

◆ The NICHE Newsletter ◆

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Sports Rules Approved

Home Schooling Mother and Son Convince State Board of Education To Allow Home Educated Students Access to Sports At Private Accredited Schools



The Iowa State Board of Education voted unanimously to approve the Notice of Intent to amend Chapter 36 — Extracurricular Interscholastic Competition Rules. Five items were up for Board consideration, with Items 1 & 2 dealing specifically with students under competent private instruction.

Under current law and rules, home educated students are allowed to compete in interscholastic sports in public schools or in non-accredited schools. This, however, left a "gap" in the rules. The home educated student was denied access to sports activities provided through the accredited private school.

Although the Department of Education [DE] considered the "gap" a mere oversight in the rules, homeschooling mother Paula Lawson Moore and her fourteen-year-old son presented a different scenario to the Board. Taking ten minutes during the public comment section of the Board agenda, Paula and her son

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Home School Freedom



by Paul R. Dorr

I had an uneasy feeling after reading the draft of SF 2406, the truancy bill, last April. It seemed targeted for home school parents like my wife and I.

The bill was purportedly designed to increase truancy enforcement among delinquent Iowa students. Its supporters were attempting, in part, to accomplish this by requiring county attorneys to prosecute all parents of those students deemed "truant" by the local school district (including home school families) and by adding some additional sanctions and minimum age attendance requirements.

SF 2406 passed through the Senate unopposed, but stalled in the House — Praise God! We need to keep our eye on any future similar proposals though.

Today in Iowa, it is up to the discretion of the locally elected county attorney to decide whether a truancy case merits prosecuting or not.

It was under this same discretionary authority that the Linn County Attorney's office prosecuted the Aaron Rivera family residing in the Cedar Rapids School District in 1991.

According to Rivera, who now lives in Blairstown, Iowa, the Cedar Rapids School District had four hundred daily truant students in 1990. During the Rivera case, a school truant officer was asked in court how many of the four hundred daily truants had been prosecuted.

"Two students," she responded — and each happened to be home schoolers.

Though I disagree with the discretion employed, I still honor the authority the County Attorney employed to exercise such discretion.

There is no conceivable method for county attorneys in Iowa to come up with the funds or staff to prosecute the thousands of truants already absent from Iowa

schools on any given day. The State would be hard pressed to find more than a handful of prosecutors who believe mandatory prosecutions would solve truancy problems.

So, if SF 2406 was an unworkable solution for truancy, who then was it targeting?

Provisions of this bill have surfaced repeatedly for several years, but this time it seemed the bill was targeted for the so-called "conscientious objector" home school families — including my wife and me.

As I read it, the bill seemed targeted to prevent the type of settlement I had reached with an area Special Prosecutor.

Let me explain.

The Dorr Case Background

On August 10, 1995, Dickinson County and Iowa Special Prosecutor, Edward Bjornstad, filed a motion in the Osceola County District Court to dismiss the charges filed against me by his predecessor seventeen months prior. The charges had accused me of failing to comply with the Iowa homeschool reporting law, 299.4 and 299.3.

Associate District Judge David Larson consented to the motion and the criminal case against me was dropped, about as ignominiously as it had begun.

Now our family files no reports with the local school district nor do we seek to use the hard-earned tax moneys of others or the State of Iowa's permission to train our children.

The case had many dips and turns that all began with my call in the fall of 1993 to Scott Somerville, the Home School Legal Defense Association attorney assigned to Iowa cases. During the call, I presented this position to Scott:

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"I find no language in my membership agreement with HSLDA that precludes your representing me if I want to challenge the State's intrusion into my family's homeschool program on 'religious freedom' grounds. May I presume that you'll provide a vigorous defense of such freedom?"

After some initial hesitation, Mr. Somerville agreed and we soon became an interesting team.

God's Interventions On Behalf of the Dorr's

My wife and I saw God provide victory upon victory throughout the case, leading up to the final dismissal of the charges.

For example, we didn't believe that the Magistrate Judge initially scheduled to hear the case was qualified. He was petitioned to remove himself from the case and to appoint it to a more qualified judge. He first refused the request, but with further encouragement, he later changed his mind and removed himself.

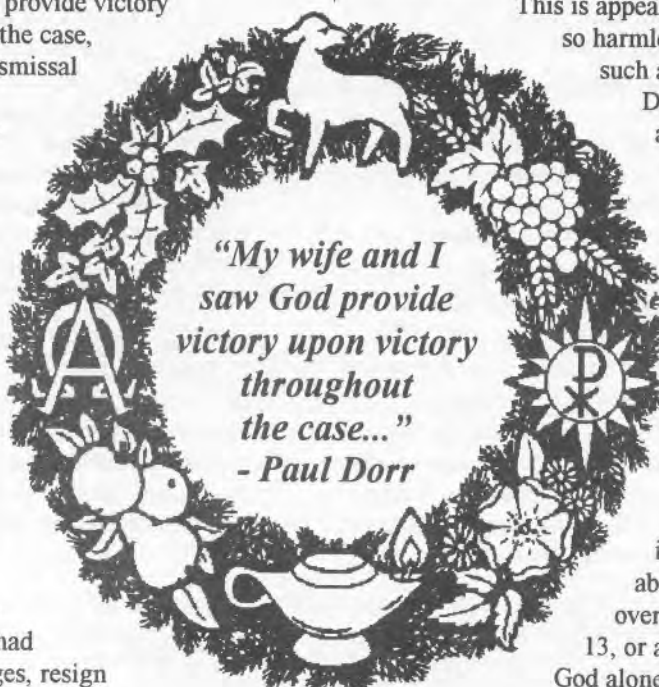
Then, we witnessed the Special Prosecutor, who had originally filled the charges, resign his office in the middle of the prosecution.

His prosecutorial excesses in our case were made well-known to the other county officials, to north-west Iowa law firms, to elected State officials, and to the general public.

The new prosecutor was much more understanding of religious freedom.

We received phone calls from public school board members, legal professionals, businessmen, retired people, etc. who had read about our case. They had one thing to say, "Listen, I like my local public school and I can't see myself homeschooling, but at the same time, I agree with you. What is this Prosecutor doing going after you? There are real criminals he should be locking up!"

Usually my wife and I took these contacts as opportunities to witness for the Biblical commands of educating children. It was such a blessing.



The spiritual and moral strength of our pastor, Rev. Phil Schmidt, during the case was a real blessing, as well.

And there were more.

Home schoolers should consider the 'conscientious objector' position as the first line of defense of all truly Christ-centered education.

Home school parents often rationalize that "we're concerned about the State's intrusions too, but after all, they're not asking for that much. Why not just sign the report and send them your child's test results? Is it worth the hassle?"

This is appealing to the ears, as it seems so harmless. But consider first what such a position presumes.

Does the State even have the authority from God to ask for such? No!

Raising up your children in the fear of the Lord and to serve Him and bring glory to Jesus Christ, through academic excellence, etc. is not the sort of 'evil' that Romans 13 commands the state to be a terror unto.

No one on earth, including the State, is granted an absolute sovereign authority over all mankind in Romans 13, or anywhere else in the Bible. God alone is the final Sovereign.

To Whom Are We Responsible?

The Bible determines that the individual is responsible first to God (has he responded to the Gospel of salvation, is he walking in Christ, does he live a life that is growing in sanctification, service, etc.).

The family is next in certain authorities and responsibilities (family worship, building up one's marriage partner, training children, material and social needs of other family members, etc.)

Third is the Church's authority (preach the Kingdom of Christ, Matthew 16, etc.).

Finally, God grants the State certain limited authority (terror unto evil, etc. in Romans 13).

Applying these, let me summarize the objection with such state laws.

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Home School Freedom

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Paul Dorr's Objections To Truancy Laws

The State purchases much illicit authority by convincing millions of Christians that they, too, should let the messianic State provide their children with a "free" public education or by ever increasing subsidies of private schools.

Succumbing, often out of some degree of envy (that violates the 10th Commandment), we've lost our Christian witness as a Church and a nation.

Statist humanists have, for too long, determined our moral and social world views. When we accept their subsidies in any area of our social life, parental and ecclesiastical authority is often conceded over in ever increasing measure.

We have to learn to wean ourselves from "free" tax moneys used for unconstitutional ends.

Next, we need to realize that the civil authorities are not there to "insure" the good of the people.

Theirs is to be a terror unto evil and praise unto the good (Romans 13:3), but never can they insure it.

This privilege belongs to God alone. He alone blesses or curses a nation, spiritually and physically per its obedience (Deut. 28).

It is faith and obedience to the Triune God that is needed.

Dorr's Challenge

So, with this background, God's grace, and the full support of my church elders, I challenged the prosecutors with the following:

- You have not made one allegation of impropriety toward any of my children. [In fact the first prosecutor praised us for our labors with our children before he filed the charges.]
- If you believe you have the authority to intervene in such educational matters, then how do you define "compelling interest" and "education"?
After all, I am certain we could find several high school youngsters in the local government school who don't have the basic literacy or arithmetic skills. So why not prosecute their parents and the government school officials responsible?
- Your authority is to punish evil (as God defines it).

• Finally, if my wife and I don't assume our Godly responsibilities and, as a result, a child of ours would violate a "just" public law, then we would welcome your prosecution of them, commensurate with the nature of their crime. After all, we teach them to joyfully submit to all lawful authority.

But until such time, shouldn't you devote your limited tax resources to convicting and punishing real criminals? In fact, I asserted, if we both restricted ourselves to what God has commanded us to do we could, together, contribute to a more peaceful society.

He agreed, but wasn't quite sold on it. A good prosecutor had to be looking for a way to portray me as just another rebellious law breaker.

It seems, however, he finally lost his desire to prosecute when my pastor, Rev. Phil Schmidt of Westminster Reformed Church in Hawarden, produced our church's doctrinal position paper on member parents' responsibility to provide right training and instruction of their covenant children.

To that end, Rev. Schmidt also provided the prosecutor an overview of the Church's

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monthly review program where home school parents of the church meet with the elders to review each child's progress.

The Issue Changes

With my elder's right exercise of oversight (Hebrews 13:17), the issue was no longer the authority over the training of our children, but jurisdiction.

Responsible parents and an overseeing Church have it — the State doesn't.

And with this, the prosecutor dismissed the charges.

What Is Education?

Education is intrinsically a religious function. Someone's religious/moral views will always be transmitted to an eager student.

For Christians, education is rooted in the redemptive work of Christ. His salvation work touched every area of life (1 Timothy 4:10).

The purpose of education is to, as creatures of God created in His image, think God's thoughts after Him, and, if we accept the Bible as our only source for faith and practice, then the Bible must be the main textbook for our thinking (2 Timothy 3:14-17).

And, therefore, the primary aim of education is Biblical wisdom (1 Cor. 1:18-31), and all the necessary facts and ideas, no matter our discipline of study or calling of life, needed to glorify God and serve our fellow man in this life will flow from and out of that covenantal or Biblical concept.

But through the voice of the "elite enlightened few" who have been self-annointed to speak for "the people," the State has asserted its misplaced educational authority over the last 125 years in an effort to establish and promote their extremely religious belief in the transcendental, egalitarian,

evolutionary, and God-less nature of mankind...all through the means of the State itself.

Though, when the State does this it disrupts the order that God commanded us.

The social anarchy swirling around us today bears witness to the results of our past disruptions of proper Biblical authority.

When parents, pastors, and elders refuse to assume their responsibilities to instruct their children, care for the poor, discipline sin, etc., a void is created that the State gladly steps in to assume. Thankfully, more and more are repenting of such omissions and beginning to again assume such responsibilities.

A Quiet Revolution

A quiet revolution (I think it is more like a reformation) is taking place in thousands of homes across America.

The humanist world view and its accompanying curse is being examined for what it really is and is being challenged, under the watchful eye of so many dedicated Christian mother and fathers.

There is no doubt that the Statist/humanists are becoming increasingly alarmed by the growth in homeschooling numbers. To stall it, they'll do all they can to portray us as rebellious lawbreakers.

In fact, from their perspective, it must soon enough be downright un-American to home school.

Meanwhile, under God's blessing, the movement will only grow. Together with parent-directed non-government funded or regulated Christian schools, Christian homeschoolers will be setting the standards for moral and academic excellence needed to lead this nation into the next century.

And one day the fully-funded, fully-hyped government school classroom will be occupied by an

extremely overpaid teacher and a handful of students — and all their lies fully exposed.

We need to advance all levels of truly Christian education so as to provide a visible solution to those who come behind us.

God is in control.

He is on the throne.

He laughs at those who plot a vain thing against Him (Psalm 2).

Ours is 'if it is possible' to 'live peaceably with all men' (Romans 12:18b), to model Christ and endure long-suffering.

And when the time comes for our response to unjust legislation or bureaucratic intrusions into the lives of Christian home schools, our responsibility is to resist, unto death itself. But resist honorably unto Christ, so that He may be glorified.

Central to that honorable resistance is submitting ourselves to those other spiritual and civil authorities that God has placed over us during our persecution by the unjust authority. Then, in God's due time and through His will, he will bring in the harvest of souls and obedience.

Oh, what a glorious day it will be!

*And to not fear those
who kill the body
but cannot kill the soul.
But rather fear Him
who is able to destroy
both soul and body in hell.
Matthew 10:28*

[Paul Dorr is a homeschooling father from Ocheyedan. He and his family are "conscientious objectors" to the Iowa homeschooling law. The Dorrs report to and submit to the authority of their local church over their home school, rather than to the state or local school officials.]



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