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Confrontation and Cooperation: The Complicated Relationship Between Homeschoolers and Public Schools

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Throughout the modern homeschool movement that emerged in the 1960s and 1970s, homeschooling families have clashed with public institutions. Early homeschoolers joined together to win favorable legislative and judicial outcomes that resulted in the legalization of homeschooling in all 50 states by the early 1990s. Homeschoolers continue to face opposition from professional educators and the organizations that advocate for them. But although some interactions between homeschoolers and public schools are confrontational, in other cases, public school districts offer a variety of resources and opportunities to home educators. Some homeschoolers accept public school offerings through charter or online schools that allow children to remain at home while completing public school curricula. Others have gained the right to access public school extracurricular programs including high school sports. Not all homeschoolers agree on the merit of participating in programs offered by public schools. It is likely that instances of both cooperation and confrontation will continue.

THE COMPLICATED RELATIONSHIP BETWEEN HOMESCHOOLERS AND GOVERNMENT SCHOOLS

In 1984, homeschooling was essentially illegal in Iowa. That year a small group of families in Des Moines requested help from their public school that would allow them to legally home educate their children. In response, the school district established the Home Instruction Program; fifteen students enrolled, thereby availing themselves of Iowa's only legal homeschooling option (Dahm, 1996). Other parents eschewed this dual enrollment program and taught their children at home independently and therefore illegally; their children were considered to be truant (Leslie, 2004).

A 1988 bill proposed in the Iowa state legislature made it seem likely that homeschooling parents being charged with truancy might also be charged with child abuse, in which case their children would immediately be removed from their homes (Leslie, 2004). At a meeting of homeschool families in the summer of 1989, plans were made for the emergency evacuation of homeschooled children. The crisis abated in 1991 when the Iowa legislature enacted a homeschool statute prescribing conditions under which children in Iowa could legally and independently be taught at home by their parents (Somerville, 2001).

Similar confrontations between government schools and homeschools took place in other states during this period; in 1986, six parents in Idaho were jailed for their decision to home

TABLE 1
History of Homeschooling in Minnesota

Year	Event	Comments
Prior to 1987	No clear circumstances under which parents could educate their children at home. Several homeschool families prosecuted or threatened with prosecution.	Under a 1984 statute those with qualifications “essentially equivalent” to a licensed teacher could legally homeschool.
1982, June	First issue of <i>The Minnesota Home School Network</i> newsletter.	Edited by Sharon Hillestad (licensed teacher and homeschooling parent) and Maggie Woods.
1982	1,000 homeschooled students in the state.	Estimate of the Minnesota Department of Education.
1982	First informal meeting of Minnesota Homeschoolers’ Alliance (MHA).	
1983, November	Organizational meeting of the Minnesota Association of Christian Home Educators (MÂCHÉ).	By August 1984, membership reached 270 families.
1984, March	Minnesota homeschoolers met with state legislators.	Encouraged to begin work on a proposal for a homeschool law.
1985, July 19	Minnesota Supreme Court decisions in <i>State v. Newstrom</i> (371 N.W. 2d 525) and <i>State v. Budke</i> (371 N.W.2d 533).	Minnesota’s truancy statute ruled unconstitutionally vague due to essential equivalence requirement.
1986	Task force formed to develop new law in response to Supreme Court rulings.	Members included Senator Gen Olson ^a and MÂCHÉ founder Roger Schurke.
1987, May	Passage of law making homeschooling legal in Minnesota.	Parents allowed to homeschool by reporting to superintendent and meeting other requirements.
1991	Incorporation of the MHA.	
1999	Passage of statute allowing homeschoolers to participate in public school extracurricular activities.	Participation in co-curricular activities not mandated.
2011, July 20	After a 3-year united effort of homeschoolers and concurring legislators, Minnesota’s homeschool law was amended.	Reporting requirements reduced. Effort led by Senator Gen Olson ^a during her last term as a senator.

Note. Information gathered from the *MÂCHÉ Handbook Online* (Tuma, 2011) and the websites of the Minnesota Homeschoolers’ Alliance (2012), and the Home School Legal Defense Association (2012a).

^aAffectionately dubbed Minnesota’s Mother of Home Education.

educate (B. Peters, personal communication, May 12, 2012). In Massachusetts, a disagreement between the Perchemlides family and a public school was settled in a court of law (Lyman, 2000).

Securing the right to homeschool was not dramatic or controversial in every instance. Oklahoma’s constitution provided for homeschooling at its inception (Somerville, 2001). Utah and Nevada adopted laws recognizing homeschooling as an option well before the 1980s (Angelis, 1998). Illinois and Indiana categorized homeschools with private schools, thus sanctioning their existence (Riegle & McKinney, 2002). In the decade of the 1980s more than 20 states passed legislation legalizing or permitting homeschooling (Somerville, 2003). One case in point is Minnesota, which enacted a statute legalizing homeschooling in 1987. Table 1 delineates both confrontational and cooperative legal and legislative encounters in Minnesota homeschool history.

Considering the examples of Iowa, Minnesota, and other states like them, this article examines the homeschool–government school interface during the modern homeschool movement since about 1980, focusing on conflicts as well as instances of cooperation and compromise between both schooling environments.

BRIEF HISTORICAL BACKGROUND

During the period of America’s colonial and pioneer days, education was almost exclusively centered in the home; parents taught their own children or arranged for them to be privately tutored (Mayberry, 1989; Ray, 2012). This changed when Massachusetts enacted America’s first compulsory attendance law in 1852 (Keddie, 2007). By 1918 all states had such laws (Lukasik, 1996), and most Americans agreed that children should share the common experience of attending school to prepare to become productive citizens (Kunzman, 2012). As school attendance became compulsory, the role of parents in the education of their children naturally diminished (Mayberry, 1989).

By the late 1960s and early 1970s, public schools were being openly criticized on multiple fronts (Mayberry, Knowles, Ray, & Marlow, 1995). In small numbers at first and often subversively, parents for either ideological or pedagogical reasons (Van Galen, 1986) began to teach their children at home. School officials were caught off guard and sometimes responded antagonistically by initiating court actions. “In the view of school administrators, to question public schools to the extent that home school parents were doing was to question the very fabric of society” (Knowles, 1989, p. 401). In the face of this opposition, secular and Christian home educators worked together throughout the 1980s to establish or regain the legal right to homeschool.

HOMESCHOOLING DEFINED

The crisis in Iowa in the late 1980s underscores the importance of semantic, pragmatic, and legal understandings of the contemporary concept and definition of home education. Those Iowa families that dually enrolled their children were in fact within the jurisdiction of the public school system. Many other Iowa families refused the dual enrollment option and chose instead to privately teach their children at home. The Home School Legal Defense Association (HSLDA) represents tens of thousands of homeschooling families and has established fixed parameters for its members. HSLDA does not accept families as members whose children are enrolled in publically funded charter schools, independent study programs, or online schooling environments and requires that families teach their children at home for the majority of the school day (HSLDA, 2012b).

As used in this article, the term *homeschooling* (exclusive of instances directly or indirectly referencing the work of others) refers to private, parent-led teaching at home rather than to public, government-funded schooling at home.

CONFRONT, COOPERATE, OR COMPROMISE?

Education Policymakers

Some within the ranks of professional education see homeschooling as a threat to public education. Apple (2007) believes that homeschooling threatens the institution of public schooling and the

formal education of teachers. Lubienski (2003) questioned the claims that home education is effective academically, that educational choice is a public good, and that individual families can properly expose future citizens to differing worldviews. Reich (2002) questioned whether the schooling of children should be left entirely to the control of their parents. Although Reich, Apple, and Lubienski agreed that homeschooling should be a permissible, legal option and suggested that their concerns about homeschooling should not be equated with a defense of contemporary American public education, their confrontational views negatively influence public education policy as it relates to home education.

National Education Advocacy Groups

It is not surprising to find groups representing conventional public education interests speaking against home education. These organizational policy statements often go beyond advocacy of the membership to support state-controlled government education (Ray, 2001). Such critics include the American Academy of Pediatrics (Kantrowitz, Wingert, Springen, Foote, & Gwartney, 1998) and the National Parent Teacher Organization (Crary, 2012). The National Education Association annually passes a resolution critical of home education (National Education Association, 2011). Likewise, statements from the National School Boards Association (2012) and the National Association of Elementary School Principals (2012) call for increased state oversight and regulation of homeschools.

In contrast to their official policy statements, the publications of advocacy groups sometimes take a more even-handed tone toward home education. Writing in the *Leadership Insider*, a publication of the National School Boards Association, Schultz (2006) claimed that “public school districts are coming to see it is just good public relations to work with all parents—even those who are home-schooling—rather than make mortal enemies of them” (p. 1). She saw this as a change partially due to mandated changes in the law and partially to a genuine interest on the part of schools to serve all families in their districts.

Soronen (2006) noted that the low number of cases litigated between state schools and homeschoolers indicates improving relationships. When conflict does arise, it is likely to be in one of four areas: district regulation of homeschools, transfer of homeschool credits to a public school, homeschool access to classes and extracurricular activities, or issues related to receiving or avoiding special education services. Soronen suggested that clearly stated school district policies and the cultivation of positive relationships “will lessen the possibility of conflict” (p. 8).

Education Researchers

In the spring of 2002, administrators from a small rural school approached a group of university professors and school administrators and asked them to conduct a study to determine why so many families were choosing to homeschool rather than attend the local public school (Patterson et al., 2007). The team of researchers hesitated, saying,

Prior to embarking on the study, we expressed misgivings and preconceived notions about home school parents and their motivations for home schooling their children. We could not understand why taxpaying adults did not take advantage of the local public school system, especially one that was small and highly regarded for its academic achievements. (p. 72)

In spite of their hesitation, the researchers took on the task offered to them. They gathered data by conducting in-depth interviews with each of 15 homeschool families. Spending time and talking with these homeschoolers “resulted in us coming to see them in a different light” (p. 72).

In the implication statement at the close of their article, Patterson et al. (2007) encourage public educators to take a closer look at the practices of home educators and use the knowledge gained to change practices in public schools.

Anthony and Burroughs (2012) had a similar experience. The authors conducted a yearlong case study with four homeschooling families. They gathered data through interviews with the parents and children, observations, informal discussions, and the collection of artifacts. In their discussion, Anthony and Burroughs concluded that by adopting features of homeschooling, traditional public schools could become more relevant to their communities.

Public School Administrators

School administrators, by virtue of their position of leadership, have historically played prominently in confrontations with homeschoolers. They have considerable authority in matters of policy and make recommendations to their boards based on their understanding of school law. Waggoner (2005), in relating his experience while superintendent of a small high school in Illinois, conveyed the frustration administrators encounter when simultaneously trying to please parents, faculty, a community, and the requirements of the law.

A parent in Waggoner’s district filed a request to homeschool her junior daughter for just one class: a history class in which an older sibling had clashed with the teacher. This mother fully expected that her daughter would continue to play on the varsity volleyball team. While granting this request would not violate any interscholastic sports regulations, it did violate a local district policy disallowing participation to part-time students. Primarily to avoid the cost of legal action that would ensue if he denied the request, Waggoner recommended the local policy be changed. The school board acceded; the mother and daughter were happy, but the faculty members were not. Waggoner’s conclusion:

Some said it showed a “lack of guts” on the part of board and administration. Others said it was all about having a winning volleyball team. Hardly anyone at all thought that it was about the right of a parent to control the education of their child. (p. 34)

Barrett (2003) served as a public school administrator in the Phoenix area for many years beginning in the late 1970s. Early on, he had little concern about families leaving the public school district to homeschool and was certain many of them would return. When they did not, Barrett’s beliefs changed; he became convinced that public schools should offer whatever resources they could to homeschoolers. Barrett started a program offering computers, instruction, curriculum materials, and library access to 80 homeschooled, elementary-aged children. The state reimbursed the school district for the time the homeschooled students spent in the school. Barrett came to see his role as that of providing educational opportunities to any and all students who wanted to be part of the public school milieu.

One of the programs started in Arizona is the C.A.S.A. (Community-Assisted Schooling Alternatives) Vida Homeschool Enrichment Center. Students attend enrichment classes with other homeschoolers for 6 hr a week. The school district provides facilities, resources, and certified

teachers. Homeschoolers pay no tuition because funding is provided by the state. Although the district prefers that the homeschooled children be immunized, they can be exempted. Until the 2011–2012 school year, the Arizona state assessment was not required of children participating in C.A.S.A. Vida; although this has now changed, participants are still not forced to take the test (J. Ormiston, personal communication, November 1, 2012). Eley (2002) stated that “the relationship between public schools and homeschoolers used to be wrought with mutual distrust. C.A.S.A.Vida has facilitated a new cooperative partnership” (p. 55).

Riegle and McKinney (2002) surveyed school district superintendents and homeschooling parents in Indiana to explore their perceptions on issues related to homeschool regulation. The two groups found little to agree about; administrators and homeschoolers disagreed on the need to register with the state, curriculum standards, standardized testing, socialization, and the equivalence of homeschool programs to the required standards. Homeschoolers and administrators described their relationship as nonexistent or confrontational.

Superintendents and homeschooling parents did agree on one topic: Both groups believed that some homeschooled children were not being adequately educated. Homeschoolers suspected that public schools encouraged struggling or misbehaving students to leave the public school system; the view of administrators was that some parents initiated homeschooling when their children came in conflict with the public school. The Indiana superintendents questioned whether even well intentioned home educators had the ability to adequately instruct their children.

In Minnesota, an elementary principal and two University of Minnesota researchers (Dahlquist, York-Barr, & Hendel, 2006) surveyed 600 homeschooling families. Seventy-one percent of respondents indicated that although they did not use many specific resources, they had a supportive relationship with their local public school. To the researchers, these findings indicated an opportunity for schools to offer programs and support to home educators. Building on this finding, the researchers developed a framework that served as a starting point for increased interaction with homeschool families. Partnerships developed would serve all stakeholders by increasing revenues to the schools and increasing opportunities and shared experiences for public and homeschooled students.

COOPERATION ACROSS THE COUNTRY

Cooperation between local public schools and families choosing to home educate has existed throughout the era of the modern home education movement. California likely has the greatest number of public school programs for parents wishing to teach their children at home (Lines, 2000). In California, homeschoolers may set up their homeschool as a private school or enroll in a satellite program offered by an existing private school. California’s public charter school law also makes provision for partnerships between home and school; home-based parent instruction is the primary mode of teaching in 15% of California’s public charters (Collom, 2005). The Cupertino School District in California offered options to home educators as early as 1975 (Angelis, 1998). Home Study continues to be an option for children in kindergarten through eighth grade in the Cupertino Union School District. In its present iteration it is a full-time program available to elementary and middle school students. Enrollees complete the curriculum prescribed by the school district and are assisted by supervising teachers in the employ of the school (Cupertino Union School District, n.d.).

In Iowa, the Des Moines public schools maintain the dual enrollment program first offered to home educators in the 1980s. It began by serving 15 students and now serves 380 students and employs nine teachers (Des Moines Public Schools, n.d.). When families enroll in this program, they make decisions about curriculum (choosing to use either district materials or their own), assessment, visits with supervising teachers, and the type of support desired. Enrolled students may choose to take music lessons, play on sports teams, or take a class that interests them. The teachers in the program also arrange group activities. All public school districts in Iowa offer dual enrollment and receive a portion of the allotted per-pupil funding for each student who participates. Homeschooling families may choose private home education but must then meet an additional testing requirement (Sagario, 2004). The website of the Network of Iowa Christian Home Educators reminds its members that public school enrollment results in additional governmental oversight (<https://www.homeschooliowa.org>).

Kansas, North Dakota, Alaska, and Colorado are among the other states that offer an array of public school options from correspondence courses to simple library access to dual enrollment (Farber, 2001; Lines, 2003). Families make various levels of commitment to public schools when they choose from the available options. Often the children become public school students; other times they retain their identity as private, independent homeschoolers.

COMPLICATED CONTROVERSIES

The first wave of private, home-based, parent-led homeschool families have now been joined by others that may be primarily concerned about academics, special needs, bullies, or food allergies (Gaither, 2009). More African Americans, Native Americans, Muslims, wealthy urbanites, actors, musicians, and athletes have joined the ranks of the homeschooling. Home education is a diverse practice, and no two families teach their children in exactly the same way. The relationships between and among those who home educate are sometimes as complicated as their relationships with the public sector.

No matter their diversity, parents committed to home education consistently unite on one front: the effort to protect their freedom to homeschool. They come together in large numbers when judges or legislators seek to increase regulation of homeschooling (Gaither, 2009). This seems to happen with regularity, although particular occurrences are unpredictable. In 2008, a California court ruling would have required homeschool teachers to be certified; the response of homeschoolers was immediate, intense, and effective. In August 2008, the Second District Court of Appeal in Los Angeles reversed its decision after just 5 months and stated that parents in California do not need teaching credentials to homeschool their children (Fagan, 2008; "Home-school Victory," 2008).

Home Educators in Conflict

Private, home-based, parent-led homeschoolers do not see eye to eye with parents who enroll their children in public charter schools, public independent study programs, or other public school partnerships (Farber, 2001). Although private homeschoolers acknowledge that families are free to choose whatever type of schooling they wish for their children, their concern is that many

options amount to public education, even though the children may physically be in the home, and that the government, rather than the parent, is in control of the curriculum. Furthermore, entanglement with the government inevitably seems to lead to additional regulation (for one example, see Bergin, 2005). Private homeschoolers are chagrined at how easily newcomers will accept a public school offering.

Online Schooling

In the late 1990s, the enrollment at the Graham Local Schools in Ohio was dropping fast as families left the public school in favor of homeschooling (Demski, 2010). The school superintendent, in a concerted effort to reenroll at least some of the defecting families, organized an online school. By 2003, the new K-12 Graham Digital Academy had enrolled enough students to be eligible to receive state funds and by 2009 the enrollment was 270, a number that included many students in addition to the original targeted homeschool group.

Continuing the discussion of online schools, Huerta, d'Entremont, and Gonzalez (2006) looked at cyber charter schools in Pennsylvania. A 1997 Pennsylvania law gave public schools the option to convert to charter schools, but only local districts may authorize the charter; homeschool charters are specifically not allowed. By 2006, 11% of Pennsylvania's charter schools were online schools and approximately 60% of the cyber charter students were former homeschoolers. When the number of homeschooling families in Pennsylvania decreased for the first time in the 2003–2004 school year, the drop was attributed to the shift of private homeschoolers to public-run, charter cyber schools.

Similar efforts are occurring across the country. For example, Florida's Department of Education has been successfully operating the Florida Virtual School since 1997. All of Florida's public school districts may offer a teacher-moderated high school curriculum to the homes of residents in their districts. In a recent school year more than 50,000 students were enrolled in Florida Virtual School (Gaither, 2009).

Access to Public Schools

Controversy among home educators has also arisen over the issue of access to public schools. Some see this as the final frontier of parental control over their children's education (Keddie, 2007). There are homeschoolers who want limited access to participate in extracurricular activities, or take specific classes, or use public school facilities (Fuller, 1998). Homeschoolers of the religious or unschooling persuasion are not interested at all; they often find the idea of cooperation with a public school inconceivable, and many question why individuals would want to opt back into something they fought to opt out of (Keddie, 2007, p. 614). HSLDA has taken a neutral stance; although they do not advocate for public school access, they maintain an updated list of equal access laws in all 50 states on their website. Public school administrators, another significant group of stakeholders, have concerns about costs and the management of allowing part-time access to their programs, both academic and extracurricular.

This controversy is many faceted and has captured attention both in and out of the homeschool community. Soronen (2006) wrote, "Whether home-schooled students may participate in classes

and extracurricular activities—particularly sports—has generated more media attention than all the other legal issues involving public schools and home-schooled students combined” (p. 6).

Articles on the topic of homeschool access to public schools appear in law reviews and scholarly journals (Colb, 2005; Fuller, 1998; Plecnik, 2007; Zirkel, 1997), publications for teachers (Hughes, 2005), and in popular news sources (Dao, 2005; “In Our View,” 2008). The issue of participation in varsity sports and the recent spate of proposed, so-called Tim Tebow laws engender strong opinions both for and against participation by homeschoolers.

In 1997, just seven states had enacted statutes requiring public school districts to allow homeschoolers access to extracurricular activities (Zirkel, 1997); a year later the number of states guaranteeing some type of public school access to homeschoolers had risen to 13 (Fuller, 1998). In the next decade, the number of states allowing access increased to 18 (Drape, 2008), and at present 22 states require public schools to allow homeschoolers access to either extracurricular activities or academic classes (HSLDA, 2011). Currently, there are ongoing efforts in the Virginia (Cutright, 2012) and Alabama (<http://www.timtebowbill.com/>) legislatures to pass laws allowing homeschool access to public school sports teams.

CONCLUSION

The initial clash between public schools and homeschoolers over the legality of homeschooling in America has ended. “Homeschoolers have thus endured, some might say, a history of persecution by public authorities” (Cooper & Sureau, 2007, p. 113). The combined commitment of many families over a period of 30 years has resulted in the restoration of the legal right to independently educate children at home, the creation of homeschool networks, recognition by the media, and a general acceptance by the public (Cooper & Sureau, 2007).

That is not to say that clashes between home educators and public entities have ceased, or that cooperation is now the rule rather than the exception. Homeschoolers still take issue with public education’s emphasis on teacher credentialing, arbitrarily grouping students by age, and standardization of curriculum (Bauman, 2001; Patterson et al., 2007). Although numerous instances of cooperation between government and home education exist, the relationship between them will continue to be problematic, complicated, and at times even confrontational.

AUTHOR BIO

Donna M. Johnson is an Assistant Professor of Education at Dakota Wesleyan University in Mitchell, South Dakota, where she teaches elementary and special education courses and supervises student teachers during their professional semester. Dr. Johnson did her undergraduate study at Southwest Minnesota State University in Marshall, Minnesota; her master’s work in special education at Minnesota State University, Mankato; and earned her doctoral degree from The University of South Dakota. She began her teaching career in a fourth-grade classroom with subsequent experiences in public, private, and home education. Dr. Johnson currently serves on the board of the South Dakota Learning Disabilities Association and on the Children’s Book Award Committee for the South Dakota Library Association. She writes and speaks about strategies that support struggling readers.

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