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Parents Assert Rights

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Home schooling views

AUSTIN, TEXAS: - Sara Kokajko is a home-schooling mother of three who loves her independence.

In some ways, she is the stereotypical home-schooling parent: Kokajko is religious, dislikes government intrusion and believes public schools teem with bullies, cliques and teachers unable to discipline children.

But Kokajko represents much more than the stereotype. She epitomizes what home schooling has become.

The quaint image of a mom sitting with her children at the kitchen table -- books open, minds engaged -- is far too restrictive a picture for Kokajko and the home-schooling movement.

Kokajko runs H.E.A.R.T. a' la carte, a program that enrolls 600 home-schooled children taught at two Austin-area locations by teachers who may not be certified in the curriculum.

The business exists because many home-schooling parents acknowledge that they need help teaching their children.

However, these parents are unwilling to relinquish the exclusive power that home schooling grants them. Parents, not government, choose the subjects and testing methods, control their children's interaction with other children and decide the role that religion plays in the lesson plan.

Home-schooling parents contend that they have a fundamental right to control their children's education. They believe that accountability is necessary for public schools to ensure that tax dollars are not being wasted, but that because home schoolers accept no state aid, they in return require no oversight.

At its heart, home schooling is a parental rights movement, and the issue is: How much power should the parent have?

Critics believe that parents have too much power, and they are calling for more accountability. They say it takes a near tragedy for officials to intervene.

These critics believe there are two other interests: The community wants to be assured that home-schooled children do not become burdens on society; and children should have some say in how they are raised and taught.

In its research, the Akron Beacon Journal interviewed dozens of home-schooling families who demonstrated a sincere commitment to providing their children with a quality education.

These families were concerned about negative influences from outside sources -- peer pressure, bullies, cliques -- and were dedicated to creating a positive environment for their children.

They praise the unique qualities of their practice: one-on-one instruction in a caring, flexible environment that can adjust to each child's learning needs and style.

They provide ample evidence that home schooling works for many families:

- Some home-schooled children score higher on standardized tests than their public school peers.
- Doors at the nation's finest colleges swing open for young adults who had never entered buildings for an education.
- In local, state and national competitions for spelling, geography, science, math and other scholastic areas, home-schooled children have proved again and again that they can compete -- and win -- against students from private and public schools.

Examples of these types of families were not hard to find.

At a Houston home-schoolers' basketball game, several parents pointed to Sandy and Mike Decker, whose family was featured in August 2001 on the cover of Time magazine as the model of successful home schooling.

The Deckers have nine children. Sometimes eight or seven. The numbers fluctuate because the Deckers adopt multiracial children, and they give these children the same love, attention and quality education at home that they provide to their three biological children.

Their devotion has earned them the awe of friends.

"I don't know how she does it," a home-schooling mother said of Sandy Decker. "She has a gift."

Sandy Decker plays down any mention of heroics.

"It was God's plan for us," she said as she watched the basketball league that her husband helped organize. Regarding working as foster parents, Decker said: "We just started doing it. We didn't plan to keep them."

Home-schooling advocates assert that the devotion demonstrated by the Deckers is the norm, not an aberration.

For these reasons, most home-school parents believe the movement should not be regulated, and vociferously fight any effort to increase oversight and accountability.

“I can tell you what the answer is not: It is not putting more legislation on home schoolers,” a Christian home-schooling mother said in a Beacon Journal focus group. She said the model used for the public school system is not working and should not be used to regulate home schoolers.

Another Christian mother in a focus group -- all focus group participants were granted anonymity - said more regulation would have a negative effect.

“There are states that have less laws, and I know a lot of the home schoolers would probably move to a state with less interference,” she said.

State Sen. Jim Jordan, R-West Liberty, is a home-schooling parent who believes Ohio is in the middle in a ranking of states for oversight.

“There is oversight in Ohio,” he said. “The notification is in place. The assessment is in place.”

He said state officials need to focus on the 1.8 million children in Ohio's public and private schools.

“Are there some problems (with home schooling)? There may be a few,” Jordan said.

Doug Carpenter, superintendent of Jonathan Alder schools in Madison County, was one of many school officials surveyed who told the Beacon Journal that problems exist in home schooling, and teeth must be added to the state's monitoring program.

“I have no problem with parents' making choices for their children as long as when they aren't responsible, their children don't suffer. Unfortunately, I'm concerned that is exactly what happens to most home-schooled students,” Carpenter said.

A social worker in a focus group said home schooling needs to be regulated and monitored.

“If you have nothing to hide, then you shouldn't care about the fact that you are going to be monitored,” she said. “If there are no big secrets, the child is learning and being taught, why would you be worried?”

Anecdotal evidence

In its yearlong analysis, the Beacon Journal found that:

- Academic assessment procedures for home schoolers contain loopholes that can make the results questionable.
- An unknown number of parents are home-schooling for what officials call the “wrong reasons.”
- Some opt to home-school to avoid being hauled into court for truant children.
- Since 1999, at least 116 members of home-schooling families died in incidents related to criminal acts. An additional 52 were found to be malnourished or starving.
- The Beacon Journal also found 18 cases since 1997 in which children were recovered who had been abducted in custody cases and had been home-schooled to elude authorities.

Critics do not suggest home schooling is the cause of these problems, but they argue that the lack of oversight and accountability in some cases facilitates abuse and neglect.

Facts and figures

Ohio knows the depth and breadth of the problems in public school districts because it tests and gathers information on the students. The statistics are reported annually, and the failures are documented in news stories.

At the same time, the state knows nothing about its home schoolers -- not even how many there are. Yet the number -- estimates range from 34,000 to 60,000 -- represents enough children to rank among the 10 largest school districts in the state.

Home schoolers have effectively resisted accountability and record keeping, so it is difficult to determine the statistical significance of anecdotal findings.

A Christian mother who home-schools told the Beacon Journal that a lot of parents are afraid to say they are home schooling.

``Why? Because they don't want somebody with an agenda showing up at their door telling them what they have to teach," the woman said. ``They are afraid of losing their rights."

About one-fourth of the estimated home-schooling population lives in states where parents do not have to register their children or report any academic progress. An additional one-fourth lives in states where there is no academic accountability.

The remainder -- about half -- lives in states with faint accountability laws that officials admit cannot be enforced.

Both supporter, 'enemy'

Rob Reich, a Stanford University professor, has written extensively about the home-schooling movement in his work on school-choice issues. Although Reich said he supports vouchers, charter schools and home schooling as alternatives to public education, many home schoolers consider him an enemy.

``It is wrong and unjust for it to be unregulated," Reich said of home schooling as a panel member at an American Educational Research Association seminar in San Diego this year.

Reich proposes what he considers minimum regulations:

- Home schoolers should register so the state can tell the difference between truants and children who are being educated at home.
- Parents should have to teach certain basic subjects, and, for socialization reasons, children should be exposed to a variety of values, ideas and beliefs.
- Students should be tested and the results reported to their district and the state education department.

``Very simple things," Reich said in a Beacon Journal interview. ``Can kids add, can they subtract, can they read, can they write in a minimum way?"

A child who fails repeatedly should be required to enroll in a public or private school, he said.

``There's no other educational environment where there is ever a claim that it should be wholly unregulated from the public point of view. It's only home schools that try to make such an argument," Reich said.

For Reich, the laws have vested too much power in parents. The community has a stake, and children have rights, too, he said.

“When conflicts about the education of children arise, parents cannot wield a trump card based solely on their own understanding of their child's best interests,” Reich said in a published essay, *Testing the Boundaries of Parental Authority Over Education: The Case of Home schooling*.

Fight for parental rights

Christopher Klicka, chief counsel for the Home School Legal Defense Association, believes that parents -- not the government -- know what is best for their children and that regulation is unnecessary.

“We want to maximize parental freedom. We want the honor system,” Klicka said.

He believes the U.S. Supreme Court already has decided the matter in several cases, such as in its 1925 *Pierce v. Society of Sisters* decision, in which Justice James C. McReynolds wrote: “The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty to recognize and prepare him for additional obligations.”

Klicka and other home-school lawyers have pushed for parental-rights amendments to the U.S. and state constitutions, and for the federal Parental Rights and Responsibilities Act, which Congress considered but did not pass.

No state has sanctioned the parental-rights idea. In Colorado, voters were asked to amend the state constitution in 1996, but the idea failed, 58 percent to 42 percent.

Unsuccessful in the legislatures and at the polls, HSLDA has turned to the courts, arguing that religious rights super cede any governmental curb on parental rights.

Pennsylvania has some of the most restrictive home-schooling laws in the country. Home schoolers tried in 2002 to win legislative changes to laws in existence since 1988 but were unsuccessful.

After passage of the state Religious Freedom Protection Act in 2002, HSLDA began arguing -- in cases now pending in court -- that the reporting requirements in Pennsylvania violate home schoolers' religious rights.

Children's rights

The courts in at least one case have weighed the rights of children vis-a-vis parents. Jennifer Sengpiehl, a teen-ager in Loudoun County, Va. -- coincidentally the location of the Home School Legal Defense Association's headquarters -- fought her parents over being home-schooled.

Loudoun County Juvenile Court Judge Burke McCahill sided with Jennifer in 1998 and ordered her parents, Maureen and Donald Sengpiehl, to send her to public school.

HSLDA attorneys appealed McCahill's ruling and won.

Michael Smith, HSLDA president, said the children's rights movement would empower children to make their own decisions while still under their parents' supervision.

“The good news is the law of the land recognizes parents' rights to raise their children with a biblical worldview and that the only legitimate interest of the state in education is literacy and self-sufficiency,” Smith said in a recent HSLDA radio program.

Nobody knows how many children are being home-schooled against their wishes.

Brian Ray, who runs the National Home Education Research Institute in Oregon, uncovered small strains of dissatisfaction among adults who had been home-schooled in a study released last year.

Ray is a home-schooling father and researcher whose work is mostly supportive. His survey was not random, and the target audience was primarily HSLDA members or others who were actively involved in the movement.

Of those willing survey participants, about 1 in 20 of the home-schooled adults said they believe it limited their educational opportunities.

One in 25 would not home-school his or her children, while about 1 in 8 wasn't sure.

"They are there," Ray said, referring to respondents who did not have a favorable attitude toward home schooling, but he said the numbers are small and there is no way to know whether he has a representative portion.

Resistance by sons

Paula Penn-Nabrit wrote *Morning by Morning: How We Home-Schooled Our African-American Sons to the Ivy League*.

Her twins, Charles and Damon, who went to Princeton, and the youngest son, Evan, who went to Amherst College in Massachusetts, hated the home-school experience.

They missed their friends. They wanted to be back in the classroom at the Columbus Academy, an exclusive private school, but Paula and James Nabrit believed they could provide a broader educational experience, ensuring their sons were exposed to African-American teachers, culture and history.

Still, Penn-Nabrit believes parents have every right to decide how their children will be educated.

"As much as our kids hated -- hated -- being home-schooled, hated it, they're fine now. They're cool with each other, and they're very cool with us," she said.

Penn-Nabrit said she and her husband carefully prepared their sons for college. Paula is a Wellesley graduate. Husband James graduated from Dartmouth. His uncle argued alongside Thurgood Marshall in the landmark *Brown v. Board of Education* case the U.S. Supreme Court decided in 1954.

"This whole thing about children's rights. They're children. They're teen-agers. Their brains don't work like ours," Penn-Nabrit said.

Support for tightening oversight

At the same time, Penn-Nabrit believes oversight and accountability laws are too loose and that the state has a vested interest in knowing that children are being cared for and properly educated.

"A lot of people who get involved in home schooling have other issues," Penn-Nabrit said.

"There are people who home-school who I think have social adjustment issues. They also have political -- read that as survivalist -- issues. There are definitely some nut jobs out there."

She said regulations should not be onerous, but school officials should monitor and assist home-schooling parents.

Although she used standardized tests for her sons, Penn-Nabrit thinks home-schooling parents should be given the leeway to present portfolios, bibliographies and course transcripts for review.

“Children need to be able to write across the curriculum. They need to be able to think about math and science and English because in real life, that's what we do,” Penn-Nabrit said.

Attempts to tighten regulations

State legislators around the country are starting to reconsider home-school regulations.

The Beacon Journal found 12 states in the last two years that have considered legislation calling for more oversight. These bills were often introduced after tragic stories appeared in the news media or legislators began hearing of problems.

No state passed any of these laws. No Ohio legislator has introduced a bill to increase accountability since 1989.

Scott Somerville, an attorney for the HSLDA who represents home schoolers in Ohio, said families are doing well enough to be left alone.

“We're not asking for government funding, we're not asking for benefits, we're not asking for anything. The question is: 'Is there enough evidence of significant harm that someone needs to step in to regulate?' Our argument is we're nowhere near there,” Somerville said.

New laws are not the answer, he said. “I think we've got a system that needs (to be) better tuned so that it works better,” Somerville said.

Parents who remove their children from school to hide abuse normally have a slew of social service agencies already on their trail, he said.

“The classic home-school answer to a question like (whether there should be more laws) is going to be, ‘If you lift out all of the laws that have already been broken in this case and enforce any one of them, you wouldn't have the problems,’” Somerville said.

Driven underground

Home schoolers are idiosyncratic, do not want their privacy invaded, are terrified of being studied and do not want to be regulated, said Pam Sorooshian, a co-founder of the National Home Educators Network. It is a home-schooling organization that is open to all races, religions and teaching styles.

“If you are gardening, you don't keep pulling up the plants to make sure the roots are growing. We don't want that done to us. We think you ought to see there is a problem before you start pulling up the plants and examining the roots,” said Sorooshian, of Long Beach, Calif.

Although the home-schooling community has varying points of view on some issues, parents are united in their opposition to regulation, Sorooshian said.

“We have lots and lots of home schoolers who are underground, especially in states where there are a lot of requirements. What happens is the parents just don't bother (to register), and that's easy to do,” she said. Given the large number of private schools and education alternatives, people assume the children are enrolled somewhere, she said.

“When the requirements are made onerous, you just drive people underground,” she said. “The same thing would be true if you think you are going to catch the people who are neglecting and abusing their children.”

The problems have been with cultlike families who isolate themselves, and more regulation would do nothing to catch them, Sorooshian said.

She said that parents need more freedom, not less, and that there should be no registration, testing, monitoring or any other form of regulation or oversight for home-schooling families in any state.

“We are their parents, and we ought to be completely responsible for them. There even shouldn't be a word for ‘home schooling.’ There should be a word for ‘schooling.’ If you decide to send your kids to school, then they would be ‘being schooled,’ Sorooshian said. “And if not, it's just left as ‘We're the parents.’ ”