

The Politics of Homeschooling

New Developments, New Challenges

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Homeschooling has developed from a small, isolated, parent-led effort to a vibrant national movement to lobby for and legalize K-12 education at home in all 50 states. Although a majority of homeschool families are Evangelical Christians, the others come from a variety of religious and nonreligious backgrounds, giving homeschooling a broad national political and social base. Homeschool families have organized regional and national associations, gained children's access to after-school and even during-school classes and activities in local public schools, and increasingly gained entry to college. About 1.35 million children in the country are being officially home-schooled, making it a vital and expanding form of private education and political force in U.S. society.

Keywords: *homeschooling; legalization; National Home School Legal Defense Association (NHS LDA); evangelical Christian; privatization; school choice; role of family in education; Home School Education Research Institute (NHERI); Community Home Education Program (CHEP)*

It is odd that homeschooling, perhaps the ultimate form of privatization and withdrawal from—if not rejection of—the public education system, has now reached a level of unprecedented visibility, politicization, and publicization. Parents and their advocates have

- (a) created a strong political base;
- (b) organized a lobbying mechanism that reputedly can clog the White House telephone bank with 86,000 calls in 3 hours;
- (c) united a wide range of followers, including evangelical Christians, Muslims, and New Agers (Detweiler, 1999; Ray, 2000), parents with gifted and special needs children, families of color, and others who do not feel that they fit easily into the standardized public education system (Cooper, 2005); and

- (d) managed to bring homeschooling from obscurity to public awareness. More so than other educational movements, homeschooling appears to have an immediate effect on existing school practices and has established “new institutional forms” that are growing and will continue to grow in the future (Bauman, 2001, p. 2).

Besides sheer numbers and growth is the power that the homeschooling movement is gaining legally, politically and socially. While charter schools and voucher programs try to work around the existing system, homeschoolers have forced changes in curriculum, structure, state and local law and in several ways the “culture” of many school districts (Bauman, 2001).

Political scientist Robert Dahl (1957) contends that when it comes to power and politics, “A has power over B to the extent that he can get B to do something that B would not otherwise do” (p. 203). The homeschooling movement is increasing in power as it is forcing local and state educational leaders to alter their approaches and policies.

Working through their political organization, commitment, and prowess, the homeschooling movement has sometimes taken the power away from state and local leaders. This accomplishment is a prime example of bottom-up political reform. In such cases—the civil rights movement and trade unions in the Industrial Revolution are other examples—groups engaged the policy process and fought to have their “rights” embodied in the law. All of these social and political movements, including the homeschooling effort, have faced setbacks and opposition. But strong grassroots organization and national structure have often prevented such movements from failing (Bolman & Deal, 2003).

Homeschooling has challenged the roots of traditional public education and has drawn strong criticism from those concerned about the democratic, public control of education. Lubienski (2000), a strong critic of this movement, concludes,

As an extreme form of privatizing the purpose of education, home schooling denies democratic accountability and disenfranchises the community from its legitimate interest in education. This denial of the public interest not only affects the education of home schoolers, but it also erodes the ability of the community to express its interest in education. . . . Certainly, public schools fail often in many areas. But they fail publicly, as public institutions, and, in that, we at least have the potential to address the issue. (p. 229)

Belfield and Levin (2005) observe that homeschooling “is the ultimate in privatization: the education of children who homeschool is typically privately

funded, privately provided, and (almost fully) privately regulated” (p. 93). These authors raise a negative philosophical concern: that since “essentially, home-schooling gives primacy to private interests in education over a broader public interest” (p. 93), the political debate over whether privatization (such as homeschooling) is seen as an attack on universal public schooling. McMullen (2002) also acknowledges the downside of home-schooling, including her concerns about the lack of socialization for children, concerns about poor curriculum content, and the serious lack of protection for children taught at home.

This article analyzes the development of the politics of privatization in the United States and worldwide, using homeschooling as a vibrant new example of the grassroots, family-based, value-related politics in education, where the family becomes the center of educational life for the child, not the formalized setting of public (and private) schools. With an increased homeschool student population of about 1.1 million students, the members of this movement have become a political, legal, and social force to be reckoned with (Bielick, Chandler, & Broughman, 2001; Princiotta & Bielick 2006).

Overcoming State Prohibitions

What was once portrayed as an ideological movement—built around conservative, born-again Christian beliefs—appears to be broadening (Jeub, 1994; Lyman, 1998). As Collom (2005) explains,

Homeschooling can no longer be easily divided into ideologues and pedagogues. These studies suggest four broad categories of motivation (and considerable overlap). Religious values and academic and pedagogical concerns are certainly prevalent. However, general dissatisfaction with public schools and family lifestyle reasons (including special needs) are also important motivations in and of themselves. (p. 311)

Homeschooling developed as a response to laws and policies in the 50 states making it illegal to keep children home for their education under compulsory education laws (Erickson, 2005). Parents removed their children from the public school system, most often citing the conflict between religious beliefs and the public school program. In addition, a number of parents homeschool in the belief that their children are better served when they themselves are the primary teachers. McCarthy (1992) reports that many on the religious right criticized the promotion of “‘secular humanism’ or ‘New

Age' philosophy" (p. 2). Furthermore, she states that parents homeschool their children out of fear for students' safety, mandatory desegregation plans, and potential exposure to drugs and alcohol.

Princiotta and Bielick (2006, p. 13) found that parental concerns for and objections to the school environment were the reasons stated by parents for homeschooling (31.2%) and supported by others (Collom & Mitchell, 2005). This parental reason was followed by religious or moral instruction concerns for their children (reported by 29.8% of parents surveyed), then by a sense of dissatisfaction with education at other schools (16.5%), for those children who required special education needs (7.2%), and for children with a physical or mental-emotional problem (6.5%). These families acted out of an experience of oppression (even if self-perceived) and moved into an arena where they were forced to battle other forms of oppression. This movement was made up of a largely White (77% of homeschoolers) population, one not used to facing issues of oppression in this country (Princiotta & Bielick, 2006).

Homeschoolers have thus endured, some might say, a history of persecution by public authorities. By the 1970s, for example, educating school-age children at home was deemed against the law in most states in the Union.

In one of the great unpublicized political campaigns in U.S. civic history, the home-school community—in alliances with various religious and civil libertarian organizations—successfully fought to legalize schooling at home in all 50 states. By 1993, a political miracle had occurred: Homeschooling was recognized as legal in all 50 states. (Somerville, 2005, p. 135)

Today, the states allow for home education of children as an alternative to their attendance in the public school system. Thirty-four states (and the District of Columbia) have statutes or regulations that specifically acknowledge home education or private schools as a distinct category of private education. The remaining 16 states either include homeschooling within a particular statute designed for church and religious and private schools or permit home education under their more general statutory schemes governing public education (Gordon, 1994).

As Somerville (2005) explained, "Homeschooling was considered illegal in most states as late as 1975, driving families underground to hide their children at home from the public authorities" (p. 136). Holt (1976) argued that the formation of such an "underground railroad" would "blaze a new trail if only so that others would follow" (p. 218). It is this national-to-local

struggle for political recognition that forged the bonds among homeschoolers and the political leadership from the White House to the courthouse.

Burkard and O’Keeffe (2005), writing from an international perspective, explained that many of the negative political reactions to homeschooling came from those invested in universal compulsory public education, which grew during the era of industrialization. Although the United States has years of data to show widespread formal school weaknesses and failures, “compulsory education has 130 years of habit reinforcing it” (p. 248). Burkard and O’Keeffe maintain, given the unevenness of public schooling and the number of students who “cut school” and “skip class,” that “certainly the right of parents to homeschool their children should be enshrined in law, and the threat of prosecution removed” (p. 249).

This political resistance to schooling at home came from those who saw (and see) this movement as detrimental to the “common good” and to the equity and quality of education for all. It is interesting that the fundamental right of religious worship—based on the First Amendment of the U.S. Constitution—was the platform for organizing, privatizing, and legalizing homeschooling. Apple (2005), although acknowledging the problems (and dangers) of public education, attacks the home-school movement as dangerous and divisive. He wrote,

For an increasingly large number of parents, public schools are now seen as threatening in an even more powerful way. They are dangerous bodily; that is, they are seen as filled with physical dangers to the very lives of one’s children. The spate of shootings in schools in the United States has had a major impact on the feelings of insecurity that parents have about their children. . . . If even the schools of affluent suburbs were sites of danger, then the only remaining safe havens was the fortress home. (p. 85)

The danger, as Apple and other home-school critics (e.g., Reich, 2002) see it, lies in the “drain of money” from public education into homeschooling and even for the purchase of religious materials and curricula, which are seen by critics as divisive and a wrong use of public funding (e.g., under charter school legislation in California). Homeschooling is also seen as a direct attack on publicly supported, universal, institutionalized education. The homeschool critics often see these families as narrow, parochial, antis-tate, and as a growing example of “cocooning.”

This fear of privatization, based on the family, is increasing as the number of homeschools and extent of homeschooling has grown. Critics find the movement hard to contain because unlike charter schools and vouchers, these

parents can elect to withdraw from public education without worrying about raising funds (except perhaps for a computer, materials, and the cost of having a parent stay at home) or opening a new nonpublic school. The increase in the number of these families, and their sense of alienation from the public schools, has created a powerful political moment, built on the basic family unit, churches, communities, and homeschool networks and linked together by the Internet (Apple, 2005). This form of political activity is grassroots, basic, and activist—conditions that are the building blocks of a powerful social and political movement.

Perhaps the two views of education—the public or institutional versus the private or familial—are best seen as a contest between personal rights and freedoms held up against the power of the state to control the individual. As Meyer (2000) wrote:

Without due process, or any demonstration of the failure or incompetence of children, we feel free and obligated to imprison them in state or public institutions for many years: a practice that, applied in any other category of persons, would be in gross violation of elementary human rights. The right and duty to do this to the young reflects the transcending status of education, which is constitutive of proper personhood and relates the children properly to universalized knowledge. (p. 211)

Thus, the first step in the political struggle for homeschooling as a form of privatization came at the ideological level, where the right to homeschool was attacked and tested by state law and public opinion. This battle to exist gave homeschooling the power of the crusade, a perceived struggle against injustice, and an emerging belief in religious and human rights and freedoms.

Careful Use of the Courts

Homeschoolers and their supporters have made a regular practice of pressing lawsuits to protect their right to autonomy in teaching their children and in gaining their homeschooled offspring access to public resources (extracurricular programs, special needs services, and even certain public school classes). Some major issues, involving use of the courts, follow.

Freedom to homeschool. Somerville explained that these families were seeking rights under the U.S. Constitution, citing the Preamble: the intention to “secure the blessings of Liberty to ourselves and our Posterity.” In so doing, the homeschool community worked on two fronts; first, to ensure

that public policies and actions at the state and local levels could be challenged in court, and, second, to be attentive to new laws coming out of Congress and state legislatures to ensure that these policies were neither restricting nor discriminatory toward homeschooled children.

Although the U.S. Supreme Court has never specifically ruled on the constitutionality of homeschooling, most parties cite the 1925 *Pierce v. the Society of Sisters* (which declared private schools to be constitutional) and the 1972 *Wisconsin v. Yoder* decision (that affirmed the legal right of Amish parents to remove their children from formal schooling at age 14) and to apply this precedence to the homeschooling movement. Chief Justice Burger argued in his opinion,

The conclusion is inescapable that secondary schooling, by exposing Amish children to worldly influences in terms of attitudes, goals, and values contrary to beliefs, and by substantially interfering with the religious development of the Amish child and his integration into the way of life of the Amish faith community at the crucial adolescent stage of development, contravenes the basic religious tenets and practices of the Amish faith, both as to the parent and the child. (*Wisconsin v. Yoder*, 1972)

This decision affirmed the rights of parents in advocating for their religious beliefs and values, already cited as a major reason for the joining the homeschooling movement.

In a more recent case regarding a student, Sarah E. Dukes, Judge Tyler Gill of the Seventh Judicial Circuit reversed a lower court's decision that the student in question was habitually truant. The Logan School District in Kentucky argued that the student was truant even though her parents informed the district they would be homeschooling their daughter. Judge Gill concluded,

Parents have a fundamental right to direct the education and upbringing of their children. . . . This right includes the right of parents to choose an alternate education in lieu of public schools. . . . Kentucky courts have recognized this right by law and in practice. Absent a showing of some form of misconduct on behalf of the parent, this fundamental parental right should not be confiscated by the State because a stated offense was committed by the child. First, penalizing the parent for the conduct of a child usually only occurs in the case of criminal conduct by the child. Second, generally speaking, parents are in a better position to make decisions concerning their children than the courts. The assumption by the courts of decision making authority over children should only be accompanied by a specific finding that the parents are not

meeting or cannot meet their obligations to their children. (*In Re: Dukes, Sarah E.*, 2001)

The rights of parents to educate their children was again upheld and affirmed by the courts.

Although homeschooling was considered a crime in nearly every state 20 years ago, by 1999 it was legalized, starting with the Texas case *Leeper v. Arlington Independent School District* (1987). Other states (e.g., Pennsylvania and New York) had local “approval laws,” meaning that parents could not keep their children home without permission from their local school authorities. After general acceptance of the concept and practice of homeschooling, the national and state court cases consistently addressed three major issues: parents’ rights, compulsory attendance, and educational requirements. An examination of some of these cases reveals not only the legal dilemmas but also the influence of the growing homeschooling movement to influence proceedings.

In Pennsylvania, *Jeffrey v. O’Donnell* (1988) struck down the policy that required local school registration and found Pennsylvania law in violation of parents’ due process rights because it did not clearly identify what determined a qualified tutor and a satisfactory curriculum (McCarthy, 1992). In New York, however, *Blackwelder v. Safnauer* (1988) ruled against the parents, determining the following:

The New York state compulsory education law, at least as applied to those who desire to educate their children at home because of religious concerns, is (a) impermissibly vague; (b) that compulsory education scheme gives local school officials too much discretion in establishing what the minimum requirements of public education will be, and in measuring homeschooling programs against those minimum standards . . . and (c) that compulsory education laws burden their faith because the state retains the power to approve or disapprove the manner in which they accomplish what they view as a religious command—i.e., the manner in which parents educate their children. (*Blackwelder v. Safnauer*, 1988)

The court ruled against *Blackwelder*, stating that education law is clear, that supervision by the local school district does not impinge on the family’s privacy, and that the compulsory education law does not advance or impinge on a family’s right to a “Christian education.” It is interesting that just as the New York state high court ruled against families, the New York Board of Regents on the very same day recognized and regulated homeschooling as legitimate in the state (Somerville, 2005, p. 137).

By 1991, 31 states had similar laws whereas other states were in court, a stage that began to weaken the power of the local public schools to prosecute families who kept children home for schooling. Once a foothold was reached, the legal issue was how to protect parents and keep them free, which in many ways was more complex. Requirements, for example, that all teachers in the state must be “certified” could prevent parents from acting as their own children’s teachers.

The Massachusetts Supreme Judicial Court ruled that parents must obtain permission from the local school district by submitting a home-schooling plan. Chief Justice Hennessey affirmed the parents’ right to educate their children but also required that they be approved by the local district, concluding,

The superintendent or school committee may also examine the competency of the parents to teach the children. General Laws c. 71, Sec. 1, provides that teachers shall be “of competent ability and good morals.” While we recognize that teachers in public schools must be certified, certification would not appropriately be required for parents under a homeschool proposal. Nor must the parents have college or advanced academic degrees. However, the superintendent or school committee may properly inquire as to the academic credentials or other qualifications of the parent or parents who will be instructing the children. (*Care and Protection of Charles*, 1987)

The opinions regarding parent qualification, certification, and approval varied from state to state. In Kentucky, for example, the supreme court ruled that certification requirements for teachers cannot be mandated for private schools, including homeschoolers. In South Dakota, the law did not require that individuals who teach be certified. In Hawaii, parents are deemed qualified as teachers for no other reasons than that they are parents. In North Dakota, Iowa, and Nebraska, “the state could also not prove, with evidence, that teacher certification was the ‘least restrictive means’ for children to be educated” (Klicka, 2003, p. 21).

Testing homeschoolers. Despite their ongoing work to gain equality and access, homeschoolers have encountered adversity on a number of fronts. *Murphy v. State*, for example, upheld the Arkansas Homeschool Act that required homeschooled students to take standardized tests annually when they reached age 14. If children failed to achieve a score within 8 months of grade level, they must be placed in a parochial, private, or public school (McCarthy, 1992).

In Texas, the right of parents to administer tests was upheld by the courts. In *Texas Education Agency et al. v. Leeper et al.* (1994), the court granted homeschooling families private school status as long as they have

in a bona fide (good faith, not a sham or subterfuge) manner, a curriculum consisting of books, workbooks, other written materials . . . or any combination of the preceding from either (1) a private or parochial school which exists apart from the child's home or (2) which has been developed or obtained from any source [as long as] said curriculum [is] designed to meet (basic academic goals of reading, spelling, grammar, mathematics, and a study of good citizenship. (*Texas Education Agency et al. v. Leeper et al.*, 1994)

Furthermore, the court concluded, "this Judgment is not to be interpreted as requiring standardized tests in order for there to be compliance with the interpretation" of what constitutes a private school (*Texas Education Agency et al. v. Leeper et al.* 1994).

Public oversight. Official monitoring of homeschooling is another issue. In *Brunelle v. Lynn Public Schools* (1998), the superintendent of this Massachusetts school district asserted that

it was essential that we visit the homes to make sure that the plan is being implemented, that there is an instructional space available, that there are materials present, that there was a schedule that is followed, and my understanding when I recommended it was that we were really concerned, not just the outcomes, but the processes, too.

The court disagreed, finding the superintendent's reasons insufficient to justify home visits but rather to rely on periodic testing to measure outcomes.

When it comes to issues of monitoring student progress, state regulations are likely to require greater provision and clarity in this area (Soronon, 2006). Additional court cases in Pennsylvania are tackling a similar issue based on Pennsylvania's Religious Freedom Protection Act, for example, *Hankin v. Bristol Township School District*, *Combs v. Homer-Center School District*, *Prevish v. Norwin School District*, *Newborn v. Franklin Regional School District*, *Nelson v. Titusville Area School District*, and *Weber v. Dubois Area School District*—which have argued that the act prevents the state's requirements for homeschoolers to interfere with their religious duties as parents (Doherty, 2005).

Special education services. Furthermore, as homeschooling is officially recognized, additional issues arise. Educating children with special needs is cited as a significant reason for parents of homeschooled children to gain access to public resources. In 2005, the U.S. Eighth Circuit Court of Appeals overturned a previous court ruling regarding a district's authority to require a special needs evaluation under the federal Individual with Disabilities Education Act (IDEA). In this particular case, based on behaviors and actions of the student, the district believed a special-needs evaluation to be warranted. The families waived all rights under IDEA and refused the evaluation.

The court ruled in Rhode Island that "requirements for gathering information during an evaluation and then trying to use the evaluation's results are pointless when parents refuse consent—privately educating their children—and expressly waive all benefits under the IDEA" (*Fitzgerald v. Camdenton R-III School District*, 2006).

Use of public school resources. In the case of *Goulart v. Meadows* (2003), a local school board in Calvert County, Maryland, denied homeschooling parents the opportunity to use a local community center for two homeschool clubs. In this federal case, the parents believed their rights to free speech and equal protection were being violated. The court concluded,

Community centers are designed and built for the recreational needs of the community at large. We do not want to devote space in the centers for educational activities associated with meeting the State requirements for elementary or secondary education. We are meeting those needs through our funding of the Calvert County Board of Education. We believe that allowing the centers to be used for formal education would amount to duplication of services. (*Goulart v. Meadows*, 2003)

Participation in extracurricular programs in public schools. Students who are homeschooled have argued before the courts for the right to participate in extracurricular and other public school activities. For example, the Michigan Supreme Court upheld a lower court's dismissal of a case that allowed the Kenowa Hills School District to prohibit a homeschooled student from participating in extracurricular activities at the local public school. The family argued that the lack of participation negatively affected the student's chances to earn an athletic scholarship for college (see *Reid v. Kenowa Hills Public Schools*, 2004).

The court concluded, “Because we find that the statutes at issue do not require defendants to allow non-enrolled students to take part in the athletic programs and because we find no religious discrimination or equal-protection violation, we affirm the trial court’s dismissal” (*Reid v. Kenowa Hills Public Schools*, 2004). On appeal, the Michigan Court of Appeals ruled that extracurricular athletic programs are “noncore” classes and that participation as such is a privilege, not a right.

School districts and athletic associations have won nearly every challenge to district policies that attempted to ban homeschooled students from participating in sports teams and in extracurricular clubs and activities (Soronen, 2006).

Partial public school attendance. The issue of partial public school attendance has also been raised in the courts. In some cases, homeschoolers may attend some particular classes in the school system and be homeschooled for the rest. In 1999 and 2003, 18% of homeschoolers were enrolled in schools part-time (Bielick et al., 2001; Princiotta & Bielick, 2006).

In *Swanson v. Guthrie* (1998), the Guthrie, Oklahoma school district would not allow Annie Swanson to attend two classes in the public school system, stating that full-time enrollment was required. The plaintiffs argued in part that not allowing part-time attendance was infringing on their rights to educate their child, and a recent change in school policy was discriminatory against Christian homeschoolers. The Oklahoma school board expressed concern about the financial cost of an influx of part-time (homeschooled) students, for which the district was not being subsidized:

The board feared that Annie’s request, if granted, could set a precedent allowing other home-schooled children as well as private-school students to use the public school’s facilities on an as-wanted basis, without a corresponding increase in state financial aid. Pursuant to the board’s policy, Annie was not allowed to take classes of her choice from the public school during the 1994-95 school year, or to otherwise attend the public school on a part-time basis. (*Swanson v. Guthrie*, 1998)

The United States 10th Circuit Court of Appeals upheld the dismissal of a lower court, thus affirming the school’s right to prohibit homeschoolers’ part-time attendance in the public school.

As Lukasik (1996) concluded more than a decade ago,

Although public schools are under no legal obligation to admit homeschool students, it is not in the best interest of the schools or the children to deny all

requests for part-time admission by such students. Instead, the ideal educational result may be reached if public school officials consider each application, on a case-by-case basis, and admit only those homeschool students seeking a genuine educational opportunity in the public schools who can enter public school classes without disadvantaging full-time public school students.

The court cases presented here, as well as many others, reveal the diversity of opinions on matters related to homeschool attendance, certification, participation in public school districts, and supervision. These cases have been heard before many courts (appealed, dismissed, refiled) because the law in this area is not always clear, and the courts, in many ways, are limiting or providing boundaries within which states can act.

Clearly, the politics of homeschooling is still being defined, as the courts work to determine the rights of these parents, their responsibilities, and discretion as both caregivers and educators. On the other side of the issue, some homeschool families are seeking to relate to the public education system, trying to place their children in extracurricular and sports programs, clubs, and social activities and turning to public schools to help children with special needs to take specialized classes. The courts have proved critical to the politics of homeschooling, for without the right to argue and defend, homeschooling would have disappeared or been forced underground as an illegal activity.

Grassroots Organization

Another theme of this article, building on the first two, is the emerging infrastructure that has successfully transformed the atomized homeschool family into an effective political movement. As Lines (1996) posits, “Wherever there is more than a handful of home-schooling families in an area, they tend to form at least one homeschooling association” (p. 64).

The base of the homeschooling movement is solid. Smith and Sikkink (1999) found that parents who homeschool their children, compared to parents in public schools, are more likely to vote, contribute money to political causes, contact elected officials about their views, attend public meetings or rallies, and/or join community and volunteer associations regardless of age, race, family structure, geographic region, and number of hours worked per week. On a practical level, 54% of homeschooling families have at least one parent at home, increasing their availability to be involved

in many movements, which will be expanded upon below (Princiotta & Bielick, 2006). An examination of three homeschooling organizations associated with homeschool proves helpful here.

1. The National Home Education Research Institute (NHERI) has goals to
 - produce high-quality research (e.g., statistics, facts, findings) on home-based education (homeschooling);
 - serve as a clearinghouse of research for the public, researchers, homeschoolers, the media, and policy makers; and
 - educate the public concerning the findings of all research on home education.

NHERI tracks and analyzes homeschooling, producing research, statistics, technical reports, data, facts, demographics, academic achievement tests, and works as expert witnesses (in courts and legislatures). These networks serve people ranging from researchers and policy makers to professional educators, teachers, homeschoolers, and parents in general to the media, marketing consultants, and the general public and provides a constant resource for political action a number of levels.

2. Home School Legal Defense Association (HSLDA), founded in 1983 by Michael P. Farris and Michael Smith, exists “expressly for the purpose of advocating for family and freedom.” Having grown since its inception in 1983, HSLDA has become a national legal, political, and media advocacy group for homeschoolers and their families. HSLDA’s Web site (www.hsllda.org) describes ongoing legal, legislative, research, and social debates and ways nationally and locally for homeschooling families to get involved in many of these issues. On the legal front, HSLDA has vociferously supported and even defended many homeschooling families in court and often files briefs, particularly in many of the cases cited below. HSLDA also links with and supports other national organizations, including but not limited to The Tapestry of Grace, the Advanced Training Institute, and NHERI.

Statewide organizations are also critical to the homeschooling movement. Federal law and legal cases have not been overtly clear in their support of or opposition to homeschooling. Our review of court cases reveals that no case regarding homeschooling has reached the U.S. Supreme Court. States have tackled the issue, either directly or through court cases or by passing laws related to education law or religious freedoms. Pennsylvania is one state recently in the news because of the Religious Freedom Protection Act. Homeschool families felt that the state’s homeschool law

(requiring extensive parental reporting and government review) violated their religious freedoms under the First Amendment and the state's Religious Freedom Protection Act.

3. The Christian Homeschool Association of Pennsylvania (CHAP; n.d.) was founded in 1994 as a response to many of Pennsylvania's laws regarding homeschooling in the 1980s and has set as its goals to
 - foster homeschooling by educating political leaders on the local, state, and federal levels;
 - inform and educate the general public on the benefits of homeschooling;
 - foster homeschooling in local churches;
 - strengthen and equip home educators;
 - inform current and potential homeschoolers of regulations that affect them;
 - strengthen and equip support groups and their leaders.

CHAP is involved in informing homeschooling families about legislative and legal issues; inviting, encouraging, and lobbying their state legislators; and assisting with the formation of homeschooling support groups. Many homeschooling families also belong to local organizations and support groups (Bates, 1991; Ray, 2000). The necessity of local organizations is clear as evidenced by many of the legal cases cited here. Individual school districts and boards often decide how to implement or interpret federal and state laws. It is in this phase that a number of legal issues arise. For the sake of the movement, local organizations monitor, challenge, and empower homeschool families (Knowles, 1991).

Homeschoolers without affiliations and those who are not integrated into homeschooling organizations are "not likely to feel as if they are part of a larger movement" (Collom & Mitchell, 2005, p. 276). Grassroots organizations have tied individual families through church and community into lobbying groups locally, regionally, and nationally, creating a powerful political force that is fast acting and keen sighted. Although these parents are home daily with their children, they are "online" and active regionally and nationally, ready to act when their rights are threatened and their needs are unmet.

These local, regional, and national or international networks function as a kind of central nervous system for tracking developments and protecting the rights of parents to homeschool. Because refusal to attend public schools was once illegal and led to arrests, sentencing, and even the threat of removing children from their families, the hypersensitivity of the parents

is intensified by the immediacy of the Internet. A call for help, sent out over the Listservs, can bring thousands of responses within hours. From its very beginnings, homeschool associations have grown and spread across the nation, including a national network of organizations.

Active Lobbying Strategies

The intensity of the commitment and the extent of the political organization have combined to create active political lobbying communities. Perhaps being alone at home drives families to communicate by phone and by web and Internet, using national and international Listservs to lobby for rights and resources for the homeschooled children. Sikkink (2001) found that homeschooling parents are more likely to have recently participated in a protest than parents who have chosen other alternative schooling options (Catholic school, assigned public school, other religious schools, etc.).

When Congress proposed a reauthorization of the Elementary and Secondary Education Act (ESEA) in 1994, with stipulations that teachers must have licensing in their subject areas, the homeschool community saw this as a threat to their rights to teach their own children and organized a national telephone campaign to limit federal control over homeschooling under the new federal legislation (Stevens, 2001).

In 2000, when President George W. Bush and U.S. Senator Ted Kennedy, in a rare political partnership, crafted and helped to pass the latest version of ESEA, called, dramatically, No Child Left Behind (NCLB), the new law obviously and purposefully excluded homeschool children from many of its requirements. Evidently, it was not worth the legislative battle to take on the nation's well-organized, politically savvy homeschool families and their organizations. Homeschooling is a living example of grassroots political activity in education, where parents, community groups, and regional and national associations lobbied and successfully went to court, defending their right to homeschool and pressing for a more neutral political environment in which homeschooling could grow and thrive. The politicization of homeschooling came about through a number of interrelated processes and steps (Wyatt, 1999).

On the state level, homeschool movements have been effective for a number of years. In Oregon, many local homeschool organizations came together to lobby for the passage of a homeschooling bill in 1986. The chair of the House Education Committee in Oregon admitted that lobbying for the 1986 bill was the heaviest political effort ever that the education committee chair received. Phone banks were jammed, huge numbers of letters

were received, and legislative hearing rooms were filled beyond capacity. The chair of the committee felt that “this kind of lobbying did have an effect on the outcome of the bill” (Bates, 1991, p. 12).

“Thus, the most effective way to obtain access for homeschool students is to campaign for equal-access laws or school district policies. As we already discussed, taking school districts and athletic leagues to court has proven largely unsuccessful” (Equal Access, 2005).

Conclusions

Homeschooling in most places is invisible. These families work hard with their children and make only periodic demands on the public schools and systems. What little we see of these children is often positive. Watch the past five national spelling bees on television and marvel at how many of the outstanding spellers in the United States are schooled at home. At the same time, this invisibility can be problematic. A review of additional legal cases uncovers child abuse and lack of monitoring as well as other family and social issues that attendance and oversight in a public school might uncover.

For example, in North Carolina, where there have been incidents of child abuse among homeschooled children, a North Carolina institute pointed out, “The genuine home schoolers are doing a great job with their children,” but conversely, “a subgroup of people are keeping their children in isolation, keeping them from public view because the children do have visible injuries” (Gonzales, 2003a, 2003b). A task force determined that the state’s homeschool laws “allow persons who maltreat children to maintain social isolation in order for the abuse and neglect to remain undetected” (Gonzales, 2003a, 2003b). Although these cases may be very rare, they do point out the need for some review and oversight to detect the situations.

Public perceptions. The perception of homeschooling in the United States has changed over the years. In 1985, only 16% of Americans believed homeschooling was a “good thing” (Lines, 1996, p. 65). The number of those who felt homeschooling was a “bad thing” declined from 73% in 1988 to 57% in 1999 (Lines, 2001).

No political movement can be effective without media influence. Mayberry, Knowles, Ray, and Marlow (1995) found that news reports in the 1970s focused on homeschooling parents as neglectful and irresponsible. Today, news stories can be found portraying homeschooling parents as

positive influences in the educational movement. Lines (1997) talks about how weekly newsmagazines, such as *Good Housekeeping* and *Publisher's Weekly*, would never run stories on homeschoolers in the 1980s but in the '90s and today such stories are often found.

Public school outreach. In California, school districts are attempting to reach out to homeschooling families. The Community Home Education Program (CHEP; n.d.) has been put in place to bridge the gap between local school districts and homeschooling families. The philosophy of CHEP is as follows:

Parents are their children's first teachers. From the moment you become a parent, you are the most important teacher in your child's life. This is the foundation of our program. Every child is unique. We realize that each child learns differently. CHEP believes in creating the best educational plan for each individual child. There is no "one size fits all" in our program.

CHEP provides books for homeschooled students, and teachers help parents prepare lessons, design curriculum, and mark student work. However, if these families are enrolled in the public school in any way, they are no longer considered homeschooled and will not be defended by homeschooling associations, for example, HSLDA.

Access to college. We see, perhaps unexpectedly, that leading colleges have relaxed their requirements for official grade point averages and report cards from schools and are accepting homeschooled children's academic portfolios, recommendations, and interviews as a positive basis for university admissions. Marean, Ott, and Rush (2005) have examined college admissions to "highly selective universities" in the United States for homeschooled children who have never received a report card, have no school-based test results, and therefore no official transcripts to send to university and college offices of admissions. Cohen (2000) states that nearly 75% of colleges and universities have policies for homeschoolers.

The College Board (2006), "whose mission is to connect students to college success and opportunity," has created a special section for homeschoolers and their families. Recognizing that "some colleges admit many home schoolers . . . and others have yet to admit one," the College Board encourages homeschoolers to go for an interview, get as many nonparent recommendations as possible, and to search out "homeschool friendly" colleges.

An earlier survey by Lines (1991), compared to the more recent research, shows just how effective homeschoolers have become in gaining admissions to institutions of higher education (even prestigious Ivy League schools)—based strictly on the word and reports (portfolios) of their parents. College officials use different criteria and procedures for admissions, again indicating the increasing positive effects and effectiveness of home education.

Obviously, admission is one part of the process and college success is another. Galloway (1995) concludes that homeschoolers and traditionally educated students are similarly prepared for the collegiate experience. Furthermore, Sutton and Galloway (2000) found that homeschoolers do as well as in college as students in traditional high school settings, giving further power to effectiveness of the homeschooling movement.

These homeschool political efforts are effective in securing the rights of families—the result of more than 20 years of political activism. Homeschool families and their associations have overcome political and legal pressure, been able to legalize keeping their children home, worked hard to create national and regional networks, have learned to use the media for best effect, and built a new reputation for homeschooling in the United States.

The politicization of this movement proved critical. For without close alliances with the Christian right, without cooperation with other movements to help children who had trouble in the traditional public schools (e.g., gifted students, students with special needs, and children of color), and without the effective uses of the courts, this political effort would likely have failed. Although we see signs of a broadening and diversifying of homeschool families (McDowell, Sanchez, & Jones, 2000), the movement's close political affiliation with the Christian right and conservative politicians remains a strong source of political access and power.

In some interesting ways, then, homeschool politics reaffirms the viability of local and personal political engagement. The success of homeschooling illustrates that parents and family are still the building block of a national and international political network. Although homeschool kids are taught individually or in small groups, they may also come to feel part of a vocal political, religious, and social grassroots community that knows and speaks its mind, reasserting a fundamental quality of grassroots democracy (Bieliick et al., 2001). The movement is not without its critics: some who feel that children should go to school with other children and become part of the social fabric or those who see this as destroying the public school system. Despite political pressure to conform, homeschool families have become well informed, active, and influential—all qualities that are critical to the political life of society.

References

- Apple, M. W. (2005). Away with all teachers: The cultural politics of homeschooling. In B. S. Cooper (Ed.), *Homeschooling in full view: A reader* (pp. 75-95). Greenwich, CT: Information Age.
- Bates, V. L. (1990). Motivation and resource mobilization in the new Christian right home schooling movement. *Home School Researcher*, 6(1), 1-11.
- Bates, V. L. (1991). Lobbying for the Lord: The new Christian right home-schooling movement and grassroots lobbying. *Review of Religious Research*, 33, 3-17.
- Bauman, K. J. (2001). *Homeschooling in the United States: Trends and characteristics* (Working Papers Series No. 53, ED 456 019). Washington, DC: U.S. Census Bureau, Population Division.
- Belfield, C. R., & Levin, H. M. (2005). *Privatizing educational choice: Consequences for parents, schools, and public policy*. Boulder, CO: Paradigm.
- Bielick, S., Chandler, K., & Broughman, S. (2001). *Homeschooling in the United States: 1999*. Washington, DC: U.S. Department of Education, National Center for Education Statistics. Retrieved April 18, 2006 from <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2001033>
- Blackwelder v. Safnauer, 689 F. Supp. 106 (NDNY 1988).
- Bolman, L.G., & Deal, T. E. (2003). *Reframing organizations: Artistry, choice and leadership* (3rd ed.). San Francisco: Jossey-Bass.
- Brunelle v. Lynn Public Schools, 428 Mass. 512, 702. NE2d 1182 (1998).
- Burkard, T., & O'Keefe, D. (2005). Homeschooling: The case against compulsory attendance laws. In B. S. Cooper (Ed.), *Homeschooling in full view: A reader* (pp. 229-249). Greenwich, CT: Information Age.
- Care and Protection of Charles, et al., 399 Ma. 324, 37 Ed. Law Rep. 934, (Supreme Judicial Court of Massachusetts, Norfolk, March 1987).
- Christian Homeschool Association of Pennsylvania. (n.d.). *CHAP goals*. Retrieved April 21, 2006, from www.chaponline.com
- Cohen, C. (2000). Happily homeschooling teens: High school requirements and college admissions. Arroyo Grande, CA: Author. (ERIC Document Reproduction Service No. ED 446 845)
- College Board. (2006). Home-schooled students & admission. Your unique approach to the process. Retrieved on May 1, 2006, from www.collegeboard.com
- Collom, E. (2005). The ins and outs of homeschooling: The determinants of parental motivations and student achievement. *Education and Urban Society*, 37(3), 307-335.
- Collom, E., & Mitchell, D. E. (2005). Homeschooling as a social movement: Identifying the determinants of homeschoolers' perceptions. *Sociological Spectrum*, 25, 273-305.
- Community Home Education Program. (n.d.). *Who we are*. Retrieved on April 20, 2006, from <http://www.ocde.k12.ca.us/chep/who.htm>
- Cooper, B. S. (Ed.) (2005). *Homeschooling in full view: A reader*. Greenwich, CT: Information Age.
- Dahl, R. (1957). The concept of power. *Behavioral Science*, 2, 201-215.
- Detweiler, F. (1999). *Standing in the presence of God: The Christian right's fight to redefine America's public schools*. New York: University Press.
- Doherty, B. (2005, January). Homeschool revolt. *Reason*, 36(8), 11.
- Erickson, D. A. (2005). Homeschooling and the common school nightmare. In B. S. Cooper (Ed.), *Homeschooling in full view: A reader* (pp. 21-44). Greenwich, CT: Information Age.
- Equal Access. (2006, April). *Participation of homeschooled student in public school activities. Current issues analysis*. Retrieved from <http://www.hslda.org/docs/nche/000000/00000049.asp>.20April2006

- Fitzgerald v. Camdenton R-III School District, No. 04-3102 (8th Cir. March 1, 2006).
- Galloway, R. (1995, April). *Home schooled adults: Are they ready for college?* Paper presented at the annual meeting of the American Educational Research Association, San Francisco. (ERIC Document Reproduction Service No. ED 384 297)
- Gonzales, V. (2003a, October 13). *A dark side to home schooling*. Retrieved from <http://www.Cbsnews.com/stories/2003/10/14/eveningnews/printables5778717.shtml>
- Gonzales, V. (2003b, October 14). *Home school nightmares*. Retrieved from <http://www.Cbsnews.com/stories/2003/10/14/eveningnews/printables57007.shtml>
- Gordon, W. (1994). *The law of homeschooling*. Topeka, KS: National Organization on Legal Problems of Education.
- Goulart v. Meadows, No. 02-1962, (Calvert County, MD 4th Circuit, September 26, 2003).
- Holt, J. (1976). *Instead of education: Ways to help people do things better*. New York: Dutton.
- In Re: Dukes, Sarah E. Seventh Judicial District Logan Circuit Court Case No. 01-XX-00002 (2001).
- Jeffery v. O'Donnell, 702 F.Supp. 516 (MD PA), 1988.
- Jeub, C. (1994). Why parents choose homeschool. *Educational Leadership*, 52, 50-52.
- Klicka, C. (2003). *The myth of teacher qualification*. Retrieved April 21, 2006, from <http://www.hslda.org>
- Knowles, J. T. (1991). Parents' rationales for operating home schools. *Journal of Contemporary Ethnography*, 20, 203-230.
- Leeper v. Arlington Independent School District, No. 17-88761-85 (Tarrant County 17th Judicial Ct. Apr. 13, 1987).
- Lines, P. (2001). Homeschooling. *ERIC Digest*. Eugene, OR: ERIC Clearinghouse on Educational Management. (ERIC Document Reproduction Service No. ED457539)
- Lines, P. (1991). *Estimating the homeschooled population* (Working paper). Washington, DC: U.S. Department of Education, Office of Research and Improvement.
- Lines, P. (1996). *Homeschooling comes of age*. *Educational Leadership*, 53, 63-67.
- Lines, P. (1997). *Homeschooling: An overview for education policymakers*. Washington, DC: U.S. Department of Education.
- Lubienski, C. (2000). Whither the common good? A critique of home schooling. *Peabody Journal of Education*, 75(1&2), 207-232.
- Lukasik, L. M. (1996). The latest home education challenge: A relationship between home-schools and public schools. *North Carolina Law Review*. Retrieved on July 4, 2006, from Lexis-Nexis database on the World Wide Web: http://web.lexis-nexis.com.avoserv.library.fordham.edu/universe/doclist?_m=a20bdc757ce5ce7c664bdb0e0033512f&wchp=dGLbVzW-zSkVb&_md5=03b82ecd303d93a8ee39d802d212cd39
- Lyman, I. (1998). Homeschooling: Back to the future? *Cato Policy Analysis* (Policy Analysis No. 294). Washington, DC: Cato Institute. (ERIC Document Reproduction Service No. 415 325)
- Marean, J. A., Ott, M. F., & Rush, M. J. (2005). Homeschooled students and the Ivy League: Gaining admission to highly-selective universities in the United States. In B. S. Cooper (Ed.), *Homeschooling in full view: A reader* (pp. 179-197). Greenwich, CT: Information Age.
- Mayberry, M., Knowles, G. J., Ray, B., & Marlow, S. (1995). *Homeschooling: Parents as educators*. Thousand Oaks, CA: Corwin Press.
- McCarthy, M. (1992). *Homeschooling and the law* (Policy Bulletin No. PB-B15, ED349 702). Bloomington: Indiana University, Education Policy Center.
- McDowell, S. A., Sanchez, A. R., & Jones, S. S. (2000). Participation and perception: Looking at homeschooling through a multicultural lense. *Peabody Journal of Education*, 75(1-2), 124-146.

- McMullen, J. G. (2002). Behind closed doors: Should states regulate homeschooling? *South Carolina Law Review*. Retrieved on July 4, 2006, from Lexis-Nexis database on the World Wide Web: http://web.lexis-nexis.com.avoserv.library.fordham.edu/universe/document?_m=f04fca8632df02b911a51d31d0ebee4&_docnum=1&wchp=dGLbVzzzSkVA&_md5=bda6c6db8862cf311afe0fc10c6d9a9c
- Meyer, J. (2000). Reflections on education as transcendence. In L. Cuban & D. Shippy (Eds.), *Reconstructing the common good in education: Coping with intractable American dilemmas* (pp. 206-222). Stanford, CA: Stanford University Press.
- Princiotta, D., & Bielick, S. (2006). *Homeschooling in the United States: 2003* (NCES 2006-042). Washington, DC: U.S. Department of Education, National Center for Education Statistics.
- Ray, B. D. (2000). Homeschooling for individuals' gain and society's common good. *Peabody Journal of Education*, 75(1 & 2), 272-293.
- Reich, R. (2002). The civil perils of homeschooling. *Educational Leadership*, 59(7), 56-59.
- Reid v. Kenowa Hills Public Schools, No. 239473 (Mich. Ct. Appeal, March 2, 2004).
- Sikkink, D. (2001, April). *The shape of homeschoolers' political participation*. Paper Presented at the annual meeting of the American Educational Research Association, Seattle, WA.
- Smith, C., & Sikkink, D. (1999). Is private schooling privatizing? *First Things*, 92, 16-20.
- Somerville, S. W. (2005). Legal rights for homeschool families. In B. S. Cooper (Ed.), *Homeschooling in full view: A reader* (pp. 135-149). Greenwich, CT: Information Age.
- Soronen, L. (2006, February). Homeschooling and the law: Good policy—and good relations with parents—can help avert litigation. *Leadership Insider: Practical Perspectives on School Law and Policy*. Retrieved April 21, 2006, from <http://www.nsb.org/site/docs/38000/37939.pdf>
- Stevens, M. L. (2001). *Kingdom of children: Culture and controversy in the homeschooling movement*. Princeton, NJ: Princeton University Press.
- Sutton, J., & Galloway, R. (2000). College success of students from three high school settings [CD-ROM]. *Journal of Research and Development in Education*, 33(3), 137-146. Abstract from Dialog OnDisc (ERIC Item EJ 612 229)
- Swanson v. Guthrie, Oklahoma, 10th Circuit Court of Appeals at 96-6354 (1998).
- Texas Education Agency et al. v. Leeper et al. 893 S.W.2d 432 (Tex. 1994).
- Wyatt, G. (1999). The homeschool movement in the postmodern age. *Home School Researcher*, 13(4), 23-30.
- Wisconsin v. Yoder, 406 U.S. 205 (1972).

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