

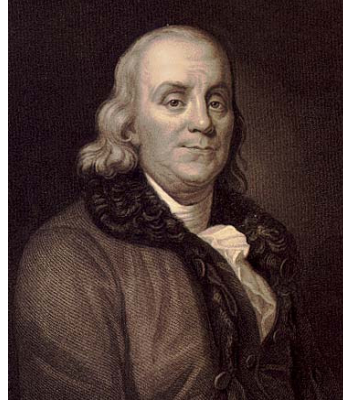
# Homeschooling The Original Option

Frank Schnorbus  
Nevada Homeschool Network - Chair  
February 2007

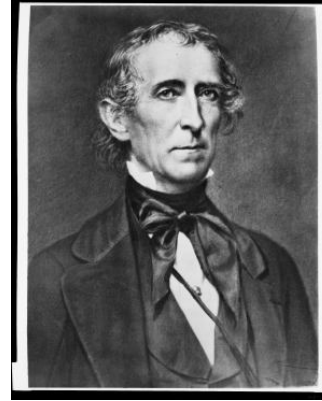
# American Homeschool Hall of Fame



George Patton



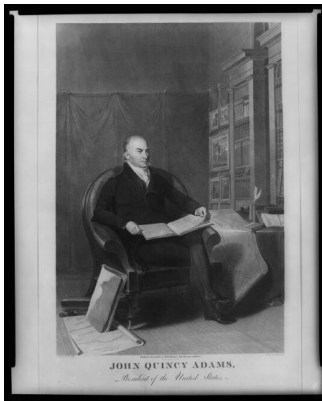
Benjamin Franklin



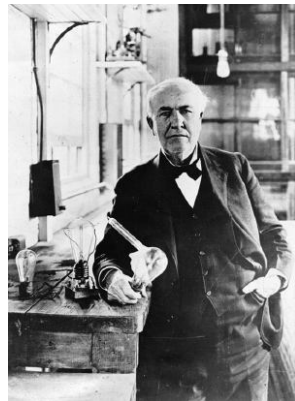
President John Tyler



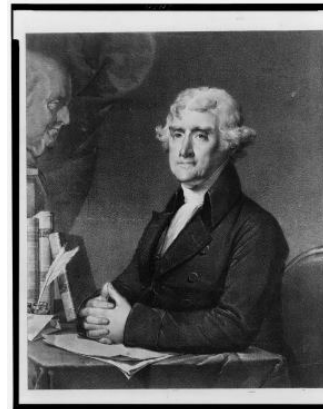
Patrick Henry



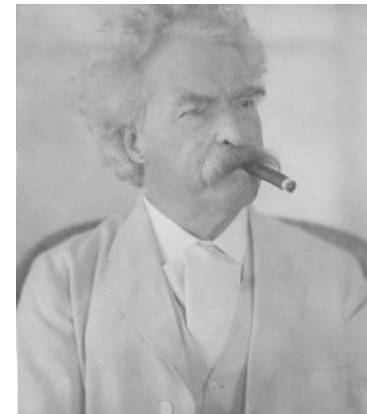
President John Q. Adams



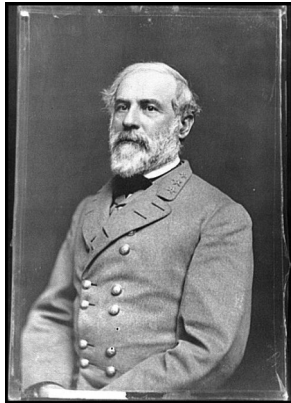
Thomas Edison



President Thomas Jefferson



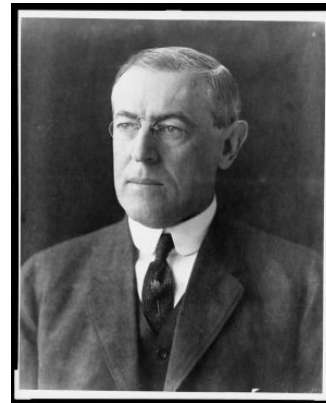
Mark Twain



Robert E. Lee



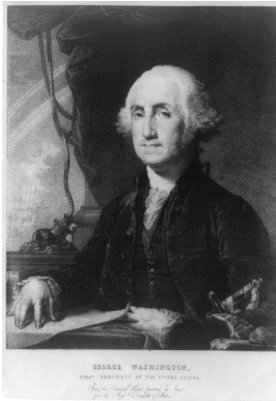
John Jay



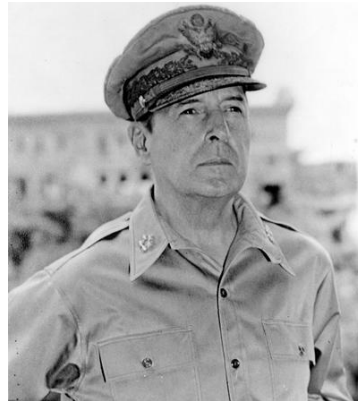
President Woodrow Wilson



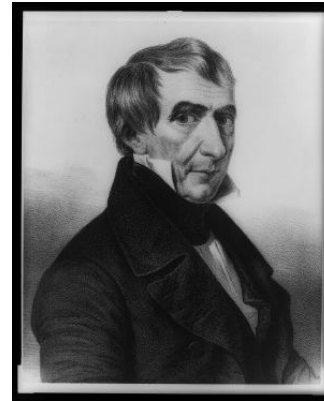
Booker T. Washington



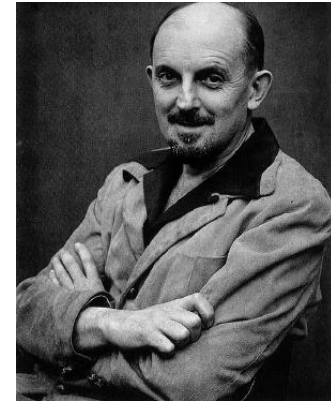
President George Washington



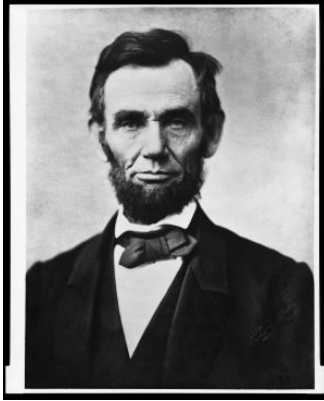
Douglas MacArthur



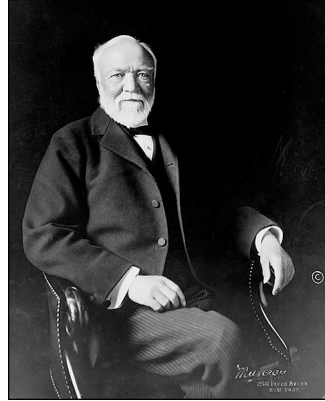
President William Harrison



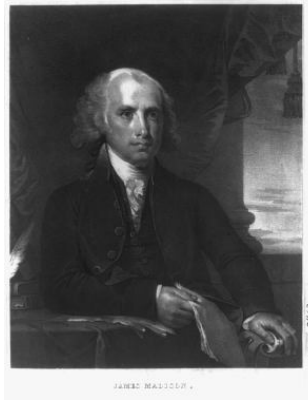
Ansel Adams



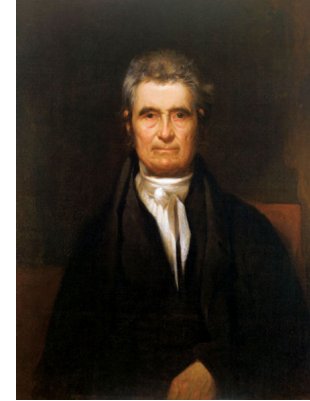
President Abraham Lincoln



Andrew Carnegie



President James Madison



John Marshall



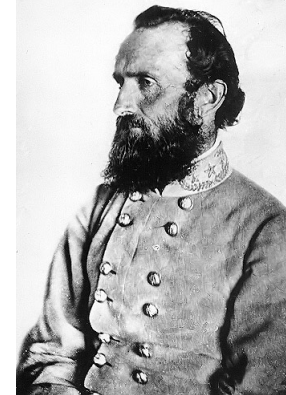
Florence Nightingale



President Theodore Roosevelt



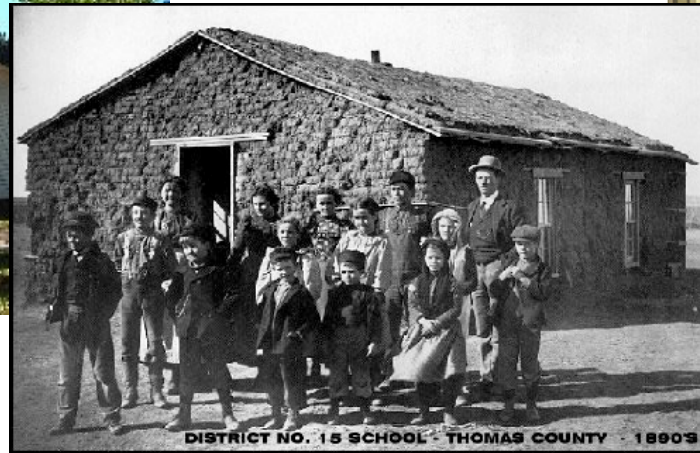
President Franklin Roosevelt



Stonewall Jackson



Common schools were the public schools in the 19th century. Funded by local public funds, these schools were often one-room, one-teacher, schools. Though attendance was free, it was also a privilege to be able to attend. Students attended when they could, often interrupted by farm or other work, and resumed their studies in their books where they had left off.



*The small class size, the teacher who teaches all ages simultaneously, an emphasis on educational basics, and the work pace determined by the abilities of each student, are some of the factors that successful common schools and most of today's homeschools share.*

There were public “common” schools, but attendance was not compulsory.

The first compulsory attendance law was adopted in Massachusetts in 1852. During the next 15 years, no other state followed Massachusetts. But, beginning in 1867, a steady stream of states began adopting compulsory attendance laws and, by 1918, all states had enacted them. (The Home School Court Report Vol. XVI, No. 5)

### COMPULSORY EDUCATION LAWS

State	Year of Enactment	State	Year of Enactment	State	Year of Enactment
Massachusetts	1852	Montana	1883	Iowa	1902
District of Columbia	1864	North Dakota	1883	Maryland	1902
Vermont	1867	Rhode Island	1883	Missouri	1905
Michigan	1871	South Dakota	1883	Tennessee	1905
New Hampshire	1871	Minnesota	1885	Delaware	1907
Washington	1871	Idaho	1887	North Carolina	1907
Connecticut	1872	Nebraska	1887	Oklahoma	1907
<b>Nevada</b>	<b>1873</b>	Colorado	1889	Virginia	1908
California	1874	Oregon	1889	Arkansas	1909
Kansas	1874	Utah	1890	Louisiana	1910
New York	1874	New Mexico	1891	Alabama	1915
Maine	1875	Pennsylvania	1895	Florida	1915
New Jersey	1875	Hawaii	1896	South Carolina	1915
Wyoming	1876	Kentucky	1896	Texas	1915
Ohio	1877	Indiana	1897	Georgia	1916
Wisconsin	1879	West Virginia	1897	Mississippi	1918
Illinois	1883	Arizona	1899	Alaska	1929

Information from:

<http://www.infoplease.com/ipa/A0112617.html>

*Various quotes from an article in  
The Home School Court Report Vol. XVI, No. 5 (Sept/Oct 2000)*



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 home school community brings a broader, historical perspective into the dialogue by demonstrating that education centering around the family unit can be as successful today as it was around the time of the drafting of the Declaration of Independence, when literacy rates were around 97 percent.

Nothing in the United States Constitution compels any state to operate public schools or to compel attendance. And of course, the Constitution nowhere empowers the federal government to take any role in education.

Governor Pattison of Pennsylvania vetoed two compulsory attendance bills in 1891 and 1893 on the ground that they interfered with traditional parental liberties.

By the early 1920s, however, all meaningful debate over the virtue of compulsory attendance had ceased. The discussions that continued centered on how compulsory attendance should be enforced, and for how long.

## Reasons for education laws transferring responsibility from the family to the state in the early 1900s:

- Americanization of immigrants



- Leveling between the poor and the wealthy



- Something for children to do after child labor laws had been passed  
Furman Owens, 12 years old. Can't read. Doesn't know his A,B,C's.  
Said, "Yes I want to learn but can't when I work all the time."  
(<http://www.historyplace.com/unitedstates/childlabor/>)



- Perceived success of Prussian compulsory attendance laws

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James Van Horn Melton

*Absolutism and the  
eighteenth-century  
origins of compulsory  
schooling in Prussia  
and Austria*





**Oregon then made an effort to force attendance ONLY at public schools.**

**Oregon, 1922 - Compulsory Education Act - “...attend a public school for the period of time a public school shall be held...”**

**This law was taken to the US Supreme Court and was struck down in a landmark decision known as “Pierce”. It is this decision that prevents individual states from outlawing or over-regulating private and home schools.**

### **U.S. Supreme Court**

**PIERCE v. SOCIETY OF THE SISTERS OF THE HOLY NAMES OF JESUS AND, 268 U.S. 510 (1925)**

**268 U.S. 510**

**PIERCE, Governor of Oregon, et al.  
v.  
SOCIETY OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY.**

**SAME  
v.  
HILL MILITARY ACADEMY.**

**Nos. 583, 584.  
Argued March 16 and 17, 1925.  
Decided June 1, 1925.**



*“...the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control.”*

The court did, however, affirm that each state has an interest in the education of its children. All subsequent court cases have been efforts to balance the interests of the state against the interests of the parents.

# Nevada: First in the Nation

Across the country modern homeschool laws have been enacted, with Nevada the first, to reestablish the parental right that at one time had been taken for granted.

## SUMMARY OF HOME SCHOOL LAWS IN THE FIFTY STATES

1. Thirty-seven states have adopted home school statutes or regulations in the following years:

2003: ME  
1997: DE, AK  
1996: MI  
1991: IA  
1990: NH, CT  
1989: ND, HI, and OH  
1988: CO, NY, SC, NC and PA  
1987: MD, MN, VT and WV  
1986: MO  
1985: AR, FL, NM, OR, TN, WA and WY  
1984: GA, LA, RI\*, and VA  
1983: WI and MT  
1982: AZ and MS  
1957: UT\*  
1956: NV.

from Home Schooling in the US: A Legal Analysis, 2004  
(Home School Legal Defense Association)

Subsequent recent research has revealed that Nevada homeschool law actually dates back to 1947.

# Nevada Homeschool Laws

## 1947:

That the child is receiving under private or public instruction, at home or in some other school, equivalent instruction fully approved by the state board of education as to the kind and amount thereof;

## 1956:

Attendance required by the provisions of section 363 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board of education.

## Current:

Attendance required by the provisions of [NRS 392.040](#) must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.

### *Why does homeschooling succeed?*

*There are many reasons which include:*

*One on one instruction*

*Parental guidance, love, and commitment*

*Ability for education to proceed at a pace based on the child's abilities*

*Lack of distracting peer pressures during school time*

*Opportunities for "teaching moments" occur more frequently when the parent is the teacher*

*Ability to change curriculums or subject areas when needed or desired*

*Chances to "learn by teaching" with siblings, or other homeschooled children at co-ops*

*Family freedom from external schedules and obligations*

*Opportunity for the child to self-teach, to ferret out and research information*

*A love for learning*

### *Do restrictive regulations or laws prevent abuse or increase homeschool scores?*

*National Home Education Research Institute conducted a study that revealed that "there was no positive correlation between state regulation of homeschools and the home-schooled students' performance." This same study found no difference in the students' reading, total math and total language scores based on the teacher certification status of their parents.*

### *Does homeschooling cause the district to lose money that they badly need?*

*No. A 2004 study by Nevada Policy Research Institute shows that Nevada districts realize a net gain of between \$25.9 and \$42.7 million annually due to private and home schoolers. This study is being published in the current issue of the refereed journal Home School Researcher.*

### *How many children are being homeschooled?*

*Nationally the average is a little over 2%. In Nevada it is just under 1%, and has been slowly decreasing in the last few years. Homeschool friendly regulations enacted in 2004 have not caused a mass exodus from the public schools.*

# Why seek a new law? Has the old one been bad?

YES

*The law is vague on how regulations should be written.*

Previous Nevada regulations:

- Did not prohibit local districts from adopting additional restrictive homeschool policies in addition to the State Board regulations.<sup>1</sup>
- Required a recent annual photo of each homeschooled child to be kept on file by the local district.<sup>2</sup>
- Required a "homeschool consultant" who was a certified teacher.<sup>3</sup>
- Required submission of a schedule showing "minutes per day", totalling 180 days per year, per child.<sup>4</sup>
- Annual testing was required, in addition to "proof of reasonable educational progress", administered by the district, with a remedial clause requiring additional consultant years if the child scored less than 23rd percentile.<sup>5</sup>
- Required an annual detailed listing of curriculum and educational goals for each child being homeschooled.<sup>6</sup>
- Required a curriculum that complied with the public school course of instruction.<sup>7</sup>
- Required submission of a "typical" daily plan on how the teaching would take place.<sup>8</sup>
- Allowed approval, or disapproval, by the local school board.<sup>9</sup>

Nevada Regulations (NAC)

Nevada Administrative Code

<sup>1</sup> These ranged widely from district to district, with some requiring the parent to sign a contract with the district to which the district reserved sole right of interpretation.

<sup>2</sup> This was removed upon threat of a lawsuit after it was shown that this was not required of public or private schooled children.

<sup>3</sup> Consultant qualifications were later modified to include homeschool parents with more than 3 years of experience, and became a problem when some individuals began charging for this traditionally volunteer "service", then didn't deliver. Parents in sparsely populated districts had great difficulty finding qualified consultants.

<sup>4</sup> This requirement made no provision for gifted children, or children with special needs, whose educational requirements were different.

<sup>5</sup> Besides being proctored by teachers who were not their normal teacher (the parent), in an unfamiliar setting (the local school), at an unusual school time (before or after school hours or on weekends or holidays), the local districts would not inform homeschool parents what could be expected on tests for given grade levels, even when requested. Testing also posed a problem for parents of children with learning disabilities who would never score above 23 percentile.

<sup>6</sup> This regulation was significantly reduced when it was shown that the local districts never referred to or used this detailed paperwork other than keeping it on file.

<sup>7</sup> This mostly unenforced regulation prevented homeschoolers from using many common religious and secular curriculums designed for homeschools.

<sup>8</sup> Homeschooling often defies "typical" schooling, using teaching moments, block curriculums, summertimes, etcetera. A "school setting", with the child in a chair and the parent sitting in front of the child, can be intense, so often is not used.

<sup>9</sup> Many districts, especially smaller districts, gave "application packets" intense scrutiny and often rejected the "application" for small or personal reasons. Eventually the regulations began to reflect the legal reality that parents have the right to homeschool and that it is not a "homeschool application", but is a "notification of intent to homeschool".



*NEVADA Homeschoolers ask the Legislature to update and modernize the current homeschool law; a law on the books since 1947.*

*Homeschooling has proven to be successful and effective, producing dedicated and active citizens. Protection is needed to prevent future misinterpretations of the current homeschool statute and to cement into place the current homeschool freedoms that homeschoolers enjoy.*

*Homeschool families and districts have endured decades of unnecessary conflict and frustration, which a homeschool friendly “protective” law would have prevented. As always, if this new law should prove to be inadequate, the legislature has the right, and the duty, to revisit it.*

## What's currently happening in other states?

Western states with favorable homeschool laws include Alaska, Arizona, Idaho, Missouri, New Mexico, Oklahoma, Texas, Utah and Wyoming. (Note: some states define homeschools as private schools, and therefore not having "homeschool" laws per se, are not listed here.)

Utah - Senator Mark Madsen on the new (2005) homeschool law he wrote:

*"Because the law was vague, it led to inconsistent and varying interpretations between school districts, and even between people within school districts," he continued. "We just wanted to clarify it in favor of the parents, and let the school districts focus on educating the children they have the privilege of educating."*