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## **HOMESCHOOLING** by Michael P. Donnelly

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### *Introduction*

In this chapter we establish a common understanding about what homeschooling is and what it is not, then examine how different nations craft educational policy to accommodate this form of education. Because the concept is so new to many, we assume that few readers will be familiar with homeschooling. Therefore, we will provide some introductory material before analyzing the country reports.

Although it is more established in English-speaking liberal democracies, particularly the United States, Canada, the United Kingdom, and South Africa, homeschooling is also catching the interest of parents in other countries as an educational alternative. In countries such as Germany, Brazil and Sweden, the movement is creating no small amount of controversy.

In the earlier edition of *Balancing Freedom, Autonomy, and Accountability in Education*, Charles Glenn and Jan de Groof wrote that the right of parents to

choose the education for their child is fundamental, and a hallmark of a free society. They went further, stating that “to deny that choice . . . is unjust and unworthy of a free society.” Homeschooling is, and should be, a component part of that choice set.

Readers interested in learning more about this form of education are encouraged to consult the resources referenced here. Dr. Robert Kunzman, assistant professor of education at Indiana University has established a website which catalogs research conducted on the subject of homeschooling. Dr. Kunzman has cataloged over 1600 articles at his website, <http://www.indiana.edu/~homeeduc/index.html>.

Joseph Murphy, assistant Dean of the Peabody school of education located at Vanderbilt University recently published a definitive work reviewing the major research on homeschooling in America. His book, *Homeschooling in America: Capturing and Assessing the Movement*, is highly recommended.

Another helpful resource is the National Home Education Research Institute founded by Dr. Brian Ray. The website may be accessed at [www.nheri.org](http://www.nheri.org).

Finally, the Home School Legal Defense Association (“HSLDA” and employer of the author) hosts a website with information regarding home education in the United States and other countries. The website may be accessed at [www.hslda.org](http://www.hslda.org).

## ***What is homeschooling?***

Homeschooling can be defined as the elective practice whereby children are educated directly under the personal oversight of their parents, often, though not exclusively, by their parents and usually in a home setting. Advocates, practitioners and researchers alike grapple with terminology of this new and innovative form of education. Depending on the philosophical underpinning, country of origin, and other factors, homeschooling is also known as home-based education, home education, unschooling, home-centered learning, home instruction, deschooling, autonomous learning, and child-centered learning. Regardless of its sundry names, the decision to homeschool contains two invariable elements; a “decision by parents not to educate their child in an institutionalized setting, and the decision by parents to educate their children in a home setting.”<sup>1</sup> Homeschooling can also be defined by what a parent does *not* choose for their child’s education—a definition which incorporates the rejection of the institutional schooling found both in government as well as the majority of traditional private schools.<sup>2</sup>

Far from being a simply defined and uniform practice, Murphy notes that in the United States the idea of homeschooling “has become fuzzier over recent years as hybrid models of homeschooling and public schools have emerged.”<sup>3</sup> The author’s

observations as a professional working as an international homeschooling researcher and advocate suggest similar patterns in other countries where homeschooling has existed for some time. Murphy explains that homeschooling is just as much a social movement as it is the fastest-growing educational alternative. He postulates that homeschooling in the United States has grown so rapidly because of the sociological context of privatization observed in the twentieth century's closing decades of post-industrial America's social fabric. More precisely, homeschooling could be an outgrowth of the national shift from seeing government as the solution for societal problems and towards the increasing desire of the citizenry to privatize fixtures of society.<sup>4</sup>

Cibulka and Apple, two researchers writing in 1991 and 2000, respectively, observed that the success of the homeschooling movement represents a "wider trend toward more public influence over educational policies, in contrast to the wide autonomy professionals once enjoyed." In many ways, "the movement toward homeschooling mirrors the growth of privatized consciousness in other areas of society."<sup>5</sup> A survey of the global landscape reveals similar patterns within other nations as well.

It is worth noting that the definition of homeschooling is not necessarily rooted primarily in the location where the child receives his education (e.g., in the home). In numerous country reports, it was noted that some children who are medically, psychologically or otherwise unable to attend school (Albania, Greece, Romania) complete their studies at home. These children, though they learn at home, remain under state supervision and usually receive instruction from state teachers from a state-approved curriculum and are monitored and assessed according to state standards. This learning situation should not be considered homeschooling. We define "homeschooling" as the *elective* practice whereby *parents* control their child's education. While there may be certain state controls present in an actual homeschooling environment, the bottom line is that the parent, not the state, is in charge and responsible for providing the child's education.

## *Why homeschooling?*

First, we must address a caveat: The population of homeschooled students in the United States has risen over the past forty years from essentially zero to between three and four percent of the school-age population.<sup>6</sup> Therefore, most of the scientific and academic research on homeschooling is gathered in the United States. The author's opinion, however, based on extensive international homeschooling experience, is that the motivations of parents who homeschool are discernibly similar regardless of cultural or political boundaries.

Historically, education has been provided primarily by families and church

institutions—not the government. In the sixteenth century, the Reformation sparked a widespread interest in literacy, and introduced the idea that the state ought to provide compulsory education.<sup>7</sup> The state thus entered into the arena of education, and asserted a new and forceful means by which it shaped society—through the influence of children’s minds and values.<sup>8</sup> Now, after only 160 years of experimentation with compulsory schooling, 95 percent of the world’s 205 nations have some form of compulsory education laws requiring children to be educated for as few as four and as many as thirteen years.<sup>9</sup> Although most laws provide exceptions, but few explicitly recognize and even fewer encourage homeschooling. After these many decades of government-run education, parents are increasingly seeking alternative education for their children. Increasing problems with public education systems are only part of the equation in parents’ decision to homeschool their children.

The decision to homeschool is idiosyncratic at the individual family level, and depends on the individual needs and desires of the parents and children involved. However, the studies devoted to researching homeschooling motivations indicate several common factors at work at large within the movement.<sup>10</sup> Collum and Mitchell note the “general consensus among researchers that the decision to homeschool is motivated by four broad categories of concern,” including dissatisfaction with public schools, academic and pedagogical concerns, family life, and religious or moral values.<sup>11</sup> Murphy identifies two categories of “push and pull” factors: “push factors” are negative forces relating to academics and social issues that push families away from public schooling options, while “pull factors” are the family life and religious or moral values that move parents and/or children towards home education.

One helpful study provides a seven-part motivational outline which includes instructional and curricular issues, safety issues, social issues, convenience issues, health/handicap issues, values issues, and esteem issues.<sup>12</sup>

Similar factors are referenced in a quadrennial study by the United States Department of Education. This study shows that, far from being monolithic, most parents who homeschool have multiple reasons which factor into their decision to homeschool their children. (See Table A-6-2.)<sup>13</sup>

## National Center for Education Statistics

Table A-6-2. Number and percentage of school-age children who were home-schooled, by reasons parents gave as important and most important for homeschooling: 2007

Reason	Important		
	Number	Percent	
A desire to provide religious or moral instruction	1,257,000	83.3	
A concern about environment of other schools <sup>2</sup>	1,321,000	87.6	
A dissatisfaction with academic instruction at other schools	1,096,000	72.7	
Other reasons <sup>3</sup>	485,000	32.2	
A desire to provide a non-traditional approach to child's education	984,000	65.2	
Child has other special needs	315,000	20.9	
Child has a physical or mental health problem	169,000	11.2	

### *Who does it?*

Perhaps not surprisingly, homeschooling families are predominantly married couples with the mother of the children taking on the primary role of educator. This statistical generalization is borne out by numerous studies conducted in the homeschooling population.<sup>14</sup> Though this demographic makes up a significant portion of the homeschooling community, research shows that there is also a significant number of single-parent households who choose to homeschool their children.<sup>15</sup> As the movement has continued to grow, market forces have compensated to make educational options such as private tutoring, online learning, and part-time enrollment with public schools available to homeschoolers. Demographic research also indicates that homeschooling parents tend to be somewhat better educated and of middle income, but few homeschooling parents have any formal education training or teacher licensing credentials.<sup>16</sup>

### *How does it work?*

#### *Methods*

In this section we explore two questions: the first addressing methodology or pedagogy of home educators, and the second regarding homeschooling's outcomes.

Research shows that, much like motivations, homeschooling methodology is highly idiosyncratic and varies significantly among families. It may also vary within families regarding the education of each individual child, but again, general and identifiable patterns are distinguishable within family groups. The two simplified

approaches to homeschooling methodology can be categorized as *structured* and *unstructured*. These two broad categories describe the extent to which formal curricular materials are included in the instructional approach, and the extent to which parents shape their child's learning experience to be more or less formal. The government context of each particular family also plays a large role in shaping their homeschool methodology. For example, the requirement for homeschoolers to submit to a nationally-developed assessment necessitates that parents teach to the standardized test rather than to their own particular goals. In some cases, state regulation prescribes a course of study, meaning that homeschoolers experience less flexibility to experiment with alternative methods of instruction or subjects.

In the early days of home education in the United States, as well as other countries where homeschooling is just beginning to emerge, the limited access to curricular materials necessarily shaped pedagogical methods. Limited resources for homeschooling families can restrain flexibility even where the legal regime might permit greater exploration. In countries where curricular materials are difficult to obtain, homeschoolers are compelled to find creative approaches to education. Some look to extra-national sources for more formal curriculum material — often these resources are in English. In addition, homeschoolers are often forced to rely on their public library system.

Another governing factor that influences methodology is the stringency of government regulation. In some countries, homeschoolers may be required to use the national curriculum. This requirement may be prescriptive or imposed to support the requirement for homeschoolers to participate in a national assessment or meet nationally-determined standards (Albania, Azerbaijani, Finland, Georgia, Hungary, Iceland, Israel, Italy, Latvia, Malaysia, Poland, Singapore, Slovenia, Ukraine). In some cases, the national curriculum is the only curricular material available for parents to use with their children in their native language.

In the United States and other nations where homeschooling is maturing (e.g. United Kingdom, Australia, Canada, France, South Africa and New Zealand), parents have access to a greater range of educational options to meet their children's needs. For example, in the United States, Canada, and Australia, online distance learning programs serve significant numbers of the homeschooling community, as only a part of the curriculum or as the entire educational program. These distance learning programs may be government-funded or privately-financed. However, as noted previously, completely government-funded distance learning programs are not considered home schools even though the schooling may be exclusively conducted at home. In these programs, the education of the child remains the responsibility of the state and is supervised by state teacher teaching the approved curriculum.

Overall, the educational market has expanded to provide comprehensive curriculums



which may be delivered through physical materials or through online learning programs. Individual subjects are also available from specialty providers or from the comprehensive curriculum providers who unbundle their curriculum for parents to select individual subjects. Parents can now choose from many options and can mix and match subject matter and programs.

Parents may also create hybrid programs, combining publicly-funded curriculum (either materials or actual classes in the public school) with their own privately-obtained curriculum. For example, a student may take calculus at a local high school, where the regulatory framework permits homeschoolers to access the public school, while taking a history class through an online program, while his parents provide the remainder of the instruction in his educational program. Public school access is somewhat controversial in the homeschool community. Some parents want nothing to do with public institutions of learning, a sentiment often reciprocated by public schools. However, as the homeschooling movement in America grows, there is an increasing demand for access to the public school materials, classes, and extracurricular programs such as sports, theater, and music programs. Those in favor of public school access argue that, because parents pay taxes to support public school system, they should have access to the educational programs. Many educators also see permitting homeschoolers to have access as a way to serve the educational needs of the children in their communities and also as a way to keep a line of communication with homeschoolers, in the event that they remit curricular in the public school system.

In a number of states in America and in some countries described later in this chapter, homeschoolers are permitted by law to participate equally in public school programs. Thirty-four states in the United States have some official framework, either statutory or judicial, for determining how and whether homeschoolers may have access to public school programs. In a number of these jurisdictions, the decisions are left up to the individual determination of local school authorities.<sup>17</sup>

In the states which have approved charter school education, some enterprising public school districts have contracted with national online learning providers, such as K-12, to offer a complete virtual online academic program. Complete with free computers, internet access, and teacher supervision, families enroll their children in the program, which is delivered via the internet to a home computer. In many cases, the local school district receives the full allocation of funding from their state agency, but only pays a fraction of that amount to the online provider, accruing a net profit to the school district. This practice has been generally tolerated by most of the states that permit charter schools, although in some states, funding has been cut for online students.

Homeschooling cooperatives (“co-ops”) constitute a growing segment of the home education population. Parents take on the role of teacher for groups of children in co-ops, which may include as few as two families or as many as 600. Although this cooperative

approach is available at every grade level, it is more prevalent at the secondary educational level for parents who would like to supplement home instruction for higher-level math and sciences. Each child receives instruction from another parent teacher, but the child's parent remains responsible for the overall instruction. While these co-ops tend to spring up from parent initiatives and are parent-run, some commercial enterprises in the United States have capitalized on this innovative approach. For example, Classical Conversations, a U.S.-based educational service provider to the homeschooling community, has reported over 30,000 students enrolled in its geographically-distributed classrooms, which are based on the classical education co-op model.

## Outcomes

Homeschooling results can be broadly categorized in two ways: first, outcomes for the individual child, and second, outcomes in regard to larger societal issues (e.g. impact on social fabric, schools, families, and politics). We will reserve the latter outcome assessment for later in the discussion.

The effect of homeschooling on children can similarly be outlined into the broad categories of academic achievement, social development and post-homeschooling success. Murphy evaluates these areas in great detail in his book *Homeschooling in America*.<sup>18</sup> He notes that both homeschooling advocates and opponents do not consider academic outcomes to be the best evaluative measure for homeschooling. Indeed, research shows that parents often have multiple goals in homeschooling, some of which they consider more important than academic achievement.<sup>19</sup>

Based on reviewing hundreds of studies on the subject, Murphy identifies three perspectives regarding whether accurate assessment conclusions may be gleaned from the academic outcomes of homeschoolers. These perspectives include: the opinion that no comprehensive conclusions can be gained from academic outcomes; the opinion that homeschooling is a neutral factor in academic outcomes; and finally, that academic outcomes prove homeschooling affords academic benefits to students.

In his evaluation of outcomes Murphy concludes that “empirically-grounded clues are visible, and tentative hypothesis are being formed,” and that there is a “growing body of evidence that reveals how homeschooling students are performing academically compared to national norms on standardized tests.” He states that “there is a fair amount of suggestive evidence that homeschooling contempt on the effects found in public schools of family socioeconomic variables” and finally that it is “inappropriate to privilege academic achievement in the algorithm we craft to assess the impact of homeschooling.”<sup>20</sup>

Opponents or critics of homeschooling often raise the issue of “socialization” in their criticism. Measurement of homeschoolers’ performance in this area is difficult, since



the definition itself is somewhat elusive. In his analysis, Murphy defined socialization to include areas of social skills, self-concept and social engagement. He found that homeschoolers performed as well as, and in some cases, better than public and private schools students in socialization aptitude.<sup>21</sup> These findings were based on studies that included both American and foreign homeschoolers.

Some argue that “socialization” concerns are not actually about social interaction and self-concept, but are merely a response to the values and beliefs that homeschoolers teach their children. Such individuals claim that critics’ complaints are rooted in the fact that homeschool values interfere with the values put forth by the government-run education system and contradict those “democratic values” that are important to the state.

Homeschools may threaten the status quo of the educational system, provoking comments such as those from Martha Albertson-Fineman, a professor at Emory University School of Law. She makes argues that private education must be forbidden, saying:

The more appropriate suggestion for our current educational dilemma is that public education should be mandatory and universal. Parental expressive interest could supplement but never supplant the public institutions where the basic and fundamental lesson would be taught and experienced by all American children: we must struggle together to define ourselves both as a collective and as individuals.<sup>22</sup>

Some argue that the state may rightly possess broad authority to prescribe minimum educational standards. But others insist that inappropriate standards to evaluate socialization of homeschoolers leads to monopolization of education— which is the hallmark of a totalitarian regime.

Monolithic control of the value transmission system is a hallmark of totalitarianism. Thus, for obvious reasons, the state nursery is the paradigm for a totalitarian society. An essential element in maintaining a system of limited government is to deny state control over child rearing, simply because child rearing has such power. Even if the system remains democratic, massive state involvement with the rearing of children invests the government with the capacity to influence powerfully, through socialization, the future outcomes of democratic political processes.<sup>23</sup>

In the introduction to this series, Glenn and DeGroof explain that the fundamental right of parents to educational their children is recognized internationally. In fact, human rights doctrine establishes that the right of parents to control and direct their children’s education is not only foundational, but also superior to the claims of the

State in educating children. Therefore, several relevant human rights documents are excerpted herein.

Article 26, part 3, of The Universal Declaration of Human Rights of 1948 states that “parents have a prior right to choose the kind of education that shall be given to their children” (emphasis added). Article 2 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms provides that “in the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

The International Covenant on Economic, Social and Cultural Rights in Article 13.3 states that “the States Parties to the present covenant undertake to have respect for the liberty of parents . . . to choose for their children schools, other than those established by public authorities,” but still “conform to such minimum educational standards as may be laid down or approved by the State and to ensure that religious or moral education of their children is in conformity with their own convictions.”

The International Covenant on Civil and Political Rights provides in Article 18, paragraph 4 that “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Countries which repress the right of parents to homeschool their children have been criticized by the international community. For example, in 2006 the United Nations Special Rapporteur on the Right to Education, Werner Munoz, criticized Germany’s harsh treatment of home-educating families, stating that the right of parents to choose education outside of public schools was a necessary freedom.<sup>24</sup>

## *Legal recognition*

In countries where homeschooling is growing, it is generally recognized as a viable education option within the framework of the nation’s laws. There are a number of legal approaches whereby countries recognize the practice of home education as complying with the compulsory attendance law or as a legal exception to that law. Homeschooling may be explicitly or implicitly recognized by the state’s constitution, within its compulsory attendance laws, administrative regulations, or within its jurisprudence interpreting one or all of these aspects of the law.

Countries or subdivisions whose constitutions recognize and permit homeschooling either explicitly or implicitly interpreted as within the family’s right

to educate their children include Austria, Finland, Georgia, the state of Oklahoma, Ireland, Italy, Peru, Philippines, Poland, and Portugal. Constitutional recognition of the family's right to homeschool also exists in the Brazilian and Spanish constitutions. However, courts in those countries have handed down individual case law against home education. One notable constitution is that of Germany, which explicitly notes in Article 6 section 2 of its basic law that the care and upbringing of children is parents' natural right and duty. However, the German constitutional court has interpreted the authority of the state to "supervise the school system," also explicit within its basic law so that it excludes the practice of home education.<sup>25</sup>

The uniform opposition of German authorities against the practice of home education is particularly egregious, and therefore has been mentioned in both United Nations educational reports and the United States Department of State country reports.<sup>26</sup> A German family was even awarded political asylum in one noteworthy case. Asylum was granted on the basis that homeschoolers are a social group with threat of persecution in Germany, through excessive fines, criminal sanctions, and removal of custody of their children if the family chooses to homeschool.<sup>27</sup>

However, even when a nation's constitution recognizes the explicit right of parents to homeschool their children, the legislature at the national, state or provincial level may create additional regulatory schemes. To that effect, the Irish Legislature passed the "Education (Welfare) Act, 2000" directing the Irish National Education Welfare Board ("NEWB") to create a register for families who, up until that time, had no specific national regulations regarding home education.

## *Classification*

Even where official regulatory frameworks explicitly recognize homeschooling as lawful practice, enforcement personnel at the state national or local level may not operate under the same interpretation regarding the application of various laws and regulations. In general, the extent to which a state permits or impedes parents' ability to homeschool is indicative of that government's willingness to incorporate pluralism, parental autonomy, and freedom in education.

In evaluating the European Court of Human Rights jurisprudence on homeschooling, especially in the case of Germany's homeschool prohibition, John Warwick Montgomery, noted lawyer, professor, theologian, and author, comments that "when homeschooling is denied, the system may be said to lack the proper degree of flexibility; a reasonable measure of parental choice is denied; and a diverse independent educational sector ceases to have realistic meaning."<sup>28</sup>

Below, countries are labeled according to their regulations. Included are the states and territories within countries that function as federal republics. In these places, educational authority is decentralized into political subdivisions and, in some cases, the drastically affects the treatment of homeschooling families. The labels below measure the extent to which the government requires parents to initiate or maintain contact with government authorities when they begin to homeschool, as well as the amount of oversight educational authorities are granted over homeschooling families.

Regulation measurement also factors in the following characteristics: *whether* and *how often* assessments are required; the methods of assessment available; public authorities' capacity to deny homeschooling; any required qualifications for homeschool instructors; where instruction may take place; length of days or hours of instruction; the extent to which homeschoolers must supply certain information (such as a curriculum description or list of materials); record-keeping requirements; and any other home education-related laws or regulations. (Note that some regulations are standard even in low regulation governments. In virtually all jurisdictions with compulsory attendance laws, there are minimum prescriptions that address requirements for the content, location, and methodology of a child's education.)

"No regulation" jurisdictions do not require a parent to initiate contact with the governing authorities when they choose to homeschool. Most jurisdictions, even those in "no regulation" zones, have minimum requirements that children are taught certain subjects. Homeschooling parents do sometimes encounter prosecution under truancy or educational neglect statutes in "no regulation" jurisdictions.

"Low regulation" jurisdictions only require that a parent notify the governing authority when they begin homeschooling, and abide by the minimum standards that apply to all education options (e.g. that certain subjects must be taught).

"Moderate regulation" jurisdictions require notification to authorities, along with a combination of other requirements which may include regular evaluation of student performance, particular qualifications required for homeschooling parents, record-keeping requirements, and other various conditions.

"High regulation" jurisdictions require parents to apply for and receive approval before homeschooling, in addition to other requirements mentioned in "moderate" jurisdictions. A state may also be categorized as "high regulation" if approval is not required but other administrative burdens are sufficiently restrictive.

For a more detailed analysis of the regulatory criteria and ranking, please visit [www.HSLDA.org/laws](http://www.HSLDA.org/laws).

View [www.indiana.edu/~homeeduc/state\\_regs.html](http://www.indiana.edu/~homeeduc/state_regs.html) for a useful chart compiled by Dr. Robert Kunzman.

## *“No regulation” jurisdictions*

Colombia, England, Wales, Finland, Georgia, India, Kosovo, Mexico, Peru, and the several states of Alaska, Connecticut, Idaho, Illinois, Indiana, Michigan, Missouri, New Jersey, Oklahoma, and Texas in the United States.

In England, homeschooling has long been permitted under education statutes. Section 7 of the Education Act requires that children to go to school or be “otherwise” educated. In 2009, a significant controversy arose when the English government commissioned a report on home education. Graham Badman’s report called for the imposition of major regulatory measures on home education.<sup>29</sup> Homeschoolers in England opposed the findings of the report, as well as the proposed additions to the revised school act that would affect home educators in England. The act was defeated. Parents in England and Wales are not required to follow the national curriculum, but are provided with guidelines enacted in 2007. There are only a few reported cases in which courts have become involved with homeschooling families.

The National Board of Education and the Ministry of Education in Finland interprets the nation’s constitution to allow parents to choose to homeschool their children, under the supervision of the local educational authority. The National Board of Education promulgated nonbinding guidelines in 2010 that assist homeschoolers and authorities to effectively work together.

Article 35 of the Georgia<sup>30</sup> national constitution declares primary and basic education to be compulsory. The civil code, however, recognizes that parents may choose to provide education outside the state system. Parents are not required to inform authorities of their decision in advance, but students are required to take a national exam and earn a nationally-recognized diploma.

In 2009, the government of India passed the “Right of Children to Free and Compulsory Education Act” (“RTE”). This act created confusion for parents homeschooling in India. A subsequent clarification from the Indian education ministry stated that the RTE was not intended to micromanage parents, who remain otherwise free to not send their children to a state school.

Although Mexico’s constitution states that education is compulsory, it is the obligation of the parent to provide for their child’s education. Reports indicate that

homeschooling in Mexico is growing rapidly, so more regulation may be developed to address the burgeoning movement.

In Peru, both the constitution and the law delegate the duty and right to provide education to parents. However, virtually no families homeschool in Peru at this time.

In the United States, it is estimated that over 2 million children are homeschooled, representing approximately 3-4 percent of the school-age population. For the 10 individual states noted above, no initial or ongoing contact between homeschooling parents and local authorities is required. These 10 states together represent over 77,500,000 American citizens, about 25 percent of the entire national population.

School attendance in these states is compulsory, but court decisions, constitutional provisions, or legislative enactments recognize the parental right to choose home education for their children without the involvement of local or state authorities.

This freedom does not prohibit unfortunate interference from authorities in some cases. At times, families are contacted regarding truancy concerns, or face investigations from social services agencies based on allegations of educational neglect.

### *“Low regulation” jurisdictions*

Ontario(Canada), New Brunswick (Canada), Saskatchewan (Canada), British Columbia (Canada), Prince Edward Island (Canada), New Brunswick (Canada), Indonesia, Philippines, Russia, and the several states of Alabama, Arizona, California, Delaware, Kentucky, Kansas, Mississippi, Montana, Nebraska, Nevada, New Mexico, Wisconsin, and Wyoming.

The Canadian provinces have varying levels of regulation, but generally fall within the “low regulation” range. Ontario and New Brunswick are two Canadian provinces that allow students to fulfill compulsory attendance requirements under either satisfactory or effective instruction in public schools or “elsewhere.” In Ontario, parents must submit an “annual homeschooling application form.” In addition, Ontario authorities are instructed to collect a “notification of intent” from parents. The province of Saskatchewan only requires that a parent notify the local Board of Education or Ministry of Education that they will be starting a home education program for their child. The province of British Columbia requires homeschooled children to be enrolled with a public or independent school of their choice for a nominal fee. No other oversight is required. Prince Edward Island requires a simple notification process each year that must be submitted to the minister of the province. Furthermore, the school act of this province provides explicitly that homeschooled



students may attend courses offered by the local public school.

Reports indicate that interest in home schooling in Indonesia is growing, particularly in the upper middle-class social strata where parents can afford tutoring for their children. Indonesian students are permitted to take the national exam and receive an official school certificate. It is estimated that there are 500 – 2,000 families currently homeschooling in Indonesia.

Homeschooling is also a growing option in the Philippines, where the government recently created a department to oversee home education programs. Numerous support groups sprang up to assist parents in homeschooling their children. The Philippines' constitution recognizes parents' natural right to raise their children, which many parents interpret to mean they have the freedom to choose the kind of education their children receive without state involvement.

In Russia, local homeschool leaders estimate that 100,000 children are homeschooled in Russia. Article 43 of the Russian constitution acknowledges its support for many different forms of education. Home education is addressed in paragraph 52 of the "Federal Law on Education," and the right of parents to choose their children's education is guaranteed in section 63 of the "Pressures Family Law" code. Recently, however, some court action has been taken against homeschoolers in Russia.

In the United States, 14 other individual jurisdictions require that parents provide some form of notice to authorities if they choose to homeschool their children. The requirement for these notifications may range from a simple letter to a signed affidavit. In some cases, the notices are submitted one time, while others must be submitted annually. In some jurisdictions, a basic description of the intended curriculum must be submitted as well, but in other jurisdictions, a simple declaratory note is sufficient. These 14 states constitute over 72 million citizens, and represent approximately 25 percent of the population of the United States.

### ***"Moderate regulation" jurisdictions***

Austria, Australia, Azerbaijani, Belgium, Manitoba (Canada) Yukon Territory (Canada), Chile, Denmark, Ireland, Northern Ireland, Norway, Portugal, Qatar, Slovenia, and the states of Arkansas, Colorado, Florida, Georgia, Iowa, Louisiana, Maine, Maryland, Minnesota, New Hampshire, North Carolina, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Virginia, Washington, West Virginia.

In Austria, home education is protected by the country's constitution. However, public authorities have the right to insist that the provided education be equivalent

to that which is offered in public schools, although equivalency does not mean “identical.” Authorities in Austria typically monitor home education closely, and home-educated students are required to take some form of a national examination. Nationwide, approximately 2,000 families homeschool their children, but individual territories and states have authority to register homeschooled students. Distance learning is a popular option in Australia, and is provided via correspondence or online classes. In some cases, distance classes are part of a public school program and are administered remotely. There are approximately 30,000 families who administer distance classes in their homes, a third to half of whom are privately home educating their students.

In Azerbaijan, homeschooling parents are responsible for providing an “equivalent” education to that which is offered in public schools. Homeschooled students take a comprehensive exam administered by regional representatives of the ministry of education, and receive an officially-recognized certificate for the next level of education.

In all three language communities of Belgium, homeschooling is an acceptable educational option, acknowledged under section 6 of the Compulsory Education Act. French communities have their own specific regulations which usually require a visitation from an education inspector, as well as compliance with regular state-approved testing.

Manitoba requires homeschooling parents to notify the province’s minister of education and outline the education program for each pupil by grade level. The ministry is required to file a periodic progress report for each pupil twice a year. In Yukon, parents provide a three-year education plan in literacy and numeracy subjects only. An annual registration is also required, per the description of educational alternatives outlined in section 31 of the territories’ Education Act. An estimated 30,000 students are homeschooled in Canada.

Article 41 of Chile’s Education Act assigns the Ministry of Education the responsibility of validating knowledge developed outside the formal education system. Advocates of home education in Chile interpret the constitution as permitting parents the authority to choose home education for their children. However, in certain situations, a validation test or process may be required of homeschoolers in this country. Homeschool students may be enrolled in an educational institution designated by the regional Minister of education in order to be evaluated and obtain qualification for promotion to higher education levels.

Article 42 of Ireland’s constitution protects the right of parents to educate their children at home, but also recognizes the state’s authority to require a “certain minimum education” be provided. Though they are required to register with national authorities, many parents resist this condition and consider it an imposition on their

right to choose their children’s education. There are between 750-2,000 children currently homeschooled in Ireland. According to country reports, approximately 3,000 children are homeschooled in Qatar.

This overall percentage rivals the United States’ population ratio (United States: 3.5-4 percent; Qatar: 2 percent). However, Qatar only permits homeschooling under extenuating circumstances, if a child exhibits special needs, or after the child exceeds the compulsory school attendance age.

In the United States, 19 jurisdictions impose “moderate regulations” on homeschoolers, an area representing 108 million citizens—approximately 35 percent of the country’s population. In these jurisdictions, some form of notification is required on an annual basis, in addition to the requirement that an assessment of some kind be performed to measure the student’s academic performance.

Different standards are applied in the various jurisdictions, depending on the format of the assessment. For example, in Colorado, the minimum standard is set at the 14th percentile on standardized tests. In Minnesota, assessments are required, but do not need to be provided to local authorities. But, in the event that a child scores below the 30th percentile on a standardized test, Minnesota law requires parents to conduct additional evaluations to determine whether the child has a learning disability. In Ohio, a child demonstrates “reasonable academic proficiency” with a score at or above the 25th percentile on the standardized test. Some states, such as New Hampshire and West Virginia, have higher score requirements on standardized tests. New Hampshire requires a score at or above the 40 percentile with West Virginia requiring at or above the 50 percentile. In New Hampshire and West Virginia, however, education officials are not given the authority to terminate home education on the basis of students’ assessments falling below established standards. In these states, as well as a majority of the others in the “moderate regulation” range, standardized tests are only one option available to parents to assess their children’s academic performance. In most cases, other forms of assessment are also permitted. These may include: an assessment conducted by a certified teacher or another agreed-upon evaluation; or portfolios of students’ academic work, along with report cards or progress’s reports.

### *“High regulation” jurisdictions*

Albania, Belarus, Alberta (Canada), Québec (Canada), Czech Republic, Estonia, France, Hungary, Iceland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malaysia, Netherlands, New Zealand, Poland, Singapore, South Africa, Sweden, Massachusetts, and the states of New York, Dakota, Pennsylvania, Rhode Island, and Vermont in the United States.

In Albania, Article 49 of the “On Pre-University Education Systems” law permits the Ministry of Education to determine whether home education shall be allowed.

In Belarus, Article 167 (1) gives children a right to follow an “individual plan of studies.” However, local educational authorities have the sole discretion to determine when this plan may be allowed. The law allows children who are exceptionally talented or who claim another “good reason” to be homeschooled. Parents’ religious motivations, however, is not a sufficiently “good reason” for homeschooling. The chairman of the House of Representatives Standing Committee on Education conclusively voiced his opposition to parents’ homeschooling on basis of religious convictions.

Approval is not required for parents to homeschool their children in Alberta, who are free to register with either a public or private school. However, the requirement that home educators host visitations with teachers from the school board or an associated private school is fairly restrictive. Nevertheless, homeschooling is becoming a popular alternative in Alberta, with over 10,000 students registered for home education. Québec has a “rigid view” on home education, evinced by recent legal action taken against one family’s right to homeschool their children. Significant administrative burdens are imposed in this territory, including the requirements to enroll a child with a school board, participate in annual state approved assessments, and provide a home instruction plan which the local school board deems equivalent to that of the public school.

Homeschooling in the Czech Republic is under legal experimentation. Currently, permission to homeschool is granted upon request for elementary-aged children, based on a local school official’s review of the submitted home education plan. A legislatively-sanctioned solution for higher grades is presently in the making. Homeschoolers in the Czech are given access to public school materials, and teachers are available for assistance. According to the country report, parents’ in the Czech Republic homeschool for reasons that mirror the motivations of families in the U.S. and other countries that have been studied more comprehensively.

In France, parents do not need to seek permission to homeschool, but their education programs must be supervised by the Ministry of Education. At any time, the ministry may send inspectors to interview children regarding their home education. This system tends to be highly burdensome, according to homeschooling families in France, placing the country on the “highly regulated” list.

The Director General of Education in Israel personally approves every request to homeschool. In 2006, nearly 200 requests were submitted, and only a handful of applicants were rejected. However, it is estimated that a significantly larger number of children are being homeschooled without specific government permission.

Reports indicate that as many as 7,000 students were granted certificate of exemption by New Zealand's Ministry of Education for home education. Parents must update their homeschooling intentions every six months, and receive a small supervisory allowance to spend on teaching materials.

In Poland, parents must apply for permission from the director of a public or private school, and are expected to work with the school throughout the course their home education program. Homeschooling is a growing movement in Poland, with more than 500 families currently home-educating.

An estimated 150,000 children in South Africa are homeschooled. According to reports, very few homeschooling parents register their children with the government, though it is required by the pursuant to the National Education law. The National Education law dictates the national curriculum is taught to all children, and local authorities usually establish their own procedures for coordinating the registration of home-educating families.

In 2010, the parliament of Sweden changed its education law dramatically, making it far more difficult for parents to obtain permission to homeschool. The new law permits homeschooling only under "exceptional circumstances." And although appeals to the local courts are permitted, nearly every appeal in recent years has been denied. Sweden's new law also removed certain provisions that had protected homeschooling parents from being prosecuted criminally. As a result, it is reported that large fines are frequently assessed against parents who homeschool their children. Several high-profile cases in which homeschooling families attempted to leave the country because of homeschooling persecution ended with the child being taken from his parents. Perhaps not surprisingly, there are very few families homeschooling in Sweden.

In the United States, only six states, representing approximately 41,000,000 citizens or 13 percent of the country's population, impose "high regulations." Even in these states where regulations are considered relatively high, homeschooling is still largely accepted. Although complications between authorities and homeschoolers are not uncommon, the right of parents to homeschool is not generally questioned. Formal approval to homeschool is only required in two jurisdictions: Massachusetts and Rhode Island. In the remaining jurisdictions, the extensive bureaucratic requirements place the states in the "highly regulated" category.

### *Homeschooling not permitted*

Brazil, Bulgaria, China, Cuba, Germany, Greece, Spain

Federal courts in Brazil have interpreted the education law so as to disallow homeschooling from the compulsory attendance laws. However, in the most recent

promulgation of the constitution, this policy has become less clear. Without an explicit law recognizing homeschooling, most Brazilian authorities operate under the assumption that home education is illegal. Brazilian homeschoolers are currently engaged in active efforts to modify the country's law so that it will allow for home education.

In Bulgaria, very few families homeschool their children. Formally, there is no educational exception for homeschooling, and in some cases, authorities have deemed it illegal. But because educational oversight is kept on the local level, families who adopt a low profile and comply with local officials have been able to carry on in their home education programs.

In China, as one might expect, homeschooling is not permitted. All children are expected to attend a compulsory state school. However, the compulsory education law does not explicitly apply to foreigners living in China. Consequently, many foreigners in China do successfully homeschool their children. There is an increasing interest in private education in China, which has led to some foreign investment in this area.<sup>31</sup>

In 2003, the German Constitutional Court ruled that it is permissible for the states (*Laender*) to ban homeschooling. The court said in its Konrad case that the state has the right and authority to prevent the development of “parallel societies” and that minorities do not have the right to separate themselves from society but must be integrated through the school system, which has the objective of not only teaching academics but also of “socializing” children according to “democratic values” as the state determines appropriate. Scores of families have reportedly left the country over the issue and homeschoolers who remain frequently face legal challenges. In a very few cases, individual families have been able to work out agreements with local schools that appear to be more tolerant of the practice and desirous of avoiding the conflict that accompanies truancy prosecution of these families. The European Court of Human Rights reviewed the Konrad decision but declined to accept the case, ruling it “inadmissible” but stating that Germany was within its “margin of appreciation” to not permit home education. In 2008 Mr. and Mrs. Dudek of Hessen were sentenced to 90 days each in jail for homeschooling. The jail term was reversed on appeal but their criminal conviction remains on appeal at the German constitutional court. For more information on the situation in Germany, the reader is encouraged to visit [www.hsllda.org/germany](http://www.hsllda.org/germany). There is domestic and international activism targeted at seeking a solution for families who wish to homeschool in Germany. The controversy over German states' refusal to permit homeschooling has received international media attention.

There is no recognition of any exemptions for homeschooling in Greece's educational



law. However, Greece does recognize some educational exemptions for children with special needs.

In recent years, court and legislative action has taken place in Spain, where an estimated 1-2,000 families homeschool. In 2010, the Spanish constitutional court ruled that parents have no explicit right to homeschool their children according to the national education law. However, in some local prosecutions, local magistrates have been unwilling to enforce truancy or neglect laws when children are taken out of public schools under certain particular circumstances.

### *Homeschooling not formally recognized or rare*

Bosnia-Herzegovina, Japan, Jordan, Korea, Malta, Pakistan, Romania, Saudi Arabia, Ukraine, Uruguay

In certain jurisdictions, homeschooling is rare, and is not explicitly recognized nor prohibited within education law. For example, in Bosnia-Herzegovina, the law requires that children attend school, but does provide some exceptions from the public school for health reasons, or if home education is in the best interest of the child. A long-standing tradition of home-tutoring is recognized in Bosnia-Herzegovina, but such tutoring is usually provided by a qualified teacher, rather than the parents.

Homeschooling in Japan is a growing trend. Though it is not formally recognized in the law, there is very little enforcement of compulsory attendance laws, which makes it possible for families to pursue homeschooling. An estimated 1-5,000 children are homeschooled in Japan.

Homeschooling is also growing rapidly in the Republic of Korea, where it is not yet a formally-recognized education alternative. No reports of government enforcement against homeschooling families have been filed, perhaps because movement is very small. Parents frequently appeal that, although the constitution requires compulsory education, it does not specify that education take place in public schools.

### *Conclusion*

We have seen that millions of children are educated at home by their parents for many reasons. Research indicates strongly that home education is beneficial to children. Countries with educational policies that accommodate this form of educational choice demonstrate a strong commitment to respecting freedom and

autonomy of the family unit. Studies and experience from nations that have grappled with the issues raised by this emerging choice suggest that it can be accommodated, indeed, that it *should* be accommodated. If we believe that freedom and autonomy are important values in education then recognizing the right of parents to choose the kind of education their children receive, including home education, is necessarily part of the expanding choice set. Since a variety of accountability measures are shown to meet what most would agree is a state's reasonable interest in an educated citizenry, nations that repress or hinder home education should seriously question their commitment to freedom and autonomy. Those that affirm, if not encourage, home education are to be commended.

## Endnotes

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- <sup>9</sup> UNESCO, *Education for All by 2015: Will we make it?*, (Oxford University Press, England, 2007), at 2. <http://www.uis.unesco.org/Library/Documents/gmro8-en.pdf> (accessed August 7, 2012). See also Nationmaster.com webpage chart “Education Statistics > Duration of compulsory education (most recent) by country” located at: [http://www.nationmaster.com/graph/edu\\_dur\\_of\\_com\\_edu-education-duration-of-compulsory#source](http://www.nationmaster.com/graph/edu_dur_of_com_edu-education-duration-of-compulsory#source) accessed August 7, 2012.
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- <sup>15</sup> Donnelly, Michael P., Single {not alone}, The Homeschool Court Report, Volume XXVII, No. 1, January/February 2011. Available at <http://www.hslda.org/courtreport/V27N1/V27N101.asp>.
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- <sup>17</sup> SLDA, State Laws Concerning Participation of Homeschool Students in Public School Activities, May 2011. [http://www.hslda.org/docs/nche/issues/e/Equal\\_Access.pdf](http://www.hslda.org/docs/nche/issues/e/Equal_Access.pdf) (accessed August 15, 2012).
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- <sup>19</sup> Farenga P. (1998). Homeschooling: Creating Alternatives to Education. *Bulletin of Science, Technology & Society*, 18, 127-133. See also Klicka, C. J. (1995). *Homeschooling the right choice: the incredible failure of public education and the rising hope of homeschooling: an academic, historical, practical, and legal perspective*. Gresham, Oregon: Noble.
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- <sup>31</sup> some information on homeschooling in China is derived from interviews with educators and citizens from the People’s Republic of China with the author.