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An exploration of the home schooling alternative to public education

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An exploration of the home schooling alternative to public education

Abstract
Throughout history homeschooling has been an alternative to the public education provided by the state. Recently states have been called upon to modify their requirements for alternative forms of education. Proponents of homeschooling are resistant to compulsory education and teacher certification laws imposed by some states. They also cite rights guaranteed by the Constitution as support for their desire to educate their children at home. Critics, however, are concerned about a lack of socialization and the possibility of narrow-minded learning taking place with home educated students. School officials are burdened with the loss of financial support due to the decrease in numbers of children attending their schools. The possible solution to this controversy appears to be in a working compromise between parents, educators, and state officials.
AN EXPLORATION OF THE HOME SCHOOLING ALTERNATIVE TO PUBLIC EDUCATION

A Research Paper
Submitted to the Faculty of the Graduate School
of the University of Northern Iowa

By
Brenda J. Anderson

In Partial Fulfillment of the Requirement
for the Degree of
Master of Arts/Educational Psychology

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Throughout history homeschooling has been an alternative to the public education provided by the state. Recently states have been called upon to modify their requirements for alternative forms of education. Proponents of homeschooling are resistant to compulsory education and teacher certification laws imposed by some states. They also cite rights guaranteed by the Constitution as support for the desire to educate their children at home.

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Chapter 1

Introduction

Throughout history homeschooling has been an educational option, though often under public scrutiny. Presidents including George Washington, John Quincy Adams, James Madison, Franklin D. Roosevelt and Abraham Lincoln were educated either substantially or entirely through home schooling. Other prominent figures in United States history such as Mark Twain, Agatha Christie, Martha Washington, Andrew Carnegie, and Thomas Edison were products of home instruction. Author Phyllis Wheatley was also educated primarily at home.

The number of parents in the United States today choosing to educate their children at home is steadily increasing. While it is impossible to determine the exact number of families who are homeschooling, it is currently estimated that perhaps as many as 260,000 children across the United States are being educated in their homes, apart from any formal public or private school setting. (Lines, 1987) This number has increased from an estimated 15,000 children in the early Seventies. This represents less than 1% of the total
school-age population.

The implementation of home education is predominantly increasing in popularity among middle class families. The Des Moines, Iowa school district alone saw an increase from 52 children in a home school program in 1986 to 79 children in 1987. While this philosophy of education was once most popular among extremist groups--either extreme fundamentalists or extreme secular radicals--it is now espoused by more moderate sectors of society. Based on the populace that subscribes to his publication, *Growing Without Schooling*, John Holt (1981) described the typical home school parents as a group of Americans who are mostly white, more rural than urban, otherwise quite average in everything except stubbornness, courage, independence, and trust in themselves and their children.

Many reasons are cited for parents' decisions to educate their children at home, but all have one theme in common: Public schools do not meet their children's needs. One overriding view held is that learning is not necessarily best achieved inside a specific building, between specific hours of the day, and led by specially trained
individuals. John Holt, author of several books and leader of the liberal school reform movement, supports this view. He stands firm on the side of no formal instruction, feeling that children will learn as they are stimulated from within by their innate curiosity, if this curiosity is not stifled by excessive structure. (1981)

How compelling is a state's interest in ensuring that its children receive an adequate education? What determines an adequate education? Does this compelling interest in an adequate education extend beyond reading, writing, and arithmetic to include socialization? Parents in increasing number are going to the courts to challenge what they perceive as restrictive state regulations on educational procedures. Challenges are based on both statutory and constitutional grounds.

It is possible to homeschool legally in every state in the United States. The increase in popularity of homeschooling has led to 18 states changing their statutes since 1982, (Richoux, 1987) thereby making it easier for parents to educate their children at home.

The states can be roughly divided into four categories according to their laws regarding homeschooling:
1. No or minimal restrictions. This would include a dozen states such as Wisconsin where parents are merely required to notify the state of their intentions to homeschool and California where there are so few restrictions that a family can call their home a private school.

2. Specific requirements. Over a dozen states spell out some specific requirements such as: families must use an approved curriculum or correspondence school, work with a certified teacher, have their children take standardized tests, or hold a high school diploma themselves or pass a competency test. States such as Georgia, Louisiana, Oregon, and Washington fall into this category.

3. Evaluation and/or approval. States in which governmental authorities--usually local school districts--are left to determine whether a family is providing adequate education. Families must write an approved curriculum that they intend to follow. Typical states include Ohio, Connecticut, Massachusetts, Pennsylvania, and Vermont.

4. Unclear or in conflict. Eight states support laws which are being hotly contested by homeschoolers. North Dakota, the most
restrictive state in the U.S., requires parents to be or to employ certified teachers. Michigan and Iowa also require a certain amount of contact with a certified teacher. Other states in which the legal situations seem unclear include Alabama, Texas, Kansas, Idaho, and Maryland.

**Statement of the Problem**

The purpose of this study is to review the related literature and to provide answers to the following questions:

1) What is the history of homeschooling?

2) What are the current laws regarding homeschooling?

3) What objections are there to homeschooling?

4) What advantages are there to homeschooling?

5) Is homeschooling constitutional?

**Definition of Terms**

The following terms will be used throughout the study in the context defined below:

**Homeschooling**: Educating children at home, apart from any public or private school affiliation. This is sometimes referred to as home education.
Compulsory Attendance: The requirement enforced by some states to ensure that the children of that state attend an approved school for a set number of days.

Constitutionality: Being in accordance with and supported by the Constitution of the United States.

Significance of the Study

The number of parents choosing home education as an alternative to public or private education for their children is steadily increasing. (Lines, 1987) This tendency has persuaded 18 states to change their laws regarding homeschooling since 1982. The 1988 Iowa State Legislature has approved a bill which allows any parent, in the coming year, to educate their child at home without facing a truancy charge. The bill will be acted upon during the next legislative session. Therefore, all public school administrators face the increasing possibility of dealing with families in their districts who wish to home school their children.

Procedures in Obtaining Literature

Several methods were utilized in obtaining a thorough review of the literature. Initially, a computer search was done utilizing key
terms as homeschooling, compulsory attendance, and school laws. The Iowa Department of Education was contacted in regard to homeschooling regulations and compulsory attendance laws. A computer search through the Des Moines Register was conducted on the topic of homeschooling. Bibliographies from journal articles provided further resources as well as the Education Index. Recommendations from individuals involved with homeschooling provided additional reference books. This was felt to result in a thorough review of the current literature.
Chapter 2

Review of Literature

History

Colonial Protestants and Roman Catholics who came to America from Europe established and supported their own schools. Most were elementary schools initiated with the intent of teaching reading, writing, and religion. School attendance was not compulsory as only one out of every ten children went to school. Many children learned a trade by becoming an apprentice. Wealthier colonists hired private tutors for their children or sent them to England for their formal education.

In 1642, the Massachusetts Bay Colony passed a law requiring parents to teach their children to read. In 1647, Massachusetts passed the first law in America requiring communities to establish public schools. These town schools taught religion as well as basic skills.

The 1700's brought little change to the education system. Secondary schools were started in many colonies. Most of these were private schools supported by tuition only.
Following the Revolutionary War, the 1800's brought a deep concern to unify a nation. The likely place to begin this unification was through the education system. Thus evolved the development of standardized textbooks and the establishment of state public school systems. Early American educators and textbooks stressed patriotism and honesty. It was also emphasized that being deeply religious—preferably Protestant—was an important part of being a good American.

In the early 1800's, it was evident that something more was needed to give America unity. The answer seemingly lay in a public education system and so it was proposed that each state set up a system of free, compulsory, tax-supported schools. These schools were to be free of religious control (unlike England) but devoted to building character and patriotism. Certain religious groups disliked some of the principles taught in the public schools and as a result, supported their own alternative schools. But for the majority of citizens, immigrants included, the public schools were the pathway to Americanization.

The Massachusetts legislature passed the first compulsory
school-attendance law in the United States in 1852. By the end of the 1800's, 45 states upheld such laws and by 1918, every state supported compulsory school attendance.

In spite of the compulsory school-attendance laws, many parents, because of geographic isolation, have through much of United States history, educated their children at home. This is still the case today in parts of Alaska.

A German educator of the nineteenth century, Johann Frederick Herbart, believed that uniform educational goals enforced by state-controlled schools produced an unsuitable educational environment for students. In his view, students had individual needs and likewise required an individual curriculum plan. Herbart favored the education of children at home, supplemented with visits from a Hauslehrer, or educator, who would prescribe socialization contacts, individual projects, and educational experiences much like a physician would prescribe medicine for patients.

In 1908, The Calvert School Home Study International in Baltimore, Maryland was established and began enrolling students whose parents desired to educate them at home, free from a
mandatory public or private school setting. This institution provided parents with a curriculum for their child's education along with support to facilitate the curricular process. It is estimated to date, that 72 such organizations exist in the United States today to assist parents who wish to homeschool. (Lines, 1987)

The advent of institutions which were established with the intent of helping parents educate their children at home, brought questions of constitutionality and legality. In 1923, the United States Supreme Court ruled in Pierce v. Society of Sisters that "...it is the natural duty of the parent to give his children education suitable to their station in life..." (Holt, 1981, p. 98) This ruling appears to have paved the way for further court rulings on the issue of homeschooling.

In 1925, the U.S. Supreme Court declared the Oregon law requiring all children to attend only public schools unconstitutional. In 1944, the Supreme Court said, "It is cardinal with us that the custody, care and nurture of the child reside first in the parents...". This decision also stated, "...the private realm of family life which the state cannot enter." (Holt, 1981, pp.98-99)
These very early cases in history show the beginning of the Court's acceptance of parental rights in determining the education of their children, largely based upon freedom of speech and freedom of religion. This trend seems to continue throughout more recent history.

In 1950 the Illinois Supreme Court ruled that uncertified parents did not violate the truancy law by educating their child at home. The court rejected the state's argument that a home could not be considered a school and that likewise home instruction could not be synonymous with instruction from a private school as the state statute required. The court did rule that "...a school...is a place where instruction is imparted to the young, that the number of persons being taught does not determine whether the place is a school..." (Nagel, 1979) In 1965, the Supreme Court stated that "...the right to educate one's children as one chooses is made applicable to the States by the First and Fourteenth Amendments." (Holt, 1981, p. 99)

In the late 1960's Amish children fled into the cornfields in order to avoid attending public schools. A landmark decision in the
important case of the *State of Wisconsin v. Yoder* (1972) allowed for members of the Old Amish Faith to be excluded from the compulsory school-attendance laws after the elementary grades. The court realized that the teen-age years are crucial in determining whether or not a child would remain a part of the Amish faith. Thus the court stated, "...a way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations; to have the protection of the religious clauses of the 1st Amendment, the claims must be rooted in religious belief...". The courts would most likely not have exempted the Amish from public school attendance if it seemed likely that these children would become members of the mainstream society. This 1972 decision also reads, "...The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition." (Whitehead, 1984, p. 26) This decision is viewed as the Supreme Court's strongest statement on the authority parents have over their children's education.
In a more recent case, Robert and Linda Sessions of Decorah, Iowa, were charged with unlawfully failing to send their 7-year-old son to a public school or obtain equivalent instruction elsewhere. The Sessions were not keeping their children out of the public schools for religious reasons but rather because they felt they could better educate their children in their home than any established, systemized school system could. With this case, the Iowa court set the following precedents for future cases: 1) The burden of proof is on the schools and not on the parents 2) to show beyond a reasonable doubt 3) that the instruction the parents give at home will be worse than what the schools are actually doing (not just talking about doing). The Court also ruled against the State that the school did not cooperate with the Sessions in their attempt to find out what the school would accept as “equivalent” instruction.

A parent-state conflict led to tragic consequences in the state of Utah in 1979. John Singer, resisted arrest after refusing on constitutional grounds to obey a court order rejecting his wish to educate his seven children in his home. The police shotgunned him to death in front of his home schooling complex. While this case is
certainly extreme, it shows the vehemence with which parents act in defending their right to educate their children as they see best, as well as the State's concern for their right to supervise children's instruction.

In 1984, Reverend Tot N. Taylor and his wife Sharon of Mount Pleasant, Iowa, were convicted on charges of failing to provide their daughter with an education equivalent to that provided by a public school. Each was sentenced to a thirty-day jail term when they violated their probation agreement by continuing to send their daughter to the Bluebird Christian Academy which is operated by Rev. Taylor and not certified in the state of Iowa.

Most recently some public schools have developed structured home schooling programs such as the one in Des Moines, Iowa. In such programs, public school administrators and certified instructors work with parents who wish to home school their children in developing a sound educational program. They also cooperate in monitoring student progress.

For the first time in history, the home school movement has a full-time lobbyist at the Legislature in Des Moines, Iowa. The Iowa
Home Educators Association serves as a support group for families who are or who wish to home school their children. Fifty-one Iowa families belong to the Home School Legal Defense Association in Washington, D.C. This defense association will cover attorney fees should the legality of a member's home education program be challenged.

**Laws**

Most states require parents with children ages 5 through 17 to educate their children, send them to a public or private school, or face paying a fine or possible jail sentence. Due to the rapid expansion the home schooling movement has shown in recent years, there are many points of difference yet unresolved between school boards and home schoolers. The exact format, documentation, and curriculum to be followed are continually under discussion and frequently tested in court.

Though differences are unresolved in many states, there is a way to home school in every state. Some states support stricter laws than others. The recent rise in popularity of home schooling has led to 18 states changing their statutes since 1982, almost all with the
result of making it easier for parents to home school legally.
(Richoux, 1987)

**Compulsory Attendance**

Education is often regarded as being synonymous with school attendance. Massachusetts initiated compulsory school attendance laws in 1852, by being the first state to enforce such mandatory education of its children. By 1918 every state had such a law. While these laws differ in specifics from state to state, every state requires the educating of its children.

Compulsory education laws are typically criminal laws, setting minimum requirements to protect children from parental neglect. The purpose of such laws is to assure the state that children receive the education they need to become self-sufficient adults and responsible citizens.

When discussing compulsory school attendance laws the definition of the words “school” and “attendance” must be considered. Webster defines school as “a place or institution for teaching and learning; establishment for education”. He also defines it as “the building or buildings, classrooms, laboratories, etc. of any such
establishment; all the students, or pupils, and teachers at any such establishment". Thus, a parent's home could definitely be considered a school. Some states, though, require attendance at only public or private schools—schools which are certified and whose curricula are approved by the state.

An Illinois Supreme Court ruled in *People v. Levison*, (1950) that parents did not violate truancy laws by educating their third grade child at home. That court rejected the state's argument that individual home instruction could not be instruction in a "private school" as required by the statute and found instead that, "...a school...is a place where instruction is imparted to the young, that the number of persons being taught does not determine whether the place is a school...". (Nagele, 1979, p. 31)

In the intent of the laws, "attendance" is to mean taking part in educational activity approved by the school. It does not simply mean the bodily presence of a student in a specified school building.

In *Prince v. Massachusetts*, (1943) the court upheld child labor laws over a free exercise claim. The state ruled that neither religion nor parenthood place the family beyond state regulations in the public
interest in order to guard the youths' well-being. The state may restrict the parents' control by requiring regular school attendance or prohibiting child labor. These compulsory attendance laws allow four exceptions. 1) Students may be exempt from attending formal public school education if they have been expelled temporarily for disciplinary reasons; 2) if they have been asked to stay home due to health reasons; 3) when they have been exempted to attend a private school; or 4) when they have been permitted to attend some other form of qualified schooling. Each of these reasons requires permission from the state (local school board) to be exempt from the statute. If a student is not exempt for one of these four reasons and has not obtained permission, they are considered truant.

Supporters of the home school movement feel that school entrance ages are arbitrary and should not be regulated by the state. Most states require school attendance at or before the age of six with some allowing school entrance as early as age four or as late as age eight. Raymond Moore (1979) stated in his book *School Can Wait* that since children develop at different rates, including sex-related differences, researchers cannot pinpoint a specific age at which they
are ready to begin formal schooling. He feels that except for certain severely deprived or handicapped children, children who are older at school entrance generally do better in all aspects of learning and adjustment than younger children.

Only nine states require school attendance with no exceptions. However, Illinois and North Carolina recognize "home schooling" as fulfilling the requirement of school attendance. Twelve states (Connecticut, Delaware, Idaho, Indiana, Maine, Maryland, Massachusetts, New York, New Jersey, Oklahoma, Rhode Island, and South Carolina) mandate that children be educated (without specifying where) or require either school attendance or some nonschool alternative. (Lines, 1987) Twenty-nine states now explicitly allow instruction at home by a parent or tutor. Only a few states strictly regulate home-schooling: Iowa, Michigan, and North Dakota. These states require teachers in home schools to be certified by the state.

**State Certification of Teachers**

Several states require that all teachers be certified by the state. In these states, parents who wish to educate their children at home
must either be certified themselves, or hire a certified tutor. There are organizations such as the Christian Liberty Academy, Arlington Heights, IL in which parents can enroll their students and thereby obtain contact with certified teachers. Certified teachers come to the home periodically to assess progress and offer their services. This often satisfies the requirement for teacher certification.

In support of the teacher certification law, Thomas Shannon, executive director of the National School Boards Association, says, "The status of 'parent' hardly qualifies a person as the substitute for an experienced classroom teacher in a formal school." (Nagel & Shannon, 1979, p. 30) It is also felt that without this requirement the door is left open for parents to abuse or neglect their children without anyone checking on them for many weeks at a time.

The second reason for support of the teacher certification law is that as in colonial times, it is felt today, that a country needs a social glue to unite it together. The public school seems to be the answer. Thus, certified teachers are needed to maintain this unity in instruction.

Supporting home schoolers, Professor Donald Erickson of the
University of San Francisco testified as an expert witness in the case of *State v. Nobel* (1980) His testimony indicated that there is no evidence whatsoever that a teaching certificate proved teacher competence or that it has been empirically shown that a teacher's certificate enhances the quality of the educational process received by the students.

A state that says a parent's home education plan is inadequate has the burden of proof to show beyond reasonable doubt that this is so. (*Hinton v. Kentucky State Board of Education*, 1979) Parents are assumed to be competent to teach their children until proved otherwise. This Assumption of Competence is part of the Assumption of Innocence (of the accused) which holds in all other criminal proceedings. In order to prove that the parents' education plans are inadequate, the state must show that its own requirements and regulations of the public schools do, in fact, produce better results than the parents get or are likely to get.

**Objections to Home Schooling**

**Lack of Socialization**

The most common concern of parents who choose to home school
their children is that they will deprive their children of developing the social skills necessary to enable them to function adequately in our society. There is apprehension about whether children who have been "sheltered" in a home school will be able to handle the situations in real life. Real life includes the problems that children encounter when dealing with their own peer group from day to day as well as the joy of establishing and becoming a part of close peer groups.

Frank Neufeld, director of field services for the Manitoba Department of Education, argues, "We learn from one another by testing ideas; we widen our horizons by chatting with one another, even at an early age, and children should have that opportunity." (Shapiro, 1982, p. 47)

A 1929 Supreme Court upheld that socialization in groups is essential in State v. Hoyt. By actively participating in groups, a child learns certain skills which better enable him/her to contribute to society as an adult.

Thomas Shannon states, "An important function of the school is to provide a natural environment for the socialization of youngsters, crucial in a democracy where dependence on self-restraint and
respect for the rights of others is high. What better place is there for these important lessons to be taught than in a school?" (Nagel & Shannon, 1979, p. 30)

In certain cases, such as with members of the Old Amish Faith, socialization skill was not a valid consideration since its members did not wish to become part of the mainstream society as adults. They wish to remain separated from society in their own community.

It is also a concern of some that parents who choose to home school will deprive their children of valuable extra-curricular activities. This is often where strong peer relationships are developed. The children may not have the opportunity to become part of a basketball team, cheerleading squad, an orchestra, etc.

One strand of being a socially functional American adult is that of being able to tolerate values that are different from your own. If home school children are not exposed to a diversity of belief systems, but are instead, indoctrinated with the values their parents have, they will not learn to accept people whose values differ from their own. Knox v. O'Brien, (1950), states, "... while cloister and shelter have their place, it is not sufficient to allow children to live in a modern
society where one gathers that which is good from his neighbor and shuns that which is bad." (Harris & Fields, 1982, p. 29)

**Miseducation**

One third of the parents home schooling their children are actually certified professional teachers. (Moore, 1984) There is mixed concern over whether or not simply being a parent qualifies you for adequately educating a child.

School administrators are afraid that parents may not possess the professional knowledge necessary to prepare their children for future education. This becomes more of a concern if parents choose to continue educating their children past the elementary grades. The area of specialized skills is also a concern. Will the child who is educated at home have access to new high tech equipment such as word processors, computers, and chemistry labs as if he/she were attending a public school?

Some writers suggest that home educated children score equally well in the basics—reading, writing, and arithmetic—but that in the specialized fields of art, physical education, and music these children are somewhat below average in skill level.
Fears that children who are home schooled may be deprived of the opportunity to enter a profession or college have been expressed. Without exposure to the structured environment typically found in public schools, children may not acquire adequate study habits which would be necessary when pursuing higher education.

**Loss of Financial Support for Public Schools**

Local school administrators cite the loss of financial assistance from the state as an objection to supporting home schooling. Many public schools, especially in the Midwest, have suffered a loss of students and have been forced to consolidate or close altogether. This loss is due, in part, to young people leaving these states for employment reasons as well as the rise in popularity of home schooling.

**Advantages of Home Schooling**

There are many reasons why parents choose to home school their children. Parents seem to share a common belief that the public schools are not providing a healthy environment for their children. They also share a need to have some control over their children's learning. The most evident characteristic of parents who home school
their children is that they are not afraid to take a socially unorthodox route to educating their children in order to ensure the development of qualities they, as parents, deem important.

**Freedom of Religion**

It is estimated that about half of homeschoolers were attracted to the idea for religious reasons; specifically, because of conflicts between what goes on at school and their religion. Many parents are religious fundamentalists dissatisfied with what they call "secular humanism" that public schools allegedly espouse. Secular humanism is defined as placing more emphasis on "self" rather than God.

**Educating Children is the Parents' Responsibility**

One attitude held by some parents is that raising children is the God-given responsibility of the parents, not the state. Ron Gieseke (1987) stated in the *Des Moines Register* he wants to be responsible for teaching his children. He feels the Bible has instructed him to do this.

Home schoolers argue that simply being a parent qualifies one as a teacher as most parents care very deeply about their children's development. Parents desiring to home school will in many instances
be concerned enough about their children that they will provide warmth and love. They will provide an environment where each child is valued and respected as an important family member. Benjamin Bloom, once an advocate of early school entrance, has done an about-face and now says that the best environment for children to learn is the home and the best teachers are the child's parents. (Moore, 1984)

Some individuals believe that children who remain home longer have a better emotional well-being. The parents' role in developing a child's sense of values and self-worth is critical. Children model their parents in attitudes, moral knowledge, vocational interests, and personality. When a child has achieved a positive self-concept, he will be able to adapt more constructively to the world around his home. He will be less threatened by authority figures and less vulnerable to peer pressure.

Parents wish to protect their children from harm. The home offers a safe environment for learning. Cited as an example of harm done to children in public schools is physical harm as has been reported recently in city schools. The statistics on nonfatal assaults
in the schools including rapes, gun rings, drug abuse, prostitution, and school vandalism are staggering. (Nagel, 1979)

Emotional harm can be done in a multitude of ways. Kevin M. Conlee (1986) referred to emotional abuse as the hidden crime in the classroom. Included in the list are peer pressure, mockery in the locker room, and psychological abuse by teachers. Classroom situations bring, for some children, the worry of being chosen last, the anxiety of having to pass a test, or the fear of speaking in front of a group of peers. Children who experience repeated failure in school are often devastated and have a difficult time rebuilding their self-concept. Too many feelings of inferiority and insecurity can destroy the motivation, creativity, mental and physical health of a child. (Cicio & Weiner, 1983)

Incompetence of Schools

Some parents feel that their children aren’t learning as much as they should be in the public schools. They’re concerned about the tracking, leveling, and grouping practices that many schools exercise. They’re fearful of their child being placed in a certain group or track without the opportunity of ascending or descending as time and years
Parents have stated that uniform educational goals are not a suitable environment for maximum learning. Each person is unique and requires an individual curriculum. Critics argue that education cannot be produced like goods in a factory. They contend that mass education in schools has flattened cultural diversity and personal individuality in setting up strict programs of learning which are identical at each grade level throughout the nation. They view the current educational system as promoting conformity, anti-intellectualism, passivity, and classism.

Parents often state the advantage of time as being a factor in their decision to home school their children. In a public school, the actual amount of instruction time is minimal. They feel that much of their child's time would be wasted and their motivation lost by waiting for the teacher to answer someone else's question, watching him/her discipline some other student, doing seatwork while other children are being instructed by the teacher, or the teacher's need to handle other "housekeeping chores". It has been estimated that a child spends only three hours out of the average seven hours in school each
day, participating in activities in which he/she is truly learning. (Justiz, 1984)

In a home school situation, the parent can devote solid blocks of uninterrupted teaching-learning time which would be most effective to the child's education. This would leave much of the day for family activities, such as outings to community organizations or facilities, or would provide the child with time for his/her own special interests.

Constitutionality of Home Schooling

When challenged by state authorities, certain rights, guaranteed by the Constitution of the United States, are at stake. Specifically those rights guaranteed by the First, Ninth, and Fourteenth Amendments.

Freedom of Religion

Many people who teach their children at home, do so because of strongly held religious beliefs. The right to free religion is guaranteed under the First Amendment of the Constitution. A religious conviction need not be a universally-shared belief or formal denomination for it to be protected as religious exercise under the
First Amendment. In *Thomas v. Review Board* (1981) the Court ruled, "The guarantee of free exercise is not limited to beliefs which are shared by all of the members of a religious sect." (Whitehead, 1984, p. 38) Likewise in *Fowler v. Rhode Island* (1953) the Court held, "...it is no business of courts to say that what is a religious practice or activity for one group is not religious under the protection of the First Amendment." (Whitehead, 1984, p.38)

A leading decision on the matter of free exercise of religion is the Supreme Court decision in *Wisconsin v. Yoder* (1972) In challenging a compulsory education statute, which required school attendance through age sixteen, members of the Amish faith felt they were being deprived of free exercise of religion. The state, however, felt that it had a compelling interest in education to override the burden on religious freedom. The Court ruled in favor of the Amish: "...a State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it infringes on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment..." (Whitehead, 1984, p. 39)
The Supreme Court also rejected the state's argument that the compulsory education law did not violate the First Amendment rights because the requirement applied to all citizens of the state and did not discriminate against religions or a particular religion. The Court stated, "A regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion." (Whitehead, 1984, p. 40)

The First Amendment likewise prohibits the state from establishing a formal religion. This provision has been construed by the United States as prohibiting excessive entanglement between government and religion; voiding governmental action which has the primary effect of either advancing or inhibiting religion; and, rendering unconstitutional any law or state action that does not have a demonstrable secular purpose. (Whitehead, 1984) Burdensome regulation can produce excessive entanglement with religion when home education is desired for religious reasons. Any prohibition against or regulation of home schooling for religious reasons would be regarded as the state's showing hostility to religion and therefore
would be a violation of the establishment clause of the First Amendment.

Supporters of home schooling argue that the law requiring teacher certification is in violation of the First Amendment rights. Since teacher certification involves a license from an approved institution following the completion of a prescribed program of study, it would be impossible to obtain while supporting certain religious beliefs. In *State v. Nobel* (1980) a Michigan court found a teacher certification requirement to violate the First Amendment rights.

**Freedom of Speech**

First Amendment protection also includes the freedom of speech. Freedom of speech has also been interpreted to include the freedom of belief and thought. (Whitehead, 1984) Citizens have the constitutional right to hold and implement a particular philosophy or ideology. This is the basis for some parents' choice of home education.

In 1977, the Court upheld the "freedom of thought" right in *Wooley v. Maynard*. A Jehovah's Witness refused to display a state
motto on his automobile license plate. The Court stated, "We begin with the proposition that the right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely and the right to refrain from speaking at all...The right to speak and the right to refrain from speaking are complementary components of the broader concept of individual freedom of mind." (Whitehead, 1984, pp. 47-48)

The state, though it may have a compelling interest in education, must be careful not to interfere with or prohibit freedom of thought and belief. The state would be in violation of the constitution if there existed even a possibility that it, by its disallowance of the home education alternative, were hindering the private thoughts or beliefs of parents and children.

**The Right to Privacy**

The Ninth Amendment of the Constitution provides for "rights retained by the people". This has been construed in the past, by the courts as granting, for example, parental rights to the care, custody, and nurture of their children; the right to privacy; and the right to travel and abide in any state. The trend seems to be for the Courts to
include more and more rights within this protection of the Ninth Amendment. In *Perchemlides v. Frizzle* (1978), the Massachusetts court held, "The plaintiffs have a right under G.L.c76,§1 to home education for their child, and this right bears constitutional protection, not by specific constitutional delineation but through its inclusion in the penumbra of certain protected constitutional rights, most notably those guaranteed by the Ninth Amendment." (Whitehead, 1984, p. 52)

**The Right to Due Process of the Law**

The due process clause of the Fourteenth Amendment prohibits laws or regulations that are unjustly vague. The United States Supreme Court summarized this area in *Grayned v. City of Rockford* (1972) It was ruled that laws give a person of ordinary intelligence a reasonable opportunity to know what is prohibited and likewise act accordingly. Vague laws may unintentionally trap the innocent. Therefore explicit standards must be provided in the wording of laws.

This has important implications for many home schooling issues. Compulsory education statutes typically require attendance at "public or private schools" or require "equivalent" education elsewhere.
Equivalent education is required without any definition of equivalent. This requirement is impermissibly vague. Requirements such as this do not afford the person of ordinary intelligence reasonable opportunity to know exactly what is prohibited. Therefore, courts stand to reject a state's statute which is vague in its definitions, while upholding the Fourteenth Amendment.

Statutes creating irrebuttable presumptions such as teacher certification laws have been disfavored under the Due Process Clause of the Fourteenth Amendment. The presumption involved is that uncertified teachers are not capable of adequately instructing their children. The state may not presume that all parents are in the category of not being suited to educate their children. (Whitehead, 1984)
Home schooling, the most recent form of alternative education, is rising in popularity across the United States. School administrators, educators, legislators, and parents must recognize this as a significant movement and be prepared to deal with it wisely. They must examine the issues cautiously, always with quality education of the child as the primary concern.

Cooperation in this situation is a priceless resource. Its cost is small though, compared to the costs of continuing courtroom battles over disagreements about home schooling. Neither parents nor administrators will be able to afford the costs of refusing to cooperate.

**Suggestions for Parents**

Parents choosing to home school their children should take heed of several guidelines in regard to their dealings with school administrators, legislators, as well as the general public.

Parents who home school their children should be strongly
convicted that what they are doing is right. This conviction must be more than just a preference if it is to stand the winds of objection. Approximately 50% of the home schooling court cases have ended in favor of the parents. (Harris & Fields, 1982) With a solid conviction of their belief in home schooling, parents stand a better chance of success—both with the school board and with the courts.

Parents must also be in agreement with their spouse on this issue. If home schooling is a thorn in the side of one parent, the education of the child at home is sure to face uncertain times.

Becoming informed of previous court rulings, gaining knowledge in landmark cases, and staying current on the topic of home schooling will be an advantage to parents choosing this avenue of education for their children. Legislators are eager to hear facts and data—not just feelings and opinions. This can be accomplished most easily by subscribing to newsletters designed specifically for home schooling parents, staying current with newspaper accounts, and conversing with legislators.

Parents should develop a precise and sequential curriculum for each child they intend to home school. This plan should be detailed
with textbook offerings or curricular materials to be used. Provision for physical education, music, art, and drama should be included in addition to basic skills and thinking processes. Planning for the child's social development would be considered essential by most school boards.

Daily records and lesson plans should be kept. The number of minutes spent each day on each subject should be recorded as well as the number of days "school" is in session.

Parents should provide a structured environment for instruction. Children should have desks to work at and a library should be established. The library must include at minimum a set of encyclopedias and a dictionary.

The primary instructor should develop a method of evaluation. Records of test scores which have been administered should be maintained. Parents should have their children take standardized achievement tests yearly. It is advisable that these tests be administered by someone other than a family member. This is not to suggest that a court might have the right to remove a child from a home school if test scores are below a certain level, but rather that
learning disabilities might be identified and the parents be directed to resource persons for additional assistance if needed.

Most importantly, parents who desire to educate their children at home should strive to possess a cooperative nature in dealing with public school officials. Learning at Home, a supplier of material for Hawaiian home-schoolers, gave the following advice:

"Please remember when you deal with school officials that, to them, you represent home-schoolers. If you approach them respectfully and with confidence... they will be reassured that you are going to be a responsible parent and take care of your child's education... We have found that any sensible educational plan presented with confidence and civility to local principals is eventually accepted if those official procedures are followed." (Lines, 1987, p. 516)

Suggestions for Public Schools

Parental feeling that schools are not concerned about the well-being of children is one major reason contributing to the rise of the home schooling movement. Public schools need to give a listening ear to this expression and prepare to deal with it.
These parents who have opted to educate their children at home, desire to be involved with the education of their children. Public school officials should be aware of this and take steps to provide involvement for the parents of their district.

With an estimated 260,000 students being educated at home, it is likely that every school administrator is or will be faced with the situation of parents desiring to withdraw their children from the public school system and establish a home school. The following is a list of items which must be considered, as well as a list of those things which cannot be considered in the decision to allow or reject a parent's wish to begin a home school program. This list is based on the 1978 decision of Perchemlides v. Frizzle (Harris & Fields, 1982, [italics added])

Things which a school board must consider:

1. Curriculum;

2. The manner in which knowledge is presented;

3. The texts and materials used;

4. The method of evaluation;

5. The scope of the teaching time;
6. The competence of the teacher;

Items that could not be considered:

1. Whether group experiences have been provided;
2. Whether the curriculum is identical to that offered in the public schools;
3. Why the parents choose to educate their children at home;
4. Whether the system will be creating a precedent by its actions.

There is much controversy over the meaning of "equivalent" in some state laws. School boards should establish criteria for a curriculum which would be satisfactorily equal to their public school's curriculum. If approached by parents desiring to home school their children, the administration would have a definite set of guidelines for the interested parties to use.

John Holt has drafted a model home-schooling law which would allow public school districts to include home-schooled students on their attendance register and likewise collect state financial support for those students. He suggests that this would alleviate some of the fear of and objection to home schooling on the part of many
superintendents.

The second element of this model law would allow for home-schooled students to utilize the public school's facilities. These students would be allowed to participate in extra-curricular activities, use special equipment such as computer labs, or partake in special interest areas such as photography, art or symphony.

Beginning to cooperate with parents who wish to home school will not result in a mass exodus of students from the public school. Marie Della Bella, who has collected data on home instruction since 1983, found that only half of the families registered with the state of Connecticut continue home instruction for more than one year. An administrator with Accelerated Christian Education agrees. (Lines, 1987) Based on these reports, it would appear that public schools have little to lose if they choose to cooperate with parents choosing to educate their children at home—completely independent of a public school setting.
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