



## Keeping Homeschooling Private

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“There’s no place like home” has become the mantra of successful homeschoolers. By most measures — scholastic, social, economic — the modern homeschooling movement is a triumph. The actual undertaking requires initiative, patience, and, in many cases, financial sacrifice. But this grand educational adventure continues to work because resourceful homeschoolers have largely been left alone.

Unfortunately, it is the “home alone” aspect that scares opponents, who waste precious human resources criticizing this successful private-sector, parent-managed endeavor. Meanwhile, thousands of ill-supervised children have languished, decade after decade, in public schools.

Rob Reich, a Stanford University assistant professor of political science, is one such critic. In a paper entitled “Testing the Boundaries of Parental Authority over Education: The Case of Homeschooling,” Reich states, “I argue ... that at a bare minimum one function of any school environment must be to expose children to and engage students with values and beliefs other than those they are likely to encounter within their homes. Because homeschooling is structurally and in practice the least likely to meet this end, I argue that while the state should not ban homeschooling it must nevertheless regulate its practice with vigilance.”

This attitude is seen in the resolution passed by the Representative Assembly of the National Education Association (NEA). Last July, at their annual summer convention, the NEA passed Resolution B-69, which states that “home schooling programs cannot provide the student with a comprehensive education experience.”

But the NEA cannot begin to inflict the same kind of damage on homeschoolers as can zealous state officials. Phonics specialist and homeschooling advocate Samuel Blumenfeld has observed: “Today the law is not being used to force delinquents and truants into the schools, but to harass and regulate home schoolers.” In Blumenfeld’s home state of Massachusetts, Kim and George Bryant, homeschooling parents, endured a seven-hour standoff with police officers and social service employees merely because the Bryant children — teenagers Nicholas and Nyssa — declined to take a standardized test ordered by the Department of Social Services.

### **Revolt in the Constitution State**

Like minutemen of old, homeschooling families must also be ready to fight unexpected assaults on their rights. For example, last year in Connecticut, home educators challenged the Act Concerning Independent Instruction, which contained a tedious list of new mandates, including ones requiring homeschooling parents to possess a high school diploma, as well as have their individual curriculum plans scrutinized by school superintendents.

The *Hartford Courant* reported that state Rep. Cameron Staples (D-New Haven), the act’s sponsor, championed this proposal because in Connecticut “the only law on home schooling requires parents to let local school districts know that they plan to teach their children at home.” Apparently, this approach was too *laissez faire* for the lawmaker, and one wonders what Staples would do if he were in Oklahoma, where there is no requirement for parents to initiate contact with the state if they choose to homeschool their children.

Staples and his ilk, however, were probably not expecting scores of parents to challenge his clumsy



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attempt to increase homeschool regulations. Diane Connors, president of the Connecticut Homeschool Network, sent an e-mail to parents and other concerned citizens, alerting them to the public hearing regarding the bill. Her dispatch was wildly successful. On March 4, 2002, over 1,000 people — many coming from the Legislative Office building in Hartford — attended the hearing to voice their opposition to the House version of the act (H.B. 5535). According to Connors, only one Connecticut superintendent showed up to support the legislation.

Summarizing the prevailing sentiment against the bill, homeschooling parent John Paradis was quoted in the *Courant* as explaining, “We have removed our kids from the public schools because we think the public schools are not educating our students properly. This [the bill] puts their education back in the hands of the public schools.”

Legislators didn’t ignore the outcry. On March 22, 2002, H.B. 5535 died, missing the deadline for receiving a favorable vote.

### **Big Sky Showdown**

Even though no evidence exists indicating that state regulation improves homeschoolers’ performance, legislators continue their campaigns to control and restrict home education. This year, another showdown — like the one in Connecticut — occurred in Montana.

State Senator Don Ryan (D-Great Falls) sponsored Senate Bill No. 276. If the legislation passed, it would have required homeschoolers to take state assessment tests to measure academic competency. Even though Montana is a state with an undemanding existing homeschooling law and where homeschoolers had outperformed public school students on national standardized tests, the responsible were to be penalized. Ryan, employing the emotional language of left-wing children’s-rights advocates, said he was concerned about protecting at-risk children from “inadequate” or “abusive” parents.

On February 12, 2003, hundreds of Montana homeschoolers, alerted by phone and e-mail chains by another attentive parent (Steve White, the legislative liaison for the Montana Coalition of Home Educators), converged on the capitol in Helena to lobby against the bill. The arguments the Senate Education Committee heard ranged from the unfairness of testing homeschoolers on material they had not studied, to being held to higher standards than their lower-performing public school counterparts, to concerns about state infringement on teaching religious beliefs.

The hearing lasted a record four hours, and nearly 500 Montana citizens signed the hearing registry as opponents of the bill. Home School Legal Defense Association (HSLDA) lawyer Dewitt T. Black wrote in an e-mail alert that “over 50 people testified against it.” Only one person — Senator Don Ryan — spoke in favor. The education committee voted 9-1 to “postpone indefinitely,” insuring that S.B. 276 was dead on arrival.

### **Never-Ending Battles**

J. Michael Smith, president of HSLDA, notes that his organization lobbied against a cache of bad bills during the 2002-03 school year. “We had nine states where there were specific threats to home school freedom that we lobbied: Montana state assessment test required for home schools; North Dakota state assessment test; Nevada state assessment test; Wyoming state assessment test; California habitual truants would be treated as educational neglect; Texas would have required registration of home schoolers; Colorado habitual truants would be treated as educational neglect; Louisiana attempted to do away with private school exemption for homeschoolers; and Virginia wanted home schoolers to pass the standards of learning tests given to public school students. None of these bills were successfully



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passed.”

Clearly, some state legislators are trying to regulate a nonexistent problem. These lawmakers are trying to hinder, not help, the vast majority of homeschoolers. They are also unprepared to deal with the fierce opposition and almost zero public support that their meddling produces.

The only assistance state lawmakers can offer home educators is to deregulate homeschooling — eliminate cumbersome laws and not introduce new, costly legislation. Some states are catching on. The opening of a story from the *Oakland Tribune* was pleasantly surprising: “Just nine months after declaring homeschooling largely illegal, the California Department of Education recently reversed its position, pronouncing the practice as essentially none of the state’s business.” The California Department of Education, in fact, has begun referring interested parties to statewide homeschooling organizations to receive their information.

Frederic Bastiat, the 19th-century French economist, could have been writing about deregulating homeschooling when he opined, “It [the law] can permit this transaction of teaching-and-learning to operate freely and without use of force.” Perhaps more American legislators will get the message: Homeschooling works best when it is left alone.



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