



# Texas Home School Coalition ASSOCIATION

*Dedicated to Serving and Protecting the Home School Community of Texas*  
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December 30, 2013

Ms. D\_\_ G\_\_

\_\_, Texas 7\_\_

Ms. G\_\_,

The Texas Home School Coalition Association is a statewide advocacy organization for home educators, with almost 60,000 families on our mailing list. As the statewide advocacy organization for the state of Texas, we act as a liaison with state and federal agencies in regard to issues related to home education. In fact, the Texas Education Agency frequently refers calls received by that agency regarding home education to our organization for verification, clarification, and resolution. We also work closely with the Texas Department of Family and Protective Services (DFPS) regarding policy issues related to home schooling.

I am writing to you regarding the Tutt case in which, I understand, you have been appointed by the court as guardian ad litem. I spoke with Mrs. Tutt this morning after becoming aware of the removal of her and Mr. Tutt's children from their home on November 21, 2013, based on a court order from Judge Graciela Olivera of the 256<sup>th</sup> District Court in Dallas County on November 16, 2013.

Mrs. Tutt has shared with me that you visited their home on December 27 and acknowledged to them and their attorney that you had no concerns regarding issues with their home, safety, aptitude as parents, ministry to the homeless, or the number of children they had. However, according to her, you will not consider recommending to the court the return of their children unless they agree to a permanent injunction to place their children into public schools and never home school them. According to her, you consider the children neglected based on their scores on education assessments.

Ms. G\_\_, the Texas Family Code does not include educational performance or lack thereof in its definition of neglect. In fact, the Texas DFPS has a policy directly related to investigations of abuse and neglect with regard to home school families. That document states, "DFPS staff is not responsible for monitoring the home school education and instructional delivery to children and youth not in DFPS conservatorship... Reports involving the abuse or neglect of home-schooled children are assessed based on the same criteria and intake guidelines as any other CPS report. The practice of home schooling is not a sole factor in investigating reports for child abuse or neglect."

In fact, the policy statement of DFPS also points out the waiver available for foster care families to home school children in their care. I have enclosed this DFPS Policy Memorandum for your review.

Ms. D\_\_ G\_\_  
December 30, 2013  
Page 2

Clearly the home schooling of the Tutt children is not a neglect issue and does not meet the legal definition of neglect as presented in the Texas Family Code. I have also taken the liberty of including the most recent letter from the Texas commissioner of education on home schooling for your review for background as well. I hope this information will be helpful to you in recommending the return of the Tutt children to their parents. Should you have any questions regarding home schooling or the laws of Texas related to home education, I would be happy to discuss those with you.

Sincerely,

A handwritten signature in black ink that reads "Tim Lambert". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Tim Lambert

Enclosures: DFPS 2012 Memo; TEA Memo

CC: Mr. and Mrs. Trevor Tutt; Ms. K\_\_ H\_\_, Attorney at Law; Ms. Kristine Mohajer, CPS  
Education Program Specialist