled in a bona fide manner using a written curriculum consisting of books, workbooks and other written materials, plus other teaching tools that will both meet and exceed educational goals of reading, spelling, grammar, math and good citizenship.

This assurance fully satisfies all court-mandated requirements in *Leeper vs. Arlington Independent School District*, Case No. 17-88761-85 (Tarrant County 17<sup>th</sup> Judicial Court, April 13, 1987), as upheld by the Texas Court of Appeals on November 27, 1991 (*Leeper et. al vs. Texas Educational Agency et. al*, 843 S. W. 2d 41) AND the Texas Supreme Courts UNANIMOUS decision (June 15, 1994, *Texas Educational Agency, et al. v. Leeper, et al.* (893 S. W. 2d 432, 1994) upholding and affirming the Court of Appeals decisions. It is also in keeping with the directive of the current TEA Commissioner of Education (Commissioner's letter attached).

I request that copies of [Insert First Name of your student] **academic, medical and all other records concerning [Insert First Name of Student] that are in your files** be forwarded to me at the above address within 5 business days of the date of this letter so that we are not delayed in continuing [insert his or her] education.

Thank you very much for your cooperation.

Sincerely,

***[Signature of parent or legal guardian here***

Copy of TEA Commissioner's letter attached

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(NOTE: Be sure to delete all of the information below this



starred line from the letter you actually send to the school.)

## Our Recommendation for withdrawing your student from an institutional (public) school

We're often asked if there is a "right" or "wrong" way to withdraw a student from an institutional (public) school. There is, indeed! The following information has stood the test of time. We strongly encourage you to familiarize yourself with it before proceeding with withdrawing your student.

- ❖ First, if your student is NOT enrolled in any public school (because he or she is too young or because your family has just recently moved to Texas) or if you have (or had) your student enrolled in a private school, or no school at all, don't do anything! Specifically, we advise that you not contact your local school district to "notify" them that you now reside in their school district. Since school districts don't have a list of all school-aged children residing in their district, they don't know when a potentially new student takes up residency in their district. Of course, private schools are not required by law to give their enrollment lists to the state, and they do not! So, if your student is not, or has not been enrolled in a public school, there is no need for you to do anything except start homeschooling.
- ❖ It would certainly be wise and prudent for you to know your constitutional rights with respect to homeschooling in Texas...and to be prepared to state those rights in the event you should ever be challenged about your homeschooling decision. If you do not have a copy of the Texas law concerning homeschooling, but plan on attending one of our monthly New Homeschooling Parent Orientation seminars soon, a copy of those laws are provided in your copy of the teaching syllabus we use at that orientation. Alternatively, if you prefer to receive a copy of those laws more quickly, simply provide us with your email address and we will see that you get a copy of them.
- ❖ When you are ready to withdraw your student from public school, and that can be ANYTIME during the calendar year, we recommend that you complete our enclosed "Intent to Homeschool" letter and use one of two options for delivering that letter. We recommend that you NOT sign any forms given to you by the school. Simply take them with you as you leave the school and DO NOT state that you will sign and return them because you will NOT be doing so. [By the way, I've also enclosed a copy of a memo from the current Commissioner of the Texas Education Agency. In this memo, the Commissioner informs all Texas public school superintendents that withdrawal of a student can be accomplished by EITHER the use of school prepared documents OR by a letter prepared by the parents. BOTH ARE NOT REQUIRED! You should enclose a copy of this memo with your letter, or, at least be prepared to present a copy of this memo if the school tells you that you must sign their forms in addition to presenting your letter. YOU DO NOT!]

Option "A": If your student has any school property in his/her possession (textbooks, sports equipment, musical items, etc.), you will need to go to the school and return everything to the school office. Then, present this letter to the school administration, at which time your student is legally withdrawn.

Option "B": If your student has NO school property in his/her possession, this completed letter may be mailed. If you choose to mail the letter, send it to a specific person (principal, counselor, etc.) and be absolutely certain that you send it via "1st class mail, Certified & Return Receipt Requested" so that you will have proof that it was delivered to the addressee. This is ALL that you need to do to properly withdraw your student from a public school and begin homeschooling.

- ❖ If you are given information by your local public school official(s) that is contrary to the above, or if demands beyond those that have been articulated above are made of you by officials from the school/district where your student previously attended, those additional requests are not required by law. For example, you do not have to present your curriculum, lesson plans, tests and/or test scores, etc. to school officials for review or even give them the name of your curriculum provider. School districts are required by law to enforce the public school student compulsory attendance laws, and we must, therefore, cooperate with the district's inquiries. However, it is the position of the Texas Education Agency and the Commissioner of Education that the written Letter of Assurance is sufficient cooperation and should satisfy any school district inquiries. Therefore, the key is to be knowledgeable, respectful, and firm in all of your communications and correspondence with public school officials

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- ❖ In the landmark homeschooling legal case in Texas, *Leeper vs. Arlington ISD*, the Texas Supreme Court ruled in June 1994 that homeschools are private schools contingent upon meeting the legal requirements set forth by the Court. And, because private schools in Texas are not regulated by any state government entity, the final authority concerning your homeschool rests with you (parents, grandparents, legal guardian), not with any public school official. Again, your homeschool is a private school and you have all of the rights and privileges afforded to any “traditional” private school operating in the State of Texas.
- ❖ Our Letter of Withdrawal and Assurance of Homeschooling requests the public school to provide you with ALL records related to the student you are withdrawing, but specifically, academic and medical records. Ask the school to give all of your child’s school records to you. As a matter of information, you should know that the Texas Open Records Act (TORA) requires that the records of your student be considered private information (Chapter 552.026). However, TORA also specifically entitles you (i.e.: parent, grandparent or legal guardian of the student) to have access to ALL of the records pertaining to that student (Chapter 552.023).
- ❖ Lastly, it is appropriate to say a word about “accreditation” of your homeschool and, the “acceptance” by institutional schools of educational courses successfully completed by your homeschooled student. This is important in the highly unlikely event that you should cease homeschooling your student and place him or her into an institutional school. Concerning the issue of “accreditation”, we know of few, if any, true home schools that have, or want to be, “accredited” because accreditation usually means state and/or federal intervention in a school for the purpose of that school receiving direct tax funding or tax credits. Homeschools do not seek direct tax funding/credits for their operation because they do NOT desire ANY state and/or federal intervention into their operations.

Regarding the “acceptance” of courses your home-educated student has successfully completed by institutional schools, it is rare that an institutional school will accept those courses successfully completed by your student without verification. The verification most often accepted is a review of the course material completed by your student while being homeschooled. This is then coupled by the results of a standardized test provided by the school in which you are attempting to enroll your student. THIS PROCESS SHOULD BE EXACTLY THE SAME PROCESS USED BY THE SCHOOL IN ENROLLING OR RE-ENROLLING ANY STUDENT COMING FROM ANY PRIVATE SCHOOL. THERE SHOULD BE NO ADDITIONAL REQUIREMENTS FOR A STUDENT THAT HAS BEEN HOMESCHOOLED. (Remember, Homeschools in Texas have been legally defined as private schools).

Should you encounter difficulty during the process of withdrawing your student from an institutional school, or find yourself in a situation other than described above, please know that we will help you determine your options and how best to proceed to bring the matter to a satisfactory conclusion..

If you have additional questions about withdrawing your student from public school, or questions about how we can custom design curriculum for your student(s), or some other question about home education, please feel free to contact us.



## **Home Schools (April 8, 2013)**

April 8, 2013

TO THE ADMINISTRATOR ADDRESSED:

Re: Home Schools

The issues surrounding students schooled at home continue to be of significant interest to parents and school districts. Because of the number of inquiries the Texas Education Agency (TEA) receives regarding this matter, I am providing some general information with respect to the Agency's position on home schooled students.

The decision rendered in *Leeper et al. vs. Arlington ISD et al.* clearly establishes that students who are home schooled are exempt from the compulsory attendance requirement to the same extent as students enrolled in private schools. Students should be disenrolled by school officials when they receive written notice either by signing withdrawal forms or a letter of withdrawal. It is not necessary for the parents to make a personal appearance with school officials or present curriculum for review. School districts which become aware of a student who is potentially being home schooled may request in writing a letter of assurance from the parents of the student regarding their intention to home-school the student. This letter may require assurances that the home-school curriculum is designed to meet basic education goals including reading, spelling, grammar, mathematics, and a study of good citizenship. Please note that a letter of this type is not required each year.

Additionally, it has been brought to my attention that there may be some confusion with respect to the awarding of transfer credit from students who have been home schooled. Students transferring from home schools should be afforded the same treatment as students transferring from unaccredited private schools. Awarding of credit for courses taken may be determined by reviewing the curriculum and/or work of the student, or by using appropriate assessments.

When appropriate assessments are used for determination of placement, the passing standard for those students who have been home schooled should be no higher than the standard required of students transferring from unaccredited private schools. As the TEA has stated in the past, school districts may assess students by administering valid and reliable assessment instruments. The determination of whether or not to use such instruments is a local matter.

Districts may place students according to a review of the curriculum, course of study, and work of the student coming from a home school environment. Section 28.021 of the Texas Education Code (TEC) requires advancement or credit to be awarded on the basis of "academic achievement or demonstrated proficiency of the subject matter."

If assessments are utilized for determining placement, the agency would suggest the following guidelines:

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1. Elementary students should be assessed by means of a nationally recognized norm-referenced test or by a previously released TAKS exam of appropriate grade level.
2. Secondary students may be assessed using credit-by-examination methods for individual subject areas or by a previously released TAKS exam of appropriate grade level.
3. A secondary student assessed using the credit-by-examination method should be given adequate time to prepare for the test, particularly if multiple examinations are required. The standard of 70% for students to receive credit for courses they have already taken should be used rather than that the 90% standard for earning credit for courses not previously taken.
4. The Texas Legislature amended TEC 29.916 school districts are required to allow home school students the opportunity to participate in PSAT/NQMST and Advanced Placement (AP) testing that each district provides enrolled students. The statute also requires districts to notify the public via website or local newspaper: of the dates of PSAT/NQMST and AP tests; that home school students are eligible to take the test; and the procedures for registering for such tests. This public notice must be posted or published at the same time and with the same frequency as the notice given to students attending the school district.

Finally, there has been some concern that school districts may be contacting Child Protective Services regarding children who are being home-schooled. While school officials are required to contact that agency in instances of abuse or neglect of a child, the determination of whether compulsory attendance has been violated should be made by the school district or local judicial authorities.

It is my hope that these policy statements clarify issues surrounding notification, placement, and the awarding of credit to previously home-schooled students. Thank you for your attention to these matters.

Sincerely,

Michael L. Williams  
Commissioner of Education

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