

Home Education and Law in China

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journals.sagepub.com/home/eus**Xiaoming Sheng¹**

Abstract

Home education is at an early stage for the public, researchers, media and educational authorities in China. Yet the research relating to the development of home education has been entirely ignored. In particular, the literature focusing on the legal status of home education is negligible in the educational context of China. There is no literature that has systematically explored the relationship between Compulsory Education Law and home education. The public, parents, and researchers have many questions as to whether home education is legal or not. This article provides comprehensive firsthand legal data and an in-depth analysis of the relationship between home education and law in the Chinese context. This article aims to contribute to the literature and reveal the legal status of home education in China.

Keywords

home education, law, legal status of home education, China

Introduction

As an important educational phenomenon, home education has achieved rapid growth in many countries, such as the United States, Canada, and Australia. The rapid growth of the home education movement has inspired academic researchers to investigate the relationship between the home education and the law (Basham, Merrifield, & Hepburn, 2007; Bauman,

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2001; Hepburn & Van Belle, 2003; Neal, 2006; Petrie, 1993). In the past decade, there has been a growing number of homeschooling families in Beijing, Shanghai, Shenzhen, Zhejiang, Liaoning, and Yunnan. The dramatic growth in the number of homeschooling families has attracted widespread attention from the media and the public. However, it is still a marginal education phenomenon, and academic researchers have failed to examine the development of home education in the context of China. Policy makers and education officials have acquired little substantive information about home education as home education is illegal under current educational law, and there is no literature that has systematically examined the legal status of home education in China. This article seeks to explore the legal status of home education and provide an in-depth discussion as to whether or not it is currently forbidden by law in China. This article may facilitate further discussion and contribute to a timely analysis of the relationship between law and home education in China for both English-speaking and Chinese readers. In what follows, a brief description of compulsory education law in China will be given. I will then discuss the legal status of home education in Western countries, those of East Asia, and finally in the context of China.

The Background of Homeschooling

The History of Homeschooling

Homeschooling is not a new educational phenomenon in the Western context. It has been around 3,500 years. In the history of the United States, homeschooling is embedded in most early forms of educational practices among the early American settlers (Jeynes, 2012; Marrou, 1956). It was prevalent in religiously pluralistic colonial America in the 17th and 18th centuries (Jeynes, 2007). It has made great contributions to the development of education in the United States. For example, the greatest American presidents, such as Abraham Lincoln along with George Washington, were homeschooled. The American foremost inventor, Thomas Edison, was also educated at home. Homeschooling disappeared because of the establishment and expansion of institutionalized school systems in the 19th century (Jeynes, 2007). It has reemerged in the early 1960s. As Jeynes (2012) argued, "with the removal of the Bible and voluntary prayer out of the public schools in 1962 and 1963, Evangelical Christians increasingly looked to alternatives to the public schools." The parents chose to provide their children with homeschooling to impart their religious beliefs and moral values to their children.

What Makes Homeschooling so Attractive to Parents?

A body of literature has been involved in the exploration of the factors determining parents' motivation to homeschool in the United States (Jeynes, 2005; Ray, 1991, 2013). Ray (1991, 2013) summarized the primary reasons for parents to homeschooling as follows: general dissatisfaction with the public schools, transferring religious or moral values, academic and pedagogical concerns, because of racism, and promoting a family bond. Gatto (2001) viewed compulsion schooling as opposed to genuine education. From this perspective, many parents disagreed with the educational strategies, academic instruction and institutional environment provided in conventional schools. The parents chose to teach their children at home because of family-school values conflicts, school violence, and negative peer pressure that advocates drugs and premarital sex. They felt that the government has an unappealing agenda and that students are safeguarded from this via homeschooling. According to Jeynes (2005), homeschooling was regarded as the ultimate expression of parental involvement. Home educators chose to educate their children themselves at home aiming to meet children's individual learning needs and interests. It is through homeschooling that homeschooling parents are able to have more control over teaching content, teaching methods, and teaching quality.

Compulsory Education Law in China

The Compulsory Education Law of the People's Republic of China was adopted at the Fourth Session of the Sixth National People's Congress on April 12, 1986. This Law was amended at the 22nd Session of the Standing Committee of the Tenth National People's Congress on June 29, 2006, and became effective as of September 1, 2006. The Law of 2006 described the purpose of implementing the compulsory education policy as follows:

For the purpose of guaranteeing the right to compulsory education of school-age children and adolescents, ensuring the implementation of the compulsory education policy and enhancing the quality of the whole nation, this Law was hereby formulated in accordance with the Constitution and the Education Law of the People's Republic of China. (Article 1, June 29, 2006)

As Article 1 states, aiming to guarantee the right to compulsory education of school-age children and adolescents and ensure the implementation of the compulsory education policy and enhancing the quality of the whole nation, Compulsory Education Law was hereby formulated in accordance with the

Constitution and the Education Law of China. According to the Law of 2006, the system of compulsory education in China is described as follows:

The State adopts a system of 9-year compulsory education. Compulsory education is education which is implemented uniformly by the State and shall be received by all school-age children and adolescents. It is a public welfare cause that shall be guaranteed by the State. No tuition or miscellaneous fee may be charged in the implementation of compulsory education. The State shall establish a guarantee mechanism for operating funds for compulsory education in order to ensure the implementation of the system of compulsory education. (Article 2, June 29, 2006)

The Law of 2006 guarantees the right to compulsory education of school-age children.

All children and adolescents who have the nationality of the People's Republic of China and have reached the school age shall have equal right and have the obligation to receive compulsory education, regardless of gender, nationality, race, status of family property or religious belief, etc. (Article 4, June, 29 2006)

To ensure the effective implementation of the compulsory education policy, the Law provides specific regulations with respect to the relevant sectors, including the people's government at all levels, parents, schools, and social organizations and individuals, which is stated as follows:

The people's government at all levels and their relevant departments shall perform all functions as prescribed by this Law and shall ensure the right to compulsory education of all school-age children and adolescents. The parents or other statutory guardians of school-age children and adolescents shall ensure that school-age children and adolescents go to school to receive and complete compulsory education. The schools lawfully carrying out compulsory education shall complete the educational and teaching tasks as required and ensure the educational and teaching quality. Social organisations and individuals shall create a good environment for school-age children and adolescents to receive compulsory education. (Article 5, June 29, 2006)

The Law of 2006 states that a parent of a school-age child has a duty to ensure that the child attends school:

Any child who has attained the age of 6, his/her parents or other statutory guardians shall have him/her enrolled in school to finish compulsory education. For the children in those areas where the conditions are not satisfied, the initial time of schooling may be postponed to 7 years old. If, on account of illness or

other special circumstances, where a school-age child or adolescent needs to postpone his/her enrolment or suspend his/her schooling, his/her parents or other statutory guardians shall file an application with the education administration department of the local people's government of the township, town or county for approval. (Article 11, June 29, 2006)

As shown above, Articles 2, 4, and 11 require that the parents are responsible for sending their school-age children to receive compulsory education at school. To ensure that school-age children and adolescents are able to receive compulsory education, the Law makes several provisions regarding children's enrolment, as illustrated below:

School-age children and adolescents shall go to school without taking any examination. The local people's governments at all levels shall ensure that school-age children and adolescents are enrolled in the schools near the permanent residence of the school-age children and adolescents. For a school-age child and juvenile whose parents are working or dwelling at a place other than their permanent residence, if he/she receives compulsory education at the place where his/her parents or other statutory guardians are working or dwelling, the local people's government shall provide him/her with equal conditions for receiving compulsory education. The concrete measures shall be formulated by the provinces, autonomous regions and municipalities directly under the Central Government. The administrative departments of education of the people's government at the county level shall guarantee the right of a serviceman's children to compulsory education within its administrative area. (Article 12, June 29, 2006)

If there are any school-age children who do not receive compulsory education, the Law requires that the educational authority and the residents' committees should urge the children to go to school, stating as follows:

The administrative departments of education of the people's governments at the country level, and the people's governments of townships and towns shall organise and urge school-age children and adolescents to go to school, help to solve their difficulties in receiving compulsory education and take measures to prevent them from discontinuing their schooling. The residents' committees and villages committees shall help the government to do well in urging school-age children and adolescents to go to school. (Article 13, June 29, 2006)

The Law amended in 2006 sets out a regulation relating to those parents or any other statutory guardian of school-age children who fail to send school-age children to receive compulsory education at school. This regulation is specifically formulated to ensure parents of school-age children send their children to go to school, as shown below:

When the parents or any other statutory guardian of school-age children or adolescents fail to send them to receive compulsory education according to the provisions of this Law without justifiable reasons, they shall be criticised by the people's government at the township level or the administrative department of education of the people's government at the county level of the locality and be ordered thereby to make a correction. (Article 58, June 29, 2006)

As to education and teaching, the Law of 2006 requires that the administrative department of education of the state is responsible for establishing and assessing the educational and teaching content and the curriculum, which is stated as follows:

The administrative department of education of the State Council shall, according to the physical and mental development of school-age children and adolescents as well as the actual circumstances, determine the teaching system, the educational and teaching contents and the curriculum; and to reform the examination system, improve the measures for the recruitment of students by senior middle schools, and push forward the implementation of quality-oriented education. The schools and teachers shall carry out the educational and teaching activities according to the educational and teaching content and the curriculum as determined so as to ensure the basic quality requirements as prescribed by the State. The state encourages schools and teachers to adopt the education and teaching methods, such as the heuristic method, so as to enhance the quality of education and teaching. (Article 35, June 29, 2006)

In Article 34, the Law of 2006 regulates the content of teaching and education:

The educational and teaching work shall be in line with the education rules and the characters of the physical and mental development of students shall be geared to all students shall impart knowledge and enlighten people shall integrate moral education, intellectual education, physical education and aesthetic education in the educational and teaching activities; and shall focus on the cultivation of the students' independent thinking ability, creativities and practical abilities so as to promote the all-round development of students. (Article 34, June 29, 2006)

Furthermore, the Law of 2006 establishes which penalties will be meted out if any violation of this Law occurs. For instance, in Article 59, three such violations are clearly stated:

Under any of the following circumstances, a penalty shall be meted out according to the relevant laws or administrative regulations: (1) Forcing any

school-age children or adolescent by menace or coaxing to leave school or quit his school education; (2) Illegally employing any school-age children or adolescent who should be receiving compulsory education; or (3) Publishing any text book which fails to have been examined and approved according to law. (Article 59, June 29, 2006)

Moreover, in Articles 9 and 60, the Law of 2006 sets down the relevant regulations regarding how to deal with anyone who violates any of the provisions of this Law.

Any social organisation or individual may expose or complain about any violation of this Law to the relevant state organisation. In the event that this Law is grossly violated, the implementation of the compulsory education policy is hampered and there are negative consequences for the society, the liable persons-in-charge of the people's government or of the administrative department of education of the people's government shall take the blame and resign from their posts due to their mistakes. (Article 9, June 29, 2006)

And,

Anyone who violates any of the provisions of this Law in such a way as to constitute a crime shall be subject to criminal liability according to the law. (Article 60, June 29, 2006)

Legal Status of Home Education in Western Countries

Since the mid-1970s, the home education has achieved dramatic growth in the United States, Canada, and Europe. When we look back at the development of home education, it has been noted that homeschooling has experienced a transition from being illegal to being legal in the Western countries.

The United States

In the United States, before 1993, home education was considered to be illegal in over 30 states (Bailey & Karp, 2003; Bauman, 2001; Belfield, 2004; Buss, 2000; Neal, 2006; Reich, 2002, 2005; Stevens, 2001). Although it is now legal in all 50 states, there are various rules which regulate homeschooling in each state to ensure that the quality of home education reaches the required standards (Basham et al., 2007; Stevens, 2001). The various states have different levels of control over homeschooling in the United States. In general, there exist different degrees of regulation, which can be divided into

three levels: low, moderate, and high regulations (Brandly, 1997; HSLDA, 2008; Ray, 2000). As shown by the data of HSLDA (2008), six states have high levels of regulation, 20 states have moderate regulation, 14 states have low regulation, while 10 states have no regulation at all. Homeschooling parents living in highly regulated states are required to inform the local educational authority when they are going to start home education and the curriculum to be taught must be approved by the state (Basham et al., 2007). The parents are also required to permit periodic visits to the home for standardized tests to be administered. Parents must also be certified teachers, a requirement often drawn up by state legislatures to satisfy the demands of teachers' unions (Basham et al., 2007). Within the moderately regulated states, homeschooling parents are required to submit notification when they start educating their children at home and provide test scores and/or professional assessment of the students' progress (Basham et al., 2007). In the low-regulation states, the homeschooling parents are not required to keep any contact with the state (Basham et al., 2007).

The Europe

In the European countries, according to Petrie (2001, p. 483), legislation concerning home education can be summarized as follows: In several countries, including Germany, Spain, Greece, two Swiss cantons, and the Netherlands, home education is not permitted by law; however, it is likely to be allowed in individual instances; in the following most of Switzerland, Eire, and Luxembourg, home education is always permitted; in other countries, such as Austria, homeschooling has not been permitted in the past but is allowed now.

In the United Kingdom, in accordance with the Education Act of 1944, compulsory education is for all the children; however, home education is permitted. Parents in the United Kingdom have the legal right to home educate (Elective home education: guidelines for local authorities, 2013). In accordance with the Irish constitution, home education is permitted in Ireland. In Norway, as Beck (2010) argued, after the first educational law was implemented in 1973, because there was lack of schools in rural areas, home education was permitted and practiced. In France, the Law of 1882 regulates that the parents are permitted to provide their children appropriate education which is that which a child of the same age should receive at school. Home education is permitted, provided certain conditions are fulfilled. Similarly, in Italy, parents are permitted to practice education at home, if certain conditions, such as state supervision and the approval of the principal of the local school, are fulfilled. In Germany, home education is not permitted.

Canada

In accordance with the Law of 1982, home education is legal throughout Canada, but in each province, the regulations permit home education according to different specific conditions. In general, most of the provinces require homeschooling parents to adhere to the Education Act, and parents are required to register their homeschooled children with the local school or school board. In three provinces, namely, Alberta, Newfoundland, and Saskatchewan, homeschooling parents are required to submit an application first before receiving approval to educate their children at home (Basham et al., 2007). In Alberta, homeschooled students are required to be tested (Basham et al., 2007). To ensure the quality of home education, eight provinces in Canada publish curriculum guidelines for homeschooling families; however, the curriculum does not require government approval (Basham et al., 2007).

Australia

In Australia, parents are free to educate their children at home according to the law, but the government maintains the right to supervise and regulate the process of home education (Harding & Farrell, 2003). As Harding and Farrell (2003, p. 4) described, home educators in Australia have the right to provide home education; however, they are required to register their children for home education. The authority has a duty to inspect and regulate the curriculum pursued in the home.

Several other countries permit parents to practice home education. In New Zealand, there is a legal right to educate their children at home if certain conditions are fulfilled. In New Zealand, the parents who choose to educate their children at home are required to apply, and be granted, a certificate of exemption for their children from attending school before they can legally commence to homeschool, while the Education Review Office (ERO) accepts responsibility for ensuring that each homeschooled child is being educated to a satisfactory level (Roache, 2009, pp. 12-13).

In brief, the regulations governing home education in Western countries can be divided into three types, namely, the government has strong control over home education, as in Germany and Sweden; the government has a lower level of control over the homeschooling; and the government has different levels of control over education at home, as in the United States and Canada. The differences depend on how much the state controls and supervises home education. In the majority of Western countries, the government does permit parents to educate their children at home; however, it still retains

the legal power to regulate homeschooled students. It is suggested that the experience of home education in the Western context may provide some guidance for the future development of home education in China. In general, governments usually require homeschooling parents to register their home-educated children, so that they can legally monitor the whole process of home education and the children's progress can be assured.

Legal Status of Home Education in East Asia

In recent decades, home education has grown significantly in East Asia, for example, in China, Japan, and South Korea. According to the Ministry of Education in Japan, more than 120,000 children are reportedly avoiding school or refusing school at the primary and middle school levels in Japan (Kugai, 2014). According to Kugai (2014), who is a Japanese homeschooling parent and advocate of homeschooling in Himeji, it is difficult to estimate how many homeschoolers are currently active in Japan, as there is no official research that has been done to determine their numbers. An unofficial estimate proposed by Kugai (2014) is that the number of homeschooled children in Japan is around 2,000 to 3,000 (cited in Kugai, 2014). In Taiwan, since the end of the 1990s, home education has undergone dramatic growth, and there are a number of home education associations that have been established. For example, Mu Zhen Home Education Association was established in 1998 in Xin Zhu in Taiwan, and in the same year seven homeschooling families set up a homeschooling community, which aimed to broadcast ideas and views about home education and enhance communication between homeschooling families (Mu Zhen, 2014).

In Japan, under the current School Education Law, home education is not illegal and parents in Japan who choose home education are not being prosecuted or sent to jail. As Kugai (2014) stated,

... While it is a fact that there is no law in Japan that concretely provides for home-based learning, it is also a fact that there is no provision under law at present that expressly prohibits it. For those families in Japan who do pursue home learning as an alternative to school, the Ministry of Education generally does not stand in their way. At this stage, the ministry neither discourages nor encourages home learning in Japan.

Furthermore, Kugai (2014) explained,

Even so, there are lots of people in society who believe that children are required to attend school and many cases where boards of education possess no understanding of what home education is about. Thus we still see cases,

depending on the local area or district, of interference by boards of education in trying to make children go to school.

Similarly in South Korea, there is no provision under law that prohibits home education, neither is there any law in South Korea that specifically permits home education. As in Japan, if parents remove their child from a conventional school and educate him or her at home, there will be no intervention from the government.

In Vietnam, the Education Law does not make any specific reference to home education. If parents prefer to choose home education, they are only required to reassure the government that they are fully complying with the “requirements on contents and methods of general education” as outlined in Article 28 of the Education Law.

In Taiwan, the number of families who choose to educate their children at home has increased steadily as the government legalized home education in 1999, although homeschooling is still expected to fulfill the requirements of conventional school education. On June 23, 1999, the Legislative Yuan in Taiwan admitted the legal status of home education in Taiwan through an Attachment to the Education Law which made the practice of homeschooling legal in Taiwan. From then on, more and more people have participated in the Mu Zhen Home Education Association.

Legal Status of Home Education in China

In 1951, the Chinese government published a law titled “The Decision on the Reform of the Education System.” Since then, the education system in China has gradually developed into a complete system which comprises four stages: preschool education (3 years), junior education (6 years), middle education (6 years), and higher education (4-10 years) (Chen, 2000). Preschool education refers to that which children aged 3 to 5 years receive in kindergarten/nursery school; junior education is the education which students aged 6 to 12 years receive in elementary schools; middle education refers to the educational process which students aged 13 to 18 years undergo in junior secondary schools (3 years) and senior secondary schools (3 years) (Chen, 2000). The time spent in elementary education and junior secondary education forms the period of compulsory education in China, the duration of which is 9 years (Chen, 2000). When this has been completed, the next stages involve both mainstream education and vocational education (Chen, 2000). The regular education system is comprised of senior secondary schools, mainstream colleges providing undergraduate education, and technological academies and institutions of higher education (Chen, 2000).

As of this writing, China has no specific law regarding home education, but it is illegal because it contravenes the provisions of "China Compulsory Education Law." In July 2006, the homeschooling sector, named Meng Mu Tang, was declared illegal and closed down by the local educational authority in Shanghai. The educational authority stated that the act of practicing homeschooling contravenes the provisions of the "China Compulsory Education Law" with regard to Items 2, 4, and 35. Items 2 and 4 require that parents should be responsible for sending their school-age children to receive compulsory education at school. According to Item 35, educating children at home contravenes the specific principles regarding the school curriculum, teaching content, and curriculum setting. The legal situation can be summarized as follows: First, such a school breaks the laws which require permission to be granted to run schools. The owners of "Meng Mu Tang" should have applied for such permission from the local educational authority in Shanghai. Without an official permit from the government, running a school can be seen as an illegal act. Second, it breaks the "Compulsory Education Law" in China which requires Chinese parents to send their school-age children to school to receive compulsory education. It is a kind of national responsibility rather than that of the citizen. According to Item 35, Meng Mu Tang could be considered an illegal educational institution. Since the teaching content of Meng Mu Tang was only concerned with Confucian works, which broke up several principles provided through Compulsory Education Law of China in relation to the school curriculum, teaching content, and curriculum setting.

However, the person legally responsible for Meng Mu Tang claimed that it was not an educational institution, it was only a form of modern home education that several parents had organized voluntarily, and should not be regarded as an official educational institution. Consequently, it was not necessary to apply for permission to run it. All the fees and costs relating to Meng Mu Tang were shared by the parents participating in it. Furthermore, as a form of home education, Meng Mu Tang should be given official recognition and legal permission to operate. The works of Confucius are one of the treasures of Chinese traditional culture, and reading them should be central to the teaching content of home education. Because in most Western countries home education is permitted, Shanghai should likewise permit home education by law. On February 10, 2009, Meng Mu Tang was closed down by the Shanghai Educational Authority again for the same reasons that were given for its closure in 2006. The educational authority claimed that if parents were to send their children to study at Meng Mu Tang, it would be regarded as an illegal action.

Conclusion

As stated previously, in July 2006, “Meng Mu Tang,” a homeschooling sector, was declared illegal and closed down by the local educational authority in Shanghai. The closure of “Meng Mu Tang” gave rise to a nationwide discussion as whether or not home education should be made legal in China.

There exists great disagreement as to whether or not home education should be legal or illegal in China. A significant majority of academics, administrators, and policy makers support the argument that the act of home education is illegal under the Compulsory Education Law of 2006. The legal evidence can be summarized as follows:

Home education has violated the Compulsory Education Law of 2006 with respect to several articles (e.g., Articles 2, 4, 5, 11, 12, 13, and 35). In accordance with the requirements of Article 2, “Compulsory education is education which is implemented uniformly by the state and shall be received by all school-age children and adolescents.” It means all school-age children should attend school. As stated by Article 3, for all children and adolescents who have Chinese nationality and who have reached school age, there is “the obligation to receive compulsory education.” To ensure that all the school-age children receive compulsory education, Articles 5 and 11 require the relevant sectors, namely, government at all levels, schools, parents and social organizations, to ensure school-age children attend school. Article 5 states that “parents or other statutory guardians of school-age children and adolescents shall ensure that school-age children and adolescents go to school to receive and complete compulsory education.” Article 11 requires that when any child reaches to the age of 6, “his/her parents or other statutory guardians shall have him/her enrolled in school to finish compulsory education.” The parents choose home education do not send their school-age children to attend school and also they have not applied for approval from the local people’s government of the township, town, or county. According to Article 11, these parents violate the provisions of Compulsory Education Law of 2006. In this context, home education is illegal. In accordance with Article 35, educating children at home contravenes the regulations regarding the curriculum, teaching content, and curriculum setting. For instance, in 2006, “Meng Mu Tang” was closed down by the educational authority in Shanghai because teaching of “Meng Mu Tang” was only concerned with Confucian works, which violated Article 35. Article 58 specifically refers to the penalty to be imposed “when the parents or any other statutory guardian of school-age children or adolescents fail to send them to receive compulsory education according to the provisions of this Law without justifiable reasons.” The penalty, as stated by law, is that “they shall be criticised by the people’s government at the township level or the administrative department

of education of the people's government at the county level of the locality and be ordered thereby to make a correction" (Article 58, June 29, 2006).

However, a number of homeschooling parents presented the argument that the home education in China is legal in accordance with the provisions of Law of the People's Republic of China on the Protection of Minors (2012 Amendment) (Baidu, 2012). Article 3 of this Amendment states that "the minors have the right to education, the country, society, school and family should respect and safeguard the minors' right to education." These parents argued that according to Article 35, minors have the right to be educated at home and parents are responsible for providing appropriate education for their children, which may include home education. In the views of the homeschooling parents, the compulsory education regulations should be met either by compulsory schooling or receiving equivalent alternative education, including home education. However, in the 2012 Law, Article 13 also clearly requires that parents or any other statutory guardian of should respect the minors' right to education and must ensure that school-age minors attend school and receive and complete compulsory education. The education to which the 2012 Law refers is compulsory schooling, not education in general.

It has been noted from the discussion presented above that there exist inconsistencies at government level and homeschoolers should decide for themselves whether education is the responsibility of the state or the parents. Under the Compulsory Education Law of 2006 and the Law of Protection of Minors of 2012, the compulsory education merely refers to compulsory schooling, which does not allow for any form of alternative education, such as home education. In the view of the government, compulsory education is not only the right of the school-age child but there is also an obligation to undertake and complete compulsory education to enhance the quality of the whole nation. In this context, people who do not send their children to attend school and choose to educate them at home violate the relevant laws. Home education is therefore illegal according to current Chinese laws. A common feature of the critiques of homeschooling parents is that the education of children is the right and responsibility of the families. However, the government does not agree that education is solely the domain of the homeschooling family. Similar conflicts happened in the United States, Canada, and European countries during the initial period of the development of the home education (Badman, 2009; Basham et al., 2007; Ray, 2000; Rothmel, 2010).

As home education has developed quickly over recent decades, there has been escalating tension and hostility between the educational administration of the government and homeschoolers. Between 2006 and 2010, across the nation a number of Confucian education sectors were closed down. For example, "Meng Mu Tang" was reopened and closed down in 2009 in

Shanghai. In Shenzhen, a Confucian home education sector, “Wu Tong Shi Shu” was reopened and closed down several times. Since 2010, the majority of forms of Confucian and Christian home education have been conducted secretly. In some big cities in China, Confucian home education has achieved dramatic growth in terms of amount. These *shi shu* were initially established by parents wishing to teach their own children, and expanded only later when the children of their friends and relatives participated later. Since home education is illegal according to Compulsory Education Law in China (The Central People’s Government of the People’s Republic of China, 2006), the modern *shi shu* are forbidden to exist and thus they are registered as *xue tang* or “Confucian Consultancy” instead (Liaoning Daily, 2015). In this way, the homeschooling sectors (so-called *xue tang* or modern *shi shu*) can register and exist.

As outlined above, although the home education is illegal under the current laws, home education has achieved a dramatic increase nationwide in terms of quantity in the past decades. The government should monitor or regulate whether or not homeschooled children achieve healthy physical and academic growth. I would suggest that the experiences and lessons that have been learnt from the development of home education in the Western countries may provide some useful information in relation to the legislation concerning home education in China. I would suggest that the Chinese government should admit the legal status of home education in which case, parents would have the legal right to make alternative choices for their children’s education, including home education. I suggest that the government should have control on the process of children’s home education. For example, the government requires the registration and supervises or monitors whether a homeschooled child is being properly educated both academically and socially. I would suggest that the education authority should establish relevant regulations to ensure that home-educated children both obtain outstanding academic results and experience healthy social development. As of this writing, there was no direction or guidance in relation to home education from the government authority. I suggest that the local educational authority should focus on establishing regulations to govern home education to achieve a balance between protecting the well-being of the adolescents and the rights of parents to direct their children’s education themselves. It is noticeable that the legal environment has played an important role in the development of Chinese home education. If the practice of home education in China were legal, the government authority would be able to supervise and monitor the quality of education which the homeschooling families provide for their children. It would also make it possible for home education in China to develop rapidly and successfully.

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