

## **ASSAULT ON PARENTAL RIGHTS**

Frank Schnorbus and Barbara Dragon, Nevada Homeschool Network

Much ado has been made over the recent California court decision that parents without a teaching credential have no constitutional right to homeschool their own children. The issue, energy, and emotion surrounding the decision are reminiscent of HR 6, the Federal bill in 1994 that would have required teacher certification for ALL teachers in the United States. Hundreds of thousands of calls shut down the Capitol Hill switchboard. One Congressional office worker stated, "Don't get me wrong, I believe in democracy, it's just that we have had about as much democracy as we can handle for one day."

The reason for the outcry now, as then, is simple - homeschooling taps into the very democracy and freedom that America stands for. From Colonial times and our Nation's founding, to the Civil War and our westward expansion, our national pride and history have been entwined with homeschooling, parental freedom to raise one's own children, and individuality. Even parents, who don't homeschool and are from varying political persuasions, resent governmental interference and passionately defend those who do choose to homeschool. In 1892 the national platform of the Democratic Party stated: "We are opposed to state interference with parental rights and rights of conscience in the education of children."

The real question is; does a child need a credentialed teacher to learn? Today, certification is not required for one to teach in a private school, yet private and home schools alike consistently outperform public schools. Further, as late as 1954 teacher certification in Nevada could be obtained with little or no college education. The one room schools of the "Greatest Generation", so prevalent in the 1920s through 1940s, shared many of the same qualities of today's homeschools; small class size, all ages taught simultaneously, emphasis on educational basics, and a learning pace determined by each student's ability. Clearly there are other factors that predict student success, with little or no correlation to certification.

A lack of certification is actually one of the less oft cited "concerns" expressed by people about homeschools. But the California court did not miss the most oft cited "concern"; "...that keeping the children at home deprived them of situations where (1) they could interact with people outside the family, (2) there are people who could provide help if something is amiss in the children's lives, and (3) they could develop emotionally in a broader world than the parents' 'cloistered' setting." While most experienced homeschoolers can easily answer this "socialization" question, some with considerable wit, the court apparently "overlooked" a section in the U.S. Supreme Court's famous 1925 *Pierce* decision that confirmed the legality of private schools (and subsequently homeschools). The Supremes held, "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. 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." The California court apparently disagrees; children must "accept

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instruction" in "socialization" at school. Interesting, when we went to school we were told that school was NOT for socializing.

Nothing in the United States Constitution compels any State to operate public schools or to compel attendance in any school. Nor does it compel the federal government to take any role in education, or give anyone a "right" to an education. But surprisingly it also doesn't explicitly protect parental rights, thereby giving local, state, federal and even international judges the ability to deny heretofore commonly accepted parental freedoms, such as choices in education and methods of child raising. With the recent onslaught against parental rights, some feel the time has come for a Parental Rights Amendment to the U.S. Constitution. For an in-depth discussion on the PRA see [www.parentalrights.org](http://www.parentalrights.org).