

Child Educational Neglect and Abuse: Public School vs. Home School

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A key argument against the deregulation of home education in the United States, England and other countries is that "some home school parents will use the lack of home school regulation as a front for evil behavior, or simply neglect the education of their children."

IT IS TRUE

Due to the inherent sinful nature of man this is in fact true, but standardized achievement tests¹ and occasional monitoring² and other regulations³ are not the means to stop or even deter educational neglect or physical abuse. Government school systems have the highest degree of regulation with annual standardized testing and daily monitoring of all the students, yet psychologists report that children in government school systems are 99.9% more likely to become victims of educational and physical abuse in their homes or school.^{4, 5, 6}

In dramatic contrast, educational neglect and abuse is very rare among home educators. Perhaps this rarity is why it is sensationalized in the media. The data shows that home schooled children are less likely to suffer educational neglect and physical abuse as compared to government schooled children.^{4, 5, 6}

Those who claim that the regulation of home education reduces educational neglect and physical abuse should produce the data to support that claim, not the other way around. Recently, home educators have observed a trend where public school principals with problem students send them to home schooling, and later report them as home schooled educational neglect cases. Therefore, the data, even on the very few home schooled neglect or abuse cases, need to be considered in context.

PUNISH EVIL DOERS

The government is certainly responsible to punish evil doers and that is why physical abuse can be reported to any police officer and a procedure exists within each state to investigate such abuse.⁷ Sensationalized cases where parents used the lack of home school regulations as a cover for physical child abuse is therefore a failure of the social service system, not the lack of home education statutes. Physical abuse situations occur with adult victims too, and therefore the reporting and investigation procedures are important and do not rely on home education statutes for detection.

EDUCATIONAL NEGLECT DEFINED

Looking closely at a definition of educational neglect, one finds that the cause of educational neglect violations is the definition of educational neglect itself. Educational neglect is defined as "when a child aged seven to sixteen is not meeting the mandated educational requirements."⁷ Those mandating certain educational requirements for everyone at a certain age are influenced by scientific humanism, where people are thought of as chemical machines instead of as unique creations of God with differing gifts, talents, interests, learning styles and intellectual growth rates. Will people stop or decrease learning if education mandates are lifted? Educational mandates did not exist until recently in the history of the world and the selfish desires of man have always been a reliable motivator to want the best for themselves and their family and have driven learning and free market economics for thousands of years. It is absurd to think that educational standards improve learning, when they actually only serve to standardize learning toward humanist goals.¹

THE SAFETY NET

Home school associations are already doing all that can be done to provide a safety net to catch educational neglect and physical abuse. For example, the North Dakota Home School Association has an annual conference for teaching parents how to raise and educate their children, several publications, 30 local support/accountability groups where home schoolers help one another, a central office to address all types of educational questions and a social worker on staff who specializes in investigating and counseling in situations where children may be at risk of neglect or abuse.

The idea of using regulation to reduce educational neglect and abuse has failed the public school system for decades. How are failed methods going to ensure the safety of home educated children?

THE REAL SOLUTION

The real solution to the problem of educational neglect and physical abuse in both public and home schools is to return to the state constitution as an expression of the will of a Christian people, and focus education on achieving a high degree of intelligence, patriotism, integrity and morality. Home schoolers are achieving these ends because about 80% of home educators are Christian people and teach their children Biblical truths, which inherently cause the highest degree of intelligence, patriotism, integrity and morality.

"Wherefore laying aside all malice, and all guile, and hypocrisies and envies, and all evil speakings, As newborn babes, desire the sincere milk of the word, that ye may grow thereby; if so be that you have tasted that the Lord is gracious." 1 Peter 2:1

References

1. Bobby Sollie, "On Standardized Testing: An ACEI Position Paper," Association for Childhood Education International, 2007.
2. Ann Ellefson, Assistant Director School Approval and Accreditation, North Dakota Department of Public Instruction, email to James Bartlett, "2007-08 Monitoring Summary by Grade Level," 27 January 2009. Most monitoring is done during younger student years. This demonstrates that the two year weekly monitoring period is not a tool for identifying educational neglect, as some mistakenly assume.
3. Gail Biby, "Does High State Regulation of Homeschooling Produce Higher Test Score?" *The Home School Report* (North Dakota Home School Association, October/November 2008). The answer is no, based on SAT scores.
4. Adam Miller, Psy. D., Jamestown, N.D. Psychologist written testimony 2010.
5. Youth Health Risk Survey Results. N.D Department of Public Instruction.
6. Associated Press, "Report: Sexual Misconduct Plaguing U.S. Schools," October 20, 2007, Foxnews.com. Only one in 10 reported, denial is a factor, 9% of all students suffer from sexual misconduct in public schools, most of the abuse never gets reported. Lawmakers shy away from tough state punishments or any cohesive national policy for fear of disparaging a vital profession. They can't see what is in front of their face as red flags. Molesters are passed to other districts.
7. North Dakota Department of Human Services, Child Protection Services Policy Manual, Educational Neglect vs. Truancy Fact Sheet. Shows procedure to identify and address educational neglect without need for home education monitoring or regulations.
8. Home Schooling Achievement (Home School Legal Defense Association, 2001). Demonstrates that parent qualifications do not predict student achievement, nor does government regulation.
9. Marlys Baker, North Dakota Department of Human Services, Children and Family Services Division, reported by telephone to James Bartlett, that the number of confirmed educational neglect cases in North Dakota for the years 2005, 2006, 2007 were 93, 99, and 104 respectively. None of these educational neglect cases were home educators because the procedure to investigate educational neglect first determines if a statement of intent to home educate was filed and, if so, the case is transferred to the local school district to "demonstrate attempts to resolve the issue with the caregiver" according to Child Protection Services Policy Manual, Educational Neglect vs. Truancy Fact Sheet. 27 January 2009.
10. Gail Biby, "DPI Receives 'Complaints'." *The Home School Report* (North Dakota Home School Association, May 2007). Shows that irrelevant and unverified hearsay is used to propagandize legislators into increasing the regulation of home education. Asking for information, students beyond compulsory age, educating while traveling, hiring a tutor, school district questions, educating at night, books from Wal-Mart, parent qualifications, grandparent pleading, home entry, and daytime activities are not valid complaints against home education or legal violations. It is common for people to think neglect when in reality the parents are using an unconventional means of education such as delight-directed learning or un-schooling or when extenuating circumstances interrupt regular activities.
11. *United States and North Dakota Constitutional Reference*, From the legal viewpoint, the right to direct the education of one's child comes from the liberty clause of the Fourteenth Amendment to the United States Constitution,

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

and Section 1 of Article 1 of the Declaration of Rights in the N.D. Constitution.

All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and

obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

This speaks of the liberty of individuals and this provision is authoritative for the proposition that parents should be free to conduct home education for their children without state regulation.

12. *Parham v. J.R.*, 442 U.S. 584 (1979), was used by the Supreme Court to reemphasize the rationale for parents' rights in the education of children. Chief Justice Warren Berger wrote for the majority:

Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course; our constitutional system long ago rejected any notion that a child is "the mere creature of the State" and, on the contrary, asserted that parents generally, "have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligation." *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925)... The 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 been recognized that natural bonds of affection lead parents to act in the best interests of their children. 1 W. Blackstone, Commentaries 447; 2 J. Kent, Commentaries on American Law 1990.

As with so many other legal presumptions, experience and reality may rebut what the law accepts as a starting point; the incidence of child neglect and abuse cases attests to this. That some parents "may at times be acting against the interests of their children" ... creates a basis for caution, but is hardly a reason to discard wholesale those pages of human experience that teach that parents generally do act in the child's best interest ... **The statist notion that governmental power should supercede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition ..."**

Imposing laws upon every North Dakota parent because of the potential abuse by a few is not justifiable, nor acceptable to the U.S. Supreme Court, nor the North Dakota Home School Association. Therefore, the current home education laws are not needed to prevent the abuse of liberty by a few parents.