

HOME EDUCATION IN EUROPE AND THE IMPLEMENTATION OF CHANGES TO THE LAW

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Abstract – This paper discusses the various definitions of home education and how the term can give rise to misinterpretations. In addition it covers recent changes to legislation and policy relating to home education in some European countries, such as France, Ireland, Luxembourg and Belgium. These changes have been based on a misunderstanding of the nature of home education. Little attention has been paid to the difference between children who are absconding from school and those who are being conscientiously educated by their parents at home. By contrast, there has been a slight but positive change in attitudes towards home education in some of the *Länder* (regions) of Germany. The author argues that governments should conduct well reasoned, objective research before considering measures to limit home education in any way.

Zusammenfassung – In diesem Artikel werden die verschiedenen Definitionen des Lernens zu Hause diskutiert sowie die Frage, ob und wie dieser Begriff Anlass zu Fehlinterpretationen geben kann. Zusätzlich werden die jüngsten Veränderungen der Gesetzgebung und Politik thematisiert in Bezug auf das Lernen zu Hause in einigen europäischen Ländern, wie z.B. Frankreich, Irland, Luxemburg und Belgien. Diese Veränderungen basieren auf einem Missverständnis der Natur des Lernens zu Hause. Wenig Aufmerksamkeit wurde den Unterschieden zwischen Kindern gewidmet, die die Schule abbrechen, und denen, die bewußt von ihren Eltern zu Hause unterrichtet werden. Im Gegensatz dazu gab es geringfügige aber positive Veränderungen in der Einstellung zum Lernen zu Hause in einigen der Bundesländer Deutschlands. Der Autor schlägt vor, dass Regierungen gut fundierte, objektive Forschungen durchführen sollten, bevor sie Maßnahmen zur Begrenzung des Lernens zu Hause erwägen.

Résumé – Cet article analyse les diverses définitions de l'éducation à domicile et le fait que le terme peut donner lieu à de fausses interprétations. Il étudie d'autre part l'évolution récente de la législation et des politiques en matière d'éducation à domicile dans quelques pays européens tels que la France, l'Irlande, le Luxembourg et la Belgique. Cette évolution est née d'un malentendu sur la nature de l'éducation à domicile. Il n'a pas été accordé une attention suffisante à la différence entre les enfants qui font l'école buissonnière et ceux qui sont instruits consciencieusement par leurs parents à domicile. Par contre, on observe une évolution légère mais positive de l'opinion sur l'éducation à domicile dans certaines régions d'Allemagne. L'auteur soutient que les gouvernements doivent mener des études scientifiques bien définies et objectives avant d'envisager des mesures visant à limiter dans tous les cas cette forme d'éducation.

Resumen – Este trabajo analiza las diferentes definiciones de la educación casera y cómo este concepto puede dar lugar a interpretaciones equivocadas. Además, cubre los cambios recientes de la legislación y de las políticas relacionadas con la educación casera de algunos países europeos, tales como Francia, Irlanda, Luxemburgo y Bélgica. Estos cambios se han basado sobre un malentendido en cuanto a la naturaleza de la



educación casera. Se ha prestado poca atención a la diferencia que existe entre los niños que se ausentan de las escuelas y aquellos que están siendo educados concienzudamente por sus padres en sus hogares. Por contraste, se ha producido un cambio leve, pero positivo en las posiciones frente a la educación en casa de algunos Länder (regiones) de Alemania. El autor sostiene que los gobiernos deben realizar una investigación bien fundada y objetiva antes de considerar la adopción de medidas que limiten la educación casera como tal.

Резюме - В данной статье обсуждаются различные определения домашнего образования, и каким образом этот термин может неправильно быть интерпретирован. В дополнение, в статье затрагиваются недавние перемены в законодательстве и политике относительно домашнего образования в некоторых европейских странах, таких как Франция, Ирландия, Люксембург и Бельгия. Эти перемены были основаны на неправильном понимании природы домашнего образования. Мало внимания было уделено различию между детьми, которые укрывались от школ, и теми, кто сознательно обучался родителями дома. В противовес этому, наблюдалась небольшая, но положительная перемена в отношении к домашнему образованию в некоторых землях (регионах) Германии. Автор статьи выступает за то, чтобы правительства проводили рациональные, объективные исследования, прежде чем принимать меры какого-либо ограничения домашнего образования.

Fundamental to the debate on choice in children's education are the relative responsibilities of the state and the parent. Ignoring possible controlling motives of government, legislation on children reflects the confidence placed by governments in the abilities of the parent. The two main areas of health and education reflect very different attitudes in this respect: it appears that the state seeks to fully direct a child's education, while leaving the parent to recognise need and request advice in medical matters. This paper discusses the approaches of various governments in Europe to home education, that is when a child does not go to school but is educated at home and in the community by parents or by others engaged by the parents. It puts forward the thesis that, in some countries, the state interferes too much in a fundamental right of parents to decide the education of their children. In addition, evidence is presented that some governments are further restricting the rights of parents to educate children at home. Most of these changes are without justification as they sometimes deny civil liberties that are founded in democratic principles of the individual in society.

This paper discusses the definitions of home education which themselves give rise to misconceptions. In addition it covers recent changes to the law relating to home education in some European countries. In the past five years, new laws have been implemented in both France and Ireland which apply principally to truancy, but also to home education. New guidelines for home

education have also been issued in Luxembourg and Belgium. These changes have been based on a misunderstanding of the nature of home education; little heed has been paid to the difference between children who should be attending school but are absconding and children who are home educated, whose parents are conscientiously ensuring that their children are well-educated. In contrast, there has been a slight but positive change in attitudes towards home education in some of the *Länder* (regions) in Germany. Also highlighted are the concerns of both education professionals and home educators which can arise in the often uneasy relationship which government legislation creates.

What is home education?

The often used term "home education", as defined above, is not in itself clear because this form of education does not always take place in the home. However, the word "home" is useful in this context as it describes the home base of the education rather than a school base. In addition to using books, television, radio and the Internet, home educating parents use many other facilities which are at the disposal of the wider community in general, such as libraries, museums, sports' centres, galleries, exhibitions and the knowledge and resources of friends, neighbours and relatives. The German word *Ausbildung* still has the original meaning of the English word "education," which would imply to develop and cultivate as well as to train and instruct. Home education is certainly not a "four walls" education and need involve neither training nor instruction.

The American term, "home schooling" has also adversely affected the concept of the education parents can provide; it has implied that "schooling" takes place in the home. In practice, education provided at home does not necessarily mirror the education provided in government funded schools (Thomas 1998). Within the home educating population, there is a variety of provision of education, ranging from the formal where correspondence courses and timetables may be used, through to the informal which takes place primarily through experience, reading and conversation. The effectiveness of home education would seem to depend, not on the methods which the parents employ, but rather on the level of commitment of the parents to their children's educational needs.

Throughout recorded history and in all countries, parents or guardians, irrespective of status and wealth, have taught their own children. Sometimes this form of education has continued in the teenage years perhaps with the help of adults other than parents, while in other instances children have attended school after a period of home education (Goertzel 1965; McCurdy 1960; Petrie et al. 1999). The reasons for parents to consider home education as a viable option are various (Bendell 1987; Knowles 1988; Petrie 1992; Petrie et al. 1999). In some instances, parents have considered home education to be more suitable than the available school for the child concerned. In others, parents

are prompted by their own experiences and see education in a wider context than school; they want to provide the education of their children themselves. Children are also withdrawn from school for a variety of reasons to be educated at home, although the most frequent reason given is bullying either at school or on the journey to and from school. In all these instances, committed parents, some reluctantly, have felt that they could provide for their child's education and/or well being in a better way than in the available schools.

During the past 40 years in the USA and the UK and the past decade on the continent of Europe, there has been increasing interest among parents in home education, principally following the formation of home education support groups. These groups disseminate information to interested parents and the media. Education professionals and government advisers, who often ignore the existence of home education in handbooks, journals, conference papers, television programmes, talks and speeches, have not matched this growing awareness. "Compulsory schooling" is often confused with "compulsory education" (Petrie 1995; Tomasevski 1999). This confusion, particularly among legislators, can unwittingly lead to a decrease in the variety of education which can be offered to children and thus to a similar decrease in the choices which can be made by parents, coupled with an increase in the powers of the nanny state. It is usually socialist governments, sometimes intentionally (e.g. Spain, France) and sometimes accidentally (Netherlands, Greece), which have introduced laws curtailing the freedom to home educate – perhaps out of a concern to curb child labour and truancy.

A child's right to a suitable education

International laws have recognised a child's right to education and they have wisely not specified the form this education should take. These laws have certainly not excluded the concept of home education. The United Nations Declaration of Human Rights recognised the right of a child to education:

Everyone has the right to education. . . . Elementary education shall be compulsory. . . . Parents have a prior right to choose the kind of education that shall be given to their children.

These concepts were also included in the European Convention on Human Rights, Protocol 1, Article 2:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in accordance with their own religious and political convictions.

A few countries have, however, confused this right of a child to *education*, which is used in the Declaration of Human Rights and the European Convention, with compulsory schooling. However, even in those countries

which subsequently introduced compulsory schooling, such as the Netherlands and Greece, exceptions can still be made; home education is permitted only rarely, when it is obviously for the benefit of the child concerned.

Human rights legislation and comprehensive education were introduced to give all children both the right to education and an equal chance to be educated. However, this ideal has not always been achieved, as education can be affected by physical need and intellectual ability in addition to social factors such as poverty, bad diet and lack of effective parenting. The school system is not here under criticism. However, in countries where there is indeed compulsory schooling, it can be argued that as children have a very wide variety of educational needs, there are some children within schools who are not for many reasons receiving a suitable education.

In some countries, the state provision of schooling includes special schools, but these can be remote from the children who need them, necessitating long journeys for children who are already disadvantaged. There can also be private schools, including those inspired by educational philosophers such as Montessori and Steiner; these are usually only available to a few children living in or near large conurbations and/or those from more wealthy families. The variety of state and private provision does not match the variety of educational needs of individual children; it can never be possible for the needs of 100 per cent of children to be met by the state. There remains a small number of children, particularly when living in rural areas, who are not catered for in the available schools. Parents of such children, in addition to other committed parents who genuinely believe that they can provide a better education than that provided by the available local schools, make up the constituency of home educators.

In a study undertaken in 1998 for the Intel Corporation, 46 per cent of adults in the UK had access to a home computer, while two-thirds of children between 12 and 17 years old had similar access (www.intel.co.uk/press-room/archive/background/cn051498.htm). Figures for 2001 are likely to be even higher. Although research is being undertaken into computer usage in home educating families in some European countries, the proportion of home educated children with access to computers is currently unknown. Assuming that the availability of home computers is similar for children in school and those being taught at home, it is likely that the home educated child overall has greater access to them. Children at school are likely only to have individual access to a computer for a short time each day. Home educated children with immediate computer access may well be able to create and expand projects, undertake word processing, surf the Internet, create web pages and communicate with others via forums and email. They can share the outcomes with other members of the family and friends. Internet access and the publications of home education support groups give information on a variety of distance courses of varying difficulty should the family wish to use the computer for more formal learning. Such courses are easy to locate and email facilitates rapid help from tutors or feedback on completed assignments.

It would seem that the concept of school in the future might change. A recent projection of schools in the future by Seltzer and Bentley, two members of Demos – a UK government think tank – stated:

Schools and universities still focus on *what* students know and test for gains in knowledge without any assurance that these gains can be applied once students leave school. We must recognise that, in the new economy, it is *how* you use your knowledge and skills across the range of contexts that sets you apart. . . . All this means that we need a very different educational curriculum, one that would not be dominated by content at the expense of breadth of application and depth of understanding. Instead learning would revolve around projects; extended activities that combine disparate resources, people and types of knowledge in order to achieve specific outcomes. The curriculum would require students to identify and solve problems for themselves, rather than be dictated to about which problems should be solved and the correct routes to solving them. They would also be expected to solve problems across diverse contexts, employing a range of learning methods and strategies, some researched based and others more experiential. In other words, they would be involved in *doing*, not just thinking and knowing.

New Statesman, 27 Sept 1999, xx–xxi

The education described in detail by Seltzer and Bentley (1998, 1999) is already widely known and used by many who home educate. It has also been discussed by Adcock (1994). An experimental "school without walls" is at a planning stage in Liverpool, UK. However, Seltzer and Bentley have not asked the basic question of *why* children *do* attend school. Arguments in favour of schooling centre on the need for conformity and regulation, the social aspects, the need to prepare for the workplace, to gain qualifications, to learn a range of subjects. The relevance of some of these is further discussed. However, employers require self-motivated, imaginative, lateral thinking people who will stick to a task and work to a high standard without supervision. It can thus be argued that, as Seltzer and Bentley point out, a discrepancy exists between the needs of the fast moving business world and the education which schooling currently provides.

There has also been a reluctance to confront another fundamental question – how much of schooling is the provision of group child minders? When unemployment is high, the numbers of years children stay at school is increased (but never decreased). Nursery schools and crèches are "needed" for families where both parents want to work. In Germany, school finishes in the early afternoon; in France, there is a discussion about increasing the school day in the evening and introducing a shorter lunch break. In England and Wales, changes are under discussion for the introduction of a four-term year and a reduction of the six-week Summer break so that children would not forget what has been learnt. Do the majority of children really suffer when they have a long summer holiday? It is argued that they "forget" so much of the factual learning – do they really need to remember those facts, rather than how to look them up when they are needed and know how to reference facts? Rather than considering the needs of *adults*, what do *children* need to learn in order to have a fulfilling adult life? How would children best learn

and which skills would it be fun to learn in order for them to enjoy and be enthusiastic about true life-long learning?

More recently, within Europe there has been an awareness of the need for adult life-long learning. The provision for life-long learning is ever expanding; it can involve informal provision, such as language conversation, learning at adult education centres or enrolment on distance courses or with the correspondence university system which is flourishing in different forms in various countries. Adults have a "pick & mix" learning opportunity, further expanded by life experiences, such as travel or helping voluntary groups in the community. It is an odd misconception in literature on life-long learning that it starts when schooling finishes. Some home educating parents want this form of educational provision for their children from the day they are born, starting in the home and expanding into the community as the child grows, a truer definition of life-long learning.

Most people concede that education should prepare a child for adult life. During the past four years, accounts of sixty-four people who were home educated between 1920 and 1960 have been collated; the research was undertaken in an attempt to resolve the question of how home educated children fared in adult life (this research, undertaken by Petrie is as yet incomplete and unpublished). Of the people who have so far taken part in the study, only one believed that it would have been better to go to school; others believed that it had been as good or better than attending the local school, giving a multitude of reasons. Webb (1999) has also given details of successful adults who were educated at home, detailed in her original study of 1988. Preliminary results would show that home education which has been an educational option in historical terms, can confidently, with effective enlightened legislators continue to be part of the range of satisfactory provisions of education in the future. However, it will from necessity be a provision for only a minority of children as it requires a high level of parental commitment.

Recent changes in laws which apply to home education within Europe

Much of the law as it applies to home education in Europe remains the same as that given in a previous paper (Petrie 1995). However, it can now be divided into three, not four groups as there is now tolerance of isolated incidences of home education in Germany. There are countries which:

- accommodate home educators and have always done so (Belgium, Denmark, Eire, France, Italy, Luxembourg, Norway, Portugal, Sweden, most of Switzerland, UK);
- have not permitted home education at some time in the past, but now do so (Austria);
- now no longer permit home education in the word of the law, but would appear to permit individual instances (Spain, Greece, a few Swiss cantons, Netherlands, Germany).

Since 1995, new legislation which applies to home education has been enacted in France and in the Republic of Ireland it is to be enacted in 2002. In Belgium and Luxembourg, new guidelines which restrict home educators to a more school-type curriculum have been introduced without consultation with home educators or the national support groups. In Germany, however, there are now a few documented instances of home education.

In France, changes in the law seem to have been made in ignorance of the nature of home educators and the varieties of methods of education which they provide for their children. In Ireland, the government was also initially unaware of the effectiveness and extent of home education. Before introducing legislation, it would appear that no research into home education either in the respective countries nor in other countries was undertaken by either of the respective ministries of education.

In England and Wales however, the government decided to fund a pilot study into home education (Petrie et al. 1999). It attempted to find out whether it would be possible to establish with any accuracy the numbers of home educated children. The research also reported on reasons why parents decide to home educate, the frequency with which home educated children were withdrawn from, or return to, school, whether there was confusion between home education and truancy, whether compulsory registration would be beneficial and the educational qualifications of home educating parents.

Recent changes affecting France, Ireland and Germany are discussed below.

France

Prior to the new legislation which was discussed in the Assemblée Générale (parliament) in December 1998, home education had always been permitted in France. It had been the duty of the parent to ensure that the child was educated and this could be at home – *à domicile* (Article 4, 28 March 1882). At the ages of 8, 10 and 12, the child was to be assessed in elementary reading, writing and arithmetic. The place of assessment was not specified – it could take place in the local offices or at home. The parent could adopt an informal, semi-formal or formal approach and it could be suited to the ability and needs of the child concerned and accord with the educational philosophies of the parents. Any disputes between families and the education authorities e.g. whether the child were receiving an education were decided locally or if the dispute could not be resolved by a visit of a representative from the Ministry of Education in Paris.

In 1997 there had been extensive media coverage of sects in France. Twenty children of adult members of one sect had been attending a small school run by the sect (NB, this was a *small school* and could *not* be considered as *home education*). By definition, the numbers involved in such sects must be extremely small. This small incident prompted a media demand for something to be seen to be done about sects and child education. There had also been

general concern about an increasing frequency of truancy of children who were registered to attend school.

The discussion in the Assemblée Générale (1998–1999 – 45e jour, 115e seance du Jeudi 10 Décembre 1998) centred around a belief expressed by Mr. Patrick Leroy that at least 6,000 children between six and sixteen did not attend school and that these children were subjected to the influence of sects and dogmatic manipulation under the auspices of original education programmes. He claimed that the children were at risk of being marginalized and incapable of developing an independent critical spirit.

Il faut donc renforcer le contrôle de l'enseignement dispensé a ces enfants, pour s'assurer que les valeurs fondatrices de la République, la citoyennete et la laïcité au premier chef, leur sont bien inculquées.

Mr. Leroy warned against many sects and stated that only in schools provided by the Republic could the child learn to have an open spirit and personality and be aware of the world around. At the end of his speech, he was applauded in each section of the parliament. Various other deputies spoke in a similar vein. Reading the general discussion is disheartening for those knowledgeable about home education and the benefits which it can bring to individual children. There seemed to be no speaker prepared to support their needs. The broad spectrum of home educators and the great variety of education which they provide was ignored. Details of the proceedings, the Acts and a further qualifying circular are given in editions 5, 6 and 7 of *Grandir Sans Ecole*, the web site of *Possible* (www.multimania.com/possible), and the government web site (www.legifrance.gouv.fr/citoyen/officiels.ow/).

It would appear that prior to legislating, neither the French government nor any academic body undertook research into home educators or home education in France. It also seems unlikely that they investigated the situation in other countries, which could have had a bearing on home education within France. The conclusions of the legislators to group home educators with sects was reached, despite the existence of non secular home education support groups such as *Grandir sans Ecole*, *Les Enfants d'Abord* and *Possible* and publications such as those by Arthur (1991) and Baker (1985). Existing research outside France would also have indicated home educators are as unlikely to belong to sects as are parents of children who are attending school.

The Loi no. 98 – 1865 now enforces both compulsory registration at the local town hall, and also visits to the home by an employee of the Academie de l'Education and by social workers and psychologists. If home educating parents refuse to comply with these regulations, they can be fined FF50000 or risk a six month prison sentence. The areas which the home educated child must study are also specified in great detail. Dependent on age and ability, the child must acquire knowledge of:

- the French language, both written (in grammar and expression) and spoken, and a knowledge of French culture, based on literature;

- principles of mathematics;
- at least one foreign language;
- the history and geography of France, Europe and the world;
- science and technology;
- art and culture;

and participate in sport. In addition, the child must be able to:

- ask questions;
- propose reasoned answers from observations and written evidence;
- prove reasoning ability;
- devise a plan of work, conduct research and produce finished work;
- master information technology and use it to communicate with others;
- approach things in a mature way, using available resources and evaluating risks.

At the age of sixteen, the home educated child must be comparable in all subjects to a child who has attended school. Although not specified, it is usually expected that home educated children should be average or above average in every subject. This unreasonable state of affairs in which home educated children are not permitted to fall below average is also the case in many other countries, and particularly so in Austria where home educated children must be average or above average in the end of year examinations.

There is naturally a dearth of trained inspectors/advisers who are aware of the nature of home education. When an inspector, who is used to monitoring schooling, makes a home visit it could be possible to find fault with one aspect of all the regulations and home educating parents could thus unwittingly default on their responsibilities. In addition, it is extremely difficult for non-French speakers to comply with the regulations. There are German, Dutch and English families, educating children in their own language, who have lived for some time in France (longer than the permitted six months non-residency), so that their children can "pick up" a foreign language and be aware of other ways of living. Some such home educators have already reluctantly moved to England or Denmark. These and other concerns, such as accounts of problem inspections are described in detail in the publications of the home educating support groups in France.

It would appear that there are four criticisms that can be levelled at the legislation which applies to home educating families in France:

- families are treated in a similar manner to suspected criminals with a right of entry to the home if an inspector wishes;
- children must be taught with a very detailed school-type curriculum which takes no advantage of the variety of education which home education can provide;
- children are often assessed by mainly school-type criteria and are frequently expected to be average or above average; and
- those who monitor and evaluate the education provided have been trained

in the provision of schooling, have an interest in *all* children attending school, are often unaccustomed to making visits to the home and have rarely previously assessed home educated children.

The ways in which children are "assessed" and the location of the assessment (usually the home) depends solely on the inspector concerned; the parents have to comply with the decisions of the inspector in this regard or risk incurring a fine. It is still permitted to home educate in the word of the law, but the freedom of parents to choose the provision of education has been severely restricted. In effect home education is only permitted if it imitates the provision of education in school.

Republic of Ireland

Until the implementation of the new Education (Welfare) Act to take place before July 2002, parents in Ireland only have to ensure that their children are educated. The type of education and the location are not specified. The main legal cases hitherto concerned the definition of education, particularly when the provision of education included less formal methods of learning and/or poorer families with less affluent lifestyles. The constitution is unambiguous:

The State does not have a constitutional role where a parent seeks to educate their child outside the recognised school system, except to ensure the child receives a minimum education.

Secretary of State, Dr Woods, parliamentary debate on the Report stage of the Education (Welfare) Bill, 24 May 2000

The new Education (Welfare) Bill was drafted principally to raise the school leaving age from 14 to 15 and to regulate and stem rising truancy rates. Home education, initially considered as a form of non-attendance, was included in the Bill. This was strongly resisted by home educators as home education was seen by them to be a provision of education and not a matter of non-attendance. Unlike in France, where the home educating support groups were largely unaware of the impending implementation and details of the new law, the support group Home Education Network (HEN) was formed from among the home educating population and became active; the main aim of the organisation was to make legislators aware of the nature of home education and the complex issues involved.

The Bill was in process and under discussion for more than a year. Initially the legislators envisaged a similar approach to that undertaken in France – school-type curriculum, compulsory visits to the home which involved truancy officers or school inspectors who would be accustomed to monitoring schooling. A few minor changes were made to the Bill in committee stage, such as a home educating family no longer having to declare the times (hours) when the child was educated. Towards the end of May 2000, the account of

the parliamentary discussions clearly demonstrated the division between the members of parliament who understood home education issues (Deputy Bruton and Deputy Higgins) and those who did not show such understanding, which unfortunately included the Minister for Education and Science. From the original introduction of the Bill in the previous year, Deputy Bruton and Deputy Higgins had immersed themselves in home education issues and had attended the education committee hearings when home educators had been making their case. Most of the enlightened amendments which both Deputies attempted to make were not adopted. This was particularly true of the debate in the Dáil on 24 May 2000. At one point Deputy Bruton stated that "the thrust of the legislation appears to be hostile to the notion of home education" and:

Parents are the primary educators and this Bill still, even with the improvements, gives the impression that home education is something of an aberrant behaviour which has to be carefully vetted before it is accepted.

The attempted amendments by Bruton and Higgins at the report stage centred around five main points:

- that the parents should state that they wish to home educate and do so until a monitoring board should at any time believe the education provided by the parent to be inadequate;
- that the person(s) undertaking any assessment of the education should be well versed in home education and the variety of education which it can encompass;

There is considerable concern that the authorised person in this case might be someone who comes from the culture of an inspector of a recognised school and would have little sympathy or experience with the case of the home educator . . . there is a danger that one is setting up a false challenge for someone who has chosen to educate in the home and who is then being inspected by someone who is steeped in the culture of education within a school. This could create a source of friction that would be quite unhelpful to the operation of the legislation the Minister is putting in place. (Deputy Bruton)

We are back now to the tension that exists between the different concepts of schooling and education. For example, an inspector who is familiar with the training of a particular teacher for the classroom, with a curriculum for delivery in the classroom in a school building that is managed according to departmental regulation, is a person in possession of a particular kind of knowledge. . . . With the greatest respect for such knowledge, home education is different. (Deputy Higgins)

- that a lay person "with an interest in and an understanding of home education" be on the appeals panel,
- that any assessment should also contain an advisory element and in this way support could be offered to a family when necessary.

I envisage that the board will want to establish a team to deal exclusively with home education which should not become a tack-on to an inspectorate or the

ordinary work of an educational welfare officer. It is a particular task which will require expertise and empathy with what is happening in home education. It will therefore require persons who are not only sympathetic but also capable of advising parents and identifying weaknesses and improvements. . . . (Deputy Bruton)

- as home education is not a "four-walls" education, that giving a named place of education would be invalid, leading to long lists of places where the child has received education.

. . . the home school parent would have to specify a long list which would probably include the National Library, the National Museum of Ireland, the National Gallery of Ireland and the waxworks, if one wanted to be exotic, and I could go on . . . if one offers home education, one cannot then, coming out of the schooling ethos, say that most of it will be at 4 Tobercurry Avenue or whatever address one wants to register, when one will be out most of the time. (Deputy Higgins)

At the time of writing, HEN, which had suggested the Tasmanian model of supporting and assessing home educators, desired a clear definition of "a minimum education" and for the people who monitor home education to be knowledgeable about home education and aware of the wide variety of education which home education can offer. HEN also proposed that someone who was familiar with, and had previous experience of, home education should sit on the advisory and appeal boards. Since the passing of the Bill, the Irish government has two years to implement the Act and issue guidelines on how the Act should be implemented.

Germany

There has been misunderstanding among educationalists that, in Germany, schooling has been compulsory since early in the nineteenth century (e.g. Green 1990). In Petrie 1995, it was established that instances of home education were permitted until the introduction of the Weimar Constitution in 1920 and it was intimated that, with Bertholt Otto's publication of *Der Hauslehrer* continuing until his death in 1933, home education may have been permitted after 1920. It would now seem that, perhaps with the exception of the war years, home education has always been permitted in some form. Petrie (unpublished) traced people who were home educated in the UK between 1900 and 1960. Two of those replying to enquiries and wishing to take part in the research were home educated in Germany during this time. The first was a family which was home educating in the early 1930s and the second was an adult who was home educated in Berlin in the early 1950s.

The account of the first family was given by relatives of the family and was based on diaries and biographies of all the members concerned. The family had lived for many years in the country near Hamburg. At first, when they were very young, the children went to school. Subsequently they were educated at home:

The reason for the private education [home education] of my [three] cousins . . . in the 1930s was because of the inability of Jewish children to attend ordinary schools in Germany in Nazi times.

The parents employed a teacher/governess, who had previously worked in a school in Hamburg until her dismissal in 1933. Lessons were held in the sitting room and in December 1935 another family joined the lessons. A tutor was appointed for different lessons, including English. The children studied for three days per week and had four days "free". The parents wanted the children to be educated at home "to protect us from the humiliation by antisemitism". Home education continued until December 1938 when the family emigrated to England. The teacher was interrogated by the Gestapo and deported to Chelmo in 1942. All the children, two male, one female, later went to university and had distinguished careers. It is highly unlikely that this is the only family which was home educating in Germany at the time.

The second family included two children who were home educated in Berlin between 1951 and 1955. They were of primary school age. They were British and were educated by their parents and by a tutor, sometimes at the tutor's house. Other children were sometimes included in the lessons. At nine years old, they went to the local German school. The Berlin education authorities may not have insisted on the *Schulpflicht* (compulsory schooling law) at this time as they were foreigners. This sometimes occurs today when families are living in large cities such as Frankfurt; the parents come from outside Germany to work for a short time for large international companies and home educate their children. A few families also home educate when living on American or British bases within Germany, although these are outside the legal jurisdiction of the *Schulpflicht*.

More recently a correspondence school was founded – the Philadelphia Schule – which is purported to have approximately 70 member families. It was begun in the early 1980s by Helmut Stuecher from Siegen who wanted to educate his own children at home. He was taken to court and fined more than 500 DM and was imprisoned for five days, but the compulsory schooling laws were not enforced. He subsequently helped other people who wanted to home educate, supplying educational materials and supporting the concept of home education with a magazine for members. The membership consists mainly of families who wish to home educate for religious reasons.

Accounts of the Leuffen and Heimrath families who were trying to home educate in the early 1990s were given in detail in Petrie (1995).

More recently, there have been other families whom the regional education authorities have left alone to home educate, despite the compulsory schooling laws. One such family is the Becker family with four children, currently living in a small village in southern Germany. The family lived in Micronesia for eight years while the father was working for a Christian organisation through the German government. He was involved in vocational training for the local people. Both parents helped at the local schools and the family became integrated into the international community. They received

little support for their children's education from the German government during the stay in Micronesia:

We had asked about the German correspondence course that was used by Germans abroad, but were told to use the local schools and pay ourselves. . . . We supported the local schools in every way possible, offering art classes and story times, sports and outings. This was welcomed by the teachers and principals. It helped our children to make friends with the local children at school. . . . The American ambassador's daughter was being educated at home and enjoyed the company of our children. The Australian navy people used a correspondence course with their boys and were desperate to make friends with our boys . . . and so on. Our house became a favourite place for many children who at home were bored and difficult. . . .

So we knew it was time to go back [to Germany]. The last year we applied for the German correspondence programme, to help the children connect to the German school, but it was refused. As before we were told to use the local schools. The children loved the small school they went to. When we came back [to Germany] in May, we put them in school for the few weeks until Summer. It was very difficult, but we told them to hang on, it would get easier. . . .

After the Summer break we helped them to get started again. Yet it became more and more of a strain. Sending them out in the morning and dealing with them when they got back. Every day was filled with some frustration. Being beaten up on the way home, having failed a test, being laughed at for a wrong expression used . . . and so on. As the Winter came they all got colds that would not get better. So I finally took them to the doctor. She examined them and told me that they could not go on like that, they needed a break. By that time we had already withdrawn our youngest from nursery school, because she did not like it. She had a great time at home with me and the grandparents. When the children were at home for six weeks we took them on walks in the mountains and got interesting books and games to keep them busy. They loved it. We also did some schoolwork, which went very well. We started to look more closely at private schools in the area, but none was suitable. At that time (February 1997) we got in contact with an American family who home educated their five children. They had a relaxed approach and a very harmonious family life. Yet their children did very well with the studies they did every once in a while.

Well when [my husband] saw the children's development he did agree and we never sent them back to school.

We went to the schools [which the children had been attending] and the *Schulamt* [the regional education office] to talk about our new idea [home education]. We explained the reasons and got permission for half a year. [After that time, they told the *Schulamt* that they wished to continue to home educate.]

Subsequently, the education authorities had a joint meeting with four families in the area who wished to home educate, listening to the reasons, but they insisted that it was not possible to home educate. In one family the children returned to school. The Beckers received a fine of 50 DM. The Beckers replied without paying, explaining why they were not returning their children to school. Four months later, they received a letter from the court

stating that the charges had been dropped. They formed an organisation called *Bildung in Eigeninitiative der Eltern* (BEE), which maintains a web site and makes contact with other families who are either home educating or feel that they would like their children to be educated in this way.

It is necessary to ask why the compulsory schooling law in Germany (or in any other country) would seem to be ineffective. If parents do not feel that the local available schools are suitable for the child concerned, for whatever reason, they will have grave doubts about sending the child to school each morning. Occasionally, in parents who are committed to a child's social, emotional and educational welfare, these doubts can be so overwhelming that they decide to home educate and not to send the child to school. Such parents are apparently prepared to break the law for the benefit of the child. The education authorities can subsequently take the parents to court which can either impose a fine or a prison sentence. If a fine is imposed, the parents can pay and continue to educate the child at home. The only deterrence the authorities have is to imprison the parent, a situation which is self-defeating as it potentially harms the child. In consequence, few lawyers and judges would condone such steps. As in the Becker's case, the village community well-understood why the children were not in school; the parents are well-respected figures in the community and thus it would have been difficult for the authorities to argue for enforcement of their children's attendance at school.

It would seem that families who are being left alone to home educate in Germany are either German families living in small villages where they are well known or non-German families who live in large conurbations. Those who have wished to home educate in cities such as Berlin, Düsseldorf or Munich have been categorically refused. Similar reasons for home educating are given by parents in Germany to those given elsewhere in Europe; they arise principally, as in the Becker family, from a concern for the child's welfare at the time and a parental commitment to the child's education. Before the regional laws could be changed to accommodate home education, the High Court would have to deliberate and pass judgement. It is only to be hoped that if such a judgement were in favour of the child's right to be home educated that home education would be well-researched and that the fundamental mistakes made by the French and Irish parliaments would not be repeated.

Concerns about home education

Those who work extensively with home educating families are usually appreciative of what these committed parents achieve. However, very occasionally, they have a genuine concern when an individual parent does not seem to have the necessary commitment to a child's education. Having met many home educating families, people who regularly monitor home educators do not share the concerns which are expressed by the general public and others

who are involved in the implementation of schooling. Some of these concerns are discussed below.

Confusion of truancy with home education

How do you know that children are educated if they are not receiving formal tuition and are not attending school? Some children who are informally educated at home can seem to be receiving no teaching. In the UK, a "truancy watch" scheme was introduced, in which the police, the social services and the schools work together to try to encourage children registered at school to attend. Home education support groups had been worried that this would affect the freedom of home educated children during school hours. In the report for the UK government (Petrie et al. 1999) stated, "in none of the five authorities did the staff perceive a problem with the truancy watch scheme" in relation to home educated children. It was felt that by simple questioning of the child or the adult (if present), it could be easily established whether they were being home educated. Children who were truanting were often already known to the social services departments.

It was also mentioned that when those in authority talked to parents, it was easy to establish whether they were committed to the education of the child. Home educating parents thought about the child's needs and how they could be met by either the family or by asking help of others in the community. The location of the responsibility of the home educated child's education was clear.

Socialisation

In ignorance of the wealth of research findings, lack of socialisation at home is most often given as a reason for *not* permitting home education. As previously stated, home education is not a four-walls education. Research in home education demonstrates that parents are concerned that the child should not be isolated in the home and are enthusiastic for the child to use what the community offers, including clubs, events and other opportunities which present themselves for mixing with all ages of people in the community, not only the peer group (Bliss 1989; Petrie 1992; Rothermel 1999; Shyers 1992; Smedley 1992; Thomas 1998; Taylor 1986). This parental concern for wide social experiences of home educated children is for example present in Becker's account.

The conclusions of home education research with respect to socialisation are overwhelming:

- children educated at home are more mature and better socialised than those who are sent to school;
- parents actively encourage children to take part in the wider community;

- children at home socialise with children and adults of different ages and are not limited to contact with the peer group;
- children can feel isolated and alone in a large group;
- negative socialisation of peer pressure, including verbal and physical bullying can take place in the school environment but rarely at home.

Research on the socialisation of home educated children has been summarised by Medlin (2000).

Religious sects

Religion does play a part in home education. The majority of families home educating for religious reasons either belong to Christian evangelical churches, are Catholics, Jehovah's Witness or are Quakers. Extreme sects, as in the instance in France and that in Spain in 1975 prefer to provide small schools for the group, the better to indoctrinate the children. A small school is certainly *not* home education provision. Members of Christian groups can be strong believers in pacifism and find it difficult to condone some playground behaviour. Jehovah's Witnesses are also pacifists and usually resist the use of computers which are increasingly in evidence in schools.

In the United States there are many families home educating for religious reasons. In the United Kingdom it is believed that such families could be approximately 40 per cent of the total (Petrie 1992; Petrie et al. 1999). Education authority officials who monitor the education which these children receive, perceive no disadvantage to the children concerned, often noting the warm, open, generosity which such families demonstrate towards the wider community and which stem from their religious belief. In Spain in 1975 and in France in 1998, the populist argument by politicians and the ensuing changes in the law, curtailing the freedom of parents to home educate was ill-judged. In both instances, it was prompted by extreme religious sects which had established small schools and had apparently nothing to do with home education.

Qualifications

When interviewing home educating parents, it is apparent that home education is seen as a viable option to school, but that home education and schooling are rarely exclusive. Some children are withdrawn from school for a while and later attend. Other home educated children who have never attended elementary school subsequently decide to attend (Petrie et al. 1999). Although no research has yet been undertaken and there is only anecdotal evidence, children who return to school or further education in order to obtain qualifications rarely experience problems.

Gaining qualifications depends on educational provision within each

country. When explored by home educating parents, a way to gain the desired qualifications can usually be found. In Germany, for example, it is possible to take examinations which are intended for children who have been living abroad. In France, Arthur (1991) was able to take the final exams and go to university. If a home educated child wishes, for example, to learn a trade, it is often adequate to gain work experience and a strong recommendation from someone in the community.

With the increase in life-long learning opportunities for adults, home educated children in their teenage years can more easily participate in the available classes; in England, for example, children can often attend further education classes, undertake correspondence courses and should they so wish, later study with the Open University for a degree without having prior qualifications.

Many adults in all European countries undertake courses to improve upon the level of education which they achieved in school. This is also an option which is available, sometimes for home educated teenagers, but certainly for adults who were educated at home.

Concerns of home educators

Those in authority should not see home education as school at home

There is a variety of provision within home education and this is not always understood by those accustomed to the provision of education in school. Informal learning has been investigated by Thomas (1998) and Fortune-Wood (2000) has written about autonomous learning. Schooling can often involve a lot of unnecessary "busy work" which need not take place in the home.

In France, home education has now been limited to being equivalent (or above) that which is provided in school. This has been the case in Austria for some time. If a home educated child falls below average on the end of year assessments, they must return to school the following year. This seems unnecessarily bureaucratic as there are 50 per cent of children in schools who fall below average and some home educated children will necessarily not be able to be in the top 50 per cent. In Luxembourg, although education provided in the home must be similar to that provided in school, it would seem that the law allows for children of differing abilities.

In addition, governments throughout Europe regularly change the content of school curricula as there is ongoing discussion of what should be taught in a changing society. If Baker and Seltzer are correct and schools of the future imitate the project-based approach that is followed by many home educators, it would indicate that home educators have "got it right" and the school-type subject based approach of some governments towards home educators may be out of date and outmoded.

Representatives of government responsible for home education should receive adequate training or have direct home education experience

In both France and Ireland as elsewhere, there is a dearth of adequately trained staff to attend to home education matters. Education of an individual child need not be similar to that in school. Home education legislation should not be made in ignorance of the facts about how home educated children learn (Fortune-Wood 2000; Thomas 1998). Monitoring requires special skills and a wide interpretation of the term "education" and should involve listening to the home educators concerned and subsequently, if necessary, reporting to an independent body.

There is a tendency of all governments within Europe to monitor home education using inspectors or education employees who are specialised in the provision of schooling. Misunderstandings and legal cases can arise because inspectors are not well-versed in home education and the law. Home education specialists in the UK, who are employed by some local education authorities solely for the monitoring of home education, value their expertise, gained over a number of years. There is a greater understanding and recognition of effective home educators and therefore less likelihood of litigation. Both the supportive attitude which these experts take and their ability to rapidly recognise parents who are not fully committed to their children's education, well justify the high degree of specialist expertise which is of incalculable benefit to the home educated children concerned.

The model which has been adopted in Tasmania, Australia is aware of the needs of both the home educators and the education authority. All home education is assessed by those specialised in the provision of home education and if an outcome is disputed, the appeal board panel includes a person who has been personally involved in home education.

Entry to the home should be by invitation only

In some legislation there is the right of entry into people's homes, which is usually only reserved for suspected criminals. This approach does not acknowledge that home education is not a four walls education. An "inspection" in the home by representatives of either the social services or the education department might be seen as intrusive and disturbing for family life. It also mitigates against home educators who may not have the more affluent provision of books and equipment which may be perceived as necessary to those who are accustomed to education within schools. In Deakin's book (1973), the family concerned went a long way to the library several times a week but had few books at home.

In the UK, the majority of home educators *do* agree to a visit of an official to the home, but it is by invitation and with the agreement of the family concerned. If parents do not wish to have a home visit, a meeting can be arranged elsewhere. Some visits are held in museums, book or science fairs or at the

local education authority offices. When it is not possible for the local education authority representative and the parents to agree on a meeting the courts are involved as independent arbiters of the provision of education. As in criminal cases, the courts can decide that a visit to the home is necessary or another solution should be reached. In Germany, meetings with home educating families are held at the education offices as a matter of course.

Conclusions

When a child is ill, it is up to the parent to decide whether to take the matter further or whether the problem will pass, whether to purchase medicine, to ask the pharmacist for advice, to use alternative medicines, make an appointment to see a doctor, decide how urgent the appointment should be or rush the child to an accident and emergency department in a hospital. The parent can choose to participate in government or private provision of health care or can decide not to use those which are formally provided. The state believes that the parent, although usually medically untrained, will do what is correct, even when it could be a matter of life and death of the child concerned. In extreme cases, it is left to the courts to decide.

In education, which is not a matter of life and death, much national legislation in Europe does not put the same level of trust in parents, particularly when parents wish to take over complete responsibility for a child's education. In some countries, home education is not even permitted in the word of the law although it is occasionally condoned. In these countries, parents are normally only permitted to choose between government and private provision of schooling. In some others, home education is reluctantly permitted but it is very strictly controlled by the state. Maximum trust is placed in the parents in countries with legislation which, not only allows for the provision of education at home, but also leaves the parents to decide the form which this education takes. Such legislation also implicitly recognises and has confidence in the parents' education which they received in previous years, at home, at school and in adult life.

Many people talk about home education, but few understand what it entails. Home education has been part of a wide provision of education for centuries, and it is behoven on present-day governments to conduct well-reasoned, objective research before considering limiting this form of education in any way. There is an overriding necessity for more research across Europe. When research is undertaken, it is seen to involve fully functioning families with parents and children showing mutual respect, socially adept children with enquiring minds who take full responsibility of the wider learning environment that is available in all European countries today. In the US, the support groups themselves fund much of the research; the home educating support groups in Europe do not have such funds.

More importantly, however, is to establish how information about home

educators and home education research outcomes can be effectively disseminated to those who need to know. Legislation affecting home education has been enacted without this understanding. It is possible to find out more about home education. Home educating groups exist in most countries, supporting home educators and trying to make contact with education departments both locally and nationally to discuss issues affecting their members. Most of these support organisations have web sites. Many are listed on www.worldzone.net/lifestyles/homeducation.

Laws which insist on compulsory schooling and compulsory registration cannot be enforced until such time as there is a satisfactory penalty which does not harm the child involved. In a few countries, parents who are acting in the interests of a child can be sentenced to a period in prison and the child to a period in care; loving parents and children can be separated. In addition, when a parent is considering the welfare of an individual child, it is not good for the child to feel the object of negative officialdom and litigation.

Governments need to concentrate on ensuring that the child's right to an education is not compromised, whether this is state provision, private provision or home education. In instances of home education, they should therefore:

- ensure that the parent is well-aware of the educational needs of an individual child;
- ensure the commitment of the parents to the child's physical, moral and intellectual well-being;
- ensure that the child meets with others than the immediate family.

Any monitoring that is done should be undertaken by people who are knowledgeable about the variety of provision within home education. Monitoring should be undertaken in a location which is mutually agreed between the family and the education authority.

Unfortunately, those making decisions at national level have rarely met a wide variety of home educating families, unlike Deputy Bruton and Deputy Higgins in Ireland. Those new to home education are often surprised and are subsequently supportive of home education. An example is that of Corbat, a trainee social worker in Geneva.

L'enseignement à domicile m'apparaît était une voie de formation bien séduisante et je dirai même confortable pour l'enfant . . . l'enfant à domicile ne peut convenir à toutes les familles car il est bien . . . une entreprise familiale. . . Je tire mon chapeau à ceux que nous avons rencontrés au travers de cette recherche. (Home education seemed to me to be an attractive and, I would even say, comfortable method of learning for the child. . . Teaching a child at home would not suit all families, since it is . . . a family undertaking . . . I take my hat off to those that we met in the course of this research.)

(Corbat et al. 1987: 94)

She also said that she appreciated the individualised approach to teaching at home. If her child was happy at school then probably it was marginally

better from the social point of view, but if her child were not happy at school then she would home educate her own child.

References

- Adcock, J. 1994. *In Place of Schools*. London: New Education Press.
- Arthur. 1991. *Mon école buissonnière*. Paris: France Loisirs.
- Baker, J. 1985. *Insoumission à l'école obligatoire*. Paris: Barrault.
- Bendell, J. 1987. *School's Out*. Bath, UK: Ashgrove Press Ltd.
- Bentley, T. 1998. *Learning Beyond the Classroom: Education for a Changing World*. London: Routledge.
- Bliss, B. A. 1989. *Home Education: A Look at Current Practices*. Michigan State University, College of Education, research project report.
- Corbat, Y., Froidevaux, M., Perret, A. and Rampin, M. 1987. *Dis Papa, dis Maman, Pourquoi t'es mon Prof? Ou l'Enseignement à domicile*. Geneva, Switzerland: Intertec 84.
- Deakin, M. 1973. *The Children on the Hill*. Tunbridge Wells, UK: Abacus.
- Fortune-Wood, J. 2000. *Doing It Their Way: Home-Based Education and Autonomous Learning*. Nottingham, UK: Educational Heretics Press.
- Goertzel, V. and M. G. 1965. *Cradles of Eminence*. London: Constable/Boston, MA: Little Brown & Co.
- Green, A. 1990. *Education and State Formation: The Rise of Education Systems in England, France and the USA*. London: Macmillan.
- Knowles, J. G. 1988. Parents' Rationales and Teaching Methods for Home Schooling: The Role of Biography. *Education and Urban Society* 21(1): 64-84.
- McCurdy, H. G. 1960. The Childhood Patterns of Genius. *Horizon*, May, 32-41
- Medlin, R. G. 2000. Home Schooling and the Question of Socialization. *Peabody Journal of Education* 75(1&2): 107-123.
- Petrie, A. J. 1992. *Home Education and the Local Authority: From Conflict to Cooperation*. PhD thesis, University of Liverpool, UK.
- Petrie, A. J. 1995. Home Education and the Law within Europe. *International Review of Education* 41(3-4): 285-296.
- Petrie, A. J., Windrass, G. and Thomas, A. 1999. *The Prevalence of Home Education in England: A Feasibility Study*. Report for the Department for Education and Employment, England.
- Rothermel, P. 1999. Home Education: a Critical Evaluation. Unpublished University of Durham conference paper presented at the British Psychological Society Conference, Belfast. Available from the School of Education, University of Durham.
- Seltzer, K. and Bentley, T. 1999. *The Creative Age: Knowledge and Skills for the New Economy*. London: Demos.
- Shyers, L. E. 1992. A Comparison of Social Adjustment between Home and Traditionally Schooled Students. *Home School Researcher* 8(3): 1-8.

Smedley, T. C. 1992. Socialization of Home Schooled Children. *Home School Researcher* 8(3): 9-16.

Taylor, J. W. 1986. *Self Concept in Home Schooling Children*. PhD thesis, Andrews University, USA.

Thomas, A. J. 1998. *Educating Children at Home*. London: Cassell.

Tomasevski, K. 1999. *Economic, Social and Cultural Rights: Report on the Right to Education: Mission to the United Kingdom of Great Britain and Northern Ireland (England)*, 18-22 October. United Nations Report: E/CN.4/2000/6/Add.2: 09 Dec.1999.

Webb, J. 1988. *Home-Based Education: Some Aspects of its Practice and Consequences*. PhD thesis, Open University, Milton Keynes, UK.

Webb, J. 1999. *Those Unschooled Minds: Home Educated Children Grow Up*. Educational Heretics Press, Nottingham, UK.

See also *Peabody Journal of Education*, Volume 75, Numbers 1&2, 2000 for recent research on many aspects of home education.

The author

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