



Written by [Joe Wolverton, II, J.D.](#) on February 28, 2017

Homeschool Mom Arrested, Children Seized by CPS for “Educational Neglect”

The government values education; in fact, they value it so much that they’re willing to go to great lengths to exercise control over curricula in every school district in every state so as to ensure that children receive the education that they deserve.

That’s what Kiarre Harris (shown) discovered when her two children were snatched away from her because the government deemed her teaching to be inadequate.



A single mother currently residing in Buffalo, New York, Harris had enrolled her children in public school. However, displeased with the teaching methods being used in the public schools attended by her children, she opted to remove her children from those schools and to register them as homeschooled, thereby freeing her to teach her own children principles she believed to be important and to have been absent from the public schools’ curriculum.

“I felt that the district was failing my children,” she stated, “and that’s when I made the decision to homeschool.”

As mandated by the laws of the state of New York, parents choosing to homeschool their children must cut their way through rolls and rolls of regulatory red tape. According to the New York State Education Department (NYSED), one must first inform their school of their intent to homeschool two weeks prior to the student’s departure. Once that has been completed, the parent’s homeschooling methods must be reviewed and approved by the school board, and then submitted for additional approval by the homeschooling commissioner in that county. If and only if these requirements are met are parents in New York free to teach their children as they deem fit.

Harris claims she carefully adhered to the guidelines set by NYSED by studying the somewhat complicated legal processes so that she wouldn’t make a misstep. She insists that she believed herself compliant with the demands of the law after she received acknowledgement from one of the homeschooling directors of the issuing of a license by the state to begin homeschooling her children. “I spoke directly to the homeschool coordinator and she told me from this point on my children were officially un-enrolled from school,” Harris told local media.

Nearly a week after receiving the state’s stamp of approval, Harris received a phone call from Child Protective Services (CPS) enquiring as to the whereabouts of her children, and why they hadn’t shown up to school for nearly two weeks. After explaining the situation to CPS, Harris then offered to provide legal documents for CPS directors to review. “I told them that my kids were homeschooled now and that I could furnish the documents if they need to see them,” said Harris.

CPS seemed satisfied with Harris’ responses to their questions and ended the conversation, leaving Harris to think that everything was resolved favorably.



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Nearly a month went by without incident. Then, on January 13, 2017, a large group of CPS case workers and police officers descended on Harris' home, informing her that they had a court order to remove her children from her custody due to "educational neglect."

At this point, Harris demanded they produce warrants or other legal documents justifying such severe action. The police and the CPS agents refused that request and Harris accordingly refused to hand over her children.

In response, the police officers arrested Harris, impounded her car, and forcibly removed her children from her home.

More than a month has passed since Harris has been allowed to see her children and neither CPS nor the police department has provided adequate legal justification for seizing her children and placing them in the foster care system.

Harris adamantly insists she followed the proper procedures for removing her children from public school, and furthermore, that she was approved by the appointed government apparatchik to begin homeschooling her children. What's more, Harris produced all the requisite legal documentation of the legitimacy of her claim, including the license to homeschool issued by the district where she lives.

How was this apparently appalling miscarriage of justice and assault on the sanctity of the family allowed to happen?

CPS claims that in order to homeschool, one must have full custody over their children, and the agency insists that such a status is impossible in Harris' case as she is a single mother. Harris claims to the contrary that she has had full legal custody over her children for many years now and can demonstrate such through production of court orders and other legal documents.

Another point pressed by CPS, the police department, and the family court had nothing to do with Harris' alleged failure to comply with the protocol for applying for a homeschooling license. In fact, the proximate cause of Harris' children being forcibly removed from her home was not her ineffective compliance with education regulations, but it was the statements she posted about public schools on her social media accounts.

"Respondent recently posted a comment on social media ridiculing the school system and people who attend school or graduate from school," the court stated in its upholding of CPS decision to remove her children from Harris' home and to place them in a foster home.

In other words, Harris' children would have been seized by the government regardless of her compliance with regulatory processes, and their true intent was to punish a single mom trying to homeschool her children for publicly criticizing public schools. This is the very definition of the chilling effect and will likely persuade other parents planning to homeschool their children to leave them in the public school system for fear that removing them would subject their children to seizure by the state and placement in foster care.

Equally disturbing is the fact that advocates of homeschooling — particularly in Buffalo, New York — will be afraid to exercise the full scope of their right to speak freely, fearing arrest and the loss of custody of their own children as punishment for the public position on school choice.

City Council member Ulysees Wingo is currently fighting the court over Harris' treatment, pointing out the discrepancies that resulted from the state's lack of communication between its own agencies. He also pointed out that the charges have actually become more severe against Harris after the



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confiscation of her children. “This is utterly unacceptable” Wingo stated. “We need to ensure this never happens again.”

Sadly, as long as we allow the government at any level to exercise monopolistic control over the education of our children and as long as we allow “law” to trump the parents’ plans for the education of their children, this tragic tale will be told again and again across this once-free country.



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