From Confrontation to Accommodation: Home Schooling in South Carolina

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Source: *Peabody Journal of Education*, Vol. 75, No. 1/2, The Home Education Movement in Context, Practice, and Theory (2000), pp. 32-48
Published by: Taylor & Francis, Ltd.
Stable URL: https://www.jstor.org/stable/1493088
Accessed: 28-03-2020 16:27 UTC

PEABODY JOURNAL OF EDUCATION, 75(1&2), 32–48

From Confrontation to Accommodation: Home Schooling in South Carolina

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Clashes between parents who wanted to teach their children at home and state school officials were commonplace throughout the United States from the 1970s through the early 1990s. State courts and legislatures struggled to balance (a) parents' assertions of free exercise of religion and parental rights to teach their children with minimal state regulations with (b) the government's claim of a compelling interest in assuring an adequate education for children. Curriculum, certification, testing, and home school "approval" were usually the focus of various "battles" between parents and government officials. By the late 1990s, however, most of these issues had been resolved to the satisfaction of most home school parents. South Carolina presents a unique model of one state's efforts to rectify the conflict between government officials and parents.

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Introduction

The modern history of home schooling in South Carolina can be divided into four distinct time periods: pre-1984, 1984–1988, 1988–1992, and 1992 until the present. The first three time periods were times of escalating tension and hostility between home school families and school officials, with a period of relative peace ensuing since 1992.

In the years prior to 1988, a "substantial equivalence law" governed home school programs. Section 59–65–40 (Code of Laws of South Carolina, 1976) and State Board of Education Regulation 43–246 provided the legal basis for what was then termed "instruction at a place other than school" (Carnes, 1981). Section 59–65–40 then stated,

> Instruction during the school term at a place other than school may be substituted for school attendance; provided, such instruction is approved by the State Board of Education as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside.

In 1976, the State Board of Education adopted Regulation 43–246, delegating the approval (or disapproval) of home schooling programs to the school board of the district in which the home schooling family resided. This regulation also established the State Board of Education as the first avenue of appeal in the event the local school board disapproved of a particular home instruction program.

In 1981, the South Carolina State Department of Education (SDE) adopted guidelines to aid local school boards and administrations in determining the ambiguous standard of substantial equivalence. In a letter dated June 19, 1981, Associate Superintendent Ernest B. Carnes stated that these guidelines were implemented after conducting "extensive research into the issues concerning instruction at a place other than school." The guidelines contained two separate documents: one offering suggestions to local school districts researching instruction at a place other than school, and the other providing indicators of quality of instruction at a place other than school. These indicators included the following four areas: teacher qualification, instructional program, student evaluation, and place of instruction.

Under the area of teacher qualification, the guidelines reminded local school personnel that requiring teacher certification might not be appropriate because the law allowed for substantial equivalence to be demonstrated in accord with either private or private schools. Private schools are not required by South Carolina law to employ certified teachers as are the public schools; therefore, in demonstrating substantial equivalence to a private

school that does not require teacher certification, a parent would not have to be a certified teacher to home school. This caveat notwithstanding, many public school districts required certification of home schooling parents.

The guidelines for instructional programs suggested requesting information as detailed as the number of minutes parents planned to devote to each subject per day, week, and year. They suggested that parents provide a daily schedule including beginning time, recess, lunch, and ending time. In a section requesting information on additional materials available at the place of instruction, even the number of books in the home was solicited. Under "Place of Instruction," the guidelines urged an "on-site evaluation of the facility ... prior to approval of the program" (Carnes, 1981).

The Years Prior to 1984

Prior to 1984, the home schooling movement in South Carolina was small, unorganized, and largely unnoticed. Although many date the beginning of the modern home schooling movement as early as 1970 (Moore, 1991), in South Carolina the development of the home schooling community lagged almost a decade behind the rest of the country—probably in part because of the state's hostile legal environment. I have been involved in home schooling since 1984 and have interacted with thousands of parents during the last 15 years (Tyler & Dorian, 1996).[1] Only one dozen to two dozen families with whom I have had contact home schooled in South Carolina prior to 1984, and, of those families, fewer than a handful home schooled prior to 1980.

Some of these families home schooled "underground"; others worked out very simple arrangements with their school districts; some were denied permission to home school by local school boards; and at least one family was taken to court. According to Phoebe Winter (1989) with the Office of Research for the South Carolina SDE,

> Each local school district could establish its own criteria for determining whether a home-schooling instruction program provided "substantially equivalent" instruction. The district criteria established ranged from requiring the home instructor to hold a high school diploma to requiring the parent or guardian to be a certified teacher. At least one district disapproved all requests for home instruction. Parents wishing to teach their children at home could be eligible to do so in one district but be barred from providing home instruction in a neighboring district.

[1]In this article, *I* refers to Zan Peters Tyler.

At least one family went to court prior to 1984. Scott and Susan Page began home schooling two children in 1982. The Calhoun County School Board initially denied their request to home school. This decision was then upheld by the State Board of Education. The matter ended in family court, when Judge Alvin Biggs rendered his decision on June 28, 1983:

> I find that the Calhoun County Board's rejection of the Pages' request to teach their children in their homeschool was based upon the unfettered discretion of the Calhoun County School Board. I find the Board did not provide the Pages with any definite standards to guide them after they sent their original letter in August, 1982 requesting permission to teach at the home school, nor did they provide them with any guidelines for future compliance. I find the Calhoun County Board was guided only by their own personal ideas and concepts. ... I find the law has layed an unequal hand on anyone who wants to provide his child with a home school. ... I find that the Pages' home school qualifies under S.C. Code 59–65–10 (1976) as a "school," and that the Board's decision shall be modified accordingly.
>
> I find that the Pages or any other person in South Carolina, if they qualify under set definite ascertainable standards, should be allowed to teach in a home school. I find this is a basic constitutional "liberty" guaranteed by the U.S. Constitution and the 14th Amendment of the U.S. Constitution. (*Calhoun County Department of Education v. Scott Page and Susan Page*, Ruling in the Family Court, June 28, 1983, pp. 177, 179, 181)

Judge Biggs's decision was the last positive ruling the home schooling community in South Carolina would see for years to come.

1984–1988

Between 1984 and 1988, the number of home schooling families in South Carolina grew dramatically. By 1987, an estimated 500 to 600 children were being home schooled ("Committee Votes," 1987), although these numbers were considerably lower than those in neighboring states. The increased interest in home education began concerning public school officials, who determined that they must do something to control the growing numbers of home schooling parents, as well as the process itself.

In the following paragraphs, I relate my experience as a home schooling mother in 1984 to demonstrate the educational establishment's absolute abhorrence of home education in the 1980s. Between 1984 and 1988, many educators in South Carolina decided, "Now is the time to tame the home-school

beast." When I applied to my local school board for permission to home school in June 1984, I did not know that I was inadvertently stepping into a hornet's nest and was about to become the symbolic whipping post for home schooling in South Carolina. Employees at the SDE later informed me that my case in particular, in conjunction with growing statewide interest in home schooling, prompted the SDE and local school district personnel to promulgate stringent regulations for home schooling parents.

In March 1984, I enrolled my oldest son in 5-year-old kindergarten (K–5) at our local public school. Although he would turn 6 in May, at the behest of the clinical psychologist who tested him, I decided to hold him back a year. The assistant principal who completed his enrollment assured me this was no problem; however, in May, the principal of the school informed me that due to South Carolina's Education Improvement Act of 1984, I could not hold him back a year—he would have to be put into first grade. This grade placement for my son was simply unacceptable to my husband and me, and, at that point in May, all the private kindergartens we would have considered suitable were filled for the 1984–1985 school year. I called a school district employee whom I knew very well and, after explaining our situation with my son, pleaded with him to help us secure a place for him in a K–5 class rather than a first-grade class.

When he refused, I stated, "Well, I have no choice then but to home school my son next year." It was a bluff; I was hoping to get his attention sufficiently to help us out of our predicament. I did not want to home school. Instead, he said, "Well, the school board has become lenient with that kind of thing." Later, I discovered the district had approved one family to home school, and the teaching parent was a certified teacher.

I was then baptized with fire into the home schooling movement. First of all, the school district and the State Board of Education refused to provide me with information on how to comply with the law as a home schooling parent. There was nowhere to turn for help—there were no local support groups, no Home School Legal Defense Association (HSLDA),[2] and no state organization. As a matter of fact, I did not know, nor could I find, one person in the state who was home schooling. Everything I knew about home education was contained in *Home Grown Kids* (Moore & Moore, 1981).

I had to hire an attorney simply to find out the laws governing home schooling in the state of South Carolina. In June, I delivered my lengthy application to the school district. In July, the school board denied my request to

[2]The HSLDA is an association led by attorneys consisting of more than 60,000 home schooling families nationwide committed to advancing and protecting the rights of parents who teach their children at home.

home school, although I had very carefully complied with all items outlined in the "guidelines for instruction at a place other than school." Once again, I had to hire an attorney to help me navigate the appeals process. I was discovering firsthand the veracity of Judge Biggs's 1983 prophetic decision: "The law has layed an unequal hand on anyone who wants to provide his child with a home school" (*Calhoun County Department of Education v. Scott Page and Susan Page*, Ruling in the Family Court, June 28, 1983, p. 177).

During the appeals process, I paid an unannounced visit to Charlie Williams, State Superintendent of Education. He graciously agreed to see me; I had known him since my elementary school years. He had observed my mother's fourth-grade classroom for hours on end while he worked toward his doctorate. I thought surely if I explained my situation with my son rationally, he would help me. After all, I had been thrown into home schooling because of a school district error—this had not been my first choice.

Williams's response to my story shocked me. "You know, Mrs. Tyler, you can be put in jail for truancy." (Through no fault of mine, the State Board of Education decided to delay my appeal until after the commencement of school in August.) Everyone seemed to know that the State Board of Education would not reverse the local school board's denial of my home schooling program, reinforcing another portion of Judge Biggs's 1983 decision: "The State Board delegated its decision making authority to the Local Board and in effect 'rubber stamped' any decision by them" (*Calhoun County Department of Education v. Scott Page and Susan Page*, Ruling in the Family Court, June 28, 1983, p. 178).

After the State Superintendent of Education threatened me with jail, I informed my father, an attorney, of my plight. Heretofore, I had told no one (parents, friends, or neighbors) of my plans to home school. In 1984, upstanding citizens simply did not home school in South Carolina. My father immediately contacted Senator Strom Thurmond's office and explained my dire straits (I had worked for the Senator in my senior year in high school). With my hearing with the state board less than a week away, Senator Thurmond immediately flew from Washington, DC, to Columbia to meet with Superintendent Williams to advocate my position. The Senator's staff already had examined my case to make sure it met the letter of the law in every regard. After the Thurmond–Williams meeting, things changed dramatically for me, and, a week later (to no one's surprise), the State Board of Education overturned the school district's decision—authorizing me to home school for the 1984–1985 school year.

My home schooling program was approved in a relatively painless manner for the 1985–1986 school year. My plans to home school for only 1 year dissipated as I became enamored with the concept of home schooling and experienced the benefits to my family firsthand. During 1984 and

1985, I began collecting names of people across the state who advocated (the overwhelming majority were not actually home schooling) home schooling. My sources for these names were private education foundations and attorneys across the nation. Also, as interest in home schooling began to build somewhat, people began contacting me for information on how to get started as well as how to comply with the law. As home schooling families moved to South Carolina from out-of-state, they were given my name as a contact person. I felt compelled to help as many families as I could weather the hostility of the SDE and local school boards.

By fall 1985, I had a mailing list that consisted of approximately 400 names, although I was not at all sure what I was going to do with this list. I had learned from "sources" that public educators were not happy that my home schooling program had been approved and that they were particularly unhappy that the State Board of Education had overturned the local school board's ruling in my case. The animosity and hostility I experienced as a home schooling parent totally baffled me. One educator clarified the situation for me in remarks off the record:

> Zan, it is okay for pockets of home schoolers to exist as long as school districts feel they are still in control. Even underground home schoolers are okay—that means they're scared. But you have become a threat because they stacked the deck against you and you still won. To them you have opened Pandora's box.[3]

Almost all states experienced some type of angst in working out the intricacies of weaving home schooling families into the fabric of daily life in the community. South Carolina's sustained hostility toward home schooling was amazing to me, given the relative ease with which our neighbors in North Carolina and Georgia home schooled.

On October 22, 1985, the SDE served public notice in the State Register concerning the promulgation of home schooling regulations in South Carolina (Williams, 1985). A task force, consisting of five public school officials and three private school administrators, was appointed to draft new, stringent regulations (Quick, 1986). At least two of the five public school officials had aggressively denied parents the right to home school in their districts. None of the task force members had a working knowledge of home education, and none was a home schooling advocate, although one member was slightly sympathetic to home education.

[3]This article is based primarily on personal recollections, conversations, and letters. Many times, the individuals with whom I spoke or corresponded provided me with their information and insights based solely on my promise to keep their names anonymous.

I inadvertently learned of the task force and requested a chance for home school parents to have the opportunity to testify before the committee. At the January 1986 meeting, five parents, including myself, did speak. In my testimony, I pointed out that other states in the region had made more progress in balancing parental rights and state interests and were doing so in a less adversarial manner.

After the task force endured the testimony of the participating parents, they took a short break. On reconvening, Steve Quick, Elementary Supervisor in the Accreditation Section at the SDE, handed out the predrafted regulations that the SDE would be recommending to the legislature (Quick, 1986). The task force had tolerated our testimony but had no intention of using it in any way (Tyler, 1986, pp. 1–4). The regulations apparently had been drafted before hearing our testimony. Among the most severe of the proposed regulations were these: a requirement that the teaching parent hold a college degree from an accredited, 4-year institution; a requirement that parents only be allowed to use state-approved texts in their home schooling programs; and a requirement that all home-schooled students participate in the statewide testing program.

Again, I hired an attorney to learn how to stop these regulations. He advised me that if we had 25 letters of request for a public hearing on the proposed regulations, the state agency had to grant it. This would at least postpone the regulations' submission to the Senate Education Committee and the House Education and Public Works Committee for approval from the 1986 legislative session to the 1987 session, buying us some much-needed time to organize.

For the first time, I put my mailing list to use, having no idea that there were actually 25 home schooling parents on the list and with no certainty that 25 people would respond. Within 2 weeks of that initial mailing, I received more than 100 letters requesting a public hearing in South Carolina. I hand-delivered the letters to the SDE.

In March, I was notified that the public hearing would be held on May 13, 1986. I spent 2 months working intensely with home schooling parents, attorneys, and Raymond Moore, the nationally recognized expert and author (*Home Grown Kids*, 1981; *Home-Spun Schools*, 1982; *Home Style Teaching*, 1984); we flew in for the hearing. A few weeks before the hearing, the SDE notified me that home schooling advocates would have a total of a mere 20 minutes for their comments. We had enough planned testimony to fill at least 2 hours. Once again, my father used his connections to ensure that we would have all the time we needed for testimony at the public hearing.

The day of the public hearing arrived. More than 350 parents and home schooling advocates descended on the Rutledge Building in Columbia (Tyler, 1987, pp. 1–9). Home schoolers provided almost 4 hours of well-organized

testimony against the regulations. Even the SDE's internal publication *Newsline* ("Parents Make Plea," 1986) reported that "a well-organized group of parents and supporters presented their cases for teaching their children at home." Nevertheless, the SDE sent the regulations to the General Assembly for approval with the objectionable portions still intact (McDonald, 1986).

The public hearing did buy home schooling proponents valuable time. During the summer, I paid a visit to my state senator, Warren K. Giese. Not only is Senator Giese a retired University of South Carolina head football coach, but he also holds an earned doctorate in education. For the first time in 2½ years, I found a public official who was genuinely outraged by the treatment that I, as well as other home schooling parents, had received. He agreed to ask the Senate Education Committee, of which he was a member, to hold a hearing on the proposed regulations during the 1987 legislative session. (The South Carolina General Assembly convenes from January through the first week in June.)

On February 4, 1987, the Senate Education Committee held a hearing on the proposed regulations and invited the House Education and Public Works Committee to attend. Almost 700 parents and home schooling advocates were in attendance. In response to the hearing and the great outcry against the regulations, both committees refused to approve the regulations.

Defeating the regulations had been both a time-consuming and expensive adventure. In my naiveté, I thought the issue was closed. The day after the hearing, a young legislator called me at home and assured me that although home schoolers had momentum on our side, we had to strike while the iron was hot. He told me, "Now is the time" to submit proactive home schooling legislation. When I hesitated, he said he had seen the legislation the SDE was planning to introduce, and he assured me that I would not like it.

A few days later, Representative David Beasley filed H. 4224 in the House, and Senator Warren Giese filed S. 457 in the Senate. Ed Garrison, Chairman of the Senate Education Committee, appointed an ad hoc committee made up of three home schooling advocates, representatives from the SDE, and senators. Our job was to draft legislation that respected both the rights of parents and the state's compelling interest in education (Tyler, 1995).

The two issues over which home schooling advocates on the committee were not prepared to compromise were the issues raised by the SDE in the defeated regulations (i.e., the minimum level of parental education for the teaching parent and the freedom of choice in textbook selection). We maintained that the minimum educational requirement for home schooling parents should be a high school diploma or a Graduate Equivalency Degree (GED) and that parents must not be limited in their choice of textbooks to only those on the state-approved list. In return, the Senate

responded that we must be willing to document that education was occurring in the home.

The committee's deliberations resulted in compromise legislation that stipulated the following conditions for home schooling (Anderson, 1987, pp. 1–2):

1. The teaching parent must hold a high school diploma or a GED.
2. The instructional day must consist of a minimum of 4½ hours, and the instructional year must consist of a minimum of 180 days.
3. The curriculum shall include, but not be limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies.
4. As evidence that a student is receiving regular instruction, the instructor shall maintain the following records: (a) a plan book, diary, or other written record indicating subjects taught and activities in which the student and instructor engage; (b) a portfolio of samples of the student's academic work; (c) a record of evaluations of the student's academic progress; and (d) a semiannual progress report including attendance records and individualized assessments of the student's academic progress in each of the basic instructional areas specified in Item 3.
5. Students must have access to library facilities.
6. Students must participate in the annual statewide testing program and the Basic Skills Assessment Program approved by the State Board of Education for their appropriate grade level.

Because the SDE and home schooling advocates had participated equally in the compromise process, I assumed that the bill would be enacted with minimal debate (*Timothy Lawrence, Richard Kaiser, Deborah Kaiser, and Maureen Deaton v. South Carolina Board of Education,* Plaintiffs' Post Trial Memorandum by M. P. Farris, October 24, 1990). The SDE, however, immediately withdrew support of the bill. In spite of this, the bill passed the Senate Education Committee and the full Senate with few problems. The bill also was reported favorably out of the House Education and Public Works Committee for consideration by the full House. Passing the House of Representatives presented a new challenge. The bill was placed on the contested calendar and remained there as the House adjourned in June.

It was not until March of the 1988 legislative session that home schoolers,[4] after intense lobbying, finally were able to get the bill out of the

[4]In 1987 through 1988, home schoolers in South Carolina were very loosely organized through a statewide organization named the Carolina Family Schools Association (CFSA). David Waldrop, member of the ad hoc Senate committee to draft compromise home schooling legislation, served as the president. I served as the legislative liaison. In 1989, CFSA changed its name to the South Carolina Home Educators Association (SCHEA). SCHEA still functions today as a networking and information-disseminating organization for home schoolers in South Carolina.

Rules Committee and onto the House floor. When the bill came to a vote in late May, it was substantially amended. Although there were a few benign amendments, one so altered the substance of the bill that the home schooling community withdrew its support of the bill in the amended form. The unpalatable amendment required teaching parents without a 4-year college degree to make a passing score on the Education Entrance Examination (EEE) before they would be allowed to teach their children at home. (The EEE was developed by the state of South Carolina to screen prospective professional teachers.) The concept of "front-end credentialing" for teaching parents had been bandied about since the inception of the task force in 1985 and was vehemently opposed by the home schooling community. Nevertheless, the bill passed in its amended form.

One of the goals of passing home schooling legislation was to standardize the application process that heretofore had been left to the total discretion of local school boards. By instituting reasonable standards, home school advocates had hoped to put an end to the avalanche of home schooling litigation. Instead, the inception of the EEE ushered in a new era of litigation. At one point, HSLDA had more lawsuits filed in South Carolina than in the other 49 states combined ("Cases Filed," 1992).

Members of the home schooling community had hoped by the end of 1988 to lay to rest the hostility and legal turmoil surrounding home education in South Carolina. Instead, the problems escalated. In a letter to members in July 1988, HSLDA President Michael Farris asserted, "Home schoolers in South Carolina need to be banded together for future actions on all fronts. You are saddled with one of the most cumbersome laws in the country. Of all states, you all need to stick together" (Tyler, 1992, p. 3).

1988–1992

From July 1988 to July 1989, a deceptive calm ensued. Although the home schooling law took effect in July 1988, the EEE requirement was not imposed for another year, allowing the SDE to complete the study required by law validating the EEE for use with the home school population. Although fewer home schoolers were denied approval by their local school boards for that one year, many school districts required more information on their home school applications after the law passed than they did before. The forms became so far removed from the intent of the law that HSLDA sent a letter to South Carolina members encouraging them not to give their school districts more information than the law required.

When the EEE requirement took effect, unprecedented numbers of home schoolers were denied approval by their local school boards. Parents without college degrees who had been home schooling successfully for

years were suddenly disqualified unless they took and passed the EEE. Some veteran home schooling families who moved to South Carolina from other states were not allowed to continue their home schooling. One of the major problems with the EEE was logistical. Although home schoolers as a group had a high pass rate for the EEE (*Timothy Lawrence, Richard Kaiser, Deborah Kaiser, and Maureen Deaton v. South Carolina Board of Education,* Opinion No. 23526 by C. J. Gregory, 1991), they experienced problems because it is only administered three times annually.

At that point, HSLDA intervened and filed a class-action suit on behalf of its 369 member families in South Carolina. The major contention of the lawsuit was that the validity study for using the EEE with the home schooling population had been done poorly and did not meet professional and governmental standards. In February 1989, HSLDA lost the lower court case in a disappointing one-sentence ruling from Judge Drew Ellis.

During 1989, SCHEA, for whom I served as the legislative liaison, developed a twofold strategy for the 1989–1990 legislative session. The first goal was to reduce the sting of the EEE by making it a requirement in the absence of a high school diploma rather than a college diploma. The second goal instituted by SCHEA involved providing for private-sector supervision of home schooling programs. I met with key legislators in both the House and the Senate before the beginning of the 1990 legislative session, and they concurred that our chances to amend the home schooling law looked fairly positive. Only a month into the session, however, the same key legislators informed me that we had no chance of making the desired strides through legislation. As one legislator told me, "You will have to find another way."

In February 1990, I began researching the legal feasibility of creating an accrediting organization for home schools in the private sector, thereby negating the need for home schooling parents to gain approval from their local school districts. On July 20, 1990, the South Carolina Association of Independent Home Schools (SCAIHS) was incorporated. SCAIHS was founded on the premise that the South Carolina compulsory attendance law provided the legal basis for its existence. According to 59–65–10 of the South Carolina Code of Laws:

> All parents or guardians shall cause their children or wards to attend regularly a public or private school or kindergarten of this State which has been approved by the State Board of Education or a member school of the South Carolina Independent Schools' Association (SCISA) or some similar organization. (p. 215)

The "some similar organization" clause served as the key element in the establishment of SCAIHS. Patterned after SCISA, SCAIHS fulfilled that

part of the compulsory attendance law allowing a private school to be a member of SCISA or some similar organization. Also key to the legal basis for SCAIHS was the establishment of member home schools as private schools. Because of our tenuous legal position, the anticipated SCAIHS membership the first year was 35 to 50 families. Within the first 2 months of existence, 120 families had joined.

SCAIHS had not been in existence for 3 months before our legal problems commenced. On October 5, 1990, 11 SCAIHS families in Lexington School District 5 were served with truancy charges. The County Solicitor agreed to delay prosecution of these families until an attorney general's opinion could be rendered on the legal status of SCAIHS and its members. Many other school districts contemplating prosecution of SCAIHS families also agreed to wait for the impending attorney general's opinion. In January 1991, the attorney general ruled that SCAIHS did not fulfill the intent of the compulsory attendance law, thus setting the stage for litigation. Early in 1991, HSLDA's Michael Farris and Dewitt Black filed a declaratory judgment suit in Lexington County on behalf of the affected SCAIHS families. This was followed by Richland County School District 1 filing a declaratory judgment to establish the school district's rights under the home schooling law. SCAIHS lost both cases and appealed both decisions to the South Carolina Supreme Court.

During fall 1991, when the future of SCAIHS looked very bleak, several events occurred that would begin to change the landscape of home schooling in South Carolina. A state attorney mentioned to me the need for new legislation to resolve the mounting legal tension surrounding SCAIHS. Newly elected State Superintendent of Education Barbara Nielsen made it clear that she did not view home schoolers as "the enemy" and was open to a legislative remedy to the "SCAIHS problem."

On December 9, 1991, the South Carolina Supreme Court rendered its ruling on the EEE Case. It reversed the lower court's decision and stated that the EEE had not been properly validated for use with home schooling parents (*Timothy Lawrence, Richard Kaiser, Deborah Kaiser, and Maureen Deaton v. South Carolina Board of Education*, Opinion No. 23526 by C. J. Gregory, 1991). This was a landmark decision for home schoolers in South Carolina, carrying with it national implications as well. In *The Home School Court Report* (Tyler, 1992), attorney Mike Farris said,

> We viewed this law with utmost seriousness as a grave danger which had the potential of spreading across the nation. Accordingly, we went after this South Carolina test with everything we had. We have learned a lot about the world of test validity. We are ready if any other state decides to try this again. ("Home Schoolers Win EEE Case," 1992, p. 4)

The ruling had significant ramifications for SCAIHS because one of the biggest complaints leveled against the association had been its lack of minimum educational requirements for teaching parents (i.e., SCAIHS did not require a teaching parent to possess a baccalaureate degree or a passing score on the EEE). When the EEE requirement was rendered unenforceable, one of the major objections against SCAIHS was laid to rest.

In December 1991, the SCAIHS Board of Directors appointed a legislative committee, including James Carper and myself, to pursue the possibility of introducing SCAIHS legislation during the 1992 legislative session. This committee met with legislative and education officials, as well as representatives from the governor's office. By January 1992, we had members in both the House and the Senate who agreed to sponsor the following SCAIHS legislation:

> In lieu of the requirements of 59–65–40 (the home-schooling law requiring school district approval), parents and guardians may teach their children at home if the instruction is conducted under the auspices of the South Carolina Association of Independent Home Schools. Bona fide membership and continuing compliance with the academic standards of SCAIHS exempts the home school from the further requirements of Section 59–65–40.

Considering the rocky road the prior home schooling legislation had encountered, the bill proceeded through the House of Representatives with relative ease and speed. This was due in large part to the expert guidance of Representative David Wright, bill sponsor and Chairman of the K–12 Subcommittee, and Representative Olin Philips, Chairman of the House Education and Public Works Committee. At the bill's final reading in the House, a threatening amendment was offered but averted, and the House unanimously approved the legislation with the following amendment: "By January thirtieth of each year the South Carolina Association of Independent Home Schools shall report the number and grade level of children home schooled through the association to the children's respective school districts."

The bill was then sent to the Senate and assigned to a subcommittee of the Senate Education Committee. On March 4, the bill was passed unanimously by the subcommittee, but we were warned that a potentially crippling amendment would be considered at the full Senate Education Committee meeting on March 18.

Following a massive phone campaign and lobbying effort initiated by SCAIHS, the Senate passed the House version of the bill, and the objectionable provisions of the threatening amendment were defeated. The Senate

version did contain the following amendments that were viewed as harmless, because SCAIHS already had implemented the requirements into the association's membership guidelines: A parent must hold at least a high school diploma or GED; the instructional year must be at least 180 days; and the curriculum must include, but not be limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and, in Grades 7 through 12, composition and literature.

On March 25, the bill went to the full Senate and was unanimously approved. On March 31, the House concurred with the Senate version of the bill. On April 8, 1992, Governor Carroll A. Campbell, Jr., signed the bill, and the SCAIHS legislation became law, ending a decade of intense legal and political hostility toward home schooling parents.

Concerning the SCAIHS legislative victory, Michael P. Farris, President of HSLDA, said,

> South Carolina was the most active state in the nation in taking home schoolers to court. The South Carolina legislature responded to this bad situation by allowing responsible self-government for home schoolers. This is an advancement of an important legal principle. (Tyler, 1992, p. 3)

Confrontation had given way to accommodation.

1992 Through the Present

Since its inception in 1990, SCAIHS has grown from two employees and 120 families to 18 employees and more than 1,300 families, representing more than 2,000 children. With the cessation of political and legal problems, SCAIHS has been able to focus its energy on developing support services for home schooling families. The association has instituted the High School Program, which has grown from 5 students to 400 students. Every college and university in South Carolina accepts the SCAIHS transcript and diploma, and all of our graduates have been accepted to the college of their first choice—with many attending college on scholarships. A Special Needs Program has been implemented to provide specialized counsel to those parents of children with learning disabilities and physical handicaps. SCAIHS publishes a quarterly newsletter, provides thousands of hours of curriculum counseling, sponsors teacher-training workshops and seminars, represents the home schooling viewpoint to the community at large, and maintains an active presence in the legislature. Foundational to the association's mission to serve parents is the accountability we provide from a supportive, rather than adversarial, position.

The SCAIHS success story has it roots in years of struggle, turmoil, and backbreaking labor. The long years of publicly hammering out the issues of parental freedom in education have born great fruit. The General Assembly, the South Carolina judicial system, state and local educators, and parents have all played important roles in forging a creative solution to the overwhelming problems that once plagued home schooling parents in South Carolina. SCAIHS is the only organization in the nation to be named specifically in state statute and vested with authority equal to that of local school boards in approving home schooling programs.[5]

SCAIHS is not a state agency, and, yet, we have been entrusted by the state with the task of responsibly governing ourselves. The arrangement is working extremely well. Our students are succeeding academically, socially, and morally. The state is benefitting from well-educated students who have cost taxpayers nothing. Families benefit from a state that has actively engaged in public debate and has reinforced its commitment to the fundamental principle that children are a sacred trust from God and "not mere creatures of the State."

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