



The Rise of Homeschooling Regulation in the Era of School Choice: Legislative and Judicial Trends, 1972–2009¹

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Over the past four decades, states have increasingly regulated the practice of homeschooling. It is unclear, however, what initial conditions prompt states to regulate and whether states use the legislative or judicial system to do so. Using event history analyses, we identify how state-level political dynamics, social movement mobilization, and educational policies have shaped the timing of pertinent regulatory efforts by courts and state legislatures. Interestingly, predicting the timing of initial government court successes regarding homeschooling regulation is a different story from the one about the conditions that facilitate early adoption of homeschooling legislation. We show that homeschooling legislation reflects state-level educational, diffusion, and social movement dynamics. In contrast, early regulation via the courts is primarily determined by diffusion, and not by educational or social movement dynamics. Courts are both leading and lagging indicators of homeschooling regulation, because courts react to legislation and vice versa. In contrast, homeschooling legislation tends to be purely a lagging indicator, enacted largely in response to court decisions and in light of highly contentious school-choice and accountability-related policies.

KEYWORDS: courts; education policy; homeschooling; legislation; mobilization; school choice.

INTRODUCTION

Public education is a relatively recent phenomenon in the United States. Early advocates started promoting the idea of a common (public) school as early as the 1830s to encourage equality and educated citizenry (Katz 1968; Tyack, James, and Benavot 1987). But the quality, type, and significance of public schools at elementary and secondary levels has varied significantly by region, religion, and by race. In fact, some groups opt out of the public system completely, while others are fierce advocates of this public good. In past decades, the contest over private schools, school choice, and homeschooling has played out on all levels including the local communities, state courts, and in the federal arena.

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We examine the regulation of homeschooling as a key part of the increasingly fragmented K–12 education system. Homeschooling has been alternatively hailed as a way to optimize children’s learning or characterized as a threat to the republic—frequently around issues related to religion, parental rights, citizenry, and race (Dwyer and Peters 2019). The contemporary movement is heterogeneous in its users, advocates, and opponents. Homeschooling, nonetheless, has become widely accepted, and its regulation has played out in both courts and legislatures and varies across states. But besides a series of excellent social histories of homeschooling (Dwyer and Peters 2019; Gaither 2008; Stevens 2001; Teles 2008), few researchers have focused on its policy dimension (but see Provasnik 2006) or examined the interplay between the courts and laws to regulate (or as it may be *deregulate*) homeschooling as part of the educational options available. In fact, few scholars have examined both courts and legislation of any issue simultaneously, or how the timing of one affects outcomes related to the other. Thus, our work contributes to the growing body of research that seeks to explain state-level and temporal variations in laws (Cann and Wilhelm 2011; Fleischmann and Moyer 2009; Grattet, Jenness, and Curry 1998; Kane 2003, 2007; McCammon et al. 2001; Pedriana and Stryker 2004; Werum and Winders 2001) and research examining the conditions shaping litigation (Arum 2003; Provasnik 2006; Reagan 1997).

Regulation of homeschooling via courts and legislatures reached its zenith in the 1990s and began to fade in the mid-2000s, with virtually no court cases in the 2010s. Consequently, our analytic time frame encompasses the entire recent homeschooling phenomenon, starting with the U.S. Supreme Court decision in *Yoder* in 1972 and ending with the last active decade in 2009. We focus on the timing and back-and-forth of state-level homeschooling regulations via legislative and judicial venues to reveal the intricate determinants of regulatory efforts to structure the education system. This allows a more direct comparison of how mobilization works in the two arenas to shape educational policy state by state.

This this article, we ask: How is *the timing* of state-level homeschooling regulations related to mobilization efforts by various stakeholders, specifically diffusion dynamics involving previous legislation and litigation, (counter)mobilization involving interest groups around homeschooling, and broader school choice and accountability policies?

HOMESCHOOLING: A BRIEF HISTORY

The renewed popularity of homeschooling over the past few decades is not accidental (Dwyer and Peters 2019). In 1972, the U.S. Supreme Court decided unanimously in *Wisconsin v. Yoder* that parents’ religious practices warrant protection from interference by the state—ruling that the free expression of religion offsets the government’s interest in compulsory schooling beyond eighth grade (Provasnik 2006; Yuracko 2008). Although this decision did not deal with homeschooling per se but rather with the First Amendment, many social scientists have credited it with energizing the contemporary homeschooling movement (Aurini and Davies 2005; Collom and Mitchell 2005; Dwyer and Peters 2019; Provasnik 2006; Stevens 2001;

Yuracko 2008). Specifically, the *Yoder* case provided the basis for subsequent litigation and legislation to expand parental rights vis-à-vis the government's interest in compulsory schooling, regardless of why parents wish to pursue homeschooling (Johnson, Scheitle, and Ecklund 2016; Regnerus, Sikkink, and Smith 1999). In the process, continued grassroots and lobbying efforts by an increasingly diverse set of homeschooling proponents, especially in urban areas (Gaither 2008; Johnson et al. 2016; Murphy 2012; Raton 2014; Ray 2010; Redford, Battle, and Bielick 2017) as well as their adversaries (see Apple 2000; Aurini and Davies 2005; Levy 2009; Teles 2008) successively reshaped the regulatory landscape regarding schooling in general, and the parameters concerning homeschooling in particular. Subsequently, states enacted a wide variety of regulations regarding homeschooling, leading to a tapestry of laws and norms that vary greatly across states.

As a result of these changes in state-level regulatory frameworks, the number of homeschooled students increased significantly starting in the early 1980s, and it almost doubled between 1999 and 2012. According to reports from the National Center for Education Statistics, homeschooling experienced its strongest growth rate in the early 2000s (McQuiggan and Megra 2017; Redford et al. 2017:5; Snyder, de Brey, and Dillow 2016). Even though the number of homeschooled students appears to have leveled off somewhat at around 1.7 million, the overall size of the homeschooling population now rivals that of students attending Catholic schools in the United States (Bielick 2008; McDonald and Schultz 2017; Redford et al. 2017).

Taken together, the legislative and judicial initiatives intended to facilitate homeschooling used a wide variety of angles commonly used in the broader school choice movement, with specific topics ranging from teacher credentials, over testing and student accommodations, to taxation/funding and transportation (Provasnik 2006; Ravitch 2011; Sikkink and Emerson 2008; Teles 2008; Wells and Biegel 1993). Yet, we know surprisingly little about the connection between homeschooling policies and the broader legal movement aimed at maximizing school-choice options.

THEORETICAL AND EMPIRICAL BACKGROUND

Why Focus on the Interplay Between Legislation and Litigation?

Sociologists of education often focus on the effects of policies *after* they have been enacted, examining their subsequent impact—for example, on academic achievement gaps or segregation practices (Buchmann, Condron, and Roscigno 2010; Saporito and Sohoni 2006; Sikkink and Emerson 2008; Werum 1999). In contrast, political sociologists often note that this focus on policy outcomes picks up only the backend of the story and obscures the factors that determine whether there is sufficient “state capacity” to even enact regulatory reforms via courts or legislatures (Gamson and Meyer 1996; Tarrow and Tollefson 1994; Tilly 1978). We seize this opportunity and focus on *the initial policy consequences* of social movement mobilization rather than on policy impacts further downstream (Amenta et al. 2010; Amenta and Elliott 2019). The timing of initial laws and court decisions matters, because first movers have a greater chance of setting the agenda for subsequent policy initiatives.

Most often, researchers and the general public alike focus on passage of legislation. However, courts constitute an equally important part of the regulatory puzzle. State and federal courts are often the first place where competing stakeholders encounter each other directly, making court cases the first testing ground for legislative reforms (Arum 2003; Boutcher, Kronberg, and Werum 2018; Cann and Wilhelm 2011; Provasnik 2006; Tyack et al. 1987). Moreover, laws are frequently passed in the wake of court decisions and contested in courts, making court cases both *leading and lagging* indicators of policy changes. For example, of the 39 states that passed homeschooling laws by 2009, 16 states belong in the category where court cases are both leading and lagging the passage of legislation (see Table I). Given this complex interplay of regulatory processes, we join the call for more comprehensive analyses of the *interplay between litigation and legislation* (Boutcher 2011; Cann and Wilhelm 2011). Regardless of the specific topic being regulated or litigated, all initial homeschooling laws and court decisions place the government in a position to (de)regulate this specific phenomenon.

Table I shows the year of initial homeschool legislation and years in which states saw homeschooling-related court cases. Overall, states with leading and lagging court cases still vary substantially on the timing of their initial homeschooling law. For instance, we consider Wisconsin an “early mover” on homeschooling laws because it passed its initial law in 1983. Still, the initial law was preceded by two court cases in 1974 (391 F.Supp. 452) and 1982 (109 Wis.2d 64, 325 n.w.2d 76) and followed by another case in 1985, shortly after passing its initial law (614 F.Supp. 1152). We consider Delaware a “late mover” regarding homeschooling legislation (1997), but still the state was involved in federal court cases in 1990 (757 F.Supp. 653) and again in 2006 (468 F.Supp.2d. 738). Court cases lead and lag initial laws in 16 of 39 states with homeschooling laws (e.g., WI and DE). In an additional 11 out of the 39 states with extant homeschooling legislation, said legislation preceded court challenges (e.g., VT); in another 10 states, all court cases preceded the passage of the initial homeschooling law (e.g., ME); and 2 states (RI and MS) had no court cases after *Yoder* (just laws). The remaining 11 states to date still have no laws regulating homeschooling (e.g., MA).

Not surprisingly, the extent to which states regulate homeschooling and school choice varies widely. For example, the three states that passed homeschooling statutes very early on, in fact well before the *Yoder* decision (Oklahoma [1907], Nevada [1956], and Utah [1957]) shared a need to accommodate families in sparsely populated areas. Elsewhere, especially in the Northeast, laws enacted since the 1970s have included specific requirements regarding teacher (parent) qualifications and record-keeping regarding curriculum content, subject requirements, and assessments (e.g., PA, NY). Other states have enacted laws requiring parents to notify school authorities when withdrawing children from the school system but impose few accountability measures otherwise (e.g., GA, MS). Some states do not even require parents to notify the state (e.g., TX, ID).

Diffusion of Litigation and Legislation

Empirical research shows that spatial and temporal dynamics play key roles in facilitating initial policy enactment and subsequent diffusion in a variety of policy

Table 1. Year of Homeschooling-Related Court Cases and Initial Homeschooling Law, by State

State	Years With Homeschool-Related Court Cases	Year First HS Law	State	Years With Homeschool-Related Court Cases	Year First HS Law
1st Federal Court Circuit					
MA	1972, 1987, 1998, 1999	—	7th Federal Court Circuit		
ME	1972, 1988	1989	IL	1972, 1974, 1985	—
NH	1972, 1974	1990	IN	1972, 1974, 1985, 2007	—
RI	1972	1984	WI	1972, 1974, 1982, 1985	1983
2nd Federal Court Circuit					
CT	1972, 1988	1990	8th Federal Court Circuit		
NY	1972, 1977, 1978, 1988*	1988	AR	1972, 1984, 1985, 1988, 1992	1985
VT	1972, 1988, 1990, 2000, 2003	1987	IA	1972, 1981, 1985, 1987, 1988, 1992, 1993	1984
3rd Federal Court Circuit					
DE	1972, 1990, 2006, 2008	1997	MN	1972, 1985*, 1988, 1991	1987
NJ	1972, 1990, 2001, 2006, 2008	—	MO	1972, 1980, 1982, 1985, 1988, 2001	1986
PA	1972, 1975, 1990, 2006, 2008	1988	NE	1972, 1984, 1985, 1988, 2002	—
4th Federal Court Circuit					
MD	1972, 1983, 1993, 1995, 1999	1987	ND	1972, 1980, 1985, 1986, 1988*, 1989, 1992	1989
NC	1972, 1979, 1980, 1983, 1985, 1993, 1995, 1999	1988	9th Federal Court Circuit		
SC	1972, 1983, 1991, 1993, 1995, 1999	1988	SD	1972, 1985, 1988	—
5th Federal Court Circuit					
VA	1972, 1982, 1983, 1993, 1995, 1999	1984	AK	1972, 2000	1997
WV	1972, 1981, 1983, 1993, 1995, 1999	1987	AZ	1972, 2000	1982
6th Federal Court Circuit					
L/A	1972, 1982	—	CA	1972, 1977, 1996, 2000, 2008	—
MS	1972	1984	ID	1972, 2000	2009
TX	1972, 1986, 1991, 1994	1982	MT	1972, 2000	1983
		—	NV	1972, 2000	1956
			OR	1972, 1982, 2000	1985
			HI	1972, 2000	1989
			WA	1972, 2000	1985
			10th Federal Court Circuit		

Table 1. (Continued)

State	Years With Homeschool-Related Court Cases	Year First HS Law	State	Years With Homeschool-Related Court Cases	Year First HS Law
6th Federal Court Circuit					
KY	1972, 1979, 1980, 1991	—	CO	1972, 1988, 1998	1988
MI	1972, 1980, 1991* , 1993**	1996	KS	1972, 1983, 1998	—
OH	1972, 1979, 1980* , 1986, 1987, 1988, 1989, 1991, 1997, 2005	1989	NM	1972, 1983, 1998	1985
TN	1972, 1980, 1991* , 1993	1985	OK	1972, 1998	1907
			UT	1972, 1998	1957
			WY	1972, 1998	1985
			11th Federal Court Circuit		
			AL	1972, 1979, 1980, 1981, 1992	—
			FL	1972, 1973, 1985	1985
			GA	1972, 1983	1984

Note: Bold years = federal case in court circuit; nonbold years = state-level cases.
Years marked with * experienced one additional state-level that year.
Years marked with ** experienced two additional state-level cases.

areas—including but not limited to educational policies (Kane 2007; Renzulli and Roscigno 2005). Our analyses examine how the various diffusion dynamics related to homeschooling have shaped the overall timing of such regulations across states. We specifically examine movement and countermovement as well as education dynamics that are part of the spread of litigation and legislation for homeschooling.

Movement and Countermovement Dynamics

State-level political opportunities, the interplay between social movement opponents or adversaries affects the results of political mobilization efforts. Both grassroots support and professionalized involvement via organizations play distinct roles in shaping movement outcomes and trajectories (Johnson et al. 2016; McCarthy and Zald 1977; Meyer and Staggenborg 1996). In our case, this points to multiple potential stakeholders.

The Homeschool Legal Defense Association (HSLDA) became an important player in the field over time. It was founded in 1983 but began playing an instrumental role circa 1985. By 1988, HSLDA had consolidated its position as the leading organization of the movement. The organization and its affiliate chapters began providing expertise and support to plaintiffs in homeschooling court cases across the country and has since played a key role in state and federal court cases. HSLDA also has been instrumental in state-level legislative initiatives (Gaither 2008; Stevens 2001), and even shaped federal mandates embedded in legislation such as No Child Left Behind (NCLB) (Ravitch 2011; Vinovskis 2009). In addition, the growth of homeschooling magazines in the 1980s (and online curriculum providers since the 1990s) indicates growing grassroots support for homeschooling. As the homeschooling population has become more heterogeneous over time, so has the cadre of movement organizations representing its constituency, especially in the past decade (Dwyer and Peters 2019).

In contrast, teachers' unions have consistently opposed other school choice-related policy reforms. Thus, we might expect union strength to have an impact on the timing of homeschooling regulations, even though this issue has been far less salient to unions than other dimensions of (public) school choice (Apple 2000; Levy 2009; Renzulli and Roscigno 2005; Vinovskis 2009). Thus, consistent with resource mobilization theory, we expect that professionalized and grassroots mobilization on behalf of homeschoolers may *speed up* the passage of homeschooling laws and decisions in court, whereas mobilization by homeschooling opponents might *delay* regulatory efforts.

By extension, we also examine how reciprocal movement/countermovement dynamics have shaped homeschooling policy developments. We know that opposing social movements have played a critical role in many social policy reforms, ranging from school choice and accountability (e.g., Ravitch 2004, 2011, 2013; Vinovskis 2009), over curriculum reform movements (Dixon 2010; Fleischmann and Moyer 2009; Johnson et al. 2016; Meyer and Staggenborg 1996; Werum and Winders 2001). Even though it may sound counterintuitive, research consistently shows that the ability of social movements and their organizations to mobilize and

succeed is augmented—rather than slowed or thwarted—by a well-organized opposition. Extant research tends to conceptualize this relationship as a basic two-way street, with one movement defending and its counterpart opposing a particular policy reform. Yet, in recent years, a growing body of research has shown that these dynamics often involve complex movement/countermovement dynamics in which multiple stakeholders compete with each other (Cann and Wilhelm 2011; Dixon 2010; Johnson et al. 2016; Meyer and Staggenborg 1996; Renzulli and Roscigno 2005; Roda and Wells 2013).

Again, we suggest that homeschooling is no exception, as in this case homeschooling proponents and their organizations have found themselves at odds not only with homeschooling opponents and their organizations (e.g., teacher unions) but also at odds with local and state government entities. We incorporate this insight about three-way movement/countermovement dynamics into our analysis of how states have timed homeschooling-related legislative and judicial regulations. We expect interaction terms to show that states enact homeschooling regulations more quickly when homeschooling proponents and opponents are well-matched adversaries. However, it is an open question whether the tug-of-war indicative of well-matched opponents has the same impact across both judicial and legislative arenas.

Educational Dynamics

We asserted earlier that homeschooling is embedded in a larger educational policy reform context related to school choice and accountability policies of the 1980s and 1990s. These reforms are now known to have contributed to fragmenting the public school system in ways that have exacerbated extant social stratification by class and by race (Ravitch 2013; Roda and Wells 2013; Saporito and Sohoni 2006; Witte and Thorn 1996). Thus, our analyses also examine how dynamics related to these broader school-choice and accountability measures have impacted the timing of homeschooling legislation and government court success.

How might these seemingly unrelated school-choice policies have shaped the timing of state-level homeschooling regulations? On the one hand, a state might become a “late mover” if the public school sector is largely intact, perceived as providing high-quality education and deriving broad political support, making early efforts to regulate homeschooling a low priority. By extension, homeschooling regulations might occur more speedily in states where the public school system already is fragmented, viewed as inadequate, or rife with inequities. Such states might become “early movers” in an effort to thwart further fragmentation of the public school system.

On the other hand, states that have been early movers with regard to other school-choice and accountability initiatives might not need to move early to regulate homeschooling. For example, states with thriving charter and private-school sectors might delay regulating homeschooling, because they already provide a viable alternative to public schools. In other words, this particular hypothesis (about the school-choice context) is nondirectional.

Finally, research suggests that racial dynamics have affected parental preferences. White families generally tend to avoid majority minority public schools in an effort to maintain class and race privilege (Billingham and Hunt 2016; Denice and Gross 2016). In contrast, African American families tend to select schools in search of equitable educational opportunities as well as school socioeconomic composition (Saporito and Lareau 1999). Racial dynamics have also been cited in other school choice–related reforms, such as charter schools (Renzulli 2006; Renzulli and Roscigno 2007), leading some researchers to assert that homeschooling is yet another form of “white flight”—a contention reinforced by reports of high levels of homogeneity among homeschoolers regarding socioeconomic status, race, and family structure (Apple 2000; McQuiggan and Megra 2017; Plank and Boyd 1994). One study found that states whose schools report higher racial integration levels were more likely to pass homeschooling laws earlier than other states (Levy 2009). This is of course not direct evidence of white flight but warrants reexamination in light of the traditional (and changing) demographics of homeschooling families. We note that homeschooling is increasingly being embraced by nonwhite families as a means to protect their children from racism in schools or to avoid inner-city schools (Fields-Smith and Kisura 2013; Mazama and Lundy 2012; McQuiggan and Megra 2017).

Finally, homeschooling parents repeatedly point toward school quality and safety as a key reason for homeschooling (Dwyer and Peters 2019; Lois 2012; Stevens 2001). Among others, school quality is often associated with students’ participation and performance on the SAT in preparation for college education (see Buchmann et al. 2010; Powell and Steelman 1996). We expect that regulation of homeschooling is delayed in states with better student performance in public schools. Regarding school safety, both corporal punishment (common in many states until the mid-1980s) and suspensions have been widely argued or even assumed to serve as effective ways to ensure school safety, even as evidence continues to mount that they are implemented in a racially discriminatory manner (Eitle and Eitle 2004; Perry and Morris 2014; Skiba et al. 2002). We expect regulation to occur faster when schools are perceived to be unsafe.

DATA

We combine original data collection with secondary data sources to create a unique data set of homeschooling regulation (1972–2009) and collected data on two policy outcomes: initial state-level homeschooling laws and court decisions (all state, federal appellate, and Supreme Court decisions). Figure 1 reveals that legislative and legal activity peaks during the 1980s and 1990s and then comes to an end in the mid-2000s. We end our analyses in 2009, as court cases after 2009 become exceedingly rare events (only one additional case). The original data collection and our analysis constitute a major contribution to existing studies of homeschooling, as it enables us to conduct a macrolevel, quantitative, longitudinal study of homeschooling.

To get an inventory of first homeschool laws passed by different states, we used information provided on the HSLDA’s website and previous work by Levy (2009).

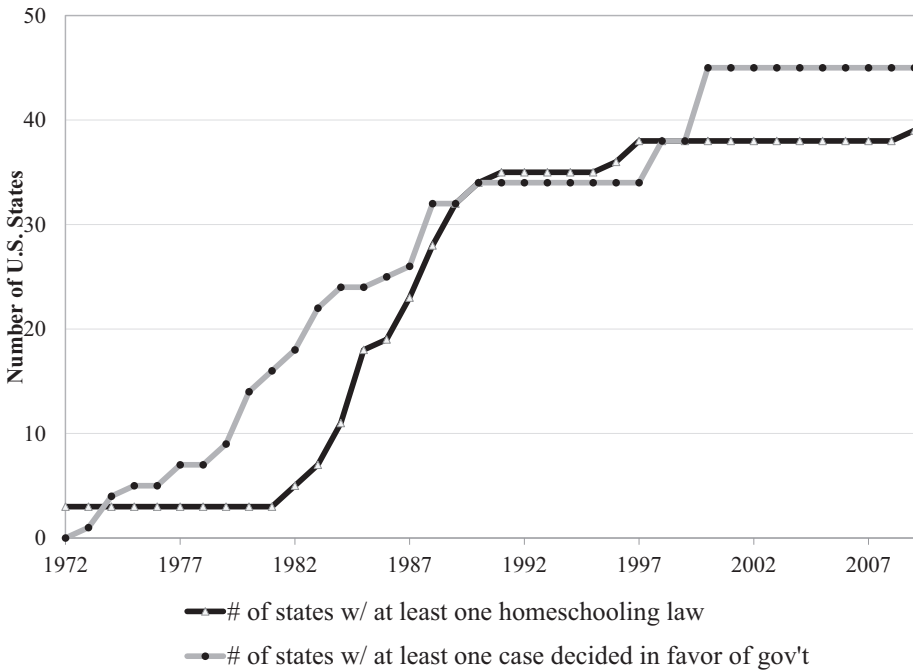


Fig. 1. State-Level Regulation of Homeschooling via Legislation and Litigation, 1972–2009

To compile a complete list of homeschool-related court cases, we used Westlaw to identify the totality of state and federal court cases that adjudicated homeschooling issues in this 38-year period. We searched cases for 1972–2009 using the Westlaw “KeySearch” search tool. All cases were coded by two researchers for intercoder reliability. We included only court cases that reached appellate levels and exclude district court decisions, as those generally lack precedential value. Thus, our analysis includes the entire set of precedent-setting homeschooling cases—that is, cases that reached the appellate level in state or federal courts (Arum 2003). Of the well over 300 court cases identified, we eliminated those that did not address issues germane to homeschooling. Of the remaining 175 cases (141 at state and 34 at federal levels), we kept 72 state-level and 16 federal-level court cases in the analysis ($n = 89$). Given that federal cases affect several states at once, we have a total of 189 state-years with at least one homeschooling-related lawsuit. Table I provides an overview of all cases in the analysis.

To gauge the influence of legislative/litigative, movement/countermovement, and educational dynamics, we draw from various publicly available data sources, ranging from the Office of Civil Rights, National Education Association, and Association of Religion Data Archives/ARDA, U.S. Census and Digest of Educational Statistics. We also coded all HSLDA lobbying and nonlobbying activities based on a content analysis of HSLDA’s quarterly court reports. Table II lists the sources and statistical properties of all variables in the analysis.

Table II. Variable Overview

Variable	Description	Source
Dependent Variables		
Initial homeschool law	Dummy: 1 = gov't entity has already passed homeschool law	www.hslda.org, Levy (2009)
Initial gov't court success	Dummy: 1 = at least once case previously decided in favor of gov't entity	Westlaw
Independent Variables		
Cumulative HSM success	cum. # of prior court success by homeschooling proponents in focal state	Westlaw
% Judicial diffusion	Percentage of neighboring states with a HS movement court success	Renzulli and Roscigno (2005)
% Statutory diffusion	Percentage of neighboring states with a homeschooling law	Renzulli and Roscigno (2005)
HSLDA involvement	Annual, national-level count of self-reported HSLDA lobbying efforts, as well as legal, and extralegal support of homeschoolers	HSLDA court reports
# of HS magazines	Number of home school magazines by year	<i>Ulrich's Periodical Directory</i>
% NEA membership	NEA membership as percentage of state population	NEA annual handbook
NPTA membership dues	National Parent Teacher Association income from membership dues in \$M	NPTA annual reports
% Students in private schools	Enrollment in private schools relative to state's school-aged population	Digest of Educational Statistics
Charter school legislation	Dummy: 1 = state passed least one charter school statute passed before	CER-Report 10th edition
Segregation	Index of Dissimilarity: State-level school segregation (black/white)	Office for Civil Rights
High school exit exam	Dummy: 1 = state uses high school exit exam	Digest of Educational Statistics
% Students taking SAT	Percent of graduates in a given state year taking the SAT	Digest of Educational Statistics
Outlawed corporal punishment	Dummy: 1 = state outlawed corporal punishment	Office of Civil Rights
% Students suspended	# students suspended relative to state's school-aged population	Office for Civil Rights
School-aged population	Raw count of students enrolled in K-12 in 100,000s in given state-year	Common Core Data, Digest of Educational Statistics
Controls		
Historical period	3 Dummies: 1972-87, 1988-1995 (reference), 1996-2009	Own calculation
South	Dummy: 1 = census region is South	Map of the United States
West	Dummy: 1 = census region is West	Map of the United States
Midwest	Dummy: 1 = census region is Midwest	Map of the United States
Party competition senate	Dummy: 1 = Republicans hold 45%-55% of the state senate seats	Klarner (2002)
Party competition house	Dummy: 1 = Republican party holds 45%-55% of state lower house seats	Klarner (2002)
% Black population	African American/black population as % of total state population	Statistical Abstract
% Evangelical Protestants	% of evangelical Protestants by state population	ARDA

MEASURES

Dependent Variables

Our first dependent variable, *initial homeschool law*, is a dummy indicating whether states have passed an initial homeschool-related law. Regardless of the law's content, any initial homeschooling law constitutes some form of previously nonexistent government regulation, even if the law strongly favors homeschooling. Between 1972 and 2009, 36 of 50 states passed their initial homeschooling law, plus Nevada, Oklahoma, and Utah who passed their first homeschooling law well before 1972.

Our second dependent variable, *initial government court success*, assesses whether states have regulated homeschooling through the judicial system by winning at least one court case related to homeschooling. This variable is coded 1 when courts decided a case in favor of a government entity in a given state. We decided which entity was "successful" based on whether appellate courts affirmed or overturned previous decisions and whether the government entity was the defendant or plaintiff in the case. Most court decisions easily fell into one of these two outcomes, and we coded the small number of cases that resulted in partial wins for each side accordingly (MI 1993, NY 1988, OH 2005, TX 1994).

Between 1972 and 2009, 48 states experienced at least one court case in state and/or federal court. In 45 of these 48 states, the government won at least one case. All court cases in which the government was successful were decided in favor of the public school system and imposed some form of constraint on homeschooling.

Independent Variables: Litigation and Legislation Dynamics

To assess the reciprocal relationship between litigation and legislation, analyses contain cumulative number of prior *court successes by homeschooling proponents* in a focal state-year. When examining homeschooling regulation as an outcome, we control for whether a state experienced at least one government court success (i.e., "initial government court success") to assess the effect of governmental judicial success on legislative processes. Analyses of homeschooling litigation instead account for the presence of a *homeschool law* in the focal state (i.e., "initial homeschool law").

Two variables assess how states influence each other, with the understanding that mimicry and policy innovations deemed "best practices" are often influenced by concurrent developments in neighboring states. We use *judicial diffusion* to indicate the number of geographically neighboring states where homeschooling supporters have already won a court case. We use *statutory diffusion* in a given year to capture the number of neighboring states that have already adopted a homeschooling law.

Independent Variables: Movement and Countermovement Dynamics

To assess the strength of the homeschooling movement we use two indicators. We measure the strength of the HSLDA, which is the most powerful homeschooling

movement organization in the United States (Gaither 2008; Stevens 2001). For that purpose, we use the HSLDA quarterly court reports publication to construct a count measure of *HSLDA involvement* in a given year. In these reports, HSLDA takes inventory of all HSLDA activities by state. We counted all instances in which HSLDA was involved in lobbying in the focal state-year, in extralegal disputes, or in ongoing court cases. As these activities occurred infrequently, we constructed an annual count at the national level.

To gauge the homeschooling movement's grassroots strength, we add the *number homeschooling magazines in print* that existed in any given year because these magazines are published by and for homeschooling parents. Derived from *Ulrich's Periodical Directory*, this national-level measure is admittedly imperfect. We would prefer a more fine-grained measure, but state-level data on subscriptions are unavailable. Although *Ulrich's* does occasionally list number of subscriptions and issues published per year, that information is self-reported and often missing completely. We therefore chose the more reliable, time-variant information about the number of homeschooling publications as an indicator of movement strength instead, while acknowledging the limitations of this variable in an era of continued shift toward digital media consumption. Print magazines were the modal form of communication during most of the period examined here, and most certainly during the heyday of litigation and legislation related to the movement. Given our time frame for the analysis (1972–2009), *Ulrich's* periodical data on print magazines remains the most useful, consistent, and systematic data available.⁵

In addition, we gauge mobilization by homeschooling opponents. In this case, a potentially well-organized opponent exists in the National Education Association (NEA), the country's largest teacher's union. For this purpose, we include the *NEA membership as percentage of state population*. We derive this measure from the annual state-level membership data published in the NEA handbook. A second organization directly representing parents and teachers in schools is the National Parent Teacher Association (NPTA). We include the *NPTA's national-level annual income from membership dues* derived from the fiscal reports in the NPTA's annual reports to approximate NPTA strength.

Finally, we include an *interaction term* between each of the homeschooling opponents (NEA, NPTA) and HSLDA involvement. These measures gauge the degree to which the strength of the homeschooling movement combined with counter-mobilization by the NEA or NPTA shapes homeschooling regulation (see also Dixon 2010; Meyer and Staggenborg 1996).

Independent Variables: Educational Dynamics

As theorized above, policies related to school choice and accountability might also affect the timing of homeschooling regulation. We include three measures designed to capture school-choice dynamics in a focal state: *% of students enrolled in private schools* per state-year, the presence of *charter school legislation* (1 = yes),

⁵ Alternative measures of homeschooling movement strength not reported here: two dummies indicating the presence of the HSLDA and Patrick Henry College. Substantive results remain the same.

and level of *school segregation* based on a dissimilarity index. Finally, we include four variables to consider how school quality and disciplinary practices shape the timing of homeschooling regulations: presence of a *high school exit exam law*, % *high school students taking the SAT*, % *of students suspended per year* in a given state-year, whether focal states have outlawed *corporal punishment*, and the size of the *total school-aged population* (raw counts in 100,000s).⁶

Control Variables

Our models also include several controls because extant research has shown that they have affected other types of policy outcomes. Figure 1 illustrates that the frequency of first litigation and legislation changes over time. That is, S-shaped patterns in Fig. 1 indicate the baseline hazard rate changes with time. Hence, we model time in three periods based on major shifts in trends visible in Fig. 1: pre-1985, 1986–1996, and post-1996.

We also control for *Census region* (Northeast as reference group), because of regional trends in the strength of homeschooling and other education laws (see HSLDA website). Two additional control variables gauge the extent to which shifting political party dynamics, or party competition, play a role in shaping our outcome of interest (Amenta et al. 2010; Johnson et al. 2016; Kane 2003; Mokher 2010). Our dummy *party competition in the state senate* is coded 1 when the Republican Party holds 45%–55% of the state senate seats. The dummy *party competition in the house* is coded 1 when the Republican Party holds 45%–55% of the state house seats.

We control for the *percent black* population per state, because racial demographics have been tied to differences in educational policies and practices (Renzulli and Evans 2005; Saporito and Sohoni 2006) and because homeschoolers remain disproportionately white and are not randomly distributed across the country (Redford et al. 2017; Stevens 2001). Finally, we include two controls for *evangelical Protestants*, because conservative Christians tend to favor school choice in general and homeschooling in particular, they have historically made up the majority of homeschooling families (Gaither 2008; Sikkink and Emerson 2008; Stevens 2001), and religious reasons continue to rank prominently among parents' motivations for homeschooling children (McQuiggan and Megra 2017). We also add a squared term because extant research suggests that the effect of percent evangelical population on political outcomes may not be linear (e.g., Schwadel and Johnson 2017).⁷

⁶ In analyses available on request, we also controlled for states' per pupil expenditure on education, average math SAT score by state, number of students hit by teachers, and a dummy indicating a school shooting with at least one student injured or killed in a given state-year. We excluded these indicators from the final analyses because they neither affected key results nor improved model fit (Bayesian information criterion [BIC]).

⁷ Alternate control variables not reported here: dummies for 12 federal court circuits, % urbanization, % unemployment, % female labor force participation, % foreign-born, % college graduates per state, per capita income per state, % kindergarten students vaccinated per state, General Social Survey (GSS)-based measure on racial attitudes (whether respondents think gaps are due to African American's lack of will), and a GSS-based factor of social attitudes toward the Bible, atheists, communists, gays, working mothers, prayers in school, sex education, and spanking.

ANALYTIC STRATEGY

To identify the conditions leading some states to become “early movers” versus “late movers,” we use event history analysis (EHA), aka survival analysis, which allows us to estimate how our variables influence the timing of *initial legislation* and *initial government court successes*. (EHA differs from classic time series analyses, which focus on temporal causality in general rather than early/late movers.) Because we focus on the probability of a state experiencing its first regulation or court success in a given year, we use discrete event modeling with a dichotomous dependent variable (Singer and Willet 2003).

Coefficients in our tables therefore represent the hazard ratios of a focal state passing homeschooling legislation or winning in court, given it has not done so yet. Once a state adopts a homeschool law or wins a case, it is no longer at risk for adoption and subsequently drops out of the analyses. As litigation activity precedes the most active legislation period (Fig. 1), we observe states longer when focusing on legislation events. Our analysis of homeschooling legislation is therefore based on 976 state-years, whereas the analysis of government court successes is based on 826 state-years.

FINDINGS

Figure 1 illustrates that the timing of homeschooling regulation follows an S-curve pattern that is even more pronounced for successfully enacted initial homeschooling laws than for litigation favorable to the government’s position. Both S-curves illustrate a classic pattern in policy adoption that goes well beyond educational policies and has been documented for policies ranging from hate crimes to old age security legislation (Grattet et al. 1998; Quadagno 1988; van Dyke, Soule, and Widom 2001).

Our multivariate analyses examine which factors have shaped the timing of homeschooling policies, and how laws and court cases have affected one another in the process. Our findings reveal an interesting story about the interplay between litigation, legislation, and the timing of both. The timing of state laws and court successes share distinct commonalities as both policy outcomes are strongly affected by diffusion effects. There are also important differences: initial government court success is unaffected by anything beyond diffusion effects and countermobilization between the NEA and HSLDA. In contrast, a broad array of social movement actors and (fewer) educational dynamics predict states’ initial homeschooling law. We discuss results in more detail below.

Explaining the Timing of Government Court Successes

Table III shows the multivariate event model predicting odds of an early government court success. We find that odds diminish dramatically for states that already have a homeschooling law in place. Put differently, the likelihood of winning an early court case drops to virtually zero when states have at least one

homeschooling law in place. We suspect that this reflects a diminished risk of court challenges once a law specifies the parameters in which homeschooling is legal. This negative effect prior homeschooling legislation has on subsequent litigation outcomes persists even when controlling for movement and educational dynamics in Models 3 and 4.

In contrast, homeschooling-related court cases previously decided in favor of the homeschooling movement increase the chances of subsequent government court successes (Model 4). Each additional Homeschooling Movement (HSM) court success in the focal state increases the odds of a subsequent government court success by 165%. The effects of judicial diffusion emanating from neighboring states are even more pronounced: for each neighboring state with at least one HSM success, the focal state government’s odds of winning an initial case increases almost four-fold (OR = 3.91).

Table III. Event History Analysis: What Explains the Timing of Government Court Success in Homeschooling Cases?

	Model 1 Controls	Model 2 Lit/Leg	Model 3 SM	Model 4 Educ
Litigation and Legislation Dynamics				
Homeschool law		0.05 ***	0.06 ***	0.03 ***
Cum. HSM success		1.33	2.25	2.65 *
% Judicial diffusion		2.05 **	2.78 ***	3.91 ***
% Statutory diffusion		0.97	1.12	0.93
Movement and Countermovement Dynamics				
HSLDA involvement			0.98	0.97
# of HS magazines			0.84	0.80
% NEA membership			0.50	0.91
NPTA membership dues			0.62	0.71
HSLDA * NEA			1.04 **	1.06 ***
HSLDA * NPTA			1.00	1.00
Educational Dynamics				
% Students in private schools				1.10
Charter school legislation				2.95
Segregation				2.23
High school exit exam				1.72
% Students taking SAT				1.01
Outlawed corporal punishment				0.26
% Student suspended				0.95
School-age pop. in 100,000s				1.05
Controls				
Pre 1988	0.56	0.19 *	0.04 **	0.02 **
Post 1996	2.52	5.99 **	196.86 **	176.95 **
Midwest	3.26	3.22	5.14 *	6.54
South	2.00	2.58	3.32	8.29
West	0.70	0.61	0.66	1.76
Party competition senate	0.67	0.68	0.88	0.85
Party competition house	0.91	0.78	0.81	0.57
% Black population	0.95	0.96	0.99	0.91 *
% Evangelical Protestants	1.09	1.10	1.02	1.02
% Evangelical Protestants 2	1.00	1.00	1.00	1.00
N (state-years)	826	826	826	826
BIC	401.7	407.2	424.2	458.0

Note: **p* < .05, ***p* < .01, ****p* < .001 (two-tailed). Coefficients represent odds ratios.

Models 3 and 4 in Table III also show that movement/countermovement dynamics between the HSLDA and NEA strongly affect initial government court successes. We illustrate this interaction in Fig. 2, which shows the predicted probabilities of initial government court successes, based on the estimates in Model 4 (all other covariates set to their mean). Each line shows the effect of going from no HSLDA involvement to high HSLDA involvement in states with different levels of countermobilization. Increasing HSLDA involvement with little opposition from the NEA has virtually no effect on litigation trends (gray line). In contrast, when the NEA *and* HSLDA are both highly mobilized, chances of initial government court successes increase dramatically (black line). The strong interaction bolsters extant research on the importance of simultaneous countermobilization (Boutcher et al. 2018).

Our analysis can explain why some state governments won court cases *earlier* than others. Thus, our work points to the importance of the movement/countermovement dynamics in explaining the *timing* of government court successes. But our analyses cannot pinpoint the substantive causes of government court successes.

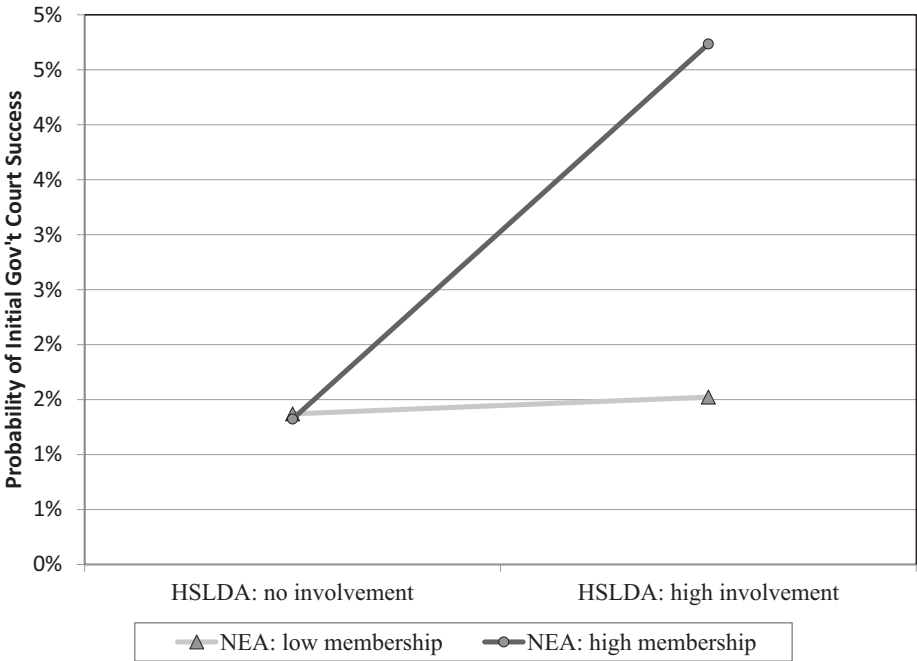


Fig. 2. Effect of Mobilization and Countermobilization on Predicted Probability of Initial Government Court Success

Note: Percentages express the predicted probability of the initial government court success, given no government victory has occurred in the focal state yet. We predicted the probabilities based on the estimators in Model 4, Table III. Low and high NEA membership means that 0.7% and 1.1% of the total state population are NEA members, respectively (25th and 75th percentile). High HSLDA involvement equates to 58 instances per year (75th percentile, 25th percentile was 0 instances per year). All other covariates were set to their mean.

In hindsight, it is reasonable to speculate that homeschooling advocates overwhelmingly lost in court because the HSLDA consistently pursued the wrong strategy. It is widely known that HSLDA consistently used a First and Fourteenth Amendment strategy (Gaither 2008), which regularly failed in state-level courts (except for Michigan in 1993). Using this trial-and-error strategy meant that it took HSLDA a while to learn that lesson. Once they did, they switched venues to pursue their goals more effectively via state legislatures and federal legislation (Boutcher 2011; Cann and Wilhelm 2011).

Although certainly a fruitful goal for future analyses, engaging in a content analysis of court cases to identify substantive reasons for government court successes is beyond the scope of this article. That also means our analysis does not fully explain *why* government court successes occurred when they did. Nonetheless, our findings dovetail a classic argument advanced by social movement scholars about the importance of movement/countermovement mobilization. These results provide strong support for the argument that simultaneous mobilization by professionalized movement adversaries (here NEA, HSLDA) will facilitate early court decisions that favor the interests of state governments.

Explaining the Timing of Homeschooling Laws

In Table IV, we turn our attention to the *timing of initial homeschooling laws* passed. The key commonalities between the drivers of government court successes (Table III) and legislative outcomes (Table IV) include that both are shaped by diffusion and social movement dynamics. In contrast to Table III, social movement dynamics are stronger overall, and highly contentious school policy dynamics come into the picture in Table IV.

Table IV illustrates how judicial and legislative contexts both shape the timing of homeschooling laws far more strongly than the timing of government court successes. Specifically, focal states pass homeschooling legislation earlier when a government entity has already won at least one court case. Thus, any prior court success significantly accelerates the pace at which states pass homeschooling laws—likely to preempt future court challenges (OR = 4.08). Moreover, court successes for homeschooling proponents in the focal state have an even larger positive impact on homeschool legislation once we control for educational dynamics in the full model: for each additional HSM success in the focal state, the odds of homeschooling legislation increase almost twelvefold (OR = 12.14).

Our analyses also show strong geographic diffusion effects, which are particularly pronounced in Model 4, where we account for state-specific educational dynamics. As governments in neighboring states garner court successes, the odds of the focal state adopting its first homeschooling law increases more than fourfold (OR = 4.21), likely in anticipation of (or to thwart) future judicial challenges to extant state law. In contrast, rather than speeding up the adoption of homeschooling laws based on legislative developments in adjacent states, statutory diffusion slows down the process. When neighboring states pass homeschooling laws, the odds of passing homeschooling legislation in the focal state *decrease* almost

Table IV. Event History Analysis: What Explains the Timing of First Homeschooling Laws?

	Model 1		Model 2		Model 3		Model 4	
	Controls		Lit/Leg		SM		Educ	
Litigation and Legislation Dynamics								
Initial gov't court success			1.49		1.04		4.08	*
Cum. HSM success			5.26	***	4.99	***	12.14	***
% Judicial diffusion			2.35	**	2.55	**	4.21	***
% Statutory diffusion			0.63	*	0.58	**	0.39	***
Movement and Countermovement Dynamics								
HSLDA involvement					1.08	**	1.08	**
# of HS magazines					0.64	**	0.76	
% NEA membership					0.20		0.01	**
NPTA membership dues					17.49	***	18.36	**
HSLDA * NEA					1.02		1.02	
HSLDA * NPTA					0.97	***	0.97	***
Educational Dynamics								
% Students in private schools							1.07	
Charter school legislation							0.34	
Segregation							8.21	
High school exit exam							2.19	
% Students taking SAT							0.95	**
Outlawed corporal punishment							0.43	
% Student suspended							0.99	
School-age pop. in 100,000s							0.80	**
Controls								
Pre 1988	0.29	***	0.33	*	0.22		0.12	*
Post 1996	0.22	*	0.24		14.42		6.82	
Midwest	0.41		0.12	*	0.16		0.00	**
South	0.79		0.89		1.26		0.16	
West	1.06		2.77		4.10		3.73	
Party competition senate	0.44		0.46		0.43		0.22	*
Party competition house	0.94		0.48		0.60		1.26	
% Black population	1.02		1.02		1.01		1.03	
% Evangelical Protestants	1.13		1.11		1.04		1.05	
% Evangelical Protestants 2	1.00		1.00		1.00		0.99	
N (state-years)	976		976		976		976	
BIC	364.91		357.7		360.84		379.44	

Note: * $p < .05$, ** $p < .01$, *** $p < .001$ (two-tailed). Coefficients represent odds ratios.

threefold (OR = 0.39), creating a “let’s wait and see” scenario. This could be interpreted as challenging the notion of “mimetic isomorphism” often invoked by organizational scholars (DiMaggio and Powell 1983).

Table IV also shows that (in contrast to predicting the timing of court successes) the timing of state laws is closely related to other educational dynamics. Two factors stand out. Speedy passage of homeschooling laws is negatively associated with states where participation in the SAT is higher (OR = 0.95). These results are consistent with prior research showing that lower SAT participation rates tend to have a long history of class and racial inequalities in access to education. Conversely, high SAT participation rates can be viewed as equalizing access to this litmus test for college readiness (Buchmann et al. 2010; Powell and Steelman 1996). On the one hand, if the timing of homeschooling laws is slowed down in state-years marked by high SAT participation rates, this may indicate that states known for

high-quality public school systems tend to be more wary of laws that undermine the strength of said system. On the other hand, states known for class and racial inequities in education (low SAT participation rates) appear more conducive to providing opportunities to opt out of the public system.

Similarly, the overall size of the state's school-age population slows down the timing of initial homeschooling laws: for each additional 100,000 students in the system, legislation odds decrease by 25% ($1/0.80 = 1.25$). It is possible that this negative effect is related to organizational inertia, meaning that school systems with larger school-age populations also tend to be associated with a larger, less agile administrative body. Alternatively, it may reflect a larger population base and thus more complex legislative dynamics. Either one might make it more difficult to implement policy change quickly.

Whereas the timing of court success in Table III hinged on adversarial engagement between teachers (NEA) and parents (HSLDA), the timing of homeschooling laws (Table IV) hinges on countermobilization that pins parents against parents (HSLDA vs. NPTA). Positive and significant main effects of HSLDA and NPTA show mobilization of either organization alone (i.e., without countermobilization) accelerates regulation of homeschooling. This effect is particularly strong for the NPTA (OR = 18.36). In contrast, when only the teacher-driven NEA mobilizes, chances of homeschooling regulation drop to zero. Grassroots-driven mobilization measured by the number of homeschooling magazines has no discernable effect on regulation, indicating that legislation is more strongly affected by larger organizations than by grassroots strength. However, when parent-driven homeschooling proponents (HSLDA) and opponents (NPTA) mobilize at the same time, odds of homeschooling regulation decrease significantly. Figure 3 illustrates this pattern. Each line shows the effect of going from no HSLDA involvement to high HSLDA involvement during times with different levels of countermobilization. Increasing HSLDA involvement with little opposition from the NPTA has virtually no effect on legislative trends (gray line). States are generally more likely to pass a first homeschooling law when NPTA membership is strong (black line). The negative slope of the black line, however, indicates that when the NPTA *and* HSLDA are both highly mobilized, chances of legislative enactment decrease dramatically (black line). Again, this strong interaction bolsters extant research on the importance of simultaneous countermobilization (Boutcher et al. 2018). However, while countermobilization between the NEA and HSLDA *accelerates* government court success in Fig. 2, countermobilization between NPTA and HSLDA *slows* legislation in Fig. 3.

To summarize, Table IV shows that the complex interplay between legislation and litigation outcomes has a significant impact on the timing of homeschooling legislation. We find strong support for the argument that *homeschooling legislation* reflects state-level educational, diffusion, and social movement dynamics. In turn, comparing findings from Table III with those from Table IV suggests that *courts are both leading and lagging indicators* of homeschooling regulation, because courts react to legislation and vice versa. In contrast, *homeschooling legislation tends to be purely a lagging indicator*, enacted largely in response to court decisions and in light of highly contentious school-choice and accountability-related policies.

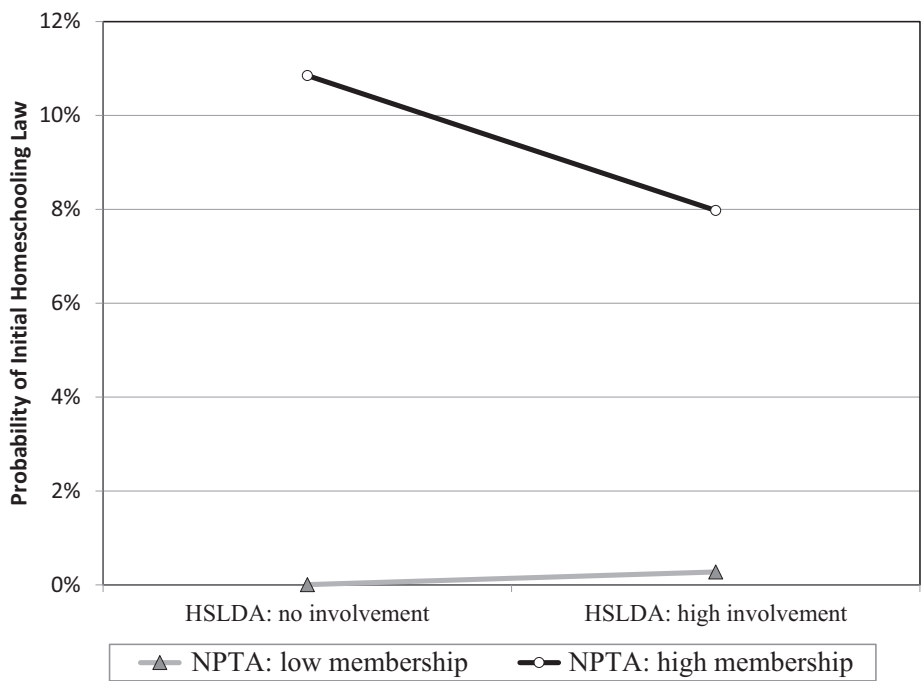


Fig. 3. Effect of Mobilization and Countermobilization on Predicted Probability of Initial Homeschooling Law

Note: Percentages express the predicted probability of the initial homeschooling law, given focal state has not yet passed a law regulating homeschooling. We predicted the probabilities based on the estimators in Model 4, Table IV. Low and high NPTA membership dues means that earnings were at \$1.7 million and \$3.9 million, respectively (25th and 75th percentile). High HSLDA involvement equates to 61 instances per year (75th percentile, 25th percentile was 0 instances per year). All other covariates were set to their mean.

CONCLUSION

Our findings suggest that homeschooling policies have indeed been “contested terrain” (Katz and Rose 2013). Homeschooling is a part of the broader educational landscape surrounding school choice in the United States that has seen significant policy reform initiatives in courts and legislatures for decades. Initial efforts to regulate homeschooling were driven by multiple factors characterized by strong reciprocal relationships between legislative and judicial reforms, by social movement dynamics, and by reforms related to school choice and accountability measures. But the devil lies in the detail. Predicting the timing of initial *government court successes* regarding homeschooling tells a story quite distinct from the one about the conditions that facilitate early adoption of *homeschooling legislation*.

On the one hand, timing really matters for how courts adjudicate homeschooling cases. Prior to 1988, state governments found more success in regulating homeschooling via the courts than they did in later periods, most likely partially due to early HSLDA strategies that turned out to be counterproductive or ineffective.

More importantly, the theoretical and empirical implications of our findings pinpoint to the *courts as both leading and lagging* indicators of policy reforms, particularly with respect to educational policy reforms. The pace of the courts' iterative involvement in contested educational policy issues has real consequences for state government influence on regulating particular phenomena and shaping the parameters of educational policies enacted. Our findings show that with respect to homeschooling, courts have not been unidirectionally "activist," as some of the public discourse alleges. They neither reacted to what any particular interest group or side wants, nor to what other judges in the same state had decided previously. Yet, diffusion did occur, as courts were indeed responsive to court decisions in adjacent states, regardless of which side won.

While parents frequently cite the quality and safety of public schools as reason to homeschool (e.g., Stevens 2001), we find educational dynamics had no effect on initial government court success and only a minor effect on legislation (via SAT participation and size of student body). Thus, while educational dynamics may affect parents' decision to homeschool, they have little bearing on the regulation of homeschooling as a practice. Somewhat surprisingly, policies related to school choice leave homeschooling regulation unaffected.

Instead, our results highlight here the relative importance of mobilization by NEA and HSLDA for court-driven regulation versus NPTA and HSLDA for legislation-driven regulation of homeschooling. More broadly, we find our models explain the timing of legislation better than timing of court success. Quite possibly, this is a reflection of decades of social science research that has focused on the causes of laws being enacted. Explaining the timing of court decision follows a different set of rules that have yet to be examined further. Our analysis points to a blind spot in sociological research that we alluded to in the introduction. We have contributed thus far by pushing our analysis and theoretical explanation of policy to consider laws and courts simultaneously. Policy reforms in different venue vary in the rules of engagement (Cann and Wilhelm 2011). Future research needs to examine potential points of convergence in educational reform as well as other policy-related reforms.

In summary, our analyses of how homeschooling legislation and litigation have coevolved since the 1970s provide important theoretical and empirical insights into the timing of policy reforms and regulations. Specifically, most extant research has either focused on how mobilization dynamics shape the passage of *legislation*, or its long-term impact on social inequalities—despite recurrent calls to consider more complex dynamics associated with policy reforms (Amenta et al. 2010; Kane 2003; Katz 1968; Katz and Rose 2013; Pedriana and Stryker 2004; Perry and Morris 2014; Ravitch 2011, 2013). Our analyses of the timing of government regulations also suggests that expanding our focus to include *court* decisions is warranted, because they are part and parcel of the regulatory process and could even be viewed as the functional equivalent of seismometers—early indicators of impending, dramatic shifts in state-level regulations.

The limitations of our analyses may in turn inspire additional research. Although a great deal of the activity around initial regulation via courts and legislation has come to an end, the way homeschooling is enacted and organized evolves

constantly as technology, the education system, and the social movement landscape change as well. Future research should examine trends in subsequent regulation to see if factors affecting subsequent regulation are the same as initial regulation. Additional research is needed to parse out not only when states pass laws but also the content of that legislation and its effects on the (de)regulation of public and private education. Nevertheless, our findings have crucial implications for efforts to explain the genesis of educational policy reforms, anticipate future school choice-related reforms, and anticipate disjuncture between policy goals and their outcomes, particularly around K–12 education.

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