

My Upcoming Debate with the Harvard Professor Who Wants a “Presumptive Ban” on Homeschooling

When I told my 13-year-old homeschooled daughter that I would be participating in an upcoming debate with the Harvard professor who recommends a “presumptive ban” on homeschooling, she asked incredulously, “Why would anyone want to prevent people from homeschooling?”

I told her that some people worry that children could be abused or neglected by parents who choose to homeschool, which is why in a recent *Arizona Law Review* article, Harvard Law School professor Elizabeth Bartholet called for a “presumptive ban” on the practice, allowing the state to grant permission to homeschool only after parents first prove that they are worthy of the task and after they also agree to other state interventions, such as regular home visits by government “mandated reporters” of child abuse and ensuring that their children still take at least some classes at their local government school.

My daughter was baffled. I asked her what she thinks my response to the professor should be in the upcoming discussion hosted by the Cato Institute on Monday, June 15th, that will be livestreamed to the public. She said that many of the young people who attend the self-directed learning center for homeschoolers where my daughter and her siblings take classes chose homeschooling to escape abuse in their previous school. Many of them were bullied by peers or otherwise unhappy there, and homeschooling has been a positive game-changer for them. “Maybe the professor doesn’t really know homeschoolers,” my daughter said. “You should explain to her what it’s really like.”

That is what I intend to do. My argument in favor of homeschooling and against “presumptive bans” and regulation hinges on three primary principles:

Principle 1: Today’s Homeschoolers Are Diverse, Engaged, and Competent

As my daughter suggested, opponents of homeschooling or those who believe in greater state authority over the practice may not really know a lot about today’s homeschoolers. Stereotypes of homeschoolers as isolated radicals were rarely true even a generation ago when homeschooling became legally recognized in all US states by the mid-1990s, and they are even less true now.

Twenty-first-century homeschoolers are increasingly reflective of the overall US population, demographically, geographically, ideologically, and socioeconomically. They choose homeschooling for a wide variety of reasons, but a top motivator cited by homeschooling parents in the most recent US Department of Education data on the topic is “concern about the environment of other schools, including safety, drugs, and negative peer pressure.”

Only 16 percent of homeschooling parents in this nationally representative sample chose a “desire to provide religious instruction” as their top motivator. Much of the growth in homeschooling over the past decade has come from urban, secular families seeking a different, more custom-fit educational environment for their kids.

Homeschoolers are diverse in many ways, from their reasons for homeschooling, to the educational philosophies they embrace, to the curriculum they use (or don’t use).

Homeschooling is also becoming much more racially and ethnically diverse, with federal data showing that one-quarter of the nearly two million US homeschoolers are Hispanic, which mirrors the population of Hispanic children in the overall US K-12 school-age population. Black homeschooling is also growing, with many African American parents choosing this education option for their children to “protect them from institutional racism and stereotyping.”

Additionally, recent research by Daniel Hamlin at the University of Oklahoma finds that homeschoolers are highly engaged in their communities with frequent opportunities to build “cultural capital” through regular visits to libraries, museums, and participation in cultural events. Hamlin states: “Relative to public school students, homeschooled students are between two and three times more likely to visit an art gallery, museum, or historical site; visit a library; or attend an event sponsored by a community, religious, or ethnic group. Homeschooled students are also approximately 1.5 times more likely to visit a zoo, aquarium, or bookstore during the course of a month.”

As the COVID-19 pandemic led to massive school shutdowns this spring, over 50 million US schoolchildren found themselves learning at home. Whether because of ongoing virus fears and concerns about school reopenings with strict social distancing requirements, or because they found learning at home more rewarding than they expected, many parents are seriously considering opting out of conventional schooling—at least in the short-term. A new poll by USA Today/Ipsos found that 60 percent of parents say they will likely choose at-home learning rather than sending their children to school in the fall even if they reopen.

Some of these parents may be glad to know that a recent literature review on homeschooling conducted by Lindsey Burke of the Heritage Foundation finds excellent academic outcomes for homeschooled students. She concludes that “the outcomes of those who homeschool, whether the result of homeschooling itself or other unobservable characteristics of families who homeschool such as greater parental involvement, shows positive academic outcomes for participants.”

The wide variety of reasons for and approaches to homeschooling means that subjecting homeschooling families to the education and oversight requirements of government schools, or requiring homeschoolers to take regular classes at these schools, imposes conformity on a population of families that is deeply heterogeneous. It may seem neat and

easy to mandate government schooling regulations and expectations on families who opt out of this method, but it limits individuality, experimentation, and divergence. We may not like how different families choose to live and learn, but that is no excuse to intolerantly impose our own preferences on them through government force.

Principle 2: Parents Know Better Than the State

My husband and I chose homeschooling right from the beginning of our childrearing days, recognizing that it would provide a more expansive, interest-driven, academically challenging educational environment for our four children than would be possible in a conventional school. Instead of going to the same building every day, with the same static handful of teachers and the same age-segregated group of peers doing the same curriculum, our children are immersed in the people, places, and things of our city and, with the exception of this pandemic, spend much of their time outside of our home interacting with friends and mentors in our community. We rejected schooling from the start, but as my daughter suggests, many families use homeschooling as an exit ramp from an unsatisfactory or abusive schooling experience.

Peer abuse in the form of physical and emotional bullying is rampant in schools, and is one reason why some parents choose to withdraw their children from school for homeschooling. Data suggest that nearly half of children in grades four to 12 experience bullying at least once a month, and peer sexual assaults at school are alarmingly common. Depression and anxiety are rising among children and teens, and the youth suicide rate climbed 56 percent between 2007 and 2017. Researchers at Vanderbilt University found a strong seasonal relationship between youth suicide and school attendance, with suicidal acts and tendencies declining during the summer months and soaring at back-to-school time. This is an opposite pattern to adult suicide rates and tendencies, which peak in July and August.

Opponents of homeschooling point to rare examples of abuse or neglect by parents who identify (or who the state identifies) as homeschoolers to argue for heightened homeschool regulation. Yet, government schools are heavily regulated and surveilled, and abuse still regularly occurs there, and not only in the form of bullying.

Headlines abound of educators abusing children on school premises, and a 2004 US Department of Education study found that one in 10 children who attend a government school will be sexually abused by a government school employee by the time the child graduates from high school. Child abuse tragically happens in all types of settings, but some research suggests that homeschooled children are *less* likely to be abused than their schooled peers. This shouldn't be surprising, as homeschooling parents are often choosing homeschooling, while making significant personal sacrifices, to ensure their child's safety and well-being.

Child abuse is horrific and anyone convicted of this crime should be severely punished, but it is absurd to suggest that homeschooling parents need to be frequently monitored and evaluated by government officials who struggle to keep children safe within their own government institutions. Clean up your own house before telling others how to clean theirs.

Parents are not perfect and they do commit crimes, sometimes against their own children, just as educators sometimes commit crimes against the children in their schools. But if we are to grant power to families or to the state to protect children, we should side with families who have shown for millennia, well before governments were instituted, that they are capable of raising and educating their own children.

Principle 3: In America, We Have a Presumption of Innocence

Perhaps the most sinister aspect of proposals to presumptively ban or heavily regulate homeschoolers is the deep suspicion it betrays toward a group that chooses to live and learn differently. The suggestion is that because some tiny fraction of homeschooling parents could commit a crime against children then all homeschooling parents should be subject to increased scrutiny and surveillance. This says that homeschoolers should be presumed to be guilty until proven innocent, with frequent monitoring to ensure no wrongdoing.

We rightfully condemn racial profiling and other attempts to single out an entire group for increased suspicion out of concerns about the actions of a few. We should criticize efforts to monitor and control the beliefs and behaviors of people who live differently, valuing the pluralism of American culture. We must recognize the cost of trading individual liberty for some alleged security. It is a dangerous exchange.

If a parent, educator, or any person is suspected of abusing a child, then that individual should be arrested, charged, and tried. But to single out an entire group for pre-crime surveillance with no evidence of lawbreaking is wrong. Critics might argue that if homeschoolers have nothing to hide, they shouldn't mind more state intrusion if it could protect children.

By this same logic, we should allow periodic police inspections of our homes to protect our neighborhoods and make sure none of us are thieves. If we have nothing to hide, we should allow the government to routinely read our emails and listen to our phone calls. We should be okay with stop-and-frisk. In a free society, we should not be okay with these violations of privacy that expand state power and make us less free and less safe.

The central question is what kind of society do we wish to live in? Do we want entire groups subject to special scrutiny and suspicion just because they are different? Do we want to accept a legal regime of guilty until proven innocent? Do we want government to serve families, or families to serve government? At the heart of a free society is tolerating

difference and accepting diversity—in lifestyles, in beliefs, in values, and in parenting and educational practices.

Government schools have a lot to focus on, including reducing abuse in schools, raising reading scores, and getting more than **15 percent** of students to be proficient in US history. Child advocates, educators, and policy makers should help these schoolchildren by making government schooling safer and more effective, while leaving homeschooling families alone.

[Click here to register for Monday's online discussion](#) featuring Elizabeth Bartholet, Milton Gaither, Neal McCluskey, and me.