

Chronology – Stone Family “Homeschooling”

- 1989-1990 Son enters public school kindergarten in Ithaca, NY. Parents displeased with son’s negative behavior changes as a result of the schooling and general issues present in school.
- 1990-1991 Enrolled Son in Kalepaedeia House schooling program. Included a variety of academic and arts curriculum, 3 days per week. Homeschooling other 2 days per week. Submitted NYS homeschooling regulations 100.10h paperwork as a homeschooling family that year for the first time.
- 1991-1992 Moved to Burnt Hills, NY. Began full-time homeschooling. Filed paperwork with district. This year son taught himself to read. Submitted paperwork.
- Jun, 1992 Letter from Judy Goodman, District Department Head, Special Services, at BH-BL School District telling us that test results are required as part of our 4th quarterly report.
- Jul, 1992 Sent letter to Goodman specifying our opposition to standardized testing in response to her letter. Please note this was at the end of 2nd Grade. Test results are not actually called for via the regulations until 5th grade. Submitted paperwork.
- 1992-1993 Submitted paperwork.
- Mar, 1993 Sent letter to Margaret McCullough, Superintendent of Scotia-Glenville Schools after we moved to Scotia from Burnt Hills notifying her of our plans to homeschool our son in that district. Submitted paperwork.
- 1993-1994 Submitted paperwork.
- Aug, 1994 Sent letter of intent informing McCullough that we would be homeschooling Daughter, age 5 and Son. Submitted paperwork. Very little interaction with district
- 1994-1995 Submitted paperwork.
- Sep, 1995 Letter from new Superintendent, Patrick Dicaprio, acknowledging our Letter of Intent. Very favorable comments about our assuming total responsibility for our children’s education. Submitted paperwork.
- 1995-1996 Submitted paperwork.
- 1996-1997 Submitted paperwork.
- Aug, 1997 Letter from new superintendent, Michael Marcelle. Tone and text is much more serious and legalistic than any previously encountered.

- Sep, 1997 Letter from Marcelle acknowledging receipt of IHIP's and his "approval"
- Oct, 1997 Letter from local elementary principal inviting us to test daughter (3rd Grade PEP and Iowa Basic). Clear assumption that we would send Emily in for May testing. I believe we did not respond as we did not wish to utilize these tests. Submitted paperwork.
- 1997-1998 Submitted paperwork.
- 1998-1999 Submitted paperwork.
- Jun, 1999 Letter from Marcelle requesting/requiring a meeting to discuss 4 points of concern:
1. Quarterly reports submitted for both children are virtually the same.
 2. Assessments have been narrative. Must use standardized tests.
 3. No grades were given on the annual assessments.
 4. No names of instructors were given on the IHIP's
- Jun, 1999 Birth of 3rd child.
- Jun, 1999 Met with Marcelle
In response to his concerns:
1. Stated that our children do share activities and learn at differing levels. Stated that our children do not stop activities just because a paperwork quarter ends. As a result, they would appear similar given they are a general recap.
 2. Presented significant research and data supporting our concern about standardized testing and strong opposition against it. Shared that these tests were not in the best interests of our children, but that we would review the instrument they use (Iowa). Requested sample of instrument. Reminded him that daughter was grade 4 and as a result a narrative was acceptable under the regulations.
 3. Informed him that regulations did not call for grades and that we would not be providing them.
 4. Agreed to share instructors names(the parents) on the IHIP's
- Jul, 1999 Letter from Marcelle with accompanying instructions on how to administer Iowa test. No instrument enclosed. As a result, we ordered our own Iowa, reviewed it, administered it, discussed it with our family, sent it in for scoring and received results. Family conclusion was that we experienced enough concerns that we felt even more strongly that it was not in the best interests of our children to use this type of assessment tool. Results were not shared with district.
- Aug, 1999 Letter from Marcelle acknowledging receipt of 4th quarter assessments and noting that we did not include standardized test results. In this letter, mentioned an alternative form of evaluation to testing mentioned in regulations (100.10.h.2.iii). Asked for us to contact him to discuss those guidelines.

- Oct, 1999 Letter from Marcelle indicating receipt of IHIP's. Also stated continued concern re: our Q4 narrative assessments submitted as opposed to standardized test results and requested we contact him to discuss this matter.
- Nov, 1999 Follow-up meeting with Marcelle. Shared with him that we had reviewed testing instrument and were as concerned as ever that these tests were not in the best interests of our children or any children. Asked him to research a variance for us based on our opposition to the tests.
- Nov, 1999 Letter from Marcelle. Could not find variance. Suggested we contact SED verbally and in writing to see if variance is possible. "Approved" IHIP's.
- Jan-May 2000 Began to become active on NY-Alert e-list. Began to understand rights of the people, constitutional guarantees and the overstepping of government officials on these rights. Made decision not to investigate variance with the SED and that the regulations and governmental oversight of homeschooling had serious constitutional issues associated with it. Began to learn from others who had gained their freedom in other states.
- May, 2000 Letter from Marcelle voicing concerns again over "similarity" of quarterly reports. Also requested materials used in instruction, eg. textbooks, programs, videos, web sites, etc. to better understand what is being taught in each "class".
- Jul, 2000 Sent Letter of Intent to educate daughter at home. Son turned 16 that June and no additional paperwork is asked for beyond that age.
- Jul, 2000 Letter from Marcelle expressing concern over submitting narrative evaluations instead of norm referenced standardized test results. Demanded test results by September 1, 2000.
- Jul, 2000 Birth of 4th child.
- Sep, 2000 After significant research and consulting with constitutional and parental rights advocates, wrote response to Marcelle asking him how these tests would benefit our children given that he was recommending them. Also requested a copy of the law under which he was operating so that we could understand the basis for his actions. Sent certified mail. Made decision that regulations were unlawful and as a result they may be complied with, but not must be complied with. As a result we decided not to send any additional private family information to this government entity who had no jurisdiction over our family centered learning and home = did not submit paperwork.
- Oct, 2000 Letter from Marcelle reiterating section 100.10h of the NY State Rules and regulations regarding home instruction. Disapproved son and daughter's IHIP, even though we did not send any and son had aged out anyway. Indicated that an appeal to the board of education may be scheduled. Sent certified mail.

- Nov, 2000 Wrote reply to Marcelle reminding him that he did not respond to our questions on the September letter. First, no answer as to how the tests would benefit our children. Assumption then is that it does not exist or he is not truly concerned about our children. Second, asked for a copy of the law and all we received were the regulations. Asked now for the basis at law for the existence of these regulations. Indicated intent to be lawful, but that we could not act absent the requested information. Also indicated recent new understanding of the law and that we were choosing lawfully not to submit paperwork.
- Nov, 2000 Letter from Marcelle with response to our question of law. Cited NY Education Law for compulsory attendance imposing responsibility for compulsory attendance upon instruction on the parent or person in parental relationship with the child. Also cited duty on school district to ensure regular attendance of every child in district which requires reporting and legal action when non-compliance is discovered. Then cited regulations promulgated to deal with homeschooling that “must” be complied with. Identified regulations our IHIP’s failed to conform with that resulted in his disapproval of them(never sent any in). Indicated disapproval of IHIP’s per October letter. Also indicated we had not informed him of our childrens’ attendance upon instruction elsewhere(we had sent him letter of intent on daughter in July and reaffirmed this location of learning in our next letter). Indicated in this letter that we had left him no choice but to initiate legal proceeding required to assure compliance with the compulsory attendance law. Sent certified mail.
- Dec, 2000 Wrote reply to Marcelle. Re-confirmed that our children were still learning at home as there seemed some uncertainty of this in his Nov letter. Stated that we had not received any statutory basis(law) for the existence of the regulations 100.10h that would make them mandatory. As a result we could not determine our obligation to a request for the information he was requesting. Again stated intent to be lawful. Enclosed a copy of the compulsory education statute he was referencing in its entirety and asked him to identify in what way we were violating this law and how our family was subject to said law. Still direct but cordial and respectful. Sent certified mail.
- Jan, 2001 Instead of replying to our letter, the district filed a PINS petition against both of our children. Received a phone call from John McKeeby, Family Assessment Specialist from Department of Social Services. Informed us of the PINS claim. We contacted James Bruhner, an attorney specializing in family court law and now exec director of NY Family Policy Council. Based on recommendations, we proceeded with phone contact to Mr. McKeeby. Succeeded in getting son removed from the petition as he had aged out. Succeeded in getting daughter removed from the need to be at the meeting because 1.) There had been no complaints about her behavior that would indicate a legitimate PINS complaint and 2.) once John understood that this was a homeschooling paperwork issue, he felt there was no need to have her there.

- Feb, 2001 Attended meeting at DSS. In attendance were John McKeeby, 2 probation officers, attorney for school district, director of curriculum development (in Marcelle's place as he was on medical leave), Seth Rockmuller and Katharine Houk(friends and legal assistance who have been involved trying to change the regulations since their promulgation as well as have represented homeschooling families who have been challenged by their districts), Sheila and Joe Stone. Meeting focused mostly on assessment. They demanded norm-referenced standardized test results. We refused to provide. Interesting comments from curriculum development director about her feeling that Michael Marcelle has more responsibility for our children than we do and that she believed we were neglectful of our children. Bottom line outcome was that John McKeeby told district that he would not support PINS claim as it was not valid. Did indicate that if the district felt that there really was neglect that they had right to file neglect charges. However, commented that not submitting paperwork is not neglect. Attorney left with Katharine Houk's suggestion to write SED and see if they could get a variance from the testing requirement in the regulations. At no time did Sheila or Joe ever indicate that this issue was only about assessment. Our decision we had come to was that the state and its agents had no right to demand private intellectual property of our children and our family nor direct their education in opposition to their parents' desires given that there is no evidence of neglect.
- Feb, 2001 Received copy of letter Marcelle had written to SED Office for non-public schools requesting guidance on a potential variance for us in regards to assessments in homeschooling.
- Mar, 2001 Legal assistance, Seth Rockmuller sent letter to Peg Huff requesting copy of the answer from the SED when they received it.
- Apr, 2001 Received via Seth Rockmuller SED's response to request for variance. Basically reiterated regulations 100.10h, reinforcing standardized test "requirement" for grades 5,7,9.
- 2000-2001 Other than Letter of Intent notifying them that we planned on educating daughter at home, we did not supply any paperwork. We do not believe it is our legal obligation to do so as it violates our constitutional and Creator-given rights.
- 2001-2002 Supplied no paperwork.
- May, 2002 Letter from Marcelle indicating they had not received any information from us regarding Emily. Reiterated compulsory ed law and the homeschooling regulations. Told us to please contact him immediately regarding the status of Emily's education plan for this school year.
- May, 2002 Met with Tom Marcelle, attorney specializing in constitutional law to gain his opinion on the merits of our case. After second meeting, Tom agreed to take the case on citing that the basic presumption is that the state is assuming all homeschooling families guilty of

neglect “without cause” and therefore requiring them to provide evidence to prove they are in fact not guilty. This potentially violates both the Due Process amendment to the US constitution where parents are assumed to act in the best interests of their child and have the right to direct the education and upbringing of their children as well as the equal protection provision. Equal protection establishes that parents ought to have the same freedoms of non-intrusion provided to private schools. In NY state, they are not.

July 2002 Tom Marcelle sends letter to school district notifying them that we have retained him as our attorney. School district refers him to their attorney. Tom contacts school district attorney via mail. They have not replied to date.