

Research Summaries Responding to Homeschool Criticisms

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Introduction

In 2019, Harvard Law Professor Elizabeth Bartholet wrote a paper named “Homeschooling: Parent Rights Absolutism vs. Child Rights to Education & Protection,” which was published in a law review journal. While she had many complaints about homeschooling, Bartholet asserted that homeschool parents are dangerous to their children, claiming that they are exposing their children to only one worldview. She further claims “that homeschooling in its current unregulated form poses serious risks of abuse and neglect.”¹ Calling for a presumptive ban on homeschooling, she sees the practice as a risk to children and to a democratic society. Widespread media coverage was given to her paper.

A Harvard conference of various experts and scholars convened over a seven-week period in May and June of 2021 to discuss homeschooling. During a panel, Professor Elizabeth Bartholet spoke on what she believed were the major dangers of homeschooling, and why she believes it should be presumptively banned. Different topics were discussed, including child abuse. Scholars, lawyers, educators, and researchers presented their data-driven findings. Even some homeschooling parents were invited and spoke. Almost all of the speakers besides Professor Bartholet spoke about how the outcomes and practices of homeschooling are overwhelmingly positive, and that it is a functioning and vibrant educational option that many more families today are taking advantage of. As Paul E. Peterson, Professor of Government at the Harvard Kennedy School and moderator of the event, said, “homeschooling is here to stay.”²

The following points are intended to address and respond to some of Professor Bartholet’s claims, with some of the evidence from the Harvard conference included or corroborated here.

Are Homeschooled Children More Likely to Be Abused?

1. At this time, what little empirical evidence there is actually reveals the opposite – “that homeschooled children are abused at a lower rate than are those in the general public, and no evidence shows that the home educated are at any higher risk of abuse.”³
2. Charol Shakeshaft of Virginia Commonwealth University, who has published large studies detailing the circumstances and statistics at which child abuse occurs, says that “Nothing in my research would lead me to believe that sexual abuse in homeschool settings is more prevalent than in institutional settings. More likely just the opposite.”⁴
3. “Legally homeschooled students are 40% less likely to die by child abuse or neglect than the average student nationally.”⁵
4. “This is particularly true when there is no compelling evidence that homeschooling parents are more likely to abuse their children than non-homeschooling parents, and some research to suggest that homeschooling parents are actually *less* likely to abuse their children.”⁶

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5. Professor Bartholet makes the argument that the primary reason families choose to homeschool is so that they are free to indoctrinate their children, isolate them from outside influences, and even abuse them. If this is the case, then why do the statistics on page 9 of [Bartholet's] law review article imply that the majority of homeschooling families only homeschool their children for only part of their K-12 education?⁷
6. "Though homeschooling provided a cover story for her parents to keep her home, it was not the cause or reason for her abuse."⁸ Homeschooling itself is not the reason or cause for child abuse and should not be regulated as the causative factor in child abuse.

Are Families Homeschooling to Provide More Educational Opportunities?

7. "Inadequate educational opportunities are often cited as a major motivator for [the] growing number of Hispanic homeschoolers. Nearly half of Hispanic respondents to the NCES survey cited concerns about school environment, such as school safety, bullying, and racism. A frightened mind cannot freely learn."⁹
8. "The number of African American families choosing to homeschool has increased substantially as concern over the plight of American Black students has grown. Reportedly, 8-15 percent of all homeschoolers are African American (Anderson 2018; Ray 2011). Since 2003, the number of Black children being home educated has doubled to about 220,000 (Weber and Kargbo 2018)."¹⁰

Does CPS Need to Reform How They Investigate Allegations?

9. It is suspected that most (perhaps even as much as 90%) of child abuse investigations are ended due to a lack of evidence. If that is true, it would suggest a need to improve the current system. CPS could institute stricter guidelines for screening abuse and neglect allegations. This would free up the CPS authorities to give greater attention to serious cases. Instigating a graduated investigative approach would protect innocent parties while simultaneously ensuring that only legitimate concerns are investigated. Additionally, if anonymous reports were eliminated, that could help lessen the number of false reports that are submitted with wicked intent.¹¹
10. Offering better protection to children will not come as a result of targeting homeschoolers. "The mission of Child Protective Services (CPS) is to investigate suspected child abuse and punish perpetrators. CPS is plagued with problems and must be dramatically reformed, but the key is to improve the current government system meant to protect children rather than singling out homeschoolers for additional regulation and government oversight."¹²

Does Research on Homeschooling Support Positive Outcomes?

11. "30 years of research by about 45 scholars in peer-reviewed journals has revealed significantly positive things related to homeschooling. There are very few pieces of empirical evidence from studies indicating that homeschool students or graduates of homeschooling are not doing as well as others; there is no body of research showing that they are being harmed at any higher rate than others.... To date, the clear majority of research done on homeschooling finds positive things associated with the method of education."¹³
12. "Consistently negative criticisms of various individual studies about homeschooling and homeschool parents and students or of a particular scholar who studies homeschooling are, in essence, a negative criticism of the large majority of homeschool researchers and their studies. The negative critics generally ignore or fail to recognize and explain what homeschool studies have legitimately contributed to the

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knowledge base and understanding of an important body of inquiry regarding a millennia-old and effective form of teaching and learning—homeschooling—in the United States and around the world.”¹⁴

Is it unconstitutional to have unannounced home visits, a lack of due process, and a ban on homeschooling?

13. “HSLDA has done a lot of work defending the Fourth Amendment rights of families to be safe from unwarranted government interference. We see unannounced home visits as strictly unconstitutional.”¹⁵
14. One way that our constitutional framework limits government intervention is through due process. “As moderator and panelist, McCluskey began the discussion by correctly articulating an important defense of due process by affirming that when it comes to examining allegations of wrongdoing. He wrote, ‘the legal norm is suspicion, investigation, and trial with a presumption of innocence. That remains the best approach because a government empowered to inspect our homes and families without probable cause is a dangerous, insufficiently constrained government.’”¹⁶
15. Mike Donnelly of HSLDA asserts that, although government does have an appropriate role in intervening when suspected abuse is taking place, there are some important things to be recognized first. Firstly, he reminds us that our society presumes that parents will act in the best interest of their children. Secondly, “parents do have a fundamental, constitutionally protected right to direct the education and upbringing of their children. This means that the government must provide due process before intervening in the life of the family.”¹⁷
16. “Clearly, Bartholet recognizes the greatest obstacle to banning homeschooling is the constitutional protection of individual rights. Her quarrel is with the U.S. Constitution itself. She wants it changed to increase government power. **Thus, the success of Bartholet’s political project would dramatically diminish the freedom of every American, not just homeschoolers.**”¹⁸

Do Homeschoolers Do Well in College?

17. The Journal of College Admissions finds that while public schoolers bound for college enter with an average of six college-level credits, homeschoolers enter with 14.7 on average.¹⁹
18. Homeschoolers had a higher college graduation rate (66.7%) compared to public schoolers (57.5%) according to a small study at one Midwest college.²⁰

Is Standardized Testing by the State Government Faulty?

19. “The SAT 2014 test scores of college-bound homeschool students were higher than the national average of all college-bound seniors that same year.... These relatively high SAT scores of home-educated students are consistent with their high SAT scores in preceding research and with research findings on the overall success of college students who were home educated.”²¹
20. “By whose standard are we judging homeschoolers’ academic performance? Is it by the standard of the government schools, where so many children are failing to meet the very academic standards the government has created?... [I]n recent years schools have pushed literacy expectations to younger and younger children, with kindergarteners now being required to read. If they fail to meet this arbitrary standard, many children are labeled with a reading deficiency when it could just be that they are not yet developmentally ready to read.”²²

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21. “[Standardized] test results show how a child compares to other children of the same age or grade and ranks these children on a bell curve. Homeschoolers as a group score better than public school students as a group.”²³
22. “But one of the inexorable truths about bell curves is that out of any 100 test takers, 15 will be in the lowest 15 percent. Which is why standardized testing for children with low IQs or with learning challenges tells us very little about the quality of the education those children receive. To get an accurate picture, we need to compare how well a child’s educational achievement—which is what standardized testing measures—compares to a child’s innate abilities.”²⁴
23. In an assessment of a boy with learning challenges, “[Dr. Steven Duvall’s] assessment revealed that the 15-year-old boy’s achievement was indeed low when compared to his age and grade peers. But when compared with the boy’s innate abilities, Steven found that the boy was achieving much higher than expected.”²⁵

Should the Government Have Authority Over a Child’s Education?

24. According to a Supreme Court decision in 1925, to require parents to send their children to public school “is an unreasonable interference with the liberty of the parents and guardians to direct the upbringing of the children, and in that respect violates the Fourteenth Amendment.”²⁶ When applied to education, this means that the state is not allowed to take away the parents’ right to choose to educate their children privately.
25. A Supreme Court decision in 1925 held that children are not creatures of the state, that those who nurture them and direct them have the right (and the responsibility) to instruct them, and that the state does not have the power to force children to learn from public school teachers exclusively.²⁷
26. A 1979 Supreme Court decision held that “[t]he law’s concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life’s difficult decisions. More important, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children.”²⁸ As with any legal presumption, this can be argued against, which can be a cause for caution, but the court also stated that even though some parents do not act in their children’s best interest, by and large the history of humanity demonstrates that parents generally do act in the best interest of their children. This ruling remains in effect today. Therefore, when parents decide to homeschool, the presumption applies to their family.²⁹
27. “The textual materials used in the public schools are at the very heart of the conscientious opposition to those schools. To say that one may not be compelled to send a child to a public school but that the state may determine the basic texts to be used in the private or parochial schools is but to require that the same hay be fed in the field as is fed in the barn.”³⁰

Are Parental Rights Fundamental or Absolute?

28. **HSLDA does not argue that parental rights are absolute rights.** “[I]t is generally agreed by most legal scholars, and HSLDA, that parental rights—including homeschooling—are not absolute rights. They belong just below absolute rights... no fair-minded person would want parents to have the absolute right to abuse or neglect their child without legal consequences. HSLDA has argued from its inception that homeschooling is a *fundamental* right and should not be limited except when a parent abuses that right, but the state should not be able to terminate parental rights when homeschooling is the only allegation of neglect.”³¹

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What Are the Safety Concerns in Public Schools?

29. Concerns for children's safety is one of the top reasons why parents chose to educate their children at home. According to the National Center for Education Statistics 2015-2016 data:

- At least 1.4 million crimes were committed in the U.S.'s public schools.
- "Weapons were not involved during 257,000 threats of physical attack; 567,000 actual attacks; and 9,500 robberies. "
- "Weapons *were* used during 5,300 attacks or fights; 18,300 threats of violence; and 600 robberies."
- "During that same year, 1,100 rapes or attempted rapes and 6,100 sexual assaults occurred in schools."

Number of Nonviolent Crimes during 2015 to 2016, According to the National Center for Education Statistics:

- "Nonviolent crimes.... involved approximately 350,400 students having firearms or explosive devices and 10,500 students with knives or sharp objects in their possession."
- "Additionally, 166,000 crimes involving theft, 31,600 involving vandalism, and 17,800 involving possession of alcohol occurred."
- "There were also 82,200 incidents related to the distribution, possession, or use of illegal drugs and 15,100 incidents with prescription drugs."

These are conservative estimates, due to the unfortunate tendency of public-school officials to underreport these incidents to the police approximately one-third of the time.

- Bullying is a concern regardless of sex, grade, race, ethnicity, household income levels, school size, student-teacher ratio, and school locale (i.e., city, suburb, town, rural areas).
- "For example, roughly 20 percent of students attending public and private schools (i.e., 11.2 million of 55.9 million students in the US) reported being badly treated by other students in a variety of ways."
- "For example, in 2017, 3.2 million students reported being made fun of, called names, or insulted, while the same number of students were the subject of rumors. Additionally, almost one million were threatened with harm, while 1.3 million said they were pushed, shoved, tripped, or spit on. About 466,000 students reported that others tried to make them do things they did not want to do, and roughly 1.3 million students indicated that they were purposely excluded from activities. Finally, 348,000 students reported having their property purposely destroyed."³²

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