

Understanding homeschooling

A better approach to regulation

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ABSTRACT

Drawing from six years of qualitative research, this article analyzes the broad range of proposed and existing homeschool regulations throughout the United States. It argues that current homeschool regulations – and most proposals for how to improve them – misjudge the complexity of such an endeavor; state resources are misused and the basic interests of children are not protected. Theoretical arguments about the relative interests of parents, children and the state are important to consider, but our policies must also recognize the limits of what we can and should demand of this unique form of nonpublic schooling. A more modest approach to regulation that focuses on basic skills testing would ultimately be more effective at helping the students who need it most.

KEYWORDS *assessment, autonomy, civic education, homeschooling, regulation, religion*

INTRODUCTION

LYDIA RIVERA HOMESCHOOLS HER TWO DAUGHTERS in a tiny Los Angeles rental house. Ten-year-old Anna is progressing well in her studies, but seven-year-old Veronica struggles with reading, due in large part to hearing problems she had when she was younger. Lydia wants to provide a learning environment where her younger daughter can catch up on her literacy skills without fear of embarrassment, but it turns out that Lydia herself has difficulty maintaining a positive attitude when Veronica struggles. One morning while Veronica is reading aloud to her mom, Lydia's frustration boils over.

She stops her daughter in midsentence. 'What this?' Lydia asks, pointing to the word *word* on the page.

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‘*Wòrd*,’ Veronica answers.

‘Is it *world*? Because you’re making a sound that’s not there.’

Veronica tries again. ‘*World*.’

Lydia sighs in exasperation. ‘Okay, you’re saying *world*. *World*. This is not *worldllllld*,’ she says, stretching it out to emphasize the extra letter Veronica is mistakenly inserting.

This time Veronica pretty much eliminates the L sound from her pronunciation: ‘*Wòrd*.’

‘It’s *word*? But you’ve been saying *world*. It’s not *world*.’ For some reason, Lydia is not content with the correction – she needs to drive home the error.

‘*Wòrd!*’ Veronica says loudly, getting frustrated with the interrogation.

‘Pronounce this again!’ Lydia meets her emotion with a rising tone of her own.

Now Veronica is losing focus, and reverts to her original mispronunciation: ‘*World!*’

‘You’re not listening to me,’ Lydia retorts. ‘You’re putting an *l* in there. Okay, let’s try it with the sounds that are right there.’

‘*Wò-ord*,’ Veronica says, stretching out the *o* to help her avoid the *l* sound.

‘Say it again.’

‘*Wò-ord*.’ Tears start to roll silently down Veronica’s face.

‘Okay – is that round?’ The sarcastic edge to her mother’s voice grows sharper. ‘The *word* is round? No, the *world* – okay, you’re crying, whining, and complaining, but you’re not listening. I know your ears don’t work, but they do. Listen to me and stop getting frustrated with me! You know these sounds! Say the sounds!’

Veronica’s spirit is broken, but she does her best to respond. ‘*Wò-ord*.’

Lydia won’t let up. ‘*Wòrd*,’ she repeats. ‘If Momma says ‘the *word* is round’ does that mean that we live in the *word*? Okay, what *is* that?’

‘*Wòrd*.’ This one is Veronica’s best pronunciation yet.

‘Okay,’ Lydia relents. But now she’s angry about Veronica’s attitude. ‘Why are you whining? Why are you doing that? What’s wrong?’

At this, Veronica doesn’t yell back again. Instead, she just shakes her head and says quietly, with great sadness in her voice, ‘Because I can’t say it right.’

The Riveras were one of six families I visited repeatedly over the course of two years, as part of my research for *Write These Laws on Your Children: Inside the World of Conservative Christian Homeschooling* (Kunzman, 2009). This dynamic of Veronica struggling, Lydia pestering, Veronica getting frustrated, Lydia getting frustrated and angry and sarcastic, cycling into more emotion and even mocking Veronica’s speech patterns, surfaced on several occasions during my visits. Lydia interpreted Veronica’s wrong answers as either carelessness or willful resistance.

This heartbreaking scene, however, was hardly representative of the hundreds of hours of homeschooling I have observed. Homeschooling runs the gamut of quality and context, and for every example there is a counter-example. Consider this scene from the northwest Indiana home of Carrie and Tom Shaw, where Carrie homeschools two elementary-aged daughters while also caring for a toddler and infant:

Carrie asks seven-year-old Sarah to try to recite ‘One, Two, Three,’ a poem she has been memorizing over the past couple weeks. ‘Now where do you want to stand?’ Carrie asks her. ‘Pick a place.’

Sarah eyes me, the outsider. ‘Upstairs in my room.’

Carrie bursts into laughter. ‘It would be so hard for us to hear you,’ she says. ‘It would make me sad. Can you come over real quick, I want to tell you something.’ She whispers in Sarah’s ear, but I can make out most of it: ‘ – you’ve been doing a good job and working hard, okay, so I want you to be brave and give this a try.’

Sarah nods and returns to the other side of the table, and begins reciting her poem. Thirty-two lines later, with only one pause for prompting, she finishes with a sigh of relief, and her sisters and mom clap appreciatively.

‘Yessss!’ Carrie says. ‘Nice job! You’re on the home stretch. When we do it next time, I think we can go ahead and add the last two stanzas. And the one thing about it, if I didn’t have the book, there are some words that I wouldn’t have caught, because it was hard to do it slow and loud, but we can keep practicing on that. It was very good, very good!’

The rest of the morning remains a juggling act for Carrie, as she balances the needs of two young, sometimes restless kids with the formal learning agenda of the older two. While she occasionally reminds or reprimands her daughters, the overall tone is positive and playful. Learning activities are rich and varied, and Carrie provides plenty of individual attention as her daughters progress through a rigorous curriculum. This is a woman who knows what she’s doing, and she does it well.

Describing the typical homeschool family is not unlike describing the typical public school family – the range of demographics, philosophies and practices make such a generalization practically impossible. While most of the homeschool families I spent time with belong to the conservative Christian subset, the shape of homeschooling more broadly (goals, methods and content) varies widely from family to family. In fact, the quality of educational experience can be quite uneven within particular families as well, as I witnessed with the Bransons in rural Tennessee:

The afternoon finds father Gary and nine-year-old Stephanie getting started on her art lesson, and this hour is easily the most impressive teaching interaction I witness during all my time with the Bransons. With relaxed confidence, Gary helps Stephanie learn to create lighting, shading, and perspective in her drawings. Although he’s a bit formulaic in his approach, Gary’s instructions are patient and descriptive: ‘Keep in mind the light comes from over here, okay? Then you just kind of *creep* up the side of his jaw like this,

and it kind of curves and gets darker as it goes into his mouth, see?’ He watches Stephanie practice what he demonstrated.

‘There you go,’ he says encouragingly, ‘there you go.’ Even the language Gary uses is evocative: ‘Remember you’ve got to *sneak* over to the middle. It doesn’t matter how many times you have to go back – the idea is to creep over there so it will be very, very light.’

As I observe this lesson, I can’t help but think that if Gary and his wife Lauren devoted similar attention to the kids’ other academic subjects, their homeschool experience would be far richer. Gary’s offhand comment during the lesson suggests why art might be a different story: ‘Art was the only thing I really excelled at in school,’ he told me. ‘I failed everything else or just made a D.’ Art and music are the subjects within his comfort zone and skill set, and so they receive the most attention and direct instruction. The other subjects seem largely relegated to independent study, with Lauren checking over their work and answering occasional questions.

The consequences of this relative neglect of other subjects aren’t difficult to see. During the art lesson, for instance, twelve-year-old Aaron struggles with his math, which involves multiplying two-digit numbers. He continues to use his fingers to multiply, even with problems such as ‘five times nine’ – counting forty-five fingers in all. A girl mesmerized by an art lesson, next to her twelve-year-old brother doing math on his fingers – the potential and peril of the Complete Home Education Program.

In 1983 *Phi Delta Kappan* published a brief review of homeschooling advocate John Holt’s book *Teach Your Own*. The reviewer commended Holt for his ‘pioneer spirit’ but ultimately dismissed his ‘yearning for the life and teaching styles that belong to the past’. The article ended by predicting that ‘few people are likely to renounce our age and our schools for parent-run schools’ (Bamber, 1983: 441). A quarter century later, however, it seems clear that homeschooling belongs to our present and future as well. Telephone survey data suggest the number of homeschoolers in the United States increased by 74% between 1999 and 2007, but the actual numbers are probably higher than reported, given the reluctance of many homeschoolers to be tracked by the government (National Center for Education Statistics, 2008).

In response to its rapid growth over the past decade, homeschooling has begun to receive more attention from educational theorists and policymakers, frequently focused on questions of regulation.¹ My contention is that current homeschool regulations – and most proposals for how to improve them – misjudge the complexity of such an endeavor; state resources are misused and basic interests of children are not protected. In what follows, I analyze the broad range of proposed and existing homeschooling regulations throughout the United States, and advocate for a more modest – but more effective – approach to regulation, aimed at balancing the relative interests of parents, children and the state.

THE ESSENCE OF HOMESCHOOLING

While there's no such thing as a typical homeschooler, it's important to appreciate the motivations and convictions common across most homeschool families before deciding what forms of regulation are both appropriate and justified. Most homeschool parents believe they can provide a better educational experience for their child, and are willing to sacrifice their time, money and/or careers to make it happen. They are frequently (although not always) dissatisfied with more conventional educational options, including the public school system. In the 2007 National Center for Education Statistics (NCES) survey 88% of homeschool parents identified 'concern about environment' in conventional schools as a significant factor in their decision to homeschool (Green and Hoover-Dempsey, 2007; Isenberg, 2007; National Center for Education Statistics, 2008).

Perhaps the most crucial insight into the homeschooler mentality, however, is that homeschoolers generally view education as more than just formal schooling; as one Virginia parent explained, 'It's not just schooling; it becomes your whole way of life.' The rhetoric of 'raising academic standards' and 'restoring economic competitiveness' by policymakers and politicians at least partly misses the point as far as homeschoolers are concerned. For them, the educational process is first and foremost about their child's individual learning needs, and extends well beyond traditional school standards, structures and schedules.

For many conservative Christian homeschoolers, an additional dynamic exists.² Central in their mindset is the fundamental conviction that educating their children is a God-given right and responsibility, and one they can delegate only at great moral and spiritual peril. Like many in the broader homeschool population, conservative Christians see homeschooling as a 24 hour-a-day, all-encompassing endeavor. For them, perhaps more explicitly than for other homeschoolers, homeschooling is a shaping not only of intellect but – even more crucially – of character. This means more than just moral choices of right and wrong; character is developed through the inculcation of an overarching Christian worldview that guides those moral choices. These parents share a fierce determination to instill this type of Christian character in their children. For them, a good education without spiritual formation is incoherent; faith and intellect grow as one.

This additional layer of religiously inspired complexity is worth noting for multiple reasons. First, despite the apparently growing diversity of the homeschool population beyond conservative Christians, the Home School Legal Defense Association (HSLDA) (which self-identifies as a Christian organization) remains the most influential homeschool advocacy group, and

this seems unlikely to change anytime soon.³ On a political level, advocates for regulation who don't consider carefully the centrality of religious convictions for many in the homeschooling world will find themselves under heavy fire. But, more importantly, religious conviction has played a significant role in several key legal decisions involving homeschool regulation. When courts perceive religious liberty at stake – in the form of parental interests in the upbringing and education of their children – they apply a higher standard of review, one that requires the state to show a compelling interest that cannot be fulfilled by less restrictive means.⁴

Homeschoolers and their advocacy groups are generally resistant to state regulation. As part of my research travels, I attended the annual convention of the largest state-level homeschool organization in the United States, the Christian Home Educators of California. One of the opening day speakers was J. Michael Smith, president of HSLDA. Smith told his audience that the next great battle for homeschoolers would be overregulation. 'If we lose the battle of regulation,' Smith warned, 'we will lose the genius of home education, which is individualized instruction – the ability to take the content you want and teach it the way you want to teach it.'

While I disagree with HSLDA's general resistance to all forms of regulation, Smith's characterization of what lies at the heart of homeschooling rings true. As perhaps the ultimate in educational privatization, homeschooling offers tremendous latitude for parents to shape their child's experience in a variety of ways. This allows parents to treat learning as a much broader, more holistic endeavor than public schools, which are typically constrained by fixed standards, mandated texts, and unyielding demands of 'curriculum coverage'.

Such latitude cuts both ways. In my research, I saw how many of the distinctive features of homeschooling – flexibility of structure and content, close personal relationships, and so on – could be used as a strength or become a weakness. On one end of the spectrum, I observed learning contexts that rivaled or even surpassed the best of institutional schooling; on the other end, I watched in dismay as children floundered in environments marked by poor teaching, questionable curricula, or frustrating interpersonal dynamics. Some parents make the most of homeschooling's unique opportunities and deftly navigate its distinctive challenges, while others unfortunately do the opposite.

THE CONTESTED GROUND OF REGULATION

Theoretical arguments for homeschool regulation typically focus on a triad of interests: parents, children and the state (Glanzer, 2008; Lubienski, 2003;

Reich, 2002; Reich, 2005). Parents obviously have a profound interest in how their children are educated – what they learn, how they learn it, and the kind of people they become as a result. Children have their own interests at stake as well: not only in learning basic skills and knowledge which will allow them to function independently in society and become economically self-sufficient if necessary, but also in developing personal autonomy. Finally, the state also has an interest in the education of its citizens. Education necessary to sustain democracy cannot be neutral or indifferent toward the value of democracy or the importance of participation in its ongoing maintenance. Democracy depends upon the cultivation of a critical mass of citizens who value and – at least to some degree – participate in shared decision-making.

In the midst of my journeys around the country visiting with families, I finally recognized a key reason why homeschool parents react so negatively to calls for regulation. Most parents (whether homeschoolers or not) see education, broadly construed, as part of their job description: raising a child involves constant teaching, and the most important lessons in life generally occur outside of school walls. But what I didn't fully appreciate at first is that homeschoolers take this a step further. They don't see any real distinction between this broader notion of education and formal schooling itself – which makes sense, if homeschooling is just woven into the fabric of everyday family life. And if homeschooling is seen as simply part of parenting, then it becomes easier to understand why many homeschool parents view regulations as unjustifiable intrusions into their sacred domain.

This line of thinking informs the argument by some critics of homeschool regulation that parents should not bear the burden of proof regarding whether their children's educational interests are being met (Glanzer, 2008; Ray, 2005). They draw a parallel with child welfare laws, which do not require parents to demonstrate regularly that they are taking good care of their children; instead, the state must have reasonable suspicion of abuse or neglect before they can intervene.

But the contention that schooling is indistinguishable from the broader domain of parenting appears to run counter to legal opinion. Homeschool advocates are fond of pointing to the language of a 1925 Supreme Court decision (*Pierce v. Society of Sisters*, 268 US 510) which, in striking down a law requiring all children to attend public schools, emphasized that 'the child is not the mere creature of the State' and parents have the right 'to direct the upbringing and education of children under their control'. But this landmark decision also made clear that 'no question is raised concerning the power of the State reasonably to regulate all schools, to inspect, supervise, and examine them, their teachers and pupils, to require that all children of proper age attend some school, that teachers shall be of good moral character and

patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare'. By contrast, the state is not permitted this degree of latitude in the general upbringing of children, a realm that belongs to parents. Similarly, a 1972 Supreme Court decision (*Wisconsin v. Yoder*, 406 US 205) allowing an Amish community to end formal education for their children earlier than state law permitted also acknowledged that 'there is no doubt as to the power of the State, having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education'.⁵

The state has the legal right to require homeschoolers to meet certain requirements. The purpose of such regulation should be to guard as much as possible against violations of the basic interests of children and the state while not impinging on the freedom of parents who do well by their children. With this in mind, legitimate priorities will sometimes pull against one another in the homeschooling context. Parental freedom to choose what and how their children learn leaves open the possibility that certain vital skills and knowledge will be neglected. The desire to impart cherished values to one's children can be in tension with their interest in developing personal autonomy. Striving for a society in harmony with one's religious values can clash with a democracy marked by diversity of thought and belief. In the end, neither the protection nor the freedom can be absolute. The Supreme Court made it clear in the *Pierce* and *Yoder* decisions that government does have some legitimate supervision of nonpublic schooling, but also indicated that this influence is nonetheless limited. The challenge with homeschool regulation is to protect these basic interests of parents, children and the state without drawing the circle so tightly that reasonable disagreement about what constitutes an acceptable (rather than ideal) education is not honored.

Current homeschool requirements, as well as calls for additional regulation, generally focus on one or more of the following areas: teacher qualifications, curricular requirements and testing. In what follows, I hope to make clear that, in almost every case, both existing and proposed regulations are ineffective and thus divert limited state resources from protecting the basic interests of those involved.

Homeschool teacher credentialing

One of the most prominent voices for increased homeschool regulation is the National Education Association (NEA), whose 3.2 million members make it the largest union in the United States. Like many critics, the NEA (2008: 36) asserts that homeschoolers should be required to meet all state curricular and

testing requirements. But the NEA goes a step further and contends that instruction should be provided only by those with a state teaching license.

Homeschoolers view the idea of such a requirement as severely misguided, to put it mildly. Carrie Shaw, the Indiana mother whose homeschooling I found to be highly impressive, expressed a typical objection: ‘There is no chance that I could walk up the hill to the elementary school right now and teach. I couldn’t teach somebody else’s twenty-five children to save my life. I’m not a teacher in the sense of being prepared to teach large groups of strangers. But if I didn’t think I was the best teacher for my own children, I wouldn’t do it. There is *nobody* who can teach my kids better than I can.’ Carrie’s passionate conviction in this regard underscores an important point: homeschool parents are not asking to do the job of public school teachers, nor are they necessarily claiming they could. The responsibilities of a public school teacher and a homeschool teacher, while overlapping in some respects, are markedly different.

Over the past two decades, numerous state courts have ruled that homeschool parents should not be required to obtain teacher licensure. The most recent case (*In re Rachel L.*) occurred in California in 2008, when an appellate court asserted that all children not attending a public or accredited private school must be taught by someone with a California teaching license.⁶ In response to a fierce public outcry orchestrated by homeschool advocacy organizations, the court revised its opinion six months later, noting that the state legislature had repeatedly demonstrated both awareness and approval of homeschooling without credentialed tutors, and thus homeschooling’s status should remain unchanged without further legislative action (*In re Jonathan L.*). As a result of legal decisions such as this (and legislative responses to them), no state currently mandates that homeschool parents have a teaching license.⁷

The disjuncture between necessary skill sets of classroom teachers and homeschool teachers doesn’t imply, however, that anyone, without preparation and support, can effectively homeschool their children – just that public school licensure isn’t the most sensible measuring stick. Some states do not allow parents without a high school diploma (or GED: General Educational Development) to homeschool their children, which seems a more reasonable expectation, especially when working with students at the secondary level. Some homeschool advocacy organization such as HSLDA dispute even this requirement, pointing to studies showing no correlation between homeschoolers’ test scores and the level of their parents’ educational attainment (Ray, 1990; Ray and Eagleson, 2008). But this research suffers from the same limitations that other studies of homeschooler academic achievement does – participants are self-selected and thus provide little insight into the broader homeschool population.⁸

Curricular requirements

Current regulations imposed by states involving homeschool curricula range from Indiana's remarkably vague mandate for 'instruction equivalent to that given in public schools' (with no further details and no authority to review homeschool curricula) to Pennsylvania's requirements of a portfolio of student work, standardized testing and written report from an outside evaluator. Many states fall somewhere in between: 35 states mandate the study of particular subjects, 14 states require parents to maintain curriculum records, and 7 states require student work portfolios to be kept.

None of these curriculum requirements, however, can adequately assess the quality or effectiveness of a student's homeschool program. Most states employ what I term an 'input' model, which gives them the authority to review the parents' curriculum plan (with varying degrees of detail, depending upon the state) for the upcoming academic year. Since half these states have no follow-up evaluation of the students' actual work, they have no way of ascertaining whether these plans were even followed. Even in states with an 'output' model, where records of completed work are reported or samples of student work are provided, the level of detail required for an outside evaluator to truly measure the breadth and depth of student learning – for thousands of students – is beyond practicality.

Consider examples from some of the families I observed in my research. The Riveras are required by their Independent Study Program (a homeschool 'umbrella' group that maintains records for the state) to keep a log of their daily academic activities, which consists primarily of text titles and page numbers, or shorthand notations describing the learning activity. For mother Lydia's recordkeeping, having classical CDs playing in the background gets listed as 'fine arts', watching an episode of *Little House on the Prairie* counts as history, and figuring out how much they can buy with \$2 at the Disneyland gift shop qualifies as the day's math lesson.

The curriculum used by teenage sisters Sharon and Christine Branson is a series of pamphlets. 'We finish five of those a month,' Sharon told me. 'They're really easy. And then for extra credit, I already finished Latin. That was pretty much looking up words in the dictionary and so it counted for learning a different language.' Sharon and Christine are expected to complete three pages in each booklet, for a total of fifteen pages a day. When they've finished a booklet, they take the test at the end, which consists almost entirely of recall questions – no higher-level thinking required. Lauren records their scores and submits two reports each year to their homeschool umbrella program.

Some states pass the buck, so to speak, by requiring homeschoolers to obtain a third-party portfolio evaluation, typically from a licensed K-12 teacher. This is one of the reporting options in Vermont, where twelve-year-old Linda Wallis is homeschooled. As Linda's mother explained to me, 'We have a teacher who goes to our church. He's supposed to type a letter saying what Linda did in the last year and if she was successful or not. And it's so easy, because for me he says, "I don't want to mess with it; type the letter saying what she did and put my name on it. I'll read through it, maybe ask her a couple questions, I'll sign the letter, and we're done.'" In states requiring a licensed teacher's evaluation, it's not uncommon for homeschoolers to ask a family friend to do it. On one hand, this makes sense – what parent wants to impose on some random, overworked public school teacher who may be biased against homeschooling in the first place? On the other hand, this arrangement obviously has great potential for abuse. In Linda's case, I'm confident she did everything her mother listed in the letter – but it would be easy enough for parents to misrepresent their child's educational experience.

Curriculum aimed at preparation for citizenship

One specialized version of the call for curriculum regulation focuses on exposure to multicultural diversity, with the goal of developing a citizenry able and willing to engage respectfully with a range of beliefs and practices that mark our increasingly pluralistic society (Apple, 2005; Reich, 2002; Reich, 2005). But this proposal suffers from the same implementation flaws as broader curricular requirements, as the Carroll family demonstrated with their science curriculum. Cynthia Carroll spends several weeks exploring evolution with her children, and could document this in some detail on a curriculum report. But the underlying goal of her instruction is to portray evolution as fatally flawed. As one of her daughters told me, 'I *strongly* believe in creation. I can listen to their ideas about evolution, but there is no way I'm going to believe that. Partly because I grew up believing creation, but also we did biology last year. Our book covered evolution, and looked at both sides, and the evidence. It was really good for me to see what some people believe. But still I think creation is true.'

Any requirements for homeschoolers to present 'both sides' of social or political issues would be impossible to verify, at least in terms of the spirit of the requirement. Abby and her siblings *did* explore the arguments between evolution and creationism; even if the state had required them to include an unabashedly 'pro-evolution' text, it's easy to imagine how that would have been cast in the worst possible light during actual home instruction. Unless the state wanted to observe the Carrolls during their entire evolution unit

(and every other learning experience intended to expose the children to diverse perspectives and ways of life), there's no reliable way to ascertain the tone of learning experience.

What about more straightforward types of requirements aimed at preparation for democratic citizenship, such as the development of basic civic knowledge? While more feasible, it would miss the heart of what theorists see as vital to the state's interest in developing virtuous citizens. I've spent the last six years following a civic education program for homeschool students called Generation Joshua (GenJ). Begun in 2003 and sponsored by HSLDA, GenJ combines online components with periodic opportunities for face-to-face interaction and real-world political engagement. Students are encouraged to participate in summer camps, voter registration drives, regional clubs, and even political campaign teams, with the goal of creating a new generation of leaders who will bring their Christian values and commitments with them into the public square of policy, politics and culture. In many ways, Generation Joshua is a compelling example of genuine civic engagement. In fact, in my ten years of teaching public high school English and social studies, I have rarely encountered students whose civic knowledge, skills and participation matched the members of Generation Joshua.⁹

But as a training ground for future democratic citizens and leaders, some vital elements are missing. Rather than framing democratic citizenship as a shared endeavor among a diverse citizenry, where compromise and accommodation are not only necessary but often desirable, GenJ fosters a vision of adversarial political engagement informed by narrow ideological boundaries. Appreciation for why others believe differently seems largely absent from the GenJ educational experience. Rarely do GenJ students or leaders engage with opposing arguments on their strongest terms, or consider that reasonable disagreement might exist on important issues. Such an approach results in seeing others as simply wrong-headed adversaries to be opposed at every turn.

With this in mind, then, a civics knowledge test wouldn't do much to fulfill the state's interest in cultivating democratic citizenship. Simply put, what we need is a kind of civic virtue that is impossible to measure in any standardized way, much less regulate. It's one thing to endorse the value, in principle, of mutual understanding, tolerance and respectful deliberation, but another to have enough certainty about how to police the teaching of those virtues in a homeschool setting.

Testing

Current approaches to testing homeschoolers are generally ineffective and misguided as well. Fifteen states require testing of homeschooled children in

specified grades (usually on a nationally recognized norm-referenced test of the parents' choosing), and another nine states identify testing as one of multiple options to demonstrate children's progress. Most states do not stipulate the particular test or the testing conditions – as a result, parents often choose and administer a test themselves. Even in states where a 'qualified neutral person' must conduct the testing, states do not have the resources to closely monitor the process. In Oregon, for example, Cynthia Carroll bends the rules by testing her own children, but at least her kids take the test. Her neighbors the Millers avoid testing altogether because they never registered with the state in the first place; the Miller children never attended public schools, so the Educational Services Department in Oregon has no record of them at all.

Calls for more demanding testing regimens are equally misguided. As noted earlier, the National Education Association advocates that homeschoolers be required to take the same assessments as public school students. Most of these assessments, however, are tied to voluminous lists of academic content standards that extend well beyond what can reasonably be termed essential skills and knowledge. Being able to 'describe the rise and achievements of Charlemagne and the Empire of the Franks' or know that 'structures in the modern eukaryotic cell developed from early prokaryotes, such as mitochondria, and in plants, chloroplasts' may be useful in some contexts, but those of us without such knowledge haven't necessarily been deprived of our basic educational interests.¹⁰ It's also worth noting that such a testing approach is hardly free of controversy within the public school universe itself; while few scholars and policymakers argue against basic skills testing, many question whether an assessment regime based on extensive standards and high-stakes testing is desirable – much less essential – for a good education (Goodson and Foote, 2001; McNeil, 2000; Nichols and Berliner, 2007; Noddings, 2007).

A PROPOSED FRAMEWORK FOR HOMESCHOOL REGULATION

As an alternative, I propose a regulatory framework that strives to balance principle and practicality, and that seeks to accommodate diverse beliefs about the purposes of education while protecting the basic interests of children (or at least the ones that government regulation can realistically protect). A complete absence of regulation obviously provides the most latitude for parents to educate their children as they see fit, but runs the greatest risk of neglecting the interests of children and the state. Extensive regulations (such as a prescribed curriculum or licensure requirements for parents), on the other hand, jeopardize the flexibility that makes homeschooling an effective

educational choice for many families, and may offer relatively little added benefit compared to more modest requirements.¹¹

With this in mind, I want to propose three necessary conditions for home-school regulation to be justified. First, vital interests of children or society must be at stake. Second, general consensus should exist on standards for meeting those interests. Third, there needs to be an effective way to measure whether those standards are met. Basic skills testing for homeschoolers meets those criteria.¹² Few would disagree that children have vital educational interests in basic literacy and numeracy, and it seems likely we could reach agreement on what skills are involved (some people would undoubtedly push for more than others, but even a lowest common denominator of reading comprehension and computation skills would be worth verifying). Finally, such straightforward skills would be relatively easy to assess objectively.¹³

The current mishmash of homeschool regulations aimed at academic accountability, on the other hand, doesn't measure up. Some who object to basic skills testing will argue that it is morally problematic not to hold all children to high academic standards. But as I suggested earlier, the problem is that substantial (and reasonable) disagreement exists about what exactly those higher standards should be, not to mention disputes over whether current standardized assessments adequately measure their attainment. We must decide how to use the limited public resources devoted to education, and decide whether we would rather continue doing a haphazard and insufficient job attempting to enforce debatable standards, or a thorough job enforcing areas of widespread consensus.

WHAT THIS FRAMEWORK LEAVES OUT, AND WHY

What about regulations aimed at protecting other vital interests, such as children developing personal autonomy, and society needing citizens capable of democratic self-rule? In both cases, even if we recognize them as important goals, there is little consensus about what the threshold standards would be or how the state could reliably measure whether students meet them.

There exists a rich philosophical literature on the nature of personal autonomy and how it might be encouraged in the educational process (Callan, 1997; Brighouse and Swift, 2006; Galston, 2002; Feinberg, 1980; Reich, 2002; Spinner-Halev, 2000). While the details of these arguments are beyond the scope of this article, it is fair to say that substantial disagreement exists between reasonable people on the matter. While most of us would condemn an extreme version of a brainwashed automaton who has been raised and educated as a carbon copy of her parents, unable to make independent judgments and decisions, the matter is far less clear as we move along the continuum.

What does it really mean to say that a person can think for herself and live the life she wants to live? How fully ought we be able to choose our life's paths, our beliefs and commitments? What does it mean for us to be able to 'step back' and reflect on what we've been taught about the good life, to evaluate and perhaps change those beliefs? And even if we could reach a consensus about such criteria, it seems beyond the pale to assert that state departments of education are qualified or capable of making such judgments concerning the thousands of homeschooled children within their borders.

Such reasonable disagreement also complicates our vision of what virtuous citizenship entails and how we could measure its presence in any standardized way. Perhaps it would be logistically possible to institute a civics knowledge exam for every public, private and homeschool student in the country, but as the example of HSLDA's Generation Joshua program makes clear, factual knowledge of the democratic process – and even skilled participation in it – is only part of the citizenship many of us want our schools to nurture. As someone who studies civic education for a living, I also have a particular vision of what civic virtue entails – but I would be extremely wary of a society that insisted that everyone echo my vision or risk not being able to homeschool their children.

That being said, I heartily endorse an education in which students are provided the opportunity to engage thoughtfully with a variety of ways of understanding the world (and I'd argue that society should give our public schools more space and encouragement to do so as well). I strongly support an education that encourages students to think for themselves and contemplate leading lives beyond the contours of their present communities. I believe these emphases are just as important as skills of literacy and numeracy, and make for richer lives and better citizens.

But I also believe that a liberal democratic society needs to tread lightly when it comes to defining the boundaries of possible good lives, and even in specifying the virtues of good citizenship. In a real sense, our liberal democracy must risk its own well-being as it strives to persuade rather than compel its citizens to be generous listeners, tolerant neighbors and willing to compromise in the face of reasonable disagreement. The challenge before us is how to foster an identification and commitment to a broader public that connects all of us while also recognizing that it is our narrower communities and private identities that sustain us in ways at least as powerful and important.

CONCLUSION

With the rise of cyberschooling and the growth of hybrid forms of homeschooling (Gaither, 2008; Hill, 2000), the complexity of state regulation

seems destined only to increase. The states I visited – California, Vermont, Tennessee, Oregon and Indiana – represent nearly the full spectrum of regulatory approaches to homeschooling, ranging from essentially nothing (Indiana) to required testing (Oregon) to curriculum approval and/or review (Vermont). What each has in common, however, is the easy opportunity for poor homeschooling situations to slip through the cracks. I can't help but wonder how this might change if consensus could be reached among homeschoolers and policymakers that focused limited regulatory resources on the likely few situations where children's educational interests are clearly being neglected. Would it cost any more in time or resources for a state to administer a basic skills test every year or two to a child than it would to try to make informed evaluations from a vast array of curriculum records and work samples? Most homeschoolers, I believe, would prefer a simple, straightforward assessment they can take (and likely pass) so they can get on with their studies.

Some observers will remain convinced that more extensive regulation of homeschooling is warranted, in the interests of children, the state, or both. But there is another very practical reason for measured restraint. The parents I talk with who do a good job with homeschooling are generally amenable to moderate levels of regulation such as basic skills testing. They understand that such regulations aren't really aimed at them, but will help to protect children whose educations are being severely neglected. But these parents also share a passionate conviction that the state has no business dictating the full shape of their children's education, and they made it very clear to me that such an attempt would radicalize them. As Carrie Shaw explained to me, 'Where I would start to get really agitated is if they started trying to tell you what you *had* to teach, and how you had to teach it. That would get me entirely agitated and I would get behind the opposition in a heartbeat. *Because that's the point.*'

Most of the scholarly arguments around homeschool regulation occur on the level of theory and principle. Such conversations are important to have, but they do little to protect the educational interests of children being homeschooled today, and seem unlikely to ever gain much purchase in the world of policy and practice. When the context is so contested and complex, sometimes simpler is better. A straightforward system of registration and basic skills testing would make an important difference to children who need it most.

NOTES

1. For a compilation of more than one thousand references focused on homeschooling research and scholarship, see my website at <http://www.indiana.edu/~homeeduc>.

2. It seems likely that this orientation toward homeschooling also exists among other deeply religious families besides conservative Christians. While obviously not a direct proxy for religious adherence, it is interesting to note that the number of homeschoolers who pointed to a 'desire to provide moral or religious instruction' as a motivation to homeschool increased from 72% to 85% between the 2003 and 2007 NCES surveys.
3. In *Kingdom of Children: Culture and Controversy in the Homeschooling Movement*, sociologist Mitchell Stevens (2001) highlights a fundamental organizational difference between conservative Christians and other homeschoolers. The latter, he explains, lack a singular identity or ideology beyond their status as homeschoolers, making it difficult to advance a detailed policy agenda. By contrast, conservative Christian homeschoolers are successful politically because they work well within hierarchical structures and have cultivated a cohesive ideology that moves their agenda forward. Their organizational prowess and media savvy sometimes create the false impression that they are pretty much the only ones homeschooling, or at least the only ones worth our attention. Not surprisingly, this dynamic fosters an underlying resentment from many in the broader homeschool population. Even among those harboring such resentment, however, few will deny the disproportionate influence of HSLDA in setting the tone and agenda for homeschooling in the United States.
4. See, for example, *Wisconsin v. Yoder*, 406 US 205 (1972), *Michigan v. Delonge*, 501 NW 2d 127 (Mich. 1993).
5. This decision also served to complicate matters involving religiously motivated homeschooling, by asserting that the regulatory power of the state over education is not absolute when religious beliefs enter the equation. When educational requirements impinge on 'the traditional interest of parents with respect to the religious upbringing of their children', then a 'balancing process' must ensue. As the idea of *balancing* suggests, however, this doesn't provide parents unlimited discretion either, even when religious convictions are involved.
6. While many homeschool advocacy organizations (with media outlets following their lead) portrayed this ruling as suddenly 'outlawing' homeschooling, the court had simply followed a strict interpretation of already existing California statutes.
7. Until recently, the most stringent regulations had been in North Dakota, which exempted parents from such a requirement only if they had a bachelor's degree or passed a teaching exam; in spring of 2009, however, their legislature amended the homeschool regulations so that only a high school diploma or GED is required.
8. In August 2009, for example, HSLDA publicized a new study comparing the standardized test scores of 11,739 homeschoolers to those of public school students. But, as with earlier research, homeschoolers who responded to HSLDA's invitation can hardly be considered representative of the broader homeschool population: the sample only includes the subset of

homeschoolers who use standardized tests, and it draws almost entirely (95%) from those who self-identify as Christian. While HSLDA claims that ‘the overwhelming majority of parents did not know their children’s test results before agreeing to participate in the study,’ it’s also reasonable to assume that many parents whose homeschooling is subpar would be hesitant to participate in the first place, assuming they even gave such a test to their children. It’s also worth pointing out that homeschool parents can administer many of these tests themselves, making it possible to create very different testing conditions from what public school students experience. For a more detailed methodological critique of these types of studies, see Welner and Welner (1999).

9. The most recent National Assessment of Educational Progress civics assessment in 2006 bears this out as well, with only 27% of high school seniors scoring at or above ‘proficient’ (National Center for Education Statistics, 2007: 1).
10. These are standards WH.4.3 and B.1.13, respectively, from Indiana’s framework of academic standards. Equally obscure standards exist in other states’ frameworks as well.
11. When considering changes to homeschooling regulation, it’s also worth keeping in mind that this can be more complicated than might first appear. A dozen states don’t recognize homeschooling as a separate educational category with its own specific regulatory statutes. Any efforts to establish testing or add other requirements, therefore, would need to apply to the broader realm of nonpublic, nonaccredited schools of which homeschooling is a part – raising the degree of complexity and expense significantly.
12. Obviously, a basic skills testing requirement would necessitate that *all* homeschoolers register with the state, regardless of whether they had ever enrolled in public schools. Otherwise, families such as the Carrolls’ neighbors whose homeschooling is completely off the state’s radar could avoid testing as they do now.
13. Even when a homeschooler fails a basic skills test, we should not simply conclude that this is a result of poor homeschooling and insist they attend public school (if this were the automatic response, then public schools whose students fail state assessments should immediately be dissolved as well). It is possible, for instance, that the student would do even worse in a conventional school environment. What chronic test failure should prompt, however, is a closer look by the state into that particular homeschool context, the quality of instruction, and the needs of the student before deciding how best to protect his or her educational interests.

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BIOGRAPHICAL NOTE

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