

POLICY BRIEF:

Withdrawal to Homeschool During Active Child Welfare Investigation

OVERVIEW

Each state defines homeschooling differently and approaches oversight in unique ways, but those variations in responsibilities can be exploited, leaving children at risk. Lax homeschool oversight has created a particularly compelling loophole that immediately and negatively impacts children engaged in active child welfare investigations- one easily closed by legislative action.

PROBLEM

In 49 states, children can be withdrawn from school to homeschool during an active DCF, CPS, or law enforcement welfare investigation, effectively removing them from access to mandated reporters and vital connections. Withdrawal in this circumstance has been identified as a key flag for potential abuse and neglect¹ but there is a reluctance to legislate around homeschooling because of extraordinary force from the parents' rights movement and the group's staunch resistance to any regulation².

In 2018, Raylee Browning was murdered³ after being withdrawn to homeschool despite an active investigation and multiple reports by mandated reporters in West Virginia. The 2024 introduction of "[Raylee's Law](#)", which sought to pause a parent's request to homeschool during abuse investigation, was attacked and ultimately nullified by the efforts of HSLDA, despite critical, life-saving oversight it would have provided for children⁴.

KEY LINKS

CRHE maintains the “[Homeschooling’s Invisible Children](#)” database, tracking abuse cases that have made the public record.

- Over one-third (37%) of abuse cases in HIC involve withdrawal from school.
- In over 60 cases, abusive caregivers withdrew their children from school immediately after a social services investigation, or in direct response to school officials intervening when they noticed abuse.
- Since 2000, at least 36 homeschooled children have died after being withdrawn from school under these suspicious circumstances.

POLICY OPTIONS

1. Prevent student withdrawal to homeschool during active child welfare investigation cases.

Under Tennessee's Education Code, unlawful withdrawal, transfer, or alteration of enrollment in school with intent to hinder active child abuse or child neglect investigation is prohibited. [TN Code § 49-6-3025](#) outlines the restrictions around circumstance, as well as - importantly - the role and responsibility of the school districts.

2. Ensure accurate transfer records.

Michigan has legislation in committee ([SB0492](#)) that supports better record transfer and accountability when enrolling students. Homeschooling is not named in this bill, but better systems around transferring students would help child welfare workers keep track of children moving through different education modalities.

2. Create a system of accountability for children that are withdrawn from public school.

Only three states (Pennsylvania, New York, and Hawaii) require yearly check ins for homeschooled students. There is legislation pending in New Jersey ([SB 4589](#)) that would ensure homeschooled children have the same opportunity; when we consider abuse and neglect, getting in front of mandated reporters is critical.

CONCLUSION

Legislators have a responsibility to protect their most vulnerable constituents. Prohibiting withdrawal to homeschool during an active child welfare investigation should be the lowest bar in protecting children, and there are significant opportunities for common-sense legislation that looks holistically at the needs and rights of children in every educational setting.

REFERENCES

- (1) *Homeschooling's Invisible Children*. <https://www.hsinvisiblechildren.org/>
- (2) Brown, G. The Hidden Children of Homeschooling. *Boston College Law Review* 2025, 66 (3), 979–1014. <https://doi.org/10.70167/peyw1741>.
- (3) Pollack, K. (2020, February 21). *The Story of Raylee Jolynn Browning: A Homeschool Homicide and Torture Case* | Coalition for Responsible Home Education. Crhe.org. <https://crhe.org/the-story-of-raylee-jolynn-browning-a-homeschool-homicide-and-torture-case>
- (4) Schonbek, A. (2025, November 21). *Freedom to Homeschool at Any Cost*. The Cut. <https://www.thecut.com/article/homeschooling-abuse-loophole-raylees-law-hslda.html>