

# WHY WE DON'T NEED NEW HOMESCHOOL LEGISLATION

**Parental supervision of K-12 home-based private education is working extremely well.** Research demonstrates that students in home-based private schools on average score significantly better than the average public school student on academic tests.<sup>i</sup> Home educated students continue to successfully graduate from colleges and universities across the nation and enter the job market, military service, and society at large as very responsible citizens.<sup>ii</sup> It is unnecessary to spend time, money, and energy trying to fix something that isn't broken.

**Supervision of private education by credentialed teachers is unnecessary.** Research has consistently demonstrated that requiring teachers to be credentialed has no significant effect on home-schooled students' performance.<sup>iii</sup>

**Accountability is adequate under current law.** Private home schoolers already comply with the requirements for private schools as set forth in state law. For example, those who operate as private schools file an annual affidavit attesting, under penalty of perjury, to their full compliance with the law. While an affidavit doesn't "create" a school, it is a statement required by the state of California declaring that the private school exists and is in operation in accordance with California law.<sup>iv</sup> Civil action can be brought against any private school, including home-based private schools, not operating according to the law.

**There is no credible evidence to justify the investigation of private homeschooling in California.** Any requirement that a committee

consider additional regulations for private homeschooling ignores numerous studies that conclude that private homeschoolers' scores on standardized tests, on average, are equal to, and in many cases, higher than their public-school counterparts.<sup>v</sup> Privately homeschooled students in low and moderately regulated states like California score just as well as their counterparts in highly regulated states like Pennsylvania and New York.<sup>vi</sup>

**New laws specifically addressing "home-based private schools" would likely increase the financial burden on California.** In *People v. Turner* (1953), the court said that it was too burdensome and costly for the state to have to supervise these small private schools. In 1967, the Legislature passed Ed. Code Section 33190, requiring every private school to file the Private School Affidavit. This filing provides the state with the ability to sufficiently oversee private schools without either burdening the state's resources or unduly regulating private schools. Any attempt to monitor and regulate approximately 250,000 private "home schooling" students in California will put more financial and administrative burden on public school officials. Conscious of this, in every budget since 1990, the Legislature has prohibited expending any funds to even compile information on small private schools.<sup>vii</sup> The overwhelming majority of these small private schools are home-based private schools. The Legislature, in its wisdom, has historically allocated only the bare minimal resources from the public school system's budget to provide oversight of what continues to be a very successful variety of private K-12 education programs in California.

## Summary:

The practice of private "home schooling" (i.e. parents teaching their own children privately at home) under the private school exemption has a long history of working exceptionally well in California. There are already very specific and adequate laws dealing with truancy and holding all private schools, including those based in the home, accountable. Private homeschoolers should be left to continue successfully educating their children without additional mandates or requirements. No new "home school" laws are necessary.

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## References:

- <sup>i</sup> Lawrence M. Rudner, "The Scholastic Achievement and Demographic Characteristics of Home School Students in 1998," *Educational Policy Analysis Archives* 7(8), retrieved April 9<sup>th</sup>, 2018 from <https://epaa.asu.edu/ojs/article/view/543/666>.
- <sup>ii</sup> Dr. Brian D. Ray, *Home Education Reason and Research*, (Salem, OR: NHERI Publications, 2009), Pg. 6, Figs. 14 and 15.
- <sup>iii</sup> Lawrence M. Rudner, "The Scholastic Achievement and Demographic Characteristics of Home School Students in 1998"; See also attached *Home Education Reason and Research*, Pg. 3, Fig. 7.
- <sup>iv</sup> Educ. Code §§ 33190-33193.
- <sup>v</sup> Dr. Brian D. Ray, "Research Facts on Homeschooling," NHERI, January 13, 2018, retrieved April 9<sup>th</sup>, 2018 from <https://www.nheri.org/research-facts-on-homeschooling/>.
- <sup>vi</sup> Dr. Brian D. Ray, *Home Education Reason and Research*, (Salem, OR: NHERI Publications, 2009), Pg. 4, Figs. 8a, 8b, and 9.
- <sup>vii</sup> AB-97, Budget Act of 2017 §§ 6100-001-0001, Provision 1. Assemb. Reg. Sess. 2017-2018. (CA 2017)