



## Canadian Judge Reveals Bias Against Homeschooling

Judges across the world have proven to be enemies to the institution of homeschooling, and Judge Nicole Bernier of Québec, Canada, is no exception. Judge Bernier ordered four home-schooled children-ages 9,7,5, and 3-into public school for "socialization." The Roman Catholic family was reported to the Youth Protection Services (YPS) of Canada for neglect, and after a four-day trial in November 2010, Judge Bernier ordered that the children remain in school or daycare until a full plan for socialization was approved by the YPS.



The Homeschooling Legal Defense Association of Canada had invested a significant amount of time and energy into this case. Following the outcome, Paul Faris, president of the HSLDA of Canada issued a statement, which indicates, "This is a shocking decision. Even more concerning is the judge's decision to order the younger children who were not of compulsory school age into day care for socialization."

Faris also noted that the family was denied access to a fair trial:

The judge refused to hear expert witnesses and evidence regarding the value of homeschooling over public schools. Unfortunately, the judge placed excess weight on protect service experts who found that one child's hearing impairment "indicated" that the parents could not be trusted and therefore all the children should be enrolled in public school programs.

The Judge refused to address studies that show a number of benefits for homeschooled children.

For example, a 2010 study entitled "Exploring Academic Outcomes of Homeschooled Students" showed that homeschooled college students significantly outperform their peers.

Likewise, homeschoolers perform 34-39 percent above the national average on standardized tests, including the children of lower income families who are homeschooled, even in homes where neither parent has a degree.

Michael Smith, president of the American HSLDA, articulated concerns over the Judge's decision:

It's incredible that a judge in Canada would order three-and-a-half and five-year old children into public funded day care for socialization reasons. From what we know of this Catholic family, they have worked very hard to provide an adequate education for their children which included opportunities for social interaction with others. We are gravely concerned with this decision.

Judge Bernier's decision is being appealed by the HSLDA of Canada, which, as noted by Faris, has spent more money on this year alone in defending homeschooling families than any other.

Homeschooling families have endured legal obstacles across the world, including in [Sweden](#) and [Germany](#).

In February, a German judge denied the Erz family permission to homeschool, even though the family was able to demonstrate that the children were being provided a quality education. HSLDA explains:



Written by [Raven Clabough](#) on May 13, 2011

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Homeschooling is almost universally illegal in Germany, although several hundred families persist in teaching their children at home. Nearly all of these families operate underground or are involved in court battles. The persecution of homeschoolers has escalated over the past decade, as German authorities continually threaten families with stiff fines, imprisonment, or the loss of their children. Many German families have fled their homeland, resulting in the landmark Romeike asylum case in January 2010. The decision by a U.S. judge to grant political asylum to a German homeschool family, currently on appeal, reflects the repressive nature of Germany's educational policies.

Similarly, a Swedish judge ordered the removal of 7-year old Dominic Johansson from his parents simply because they chose to homeschool him.

Homeschooling has also been targeted by the United Nations Convention on the Rights of the Child (UNCRC), which asserts that the state has the authority to make decisions for the "best interests" of the child, regardless of the parents' stance.

While Canada continues to allow homeschooling freedom, Québec has proven to be more intolerant of the institution, notes HSLDA Director of International Relations Michael Donnelly.

"This judge's decision reads more like one from these countries that are repressing homeschooling," said Donnelly. "The philosophy represented by this judge's decision must be resisted."

*Illustration: Provincial flag and coat of arms of Québec.*



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