

COMPARING AND CONTRASTING LOCAL SCHOOL BOARD POLICIES
THAT GOVERN ACCESS TO PUBLIC SCHOOL PROGRAMS AND
ACTIVITIES BY HOME SCHOOLED STUDENTS IN VIRGINIA

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Abstract

The primary guiding question proposed for this study is, what are the variations and commonalities in policies among the 132 school districts in the Commonwealth of Virginia that govern whether or not students who are educated at home have access to public school courses and extra-curricular activities? In order to obtain this information the study was conducted of two phases. The first phase consisted of a policy analysis in order to determine the scope and nature of home school policies across Virginia's 132 operational school districts, and whether they fall within the legal parameters established by state regulations and case law. The second phase involved ascertaining how school officials perceived local control of home schoolers' access to public school classes or extracurricular activities through a multiple case study. This phase involved interviewing the person designated to implement these policies from selected school districts. The intent was that the data analysis would provide the basis for recommending changes or perhaps no changes, in the state's role in governing home school access.

Dedication

This dissertation work is dedicated to my family and friends. A special appreciation goes to my parents, B.W. and Shirley Rowland who have provided words of encouragement throughout the entire process and established in me the type of work ethic necessary to fulfill the requirements of this study. I also dedicate this work to my daughter Amanda, who has served as an inspiration throughout this program and who will always be my one source of pride and joy.

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CHAPTER I

COMPARING AND CONTRASTING LOCAL SCHOOL BOARD POLICIES THAT GOVERN ACCESS TO PUBLIC SCHOOL PROGRAMS AND ACTIVITIES BY HOME SCHOOLED STUDENTS IN VIRGINIA

Teaching of children in the home is credited with being the earliest form of education in America. Following the common school movement in the mid nineteenth century, this form of education began to decline. Very little thought was given to the option of home schooling again until the late 1970s when the modern home school movement began to surface.

While the percentage of school-aged children being educated at home remained quite low for a number of decades, there has been a marked and steady increase in recent years.¹ Shown in Table 1 are the estimated number of home schooled children ages 6 to 17 as provided by the U.S. Census Bureau. Taken at face value, they show a growth from 360,000 in 1994 to 1.7 million in 2003, representing a nearly five-fold increase in one decade.

As the number of home educated students has grown, the issues facing their families have grown as well. Among the perennial matters such as the legality of home schooling, the socialization of these students, and the entitlement of parents to oversee the education of their children, the issue of access to public school courses and activities is moving to the forefront. Specifically, there is considerable variation in the

¹ Robin R. Hemke, Phillip Kaufman, and Kathryn Broughman, "Estimating the Home Schooled Population in the United States." Technical Report (Draft). Washington, DC: National Center for Education Statistics, (2000).

Table 1

Estimates of the Number of U.S. Children Schooled at Home

		Estimate	Standard Error
1994	Current Population Survey	356,000	40,000
1996	National Household Education Surveys	636,000	54,000
1999	National Household Education Surveys	791,000	62,000
2001	National Home Education Research Institute	1,500,000	110,000
2003	National Home Education Research Institute	1,700,000	300,000

Source: U.S. Census Bureau (2003)

laws and regulations among and within states that govern whether home schooled students are permitted to take individual courses at their local public school or to participate in extra curricular activities. Despite rejecting full time attendance at public schools, home schooled students are increasingly seeking to exercise what they believe is their right to participate selectively in public school curricular and extracurricular activities.

Seventeen states have anticipated the problems associated with this issue and have adopted legislation that either uniformly permits or denies home schooled student requests to participate in public school sponsored extracurricular activities and/or attend public school classes on a part time basis.² Virginia, however, has chosen not to adopt blanket legislation governing this issue. The Virginia General Assembly has legislated standards³ and procedures for requests by parents to home school their children, but has left the decision of access to local school boards. Currently, the localities have the authority to establish their own policies with regard to part time school attendance and participation in extra curricular activities.⁴ These varying policies create controversy as more and more children become involved in home schooling programs.

Across the 132 school districts⁵ in Virginia,⁶ local school board control over policies that determine the degree to which home schooled children may attend public school classes or may participate in extracurricular activities generates opportunity for several diverse policies. This creates confusion and, in many instances, resentment

² VHEA Statistics. "Virginia Home Education Statistics." 6 April 2001, <http://www.vhea.org/stats.html>

³ Bylaws and regulations, Virginia, § 22.1-78, (2001). "Declaration of Policy Requirements for Home Instruction of Children." Virginia, § 22.1-254.1, (2001).

⁴ Powers and Duties of School Boards, Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

⁵ In Virginia, the terminology school division refers to school district. For the purpose of this document, school district will be used in place of school division.

⁶ Virginia Department of Education web site, 30 September 2002 from <http://www.pen.k12.va.us> (4 November 2003).

among home schooling families who move from one school district to another and encounter differing policies.

STATEMENT OF THE PROBLEM

Although Virginia law does not mandate or define public school access for home schooled students, the opportunity for participation by some home schoolers does exist within certain school districts in the Commonwealth of Virginia. As the designated school district official responsible for compliance with state and local home schooling policies and regulations, I have first hand experience with the problems that arise with the lack of consistent statewide regulations on this matter.

Since I am responsible for working with home schooling families, I am interested in finding ways to alleviate the tension that is created by the diverse policies on this matter. Collecting and sharing policy information may be part of the solution. For instance it is not known which school boards allow or restrict access to children who are home educated to their public school courses and activities. Likewise, there is no information on the full extent of the variation of policies across all Virginia Local Education Agencies (LEAs). Investigating these unknowns might provide some relief to the confusion and conflict felt by both school officials and home schooling families by helping them view the policies holistically.

Preliminary discussions with personnel from the Virginia Department of Education (VDOE) and officials from the Virginia High School League (VHSL) led to the conclusion that without controlling legislation, the issue of accessing public schools by home schooled students poses problems for Virginia's public school administrators as well as home school families. School administrators are faced with the issue of

overcrowded classes, public perception of fairness, inadequate funding, and athletic eligibility issues associated with the Virginia High School League (VHSL).⁷

Home school students face problems resulting from the inconsistencies that occur as a result of the lack of a single statewide policy. In some instances home school students who move from one school district to another may find that they are denied access to courses or activities that were open to them in their previous district. In other instances, students educated at home may be subjected to changes in policies that result when there is a change in school board membership or in the superintendency.

NEED FOR THE STUDY

This study is important because it will provide information about those school districts in Virginia that currently provide the opportunity for home schooled students to have access to extracurricular activities. It will also assist other school boards that are considering changes to their policies that govern home schooling families and access to public school education programs and activities. Additionally, this information will be useful to the Virginia High School League (VHSL) since they are responsible for governing interscholastic athletics in Virginia.

Although the issue of access has created problems for local school boards and school administrators, they are not the only ones affected. Home schooling families have experienced some difficulties as well. For the past ten years many home schooled parents have been reluctant to seek access to public school classes and extracurricular activities for their children for fear that it would create friction between them and the public schools and result in stricter rules and less

⁷ Virginia High School League Handbook § 28-1-1, (2001-02). Charlottesville, VA.

cooperation and support from their local school district.⁸ Another problem home schooling parents have experienced is the resentment that they have encountered from public school officials. This has created a barrier for them in their attempts to develop their children's education plan so as to meet the same standards and regulations as those that public school children are expected to meet.

PURPOSE OF THE STUDY

The purpose of this study is to conduct a policy analysis involving the 132 school districts in the Commonwealth of Virginia:

1. To explore the variation and commonalities in policies governing access for home schooled students across the 132 school districts.
2. To garner perceptions from school district leadership regarding local control of home school access to public schools.

RESEARCH QUESTIONS

The primary research question that will guide this study is: What is the variation in policies across the 132 school districts in the Commonwealth of Virginia that govern whether or not students who are educated at home have access to public school courses and activities? Subordinate questions include:

- 1) What is the proportion of local school boards who allow home schooled students to attend their schools part time or participate in extracurricular activities?
- 2) How is access defined and regulated?

⁸ Kara Griffith, "Can We Play? Do We Want To?" Retrieved March 5, 2002 from <http://www.ylcf.org/newattitude/3-2/play.htm>. (2000).

- 3) How do school leaders including superintendents and school board chairpersons view local control of this policy issue? What are their perceptions on home school access to public schools?
- 4) How do those responsible for the implementation of the school district's home schooling policies perceive the local control of this policy issue? What are their perceptions on home school access to public schools?

HOME SCHOOLING IN THE CONTEXT OF AMERICAN EDUCATION

This section looks at the development of the United States' educational system, tracing its roots from home education in the Puritan settlements in the mid 1600s through the inauguration of free universal public education by the common school reformers of the 1800s, culminating with a description of the current coexistence of state public school systems and home schools. Additionally, it explores the impact that many figures of great importance in American history have had on the development of the educational system, and discusses various social, legal, and cultural factors that have influenced education.

1600s – 1840s

Children in America have been educated in the home for centuries, evidence of which dates back to the late 1600s.⁹ Early accounts indicated that Native Americans, Pilgrims, and Puritans used home instruction as the primary center of learning.¹⁰ In the seventeenth century, American education in the colonial northeast was manifested through the efforts of the family to provide education for their children.¹¹ Education, at

⁹ Edward Power, *Main Currents in the History of Education*. New York: McGraw-Hill (1970).

¹⁰ J. Gary Knowles, James Muchmore, and Holly Spaulding, "Home Education as An Alternative to Institutionalized Education." *Educational Forum*, 58, (1994): 238-241.

¹¹ Jeannie F. Rakestraw, & Donald A. Rakestraw, "Home schooling: A Question of Quality, An Issue of Rights." *Educational Forum*, 55, (1990): 66-77.

that time, was fed by the Christian faith, with the Bible serving as the primary source of reading.¹² Parents read scriptures to the children and applied their principles to their social and spiritual development.¹³ Daily reading of the Bible and memorization of scriptures served to support the development of verbal, writing, and cognitive skills.¹⁴ Additionally, colonists incorporated many of the Renaissance traditions, which stressed the home as the primary agency of education.¹⁵

Education was mainly a family responsibility in colonial America, and the extent of it was largely left up to the individual. There were no compulsory attendance laws enforced by governments. Most children got at least their early education in the home, where they might be taught to read, write, and figure, but most certainly would be trained in housekeeping...and in many tasks of making a living.¹⁶

Beyond literacy development, home schooling in early America was about practical training. Children learned responsibility by doing household chores, by working alongside their parents in the fields, and by participating in apprenticeships.

While the family of the seventeenth century remained the most important agency for the transfer of the culture and skills, a supportive network of extended family, a stable community, and the church also assisted in the education of the child. Outside of the home, schools for teaching reading and writing, as well as Grammar schools that

¹² Ibid.

¹³ Ibid.

¹⁴ Lawrence Cremin, *American Education: The Colonial Experience, 1607-1789*. (New York, NY: Harper and Row, 1970). 130.

¹⁵ Ibid.

¹⁶ Christopher J. Klicka, "Homeschooling in the United States: A Legal Analysis," Prepared for home school legal defense association. Purcellville, VA, (1988).

offered instruction in Latin and sometimes Greek and Hebrew were available to provide more formal academic training.¹⁷

During the transition of colonies to the formation of a new nation, founding Fathers John Adams and Thomas Jefferson recognized early the need for educating worthy students in literacy, citizenship, and moral beliefs.¹⁸ The survival of the newly established country depended on this; however, their notions of public education failed to gain widespread support until the common school movement in the 1800s. Although seven U.S. presidents received the bulk of their primary education through home instruction, by the mid 1800s home education had moved out of the American mainstream as the primary source of education and began to give way to public and private school education.¹⁹

Even though the earliest forms of education resided primarily in the home, the influence of the governing bodies began quite early. An initial piece of Massachusetts' legislation established the position of "selectmen" whose function it was to govern education. Even today, selectmen comprise the governing body for many of the school districts in the northeast.²⁰ This legislation is seen by many experts as the first attempt by a state government to regulate education. This law empowered the "selectmen" of each town:

To take account from time to time of all parents and masters, and
their children, especially their ability to read and understand the

¹⁷ Supra note at 14 p. 135.

¹⁸ Cheryl Gorder, *Home Schools: An Alternative* (4th ed.). (Nevada City, AZ: Performance Learning Systems, 1996: 27.

¹⁹ William D. Colwell, & Brian D. Schwartz, "Implications for Public Schools: Legal Aspects of Home Schools." *West Law Reporter* 173, (2003): 381.

²⁰ Supra note at 14 p. 135-136.

principles of religion and the capital laws of this country, and authorizing them, with the consent of any court or magistrate, to put forth apprentices the children of such as they shall [find] not to be able and fit to employ and bring them up.²¹

This legislation changed the responsibility for encouraging and overseeing education within the family. What once was considered as a responsibility of the parents was now being assigned to appointed selectmen.

With the different religions and ways of life becoming so evident during the colonial times, it was becoming difficult to maintain and centralize schooling. In 1647 another piece of Massachusetts's legislation passed. Called the "Old Deluder Satan" Act, it provided the first general law for the creation and establishment of schools.²² This law defined the curricular requirements for schools as writing, reading, and Bible study. This opened the door for communities to have the knowledge and expertise to open schools so that their children were provided the opportunity to become educated in the ways of life to enable them to become good citizens.

As the country began to grow so did the demand for additional public schools. Community schools began to rise up all across America and, thus, began to create more challenges for legislators. In 1785 Congress enacted the Land Ordinance of 1785 in an effort to consolidate schools and make education mandatory. The ordinance set aside what was known as section sixteen in every township in the new Western Territory for the maintenance of public schools. It also allotted section number twenty-nine for the purpose of religion and no more than two townships for a university. The

²¹ Supra note at 14 p. 136.

²² Paul Monroe, *A Textbook in the History of Education*. (New York, NY: The Macmillan Company, 1908).

separation of church and state was becoming visible at this time with the two entities being located in different areas of the community. Public schools were organized to corral the best minds for training for public leadership. Two year later the Northwest Ordinance of 1787 was established. This ordinance provided land in the Great Lakes and Ohio Valley regions for settlements, which was eventually divided into five states Michigan, Indiana, Wisconsin, Ohio, and Illinois. Of particular interest is Article 3 of this ordinance, which stated, “schools and means of education shall forever be encouraged.”²³

By 1871, there was a push among legislators asking that all of the states provide more educational opportunities for their children. These legislators appeared to be motivated by religious concerns and the need to maintain the well being of the country, not by the desire to establish clearly defined educational goals. These movements however, did help to initiate the development of a free universal public school system.²⁴

COMMON SCHOOL MOVEMENT

Through the efforts of Horace Mann, who was named as the first Secretary of Education for Massachusetts in 1837, common schools opened in Massachusetts in the 1840s. This period is defined as “a series of state movements occurring roughly during the period 1830-1860 that looked toward expansion and improvement of education at the elementary level.”²⁵ Mann and other founders of the common school movement were suspicious of the new wave of immigrants entering the country. Mann and his

²³ William M. Gordan, Charles J. Russo, & Albert S. Miles, “The Law of Home Schooling. Monograph of the National Organization of Legal Problems of Education,” 52. (1994): (NOLPE Monograph Series).

²⁴ Ibid.

²⁵ Lloyd P. Jorgenson, *The State and the Non Public School, 1825-1925*. (Columbia, MO: University of Missouri Press, 1987).

peers wanted to instill in these new immigrants the virtues of the common man, which they considered essential for the nation.²⁶

The common school was touted during the nineteenth century as a means of unifying an increasingly diverse American population. Many citizens and churches, however, resisted the common school movement. Some of the early leaders waged fines or used the militia to thwart this resistance and to force children to attend schools. Horace Mann believed schools could provide a strong social balance to the country.²⁷ Mann placed his faith in the schools to diminish the ignorance he believed plagued the nation. “Let the common school be expanded to its capabilities, let it be worked with efficiency of which it is susceptible,” he told countless audiences, “and nine-tenths of the crimes in the penal code would be obsolete.”²⁸

For Mann, there was an inexplicable link between schooling and politics. Believing that “a nation could not long remain ignorant and free,”²⁹ he insisted that only through universal schooling would individuals come to fulfill their civic responsibilities “guided by a sense of justice, a love of mankind, and a devotion to duty.”³⁰ Through his persistence and leadership, Massachusetts’s schools thrived, convincing legislators from other states to adopt similar legislation for the establishment of common schools³¹

The common school movement was the result of the social and political growth of the nation and the public concerns over industry engaging child labor and Catholic immigrants as a part of its workforce.³² A number of important ideals and rationales

²⁶ Ibid.

²⁷ Supra note at 18.

²⁸ Supra note at 14 p. 137

²⁹ Id p. 137

³⁰ Id p. 140

³¹ Supra note at 18.

³² Supra note at 14.

infused the movement, which was based on the beliefs that a well-educated citizenry was essential to the survival of the newfound democracy.³³ Prior to this time education was less formal, with many students acquiring the bulk of their knowledge through apprenticeships, through private tutoring, and through a collection of private academies for an elite few.³⁴

The common school movement was not without controversy, particularly with regard to two of its major components that have had a lasting impact on public education. These are the establishment of state governmental control over the education of children and compulsory attendance, both of which still spark debate today among home schoolers and others.

State Governmental Control of Education. The desire of state governments to distinguish between public and non-public schools was a direct result of the common school movement of the nineteenth century.³⁵ Historically, public schools were supported financially by state legislatures and operated by public school societies that desired to promote the Protestant religion and to prevent the growth and establishment of the Catholic Church. The Protestants had formed a strong bias against Catholicism, believing that members of this religion possessed a number of unpleasanties associated with lower classes, and, consequently, lacked intelligence. The Protestant leaders felt that if the children of Catholic immigrants were going to become contributing members of society they must be educated in literacy and in the majority culture.³⁶

³³ Carl Kaestle, *Pillars of the Republic: Common Schools and American Society*. (New York: Hill & Wang, 1983).

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

The common school movement embraced the notion of mass schooling, but rejected the sectarian sentiments, both of which shaped the principles that governed public education.³⁷ The first of these principles, established in the 1850s, denied public funds to non public schools. This principle was translated into legislation in nearly every state in the United States.³⁸ A second standard discouraged the reading of the Bible in public schools. This is most ironic considering that the initial Protestant movement focused its attention on preventing the growth of other religions, primarily Catholicism.³⁹

As public schooling began to play a major role in American life, critics of public education abounded. Many decried a lack of standardization and efficiency while others believed that there was too much standardization in public schools. Schools were accused of being overly academic and not fit for the majority of students who needed practical skills. Later the criticism shifted, charging that public schools were not academic enough. In many ways, debates about public schools reflected an on-going discussion as to what society believed at a particular time in history.⁴⁰

Compulsory Attendance. The establishment of compulsory attendance laws by the states shifted the power and responsibility for a child's education from the parent to the state. In the absence of Supreme Court case law, states passed strict compulsory attendance statutes and, as a result, eliminated the possibility of using any form of alternative education outside of those provided by the state.⁴¹ Within a short period of

³⁷ Supra note at 25.

³⁸ U.S. Constitution Amendment I. (Separation of church and state)

³⁹ Ibid.

⁴⁰ Supra note at 33.

⁴¹ William Konnert, "Here's What Your Board Should Know When Parents Ask About Home Schooling." *American School Board Journal*, 175 (1988): 43-44.

time, legal actions challenged the rights of states to prevent parents from having a choice as to the type of education they wanted for their child.

The Compulsory Attendance Act of 1852, enacted by the State of Massachusetts, was the first general law attempting to provide support for children.⁴² The law included mandatory attendance for children between the ages of eight and fourteen for at least three months out of each year and also required at least six weeks of this twelve-week period to be performed consecutively. There were some exceptions to the compulsory attendance regulations that allowed a child to be exempted from attendance. Those included: attendance at another school for the same amount of time, proof that the child had already learned the subjects, high poverty level within the family, or a physical or mental handicap that would prevent the child from being able to perform the tasks at school.⁴³

The penalty in Massachusetts for not sending your child to school was a fine that could not exceed twenty dollars. The local school committee did not have the authority to enforce the law and, although the law was ineffective, it did keep the importance of school before the public and helped to form public opinion in favor of education.⁴⁴

Compulsory attendance statutes could be found in most of the New England colonies by the end of the seventeenth century. By 1918 all states had passed statutes that required children ranging in ages from five to nineteen to attend public or approved non-public schools.⁴⁵

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Supra note at 16.

⁴⁵ Supra note at 23.

These laws were created to address the needs and purposes of education and to protect children.⁴⁶ The goals for public education reflected the national concern over advancing the ideals of and preserving a democracy, economically strengthening the country, and equalizing opportunities among races and classes of people.⁴⁷ Many parents objected to the transfer of educational power from family to state and, with the enactment of the Compulsory Attendance Law, families were compelled to hide their home schooling efforts.⁴⁸

Over time these compulsory attendance laws were utilized to combat truancy, to establish laws requiring that English be taught to second language students, and to dissolve some of the unpleasantnesses associated with the lower classes such as limited vocabulary, poor grammar, and defiant behavior.⁴⁹ The laws were perceived to be a remedy for all of society's ills with regard to patriotism and honor.

By the late nineteenth century, the Industrial Revolution, coupled with the exploitation of child labor and the disappearance of the strong family unit, served to eliminate home education. Men began to seek employment outside of the home, families lost cohesion in home education, and extended families dissolved as a result of westward migration.⁵⁰ Child labor laws attacked the exploitation of children while compulsory attendance laws sought to recognize the need for education and for the protection of children against undesirable parental behavior.⁵¹

⁴⁶ Jane Avner, "Home Schoolers: A Forgotten Clientele?" *School Library Journal* 35 (1989): 29-33.

⁴⁷ Supra note at 11.

⁴⁸ Supra note at 10.

⁴⁹ Supra note at 33.

⁵⁰ David Guterson, *Family Matters: Why Home Schooling Makes Sense*. (San Diego, CA: Harbrace, 1992), 123.

⁵¹ Supra note at 46.

It was not until public education became the subject of criticism in the mid twentieth century did home instruction begin to resurface. Parents began to question many of the standards and testing policies required by public education and feared that the associations their children would have in the public school setting would compromise the proper values they were trying to instill in their children.

A RESURGENCE IN HOME EDUCATION

In the 1960s, public school education came under attack by liberal educational reformers, such as John Holt, Jonathan Kozol, Allen Graubard, and Herbert Kohl, who questioned the acceptability and necessity of public education to maintain American democracy.⁵² Public education was criticized for failing to emphasize intellectual development and critical thinking skills that would assure the United States of remaining a world power and a competitive force in a rapidly evolving global economy. Even the conservatist federal government under President Reagan took public education to task in *A Nation At Risk*.⁵³ The report stated its conclusions in brief but dramatic terms:

If an unfriendly power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have even squandered the gains in achievement made in the wake of the Sputnik challenge. Moreover, we have dismantled essential support systems, which helped make

⁵² Romie Tobin, Ann Foster and Brian Cobb, "Home School Alternative Study" (Ed. D. diss., Colorado State University, 1997) 2.

⁵³ Diane Ravitch, "A Nation at Risk: Twenty Years Later." (Hoover Institute)
Retrieved 18 December 2003 from <http://www-hoover.stanford.edu/pubaffairs/we/2003/ravitch04.html> (28 April 2003).

those gains possible. We have, in effect, been committing an act of unthinking, unilateral educational disarmament.⁵⁴

While substantial debate ensued regarding the validity of that document, it became an effective tool in focusing a critical public eye on the efforts of public education in preparing students for modern society. The widely publicized criticism from the federal government and the subsequent standards movement may be regarded as continuing factors to the revitalization of the home schooling movement.⁵⁵ The dissatisfaction with public schools resulted in increased enrollment in private schools and initiated the beginning of alternatives such as charter schools, magnet schools, voucher proposals, and other options, including a marked increase in the number of families choosing to home school.⁵⁶

Educational policy makers across the United States, including Virginia, have recently been confronted with an increase in the number of families who are becoming involved in home schooling. Despite the total number of home schooled students being viewed by many legislators and educational experts as statistically non-significant, the growth in the number of families choosing to participate in home schooling, particularly in Virginia warrants the attention of educational policy makers in order to help them prepare for future questions that may arise in this area.⁵⁷

Over the last two decades, there have been a number of attempts to estimate the home school population by researchers. Past estimates of the number of home

⁵⁴ National Commission of Excellence in Education. "A Nation at Risk." (Washington, DC. U.S. Government Printing Office, 1983) 5.

⁵⁵ Supra note at 53.

⁵⁶ Id.

⁵⁷ William B. Kested, "Home schooling." Study presented at a conference on alternative schools hosted by the Illinois School Board Association in Peroria, Il. (1997).

schoolers vary by hundreds of thousands of children. Table 2 shows the range of home school estimates that have occurred between 1970 and 1996.

According to data from the Parent Survey of the National Household Education Surveys Program, approximately 850,000 students were being home schooled during the spring of 1999, (Table 3). According to the information released by the National Home Education Research Institute (NHERI) in the spring of 2001, there were approximately 1.5 to 1.9 million students in grades K-12 that were home educated.⁵⁸ The latest information provided by the National Home Education Research Institute in the spring of 2003 indicated that the current population ranges from 1.7-2.1 million.⁵⁹

The National Center for Education Statistics (NCES) was the first organization to attempt to estimate the number of homeschoolers in the United States using a rigorous sample survey of households. Attempts to develop estimates of homeschoolers through household surveys, however, did pose some problems. The first two efforts to estimate homeschoolers produced very different estimates.⁶⁰ One problem that may have contributed to the varying estimates was the difference in how the two surveys identified students who were both home schooled and enrolled in school part-time. Neither survey collected precise data on these part-time home schoolers.⁶¹

⁵⁸ Brian D. Ray, "K-12 Children Home Educated in the U.S." *National Home Education Research Institute*. Salem, Oregon. Accessed through the web at <http://www.nheri.org> (2001).

⁵⁹ Brian D. Ray, "K-12 Children Home Educated in the U.S. National Home Education Research Institute." Salem, Oregon. Accessed through the web at www.nheri.org (2003).

⁶⁰ NCES. "Current Population Survey Home School Supplement." *Parent and Family Involvement in Education/Civic Involvement Survey of the National Household Education Surveys Program*, 1996.

⁶¹ Ibid.

Table 2

Research Study Estimates of the Number of U.S. Children Schooled at Home

Study	Estimate
1988 Estimating the Homes School Population ⁶²	300,000
1990 Study conducted by the Home School Legal Defense Association ⁶³	474,000
1996 Study conducted by the U.S. Department of Education's National Institute on Student Achievement and Curriculum and Assessment ⁶⁴	700,000

Source: U.S. Department of Education, (2000).

⁶² Patricia M. Lines, "Estimating the Home School Population." *Unpublished manuscript* (1999).

⁶³ Home School Legal Defense Association." District of Columbia: Home School Court Report." 12(5), (2001, September/October) 9.

⁶⁴ Supra note at 58.

Table 3

Number and percentage of home schooled students ages 5-17, with a grade equivalent of kindergarten to grade 12, by school status: school year 1999-2000

School Enrollment Status	Number of home schooled students	Percent	Standard Error
Total	850,000	1.7	0.14
Only home schooled	697,000	82.0	2.94
Enrolled in school part-time	153,000	18.0	2.94
Enrolled in school less than nine hours a week	107,000	12.6	2.81
Enrolled in school for nine to twenty-five hours a week	46,000	5.4	1.50

Source: National Household Education Surveys Program, 1999 (Parent-NHES:1999)

Note: Standard error. Excludes students who were enrolled in school for more than 25 hours and students who were home schooled due to a temporary illness. Number may not add to total due in rounding.

An NCES technical report, explored in detail the differences in survey design and execution that may have contributed to the disparity between the current population survey and the parents and family involvement survey.⁶⁵ In this report, the parent survey was used to estimate the number of home schoolers in the United States, to describe the characteristics of home schoolers, to document parents' reasons for home schooling, and to report parent's perceptions of public school support for home schoolers.⁶⁶ Students were considered to be home schooled if their parents reported them being schooled at home instead of a public or private school, if their enrollment in public or private schools did not exceed twenty-five hours a week, and/or if they were not being home schooled solely because of a temporary illness. The number of home schooled students used in this analysis was 275 and the number of non-homeschooled students was 16,833. Students are defined in this report as children ages five to seventeen with a grade equivalent of kindergarten through grade twelve.⁶⁷ By surveying, the NCES estimated that approximately 850,000 students were being home schooled in the spring of 1999 (95 percent confidence interval ranges 709,000 to 992,000 students).

Although there is a discrepancy among the various estimates of current home schooled students, it is obvious from looking at statistics from previous years that the number of home schooled students has increased considerably. This increase coupled with the desire for public school officials to have a clear understanding of how to regulate the requests of home schooled families makes this study relevant.

⁶⁵ NCES Technical Report," Issues Related to Estimating the Home Schooled Population in the United States," (1996).

⁶⁶ National Household Education Surveys Program, 1999 (Parent-NHES:1999)

⁶⁷ Supra note at 65.

ORGANIZATION OF THE DOCUMENT

This document is organized into three chapters. Chapter I includes the introduction, the statement of the problem, the purpose of the study, research questions, a historical description of the development of the American educational system, a historical look at the home schooling movement, and the organization of the document. Chapter II provides a review of the literature as it pertains to compulsory attendance regulations, home education regulations, case law dealing with the issue of access, and a discussion of the range of characteristics that describe, and an explanation of the rationales of home school families for educating their children at home. Chapter III details the research questions, conceptual framework, data instrumentation, data analysis, and timeline for the study.

CHAPTER II

LITERATURE REVIEW

Over the past twenty-five years home schooling has been the subject of a number of reflective papers, journal articles, court cases, and research studies. Home schooling first became a topic of interest in the early 1980s as states and the courts began to recognize it as an approved method of educating children. The majority of the writing and research during that time was conducted by masters or doctoral level education students who were attempting to protect the integrity of public education by demonstrating that home educated children were not going to be as successful as public educated students in college as well as life.⁶⁸ In the 1990s publications dealing with home education changed significantly. Studies during that time brought forth a greater body of literature that was produced by social scientists from a wide range of disciplines. Their research addressed various aspects of home education, including legal issues, historical and sociological concerns, learning processes, policy implications, student achievement, and home educated students' social and emotional adjustments.⁶⁹

Current writing and research studies now focus on more than just the overall aspect of home education. Issues such as educating the special needs students in the home, testing requirements for home educated students, and home schoolers' request for access to public school classes and extracurricular activities are a few of the prevalent issues that researchers are exploring.

⁶⁸ Cheryl Wright, "Home School Research: Critique and Suggestions for the Future." *Education and Urban Society* 21, (1988): 96-113.

⁶⁹ Maralee Mayberry, J. Gary Knowles, Brain D. Ray, Stacy Marlow, *Home schooling: Parents as Educators*. (Thousand Oakes, CA: Corwin Press, 1995). 56

The largest amount of home school literature and research falls into the categories of historical, demographic, sociological, academic, and legal. In limiting the search of relevant literature, priority was given to the literature that provided a contextual setting to the movement itself, had some type of a connection to legal and policy issues related to home schooling, and was written within the past twenty-five years.

The review of the literature provided in this chapter is reflective of an in-depth process of data gathering in order to increase my knowledge on the issue of home schooling and more importantly on access for home schooled students to public schools. I began by creating an outline consisting of the issues relating to home schooling and access for home schooled students followed by reading a number of law reviews on the issue of compulsory attendance.

To further acquaint myself with the topic, I reviewed school law textbooks written by public school legal scholars Kern and David Alexander, Lloyd Jorgenson, Lawrence Kotlin, and William Aiken. Their publications provided a general understanding of the topic and assisted in helping me develop a chronological sequence on the issue of home education.

Following the review of the texts, I began to access refereed journal articles, research studies, and governmental reports. I created a notebook for the articles and filed them under the categories of historical and philosophical roots, support organizations, access, and legal status. The category of historical and philosophical roots contained articles and studies that provided a historical perspective on the issue of home education. The support organizations category

included articles and research that had been conducted by state and national organizations including the National Center for Education Statistics (NCES): United States Department of Education, Educational Research Information Center (ERIC), National Home Education Research Institute (NHERI), National Center for Home Education (NCHE), and the Office of Educational Research and Improvement as well as home school organizations such as The Home School Legal Defense Association (HSLDA) and The Home School Report. The access category included articles dealing with issues pertaining to access for home schoolers in the areas of classes, testing, extracurricular activities, and special education services. The final category of legal status included articles dealing with state laws and regulations, curriculum requirements, teacher qualifications, and reentry into public schools. Not all of the articles that I gathered are included in this paper, but they did provide me with a number of different perspectives on the issue of home schooling.

Finally, I searched ERIC, Dissertations Abstract, and OVID for research studies dealing with home schooling and the issue of access to public schools for home schooled students. I reviewed 19 research studies containing information that I have cited and explained in this study. As each study was read, I placed the information in a matrix to assist with the organizational process.

To review case law, I began by exploring the West Law database using key word searches that included home schooling, compulsory attendance, equal access to public schools, and First, Fifth, Tenth, and Fourteenth Amendments. I then searched cases by the level of the court decision including U.S. Supreme

Court, the federal circuit and district courts, and individual State Supreme Court. I was particularly interested in case law from the Commonwealth of Virginia and how it differs from other state supreme courts decisions.

Throughout this process I have tried to remain current on the latest research pertaining to the issue of home schooling and access for home-schooled students. I continue to review court decisions with regard to this topic and I regularly visit the Home School Legal Defense (HSLDA)⁷⁰ and National Home Education Research Institute (NHERI)⁷¹ web sites to review any legislative changes that may have occurred.

By utilizing the information gathered from these resources, I have been able to increase my knowledge of the development of public education in America. I have also, been able to acquire information that has enabled me to trace the home schooling movement from it earliest stages of popularity in Colonial America through its near disappearance during the late 1800s and early 1900s and back to its resurgence in the early 1990s.

THE HISTORICAL DEVELOPMENT OF HOME SCHOOLING

By 1980 only two states, Nevada (1956) and Utah (1957), had statutes in place that specifically provided for home schooling. By 1993 this number increased to thirty-two, with Maryland and New York permitting home instruction through state regulations.⁷² Even with the number of states permitting home education continuing to increase, other states clearly refused to acknowledge homeschooling as an acceptable form of education.⁷³ The question still remains, “Does the state’s responsibility for

⁷⁰ Supra note at 63.

⁷¹ Supra note at 59.

⁷² Supra note at 23.

⁷³ Id.

education stand in the way of parental rights of privacy, due process, and freedom of religion?”⁷⁴ In other words, should states be able to prohibit parents’ rights to deliver education to their children in the home?

By 1995 home schooling was legal in all 50 states, yet the degree to which the states could regulate home schooling continued to be challenged by public school officials and debated by state legislators. As home schooling has become more widely accepted, and as states continue to reform their educational systems, the relationship between home schooling families and public schools becomes more complex.

HOME SCHOOLING REGULATIONS

Because education falls under the power of the state, home schooling is regulated at the state level. While this creates some diversity among the states, the regulations tend to fall into one of four categories, as described by the National Home Education Research Institute (NHERI): no regulations, low regulations, moderate regulations, and high regulations⁷⁵ (Appendix A).

Alaska, Idaho, Illinois, Indiana, Michigan, Missouri, New Jersey, Oklahoma, Texas, and the U.S. Territories of Guam and Puerto Rico have no requirements for families who choose to home school.⁷⁶ Consequently, these families are not required to notify the local school division of their intent to home school nor are they required to provide any type of documentation as to the success of the home schooled student.⁷⁷

There are fourteen states and one U.S. territory that have very low regulations regarding home schooling. These include: Alabama, Arizona, California, Delaware,

⁷⁴ Supra note at 43.

⁷⁵ Supra note at 59.

⁷⁶ Beverly S. Krueger, “Eclectic Homeschool Association.” Sparks, NV. Retrieved December 20, 2003 from <http://www.eho.org> (2003).

⁷⁷ Ibid.

Washington DC, Kansas, Kentucky, Mississippi, Montana, Nebraska, Nevada, New Mexico, Wyoming, and the U.S. Territory, Virgin Island.⁷⁸ In these states the parents of home schooled students are not required to initiate any contact with the state. The only requirement for home schooling is that the parents must notify the local school division of their intent to home school.

Some states and territories fall into the category of having moderate regulations for home schooling students. Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Louisiana, Maryland, New Hampshire, North Carolina, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Virginia, and the U.S. Territories of American Samoa and Northern Mariana Islands are described by the NHERI as meeting these qualifications.⁷⁹ In these states and territories parents who choose to home school their children are required to notify the local school district of their intent to home school, meet certain standards before they are permitted to home school, and supply documentation of student progress through a professional evaluation instrument.

The final category includes those states that have high regulations for parents who choose to home school their children. The states included in this category are Maine, Massachusetts, Minnesota, New York, North Dakota, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and West Virginia. In these states parents are required to provide notification of their intent to home school, to provide documentation of student progress, to participate in one or more professional evaluations, to have the

⁷⁸ Ibid.

⁷⁹ Ibid.

curriculum approved, to meet certain teacher requirements, and to have a home visit by a state or school district official.⁸⁰

The legal requirements for home schooling vary from state to state and often times change from year to year, depending on the direction of the political winds. The National Home Education Network (NHEN) has as an ongoing project to keep a listing of state laws for each state and territory of the United States and to develop a more consistent means of calculating the actual number of home schooled students in the United States.⁸¹ This is a service provided to home school families to keep them informed of the latest regulations and requirements of the state in which they reside.

HOME SCHOOLING GROWTH IN VIRGINIA

The Commonwealth of Virginia has experienced a steady increase in the number of students who participate in home schooling programs. Table 4 shows how the number of homeschooled students in Virginia has increased since 1991.⁸² Virginia homeschoolers can choose from two state statutes when homeschooling. One is a general homeschooling statute, the other a religious exemption from compulsory school attendance statute.⁸³ The Commonwealth of Virginia's Department of Education began including the religious exemption students in the same category as home schooled students in 1995, so the data series begins with figures reporting the number of children registered under the general statute, followed in 1993-1994 in which both the aggregate figure of all homeschooled children and the number of children using the general statute are shown. The reports show only the number of all

⁸⁰ Ibid

⁸¹ Ibid

⁸² Supra note at 2.

⁸³ Supra note at 3.

Table 4

Homeschooling Growth in Virginia 1989-2005

School Year	Official Number of Homeschooled Children	Notes	Increase
1989-1990	2,934	(Without religious Exemption)	N/A
1990-1991	3,816	(Without religious Exemption)	23% (this category only)
1991-1992	4,558	(Without religious exemption)	16% (this category only)
1992-1993	5,842	(Without religious exemption)	22% (this category only)
1993-1994	8,454	(7,009 without religious exemption)	31% (above category only)
1994-1995	9,796	Including religious exemption	16% (all categories)
1995-1996	10,862	Including religious exemption	11% (all categories)
1996-1997	12,199	Including religious exemption	10% (all categories)
1997-1998	13,852	Including religious exemption	12% (all categories)
1998-1999	14,826	Including religious exemption	7% (all categories)
1999-2000	16,512	Including religious exemption	10% (all categories)
2000-2001	18,781	Including religious exemption	12% (all categories)
2001-2002	19,526	Including religious exemption	4% (all categories)
2002-2003	22,021	Including religious exemption	11% (all categories)
2003-2004	22,845	Including religious exemption	11% (all categories)
2004-2005	23,252	Including religious exemption	11% (all categories)

Source: Virginia Department of Education. Richmond, VA, November, 2005.

These official figures suggest the recent annual growth rate in homeschooling (under both Virginia statutes pertaining to homeschooling) is about 13 percent annually.

home schooled children registered with local school authorities. According to the figures published by the Virginia Home Education Association (VHEA), the number of homeschooled students in April of 2000 totaled 14,323. In the fall of 2001, this number increased to 16,107.⁸⁴

The Virginia Department of Education collects data on the number of home schooled students as a part of the Fall Membership Report filed by local school divisions. Table 5 provides a breakdown of the number of home schooled students registered in Virginia by district as provided by the Virginia Department of Education (VDOE) based on the fall 2005 report.

DEMOGRAPHICS OF THE HOME SCHOOLING FAMILY

With the increased growth in home education, educators and policymakers strive to understand the motivation to home school and to have composites of those who choose to home school. There are more home schoolers today than ever before, and the parents are becoming more organized through their state and national organizations. What began as an antisocial and rebellious activity of isolated families has now evolved into a national movement with extensive support and communication networks, publications, and formal and informal leadership.⁸⁵ Specifically, there was a rise in networking organizations supporting home school families.

As the increase in support for home school families has grown, researchers and legislators have become interested in learning about the home school parents. A

⁸⁴ Supra note at 2.

⁸⁵ John Holt, "How Schools Can Cooperate With Home Schoolers." *Education Digest*, 49 (1983): 2-5.

Table 5

Home School Enrollments by District, as Reported in 2004

School Division	Home Schooled	Religious Exemptions	School Division	Home- schooled	Religious Exemptions
<u>COUNTIES:</u>			<u>COUNTIES:</u>		
Accomack	112	41	Fluvanna	82	9
Albemarle	292	79	Franklin	190	81
Alleghany	58	0	Frederick	170	223
Amelia	93	44	Giles	41	60
Amherst	86	71	Gloucester	119	198
Appomattox	49	11	Goochland	107	8
Arlington	100	7	Grayson	42	12
Augusta	203	270	Greene	99	40
Bath	24	11	Greensville	19	7
Bedford	404	120	Halifax	74	7
Bland	8	9	Hanover	420	69
Botetourt	127	36	Henrico	382	62
Brunswick	42	14	Henry	80	100
Buchanan	16	0	Highland	17	8
Buckingham	41	39	Isle of Wight	265	29
Campbell	203	41	King George	114	61
Caroline	112	9	King & Queen	29	30
Carroll	66	36	King William	65	3
Charlotte	31	47	Lancaster	25	30
Chesterfield	1117	609	Lee	69	0
Clarke	112	34	Loudoun	743	6
Craig	32	26	Louisa	135	8
Culpeper	202	126	Lunenburg	20	6
Cumberland	67	0	Madison	45	130
Dickenson	17	7	Mathews	20	10
Dinwiddie	71	55	Mecklenburg	76	9
Essex	25	0	Middlesex	12	9
Fairfax	855	446	Montgomery	234	41
Fauquier	350	119	Nelson	69	45
Floyd	42	78	New Kent	45	2

School Division	Home Schooled	Religious Exemptions	School Division	Home Schooled	Religious Exemptions
<u>COUNTIES</u>			<u>Cities</u>		
Northampton	25	9	Alexandria	56	0
Northumberland	34	4	Bristol	27	1
Nottoway	41	21	Buena Vista	1	5
Orange	121	86	Charlottesville	45	6
Page	86	39	Chesapeake	654	123
Patrick	63	42	Colonial Beach	11	4
Pittsylvania	236	55	Colonial Heights	30	21
Powhatan	137	75	Covington	12	0
Prince Edward	52	0	Danville	37	1
Prince George	70	14	Falls Church	16	0
Prince Wm.	1073	26	Franklin	19	0
Pulaski	78	0	Fredericksburg	65	4
Rappahannock	36	22	Galax	25	5
Roanoke	258	43	Hampton	280	31
Rockbridge	96	22	Harrisonburg	52	42
Rockingham	196	37	Hopewell	43	15
Russell	20	12	Lexington	11	2
Scott	19	7	Lynchburg	260	20
Shenandoah	121	64	Martinsville	7	2
Smyth	57	35	Manassas	132	15
Southampton	68	7	Manassas Park	40	5
Spotsylvania	476	71	Newport News	323	47
Stafford	451	191	Norfolk	261	61
Surry	41	36	Norton	1	1
Sussex	35	2	Petersburg	17	9
Tazewell	70	46	Poquoson	25	7
Warren	182	159	Portsmouth	216	38
Washington	100	124	Radford	7	0
Westmoreland	17	8	Richmond	169	25
Wise	42	70	Roanoke	137	8
York	226	33	Salem	51	12

School Division	Home- schooled	Religious Exemptions
<hr/>		
<u>Cities</u>		
Staunton	57	25
Suffolk	288	39
VA Beach	706	11
Waynesboro	45	21
West Point	5	4
Williamsburg	201	58
Winchester	32	0
State Totals	17,448	5,804

Source: Virginia Department of Education. Richmond, VA, November, 2004.

number of studies dealing with the demographics of the home school family as well as the profile of the home school parent have occurred over the past twenty years.⁸⁶

In order to acquire an understanding of the modern home school movement it is important to develop an understanding of the home schooling family. According to one home school advocate, the family has everything to do with why most parents choose to home school their children.⁸⁷ These parents consider the family “superior to any other institution in society and firmly believes that no factor in life has more of an impact on a child than the family background.”⁸⁸ A child’s home situation directly affects his or her educational performance in the classroom. This is why many elementary schools now employ a guidance counselor who specializes in family relations to help create a balance between home life and school.⁸⁹ Parents who choose to home school feel that they do not have to worry as much about the issue of family relations and positive interaction between the parents and their child as those parents who send their children to public schools. Their feeling is that because they are actively involved in both the academic and social development of their child, twenty-four hours a day, that they are better able to monitor their child’s needs and to respond to their developmental issues in a timelier manner.

Another implication for the home schooling family is that the children are able to spend time together learning from the most influential people in their lives, their parents.⁹⁰ As families study, learn, and play together close relationships develop. These

⁸⁶ Ibid.

⁸⁷ Chris Jeub, “Why Parents Choose Home Schooling.” *Education Leadership* 52 (1994): 7-8.

⁸⁸ Ibid.

⁸⁹ Shawn A Gillies. “Home Schools An Option For Families and Children.” *Research Center for Families and Children* 6 Fall (1997): 7-8.

⁹⁰ Ibid.

parents are not only able to teach their children the necessary disciplines that will help them excel in society, but they have the opportunity to pass on family heritage and culture. Because of the sacrifice and dedication involved in home schooling children, parents who choose to home school often have a passion for learning, and desire for their children to have the same. This passion for learning is something necessary for true learning and is often missing from public school systems.⁹¹ Truly, home schoolers choose this form of educating their children because of the positive effects it can have in bringing the family closer together.

In contrast to the characterizations provided by home school advocates, educational researchers, including Knowles, Muchmore, and Spaulding have found it difficult to create a general composite that describes the parents who choose to home school their children.⁹² Some parents who have turned to home schooling are perceived as people who favor a political philosophy of progress and reform and the protection of civil liberties. These people are commonly considered liberals. They elect to home school because they believe in the necessity of the liberal arts, and believe that it is important for everyone to withdraw from the concerns of the world for a short time in order to reenter it with renewed understanding and vigor.⁹³

Other parents who have chosen to home school their children are characterized as religious fanatics who have chosen to isolate themselves from the evils that exist throughout the world. These families tend to run the full range of the social spectrum

⁹¹ Ibid.

⁹² Supra note at 10.

⁹³ Id.

from conservatism to liberalism. Their socioeconomic status is quite broad, as is their educational preparedness.⁹⁴

Several research studies have been conducted that deal specifically with the characteristics of families who chose to home school their children.⁹⁵ These studies were intended to provide more information about the parent's socioeconomic status, family demographics, educational background, and religious preferences.

It has been noted that parents who choose to home school their children possess a wide variety of backgrounds and a great deal of diversity.⁹⁶ They may be intellectual and nonintellectual, wealthy and poor, scholarly and uneducated, fundamentalists and liberal. Home schooling appears to have no class restrictions and its participants share in the common belief that their children do not belong in public or private school for one reason or another.⁹⁷

STUDIES RELATING TO THE DEMOGRAPHICS OF THE HOME SCHOOLING FAMILY

Some of the more recent studies on home schooling contain sections with demographic findings on its subjects.⁹⁸ One overview of some home schooled students indicated that the typical home schooling family was white, religious (mainly Protestant), politically conservative, somewhat more affluent, having somewhat higher educational attainment, and more likely to be from a two-parent family. The average family make-up

⁹⁴ Id.

⁹⁵ Gunnar A. Gustavson, "Selected Characteristics of Home Schools and Parents Who Operate Them." (Ed.D dissertation, Andrews University, 1981). Marilyn Curry, "The Motivations, Procedures, and Demographic Characteristics of Parents Involved in Home Schooling." (1984) Unpublished manuscript. Norma J. Linden, "An Investigation of Alternative Education: Home Schooling". (Ed.D dissertation, East Texas State University, 1983).

⁹⁶ Maralee Mayberry, "Characteristics and Attitudes of Families Who Home School." *Education and Urban Society*, 21 (1988) 32-41.

⁹⁷ J. Gary Knowles, Stacy E. Marlow, & James Muchmore, "From Pedagogy to Ideology: Origins and Phases of Home Education in the United States, 1970-1990." *American Journal of Education*, 100 (1992): 195.

⁹⁸ Supra note at 95.

consisted of two school age children who were being home schooled, and a third child, usually younger, who is a part of the family. The typical mother assumed the largest share of the teaching responsibility, but the father did participate in the process. The typical family makes use of community and other resources, like church, the local school, the local library, and numerous organizations offering material or services for home schoolers.⁹⁹ Although there were no statistics included in the article to support these statements, the information contained in the article can be viewed as accepted based on the fact that the author is considered to be one of the foremost experts in the field of home education.

In 1998, Lawrence Rudner, an expert statistician with the ERIC Clearinghouse on Assessment, was asked to perform the largest survey and testing program for students involved in home schools.¹⁰⁰ This study, which was requested by the Home School Legal Defense Association, involved 11,930 families and was designed to gather the basic demographic characteristics from a national sample of home school students and their families. The demographic findings indicated that home school parents have more formal education than parents in the general population; eighty-eight percent of the home school parents continued their education beyond high school compared to fifty percent for the nation. The median income for home school families was \$52,000 per year, which was significantly higher than the \$32,000 income of families with children in public and private schools. Almost all home school students (ninety-eight percent) lived in a two-parent household. Most home school mothers (seventy-seven percent) did not

⁹⁹ Patricia M. Lines, "Home Schooling Comes of Age," *Educational Leadership*, 54 (2) 1996): 63-67.

¹⁰⁰ Lawrence Rudner. "Scholastic Achievement and Demographic Characteristics of Home School Students in 1998," Education Policy Analysis Archives, 7(8). Available at <http://epaa.asu.edu/epaa/v7n8/>. (14 November 2003).

work outside the home and almost all home school fathers (ninety-eight percent) did work a job outside the home. It was also found that home school students watched less television than their public and private school counterparts, with sixty-five percent of home school students watching less than one hour of television per day compared to only twenty-five percent of the public and private school students.¹⁰¹

The Rudner study served to provide the most meaningful statistics of any study conducted over the last twenty-five years that profiled the home schooling parent and their demographic makeup. Other similar but smaller studies have provided findings similar to Rudner's, however due to the fact that the sample populations in these studies was far less than those in the Rudner study, it is difficult to view their findings as being significant.

In 1981, Gustavson identified selected characteristics of home schools and the parents who operate them.¹⁰² The sample used in this descriptive study included eighty-six parents from a population of 150. The participants were selected randomly from the files of the Hewitt Research Foundation, Berrien Springs, Michigan. The study was designed to develop a profile of home schools and home school parents by identifying central tendencies in the respondent data. Gustavson used qualitative research methods for gathering data. A questionnaire was mailed to the parents asking for their responses in five areas: 1) the reasons for operating a home school, 2) the general nature of their home school, 3) the essential elements for home school success, 4) the

¹⁰¹ Ibid

¹⁰² Supra note at 95.

psychological characteristics of home school parents, and 5) the demographic characteristics of home school parents.¹⁰³

Data analysis from the eighty-six respondents (fifty-seven percent) enabled Gustavson to rank the reasons parents chose to home school their children. Ninety percent of the respondents stated their number one reason for choosing to home school was the concern they had for the moral health and character development of their child. Seventy-two percent of the respondents cited their second highest reason for choosing to home school their child was the feeling that public schools can have a detrimental effect on their child because of the rivalry that exists among students as well as the ridicule that often takes place when students are labeled by their peers as being different. Thirty-eight percent of the parents responding to the survey stated their third highest reason for choosing to home school their child was their belief that public schools did not provide a quality education and that because of the various levels of the students in each of the classes, public school teachers were unable to provide the type of education they wanted for their child. The fourth and final reason for parents choosing to home school their child, as cited by eighteen percent of the parents, was the desire of parents to extend their contact with their child.¹⁰⁴ Findings from this portion of the study indicated that these respondents tend to be individualistic, law-abiding, citizens who are concerned about their role as a parent and are, for whatever reason, dissatisfied with their current options for educating their child. According to the researcher they desire to

¹⁰³ Id.

¹⁰⁴ Id.

reestablish the home as the basic unit in a free enterprise society and are willing to confront the social opposition in order to meet their personal goals.¹⁰⁵

In addition to ranking the reasons for parents choosing to home school their children, Gustavson provided an analysis of the typical characteristics of the home school family. He found that the religious affiliation in seventy percent of the families was protestant. The average size of home school family was five (two parents and three children), which was smaller than the national average of 5.3 family members per household.¹⁰⁶ The wife/mother was determined as being responsible for the teaching in ninety-two percent of the homes. Incomes were found to be in the middle range of \$15,000 to \$20,000 a year in fifty-seven percent of the homes, and the typical parents were found to have between one and three years of college education in fifty-eight percent of the eighty-six respondents. It was also determined that these parents were more educated than the average American adult. At least one parent from twenty-three percent of the sampled families had attended graduate school as opposed to a 1981 national average of twenty-two percent.¹⁰⁷ One parent from seventy-five percent of the families had attended college as opposed to a national average of forty-four percent.¹⁰⁸ These parent profiles served to identify a segment of parents in the United States who were likely to initiate and operate a home school.

Curry conducted a study in 1984 involving seventy-eight of 200 randomly selected home schooling families from Oregon. It was determined that fifty-six percent of the home schooling fathers and nineteen percent of the home schooling mothers had

¹⁰⁵ Supra note at 95.

¹⁰⁶ Id.

¹⁰⁷ U.S. Department of Education. National Center for Education Statistics, "The Condition of Education." Washington, DC, (2002).

¹⁰⁸ Ibid.

attended college, and an additional sixteen percent of the fathers and thirty-seven percent of the mothers had graduated from college.¹⁰⁹ This may be compared to figures from U.S. Department of Education that reveal that the average number of males who had attended college in 1984 was forty-eight percent and the average number of females who had attended college was fifteen percent. Only twenty percent of the males and twenty-four percent of the females had graduated.¹¹⁰

A third descriptive study involving sixty-six families living in Texas was conducted in 1988.¹¹¹ At the time of the study Texas law did not address home education making it neither legal nor illegal. Linden however, had recognized that a number of parents had asserted what they considered to be their natural and legal right to educate their children at home. The major focus of the investigation therefore, was to describe distinguishing factors that were representative of families involved in home education. Data used in the study was obtained through a mailed questionnaire and sixty-six of the 100 questionnaires were returned.¹¹²

Linden found that eighteen percent of the respondents had masters' degrees, thirty-three percent had bachelor's degrees and another twenty-nine percent had at least two years of post secondary education.¹¹³ Linden asked only for the level of education attained by the main educator in the family in her study, noting that this most often was the mother. She reported that eleven percent of her respondents had attended graduate school, eighteen percent had graduated from college, and an

¹⁰⁹ Supra note a 95.

¹¹⁰ Supra note at 107.

¹¹¹ Supra note at 95.

¹¹² Id.

¹¹³ Id.

additional twenty-seven percent had attended college for at least one year without graduating.¹¹⁴

She also found that parents preferred home education over public school education because it relieved their child from the inhumane philosophies associated with standardized testing, imposed on their child at public school. Most of the respondents were found to live in suburban areas and were members of a Protestant religion. The parents also felt that their home education program was successful because of their love for their children and because of the time and effort they put into home schooling.

White conducted a demographic analysis of parents who home school their children in the Commonwealth of Virginia to validate reasons why parents in Virginia chose home schooling to educate their children.¹¹⁵ Data collection consisted of a questionnaire sent to 100 randomly selected home school parents from the total home school population. An interview was also conducted with ten randomly selected parents from the population who received the questionnaire. The data in the study consisted of responses from seventy-four participants.

Eighty percent of the parents participating in this study believed that public/private schools posed a threat to their child's moral character. Additionally, sixty-seven percent felt that home schooling provided a better learning environment because parents were able to give more individual attention and love to their child during the learning process. An analysis of general characteristics revealed that seventy-two

¹¹⁴Supra note at 95.

¹¹⁵ Barbara J. White, "A Demographic Analysis of Parents in Virginia Who Choose Home Instruction to Educate Their Children." Ed.D. diss., Virginia Polytechnic Institute and State University. (1987).

percent of the families had two children, and had upper incomes in the \$60,000 - \$70,000 range.¹¹⁶

Three other state specific research studies provided demographic information of home schooling parents. A 1988 study, conducted in the State of Oregon, focused on the religious affliction, the political alignment, and the educational attitudes and characteristics of home school parents.¹¹⁷ The data from this study concluded that home schooling parents were better educated, earned higher levels of income, and were more likely to live in small residential areas than their fellow state citizens. Additionally, a greater percentage of these parents worked in either professional or technical fields and were more likely to attend church on a regular basis.¹¹⁸

In 1993 a similar in-depth analysis of home school families in the State of Arkansas was conducted.¹¹⁹ The purpose of this study was to collect and interpret data on home schooling in Arkansas. The aspects of the study focused on the attitudes of home school parents toward public schools in Arkansas, the attitudes between Arkansas public school superintendents and Arkansas home school families, the characteristics of home school families, and the student achievement of the home schooled students.¹²⁰ Data for the study was obtained from questionnaires mailed to 319 Arkansas public school superintendents and 696 Arkansas home school families. Hines found similar demographic statistics to the previously mentioned study. The average family size for home schoolers was found to be five and the average number of

¹¹⁶ Ibid.

¹¹⁷ Supra note at 96 p. 32-41.

¹¹⁸ Id.

¹¹⁹ Paul M. Hines, "Home Schooling in Arkansas: A Study of Attitudes, Family Characteristics, and Student Achievement." (Ed.D. diss., University of Arkansas, 1993).

¹²⁰ Ibid.

children found in the home was three. Thirty-seven percent of the parents were found to have a college education and twenty-eight percent had earned a postgraduate degree.¹²¹

A t-Test of Independent Samples indicated that there were significant statistical differences in attitudes toward public schools and home schooling between Arkansas public school superintendents and Arkansas home school families. Seventy-three percent of the public school superintendents felt that children who were being home schooled would not receive the same quality of education as those students who were schooled at home. Eighty-nine percent of the parents surveyed felt their children were receiving an appropriate education, which would ensure their future success.¹²²

Hines also compared the standardized achievement test scores using the Stanford Achievement Test-Eighth Edition (SAT 8). The data used to make this comparison was provided by the Arkansas Department of Education. Analysis of the data compared the differences in scores on the student achievement test between Arkansas home school children and their public school counterparts at the fourth, seventh, and tenth grades levels for the 1991-92 school year. The results of the comparisons found that home school students out performed the public school students by as much as twenty-one to twenty-nine percent.¹²³ These results however, are unreliable since Hines provided no information to indicate that students were compared with other students based on gender, race, socio-economic status, or other factors that may influence achievement.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

In a 1996 a research study involving 189 out of 250 randomly selected members of the Idaho Home Educator's Association was conducted. This study was intended to provide information about the characteristics of Idaho home schools, home school families, and the opinions of home school families with regard to the home schooling process.¹²⁴ The results of this study indicated that in ninety percent of the home schools the mother was the primary teacher. In ninety-five percent of the homes the average age of the parents was between thirty and forty. In sixty-three percent of the families there were three children involved in the home schooling process, the average annual family income was \$40,000 in fifty-six percent of the families, and in forty-two percent of the homes the parents had completed at least two years of college.¹²⁵ Additionally, the researcher found that ninety-nine percent of the families attended religious services at least once a week and that the primary form of religion in ninety percent of the families was Protestant.

These three state specific studies showed a number of commonalities in the make-up of the family as well as in the level of education that the home schooled parents possessed. The families in each of these studies were found generally to be politically conservative and mainly Protestant in their choice of religion.

The information in this section provided an overview of the demographics of the home school family and the parents who choose to home school their children. Although there are some differences in the findings, across studies there are enough consistencies found to enable the home school parents to be placed in one of two categories, at least in the mind of Jane Van Galen, a professor in the Education

¹²⁴ Shirley M. Breshears, "Characteristics of Homes Schools and Home School Families in Idaho." (Ed.D. diss., University of Idaho, 1996).

¹²⁵ Ibid.

Department at the University of Washington, Bothell.¹²⁶ In her book, Van Galen concludes that families who choose to home school fall into the category of either Ideologies or Pedagogues. This conclusion is based on her review of research studies that have dealt with the issue of home schooling. The studies she reviewed were conducted between 1985 -1990.

Ideologies. The first group identified as Ideologues, consist of parents who choose to home school primarily because of religious reasons and the desire to strengthen the parent-child relationship. They want to direct their children's education and infuse their own morals, values, and religious beliefs. These families seem to subscribe to a more rigid curriculum and frequently purchase materials from companies who specifically produce home school curriculum materials. According to the Van Galen these families tend to replicate the processes and functions of the public schools while eliminating the typical school setting.¹²⁷

The environment of the Ideologue home school is similar to a typical school setting while controlling for negative peer influences such as drugs and violence and infusing parental beliefs. The predominant group is characterized as Christian; yet, other ideologies, such as New Age, Jewish, and Islamic, make up twenty percent of the home school population.¹²⁸ It is currently estimated that, nationally Ideologues make up the majority of those families who home school.¹²⁹ Chris Jeub, a public high school English teacher and home school parent, suggested that home school approaches "the

¹²⁶ Jane Van Galen, *Ideologies and Pedagogues: Parents Who Teach Their Children at Home*. (Norwood, NJ: Ablex Publishing, 1991), 63-76.

¹²⁷ Ibid.

¹²⁸ Supra note at 97.

¹²⁹ Id.

true definition of education: the passing down of culture.”¹³⁰ He further stated that home schooling provides the opportunity to “acknowledge the influence of religion in American life rather than avoiding all mention of religion as is done in public schools.”¹³¹

Pedagogues. The second group of homeschoolers Pedagogues, believe they are better able to accommodate the varied learning styles and offer more creative and fulfilling learning experiences than those their child might receive from the public school.¹³² The approach to education these families use is to promote intrinsic motivation of the learner by using a less structured learning environment. This group uses a holistic approach to education whereby the student is responsible for determining what is learned. They choose a variety of materials and sources to support the educational needs of their children.¹³³

Mary Ann Pitman, who has written research articles and co-authored two books on the subject of home schooling, took a slightly different look and identified three categories of parent home educators: religious, progressive, and academic and labeled the groups with titles: Fundamental Christians, New Agers, and Harvard-Bounds, respectively. In an interpretation similar to Van Galen, Pitman characterized the Fundamental Christians and the New Agers as those who reject formalized schooling because of religious beliefs and their feeling that home schooling will strengthen relationships with their children, while the Harvard-Bounds chose to home school based on academic beliefs and choices.¹³⁴

¹³⁰ Supra note at 87 p. 51

¹³¹ Id.

¹³² Supra note at 127.

¹³³ Id.

¹³⁴ Mary Ann Pittman, “Compulsory Education and Home Schooling: Truancy or Prophecy?” *Education and Urban Society*, 19 (1991): 280-289.

Parental rationales for educating their children at home vary, but the research indicates that the reasons are based on individual preferences and generally fall into one of three categories. The first category centers on those parents who are dissatisfied with public schools and their outcomes, philosophies, culture, or other perceived events and attitudes.¹³⁵ For this group, schools are seen as repressive of their child's individual needs resulting from attitudes they developed from their own personal experiences. The home is considered to be a less stressful environment and, consequently is more conducive to nurturing the academic development of the child. It is generally viewed also as being more adept at providing for the needs gifted or special education students.

A second rationale focuses on the belief that public schools often teach only to the average or mediocre student and do very little to challenge the high ability student. In many cases parents attempt to compensate their children for similar experiences they had when they were in school. Additionally, some parents see the home as providing the greatest opportunity for experiential learning and is much more cognizant of the child's individual learning styles and needs.¹³⁶

The third category focuses on differences in religious beliefs and values between families and schools. For these parents, religious beliefs and attitudes create the emotional support and academic environments needed to provide the students consistent and appropriate moral values. Parents in this category are motivated by their desire to create close family relationships. Because home education is believed to have the potential of offering these kinds of benefits, the religious perspective is believed by

¹³⁵ Supra note at 10.

¹³⁶ Id.

many to further verify its worth.¹³⁷ These reasons were consistent among the families surveyed in several of the more prominent research studies.¹³⁸

In the Gustavson study, respondents were asked to rate the relevance of several factors to their decision to home school.¹³⁹ Seventy percent of the parents said that it was relevant that public schools were a threat to their own personal moral values and beliefs, while an additional twenty-two percent identified this factor as somewhat relevant. Additionally, seventy percent of these parents said that it was very relevant to their decision that public schools did not assist in desirable character development.¹⁴⁰ Respondents in Curry's sample chose the desirability of family closeness over academic concerns in identifying their reasons for home schooling, with 76 percent of the sample agreeing with the statement that education is a family responsibility.¹⁴¹

Jon Wartes, a researcher and home schooling father from the state of Washington, found less consistent responses in the 219 randomly selected home schooled parents in his study. Twenty-four percent of his sample reported that they chose home schooling because they thought that children could learn better at home. Another twenty-one percent believed that home schooling was a better way to foster religious values and beliefs, while twenty percent wanted to help their children avoid drugs and bad relationships.¹⁴² Parents in Curry's sample were also concerned about the moral influence of peers and the social pressures of traditional schooling. Linden specifically asked parents about characteristics of the public schools that affected their

¹³⁷ Id.

¹³⁸ Jon Wartes, "Report from the 1987 Washington Home School Testing" (Washington Home School Research Project, 1988). 142-55. Supra note at 95.(Linden) p. 130, Supra note at 95. (Gustavson) Supra note at 99.(Lines) p. 98., Supra note at 95.(Curry) p. 49.

¹³⁹ Supra note at 95.

¹⁴⁰ Id.

¹⁴¹ Supra note at 95.

¹⁴² Supra note at 139.

decision to home school. Over sixty percent of her respondents said that they objected to the lack of religious freedom, the teaching of evolution, and the use of drugs and alcohol in public schools.¹⁴³

While each of these surveys used different methods to identify the reasons for home schooling, the majority of the home schooling parents appeared to be primarily concerned with their children's moral and spiritual development, and have chosen home education because they believe that desirable values could be better nurtured in the home than in the public school setting.

These studies provided several reasons for why parents chose to home school their children; however, there was very little information with regard to how or why parents developed these attitudes. The subsequent section is designed to take a more in-depth look in to why an increasing number of parents feel compelled to home school their children.

SOCIOLOGICAL ISSUES RELATING TO HOME SCHOOLING

Despite the fact there is a number of clear and concise reasons why parents choose to home school their children, the home schooling phenomenon still receives criticism from many of public and private school supporters. One of the criticisms centers around the idea that because home schooled children do not have the opportunity to interact with other children their age, they do not develop the social skills they will need later in life. A second criticism focuses on the concern that because many home schooled children receive their instruction from a person who is not trained as a teacher, their academic achievement will not be as high as students who receive

¹⁴³ Supra note at 95.

their education through public or private schools. This section will focus on these concerns and the research that addresses them.

Critics of home schooling education often express concern that home schooled children lack the opportunity to socialize with their peers. Within the public school setting, group activities such as cooperative learning, ability grouping, and extracurricular activities teach children how to share with and respect others. It is believed that home schooling children may be socially handicapped without this formalized classroom interaction and the extracurricular activities that are associated with public and private schools.¹⁴⁴ In contrast, advocates argue that home schooled children have a wider range of people with whom to interact and, therefore, learn more social skills than students who attend public school.¹⁴⁵ Some home school parents have even begun to combine forces in an effort to provide curricular and extra curricular activities with others so that their children have contact outside the home.¹⁴⁶

Some parents who home school their children feel that public schools do not offer a safe social environment that they can trust to protect their children. Issues such as weapons, drugs, violence, teen pregnancy, and peer pressure are just a few of the social issues that public school students face every day. Parents of home schooled children believe they can obtain a much more balanced and worry free form of socialization at home. Home school parents also feel that maintaining a social relationship among peers takes time and effort, which often distracts from the learning process and growth of the child. As an alternative form of child socialization, some feel that home school offers a more intimate setting for the acquisition of basic life skills

¹⁴⁴ Supra note at 87.

¹⁴⁵ Supra note at 18.

¹⁴⁶ Id.

such as showing respect for others, sharing, and cooperating.¹⁴⁷ Home school advocates often believe that such experiences are foreign to children attending public schools because they do not have to make the sacrifices and commitments that home school students have to make to work around parent schedules and cooperate with other home schooled family members that take away from their instructional time.

It has been suggested that researchers have been unable to provide specific information on the socialization of home-educated children because the concept has been extremely difficult to measure.¹⁴⁸ Many of the studies in this area have been conducted by home schooling advocates and reported in such a manner as to attempt to dispel the perception of socialization as being inadequate in home schools due to the lack of peer association.

STUDIES RELATING TO THE SOCIALIZATION OF HOME SCHOOLED STUDENTS

Taylor, a doctoral candidate from Andrews University, compares the self-concepts of home schooled children to those of their public educated peers by using the Piers-Harris Global Scale. This instrument is designed to measure the central aspects of an individual's personality.¹⁴⁹ The researcher analyzed the self-concept relationship between home schooling students and public school students in grades four through twelve. Participants were randomly selected from lists of home school families obtained from home school organizations across the United States. The selection process yielded 224 participants who qualified based on their responses to a survey that was mailed to a group of 500. The researcher found that the self-concept of home schooled students was significantly higher ($p < .001$) than that of conventionally schooled

¹⁴⁷ Supra at 87 p. 7-8.

¹⁴⁸ Supra note at 50.

¹⁴⁹ John Wesley Taylor, "Self-concept in Homeschooling Children." Ph. D. diss., Andrews University, (1986).

students on all scales of the Piers Harris Children's Self-Concept Scale. Fifty percent of the homeschooled students scored in the 91st percentile or better on the global scale. The self-concept of the homeschoolers was found to decrease significantly ($p < .01$) as age and grade levels rose. The factors of gender, number of siblings, locale of residence, prior conventional schooling, number of years of home schooling, beginning school age, and educational level of home schooling parents were found to not be significantly related ($p < .05$) to a more positive self-concept in homeschoolers. The best predictive model of self-concept in home schoolers ($p < .001$) was related to lower grade equivalence, higher years of home schooling, higher socioeconomic status, higher number of homeschoolers in the family, and higher beginning school age. The study concluded that very few of the home-educated children were socially deprived.¹⁵⁰ There were, however, no data provided to indicate that the comparisons made between the two groups were based on students from similar socio-economic backgrounds and similar family structures.

Using one of the best validated self-concept scales available, Taylor's random sampling of home schooled children found that 50% of the children scored at or above the 91st percentile--47% higher than the average conventionally schooled child. He concluded: "Since self concept is considered to be a basic dynamic of positive sociability, this answers the often heard skepticism suggesting that home schoolers are inferior in socialization."¹⁵¹

Another doctoral student, Delahooke from the California School of Professional Psychology conducted a similar study that same year, for the purpose of ascertaining if

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

any differences existed between traditionally educated children and children educated at home in the areas of social/emotional adjustment and academic achievement.¹⁵² She utilized a non-experimental design that compared two groups, private children and home educated children. Sixty children between the ages of seven and twelve were recruited from two private schools to participate in the study and compared with sixty home educated children selected through a home education organization. The actual participation from the home-educated group was twenty-eight children and the actual participation from the private school group was thirty-two. The average age of home school children was 9.2 years while the comparison group had an average age of 9.0 years.

Each child was individually tested at his/her home by either the primary researcher or a research assistant. During the testing session, the subject's parent completed a demographic questionnaire. Delahooke utilized the Reading and Arithmetic sections of the Wide Range Achievement Test, the Block Design and Vocabulary subtests of the Wechsler Intelligence Scale for Children, and the Roberts Apperception Test for Children (RATC) to compare aspects of personality.¹⁵³

An analysis of covariance was conducted to determine if the groups would differ in the area of achievement, while controlling for the effects of intelligence. Univariate t-tests for independent samples were conducted to determine if any differences would exist between the groups on the RATC.¹⁵⁴

¹⁵² Mona Delahooke, "Home Educated Children's Social/Emotional Adjustment and Academic Achievement: A Comparative Study." *Dissertation Abstracts International*, 47, 475A (1986).

¹⁵³ Ibid.

¹⁵⁴ Ibid.

The statistical analysis revealed no significant differences between the two groups on academic achievement levels or measured intelligence. Additionally, both groups scored in the well-adjusted range of the RATC. However, significant differences ($p > .01$) were found in the area of social relationships. The home-educated children appeared to be less peer-oriented than the comparison group. Subjects educated in the public schools exhibited a significantly greater focus on peers and non-family individuals than did the home-educated group. The results of the study suggested that the home educated children's achievement functioning is similar to that of children educated in a private school, while differences appear to exist in the area of perceived peer influence.¹⁵⁵

In 1989 a study was conducted in Washington that focused on the effect of home schooling upon the leadership skills of students between the ages of ten and twenty-one.¹⁵⁶ Montgomery drew a sample from home schooling parents, home schooling students, and a control group of conventionally schooled students from urban, rural, and suburban families.¹⁵⁷ The 270 of the 1200 registered home schooling students and parents participated in the study along with a control group of 576 randomly selected, students from conventional located in the State of Washington. No significant difference ($p < .01$) was found in the participation rates of the two groups of students in most activities. The findings suggested that home-educated students were not isolated from

¹⁵⁵ Ibid.

¹⁵⁶ Linda Montgomery, "The Effect of Home Schooling on the Leadership Skills of Home Schooled Students" *Home School Researcher* 5, 1 (1989): 1-10.

¹⁵⁷ Ibid.

social and group activities and that home schooling may in fact nurture the development of leadership skills as much as conventional public schools.¹⁵⁸

A comparative socialization study was conducted using a sample of students who attended thirty different Baptist churches in Texas.¹⁵⁹ The self-concept scores were compared among children in grades four, five, and six who were educated in three different settings: home schools, Christian schools, and public schools. Again the Piers-Harris Children's Self-Concept Scale was used to determine self-concept differences. Hedin found no statistically significant differences in school type, grade, or gender in the overall self-concept scores used as a measure of socialization skills.¹⁶⁰

In a study performed in Florida in 1992, Shyers videotaped the group play of seventy home schooled children and seventy children educated in a traditional school setting who were between the ages of eight and ten.¹⁶¹ Three correlates of social adjustment were identified through a review of the literature: self-concept, behavior, and assertiveness. Each of these correlates were assessed in all children of both populations. Trained counselors were asked to view the videotapes and rate the individual children based on their ability to interact with each other. Additionally the Piers-Harris Children's Self-Concept Scale was used to determine self-concept scores in all age groups in both research populations. The trained counselors, who were unaware of the schooling status of either of the groups, found fewer behavioral problems among the home schooled children. All age groups in both research

¹⁵⁸ Ibid.

¹⁵⁹ Norma S. Hedin, "Self-concept of Baptist Children in Three Educational Settings." *Home School Researcher* 7, 3 (1991): 1-5.

¹⁶⁰ Ibid.

¹⁶¹ L. Edward Shyers, "Comparison of Social Adjustment Between Home and Traditionally Schooled Students." (Ph.D. diss., University of Florida, 1992).

populations had self-concept scores higher than that of the national average as measured by the Piers-Harris Children's Self-Concept Scale.¹⁶²

The results of this study imply that children between the ages of eight and ten who had been educated exclusively in a home school setting had fewer behavior problems, as measured by the direct observation and counselor evaluation, than children of the same age from traditional schools. Children of this age who had been educated entirely in traditional schools, revealed behavior problems above the normal range. Shyers concluded that appropriate social skills could develop in spite of a lack of formal contact with other children, which supports the beliefs held by home school proponents.¹⁶³

According to the findings of these studies, children who were schooled at home gained the necessary skills, knowledge, and attitudes needed to function in society at a rate similar to that of conventionally schooled children. Taylor found no difference in the self-concept of home schooled children versus children who were educated traditionally. Taylor, Delahooke, and Shyers maintain that insofar as self concept is a reflector of socialization, it would appear that few home schooled children are socially deprived, and that there may be sufficient evidence to indicate that some home schooled children have a higher self concept than conventionally schooled children.

From the findings of these studies, it would appear that the concerns expressed by teachers, administrators, and legislators about socialization and home schooling might be unfounded. The research indicated that the lack of interaction with members of their peer group is not detrimental to their social development.

¹⁶² Ibid.

¹⁶³ Ibid.

ACADEMIC ACHIEVEMENT ISSUES RELATING TO HOME SCHOOLING

Another question raised by critics focuses on the parents' ability to educate their own children. Some professional educators and policymakers such as state legislators and local school boards publicly claim that teachers need special qualifications and certifications in order to be effective teachers. As a result, public education organizations often promote legislation or an interpretation of the law that requires home school parents to have either a teacher certificate, a college degree, or pass a teacher's examination. Home school advocates contend that although this seems reasonable on the surface, such requirements not only violates their rights to teach their children as guaranteed by the First and Fourteenth Amendments, it goes against the research studies in this area that have shown that home school students perform equally as well on standardized tests as do students from the public and private schools.¹⁶⁴

STUDIES RELATING TO THE ACADEMIC ACHIEVEMENT OF HOME SCHOOLED STUDENTS

In 1988 Jon Wartes, conducted a research study involving 873 randomly selected homeschooled students from population of 1500 from the state of Washington. The study was designed achievement of home school students by using scores from the Stanford Achievement Test.¹⁶⁵ Achievement for these students however, was measured only in terms of scores on the standardized test and did not take into consideration the kinds of learning that takes place in the public and private school setting that so many proponents of traditional education feel is a key to academic achievement. The results of the samplings were tabulated on all of the individual

¹⁶⁴ Supra note at 125.

¹⁶⁵ Jon Wartes, "The Relationship of Selected Input Variables to Academic Achievement Among Washington's Homeschoolers," Washington Home School Research Project, Woodinville, WA (1990).

Table 6

Mean scores for all home schoolers included in the 1987
sampling on all of the subtests of the Stanford Achievement Test.

Scale	K %ile	1 %ile	2 %ile	3 %ile	4 %ile	5-6 %ile	7-8 %ile	9-12 %ile	All Levels combined %ile
Sounds & Letters	72 n=38								72 n=38
Word Study Skills		77 n=112	60 n=133	54 n=147	65 n=108	66 n=193			64 n=693
Word Reading	67 n=37	61 n=110	73 n=131						76 n=278
Reading Comp.		66 n=113	67 n=133	48 n=147	64 n=109	64 n=192	61 n=87	74 n=51	63 n=832
Sentence Reading	52 n=38								52 n=28
Vocabulary		86 n=114	84 n=133	68 n=141	82 n=109	78 n=190	71 n=87		79 n=774
Reading Vocabulary								78 n=51	78 n=51
Listening	71 n=38								71 N=38
Listening Comp.		80 n=115	75 n=133	71 n=141	76 n=109	74 n=190	64 n=87		74 n=775
Spelling		50 n=111	49 n=132	45 n=146	55 n=109	54 n=193	54 n=87	64 n=51	52 n=829
Language				52 n=147	65 n=109	66 n=193	63 n=87		62 n=536
English								70 n=51	70 n=51
Math	79 n=38							51 n=51	64 n=89
Concept of Number		38 n=115	62 n=133	38 n=136	57 n=109	58 n=193	50 n=87		51 n=773
Math Comp. & App.		39 n=115							39 n=115
Math Comp.			45 n=132	26 n=146	44 n=109	49 n=193	48 n=87		42 n=667
Math App.			64 n=131	60 n=147	71 n=109	66 n=193	64 n=87		65 n=667

Table 6
Continued

Scale	K	1	2	3	4	5-6	7-8	9-12	All Levels combined
Total Reading	65 n=38	69 n=109	64 n=131	49 n=147	66 n=108	66 n=192			63 n=715
Total Listening		83 n=114	82 n=133	71 n=141	80 n=109	78 n=190	69 n=87		78 n=774
Total Language				48 n=146	61 n=109	60 n=193	59 n=87	69 n=51	57 n=535
Total Math		38 n=115	56 n=131	41 n=135	58 n=109	58 n=193	54 n=87		51 n=770
Basic Battery Total				52 n=128	67 n=108	66 n=189	61 n=87	68 n=51	62 n=563
Complete Battery Total	70 n=36	64 n=108	72 n=118	53 n=110	68 n=108	68 n=184	63 n=87	70 n=50	66 n=750

Note: The all levels combined column represents an average of all columns to the left.

Combining scores in this manner assumes that each level was normed on a similar population – an assumption that has not been established empirically. Cells in this column are not considered to be results and, therefore, are not included in the summary below.

subtests of the Stanford Achievement Test (Table 6). Wartes concluded that with 104 of the 120 areas defined by the Stanford Achievement Test scoring at or above the fiftieth percentile and the median cell at the sixty-fifth percentile, it was apparent that this sampling of homeschoolers was, as a group doing well. Fears that homeschooling children were at an academic disadvantage compared to conventionally educated students were not confirmed based on this data.

Tammie Brown, for her dissertation at the University of Mississippi, conducted a study in 1992 designed to determine if differences exist in the academic achievement among students receiving home schooling and students receiving public schooling.¹⁶⁶ Additionally, the relationship between home school students' academic achievement and the education of the parents was compared to determine if there was a correlation between student achievement and the level of education of the parents. Finally, Brown collected data with regard to the major reasons for home schooling, years of home schooling, socioeconomic level of the parents, age of students, number of siblings in the home, gender of the student, and race.¹⁶⁷

Fifty individuals agreed to participate from a group of 200 randomly selected members of the Home School Legal Defense Association (HSLDA). The data used for the study was collected by means of an eleven question survey and by analyzing Stanford Achievement Test Data for the participants.¹⁶⁸ The statistical technique used for analysis of the data concerning the relationship between home schooled students and public school students was the correlating t test. Multiple regression was used to

¹⁶⁶ Tammie Sue Brown, "Analysis of Selected Variables Concerning Academic Achievement and Students Receiving Home Schooling." (Ed.D. diss., The University of Southern Mississippi, 1992), 123-128.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

test the relationship between home schooled students' achievement and parents' demographics.¹⁶⁹

The results indicated higher academic achievement scores among the fifty participants in the study as compared to students attending public school. Additionally, the education level of parents did not have a significant impact on the home schooled student's level of achievement.¹⁷⁰

In reviewing the results of this study, there are issues that lead one to question the validity of research. First, Brown invited members, from an organization whose leadership spends the majority of its time telling home schooled parents how to protect their rights to home school. A parent whose child had not done well on the SAT test would be less inclined to participate in a survey than a parent whose child had done well. The comparison that Brown did between achievement scores of home schooled students and public school students used the median scores for all public school students in the State of Mississippi and did not factor in the demographics of those students from the public school. Finally, the regression test used to compare the relationship between the home schooled students level of achievement and the level of education for the home schooled parent was not valid because there was no control group included as a part of the test results.

In evaluating the academic achievement of home schooled students in his 1998 study, Rudner involved seven times as many home schooling families as any previous studies of its kind.¹⁷¹ The data were compiled from the achievement test scores of

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Supra note at 63.

20,760 randomly selected students from 11,930 families.¹⁷² Respondents to the study came home school families registered with the HSLDA and included representatives from all fifty states with the highest number of participants coming from the states of Ohio, Georgia, and Virginia all of which already require testing for their homeschooled students.

Unlike previous studies, families chose to participate before they knew their children's test scores. Thus, the possibility of reporting higher scores while leaving lower scores unreported was considerably diminished. Another factor that set the Rudner's study apart was the fact that all students took the same tests: the Iowa Test of Basic Skills (ITBS) for grades K–8, and the Tests of Achievement and Proficiency (TAP) for grades 9–12, both published by the Riverside Publishing Company. An independent third party, the Bob Jones University Press Testing and Evaluation Service, which specializes in providing assessment services to home school students and private schools, administered the tests.

Rudner sought to answer two questions: Are the achievement levels of home school students comparable to those of public school students? What types of families engage in home schooling?¹⁷³

He found that 25% of homeschooled students were enrolled one or more grades above their age appropriate level. Home school student's achievement test scores were typically in the 70th to 80th percentile, which is well above the average score for public and private school students. On the average home school students in grades one to four performed one grade level above their age-level public/private school peers on

¹⁷² Supra note at 100.

¹⁷³ Id.

achievement tests.¹⁷⁴ The achievement test score gap between home school students and public and private school students increased beginning at grade five. Students who had been home schooled their entire academic life had higher college entrance examination scores than students who had participated in other educational programs. Home schools students had an average ACT composite score of 22.8, which is .38 standard deviations above the national ACT average of 21.0. No significant differences were found in homeschooled students when compared by gender, whether the student was enrolled in a specialized curriculum, or if the parent responsible for home schooling held a valid teaching certificate. Significant achievement differences were found among home schools students when they were classified by the amount of money spent on education, family income, parent's education, and television viewing.¹⁷⁵

In Ray's 2000 study, he focused on the issue of how home educated students, across the nation, performed academically in the mid 1990's as compared to their previous academic performances.¹⁷⁶ Additionally, he compared how the academic achievement of home educated students compared to that of students educated in the public and private school setting.

The target population included families in the United States who were utilizing home schooling as their method of choice for educating their school-age children. Linear systematic sampling was used to select home school families from the lists of various national and statewide organizations.¹⁷⁷ Home education support organizations

¹⁷⁴ Id.

¹⁷⁵ Id.

¹⁷⁶ Brian D. Ray, "Home Schooling: The Ameliorator of Negative Influences on Learning?" *Peabody Journal of Education*, 75, (2000): 71-106.

¹⁷⁷ Ibid.

and contacts through word-of-mouth and personal networks assisted in securing home education families throughout the country.

The data contained selected items from the National Assessment of Educational Progress¹⁷⁸ and the National Education Longitudinal Survey.¹⁷⁹ Guidelines for the survey research delineated by Borg and Gall¹⁸⁰ were followed. The instrument was reviewed and revised by experts on home education and consensus was reached on the validity of the items and the wording. The instrument also addressed descriptive variables about parents and family including, family size, education level of parents, family income, certification of the parent, administration of tests to children, and information on the home schooled student including gender, time spent in formation instruction, access to libraries and computers, and demographics. The end results of the instrument produced 190 variables for analysis, ninety-nine per family and ninety-one per child. A sample of some of the variables that had been analyzed in previous studies, and their relationship to academic achievement in home schoolers are contained in Table 7.

Surveys were mailed to a total of 5,995 randomly selected individual home education families and home education support groups in all fifty states. The total number of completed and usable instruments included in the study was 1,952, which

¹⁷⁸ U.S. Department of Education. National Center for Education Statistics, Parent Survey of the National Household Education Surveys Program, Washington, DC. (1999).

¹⁷⁹ U.S. Department of Education. Office of Educational Research and Improvement. "National Longitudinal Study." National Assessment of Educational Progress, Washington, DC, (1999).

¹⁸⁰ Walter R. Borg and Meredith D. Gall, *Educational Research: An Introduction*, 5th ed. (New York: Longman, 1989) 66.

Table 7

Relationship between various independent variables and
academic achievement test scores of home school students

Variable of Interest	Relation to Academic Achievement in home schooled students
Money spent on education	No relation
Family income	No relation in most studies; few studies found weak positive relations
Degree of state regulation	No relation
Legal status of family	Typically no relation; one study found underground home schooling performed better
Father's formal education level	Mixed results
Mother's formal education level	Mixed results
Father is or has been a certified teacher	Typically no relation; few studies found weak positive
Mother is or has been a certified teacher	Typically no relation; few studies found weak positive
Gender of student	No relation
Years students have been home educated	Typically no relation; few studies found slight positive
Time spent in formal instruction	No relation
Age began formal instruction	No relation
Use of or access to libraries	Typically no relation; few studies found occasional slight positive
Use of or access to computers	Typically no relation; few studies found occasional slight positive
Who administered test to student	Typically no relation; few studies found occasional slight positive

Note: This is a summary of the findings of many of the studies reported in this review.

served to provide information on 5,200 home schooled children.¹⁸¹

The information found in this study was reviewed by Fowler to determine its validity. Fowler recognized that the degree of structure in home education varied greatly and ranged from a very unstructured learning approach, centered on the child's interests, to the use of a planned, structured, and highly prescribed curriculum. Parents were asked to rate their own practice on a seven-point scale with one representing very unstructured to seven representing very structured. Formal instruction was defined as planned or intentional instruction in areas such as reading, writing, spelling, or mathematics and was designed to meet a specific learning objective.¹⁸²

Fowler incorporated the use of stepwise multiple regression analysis to determine whether any of the independent variables explained significant amounts of variance in a student's total reading, total language, total mathematics, and complete battery on standardized achievement tests. Alpha was set as .01 for statistical tests in this study for several reasons. First, the level of alpha helped to take into account errors. Second, this approach was consistent with prior research conducted by Ray. Finally, this level of alpha helped to reduce the probability of a Type I error.¹⁸³ Fowler designed the study to provide basic descriptive statistics and to test the following null hypothesis: There is no significant correlations between the dependent variable of student academic achievement and the following independent variables: 1) highest formal education level attained by the father, 2) highest formal education level attained by the mother, 3) teacher certification status of the father, 4) teacher certification status of the mother, 5) family income, 6) amount of money spent on the home education of

¹⁸¹ Forrest J. Fowler, Jr., *Survey Research Methods*. (Newbury Park, CA: Sage, 1988) 123.

¹⁸² Ibid

¹⁸³ Ibid.

the student, legal status of the family, 7) gender of the student, 8) number of years the student has been home educated, 9) the extent to which the student visits the public library, 10) the time spent in formal educational activities, 11) the age at which formal education of the student began, 12) the degree of regulation of home education by the state, 13) person administering the achievement test, and 14) the use of a computer in the education of the student.¹⁸⁴

For the 1,952 students identified in this study, it was found that the home schooling families used a wide variety of achievement tests (Table 8). The most frequently used achievement tests were the Iowa Test of Basic Skills 37.3 percent, 29.8 percent took the Stanford Achievement Test; 15.6 percent took the California Achievement Test; 6.7 percent took the Comprehensive Test of Basic Skills; 2.7 percent chose to use the Metropolitan Achievement Test; 0.2 percent took the Tests of Achievement and Proficiency; 7.9 percent used one of a variety of other tests available for measuring student achievement. The average age of students taking achievement tests was 11.00 (SD=2.89, n=1,864), and the average grade level of students taking the tests was 5.43 (SD=2.89, n=1824). The person who administered the test was a public school teacher in 10.3 percent of the cases, a private school teacher in 12.3 percent of the cases, the parent in 43.9 percent of the cases, and some other administrator in 33.5 percent of the cases.¹⁸⁵

The home schooled students average percentile scores on the achievement tests were as follow: (1) total reading, 87th; (2) total language 80th; (3) total math, 82nd; (4) total listening, 85th; (5) science, 84th; (6) social studies, 85th; (7) study skills, 81st; (8)

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

Table 8

Achievement tests used by home schooled parents and students

Test	Percentage Used
Iowa Test of Basic Skills (ITBS)	37.3 percent
Stanford Achievement Test (SAT)	29.8 percent
California Achievement Test (CAT)	15.6 percent
Comprehensive Test of Basic Skills (CTBS)	6.7 percent
Metropolitan Achievement Test (MAT)	2.7 percent
Tests of Achievement and Proficiency (TAP)	0.2 percent
Other	7.9 percent

Source: National Home Education Research Institute

basic battery (typically reading, language, and math), 85th; and (9) complete battery (all subject areas in which student was tested), 87th. Table 9 provides the summary statistics on the home schooled students' academic achievement. Not all students were tested in all subject areas therefore the sample sizes vary.¹⁸⁶

Seven of the independent variables did not show statistically significant amounts of variance in the student's test scores. These seven were (a) father's certification status, mother's certification status, family income, money spent on home education, legal status of the family, time spent in formal educational activities, and age at which formal education began.¹⁸⁷

Five of the twelve independent variables showed statistically significant amounts of variance in students' test scores for all of the subject areas explored. The five significant variables were father's education level, mother's education level, years taught at home, gender of the students, and number of visits to the public library. The maximum amount of variance in the test scores that any one of these independent variables explained was 5.0%. A summary of all the statistical analyses that were used to compare the relationship between the independent variables and the academic achievement of home schooled students can be seen in Table 9.¹⁸⁸

In reviewing the information contained in these studies, it can be concluded that although home school families vary in philosophical background, socioeconomic status, and races and ethnicity, home schooled students are clearly developing the necessary social skills and learning the appropriate academic skills necessary for their future success. Researchers, however, have been unable to come to any type of

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

Table 9

Summary of home-educated students' standardized achievement test scores

Variable	National Percentile	<i>M z</i>	<i>SD z</i>	<i>N</i>
Reading	87	1.15	.84	1,594
Listening	85	1.05	.85	580
Language	80	.85	.90	1,486
Math	82	.90	.87	1,613
Science	84	1.00	.82	1,133
Social studies	85	1.03	.82	1,099
Study skills	81	.87	.81	916
Basic battery	85	1.05	.81	1,338
Complete battery	87	1.11	.80	1,092

Note: A given percentile may have slightly different z scores associated with it due to lack of precision in conversion.

consensus with regard to why home schooling students are being so successful in these areas. Certainly the academic and social development support home schooled students receive from their parents is a large contributor to this success. However, researchers believe that there is something more inherent in the family make-up and background that distinguishes it from the public school model and lends itself to success.¹⁸⁹ Some home school advocates believe this intangible to be something as simple as the love and commitment these parents have for their children. Others think that the students make more of a commitment to learning when working in a controlled environment with their parents.

Supporters of public education disagree with the touted successes of the home schooler, arguing that the data have been altered to make home schooling look more successful than is actually is. But the data contained in the studies by Rudner and Ray is difficult to discount (Table 10). Without the statistical evidence to discredit home schooling as a viable educational venue, critics nationwide have chosen another route to try and protect the funding and integrity of the public and private school. They have chosen to ask the courts to help them determine if home schooling is legal in the eyes of the court.¹⁹⁰

LEGAL ISSUES RELATING TO HOME SCHOOLING

The legal right of today's parents to home educate their children appears to be linked to a larger issue. Where do the parental rights with regard to their child's education begin, and where does the authority of the state to regulate education for the good of society end? In reviewing case law dealing with home schooling, it was found

¹⁸⁹ Ibid

¹⁹⁰ Supra note at 23.

Table 10

Summary of statistical analyses showing which of the selected independent variables were statistically significantly related to achievement test scores in this study

Independent Variable	Reading	Language	Math	Science	Social Studies	Basic Battery	Complete Battery
Father's education	Yes Positive	Yes Positive	Yes	N/a	N/a	N/a	Yes Positive
Mother's education	No	Yes Positive	Yes Positive	N/a	N/a	N/a	Yes Positive
Father is a certified teacher	No	No	No	N/a	N/a	N/a	No
Mother is a certified teacher	No	No	No	N/a	N/a	N/a	No
Family income	No	No	No	N/a	N/a	N/a	No
Money spent of home education	No	No	No	N/a	N/a	N/a	No
Legal status	No	No	No	N/a	N/a	N/a	No
Gender of the student	No	Yes, girls Higher	Yes, boys higher	N/a	N/a	N/a	No
Years home educated	Yes Positive	Yes Positive	No	N/a	N/a	N/a	No
Use of library	Yes Positive	No	No	N/a	N/a	N/a	No
Time spent in formal instruction	No	No	No	N/a	N/a	N/a	No
Age began formal instruction	No	No	No	N/a	N/a	N/a	No
Degree of state regulation	N/a	N/a	N/a	N/a	N/a	No	N/a
Test administrator	N/a	N/a	N/a	N/a	N/a	Yes Mixed results	N/a
Use of a computer	Yes, positive	No	No	No	No	N/a	N/a

the challenges to the state statutes that have been made through the courts by home schooling parents fall mainly into two categories. The first category involves challenges over the issue of involvement of the state in the education of children. In the early 1900s parents began questioning how much involvement that the states should have and whether or not the states should have the authority to establish compulsory attendance statutes that required children to attend public school. The second category involves a much newer issue in which parents of home schooled students have begun to challenge the state statutes and local school board policies that govern the issue of access by home schooled students to public school classes and extracurricular activities.

COMPULSORY ATTENDANCE

The precedent for state authority to regulate education is grounded in state constitutions and operationalized at least partially by the compulsory attendance laws that are in place across the country. These laws typically require public or approved non-public school attendance for children ages five to eighteen. Failure of the parents to comply with these laws has resulted in criminal penalties, usually in the form of a misdemeanor infraction. If convicted parents can receive sanctions and penalties ranging from a \$500.00 fine or as severe as the removal of the child from the home. As compulsory attendance laws became more and more prominent, challenges to their constitutionality became more and more prevalent.¹⁹¹

The very nature of these laws have served to create a tension between the right of a parent to determine the directions of the child's education and the right of the state to protect the common good of society. Many of the initial controversies surrounding

¹⁹¹ Ibid.

compulsory attendance were associated with whether non-public schools could substitute for public schools. As a result of these initial challenges, many states chose to create and pass legislation that contained provisions for private schools and in a few cases provided for schooling at home. However, through most of the 19th and early 20th centuries, compulsory attendance laws survived most of the challenges upholding them as a legitimate state police responsibility.¹⁹²

Challenges to Compulsory Education Statutes. Five landmark cases occurred within the twentieth century that significantly impacted national compulsory attendance laws.¹⁹³ The decisions in these cases served to restore some of the power to parents with respect to their children's education by giving parents the right to decide whether their child should attend public or private schools.¹⁹⁴ They confirmed that states had a legitimate interest in requiring children to receive an education while preserving the right of private schools to exist and of parents to oversee their children's education.¹⁹⁵

In the first case, *Meyer v. Nebraska*,¹⁹⁶ a parochial school teacher brought suit against the State of Nebraska after he was found guilty of violating a state statute that mandated English as the only instruction permitted in all public and private schools. The Supreme Court ruled that the Nebraska statute violated the Due Process Clause of the Fourteenth Amendment by infringing on the constitutionality protected of both the foreign language teacher and parents who sought foreign language instruction for their children. In the Court's view the purported legislative purposes of the law were to

¹⁹² Ibid.

¹⁹³ Kern Alexander, and M. David Alexander, *American Public School Law*. (Belmont, CA: West/Thomson Learning, 2001) 257. David Tompkins, "An Argument of Privacy in Support of the Child of Home Education by Parents.) *Journal of Law and Education*, 20 (1991): 301-323.

¹⁹⁴ Ibid.

¹⁹⁵ Beverly Robertson, "Is Homeschooling in a Class of Its Own?" *Insight*, 7 (1994, 17 October 17): 6-9.

¹⁹⁶ 262 U.S. 390 (1923).

promote assimilation and civic development.¹⁹⁷ In the view of the Court, these purposes were not adequate to overcome a substantive due process challenge. The State of Nebraska was unable to provide compelling reasons why this statute should stand at the expense of a specific category of teachers and parents.¹⁹⁸

In the second case, *Farrington v. Tokushige*¹⁹⁹ the U.S. Supreme Court overturned an intrusive Hawaii law that prevented students from attending a foreign language school. The Governor, Attorney General, and the Superintendent of Public Instruction interpreted the law to mean that students would not be allowed to attend a foreign language school because this school and the teachers thereof did not meet the educational requirements as prescribed in the Constitution of Hawaii. The Court said that enforcement of this law would deprive parents of the opportunity to procure the kind of instruction they believed to be important for their child, based on the rights guaranteed by the Fourteenth Amendment. The Court stated,

The capacity to impart instruction to others is given by the Almighty for beneficent purposes and its use may not be forbidden or interfered with by government certainly not, unless such instruction is, in its nature, harmful to the public morals or imperils the public safety. The parents' right to instruct their children clearly takes precedence over the state's regulatory interest unless the public safety is endangered.²⁰⁰

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ 273 U.S. 284 (1927).

²⁰⁰ Ibid.

In 1925, the issue of state control of non-public schools came to a head in a landmark decision, *Pierce v. The Society of Sisters*.²⁰¹ In this case a private school operated by the Roman Catholic Church brought suit against the State of Oregon and challenged the state's Compulsory Education Act, which required parents of children between the ages of eight and sixteen to send their children to a public school. According to the Society of Sisters, they operated a school that provided students training according to the teaching of the Roman Catholic Church. The enforcement of the Compulsory Education Act had caused students to withdraw from the school, which had consequently cost it a portion of its income. An injunction was granted to the private school preventing enforcement of the law. The State of Oregon appealed the ruling to the U.S. Supreme Court.²⁰² Relying on the property and liberty interests of the parents and proprietors of the non-public schools, the Court again focused on the Fourteenth Amendment. It found that the statute infringed upon the rights of parents to choose what kind of schools their children would attend. The Court stated:

We think it entirely plain that 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 fundamental theory of liberty upon which all government in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public school teachers only. The child is not a mere creature of the state; those who nurture him and direct his destiny

²⁰¹ 268 U.S. 510 (1928).

²⁰² Private School Law in America. (Rosemount, MN: Data Research, Inc. 1991).

have the right, coupled with the high duty, to recognize and prepare him for additional obligations.²⁰³

As a result of this ruling, the Court confirmed the right of individuals to establish and maintain both private and sectarian schools, and the right of parents to send their children to such schools. Additionally, the Court held the right of the state to require attendance at a school did not include the right to preclude attendance at non-public schools.²⁰⁴ The Court reasoned that the act caused irreparable damage to the financial well being of the school. This ruling served to provide clear limits on the compulsory attendance laws and helped to keep the issue of state control of education in check. It also permitted parents to choose between public and private educations for their children while still being in compliance with the compulsory attendance laws established within their state.²⁰⁵

Forty-five years later the breadth of the compulsory attendance requirements was challenged again in *Wisconsin v. Yoder*.²⁰⁶ In this case an Amish family brought suit against the State of Wisconsin after the parents were prosecuted for failing to send their child to public school after eighth grade.²⁰⁷ The Yoders stated that requiring their child to attend public high school was contrary to their religious beliefs. The Supreme Court ruled that the compulsory attendance statute violated the Yoders' First Amendment right to practice their religion.²⁰⁸ Decisions such as these reflect the Court is responsible for weighing parents' interests against states' interests and determining if

²⁰³ Supra note at 209.

²⁰⁴ Lawrence Kotlin, & William F. Aikman, *Legal Foundations of Compulsory School Attendance*. (Port Washington, NY: Kennikat Press, 1980) 1-125.

²⁰⁵ Supra at 209.

²⁰⁶ 406 U.S. 205 (1972)

²⁰⁷ Ibid.

²⁰⁸ Sarah Richardson, & Perry Zirkel, Home Schooling Law. In J. Van Galen & M. Pitman (Eds.), *Home Schooling: Political, Historical, and Pedagogical Perspectives*. Norwood, NJ. (1991): 159-201

the states' responsibility for education stands in the way of parents' right to due process and to freedom of religion.²⁰⁹

The Amish parents were able to demonstrate that secondary schools, which emphasized "intellectual and scientific accomplishments, self-distinction, competitiveness, and worldly success," were in direct conflict with the Amish beliefs, which focused on "cooperation, piety, and a simple agrarian life style."²¹⁰ The parents further stated that such a practice would endanger their salvation and threaten their 300-year-old religious beliefs and traditions. The Supreme Court concurred and warned, "it cannot be over emphasized that we are not dealing with a way of life and mode of education by a group claiming to have recently discovered some progressive or more enlightened process for rearing children for modern life."²¹¹ The Court also reaffirmed the State's responsibility for the education of its citizens, but used the Free Exercise Clause of the First Amendment rather than the Due Process Clause of the Fourteenth Amendment. It based its logic on:

There is no doubt as to the power of a State, having a high responsibility for the education of its citizens, to impose reasonable regulations for the control and duration of basic education... Yet even this paramount responsibility was, in *Pierce*, made to yield to the right of parents to provide an equivalent education in a privately operated system... Thus, a State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it

²⁰⁹ *Supra* at 214.

²¹⁰ David Schimmel, and Louis Fischer, "Parents Schools and the Law." (Columbia, MD: The national committee for citizens in education, 1988)

²¹¹ Patricia M. Lines, " Private Education Alternatives and State Regulation." *Journal of Law and Education*, 12 (1983):189-234.

impinges on other fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interests of parents with the religious upbringing of their children.²¹²

In accordance with *Wisconsin v. Yoder*, to find a violation of the Free Exercise Clause, the courts must find a burden placed on a sincere religious belief. If there is no burden, or if the belief is philosophical, political, or social, or if it is not sincerely held, no further analysis is needed. If the required elements are present, the courts must examine whether the state has sufficiently compelling justification for its rules, and whether it has chosen the “least restrictive means” of achieving its goals.²¹³ In general terms, the Courts balanced the interest of the individual in the free exercise of religion against the interest of the state in an educated citizenry.²¹⁴

After reviewing the precedent established by these cases, it can be seen that even though the judiciary has helped establish the parameters of state regulations on compulsory attendance issues, it is hard to place a direct link between compulsory attendance laws and the right of parents to engage in home schooling. In upholding the state’s right to mandate and regulate instruction, these cases did, however, provide a lens by which home schooling cases may be examined.

Home schooling advocates thought that the *Yoder* case was going to provide them with the means by which they would finally be able to put to rest the issue of state regulations on home education programs. However, following *Yoder*

²¹² Supra note at 214.

²¹³ Ibid.

²¹⁴ Ibid.

an even greater number of restrictions on its interpretations were imposed by the courts. An example can be seen in *Johnson v. Board of Education*.²¹⁵ In this case a federal district court refused an exception to Baptist parents who wished to educate their children in their own schools that were staffed by non-certified teachers. When the plaintiffs, failed in their initial efforts, they were joined by additional parents and Baptist ministers in a federal action where they argued that because they were fundamentalists similar to the Amish, refusing to grant them the same exemption would be denial of equal protection. The Eighth Circuit Court of Appeals rejected their argument holding that, unlike the Amish, these Baptist children lived in ordinary residential neighborhoods that provided for the interaction with others who were outside of their faith.²¹⁶

In reviewing the decisions in these landmark cases, it is obvious that they played a significant role in helping to establish the parameters by which state regulations over compulsory attendance are viewed. The premise of requiring a child to be educated has been established as a function of the state²¹⁷ however, the method and means by which this education is provided does not fall under the compulsory attendance regulations.

If a state statute permits home instruction as an alternative to compulsory attendance, the burden of proof falls on the state to show that the parents are failing to meet the instructional requirements. If the state has not provided an adequate set of standards for governing home instructions, the inadequacy of such

²¹⁵ 391 F. Supp. 452 (N.D. IA. 1983).

²¹⁶ Ibid.

²¹⁷ U.S. Constitution Amendment X states, "that powers not delegated to the U.S. by Congress or the constitution nor prohibited by it to the States, are reserved to the States respectively or to the people."

instruction will be difficult to prove. The state must produce evidence documenting the parents' failure to provide adequate home instruction. The Commonwealth of Virginia has also had some challenges regarding its compulsory attendance laws.

Challenges to Virginia's Compulsory Education Statutes. Within the past two decades there have been three cases in Virginia that have challenged the legality of the compulsory attendance laws in the Commonwealth.²¹⁸ In each of these cases the local school divisions brought action against the parents for failing to ensure that their children were receiving an appropriate education as prescribe in the Code of Virginia § 22.1-254.²¹⁹ These cases are of importance because Virginia is the primary focus of the study.

In *Grigg v. Commonwealth of Virginia*²²⁰ petitions were filed against the parents and children alleging violations in the compulsory school attendance law. The case provided that in accordance § 22-275.1 parents shall send their school-age children to “a public or private, denominational or parochial school or have such children taught by a tutor or teacher with qualifications prescribed by the State Board of Education and approved by the division superintendent.”²²¹ The ensuing question in this case was whether parents, not approved as tutors or teachers pursuant to the Code section, may qualify to home school their children based on the private school exemption.²²²

The case began in juvenile and domestic relation district court when the chief attendance officer for the City of Chesapeake filed petitions against the father and

²¹⁸ David Tompkins, “An Argument of Privacy in Support of the Child of Home Education by Parents.” *Journal of Law and Education*, 20 (1991): 301-323.

²¹⁹ Code of Virginia § 22.1-254

²²⁰ 297 S.E. 2d 799 (1982)

²²¹ Code of Virginia § 22-275.1 (now § 22.1-254).

²²² Supra note at 228.

mother as well as the two daughters for not following the compulsory attendance laws of Virginia. The petitions alleged that investigation by the school attendance officer found “no valid reason” for the non-enrollment of the children in the public schools and asked that the parents be compelled to enroll their children in the public schools or to make other appropriate arrangements for their education.²²³

After a hearing the Circuit Court of the City of Chesapeake ordered that the petitions be combined and the matter be treated as one petition alleging that the children were in need of services. The court ordered the parents to comply with the school attendance laws and placed the children on unsupervised probation for a period of twelve months on conditions that the regulations as prescribed § 22-275.1 be met.²²⁴

The parents appealed to the Virginia State Supreme Court, which held that (1) the parents were not trained tutors and would not qualify as a “private school” under the compulsory school attendance law; (2) home instruction by an unapproved tutor or teacher did not qualify for exemption under the circumstances; (3) the matter was civil in nature and the trial court applied a stricter standard of proof than was necessary; and (4) the Commonwealth established that the children were deliberately withdrawn from public school by their parents, that they were taught at home by persons who were not qualified as tutors or teachers, and that the unlawful practice would have continued had the court not intervened and ordered the parents to comply with the compulsory school attendance law. Therefore the Commonwealth established that the children were in need of services.²²⁵

²²³ Ibid.

²²⁴ Supra note at 228.

²²⁵ Id.

Nine years later the compulsory attendance laws of the Commonwealth of Virginia were challenged once again in *Johnson v. Prince William County School Board*.²²⁶ In this case the parents filed action in the Circuit Court of Prince William County against the Prince William County School Board when their application for religious exemption from the compulsory attendance law was denied based on the premise that their request was not a bona fide religious request. The plaintiffs further contended that the School Board's decision was arbitrary and capricious because in similar situations other individuals have had their religious exemption request granted. The circuit court sustained the school board's actions, and the parents appealed.²²⁷

In this case, what constituted bona fide religious beliefs was the sole test for determining the parent's entitlement to a religious exemption from the compulsory attendance law. This statute provides that a school board shall excuse from attendance at school "any pupil who together with his parents, by reason of valid religious training or belief, in conscientiously opposed to attendance at school."²²⁸ But the term "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or merely a personal moral code.²²⁹

The Johnsons contended that the trial court erred in refusing to find that the School Board exceeded its authority, acting arbitrarily and capriciously, and abused its discretion in denying their children religious exemption under § 22.1-257. The Johnsons further argued that by virtue of the legislative policy embodied in § 22.1-257 school

²²⁶ 404 S.E. 2d 209.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Code of Virginia § 22.1-257.

boards considering religious exemption claims may only inquire whether the beliefs of the claimants are religious in character and are bona fide.²³⁰

The Virginia Supreme Court held that: (1) compulsory school attendance law does not require school boards to state their reason for denying religious exemption; (2) the sole test for exemption was whether or not the parents have valid religious beliefs that would qualify their children for religious exemption; and (3) record supported the trial court's finding that the parents failed to satisfy the requirements of showing the validity of their religious beliefs.

In a more recent case, *Francis v. Barnes*,²³¹ the parents of four children from Lunenburg County brought civil rights action against the Lunenburg County School Board members in the United States District Court in Richmond, VA. The Francises brought this action in an effort to challenge the denial of their request for religious exemption from compulsory education so that they could home school their children. The plaintiffs stated that their rights to due process had been violated and that they felt that the school board members had conspired against them in an effort to deny their First Amendment religious rights.²³²

The District Court held that: (1) the parents received sufficient notice, for due process purposes, of school board meetings at which time their application for religious exemption was discussed and decided; (2) the parents failed to establish civil conspiracy to deprive them of free exercise of religion; and (3) board members would

²³⁰ Supra note at 234.

²³¹ 60 F. Supp. 2d 801.

²³² Ibid.

have qualified immunity even if their actions deprived the parents of their constitutional rights.²³³

In each of these cases the courts upheld the compulsory attendance laws as prescribed in the Code of Virginia § 22-275.1. The decisions in these cases served to affirm the legality of the compulsory attendance laws within the Commonwealth and confirmed that local school boards had the authority to determine whether the guidelines as prescribed in the Code of Virginia²³⁴ with regard to compulsory attendance and more importantly home schooling were being followed by those individuals seeking exemption.

STATES INVOLVEMENT IN THE EDUCATION OF CHILDREN

A tenuous balance exists between the interests of home schooling parents and the interests of the states with respect to the education of a child. It has been suggested that the state's involvement is basically threefold. First, the site in which the learning occurs and the degree to which a parent educates a child depends on how parental power and state power is appropriately balanced. Second, the state may impose minimum and uniform curriculum requirements regardless of the school setting. Third, the state may require access to and attendance at some school for all its children.²³⁵

As stated previously, historic court cases reflected the extent of litigation addressing home education and helping to establish homeschooling as a legal form of education in all fifty states although its definition and requirements vary

²³³ Ibid.

²³⁴ Supra note at 229.

²³⁵ Supra note at 41.

from state-to-state.²³⁶ Since 1982, thirty-four states have changed their laws and/or regulations to accommodate home education in one form or another. While each new law or regulation has not favored homeschoolers entirely, the new legislation has been precipitated by the actions of homeschooling advocates, legal challenges, or lobbying.²³⁷ “The acceptance of home schooling implies that, although states have assumed a prominent role in providing education over the years, the ultimate responsibility stays with parents.”²³⁸ To emphasize this point further, President Ronald Reagan voiced his opinion in 1984 when he stated, “The primary right, duty, and responsibility of educating children belongs to parents. Their wishes should be heeded.”²³⁹ “Undoubtedly,” said Michael Smith, President of the Home School Legal Defense Association, “these attitudes have affected change. Ten years ago, the issue was the right to home school and today each state’s focus has been altered to address teacher certification for parents, standardized tests for homeschooled children, the specialty of each home education program, and the desire for access to public school classes and extracurricular activities by home schooled students.”²⁴⁰

Court Decision Reviews. In a 1991 research study conducted by Henderson, Golanda, and Lee, numerous court decisions were reviewed that pertained to issues where home school families and local school districts

²³⁶ Frank Kuznik, “Grading Home Schooling.” *USA Weekend*, 18-20 November 1994, 8.

²³⁷ John Cloud, & Jodie Morse, “Home Sweet School.” *Time*, 144, 2001, 62.

²³⁸ *Supra* note at 11.

²³⁹ *Ibid.*

²⁴⁰ Jo Anne Natale, “Understanding Home Schooling.” *The American School Board Journal*, 179. (1992): 26-27, 29.

challenged each other's rights and authority in court.²⁴¹ The recommendations from this study were quite simplistic. School district board members should adopt a more cooperative stance in dealing with home schooling parents when the parents are complying with the state statute requirements. In instances where parents were home educating their child to avoid dangerous conditions within the schools the courts have exercised judicial benevolence toward home schoolers and forced school officials should to be more supportive of these rulings.²⁴²

Review of multiple research studies and legal analyses served to provide information as to the legal aspects of home schooling and also to the issue of whether home schooled students should be allowed access to extracurricular activities provided through the public schools.

National Studies. Patricia Lines is viewed as one of the leading researchers on the issue of home schooling. One of her first projects was a master's level thesis on the issue of private education alternatives and state regulations.²⁴³ This study was one of the first to call attention to the issue of parents beginning to challenge state compulsory attendance laws. As part of her research she provided the legal framework for private or home schools, which included both case law and state statutes. She also included a state-by-state analysis of compulsory school attendance laws complete with pertinent language from the actual law (Appendix 1).²⁴⁴

²⁴¹ Donald Henderson, Eugene Golanda, and Robert Lee, "Legal Conflicts Involving Home Instruction of School Aged Children." *West's Education Law Reporter*, 64, (1991): 999-1014.

²⁴² Ibid.

²⁴³ Supra note at 99.

²⁴⁴ Ibid.

In 1994 Gordon, Russo, and Miles performed an extensive legal project on home schooling on behalf of the National Organization on Legal Problems of Education.²⁴⁵ In addition to providing an extensive historical and legal framework on the home schooling movement, they also provided a national overview of state controls over home schooling. Included in this overview were summaries of where each state stood on a variety of home school related issues. These issues included relevant state statutes, which require notice/approval requirements, and those states requiring teacher qualifications and students standardized testing. The greatest value of this study was the depth of detail provided with regard to specific state laws regarding home schooling and the fact that its findings could be used to compare with studies performed on behalf of the Home School Legal Defense Association (HSLDA).

William Kested, Assistant Regional Superintendent for the Illinois Counties of Bureau, Henry, and Stark conducted a research project on behalf of the Illinois State Board of Education. He performed a national survey of each state's laws and regulations addressing home schooling.²⁴⁶ The researcher hoped that by gaining a response from forty-nine of the fifty states he would be able to provide evidence to the Illinois Board of Education that their policies regarding home education were far too lenient and that state legislators needed to take a more proactive approach to their governance of home instruction. The study concluded with the author providing seven different recommendations for providing greater accountability for schooling in Illinois none of which have been implemented at this time.

²⁴⁵ Supra note at 23.

²⁴⁶ Supra note at 57.

In 1991 James Cibulka, conducted a study using extensive legal research to serve as a guide for parents interested in home schooling.²⁴⁷ Cibulka provided the requirements that must be met in order to comply with each state's compulsory education laws as to how they applied to home schooling. A summarized compilation of these requirements was provided in a state-by-state analysis and a fifty state comparative summary chart.²⁴⁸

The laws and regulations established by the states have served to affect the relationship between home schoolers and local school districts. In their efforts to enforce the state regulations local school districts have been less than patient and cooperative with home schooling families. Consequently, this attitude has caused many homeschooling parents to become distrustful of public educators. These perceptions led home schooling parents to refuse to complete necessary registrations, fail to follow the standardized testing policy, and exhibit any type of cooperation with local school officials.

RELATIONSHIP BETWEEN HOMESCHOOLERS AND LOCAL SCHOOL DISTRICTS

The President of the Home School Legal Defense Association (HSLDA) Christopher Klicka stated, in a 1992 journal article that more often than not, public school administrators attempt to maintain a positive relationship with home schoolers.²⁴⁹ He says that "because these families are residents of the local district and taxpaying citizens, school administrators recognize their obligations to these

²⁴⁷ James Cibulka, "State Regulations of Home Schooling: A Policy Analysis," quoted in Jane Van Galen, *Home Schooling: Political, Historical, and Pedagogical perspectives*, (1991):102.

²⁴⁸ Ibid.

²⁴⁹ Krista Ramsey, "Home Is Where the School Is." *The School Administrator*, 49, (1992) 20-25.

families and try to extend support to them whenever possible.”²⁵⁰ Brian Ray, the Director of the National Center for Home Education states however, that many home schoolers are skeptical of establishing these types of relationships and are resistant to them for fear it will bring on more regulatory governmental interference.²⁵¹

In a longitudinal study of home schooling in Utah, Gary Knowles surveyed 125 randomly selected home school parents to obtain information on 1) whether home school parents felt that public schools were being cooperative and supportive of their efforts to home school their children and 2) whether home school parents were interested in working in conjunction with public schools.²⁵² Seventy-two of the surveys were returned and found to be in usable condition.

The results of the study were analyzed using the stepwise regression. Knowles concluded that sixty-eight percent of the families surveyed felt that public schools were supportive and respectful of their efforts to home school their children.²⁵³ Sixty-three percent of the parents surveyed indicated that they were more interested in working cooperatively with public school districts than parents were ten years ago. Knowles believed that this change in attitude was indicative of the changing public perception regarding home schooling and the types of families, which have chosen to home school their children.²⁵⁴ But these changes in attitudes

²⁵⁰ Ibid.

²⁵¹ Supra note at 247.

²⁵² J. Gary Knowles. “Cooperating with Home School Parents: A New Agenda for Public Schools.” *Urban Education*, 23, (1989): 392-411.

²⁵³ Ibid.

²⁵⁴ Ibid.

will only last so long unless the political entities exhibit a willingness to change as well.

In his conclusions, Knowles identified a three-level approach to engendering better homeschooling parent-school district cooperation. He states that in order for the cooperation to grow, the attitudes regarding the rights of homeschoolers must change within 1) federal and state authority, 2) local school districts, and 3) the local school.²⁵⁵

Knowles believed that federal and state provisions should include financial support for families who choose to home school their children. He stated that many home educators live on limited incomes therefore; state subsidy dollars would greatly aid homeschooling programs. To minimize any controversy, Knowles suggested that federal/state funding be distributed proportionately according to the homeschooling family's participation in public education programs within the respective district. Specifically on state levels where departments of education mandate programs.²⁵⁶

With regard to the second change, Knowles addressed the efforts of the public school district. He stated that school administrators and school officials needed to take steps to increase the involvement of the home schooling family by 1) involving them in school district affairs, 2) inviting them to serve as members of advisory and community resource committees, 3) providing them with parental guidance and counseling, 4) offering resource and facility sharing, 5) establishing educational technology and material centers, 6) including home educators in in-

²⁵⁵ Ibid.

²⁵⁶ Ibid.

service workshops and 7) encouraging volunteerism and sharing within the school and district.²⁵⁷

When discussing model legislation for homeschooling Jon Holt believed that the law should include the right of home educating parents to use facilities and to participate in programs on a part time basis.²⁵⁸ If home schooling children attended a function he felt that their presence in the schools would say to the other students “that there are some things taking place in schools that are so interesting or so useful that people actually choose to do them.”²⁵⁹

In a study of the academic success of homeschoolers, Frost and Morris believed that school district administrators should work cooperatively with home schooling families.²⁶⁰ These researchers noted that increased efforts would be required, “in the areas of curriculum and resource development, library and materials usage, testing and diagnostic work and even extracurricular involvement.”²⁶¹ This interaction would benefit all participants in key areas of social exchange and cultural enrichment.

Finally, the third change focused on those things that the local schools could do to establish greater cooperative relationships with homes schooling parents.²⁶² Knowles believed that local schools needed to make some restructuring changes in order to include home schooling children. He believed that these changes needed to occur in two primary areas: 1) the area of experiential learning activities

²⁵⁷ Ibid.

²⁵⁸ Supra note at 85.

²⁵⁹ Ibid.

²⁶⁰ Eugene A. Frost, & Robert C. Morris, “Does Home Schooling Work?” *Contemporary Education* 59 (1988): 223-227.

²⁶¹ Ibid.

²⁶² Ibid.

and 2) the area of large group or team activities.²⁶³ Knowles referred to the experiential activities as those areas or programs, which require special facilities and teacher specialists (art, music, drama, science labs, computer labs, and trade/vocational/technical education). He referenced the large group or team activities as all extracurricular activities (sports teams, orchestra, band, chorus, clubs, and summer programs).²⁶⁴

At the time of the Knowles study, only seven states had statutes in place that allowed home schooled students to have access to public school classes and extra-curricular activities. The states of Oregon, Iowa, Idaho, Washington, Arizona, Colorado, and Maine mandated equal access by law and served to establish precedence for other states to follow.

State Statutes Governing Access. Many school districts and local schools nationwide have begun to open their doors to home schooling children. Currently seventeen states have adopted statutes to address the growing number of home schooled students who desire to attend public schools on a part time basis or participate in school sponsored extracurricular activities (Appendix B). Arizona, Colorado, Florida, Idaho, Illinois, Iowa, Maine, Minnesota, New Hampshire, North Dakota, Oregon, Pennsylvania, South Dakota, Utah, Vermont, and Washington currently have state statutes in place that requires public schools to allow home

²⁶³ Ibid.

²⁶⁴ Ibid.

schoolers access to public school classes and extracurricular activities. Nebraska has a statute that prohibits access.²⁶⁵

Arizona, Colorado, Florida, Idaho, Minnesota, Oregon, Pennsylvania, Utah, South Dakota, and Washington allow home schooled students to participate with little or no special stipulations. North Dakota allows participation however; the student must receive approval from the school administration. Iowa, Idaho, Maine, Michigan, and Vermont have initiated dual enrollment, whereby students register with the district in order to be a part of state funding counts and participate in non-academic activities.²⁶⁶

Despite the laws established in these states, the opportunities for participation usually requires home schooled students to meet certain criteria outlined by state athletic associations or local school boards. Most of these criteria deal with issues surrounding compliance with state home school laws, evidence of academic achievement, and evidence of passing the core subjects of English, math, science and social studies. Some states require the home schooler to provide achievement test scores or periodic academic reports even if it is not required as a part of the state's home school statute.²⁶⁷ Some legislation also permits the school to receive extra money from the state by counting each home schooled student as a part of the regular school enrollment.²⁶⁸ The governing bodies for interscholastic activities from the states of Massachusetts, Nevada, and

²⁶⁵ National Center for Home Education. "Equal access: Participation of Home Schooled Students in Public School Activities." 12 December 2001 <http://www.hslda.org/docs/nche/000000/00000049.asp> (28 February 28 2002).

²⁶⁶ Ibid.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

Rhode Island have established regulations that specifically allow home schooled students to participate in activities sponsored by their organizations.

States Without Access Laws. For home schooled students who reside in states that do not have equal access laws, the situation is much more complicated. In many incidences these non-public school students are compelled to ask for assistance from the courts to help them resolve their problems. During the 1970s and early 1980s the courts heard several private school cases dealing with the equal access issue. More recently, however, home schooling families have been the plaintiffs in most of the equal access cases, bringing suits against either the school districts or the state athletic associations.²⁶⁹

In states that do not have laws forcing schools to allow home schooled students access, it is up to local schools and school divisions to establish their own policies regarding these issues. An equal access policy is, however, rarely free from outside influence.

LEGAL ARGUMENTS

Several constitutional arguments have been used on behalf of home schooled students who are seeking the opportunity to participate in public school sponsored activities. One contention is that denying home schooled student's access to selected classes denies them due process in their property interest right to a free public education provided for in the Due Process Clause of the Fourteenth Amendment of the federal constitution. A second argument centers around the idea that if students are excluded from extracurricular activities they have been discriminated against based on the Equal Protection Clause of the Fourteenth Amendment. A third argument focuses

²⁶⁹ Supra note at 8.

on the premise that if students are not enrolled in public school because of a religious belief, their right to the free exercise of their religious beliefs are burdened as outlined in the Equal Protection Clause of the Fourteenth Amendment and the Free Exercise Clause of the First Amendment.²⁷⁰

The main point of contention from home schooled families regarding their desire for equal access to public school activities focuses on the concept that they are entitled to equal treatment because a portion of their tax dollars goes for the operation of public schools. In spite of the fact they have opted out of the public school system they feel they are entitled to any aspect of public education they feel necessary to complete their child's education, including the opportunity to participate in extra curricular activities.²⁷¹

CONSTITUTIONAL LAW CASES DEALING WITH THE ISSUE OF ACCESS

Although the issue of access for home schooled students is in the early stages of existence, there have already been a number of suits filed by home schooling families. In virtually every case the courts have ruled that a school district's refusal to allow access to selected classes or participation in extracurricular activities does not violate the student's constitutional rights to due process of law, as in *Bradstreet v. Sobol*²⁷², or equal protections under law as in *McNatt v. Frazier School District*²⁷³, or free exercise of religion as in *Swanson v. Guthrie Independent School District*.²⁷⁴ Additionally, the courts have ruled that school districts have the right to set the eligibility requirements for participation in school activities. The courts have not found that school divisions

²⁷⁰ Supra note at 265.

²⁷¹ Ibid.

²⁷² *Bradstreet v. Sobol*, N.Y.S. 2d 402 (NY 1996).

²⁷³ *McNatt v. Frazier School District*, W.D. U.S. (PA), 1995.

²⁷⁴ *Swanson v. Guthrie Independent School District No. I-L*, F.3d 694 (OK), 1998.

requiring students to be enrolled on a full-time basis are acting in an unreasonable manner.

The *Bradstreet* case spoke particularly to the aspect of due process, alleging a home schooled child's constitutional rights under due process of law had been violated. In this case a fourteen year old home schooled student filed suit challenging a regulation, which provided that only students in regular attendance at school could participate in interscholastic sports.²⁷⁵ Bradstreet claimed that the regulation violated her rights so she sought a judicial declaration of eligibility that would allow her to participate in interscholastic sports in the local school district.²⁷⁶ The suit filed against the New York State Commissioner of Education claimed that the plaintiff's rights under the Equal Protection and Due Process Clauses of the United States Constitution, as well as state education laws had been violated.

To state a claim under the Due Process Clause, one must demonstrate the loss of a property right or liberty interest. Since the plaintiff did not allege loss of a liberty interest, the court proceeded to determine whether participating in a public school extracurricular activity could be a property interest. The Supreme Court Appellate Division 3rd Department found that participating in interscholastic sports was an expectation and not a property interest, for purposes of invoking the Due Process Clause.²⁷⁷ Consequently the Court found no evidence of property or liberty interest at stake under the circumstances, nor did the court find any suspect classification or fundamental right to be involved. Instead, the court found that the school district's policy

²⁷⁵ Supra note at 260.

²⁷⁶ Id.

²⁷⁷ Id.

of limiting the privilege of sports participation to bona fide students was both rational and legitimate; thus the exclusion of the home schooled student was valid.²⁷⁸

A challenge over the issues of equal protection under the law was brought before the courts in *McNatt v. Frazier School District*.²⁷⁹ Jeremy McNatt, a junior high school student who elected to be home schooled, sought access to the local public school's athletic program. Jeremy had attended public school in the Frazier School District through the ninth grade and had previously participated in a number of athletic activities. Two weeks into the beginning of his ninth grade year, he and his parents decided it would be best for him to be home schooled. Jeremy wanted to play on the public school's basketball and baseball teams and was permitted by school officials to try out for the basketball team. Jeremy made the team and was told he could play if the school board voted in favor of his participation. The school board denied Jeremy's request, and he and his parents subsequently brought suit against the school district pursuant to the Equal Protection Clause of the Fourteenth Amendment and Section 1983 of the Civil Rights Act.²⁸⁰ The court acknowledged that the school district was a member of the Pennsylvania Interscholastic Athletic Association (PIAA), the function of which is to develop and enforce uniform rules governing interscholastic athletic competition among member schools. While the PIAA did not expressly prohibit participation of home schooled students in interscholastic sports, the majority of the school districts in Pennsylvania did not allow such participation. The Frazier School District had an established policy that expressly limited the types of students who were permitted to

²⁷⁸ Id.

²⁷⁹ Supra note at 274.

²⁸⁰ Id.

participate in school-sponsored activities. Therefore, the school district's decision to deny the plaintiff's request to participate was upheld by the circuit court.²⁸¹

In 1998, the parents of a home schooled child filed suit against the school division claiming it violated their child's rights under the Free Exercise Clause by denying her the opportunity to attend selected school classes in *Swanson v. Guthrie Independent School District*.²⁸² The parents argued that their daughter had been denied a benefit that was available to other students who had chosen to attend public school. They asserted that their child was being denied this opportunity because of their religious beliefs.²⁸³

The district court ruled that the Free Exercise Clause did not apply in this case since it was designed for the purpose of preventing governments from limiting an individuals' "free exercise of religion" and was not intended to give special treatment to an individual. The parents appealed. The United States District Court, followed by the United States Court of Appeals, Tenth Circuit, stated that the plaintiffs' attempt to portray this case as one of religious discrimination was unsubstantiated and ruled in favor of the school division.²⁸⁴

STATE CASE LAW AND ISSUES OF ACCESS

In *Gallery v. West Virginia Secondary Schools Activities*,²⁸⁵ the parents of a home schooled student in Hampshire County, West Virginia, requested permission for their child to try out for the school's cross-country team. The principal of the school

²⁸¹ Id.

²⁸² Supra note at 274.

²⁸³ Id.

²⁸⁴ Id.

²⁸⁵ *Gallery v. West Virginia Secondary Schools Activities*, 518 S.E. 2d 368 (WV), 1999.

informed the parents that their child was not eligible to try out for the team because of Rule 127-2.3.1 (1967) of the West Virginia Secondary Schools Activities Commission.

The parents of the student sought judicial review of the Secondary Schools Activities Association's (SSAC) ban on home schooled students' participation in interscholastic athletics, stating that it was both statutorily and constitutionally prohibitive since SSAC permits participation in interscholastic athletics by students who receive instruction in parochial, private, and public schools (W.VA Code, 18-2-25, 1965). After initially granting the parents' requested relief, the Circuit Court of Hampshire County issued its final order dissolving the preliminary injunction and finding for the SSAC. The court ruled that the SSAC's ban on the participation of home schooled students in interscholastic athletics was designed to prevent home schooling from being used as a means of circumventing the academic rule requirement of maintaining a "C" average in order to be eligible to participate in interscholastic athletics.

The parents appealed and the case was dismissed by the Supreme Court of Appeals of West Virginia, declaring it to be moot. At the time of the appeal the parents had discontinued home schooling and had enrolled their child as a full time student in public school. Since there was no longer an underlying dispute between the parties, the appeal was subject to dismissal.²⁸⁶

In each of these cases the courts were able to rule in favor of the public schools because there were established policies in place that clearly defined the public schools stance on equal access for home schooled students. However, even with the established policies, in place there still have been cases where the home schooled

²⁸⁶ Ibid.

students have won some vindication from the school divisions and state athletic associations.

In an earlier case a student, Melissa Davis, was successful in securing a preliminary injunction through the court that allowed her to try out for the North High School girls' softball team in *Davis v. Massachusetts Interscholastic Athletic Association*.²⁸⁷ The courts, in effect, agreed that the student's Equal Protection rights were violated by the Massachusetts Interscholastic Athletic Association's (MIAA) rule, which requires students to attend school in order to participate in interscholastic athletics. The court felt that the preliminary injunction factors weighed in the plaintiff's favor and found that the plaintiff was in fact attending school sessions, but just doing so at home. The irony of the case came when the court cited an opinion filed by Justice Blackmun in *University of California Board of Regents v. Bakke*,²⁸⁸ stating "the administration and management of educational institutions are beyond the competence of judges and best left within the special competence of educators."²⁸⁹ The court failed to heed the advice of this opinion by deciding that all home schooled students were in fact attending regular school.

HOME SCHOOLING IN VIRGINIA

In 1984, the General Assembly of Virginia amended Title 22.1, Chapter 14, section 22.1-254 of the Code of Virginia to allow parents the opportunity to educate their children at home. This amendment was approved as an alternative to attendance to public, private, or parochial school in order to satisfy the compulsory attendance

²⁸⁷ *Davis v. Massachusetts Interscholastic Athletic Association* 3 Superior Court of Mass L. Rptr. 375 (MA), 1995.

²⁸⁸ *University of California Board of Regents v. Bakke*, 98 S.Ct. 2733 (CA), 1978.

²⁸⁹ *Ibid.*

requirements. Today the standards for home schooling are outlined in three sections of the Code of Virginia. Section 22.1-254²⁹⁰ discusses the age requirements for children to attend school; section 22.1-254.1²⁹¹ outlines the requirements of home instruction, and 22.1-254.2²⁹² establishes the test requirements for students who participate in a home instruction program. These sections, however, make no provisions for attending public schools on a part time basis or participating in school sponsored activities. This responsibility rests entirely on the shoulders of the local school boards. Section 22.1-78 of the Code of Virginia provides local school boards the authority to “adopt bylaws and regulations that are not inconsistent with state statutes” in order to better serve their specific communities.²⁹³

It is conceivable that because of this statute, attempts by the local school boards to establish policies that govern part time school attendance and participation in school sponsored activities would vary significantly from one locality to another. School board members tend to view issues differently based on opinions within their community. However, if there were state guidelines in place that addressed these issues then school divisions would have more consistent policies and any small differences among them could be more easily defended. While they may not agree with the policies, families who home school their children would know they were not being treated differently from families in other divisions.

In 1997 the General Assembly enacted legislation through the Appropriation Act that allowed local school boards to permit part-time attendance of home schooled

²⁹⁰ Supra note at 3.

²⁹¹ Id.

²⁹² Id.

²⁹³ Id.

and private school students and to count such students in Average Daily Membership (ADM).²⁹⁴ The budgetary language which was added to the appropriation act established the mechanism for counting the students in ADM. Specifically, Item 140 A.1. c. states that:

Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, social science, or foreign language course shall be counted in the ADM in the relevant school division.

Each course shall be counted as 0.25, up to a cap of 0.5 of a student.²⁹⁵

The stipulation placed on permissible courses of study for which a child may be counted in ADM lasted for one year until House Bill 1860 was enacted. This bill allowed all classes to be counted as 0.25, up to a cap of 0.5 of a student.

In February 1999, the Virginia House of Delegates rejected Senate Bill 1316, which would have banned all home schoolers from participating in public school sponsored activities. The bill, sponsored by H. Russell Potts of Winchester, would have removed the discretionary authority from local school districts and placed a ban on home schooled student's participation in public school activities. Senator Potts advocated his position by saying, "You're either in school or not in school. You cannot have a situation in which the star running back who is not a student in our schools is

²⁹⁴ Virginia Appropriations Act, 1997. Item 140 A .1.c.

²⁹⁵ Ibid.

laying on the couch at home all day and the fullback on the other team is in school all day”.²⁹⁶

Currently the Virginia High School League (VHSL) policy handbook addresses this issue in two sections. Section 28-1-1 of the Bona Fide Student Rule states “that the student shall be a regular bona fide student in good standing of the school which he/she represents”.²⁹⁷ The interpretation of what constitutes a regular student in this section is certainly open for debate. A student could be deemed a regular student by attending one class that could in fact be offered outside the normal instructional day.

Section 28-4-1 of the Scholarship Rule states that a student shall be “enrolled in not fewer than five subjects, or their equivalent, and have passed five subjects or their equivalent” in order to be eligible for participation in VHSL sanctioned events.²⁹⁸ Since some school divisions in the Commonwealth already offer high school credit for classes that are taken in a home school program, this policy would not prevent a home school student from being eligible for participation. Unfortunately, both of these regulations only limit the participation based on eligibility requirements and do not address full or part time enrollment status as a requirement of eligibility.

As a result of the lack of direction from the Commonwealth of Virginia, there is virtually no continuity with regard to this issue. The VHSL is responsible for

²⁹⁶ The Home School Court Report. “Home Schooling News From Across the States.” (Home School Legal Defense Association, 1999) Retrieved February 28, 2002 from <http://www.hslda.org/courtreport/v15n2/v15n2va.asp>. (1999, March/April).

²⁹⁷ Supra note at 7.

²⁹⁸ Id.

regulating all interscholastic activities for its member schools but it does not address the issue of participation by home schooled students.

The legal, philosophical, and educational interaction between home schoolers and public education has been prevalent throughout the history of American education. Legal decisions within the past twenty years have served to substantiate the arguments of educational rights versus educational responsibilities. Home schooling families have issued a number of challenges through the courts arguing for their rights to access public school sponsored classes and extra curricular activities. In almost every case the courts have ruled in favor of the school divisions for the simple reason that policies that address the issue of access were in place.

The number of parents who are willing to make significant personal and financial sacrifices to teach their children at home appears to be growing, yet there is limited data available for helping state legislators and local school boards make informed decisions about the appropriateness of allowing home educated students to have access to public school classes and extracurricular activities.

The survey research that has been conducted has helped researchers understand the types of families who choose to home school their children as well as provided information with regard to how current home school students are doing academically as well as socially. However, there have been no published studies that have compared the current policies that are in place in the 132 school divisions that deal with the issue of access to public school sponsored classes and extracurricular activities in Virginia.

This chapter has examined some of the historical contexts within which early homeschooling efforts existed. It also took an in depth look at the development of public education through the Common school movement of the late 1600s and the dismantling of home education through the establishment of the Compulsory Attendance Laws of the 1840s. Although these laws were challenged in several of the more famous landmark cases, the courts ruled that it was legal for the states to require students to receive an appropriate education.

CHAPTER III

RESEARCH DESIGN AND METHODOLOGY

The review of the literature in Chapter II referenced case law that documented the struggles that have existed between the states and their citizens over the right to retain power and control over the education of children. The Tenth Amendment of the United States Constitution defines where the responsibility for education lies; however, it does not define the amount of involvement that a state must assume for the education of a child.²⁹⁹ Likewise, state constitutional clauses assign responsibility for education to state legislators, but often in broad terms.

Recent legal analyses support the idea that home schooling has become a legal and viable option for educating children in all fifty states.³⁰⁰ As a result of the success of the home educators in establishing a legitimate program that operates independently of the public schools in their districts, a significant number of home schoolers have now begun to seek a new, more expanded relationship with public schools.³⁰¹

The expanded relationship home schools are seeking includes access to public school classes and extracurricular activities. Some home schooling parents are no longer struggling to keep their children out of public schools, but are instead seeking permission to send their children to public schools on a part time basis while retaining their home school status. The administrative burdens and philosophical objections

²⁹⁹ Dennis Peterson, "Home Education v. Compulsory Attendance Laws: Whose Kids Are They Anyway?" *Washburn Law Journal*, 24, (1985), 274-299.

³⁰⁰ Patricia Lines, "Homeschooling: An Overview for Educational Policymakers." Washington D.C. Office of Educational Research and Improvement, U.S. Department of Education, (1997). William Kested, "Home-schooling." Study presented at a conference on alternative schools hosted by the Illinois School Board Association in Peroria, IL, (1997).

³⁰¹ Maralee Mayberry, J. Gary Knowles, Brian D. Ray, Stacy Marlow, *Home-schooling: Parents as Educators*. (Thousand Oakes, CA: Corwin Press, 1995) 50.

connected with admitting a home school child on a part time basis have caused some state officials to be less than willing to negotiate this new relationship.³⁰²

Since I am responsible for working with home schooling families, I am interested in finding ways to alleviate the tension that is created by the diverse policies on the matter. Collecting and sharing policy information may be part of the solution. For instance, it is not known which school boards allow or restrict access, to children who are home educated, to their public school courses and activities. Likewise, there is no information on the full extent of the variation of policies across all Virginia Local Education Agencies (LEAs). Investigating these unknowns might provide some relief to the confusion and conflict felt by both school officials and home schooling families by helping them view the policies holistically.

In Virginia, state legislators have relegated the control over home school access to the local school boards. This delineation has served to create new tensions between home school parents and local school administrators and school boards. Results of this study might provide direction that will be useful in alleviating some of this tension.

PURPOSE OF THE STUDY

The purpose of this study is to conduct a policy analysis involving the 132 school districts in the Commonwealth of Virginia and a multiple case study involving school officials from a select number of the school districts:

1. To explore the variation and commonalities in policies governing access for home schooled students across the 132 school districts.

³⁰² Lynda M. Lukasik, "The latest home education challenge: The Relationship Between Home School and Public Schools." *North Carolina Law Review*, 74, 6, 1996, 1913-2103.

2. To garner perceptions from school district leadership regarding local control of home school access to public schools.

RESEARCH QUESTIONS

The primary research question that will guide this study is: What is the variation and commonalities in policies across the 132 school districts in the Commonwealth of Virginia that govern whether or not students who are educated at home have access to public school courses and activities? Subordinate questions include:

- 1) What is the proportion of local school boards who allow home schooled students to attend their schools part time or participate in extracurricular activities?
- 2) How is access defined and regulated?
- 3) How do school leaders including superintendents and school board chairpersons perceive local control of this policy issue? What are their perceptions on home school access to public schools?
- 4) How do those responsible for the implementation of the school district's home schooling policies (home school coordinators) perceive the local control of this policy issue? What are their perceptions on home school access to public schools?

ORGANIZATION OF THE STUDY

This study is intended to generate data that will inform policy makers throughout the Commonwealth of Virginia on the issue of access to public school classes and extracurricular activities for home schooled students. Conclusions

drawn from the data may result in policy recommendations to state and local education policymakers that address the following questions:

1. Is there a need for a state policy that provides a more uniform response to home schoolers requests for access to public school classes and extracurricular activities, and why?
2. What should the nature of the response be and why?
3. What policy guidance may be provided to local school authorities, and why?

In order to accomplish this, the study will be divided into two phases. The first phase will be comprised of a policy analysis involving the 132 of Virginia's operational school districts to determine the legality and the scope and nature of their home school policies. It is designed to collect data that directly responds to the primary research question and the first two subordinate questions.

The second phase of the study will involve a multiple case study in which school districts with varying home school policies will be purposefully selected.³⁰³ The school board chairman, superintendent, and home school coordinator from each will be asked to participate in interviews in which their perspectives on home school access and on local control of this policy will be solicited. Additionally, pertinent school board and school district documents will be reviewed to determine if there have been specific incidences and input at the district level that have had

³⁰³ Floyd J. Fowler, Jr. *Survey Research Methods Second Edition*. (Newbury Park, CA, Sage Publications: International Educational and Professional Publisher, 1993), 20. Purposeful sampling is based on the "assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned." The school districts that have instituted an access policy for home schoolers will be chosen for the study because they will "yield the most information about the phenomenon of interest."

an impact on the development of these policies. The collection of this data will be in response to the third and fourth subordinate questions.

Together the two phases will comprise a design that should reveal whether or not there is a need for a more uniform policy to govern the issue of equal access for home school students to be adopted by state legislators. The data also may be used to formulate recommendations to state and local educational policy makers that might be beneficial to them when confronted with the task of determining whether or not to allow home schoolers access to public school classes and extracurricular activities.

CONCEPTUAL FRAMEWORK

In order to analyze the current school board policies and procedures that are in place that govern home schooling and, in particular, the issue of access for home schooled students, a conceptual framework has been created. A conceptual framework is a tool used by researchers to explain the scope and sequence of a study.³⁰⁴ The explanation for this study has been provided in graphic form and will serve to provide the direction and organization of the study.

To be effective a conceptual framework must specify "who and what will and will not be studied."³⁰⁵ The conceptual framework of this study demonstrates the issues that local school districts must consider when developing and instituting policy to address access to public school classes and extracurricular activities by home schooled students. The parameters include Constitutional authority, statutory authority, VHSL

³⁰⁴ Matthew B. Miles and A. Michael Huberman. *Qualitative Data Analysis: A Sourcebook of New Methods*. (Newbury Park, CA, Sage Publications, Inc. 1984), 18.

³⁰⁵ Ibid p. 18.

authority, a rationale for the development of a policy, people impacted by the policy, and the nature, and scope, and implementation of the policy.

For the purpose of completing the research, this study will focus on two frameworks. The first framework is modeled after Bronfenbrenner's Ecological Model of Human Development (Table 11).³⁰⁶ This design provides a useful approach to help describe the areas that have influenced the development of school board policies that govern the issue of access for home schooled students to public school classes and extracurricular activities.

Bronfenbrenner envisioned the ecological environment of schools as a "nested arrangement of structures, each contained within the next."³⁰⁷ In the diagram, the circles surrounding school board policies represent those areas that have an impact on the development of these policies. The closer an area is to the inner circle the greater the influence. Each circle is interlaced upon another and, therefore, is thought to have influenced the next level.³⁰⁸

The innermost circle of nested structures is the "micro-system"³⁰⁹ which is the immediate focus of this study. The regulations that govern the issue of access to public school classes and extracurricular activities are prescribed in the local school board policies that are currently in place in the 132 operational school districts in Virginia. Phase one of this study will provide the data that will allow for an in-depth policy analysis of local school district's policies that govern the issue of access for home

³⁰⁶ Urie Bronfenbrenner, *The Ecology of Human Development*. (Cambridge: Harvard University Press, 1979), 5.

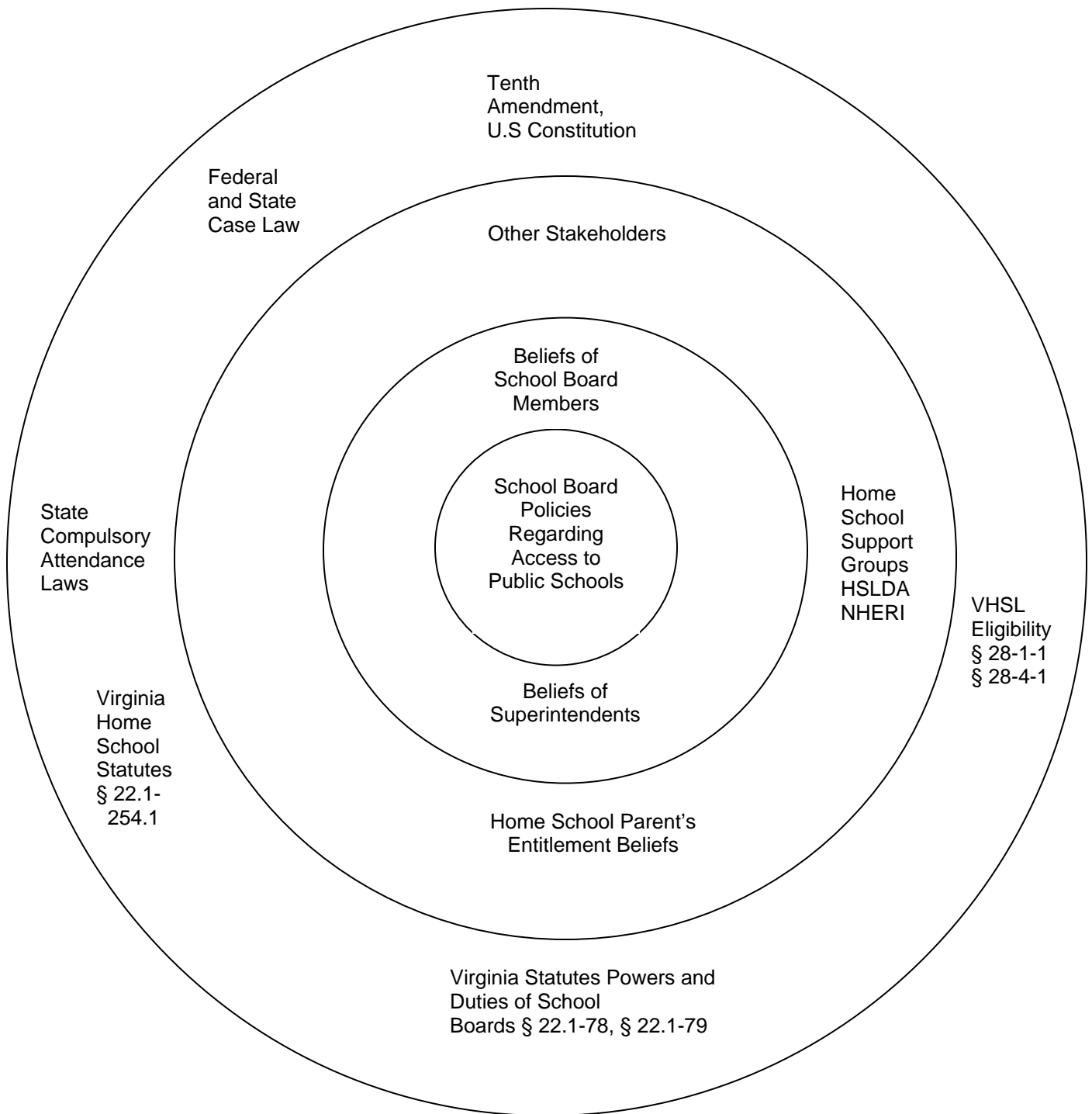
³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

Table 11

Conceptual Framework I



schooled students. This serves as a representation of how the data will be utilized to answer the primary leading research question as well as the first two subordinate questions.

Encircling the school board policies is the “meso-system.”³¹⁰ This layer is comprised of those persons who directly effect the development of these school board policies. Information collected from a multiple case study consisting of interviewing school board chairpersons, school superintendents, and district home school coordinators will be utilized along with the analysis of pertinent school board and school district documents to answer the third and forth research questions.³¹¹

The third layer of the conceptual framework encircles the “micro-system” and “meso-system” and is called the “exo-system.”³¹² This layer represents those people and organizations that may influence the thinking of the school board members and district superintendents regarding the issue of access for home schooled students. Information gathered through the multiple case study and document analysis will again be used to determine how these people have influenced the adoption of policies that govern whether or not home schoolers have access to public school classes and public school sponsored extracurricular activities.³¹³

The final layer of the conceptual framework contains the “macro-system.”³¹⁴ This includes the legal influences that have impacted the development of the school board policies. The literature review in Chapter Two describes the ways the statutes,

³¹⁰ Ibid

³¹¹ Sharan B. Merriam. *Qualitative Research and Case Study Applications in Education*. (Jossey-Bass Publishers 1998), 6. Case study design is particularly useful for studying educational innovations.

³¹² Ibid. p. 6.

³¹³ Supra note at 311.

³¹⁴ Supra note at 306. p. 6.

regulations, and case law have had an impact on local school board policies that govern home schooling and access by home schoolers to public school classes and extracurricular activities.

Using this framework as a data analysis tool, may provide results that may help inform local school officials and state legislators of the variations and commonalities of policies that are currently in place among the 132 operational school districts in Virginia regarding the issue of access for home schooled students to public school classes and extracurricular activities. Additionally, the results of the analysis may help formulate recommendations to school officials and state legislators why it may be necessary to have a state statute to govern the issue of access for home schooled students.³¹⁵

The second framework is a theoretical model consisting of two questions that may be answered as a result of this study (Table 12). The analysis of the data collected through the multiple case study may serve to substantiate or to discredit the theories depicted in this framework. The conclusions drawn from this analysis should provide school officials and state legislators with information they may need to help them reflect on the current status of home school policies across the state and on whether state legislators need to revisit the state's role and responsibility in this regard.

DATA COLLECTION

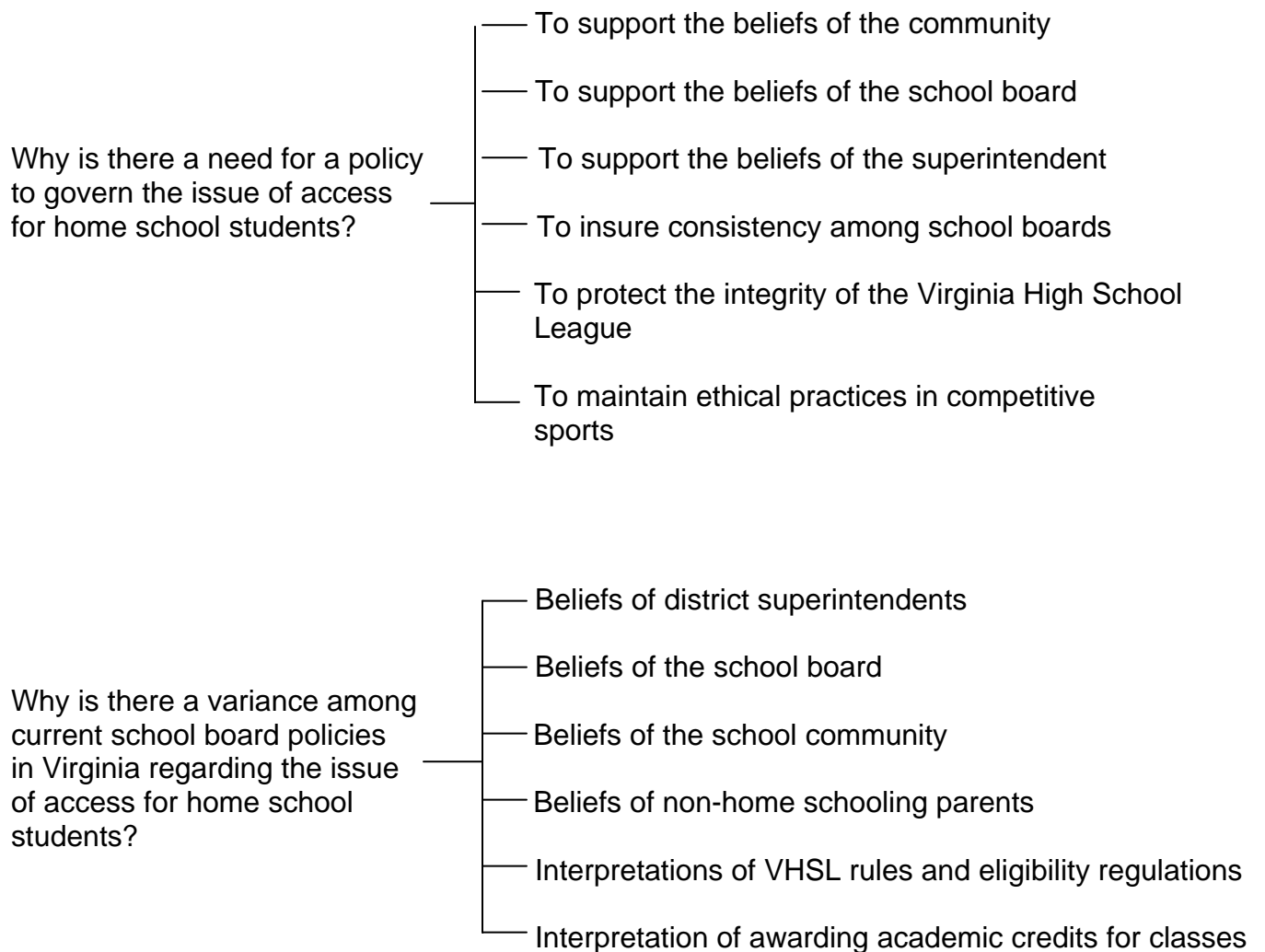
Data collection for this study will be performed in two phases. The first phase will involve collecting and analyzing home school policies from Virginia's 132 operational school districts in order to gather information that will answer the primary guiding research question and the first two subordinate questions. The second phase of the study will consist of a multiple case study that involves interviewing school board

³¹⁵ Id.

Table 12

Conceptual Framework II

Theoretical Questions



Source: The foundation for this framework is a result of the literature review found in Chapter Two.

chairpersons, district superintendents, and district home school coordinators as well as reviewing any pertinent school district or school board documents related to home school access.³¹⁶

The research design is constructed in such a way as to capture the reality faced by school officials in their attempt to create and implement policies governing home school access. It is my intent that the research process set forth in this design will lead to the description, recording, analysis, and interpretation of conditions as they currently exist.³¹⁷ The procedures and the proposed use of data will be submitted for approval to the institutional review board of Virginia Polytechnic Institute and State University (Appendix G).

PHASE ONE

Initially, a letter giving an overview of the study will be sent to all school district superintendents. In it are brief statements about the purpose of the study, the kind of data to be collected, my contact information, and a statement encouraging superintendents to contact me with any questions they have regarding the intent of the study (Appendix C). The letter also includes a statement informing them that they and others from their district may be asked to participate in a second phase of the study. Additionally, each superintendent will be asked to provide the name of the person who serves as the home school coordinator for his/her district along with the coordinator's email address. This may require a second letter and phone call.

Once this information is received, I will email the coordinator of home education from each responding school district to request a copy of his/her district's current home

³¹⁶ Supra note at 311, p. 35.

³¹⁷ Supra note at 303, p. 20.

school policies that govern home schooling and, in particular, access to public school classes and extracurricular activities (Appendix E). If necessary a follow up email and phone call will be made to help obtain this information.

An analysis of this data will determine how many school districts will be an appropriate number to participate in phase two of this study. Through use of purposeful sampling methods, a select number of school districts that have policies permitting home schoolers access, as well as a select number of school districts that have policies not permitting home schoolers access, will be asked to participate.³¹⁸ Initial factors to be used in determining participation in the study will include the school board chairman's, the school superintendent's, and the school district's home school coordinator's willingness to participate,³¹⁹ the proportion of the district's home school population compared to the total district population,³²⁰ the current home school policy governing access for home schooled students, and the regional location of the school district.³²¹ A matrix will be utilized to categorize the school districts and to determine which of the initial factors were met with the most frequency (Appendix E).

³¹⁸ Id. p. 20. Purposeful sampling is based on the "assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned." The school districts that have instituted an access policy for home schoolers will be chosen for the study because they will "yield the most information about the phenomenon of interest."

³¹⁹ Choosing school districts in which the school board chairman, superintendent, and home school coordinator all agree to be interviewed should provide more global and independent perceptions.

³²⁰ School districts will be divided into groups consisting of less than 7500 students, 7501 to 15,000 students, and greater than 15,000 students. The ratio of home schooled students compared to the total school district population will be analyzed. School districts with the highest number of home schooled students from each of the groups will be solicited first to participate in the study.

³²¹ To ensure a true representation of school districts from across the Commonwealth, school districts will be categorized based on the Virginia Department of Education's assigned superintendents region. Every effort will be made to acquire participants from all across the state. Based on the location of these regions consideration will be given to combining the regions as follows: one and two, three and four, five and six, and seven and eight.

PHASE TWO

Phase two of this study will entail conducting a multiple case study involving the school board chairman, the superintendent, and the home school coordinator.

Additionally, it will include a review of school district and school board documents that may be pertinent to the issue of access for home schooled students. Examples of these documents may include school board minutes where the issue of access was discussed, written requests for access by home schooled students, and written responses made by school officials to parents requesting access to public school classes and extracurricular activities.

Prior to the initiation of phase two of the data collection, each superintendent from the preliminary list of school districts that meet the stated criteria, will receive a second letter requesting their participation in an interview and for permission to review any school district or school board documents related to home school access (Appendix F). Also, the letter will include a guarantee that the identity of the school district and those agreeing to be interviewed will remain anonymous.

All three school district participants will be asked to participate in separate interviews and will be provided a copy of the semi-structured interview protocol (Appendix J). They will be encouraged to ask any clarifying questions to alleviate any concerns prior to the interview.³²² Individuals who agree to participate will be assigned a pseudonym for identification purposes and to maintain the anonymity of the school district as well as the individuals participating in the interview. Failure to assure

³²² Supra note at 311, p.36.

anonymity may result in the data being biased, particularly if the participants fear that an identifiable remark may compromise them in some manner.³²³

Once these letters are returned, an email will be sent to the school board chairman, district superintendent, and home school coordinator asking them to provide convenient and appropriate times for me to visit the school district to conduct the interviews and review of documents (Appendix G). This contact may require a follow up phone conversation to confirm the date and time of the interview.

The interviews may be conducted in person or by telephone determined by each participant's personal preference. Prior to the beginning of each interview, a written consent form from each participant will be collected (Appendix I). The interviews will be taped and last 45 to 60 minutes. The interviews will be semi-structured and since comparing opinions from each of the participants requires some standardized information, semi-structured interview protocols will be developed for each participant.³²⁴ This format will allow the participants to respond to current issues and perceptions, emerging views on the subject, and new issues that they may envision.³²⁵

Review of the literature as well as my experience as a home school coordinator guided the development of the interview protocol (Appendix J). Following the suggestions of Miles and Huberman,³²⁶ I worked from the outside layer of the conceptual framework to the core of the study, beginning with the development of questions pertaining to constitutional law, state statutes, VHSL regulations, and case law found in the macro system. These questions will be used to acquire data regarding

³²³ Supra note at 311, p.36.

³²⁴ Id. p. 74. Semi-structured interview protocols provides some of the same questions to be asked to each participant and some different questions to also be asked.

³²⁵ Id.

³²⁶ Supra note at 304, p. 25.

how current statutes, regulations, and case law may have impacted the development of the district's current policy on access for home schooled students.

To acquire data on the influences of the exo-system or stakeholder level, protocol questions were developed that may enable me to acquire data regarding how the entitlement beliefs of home school parents, the beliefs of home school organizations, or the beliefs of other public school stakeholders may have influenced the district's current access policy. Additionally, the review of pertinent school district and school board documents that address the issue of access for home schooled students may serve as an effective means of gathering data for this level of inquiry.

Questions have been included in the protocols that also address the perceptions and opinions of the members of the meso-system or school policy makers on the issue of access for home schooled students. Some questions were structured to provide data on the personal beliefs of the superintendent and the school board chairman on the issue of access. Other questions were created to provide data on their views of whether they feel there may be a need for a state statute to help local school districts govern this issue. Again, the review of pertinent documents may be useful in gathering data for this level of inquiry.

Finally, questions will be included that focus on the micro-system or school board policy level. These questions will be included in the protocols of the school board chairman, the superintendent, and the home school coordinator and will be designed to provide data on the history and development of their district's current home school policy.

The information collected from these interviews and review of documents will be placed on a matrix in order to assist with the analysis of the data (Appendix K). The matrix will include each of the questions from the interview protocols and so that the responses from each participant can be viewed and compared simultaneously.

DATA ANALYSIS

Data analysis is a continuous endeavor.³²⁷ In order to analyze the data collected in this study, I will follow the model described by Miles and Huberman.³²⁸ In this model, the primary tool used to complete a data analysis involves the development and utilization of matrices, appropriately designed for each phase of the study. A matrix will be developed to analyze each layer of the conceptual framework.

To assist with the management of the collected data and to provide a means of testing the conclusions of the study, I will use two different methods.³²⁹ The first method will involve keeping a written record that explains the conclusions drawn from each matrix. Since “writing is a form of analysis that leads to synthesis and the development of ideas for further analysis,” keeping written records will promote data management and the development of the conclusions. As new data is collected, it will be analyzed to determine if it is consistent or inconsistent with other collected data. This will enable a constant data comparison to occur to determine the extent to which it integrates with, provides new insights to, or contradicts previous data.³³⁰ The written record will also help assist with the comparison process as well as provide documentation as to how the

³²⁷ Ibid p. 12.

³²⁸ Ibid.

³²⁹ Ibid p. 243.

³³⁰ Ibid.

final conclusions were reached.³³¹ The second method that will be used to draw and test conclusions will involve asking an independent source to review each matrix and written record throughout the data collection process. This will provide a means by which the data can be constantly checked for procedural accuracy.³³²

In analyzing the data collected from this study, alternative strategies have been incorporated to safeguard the study's the internal validity, transferability, and reliability. Specific approaches that best matched the overall design of the study have been utilized.

VALIDITY

In order to ensure that the data collected is valid, the study will incorporate two different strategies as described by Yin.³³³ He explains that validity is related to the challenge of making appropriate inferences.³³⁴ To accomplish this, the evidence derived from the data analysis must be "airtight"³³⁵ meaning that all of the adversarial explanations of the study must be considered. The first strategy that will be used involves the triangulation of the data through the use of multiple methods. Different methods, including reviewing home school policies and comparing the variances and commonalities that exist among the 132 school districts with regard to the issue of access for home schooled students, interviewing three different school officials to obtain their views on the effectiveness of their local policies, and reviewing pertinent school district and school board documents related to the issue of access for home schooled

³³¹ Supra note at 311.

³³² Supra note at 304, p. 40.

³³³ Robert K. Yin. *Case Study Research*, 5th ed. (Thousand Oaks, CA: Sage Publications, 2003), 35

³³⁴ Ibid, p. 35.

³³⁵ Ibid, p. 35.

students will be utilized to cross-check the findings. This triangulation of data will ensure internal validity as it pertains to how the findings coincide with reality.³³⁶

The second strategy that will be utilized to promote validity will involve asking a peer to examine the findings of the study. This individual will be asked to comment on the emerging findings resulting from the data analysis, offer insights, suggest explanations, and determine if their findings are consistent with mine.

TRANSFERABILITY

The issue of transferability has been the subject of much debate among researchers who have conducted qualitative studies. Merriam states that in multiple case studies, “The general lies in the particular: that is, what we learn in a particular situation we can transfer or generalize to similar situations subsequently encountered.”³³⁷

To promote transferability in this study, two strategies have been incorporated. The first strategy has to deal with the selection of the participants included in the study. The participants were chosen based on the frequency with which they met the established criteria. This helped to ensure the likelihood that the results will be of interest and relevant to a variety of different school districts across the Commonwealth of Virginia.

The second strategy used to promote transferability involves selecting participants for the study that currently have policies that allow access to public school classes and extracurricular activities by home schooled students, as well as those that have current policies that deny access. Additionally, school district demographic data

³³⁶ Ibid.

³³⁷ Supra note at 311, p. 210.

will be included to enable school district personnel to determine the extent to which the cases match their own situations.

RELIABILITY

Yin maintained that, in multiple case study research, reliability means being able to demonstrate that the data collection and analysis procedures can be replicated with the same result.³³⁸ However, Merriam stated that “Rather than demanding that outsiders get the same results, a researcher wishes for the outsiders to concur that, given the data collected, the results make sense.”³³⁹ She further explained that triangulation strengthens both validity and reliability. In order to ensure that the reliability of the study is such that it can be replicated, an “audit trail” or written record will be maintained throughout the data analysis process.³⁴⁰

PHASE ONE

The data collected in phase one of the study will be analyzed in order to answer the primary leading research question, and the two subordinate questions resulting from data collected from the micro-system layer of the conceptual framework. This analysis will determine the variations and commonalities that exist among each of the 132 school districts with regard to their policies that govern the issue of access for home schooled students. The policies from each of the school districts will be categorized according to the specificity of the policy, the clarity of the policy, factors that impacted the development of the policy, and the date on which the policy was adopted. This analysis will address the questions that pertain to the micro-system layer of the conceptual framework.

³³⁸ Supra note at 333, p. 35.

³³⁹ Supra note at 311, p. 206.

³⁴⁰ Id. p. 207.

PHASE TWO

The second portion of the data analysis will be used to provide acquired information from school board chairmen, school superintendents, and district home school coordinators to answer the third and fourth subordinate research questions resulting from data collected from the meso-system, exo-system, and macro-system layers of the conceptual framework. This portion of the study will provide information that will enable me to make recommendations as to whether Virginia's state legislators should consider adopting a state policy that provides a more uniform response to home schooler's requests for access to public school classes and extracurricular activities, and why?

TIMELINE

Upon receiving committee input and approval of this prospectus, the Request for Expedited Research Involving Human Subjects- Form 4 will be filed with David Moore, the Chair of the Institutional Review Board for the Protection of Human Subjects (Appendix K). Once approved, an initial letter describing the study will be mailed to each school district superintendent in Virginia during the first week of September. Phase one of the data collection will begin in mid September, with a letter to the coordinator of home education for each school district.

PHASE ONE

During the month of October, I will review the current home school policies from the 132 school districts in Virginia as well as analyze the information to determine the variances in policy between each of the school districts. Once the policy analysis is completed, some school districts that will be asked to participate in phase two of the study. During the first week of November, a letter will be mailed to each of the

superintendents from the selected districts, inviting them to participate in phase two of the study.

PHASE TWO

Once approval from the invited school district superintendents has been received, an email letter will be sent to the superintendent to schedule an appropriate time for me to visit his/her school district to conduct interviews and review documents. This contact will be made in late November with interviews scheduled for the months of December and January.

During the months of December and January the data will be gathered and analyzed and the results written into a draft to be reviewed by the chairman of the research committee. By the end of February the results of the study will be placed into a final copy and a conclusion of the results will be written. The final results and conclusion will be reviewed by the chairman and then distributed to the members of the committee by March 15. The final defense of the study will be scheduled by April 1.

CHAPTER IV

RESULTS

The topic of access to public school courses and activities by home schooled students is one that is being frequently discussed by school boards and state legislators across the Commonwealth of Virginia. As this issue has moved to the forefront, educators and researchers have come to the realization that there is considerable variation in the local school board policies within Virginia that governs whether home schooled students are permitted access to public schools on a part-time basis.

Legislatures in seventeen states have adopted legislation that either permits or denies home schooled student requests to participate in public school sponsored extracurricular activities and attend public school classes on a part time basis.³⁴¹ The General Assembly in Virginia, however, has chosen not to adopt blanket legislation governing this issue, but rather has legislated standards³⁴² and procedures for requests by parents to home school their children, leaving the decision of access to local school boards. Currently, the localities have the authority to establish their own policies with regard to part time school attendance and to participation in extra curricular activities.³⁴³ These varying policies create controversy as more and more children become involved in home schooling programs and move from district to district.

Because local school boards in Virginia are responsible for adopting a local policy to govern this issue, the information gathered in this study can be used to compare and contrast their policies with those that are in place across the 132 school districts. The study will also provide information to state legislators on the opinions of

³⁴¹ Supra note at 2.

³⁴² Supra note at 3.

³⁴³ Supra note at 4.

some local education officials regarding the need for a state statute to govern the issue of access for home schooled students.

The purpose of this chapter is to provide an analysis of these policies and obtain the perceptions of those closely associated with their creation and implementation. The data collection was performed in two phases. Phase one was designed to collect and conduct an analysis of the policies that govern home school access to public school academic programs and extracurricular activities among the 132 operational school districts in the Commonwealth of Virginia. Phase two consisted of a multiple case study of six school districts to determine how current policies were developed, why school boards in these six districts have chosen to allow or deny home schooled students access to public school classes and extracurricular activities, and reveal if those individuals responsible for establishing and implementing policies would support a uniform statewide policy to govern the issue of access for home schooled students.

Phase One

The first phase involved collecting and analyzing home school policies from each of Virginia's 132 functional school districts for the purpose of gathering information that answered the primary guiding research question:

What is the variation and commonalities in policies across the 132 school districts in the Commonwealth of Virginia that govern whether or not students who are educated at home have access to public school courses and activities.

Additionally, this information was used to answer the first two subordinate research questions:

1. What are the proportions of local school boards who allow home schooled students to attend their schools part time or participate in extracurricular activities?
2. How is this access defined and regulated?

DATA COLLECTION

Data collection consisted of a letter being mailed to all District Superintendents informing them of the study (see Appendix C). The superintendents were asked to provide information about their school district that included the total student population for the school district as of September 30, 2005, the total home school population for the school district, including students who have a religious exemption, and the name and contact information of the school board chairman and the home school coordinator for their school district.

Eighty superintendents responded to the letter by providing the requested information via a return envelope. A follow-up email was sent to the fifty-two superintendents who did not respond to the initial request. This contact yielded twenty more superintendents who provided contact information for their home school coordinator bringing the total of responding superintendents to 100.

Although it was important to inform the superintendents of the study, the collection of the data for Phase One was not impacted by the superintendents agreeing or not agreeing to provide the requested information because the information could be secured through other sources.

Once the names and addresses of the home school coordinators were obtained, all were mailed a letter requesting a copy of their school district's policy on home schooling as well as their school district's policy on admission of home schooled students for part-time enrollment and participation in extracurricular activities (see Appendix D). Eighty-seven home school coordinators mailed or faxed their school district's policies, fourteen responded by email stating that their policy could be accessed through the World Wide Web and provided the necessary URL, and thirty-one did not respond. A follow-up telephone contact was made to each of the thirty-one non-respondents, which resulted in securing the remaining thirty-one district policies.

Through telephone conversations and emails with twenty home school coordinators, it was determined that school board policies entitled "Home Instruction" and policies entitled "Admission of Nonpublic Students for Part-Time Enrollment" would provide the appropriate information.

DATA ANALYSIS

The analysis of the school district policies utilized a three-step process. The first step involved discovering who authored the policies. Have individual school boards crafted their own policies or contracted with the Virginia School Board Association (VSBA) to do so? Step two focused on determining the number of school districts that have a policy that governs access by home schooled students to academic programs, extracurricular activities, or both. Step three compared the variances and commonalities across the policies.

The analysis of the policies began by securing a copy of each of the 132 school district's policies on home schooling including any mention of allowing or denying home schoolers access to public school classes and extracurricular activities. It was determined that only 120 of the 132 school districts in Virginia currently have a policy that governs the issue of access for home schooled students. Of the 120 policies sixty-nine (fifty-two percent) allow home schooled students access to public school classes and school sponsored extracurricular activities, six (five percent) allow access to public school classes but deny access to any extracurricular activities, and forty-five (thirty-four percent) deny access of any type (see Table 13). None of the 120 policies allow access to Virginia High School League (VHSL) sponsored activities unless the student is able to meet the regulations for eligibility established by the VHSL.³⁴⁴

In order to keep the information from the analysis organized a matrix was developed (see Appendix L). The use of the matrix helped to categorize the information by district size (districts with less than 7500 students, districts with 7500 to 15,000 students, and districts with greater than 15,000 students), by regional location using the district's assigned regional superintendents study group (Virginia is divided into eight regional study groups based on the geographic location), the number of home schooled students who are enrolled in the district, the author of the district's policy (school board or VSBA), and the district's policy on allowing or denying home schooled students access to public school classes and/or extracurricular activities.

POLICY AUTHORSHIP

Analysis of these policies revealed that very few of the school districts in Virginia designed their own policies to govern the issue of access for home schooled students.

³⁴⁴ Supra note at 7.

Table 13

Number of Virginia School Districts With and Without Policies That
Allow or Deny Home Schoolers Access to Public School Classes
and Extracurricular Activities, Organized by District Size

Total Number of Functional School Districts in Virginia	District Policies that Allow Access to Home Schooled Students		District Policies that Deny Access to Home Schooled Students		District Policies that Allow Access to Public School Classes But Deny Access to Extracurricular Activities		No Policy	
	Number	Percentage %	Number	Percentage %	Number	Percentage %	Number	Percentage %
132	69	52	45	34	6	5	12	9

Most of the school districts, instead, chose to adopt a policy written by the Virginia School Board Association (VSBA).

The VSBA is a private, nonpartisan organization whose primary mission is the advancement of education in the Commonwealth's public schools.³⁴⁵ The VSBA's Comprehensive Policy Services provides school district subscribers with policies that are based on state and federal laws and regulations, case law, State Board of Education policies, and Department of Education regulations and procedures.³⁴⁶ These services are available for purchase by local school boards and include both the original policies as well as periodic policy amendments necessitated by law.³⁴⁷ Local school boards that adopt VSBA written policies without making modifications to them are entitled to assistance with legal challenges that have a statewide impact on school board authority. These services include access to an attorney for consultation, legal research through the VSBA Council of School Attorneys, and access to special publications and seminars concerning educational law and financial law briefs prepared by the VSBA Special Legal Counsel.³⁴⁸ Currently 117 of the 132 school districts in Virginia subscribe to this service, therefore making the policies found among the school districts in Virginia identical in their wording.

The school boards in eighty-two of the 132 school districts have adopted a policy regarding home school access that has been written and developed by the VSBA.

Thirty-eight school boards wrote their own policy and twelve school boards have not

³⁴⁵ The Virginia School Board Association. Charlottesville, VA. Retrieved November 20, 2004 from <http://www.vsba.org>.

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

adopted a policy choosing to leave the matter to the discretion of the school district superintendent.

Grouping school districts by size revealed that seventy-one of the 100 school districts with less than 7500 students have adopted policies written by the VSBA, twenty school boards wrote their own policies, and nine did not have a written policy. In the sixteen school districts with 7500 to 15,000 students, eight school boards have adopted a policy written by the VSBA, seven have written their own policy, and one did not have a policy. Among the sixteen school districts with greater than 15,000 students three school boards adopted a policy written by the VSBA, eleven wrote their own policy, and two did not have a policy.

Further analysis of this data revealed that sixty-two percent of the school districts in Virginia have a policy written by the VSBA (including fifty-four percent of the districts with less than 7500 students, six percent of the districts with 7500-15,000 students, and two percent of the districts with greater than 15,000 students). Twenty nine percent of the school districts have a locally written policy (including fifteen percent of the districts with less than 7500 students, five percent of the districts with 7500-15,000 students, and nine percent of the districts with greater than 15,000 students). Nine percent of the school districts did not have a policy (including seven percent of the districts with less than 7500 students, one percent of the districts with 7500-15,000 students, and one percent of the districts with greater than 15,000 students) (see Table 14).

NUMBER OF SCHOOL DISTRICTS THAT HAVE A POLICY GOVERNING ACCESS

The second step of the policy analysis consisted of determining the number

Table 14

Authorship of School District Policies Governing Home Schooling
in Virginia, Categorized by School District Size

	Total School Districts		Districts Using Policies Written by the Virginia School Board Association		Districts Using Policies Written by the Local School Board		Districts That Have No Policy	
	Number	Percent % of all districts	Number	Percent % of all districts	Number	Percent % of all districts	Number	Percent % of all districts
Districts with less than 7500 students	100	76	71	54	20	15	9	7
Districts with 7500 to 15,000 students	16	12	8	6	7	5	1	1
Districts with greater than 15,000 students	16	12	3	2	11	9	2	1
Total	132	100	82	62	38	29	12	9

of school boards in Virginia who had adopted a policy that governed the issue of access for home schooled students to public school classes and extracurricular activities for home schooled students. A thorough reading of the policies showed that the school boards in 120 of the 132 functional school districts have adopted a policy that addresses the issue of access, while twelve school districts did not have any such policy. Categorizing the school districts by size showed that ninety-one percent of the school districts with less than 7500 students have an access policy, ninety-four percent of the school districts with 7500 to 15,000 students have a policy, and eighty-eight percent of the school districts with greater than 15,000 students have a policy (see table 13).

The large number of district policies could be viewed as evidence that districts have had experience with requests for access. It also could be surmised that because decisions regarding curricular and extracurricular access by home schooled students are being left up to the localities, local school boards have realized the importance of having a policy in place to assist them in making decisions regarding this issue.

VARIANCES AND COMMONALITIES AMONG THE POLICIES

The final step in the analysis of the school district policies provided information regarding the variances and commonalities found in the policies across the state. These comparisons were made by focusing on the school districts' policy on a) allowing or denying access to home school students to public school classes and/or extracurricular activities, b) awarding credit for classes taken by home schooled students outside the regular school classroom, and c) allowing home schoolers to earn credit that can be used toward earning a public high school diploma.

School District Policies That Allow or Deny Home Schoolers Access. The analysis revealed that sixty-nine Virginia school districts had policies that permitted home school students access to public school classes and extracurricular activities. Of the remaining sixty-three districts, forty-five had policies that denied any type of access, six allowed access to public school classes but denied access to any type of extracurricular activities and twelve school districts did not have a policy to govern the issue of access (see Table 15).

The data were also organized by school district size. This analysis revealed that in the 100 school districts with less than 7500 students, fifty-eight had a policy that allowed home schoolers to have access to public school classes and extracurricular activities, thirty-two had a policy that denied any type of access for home school students, one school district had a policy that allowed access to public school classes but denied access to extracurricular activities, and nine did not have a policy. In the sixteen school districts with 7500 to 15,000 students, seven had a policy that allowed access, five had a policy that denied access, three had a policy that allowed access to public school classes but denied access to extracurricular activities, and one did not have a policy. In sixteen school districts with greater than 15,000 students, four had a policy that allowed access, eight had a policy that allowed no type of access, two had a policy that allowed home school students to take classes but not participate in extracurricular activities, and two did not have a policy (Table 15).

A final analysis revealed that fifty-two percent of the school districts in Virginia have a policy that allows home schooled students to have access to public school classes and extracurricular activities (including forty-four percent of the districts with

Table 15

Number of School Districts in Virginia That Allow or Deny Home Schooled Students

Access to Public School Classes and/or Extracurricular Activities Categorized by School District Size

	Allows Access to Home Schooled Students		Denies Access to Home Schooled Students		Allows Access to Public School Classes. Denies Access to Extracurricular Activities		No Policy	
	Number	Percentage (%) of all districts	Number	Percentage (%) of all districts	Number	Percentage (%) of all districts	Number	Percentage (%) of all districts
Less than 7500 students	58	44	32	24	1	1	9	7
7500 – 15,000 students	7	5	5	4	3	2	1	1
Greater than 15,000 students	4	3	8	6	2	2	2	1
Total	69	52	45	34	6	5	12	9

less than 7500 students, five percent of the districts with 7500-15,000 students, and three percent of the districts with greater than 15,000 students). Thirty-four percent of the school districts have a policy that does not allow access to public schools by home schooled students (including twenty-four percent of the districts with less than 7500 students, four percent of the districts with 7500-15,000 students, and six percent of the districts with greater than 15,000 students). Five percent of the school districts have a policy that allows home schooled students to have access to public school classes, but not to extracurricular activities (including one percent of the districts with less than 7500 students, two percent of the districts with 7500-15,000 students, and two percent of the districts with greater than 15,000 students). Nine percent of the school districts do not have a policy to govern the issue of access (including seven percent of the districts with less than 7500 students, one percent of the districts with 7500-15,000 students, and one percent of the districts with greater than 15,000 students) (see Table 15).

This information shows that school districts with less than 7500 students have a higher percentage of districts (forty-four percent) with a policy that allows home schooled students to have access to public school classes and extracurricular activities as compared to school districts with 7500 to 15,000 students (five percent) and school districts with greater than 15,000 students (three percent).

COMPARING THE VARIANCES AND COMMONALITIES OF THE ACCESS POLICIES

The policies from school districts that allow and deny home schooled students access were compared and contrasted to determine their variances and commonalities. Of the sixty-nine school districts that have a policy which allows access, thirty-seven were written by the Virginia School Board Association (VSBA) and thirty-two were written by the local educational agency (LEA). Of the forty-five school districts that have

a policy which denies access forty-five were written by the VSBA. Of the six school districts that have a policy that allows access to public school classes but denies access to extracurricular activities, six were written by the LEA.

Policies Authored by the VSBA That Allow Access. Of the eighty-two school districts whose school boards have adopted a VSBA authored policy that governs access by home schooled students to public school classes and extracurricular activities, the policies in thirty-six of these districts permit access. It was determined that the policies in each of these school districts were identical in how they defined and governed access. According to these policies, a home schooled student wishing to participate in an extracurricular activity must enroll in at least one academic class³⁴⁹ at the high school level or one instructional unit³⁵⁰ at the elementary or middle school level. Additionally, if a home schooled student does not wish to participate in any extracurricular activity but wishes to enroll in public schools classes on a part-time basis, the student must enroll in at least two classes. Each of these policies provide a section on how the Average Daily Membership (ADM) for part time students will be calculated and reported. Students in districts that allow part-time enrollments are counted as 0.25 in the ADM for each course taken. However, no student may be counted as more than 0.50 in the school's ADM regardless of the number of classes that are taken.³⁵¹ These policies also provide information on how a home schooled student may earn the opportunity to participate in Virginia High School League (VHSL)

³⁴⁹ The Virginia Department of Education's definition of an academic class includes classes in the core subject areas of English, math, science, and social studies as well as classes in foreign language, fine arts, liberal arts, and physical education.

³⁵⁰ The Virginia Department of Education's definition of an instructional unit includes classes in the core subject areas of English, math, science, and social studies.

³⁵¹ Supra note at 294.

sponsored events and activities stating that any student wishing to participate in a VHSL-sponsored activity must satisfy the same criteria defined for full time students in the VHSL Handbook.³⁵²

A final section in these policies describes how credit will be awarded to home school students for classes taken at home and how the class ranking and grade point averages for part time students will be computed and applied toward earning a high school diploma. The policies state that home school students will not be awarded credit for classes taken at home nor will classes taken outside of the public school be used to determine a student's the class ranking or have any effect on the student's grade point average. Additionally classes taken outside of the public school cannot be used to satisfy graduation requirements or earn a high school diploma. A listing of the variances and commonalities for policies written by the VSBA is provided in Table 16.

Policies Authored by the LEA That Allow Access. Analysis of the thirty-eight policies written by the Local Educational Agency (LEA) that allow access to public school classes and extracurricular activities by home schooled students revealed a number of commonalities among each of the policies. The regulations for reporting ADM for part-time students established by the 1997 Appropriations Act,³⁵³ as well as meeting the requirements for eligibility established by the VHSL³⁵⁴ were included in every policy. Additionally, each policy addressed the issue of participation in school sponsored clubs and activities by stating that home school students who are enrolled in public schools on a part-time basis are allowed to participate in one curriculum related club, such as foreign language clubs and drama clubs, for each academic class that they are enrolled.

³⁵² Supra note at 7.

³⁵³ Supra note at 294.

³⁵⁴ Supra note at 7.

Table 16

Variances and Commonalities Found Among School District Policies Written by the Virginia
School Board Association That Allow Home Schooled Students Access to Courses and/or Activities

Variances	Commonalities
<ul style="list-style-type: none"> Because each policy was authored by the Virginia School Board Association, no variances were found. 	<ul style="list-style-type: none"> Students must enroll in at least one academic class in order to participate in an activity. Students must enroll in a minimum of two classes when not participating in an activity The Average Daily Membership (ADM) for part time students is reported at 0.25 for each class taken not to exceed 0.50. Students wishing to participate in a Virginia High School League sponsored activity must meet all the requirements described in § 28-1-1 of the VHSL Handbook. Students who take classes on a part time basis will not be awarded credit that can be used toward computing the overall grade point average or determining class ranking.

Each of the LEA written policies also included language that permitted part-time students to attend school sponsored events and activities including sports events, plays, and dances. None of the policies made provisions for or allowed access to extracurricular activities sponsored by the VHSL and stated that a student must meet the regulations for eligibility established by the VHSL in order to participate.³⁵⁵ All thirty-eight policies required that a student be enrolled in the public school on at least a part-time basis before they would be allowed to have access to any extracurricular activities. A student is considered to be enrolled on a part-time basis if they are enrolled in at least one but no more than four classes at the secondary level or one but no more than three instructional units at the elementary level.³⁵⁶

Variances were also found in the locally written policies. The policies were found to differ in how they addressed the issue of awarding credit for classes taken at home, whether they allowed or denied classes taken at home to be used to determine a home schooled students' class ranking as well as their grade point average, and if the classes taken at home could be used to satisfy the criteria for earning a high school diploma.

Of the thirty-eight school boards who have adopted a locally written policy, twenty-seven award credit for classes taken at home if the student uses a curriculum chosen from the list of state approved correspondence courses. Of these twenty-seven policies, twenty award credits for classes that use either a correspondence curriculum or a curriculum developed by the home school teacher and require the student to pass an end of course exam developed by a public school teacher certified in the course. Four award credits for classes taken through a correspondence course as well as a

³⁵⁵ Id.

³⁵⁶ Supra note at 9 and 10.

class that uses a curriculum developed by the home school teacher provided the student passes a public school administered examination and is approved for credit by a committee selected by the school administration. Three award credit for a correspondence course and a class that uses a curriculum developed by the home school teacher and do not require the student to pass an end of course examination.

Thirty-two of the thirty-eight locally written policies stated that grades earned for classes taken at home will not be used in determining a student's overall grade point average and class ranking nor will any grade received for classes taken at home be used in conjunction with grades for classes taken through the public school to determine the student's overall grade point average and/or class ranking. Six policies allow the grades for the classes taken at home to be used in the calculation of the overall grade point average of the student. Three of these six policies will only accept the letter grades from state approved correspondence courses and three will accept letter grades from correspondence courses as well as courses designed by the home school instructor.

The policies from twenty-seven school districts stated that a home school student who returns to public school on a full time basis prior to graduation may be awarded credit for some classes taken at home and these credits may be applied toward the requirements for earning a high school diploma. Seven policies prohibited home school classes to count toward earning a high school diploma. None of the thirty-eight locally written policies allowed home school students to participate in graduation ceremonies or earn a high school diploma unless the student was enrolled in public school on at least

a part-time basis. A listing of the variances and commonalities for policies written by local school boards is provided in Table 17.

SCHOOL DISTRICTS DENYING ACCESS TO HOME SCHOOLED STUDENTS

Analysis of the policies from the forty-five school districts in Virginia who deny access to public school classes and extracurricular activities to home schooled students revealed one commonality in all of the policies, that being that each of the policies were authored by the VSBA and consequently contained identical language. The policies stated that private and home schooled students shall not be permitted to enroll or participate in academic or extra-curricular activities.

There was also one variance found among the policies. This difference focused on the issue of home school students who wish to return to public schools and how their grade and class placement would be determined. Thirty-eight of the policies stated that the grade placement for elementary and middle school aged home school students wishing to return to public school, will be determined by the building principal. Seven of policies stated that a committee will determine the grade placement for elementary and middle school age home schooled students. For secondary students, twenty-three policies stated that home school students wishing to return to high school will start at the ninth grade level regardless of their age or number of classes they have taken at the home school level, seventeen allowed classes that had been taken through state approved correspondence course to be considered for credit, and five policies provided for a committee to evaluate the student's curriculum while they were home schooled to determine if any classes taken at home can meet prerequisite requirements for a public school class. No credit is awarded for these classes nor can the class be used to meet

Table 17

Variances and Commonalities Found Among School District Policies Written by the LEA
That Allow Home Schooled Students Access to Public School Classes and/or Extracurricular Activities

Variances	Commonalities
<ul style="list-style-type: none"> • Twenty-seven of the thirty-eight LEA written policies allow home school students to earn credit for classes taken at home and these classes may be counted toward earning a high school diploma. • Thirty-two of the thirty-eight policies do not allow grades earned through home school classes be a factor in determining a student's overall grade point average and class ranking. Six policies allow the grades earned through a home school class to be used. 	<ul style="list-style-type: none"> • Students must enroll in at least one academic class in order to participate in an activity. • The Average Daily Membership (ADM) for part time students is reported at 0.25 for each class taken not to exceed 0.50. • Students wishing to participate in a Virginia High School League Sponsored activity must meet all the requirements described in § 28-1-1 of the VHSL Handbook. • Students may participate in school sponsored clubs and attend school sponsored events and activities provided they are enrolled in public school on a part-time basis. • No home school students are allowed to participate in public school sponsored graduation ceremonies.

the requirements for graduation. Table 18 provides a listing of the variances and commonalities for policies written by local school boards that deny access.

ANSWERING THE RESEARCH QUESTIONS

Analyzing the access policies of 120 of the 132 school districts in Virginia, provided information used to answer the primary guiding research question:

What is the variation and commonalities in policies across the 132 school districts in the Commonwealth of Virginia that govern whether or not students who are educated at home have access to public school courses and activities?

The data revealed a number of variances in the policies that allow access and very few variances in policies that deny access. Sixty-nine school districts have policies that allow home school students access to public school classes and extracurricular activities. Six additional school districts have policies that allow home schoolers access to public school classes but deny access to any extracurricular activities. Forty-five school districts have policies that deny access of any type, to home school students and twelve school districts do not have a policy to govern this issue and consequently have chosen to leave the decision of access to the discretion of the district superintendent.

Review of the policies that allow access revealed that the authorship of the policies had the greatest effect on the variances that exist. Eighty-two school boards have chosen to adopt a policy that has been authored by the Virginia School Board Association (VSBA) while thirty-eight school boards have chosen to adopt a policy that has been authored by the locality.

Table 18

Variances and Commonalities Found Among School District Policies Written by the Local School Boards That
Deny Home Schooled Students Access to Public School Classes and Extracurricular Activities

Variances	Commonalities
<ul style="list-style-type: none"> • Elementary and middle school age home schooled students wishing to return to public school after being home schooled will have their grade placement determined 1) by the school principal in thirty-five school districts or , 2) by a committee established by the principal in seven school districts. • High school age home schooled students who wish to return to public school after being home schooled 1) receive no credit for the classes taken at home in twenty-three school districts, 2) receive credit for classes taken through a state approved correspondence course in seventeen school districts, 3) receive no credit for classes taken at home, but may count classes as a prerequisite in five school districts. 	<ul style="list-style-type: none"> • All of the policies that have been adopted by the school boards of the forty-five school districts who deny home schooled students access to public school classes and extracurricular activities have been authored by the Virginia School Board Association and consequently have identical language.

The policies written by the VSBA had identical language regardless of whether the policy allowed or denied access so consequently there were no variances found among these policies. Variances however, were found among the thirty-eight locally authored policies. These variances consisted of how credit may or may not be earned for classes taken at home, how the placement of students who return to public education from being home school educated is determined, how the grade point averages of home school students is calculated if the student chooses to return to the public school, how credits can or cannot be earned through a home education program, and if credits earned through a home education program can be used to satisfy the graduation requirements for public education. Twenty-seven school districts have policies that allow credit to be awarded for classes taken at home provided the home schooled student uses a curriculum chosen from the list of state approved correspondence courses. Of these twenty-seven policies, twenty award credit for classes that use either a correspondence curriculum or a curriculum developed by the home school teacher provided the student passes an end of course exam developed by a public school teacher certified in the course. Four policies award credit for classes taken through a correspondence course as well as a class that uses a curriculum developed by the home school teacher provided the student passes a public school administered examination and is approved for credit by a committee selected by the school administration. Three award credit for a correspondence course and a class that uses a curriculum developed by the home school teacher and do not require the student to pass an end of course examination.

Variances were found among the locally authored policies that addressed the issue of how the grade placement of home schooled students who wish to return to public school, would be determined. Thirty-five policies state that the placement for elementary and middle school age home school students will be determined by the school principal and three state that the placement will be determined by a committee established by the school principal. For secondary students three different options were found among the policies that address the issue of how to determine the placement of a secondary level student wishing to return to public education. Sixteen policies stated that secondary students can receive no credit for classes they take while being home schooled and they start back at the beginning of high school if they choose to return. Seventeen policies award credit for classes taken through a correspondence course and use these classes to determine placement. Five policies state that classes taken at home can be counted as a required prerequisite for another class provided that an examination is successfully completed; however no credit will be awarded for the class.

How grade point averages for home school students wishing to return to public schools, varied among the thirty-eight locally written policies was also revealed through this analysis. The policies of thirty-two school districts state that grades earned for classes taken at home will not be used to determine a student's grade point average and class ranking nor will any grade received for classes taken at home be used in conjunction with grades for classes taken through the public school to determine the student's class ranking. Six policies award credit and accept the grades for the classes taken at home provided the letter grades are awarded through state approved

correspondence courses. These policies also allow for those grades to be used in the calculation of the overall grade point average of the student.

The policies from twenty-seven school districts stated that a home school student who returns to public school on a full time basis prior to graduation may be awarded credit for some classes taken at home and these credits may be applied toward the requirements for earning a high school diploma. Thirteen policies prohibited home school classes to count toward earning a high school diploma. None of the thirty-eight locally written policies allowed home school students to participate in graduation ceremonies or earn a high school diploma unless the student was enrolled in public school on at least a part-time basis.

Four commonalities were found among all of the policies regardless of who authored the policy. The commonalities included: (a) part time students may be counted toward the school districts' Average Daily Membership, but each student counted can not exceed 0.5, (b), a home school student wishing to participate in extracurricular activities must be enrolled in at least one public school class for each extracurricular activity, (c) students who wish to participate in a Virginia High School League-sponsored activity must meet all the requirements described in the VHSL Eligibility Regulations, and (d) home schooled students will not be permitted to participate in public school sponsored graduation ceremonies.

The information acquired through the policy analysis also provided the information needed to answer the first subordinate research question:

1. What are the proportions of local school boards who allow home schooled students to attend their schools part time or participate in extracurricular activities?

The analysis revealed that 120 of the 132 operational school districts in Virginia have a policy to govern the issue of access by home schooled students. Of the 120 policies, sixty-nine (fifty-two percent) permit home school students to have access to public school classes and extracurricular activities, forty-five (thirty-five percent) deny any type of access, and six (five percent) allow access to public school classes but deny access to any type of extracurricular activities.

A final analysis of the policies was used to obtain the answer to the second subordinate research question:

2. How is access defined and regulated?

The information obtained through the policy analysis revealed that because the school boards in 120 of the 132 operational school districts had adopted a policy to govern the issue of access, that this issue is defined and regulated by the policies adopted by the local school boards. Local school boards are provided the authority to establish their own policies in §§ 22.1-78, 22.1-79 of the Code of Virginia.³⁵⁷

Phase Two

Phase Two consisted of a multiple case study. Key players in six of Virginia's 132 operational school districts were asked to participate in order to determine how current policies were developed, why school boards in these six districts have chosen to allow or deny home schooled students access to public school classes and extracurricular activities, and if those individuals responsible for establishing and

³⁵⁷ Supra note at 4.

implementing policies would support a uniform statewide policy to govern the issue of access for home schooled students.

The research design in this phase was constructed in such a way as to capture the reality faced by school officials in their attempt to create and implement local policies governing home schooler access to public school academic programs and extracurricular activities. Interviews were used to obtain the participants perceptions regarding local control over access. The research process set forth in this design lead to the description, recording, analysis, and interpretation of conditions as they currently exist and were used to answer the third and fourth subordinate research questions.

3. How do school leaders including superintendents and school board members view local control of this policy issue? What are their perceptions on home school access to public schools?
4. How do those responsible for the implementation of the school district's home schooling policies perceive the local control of this policy issue? What are their perceptions on home school access to public schools?

This information could be relevant to state legislators as they consider if there is a need for a state statute to govern the issue of access by home schooled students to public school classes and extracurricular activities across the Commonwealth of Virginia.

IDENTIFYING THE PARTICIPANTS

Some of the information collected in Phase One was also used to determine the six school districts from which the school leaders and home school coordinators would

be asked to participate in an on-site interview for the purpose of conducting a multiple case study. Six different criteria were used to identify the participants including the total student population of the districts, the current home school population of the districts, the district's regional study group, the district's policy on allowing or denying access to public school classes and extracurricular activities, the authorship of the policy, and the date on which the policy was adopted. It was determined that the interview participants would be identified based on their school district meeting specified criteria in each of these areas.

TOTAL STUDENT POPULATION CRITERIA

The total student population for each school district provided the first set of criteria used to identify participants for Phase Two. It was determined that two participants from school districts with student populations less 7500 students, two participants from school districts with student populations between 7500-15,000, and two participants from school districts with student populations greater than 15,000, would be included. This would ensure that a variety of different sized school districts were represented in this study.

HOME SCHOOL POPULATION CRITERIA

The second criteria used to identify the participants for Phase Two involved comparing the total student population of the district to the number of home school students to determine the percentage of home schooled students in each school district. It was determined that only school districts with a home school population of 1.7 percent or greater would be asked to participate in the case study. Use of this criterion ensured that the individuals interviewed represented school districts

where the home school population may be having the greatest influence on the development and adoption of policies.

REGIONAL LOCATION CRITERIA

Information collected in Phase One revealed that each school district is assigned membership in one of eight regional study groups based on its geographic location. It was determined that school districts from at least five different regional study groups would be included in this study. The third criterion was used to ensure that the participants in Phase Two represented school districts from different areas of the state.

POLICIES ALLOWING OR DENYING ACCESS CRITERIA

The fourth criteria used to determine the participants for Phase Two involved examining the information collected in Phase One to determine the school districts that have a policy that allows access to home schooled students as well as those school districts that have a policy that denies access. It was determined that one school district that has a policy which allows access and one school district that has a policy which denies access would be selected from each attendance category. Use of this criterion would ensure that an equal representation of school districts having a policy that allowed access as well as denied access would be asked to participate in this study.

AUTHORSHIP OF THE POLICIES CRITERIA

The authorship of the school district's access policy provided the fifth criteria that would be used to select the participants for Phase Two. Review of the information collected in Phase One revealed that the policies adopted by school boards are either written by the VSBA or the by the LEA. To ensure there was representation from district boards who opted to write their own policies as well as those who chose to adopt a

VSBA written policy, three school districts with policies written by the VSBA and three with locally written policies would be included in this study.

DATE OF POLICY ADOPTION CRITERIA

The final criteria used to determine the participants for Phase Two required reviewing the dates that the home school policy was adopted, amended, or revised. It was determined that only school districts whose policy had been adopted, amended, or revised over the past five years would be asked to participate in Phase Two. This would provide the best opportunity for the people being interviewed to have knowledge regarding the history of the policy as well as knowledge regarding what factors influenced the adoption of the policy. Table 19 shows how each of the criteria were applied and used to identify the participants for Phase Two.

DATA COLLECTION

A letter was sent to the school board chairs, district superintendents, and home school coordinators from fourteen school districts that met all of the established criteria. The letter explained the study and asked them if they would be willing to participate in an interview (see Appendix F). One school board chair agreed to be interviewed and thirteen did not respond. Three district superintendents agreed to be interviewed, three declined, and eight did not respond. Eight home school coordinators agreed to be interviewed, two declined, and four did not respond.

The individuals that agreed to be interviewed were cross referenced to determine which of the selected school districts provided the greatest number of individuals who agreed to be interviewed. A follow-up telephone call was made to

Table 19

Criteria Used for Selecting School Districts to Participate in Phase Two

	School District A	School District B	School District C	School District D	School District E	School District F
Total Student Population	Less than 7500	Less than 7500	7500 – 15,000	7500 – 15,000	Greater than 15,000	Greater than 15,000
Percentage of Registered Home Schooled Students	1.9%	2.8%	2.4%	3.8%	2.2%	1.7%
Regional Study Group	VII	IV	VI	V	I	IV
Policy Governing Access to Home Schooled Students	Denies Access	Allows Access	Denies Access	Allows Access	Denies Access	Allow Access
Authorship of the Policy	VSBA	VSBA	Local	VSBA	Local	Local
Date Policy was Adopted, Revised, or Amended	7/9/02	7/14/99	6/2001	6/2001	8/2000	3/23/04

the eight home school coordinators who agreed to participate to ask for their assistance in scheduling an interview with their school board chair and school superintendent. They were also asked if they would provide access to any school district documents that pertained to the issue of allowing or denying home schooled students access to public school classes and extracurricular activities. All eight of the home school coordinators agreed to provide assistance in scheduling the interviews and all eight agreed to provide access to any documents that may be relevant to the study. Since three of the eight were from school districts that met the same criteria, one was randomly selected to participate in Phase Two. Multiple attempts were initiated in an effort to schedule interviews with superintendents and school board chairs from the six school districts with very limited success. As a result, it was decided that combining the superintendents and school board chairs into one category, called school leaders would provide the best sources of data.

A second letter was sent to the six selected home school coordinators to provide them with a list of fifteen possible interview dates (see Appendix H). The letter asked the home school coordinators to select three dates that they, the school board chair, and the district superintendent would be available for an on-site interview. Once this information was received the date of the interview was confirmed by telephone.

Interview protocols were sent to each participant by email (see Appendix J) to provide them time to review the information and to submit questions for clarification. The school leaders were asked to respond to twenty-five questions and each home school coordinator was asked to respond to twenty-six questions.

The questions were structured in a manner to gain the insights from each participant in three areas that were relevant to the study. The first area focused on how current policies that govern the issue of access in these six districts had been developed. The second area focused on why the school boards from these districts had chosen to allow or deny home schooled students access to public school classes and extracurricular activities. The third area focused on obtaining the interview participants' perceptions of whether the Commonwealth of Virginia needs a state statute to govern the issue of access for home schooled students. Each interview was taped and lasted an average of forty-five to ninety minutes.

In addition to the on-site interviews school personnel were asked to share any documents containing relevant information that may have affected the development and implementation of the district's current policy that governs access for home schooled students. These documents included minutes from school board meetings, when the district's access policy was adopted, amended, or revised, letters from home school parents requesting access for their child, and letters sent from the home school coordinators in response to parent's request for access.

DISTRICT A

School District A is located in southwest Virginia and has a student population of less than 7,500 students. The district has a home school population of 25 which is 1.9% of the district's total student population. The district's home schooling population has fluctuated by only three to five students over the past five years.

District A is a member of the Virginia School Board Association (VSBA) and has chosen to adopt the policies that are written by the VSBA. District A's current policy denies access to home schooled students and states that "private and home school

students shall not be permitted to enroll part-time or to participate in academic or extracurricular activities.”³⁵⁸

Home school students in District A who wish to return to public school on a full time basis at the elementary and middle school level may do so without penalty. They are placed in a grade by the school principal based on their age. The principal and teachers evaluate the student after six weeks to determine if the placement is appropriate. Home school students in District A who wish to return to public school at the secondary level must start at the ninth grade level regardless of their age. This is required because District A does not award high school credit for any classes taken through a home instruction program.

District A provides home schooled students access to standardized testing materials but does not allow access to the Virginia Assessment Program (SOL Test). The district offers testing services to home schooled students with special needs as well as support services such as speech, physical therapy services, and occupational therapy services to eligible students.

Although interviews were scheduled in advance, both the school board chair and the superintendent they were unavailable on the day the researcher visited the district. An interview was conducted with the home school coordinator and pertinent documents were reviewed for District A.

Interview with the Home School Coordinator from School District A. The interview with the home school coordinator from District A revealed that this individual was knowledgeable with regard to District A's policy that governs access for home

³⁵⁸ Admission of Nonpublic Students for Part-Time Enrollment, May 14, 1974, JECB, District A's School Board Policy Manual.

schooled students. The coordinator discussed the policy's history and stated, "the only changes in the policy since its adoption in 1974 occurred in 1998 when the school board voted to align all of the district's policies with the policies written by the VSBA."³⁵⁹

The home school coordinator, (who will be referred to as Mrs. HCA) believed that District A's current policy on home school access was adopted "because the board believed it was important to show their support for public education and felt that a policy allowing access might be perceived that the school board was not in total support of public schools."³⁶⁰ The home school coordinator further stated that, "even though the policy had been revised and amended six times since 1974, each board had chosen not to change the policy because there had been no requests to change the policy."³⁶¹

Mrs. HCA knew of no time when the policy had been challenged in the courts or ever been questioned before the board. She indicated there had been two instances when home school parents had contacted her to inquire about access for their home schooled child but the inquiry was only done to obtain information and the parents did not question the policy.

When asked of her personal opinion regarding whether home schooled students should be allowed to have access to public school classes and extracurricular activities, the Mrs. HCA said that "a student is either in school full time or out of school full time. If a parent has made the decision to remove their child from the public education setting then they have made the decision to give up all the services that are provided through the public school."³⁶²

³⁵⁹ Ibid.

³⁶⁰ Ibid.

³⁶¹ Transcription line 5, home school coordinator District A.

³⁶² Transcription line 4, home school coordinator District A.

Mrs. HCA believed that the current access policy was accepted by the home schooling population as well as by the stakeholders of the public school system. She said, “a policy allowing home schooled students to have access to public schools and extracurricular activities may not be accepted by this community especially if it led to overcrowded classrooms and restricted participation in extracurricular activities by students who are enrolled in the public schools on a full time basis.”³⁶³

The interview with the coordinator revealed that she would not be in favor of a state statute that would govern access for home schooled students unless the statute aligned with the policy that was in place in District A. She did state, however, that “there is a need for more consistency among the school districts in how they govern this issue.”³⁶⁴ She said, “the integrity of the VHSL may be compromised because of the lack of a state statute however; most school districts interpret the bona fide student rule to mean that a student must be enrolled in the public school on a full time basis to be eligible for participation.”³⁶⁵ The coordinator believed “the issue of access to VHSL sponsored events could be alleviated if the Virginia High School League would develop a policy with clearer, more stringent language that stated, students will not be allowed to participate in VHSL sponsored events unless they are a full time student in a public school.”³⁶⁶

³⁶³ Transcription line 12 home school coordinator District A.

³⁶⁴ Ibid.

³⁶⁵ Ibid. Currently the Virginia High School League (VHSL) policy handbook addresses this issue in two sections. Section 28-1-1 of the Bona Fide Student Rule states “that the student shall be a regular bona fide student in good standing of the school which he/she represents” (VHSL Handbook, 2001-02, p. 38). The interpretation of what constitutes a regular student in this section is certainly open for debate. A student could be deemed a regular student by attending one class that could in fact be offered outside the normal instructional day.

³⁶⁶ Transcription line 14, home school coordinator District A.

Review of the Pertinent Documents. Review of District A's school board minutes from the last five years revealed no evidence of a public discussion of the district's policy on access. This can be attributed to the fact that the district's policy has not changed since its adoption in 1974. There were also no letters on file where a home school student had requested access to the public schools classes or extracurricular activities in this district. This indicates that there was no documented evidence of home school parents appealing to the school board of District A for access.

Summary. District A's policy that governs access for home schooled students has been in place for over thirty years. Even though it has been revised six times during this period the basic premise of the policy has not been changed. Over the past ten years there have been no requests from the home school population or appeals to the school board to change the policy which support why there have been no changes in the policy.

The school boards of District A have chosen to deny home schooled students access to public school classes and extracurricular activities because they believed that a student who chooses to be home schooled forfeits the opportunities that are provided through the public schools including the opportunity to take classes and to participate in extracurricular activities.

Mrs. HCA was supportive of the district's current policy on access and did not anticipate the policy being changed in the near future. The home school coordinator was not in favor of a state statute to govern this issue because it would limit the flexibility of the localities to change or amend their policies.

DISTRICT B

School District B is located in central Virginia and has a total student population of less than 7,500 students. The district has a home school population of 121 which is 2.8% of the total student population. District B has experienced a steady increase in the home school population over the past five years, increasing by an average of twenty-five students annually. Currently, District B has five home schooled students that are taking classes on a part-time basis and participating in school sponsored clubs. None of these students however, are permitted to participate in a VHSL sponsored activity.

District B is a member of the Virginia School Board Association (VSBA) and has chosen to adopt policies written by the VSBA. The district's policy was changed in 1999 to allow home schoolers access to public school classes and extracurricular activities. The policy, however, does not allow access to VHSL sponsored activities. The policy states that "parents of private and home school students may enroll their students on a part-time basis for participation in academic and/or extra curricular activities and shall, along with the students, conform to the described provisions contained in the policy with regard to admission and enrollment."³⁶⁷ The policy further states that "students wishing to participate in extracurricular or club activities must designate these activities at the time they apply for admission."³⁶⁸

Home school students in District B who wish to return to public school on a full time basis at the elementary and middle school level may do so by applying for admission. Returning students are placed in a grade by the school principal based on their age. The principal and teachers evaluate the student's progress throughout the

³⁶⁷ Admission of Nonpublic Students for Part-Time Enrollment, July 14, 1999, JECA, District B's School Board Policy Manual.

³⁶⁸ Ibid.

year to ensure the appropriate placement was given. Home school students in District B who wish to return to public school at the secondary level are awarded credit for any classes they have taken through a state approved correspondence course. Home school students may also be awarded credit for other classes provided they demonstrate the knowledge necessary to justify awarding credit. A committee of teachers and school administrators evaluate the student's knowledge and make the determination to award credit. Although District B awards credit for classes taken at home, these classes are not assigned a letter grade and are not used to compute the class ranking and do not have an impact on the overall grade point average of the student. Home schooled classes will be counted to satisfy the requirements for graduation from the district as well as to satisfy any prerequisite requirements evoked by the school district.

District B does not provide home schoolers access to standardized tests or to the Virginia Assessment Program (SOL tests). Home schooled students are required to annually submit the results of a standardized test to the school superintendent.³⁶⁹ The district offers testing services to home schooled students with special needs as well as provides support services such as speech, physical therapy services, and occupational therapy services to any eligible home schooled student.

Interviews were conducted with the assistant superintendent and the home school coordinator from District B. The school board chair was unavailable for interview and the superintendent asked that the assistant superintendent be interviewed in his place. The pertinent documents reviewed for District B included the school board minutes, the school district's policy that governs access by home schooled students,

³⁶⁹ Supra note at 3.

and the letters from home school parents that were on file in the home school coordinators office.

An interview was scheduled in advance, the school board chair was unavailable on the day the researcher visited the district. An interview was conducted with the assistant superintendent and home school coordinator and pertinent documents were reviewed for District B.

Interview with a School Leader from School District B. The assistant superintendent (who will be referred to as Mr. ASB) indicated that the current policy on governing access for home schooled students was adopted in 1999 to allow access for home schooled students. It replaced a 1988 policy which denied any type of access to home schooled students. The current policy allows home schooled students to have access to public school classes and all extracurricular activities except for VHSL sponsored activities. The previous policy denied home schooled students access to public schools. Mr. ASB stated that “the policy change was the result of the increasing number of families living in District B who have chosen to home school their children.”³⁷⁰ “I am supportive of the district’s current policy which allows home schooled students to have access to public school classes and activities and I would be supportive of a state statute to assist the localities in governing the issue as well, however I would not be supportive of a policy that allowed home school students to have access to VHSL sponsored activities.”³⁷¹

Interview with the Home School Coordinator from School District B. The interview with the home school coordinator (who will be referred to as Mr. HCB) from

³⁷⁰ Transcription line 2, assistant superintendent District B.

³⁷¹ Ibid.

District B revealed that this person was knowledgeable with regard to District B's policy that governs access for home schooled students. The coordinator discussed the policies history and stated that the policy was changed in 1999 to allow home schoolers to enroll in public schools on a part time basis and to participate in extracurricular activities sponsored by the school. "There is no provision in the policy however, that allows home school students to have access to VHSL sponsored activities."³⁷²

Mr. HCB believed that District B's current policy on home school access was adopted primarily because of the increasing numbers of home schooled students. He said, "the current boards commitment to supporting all students and families within the community had an effect on the adoption of the current policy"³⁷³

Mr. HCB was not aware of any instances when the policy had been challenged in the courts or ever been questioned before the board. He said, "there have been some instances when home school parents had contacted him to inquire about the testing requirements for religious exempted student, but these inquiries were made to obtain information."³⁷⁴ "I believe home school parents would like to have access to VHSL activities for their children, but may be reluctant to ask for more access for fear they may compromise the access that they currently are provided."³⁷⁵

When asked of his personal opinion regarding whether home schooled students should be allowed to have access to public school classes and extracurricular activities, Mr. HCB said, "I support allowing access to classes and school sponsored activities because I believe that school district's have a responsibility to provide educational

³⁷² Transcription line 1, home school coordinator District B.

³⁷³ Transcription line 5, home school coordinator District B.

³⁷⁴ Transcription line 11, home school coordinator District B.

³⁷⁵ Ibid.

opportunities to all students within their community. Providing access shows the commitment of the public schools to all children.”³⁷⁶ He did state, however, “I would have a problem supporting access to VHSL activities because I could see that allowing access could open the door for students who had not met the VHSL eligibility requirements through public school thus using home schooling as a mechanism of meeting these requirements.”³⁷⁷

Mr. HCB believed that the current access policy was accepted by the home schooling population as well as by the stakeholders of the public school system. He said, “there are five home schooled students enrolled in the public schools on a part-time basis at the present time.”³⁷⁸

The interview with the home school coordinator revealed that he would be in favor of a state statute that would govern access for home schooled students. He said, “I think that a state statute would be helpful in promoting consistency state wide and would serve to protect the integrity of the VHSL.”³⁷⁹

Review of the Pertinent Documents. Review of District B’s school board minutes from the last five years revealed that the policy was changed in 1999 to permit home schooled students to have access to the public schools. There was no evidence of a public discussion when the policy was changed indicating that the community was accepting of the change. There were also documents on file that indicated a home school student had requested additional access to the public schools other than what was permitted in the policy. There were three letters found written by home school

³⁷⁶ Transcription line 26, home school coordinator District B.

³⁷⁷ Transcription line 4, home school coordinator District B.

³⁷⁸ Transcription line 10, home school coordinator District B.

³⁷⁹ Transcription line 26, home school coordinator District B.

parents requesting access to certain public school classes prior to the policy change in 1999 and two letters from home school parents requesting their home school child be permitted to participate on a VHSL sponsored sports team. These requests indicate that there was some interest by home school parents in District B to provide their children with access to the public schools and to allow their children to participate in VHSL sponsored activities.

Summary. District B's current policy that governs access was adopted in 1999 and replaced a policy that was previously adopted in 1988. The current policy allows home schooled students to have access to public school classes and all extracurricular activities except VHSL sponsored activities. The previous policy did not permit access of any type to home schooled students. Both adopted policies were authored by the VSBA.

The school boards of District B have chosen to allow home schooled students access to public school classes and extracurricular activities because of the increasing home school population of the district. The boards also chose to adopt the policy because they believed it was their responsibility to provide services to all students in the district regardless if they were enrolled in public school or chose to be home schooled.

The assistant superintendent and the home school coordinator of District B are supportive of the current policy that governs access and do not anticipate the policy being changed. Both the assistant superintendent and home school coordinator would support the adoption of a state statute to govern this issue in order to establish consistency among all school districts in Virginia. They believe that the integrity of the

VHSL is currently being compromised by not having a state statute and believe that the adoption a statewide uniform policy would serve to strengthen the VHSL.

DISTRICT C

School District C is located in southwest Virginia and has a total student population between 7,500 – 15,000. The district has a home school population of 234, which is 2.4% of the total student population. The district has experienced a growth in its home school population of over 100 students since 2000.

District C is a member of the Virginia School Board Association (VSBA) but has chosen to adopt a locally written policy to govern access for home schooled students. The district's policy was originally adopted in 1984 and revised in 2004. The policy has not been changed from its original adoption in 1984. The revisions that were made to the policy in 2004 were done to define the issues dealing with home schooled students wishing to return to public school.

The policy does not allow home schooled students access to public school classes and extracurricular activities. The policy states that "private and home school students are not allowed to take public school classes on a part-time basis or participate in extra curricular activities."³⁸⁰ Home school students in District C who wish to return to public school on a full time basis at the elementary and middle school level must meet established criteria identified in the school board policy. District C considers percentile ranking from a battery of standardized test, locally developed measures of proficiency, and documented performance on approved correspondence courses to determine

³⁸⁰ Admission of Nonpublic Students for Part-Time Enrollment, 1984, 7-4.1, District C's School Board Policy Manual.

grade placement. Grades of P (passing) will be used on the permanent record card to indicate results and placement.

A student entering a secondary school may earn credits toward graduation through state approved correspondence courses. The student is placed in a grade based on the courses taken provided the student presents the school district with a list of course objectives and courses taken, as well as records of grades. The student must also provide the district with a statement of the grading policy that was used to arrive at the grade. Returning students wishing to earn credits toward graduation are required to take a comprehensive examination in each subject area for which credit is requested. Subject area teachers, appropriate central office representatives, and building level administrators work cooperatively to select the appropriate assessment instruments and to develop the comprehensive examination. Grades of P (passing) will be used on the permanent record card to indicate results and placement. Credits awarded for home schooled instruction will be designated as such on the permanent record.

District C provides home schoolers access to standardized testing materials and pays to have the tests scored. They are not provided access to the SOL tests unless they are returning to the public school on a full time basis. Home schooled students are required to submit a standardized test score to the school superintendent by August 1 each year.³⁸¹ The district offers testing services to home schooled students with special needs but has never provided support services such as speech, physical therapy, or occupational therapy to any home schooled student.

³⁸¹ Supra note at 3.

Interviews were conducted with the school board chair, the district superintendent, and the home school coordinator from District C. The school board chair participated in an interview through email and the superintendent and home school coordinator participated in on-site interviews. The pertinent documents reviewed for District C included the school board minutes and the school district's policy that governs access to home schooled students.

Interview with two School Leaders from School District C. The interview with the school board chair (who will be referred to as Mrs. SBC) from District C was conducted by obtaining responses from the school board chair through email. The responses revealed that the school board chair of District C has no knowledge of the history of the district's policy on home school access. She indicated that during her tenure on the school board there have been no times when the board's current policy has been challenged or questioned and there have been no discussions by board members regarding the district's policy that denies access. The policy that was adopted in 2004 resulted in the board choosing to adopt a policy that was the same as the previous policy. The new policy was proposed to the board in an effort to provide clarification on issues involving home schoolers who were wishing to return to public education.

Mrs. SBC is satisfied with the district's current policy on access and believes that this policy reflects the wishes of the community. She does not expect the school board to change or modify the current policy since there have been no requests to change the policy.³⁸² Mrs. SBC did not feel there was a need for a state statute to govern access for home schooled students and would strongly oppose it without the state appropriating

³⁸² Transcription line 3, school board chair District C.

funds to compensate the district for additional expenses they may incur as the result of such a statute.³⁸³

The superintendent of District C (who will be referred to as Mr. SSC) participated in an on-site interview. The interview revealed that the superintendent had very little knowledge regarding the history of the district's current policy that governs access for home schooled students. "To the best of his knowledge the current policy had always been in place and had not been changed over the past twenty years."³⁸⁴

Mr. SSC stated, "there has never been an incidence where the current policy has been challenged through the courts nor has it been brought before the school board for discussion."³⁸⁵ He further stated, "the VHSL as well as the VSBA have may have had some influence on the development of the district's policy. The VHSL, because of the desire of the district to hold high expectations for its student athletes and the VSBA because of the types policies they had proposed to school districts and the language they used within their policies."³⁸⁶

Mr. SSC revealed that District C does award credit for classes taken by home schooled students but there are stipulations that go along with earning the credit. He stated that the home school coordinator would be better able to explain these stipulations.

Mr. SSC recognized that there is a great deal of variance across the state in the policies that govern access for home schooled students. He stated, "that although a state statute might be effective in establishing consistency among the districts, I believe

³⁸³ Transcription line 1, school board chair District C.

³⁸⁴ Transcription line 1, school superintendent District C.

³⁸⁵ Ibid.

³⁸⁶ Transcription line 23 school superintendent District C.

that a state statute would not be supported among all school districts.”³⁸⁷ He further stated, “local school boards have the desire to develop and choose policies based on what they determine is best for their particular communities. A state statute would limit their ability to accomplish this.”³⁸⁸

Interview with the Home School Coordinator from School District C. An on-site interview was conducted with the home school coordinator (who will be referred to as Mrs. HCC) from District C. The interview revealed she had been in this position for twenty years and had witnessed the growth in the district’s home schooling population over the years. The coordinator discussed the policies history and stated that the only changes that have occurred in the policy over the past twenty years resulted from the need of the district to more clearly define how credits would be awarded for classes taken by home school students.

Mrs. HCC stated “the policy that governs access to public schools and extracurricular activities by home schooled students has been the same for as long as I can remember. The board has never discussed changing the policy to allow access to home schooled students.”³⁸⁹ She further stated that there had been no instances of the policy ever being brought before the school board for discussion nor had the policy ever been challenged in the courts. Mrs. HCC stated, “I am aware of two instances when home school parents have made requests through me to have access to the high school band program, but once they were told that the district’s policy did not permit such access they did not pursue the matter further.”³⁹⁰

³⁸⁷ Transcription line 25 school superintendent District C.

³⁸⁸ Transcription line 24, school superintendent District C.

³⁸⁹ Transcription line 3 home school coordinator District C.

³⁹⁰ Transcription line 16 home school coordinator District C.

Mrs. HCC believed that District C's current policy on home school access was adopted because the board believed that it was important to show its support for public education and felt that a policy allowing access might be perceived throughout the community that the school board was not in total support of public education. The home school coordinator further stated "that this policy has been in place for a number of years and that the board has chosen not to change the policy because there have been no requests for a change brought before them."³⁹¹

When asked of her personal opinion regarding whether home schooled students should be allowed to have access to public school classes and extracurricular activities, the home school coordinator said, "I believe that a student is either in school full time or out of school full time and if a parent has made the decision to remove their child from the public education setting then they have made the decision to give up all the services provided through the public schools."³⁹²

Mrs. HCC believed that the current access policy was accepted by the home schooling population as well as by the stakeholders of the public school system. She said,"a policy allowing home schooled students to have access to public schools and extracurricular activities would probably be accepted by the public school stakeholders because of the diversity that is found within this particular community."³⁹³

The interview with the home school coordinator revealed that she would not be in favor of a state statute that would govern access for home schooled students and preferred that the locality remain responsible for creating and adopting policies to govern issues associated with public education. She stated, "a state statute is not

³⁹¹ Transcription line 5, home school coordinator District C.

³⁹² Transcription line 4, home school coordinator District C.

³⁹³ Transcription line 16, home school coordinator District C.

needed to protect the integrity of the VHSL, because the VHSL already has a policy in place called the “*bonafide student rule*,” that prevents home schooled students from participating in VHSL sponsored activities.”³⁹⁴

Review of the Pertinent Documents. Review of District C’s school board minutes from the last five years revealed no evidence of a public discussion being conducted regarding the district’s policy on access. This indicates that the current policy is probably accepted by the home school community. There were also no documents on file that indicated a home school student had requested access to the public schools in this district.

Summary. The data collected from District C revealed that the policy has not changed in twenty years. The current policy denies home schooled students access to public school classes and extracurricular activities. The policy was revised in 2004 to allow home schooled students, who wish to return to the public school, to receive credit for classes taken during the time they were being home schooled. District C’s school boards have chosen not to change the policy on access because there have been no requests from the home school population for more access to the public schools.

The school boards of District C have chosen to deny home schooled students access to public school classes and extracurricular activities because they believed this policy was reflective of the wishes of their community. They also believe that by denying

³⁹⁴ Currently the Virginia High School League (VHSL) policy handbook addresses this issue in two sections. Section 28-1-1 of the Bona Fide Student Rule states “that the student shall be a regular bona fide student in good standing of the school which he/she represents” (VHSL Handbook, 2001-02, p. 38). The interpretation of what constitutes a regular student in this section is certainly open for debate. A student could be deemed a regular student by attending one class that could in fact be offered outside the normal instructional day.

access they show that they are supportive of public education and the programs it provides.

The school board chair, the district superintendent, and the home school coordinator, were supportive of their district's current policy on denying access to home schooled students and did not anticipate the policy being changed. They also indicated they would not be in favor of a state statute that would govern this issue because they believed local school boards should create and implement the policies that govern a school district, not the state.

DISTRICT D

School District D is located in the south central part of Virginia and has a total student population between 7500 and 15,000 students. The district has a home school population of 404 which is 3.8% of the total student population. The district has experienced a steady increase in the home school population over the past five years, increasing by 200 students. Currently, District D has two home schooled students that are taking classes on a part-time basis. None of these students are participating in school sponsored extracurricular activities or VHSL sponsored activities.

District D is a member of the Virginia School Board Association (VSBA) and has chosen to adopt policies written by the VSBA. There was no adoption dates available for the district's policy that governs access for home schooled students; however it was discovered from the review of the current policy, that it had been revised in 2001 and again in 2004. The district's current policy allows home schooled students access to public school classes and extracurricular activities. The policy however, does not allow access to VHSL sponsored activities. The policy states that "parents of private and home school students may enroll their students on a part-time basis for participation in

academic and/or extra curricular activities and shall, along with the students, conform to the described provisions contained in the policy with regard to admission and enrollment.”³⁹⁵ The policy further states that “students wishing to participate must enroll in one class for every extracurricular activity.”³⁹⁶

Home school students in District D who wish to return to public school on a full time basis at the elementary and middle school level may do so by applying for admission. Returning students are placed in a grade by the school principal based on their age. The principal and teachers of the school evaluate the student throughout the year to ensure the student has been given the appropriate placement. Home school students in District D who wish to return to public school at the secondary level are awarded credit for any classes they have taken through a state approved correspondence course. Home school students may also be awarded credit for other classes provided they demonstrate the knowledge necessary to justify awarding credit and it is determined that the curriculum used for the class is aligns with the district’s curriculum. The returning student must take a proficiency examination and must also take the SOL test. A committee of teachers and school administrators evaluate the student’s knowledge and make the determination to award credit. Although District D awards credit for classes taken at home these classes are not assigned a letter grade and are not used to compute the class ranking or the overall grade point average of the student. Home schooled classes will be counted to satisfy the requirements for graduation from the district as well as to satisfy any prerequisite requirements evoked by the school district.

³⁹⁵ Admission of Nonpublic Students for Part-Time Enrollment, August, 2004, JECB, District D’s School Board Policy Manual.

³⁹⁶ Ibid.

District D offers home school students access to a standardized test and agrees to administer the test for the home schooling parents. They are not provided access to SOL tests. Home schooled students are required to submit a standardized test score to the school superintendent by August 1 of each year.³⁹⁷ The test scores are evaluated by the home school coordinator to ensure that the home schooled student is demonstrating a level of student achievement that is comparable with the age and grade level of other students nationwide. District D allows home schooled students who return to public school on a full time basis to earn verified units of credit for home school classes by allowing them to take the SOL test associated with those subjects. District D also provides testing services to home schooled students with special needs as well as support services such as speech, physical therapy services, and occupational therapy services to any eligible home schooled student.

Interviews were conducted with the assistant superintendent and the home school coordinator from District D. The school board chair was unavailable for interview and the superintendent asked that the assistant superintendent be interviewed in his place. The pertinent documents reviewed for District D included the school board minutes, the school district's policy that governs access by home schooled student, and the files of the home school coordinator.

Interview with two School Leaders from School District D. The school board chair from District D did not participate in the interview. A school board member who will be referred to as Mrs. SBD) was asked to replace the chair in the interview. Mrs. SBD shared what she believed to be the views and beliefs of the current school board

³⁹⁷ Supra note at 3.

through a telephone interview. The responses to the interview questions revealed that the school board of District D chose to adopt its current policy that governs access for home schooled students based on the recommendation of the VSBA and the district superintendent. The school board also took into consideration the entitlement beliefs of home school parents as well as what they considered was in the best interest of the home schooled student. Mrs. SBD stated "the school board is satisfied with the current policy and does not anticipate the policy changing in the near future."³⁹⁸ She further stated, "the current school board believes home schooled students should have access to public school classes and extracurricular activities as long as it does not create a financial hardship on the school district."³⁹⁹

Mrs. SBD did not think the school board of District D would be supportive of a state statute that would govern the issue of access because they would view this as an attempt by the state legislators to micro-manage the schools. "The school board believes it is their responsibility to establish and implement policy, not the state legislators."⁴⁰⁰

The assistant superintendent (who will be referred to as Mrs. ASD) indicated that she did not know the date when District D's policy that governs access was originally adopted, however she did know that the policy was revised and changed in 2001 to allow home schooled students to enroll in public schools on a part time basis and participate in school sponsored extracurricular activities. Mrs. ASD stated, "the policy change was the result of the increasing number of families living in District D who are

³⁹⁸ Transcription line 3, school board member District D.

³⁹⁹ Ibid.

⁴⁰⁰ Transcription line 20, school board member District D.

choosing to home school their children.”⁴⁰¹ She said, “I am supportive of the district’s current policy on access but I would not be supportive of a policy that allowed home school students to have access to VHSL sponsored activities.”⁴⁰²

The interview with Mrs. ASD revealed that she opposed a state statute that would govern the issue of access for home schooled students. She believes, “establishing and implementing policies to govern schools is a function of the local school boards. Historically when legislators try to impose statutes on the school districts the end result is that the districts have to absorb all of the costs associated with implementing the policy.”⁴⁰³ Mrs. ASD said, “I might be in favor of a state statute to govern the issue of access in order to establish consistency among the school districts in how the issue is governed.”⁴⁰⁴

Interview with the Home School Coordinator from School District D. The interview with the home school coordinator (who will be referred to as Mrs. HSD) from District D revealed that this person is responsible for seeing that the regulations for home schooling are met and that the policy is implemented correctly. The coordinator discussed the policies history and stated, “the policy was revised in 2001 to allow home schoolers to enroll in public schools on a part time basis and to participate in extracurricular activities sponsored by the school. Home schoolers in District D however, are not allowed to participate in any VHSL sponsored activities.”⁴⁰⁵

Mrs. HSD believed that District D’s current policy on home school access was revised to assist home schooling families in their efforts to meet the instructional needs

⁴⁰¹ Transcription line 2, assistant superintendent District D.

⁴⁰² Transcription line 18, assistant superintendent District D.

⁴⁰³ Transcription line 7, assistant superintendent District D.

⁴⁰⁴ Transcription line 12, assistant superintendent District D.

⁴⁰⁵ Transcription line 1, home school coordinator District D.

of their children. She said, “parents who wanted to educate their children at home had come to the realization that they may not be capable of providing their children with instruction in some of the upper level math and science courses.”⁴⁰⁶

Mrs. HSD had no knowledge of any time when the policy had been challenged in the courts or ever been questioned before the board. She did say “there was one instance when a home school parent contacted me to inquire about access to a sports team but when she was told that the district’s policy did not permit a home schooled student to participate in a VHSL sport the parent did not challenge to policy.”⁴⁰⁷

When asked of her personal opinion regarding whether home schooled students should be allowed to have access to public school classes and extracurricular activities, Mrs. HSD said, “I support allowing access to classes and school sponsored activities but do not support allowing home schooled students access to VHSL sponsored activities.”⁴⁰⁸ She feared that such access would compromise the eligibility rules of the VHSL and provide a way for a student to bypass these rules.

Mrs. HSD believed that the current access policy was accepted by the home schooling population as well as by the stakeholders of the public school system. She said, “there are currently six home schooled students who are taking classes on a part time basis at the high school and to my knowledge none of these students are participating in any extracurricular activities.”⁴⁰⁹

The interview with the home school coordinator revealed that she would be in favor of a state statute that would govern access for home schooled students if it helped

⁴⁰⁶ Transcription line 5, home school coordinator District D.

⁴⁰⁷ Transcription line 11, home school coordinator District D.

⁴⁰⁸ Transcription line 4, home school coordinator District D.

⁴⁰⁹ Transcription line 10, home school coordinator District D.

to create more consistency among the localities in the policies they adopt to govern this issue. The home school coordinator stated, “many of the needs of the home schooling families are being met through community programs, community colleges, and recreational programs but these programs may not be able to fill all of their needs in years to come. As a result the home schoolers will begin to look toward the public school districts to help subsidize programs for their children. Local school districts must be prepared to respond to these requests in a manner that will hopefully be consistent across the Commonwealth.”⁴¹⁰

Review of the Pertinent Documents. Review of District D’s school board minutes from the last five years revealed that the district’s policy was revised in 2001 to permit home schooled students access to public school classes and extracurricular activities. The previous policy did not permit access. The minutes did not indicate that a public discussion occurred regarding the proposed revision, which shows that the change in policy was accepted by the community. Review of the documents on file in the home school coordinators office did reveal two requests by home school parents for access to public school classes for their children. These requests were made prior to 2001. The requests show that the home school parents in District D wanted their children to have access to the public schools.

Summary. There was no date provided to indicate when the policy was originally adopted. It was however, revealed that the policy had been revised in 2001 to reflect a change in the policy. Prior to this date, home school students in District D were not permitted access to public school classes on a part time basis or permitted access to any extracurricular activities. The school board of District D chose to revise their access

⁴¹⁰ Transcription line 26, home school coordinator District D.

policy in 2001 to permit home schooled students to enroll in public school classes on a part-time basis as well as participate in one extracurricular activity for each class that is taken.

The school boards of District D have chosen to allow home schooled students access to public school classes and extracurricular activities because of the increase in the number of home schooling families. The school boards believed that providing home schooled students access to public school classes on a part time basis would allow home school students to receive instruction in classes that the home schooling parents may not be able to provide.

The school board member, assistant superintendent, and home school coordinator, revealed that they were satisfied with the district's current policy on access and did not anticipate the policy being changed. They also indicated that they would support the adoption of a state statute to govern this issue in order to establish consistency among all school districts in Virginia and to ensure that the integrity of the VHSL is protected.

DISTRICT E

School District E is located in the eastern part of Virginia and is within 30 miles of the state capital. District E has a total student population greater than 15,000. The district's home school population is 420, which is 2.2% of the total student population. The district has experienced a growth in its home school population over the past five years. The population increased from 263 in 2000 to 489 in 2004.

District E is a member of the Virginia School Board Association (VSBA) but has chosen to adopt a locally written policy to govern access for home schooled students. The district's policy was adopted in 1984 and revised in 2000. The current policy does

not differ from the previous policy in the intent of the policy. Neither the 1984 or 2000 policies allowed home schooled students to have access to public school classes and extracurricular activities, nor does it allow access to VHSL sponsored activities. The policy states that “private and home school students are not allowed to take public school classes on a part-time basis or participate in extra curricular activities.”⁴¹¹

Home school students in District E who wish to return to public school on a full time basis at the elementary and middle school level must apply for readmission and are placed in their age appropriate grade. Returning students at this level are administered the SOL test, when appropriate, to determine placement. District E does not consider student performance on standardized tests or performances on other tests administered outside the public school setting to determine grade placement. A home schooled student returning to a secondary school may earn credits for classes taken through a state approved correspondence course and these credits may be applied toward the requirements for graduation. The classes, however, are not awarded a letter grade and are not used to compute the student’s grade point average. District E does not award credit for home school classes taken through a curriculum designed by the home school teacher.

District E provides home schoolers access to standardized testing materials and pays to have the tests scored. Home schooled students are required to submit a standardized test score to the school superintendent by August 1 each year.⁴¹² The district offers testing services to home schooled students with special needs as well as

⁴¹¹ Admission of Nonpublic Students for Part-Time Enrollment, July 14, 1984, 7-2.1, District E’s School Board Policy Manual.

⁴¹² Supra note at 3.

support services such as speech, physical therapy, or occupational therapy to any home schooled student.

Interviews were conducted with the assistant superintendent for instruction, and the home school coordinator from District E. Although interviews were scheduled in advance, both the school board chair was unavailable on the day the researcher visited the district. The pertinent documents reviewed for District E included the school board minutes, the school district's policy that governs access to home schooled student and the files of the home school coordinator.

Interview with a School Leader from School District E. The assistant superintendent for District E (who will be referred to as Mrs. ASE) participated in an on-site interview. The interview revealed that the Mrs. ASE had very little knowledge regarding the history of the district's current policy only to say, "the policy was created many years ago and the school boards have chosen not to change the policy. The policy does not allow home schooled students to have access to public school classes, extracurricular activities, or VHSL sponsored activities."⁴¹³

The Mrs. ASE stated, "there has never been an incidence where the current policy has been challenged through the courts nor has it been brought before the school board for discussion. "At the time of the policy adoption home schooling was very new. Consequently, no one anticipated the significant growth that we have experienced over the past five to ten years. The board chose to adopt a policy that supported what they believed was in the best interest of public school students and also support the regulations established by the VHSL."⁴¹⁴ Mrs. ASE believed that the VHSL had some

⁴¹³ Transcription line 1, assistant superintendent District E.

⁴¹⁴ Transcription line 4, assistant superintendent District E.

influence on the development of the district's policy because of the desire of the school board to support the VHSL regulations.

When asked about her opinion regarding a state statute to govern the issue of access the Mrs. ASE said, "I have not thought about it one way or the other. I am a proponent of public education so therefore, I feel if public education is good enough for your child part of the time then it is good enough for your child all of the time. If public education is not good enough for your child then those things that are a part of public education are not good enough as well. I believe in our current policy and for me there is no grey area. Therefore, I would not support a statute that allowed home schooled students to have access to public schools on a part time basis." She further stated, that she "would support a state statute that helped ensure consistency among all the school districts as long as it aligned with her beliefs."⁴¹⁵

Interview with the Home School Coordinator from School District E. An on-site interview was conducted with the home school coordinator (who will be referred to as Ms. HCE) from District E. The interview revealed she had been in this position for twenty years and had witnessed the growth that the district has experienced in its home schooling population. The coordinator discussed the policies history and stated, "the policy was originally adopted in 1984 and was modified in 2000 with no changes being implemented in how the policy governed the issue of access. The modification added language that would allow home schooled students, who wish to return to the public school, to receive credit for classes that were taken through state approved correspondence courses."⁴¹⁶

⁴¹⁵ Transcription line 24, assistant superintendent District E.

⁴¹⁶ Transcription line 4, home school coordinator District E.

Ms. HCE stated that “the policy that governs access to public schools and extracurricular activities by home schooled students has been the same for as long as she could remember and that the board had never discussed changing the policy to allow access to home schooled students.”⁴¹⁷ Ms. HCE further stated, “there have been no instances of the policy being brought before the school board for discussion nor has the policy ever been challenged in the courts. I am aware of less than ten instances when home school parents have requested to have access to the public schools but the policy was never challenged by the parents.”⁴¹⁸

Ms. HCE believed that District E’s current policy on home school access was adopted because the board thought it was not going to be an issue that would need their attention. The home school coordinator further stated, “even though the policy had been in place for a number of years the board has chosen not to change it because there have been no requests from home schoolers to change the policy.”⁴¹⁹

Regarding her personal opinion on whether home schooled students should be allowed to have access to public school classes and extracurricular activities, the home school coordinator said she believed that a student is either in school full time or out of school full time. She said, “I have dedicated my entire life to public education and I believe that it works.” Allowing students to be partially in and partially out is not sending the proper message to the students who are full time students.”⁴²⁰ The interview with the home school coordinator revealed that she would not be in favor of a state statute

⁴¹⁷ Transcription line 14 home school coordinator District E.

⁴¹⁸ Transcription line 16 home school coordinator District E.

⁴¹⁹ Transcription line 5, home school coordinator District E.

⁴²⁰ Transcription line 4, home school coordinator District E.

that would govern access for home schooled students because she believed that “governing the schools is a responsibility of the locality and should remain as such.”⁴²¹

Review of the Pertinent Documents. Review of District E’s school board minutes from the last five years revealed no evidence of a public discussion being conducted regarding the district’s policy on access. This would indicate that the home school parents of District E are supportive of the current policy. Eight letters were reviewed however, that were written by home school parents requesting access for their children to the public school. This reveals that the even though the home school parents in District E do not appear to be challenging the district’s policy, they desire for their children to be permitted access to the public schools in some form.

Summary. District D’s policy has not changed in twenty years. The current policy denies home schooled students access to public school classes and extracurricular activities. The policy was adopted in 1984 and modified in 2004 to allow home schooled students, who wish to return to the public school, to receive credit for classes taken through a state approved correspondence course. District E’s school boards have chosen not to change the policy on access because there have been no requests from the home school population for access to the public schools.

The school boards of District E have chosen to deny home schooled students access to public school classes and extracurricular activities. They believe that because this policy has been in place for over twenty years and has never challenged there is no desire to have the policy changed.

⁴²¹ Transcription line 24, home school coordinator District E.

The assistant superintendent and the home school coordinator are supportive of the district's current policy on denying access to home schooled students and do not anticipate the policy being changed. They indicated they would not be in favor of a state statute that would govern this issue because they believe that it is the responsibility of the locality to govern the school district and not the state. They would however, like to see more consistency across the state in how the school districts govern access for home schooled students but would only favor a policy that aligned with their personal beliefs of not allowing home schooled students to have access to public school classes or activities.

DISTRICT F

School District F is located in northern Virginia and has a total student population greater than 15,000. The district has a home school population of 743 which is 1.7% of the total student population. The district has experienced a substantial increase in both its total student population as well as its home school population over the past five years.

The school board of District F has adopted a locally written policy to govern access for home schooled students. The district's policy which allows home schoolers access was adopted in 2004 and replaced a previous policy that denied access. The current policy allows home schooled students to have access to a maximum of two high school credit classes from the areas of mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, and health and physical education. A home schooled student wishing to enroll in a public school class on a part-time basis, must enroll in the full length of the course and may only enroll in the school that serves their place of residence. The policy also requires part-time

students to participate in co-curricular activities that are included as a part of certain courses (e.g., orchestra, band, chorus, drama,). The policy specifically states that “part-time students may not participate in VHSL sponsored activities including athletics, cheerleading, and One Act Plays.”⁴²² District F currently has twenty-six students who are enrolled in the public schools on a part-time basis.

District F’s policy requires parents of students wishing to enroll in school on a part-time basis to submit a Part-Time Enrollment Application to the principal of the attending school by August 1 to be considered for enrollment in a first semester class and by December 1 to be considered for enrollment in a second semester class. The school principal is responsible for reviewing the application and for notifying the parent two weeks prior to the start of the semester, if the class or classes are available. In the event a requested class is not being offered at the student’s school of residence the parent may request special permission to attend another school within the district. The policy further states that part-time enrollment is determined and approved on an annual basis and there are no guarantees that a student will be permitted access from one year to the next.

Home school students in District F who wish to return to public school on a full time basis at the elementary and middle school level are placed in their age appropriate grade. The placement of returning students is determined by the school principal. The students are evaluated each six weeks to ensure the placement is appropriate. A home schooled student returning to a secondary school may earn credits for classes taken through a state approved correspondence course and these credits may be applied

⁴²² Admission of Nonpublic Students for Part-Time Enrollment, March 23, 2004, § 8-24, District F’s School Board Policy Manual.

toward the requirements for graduation. The classes are not awarded a letter grade or used to compute the student's grade point average. District F's policy does not award credit for home school classes taken through a curriculum designed by the home school teacher, however they may take a proficiency test to determine if these classes can serve as a prerequisite for another course.

The access policy for District F provides home schoolers the option of taking the standardized tests through the school district at no charge. Home schooled students in District F are required to submit a standardized test score to the school superintendent by August 1 each year.⁴²³ Home schooled students in District F are also provided access to the district's Advanced Placement testing program.⁴²⁴ The district's policy offers testing services to home schooled students with special needs as well as support services such as speech, physical therapy, or occupational therapy to any home schooled student.

Interviews were conducted with the assistant superintendent for instruction who is directly responsible for ensuring the district's home schooling policies are properly implemented. The school board chair and the home school coordinator were not available to be interviewed. The pertinent documents reviewed for District F included the school board minutes, the school district's policy that governs access to home schooled students, and the files of the home school coordinator. The data obtained through the on-site interview with the assistant superintendent and review of the pertinent documents provided information that explained how the district's policy that

⁴²³ Supra note at 3.

⁴²⁴ Students enrolled in an Advanced Placement class may choose to take an end of course examination for the class. Students scoring a three or better on the exam may be awarded college credit for the class. The college or university determines if credit is awarded.

governs access was developed, why the school boards have chosen to allow or deny home schooled students access to public school classes and extracurricular activities, and what the perceptions are of the individuals who are responsible for adopting and implementing policies, regarding the need for a state statute to govern the issue of access for home schooled students.

Although interviews were scheduled in advance, both the school board chair and the home school coordinator were unavailable on the day the researcher visited the district. An interview was conducted with the home school coordinator and pertinent documents were reviewed for District A.

Interview with a School Leaders from School District F. The assistant superintendent for District F (who will be referred to as Mr. ASF) participated in an on-site interview. The interview revealed that Mr. ASF was very knowledgeable regarding the history of the district's current policy. In 2003 the school board approved allowing home schooled students to have access to the district's testing policy. Prior to 2003, home schooled students had not been allowed to have any access to the public schools in the district. In 2004 the board adopted a new policy that allowed home schoolers to have access to public school classes and the extracurricular activities that were a part of the classes they were enrolled. The board's policy did not permit access to any VHSL sponsored activities. Mr. ASF stated, "in a period of one year, District F went from allowing home schoolers no access to allowing them access to classes and some extracurricular activities."⁴²⁵ Mr. ASF stated "I believe that these changes in policy could be attributed to several factors, 1) a change in board membership, 2) the increase in the district's home schooling population, 3) the contacts made to board members by home

⁴²⁵ Transcription line 3, assistant superintendent District F.

schooling parents requesting that their children be allowed to have access to public schools, and 4) the desire of the board to support the education of all students within the community.”⁴²⁶ He also stated, “the rapid growth of District F may have been a contributing factor as well.”⁴²⁷ “Because District F is faced with the issue of conducting a bond referendum each year in order to build new schools, the school board realized that they must do everything possible to garner as much support as possible for public schools.”⁴²⁸

The assistant superintendent said, “there were several incidences prior to the adoption of the current policy, of home schooling parents asking that their children be allowed to take certain classes.”⁴²⁹ “There have also been a number of requests asking that home schooled students be allowed to participate in VHSL activities.”⁴³⁰ Mr. ASF stated, “although the new policy has eliminated the class requests I still receive two to three requests each year by home schooling parents wanting access to sports teams.”⁴³¹ He recalled one incident when a parent of a home schooled student threatened to bring suit against the school board when she was told that her home schooled child could not play on the school’s soccer team. “The case was never brought before the court which makes me believe that the parent may have been advised that she did not have a case since the district’s policy addresses this issue.”⁴³²

Mr. ASF said he supported District’s F policy on access and that he believed its adoption has helped to eliminate many of the questions that were being asked. He

⁴²⁶ Transcription line 7, assistant superintendent District F.

⁴²⁷ Transcription line 10 assistant superintendent District F.

⁴²⁸ Transcription line 11, assistant superintendent District F.

⁴²⁹ Transcription line 12, assistant superintendent District F.

⁴³⁰ Ibid.

⁴³¹ Transcription line 4, assistant superintendent District F.

⁴³² Ibid

believes that “home schooling students are a part of the community and therefore the school district must do what it can to support the education of these children.”⁴³³

When asked about his opinion regarding a state statute to govern the issue of access Mr. ASF said, “Unlike the General Assembly, I am pretty conservative in my thinking and therefore, I believe that the governance of public schools should be the responsibility of the locality.” He said he feared that, “a state statute could cause problems for certain localities that do not have the means of accommodating the needs and requests of home school students.” The assistant superintendent thought that “one thing that might help school districts be more receptive to the idea of a state statute would be for the state to allow the districts to count their part-time students as full time students in their Average Daily Membership (ADM). This would provide school districts with additional funds that could help meet the expenses incurred by allowing these students to enroll in their schools.”⁴³⁴

Review of the Pertinent Documents. Review of District F’s school board minutes from the last five years revealed five instances where home school parents asked the school board to adopt a policy that permits their children to have access to the public schools. These requests obviously influenced the boards thinking and caused them to change their policy to permit access. Letters from home school prior to the policy change also indicated a desire for access. Seven letters written after the policy was changed indicated that home school parents want more access for their children. Each of these letters requested access to sports teams for home schooled students.

Summary. District F’s policy that governs access began to change in 2003

⁴³³ Transcription line 13, assistant superintendent District F.

⁴³⁴ Transcription line 26, assistant superintendent District F.

when the board allowed home schooled students to participate in the district's testing program. In 2004 the school board chose to adopt a policy that allowed home schooled students to have access to public school classes and certain extracurricular activities, but denied them access to any VHSL sponsored activities. This replaced the previous policy that did not permit home schoolers to have access of any type.

The school board of District F changed its policy to allow home schoolers to have access in March of 2004. This change can be attributed to several factors 1) a change in the school board members, 2) the increase in the district's home schooling population, 3) the contacts made to board members by home schooling parents requesting that their children be allowed to have access to public schools, 4) the desire of the board to support the education of all students within the community, and 5) the desire of the school board to obtain support throughout the community for the public schools.

The assistant superintendent revealed that he was supportive of the district's current policy that allows access to home schooled students. He was not in favor of a state statute that would govern the issue of access because he believed that the governing of schools is the responsibility of the locality and that a state statute that allowed access could create a financial hardship on some localities.

DATA ANALYSIS

After the data was collected, the information was transcribed and placed on a matrix to ensure the information was organized by participant and district (see Appendix M). The insights and opinions obtained during the interviews were utilized to determine if the participants supported allowing home schooled students access to public schools,

who they believed should be responsible for establishing the policy that governs access, and if they would support a state statute to govern the issue of access for home schooled students.

The data analysis was organized so that the opinions of each of the interview participants would be compared and contrasted with personnel from other districts with similar positions and responsibilities. The interview participants were placed into three groups: 1) school board chair and school board member, 2) school superintendent and four assistant superintendents, and 3) five home school coordinators. The insights and opinions obtained from each participant were analyzed and compared by determining the existing variances and commonalities. The information obtained from this analysis was used to answer the third and fourth subordinate research questions.

ANALYSIS OF DATA OBTAINED FROM THE INTERVIEWS WITH SCHOOL LEADERS

The information acquired by interviewing some school leaders from the six school districts was used to obtain insights, opinions, and quotes from each of these individuals. Participants consisted of one school board chair, one school board member, one superintendent, and four assistant superintendents. This data was analyzed to identify the variances and commonalities that existed in the opinions of these participants.

The school board chair was opposed to allowing home schooled students access to public school classes and extracurricular activities. The school board member was in favor of allowing access to public schools and school sponsored extracurricular activities. This variance can be attributed to the policy that governs access in each participant's school district. The school board chair was from a district that has a policy

that denies home school students access and the school board member was from a district that has a policy that allows home school students access.

Variances. By analyzing the information obtained from the interviews, it was revealed that four of the seven school leaders opposed allowing home school students access to public school classes and extracurricular activities. Two school leaders were in favor of allowing access to public schools and school sponsored extracurricular activities. One school leader favored allowing access provided all school districts in the state were governed by the same set of standards. This information is consistent with the policies that are currently in place in each of the districts. The four school leaders who were opposed to allowing access were from school districts having policies that denied home school students access. The three school leaders that were in favor of allowing home schooled students access were from districts that had a policy that allowed home schooled students access.

Four of the school leaders opposed having a state statute to govern this issue saying they believed that a state statute would limit the flexibility of the local school boards in meeting the needs and desires of their respective communities. Three of the leaders supported having a state statute and believed that it would help establish consistency among the school districts across the state.

Commonalities. Analysis of the data revealed a number of commonalities that existed in the opinions of the school leaders. The school leaders supported their district's current policy and stated they would not favor a change in the policy. Each believed that the locality should be responsible for establishing the policies that govern the issue of access and did not support the idea of having a state statute to govern this

issue. The school leaders believed a state statute would take away the ability of the locality to be responsive to the needs and desires of their specific community. They also stated that a state statute could create a financial burden on their school district if home schooled students were allowed to enroll in public school classes on a part-time basis. None of the leaders favored allowing access to VHSL sponsored activities. Table 20 provides a listing of the variances and commonalities that were revealed by analyzing the data obtained from the interviews.

ANALYSIS OF THE DATA OBTAINED FROM THE INTERVIEWS OF FIVE HOME SCHOOL CORDINATORS

The information obtained from interviewing five home school coordinators was analyzed to identify the variances and commonalities that existed in their opinions.

Variances. The data analysis revealed that the home school coordinators from three school districts were opposed to allowing home schooled students access to public school classes and extracurricular activities. Two were in favor of allowing access to public schools and school sponsored extracurricular activities. Further analysis revealed that all five of the coordinator's opinions aligned with their district's policy. Of the five home school coordinators, three opposed a state statute that would govern this issue saying they believed that a state statute would limit the flexibility of the local school boards to meet the needs and desires of their respective communities. Two supported the establishment of a state statute and believed that it would help create consistency among the school districts across the state.

Commonalities. The commonalities were found among the opinions obtained from the five home school coordinators were revealed through the data analysis. All five of the coordinators supported their district's existing policy that governs access and

Table 20

Variances and Commonalities Found In the Opinions of the School Leaders That Participated in Phase Two of This Study

Variances	Commonalities
<ul style="list-style-type: none"> • Four school leaders opposed allowing home schooled students access to public school classes and extracurricular activities. • Two school leaders favored of allowing access to public schools and school sponsored extracurricular activities. • One school leader favored of allowing home schooled students access to public schools and school sponsored extracurricular activities provided all school districts followed the same set of standards. • Four school leaders opposed having a state statute to govern this issue. • Three school leaders supported have a state statute 	<ul style="list-style-type: none"> • All of the school leaders believed their district's access policy was adopted based on the wishes of their community. • Each leader supported their district's current policy • All of the school leaders believed the locality should be responsible for establishing the policies that govern the issue of access. • None of the school leaders supported having a state statute to govern access for home schooled students. • All of the school leaders believed a state statute could create a financial hardship for their district. • None of the school leaders favored allowing access to VHSL sponsored activities.

believed that the policy was accepted by the members of their respective communities. Each of the home school coordinators believed that the local school boards should be responsible for the establishment of the policies that govern the issue of access for home schooled students because it enabled the local school boards to be sensitive to the needs and desires of the members of their community. None of the home school coordinators favored of allowing access to VHSL sponsored activities. Two believed that permitting such access would violate the “*bona fide student rule*”⁴³⁵ of the VHSL and three believed it would compromise the integrity of the VHSL. Table 21 provides a listing of the variances and commonalities that were obtained from interviews with the five home school coordinators.

ANSWERING THE RESEARCH QUESTIONS

The interviews with the superintendent and four assistant superintendents as well as the interviews with the school board chair and school board member provided the information that was used to answer the third subordinate research question:

3. How do school leaders view local control of this policy issue? What are their perceptions on home school access to public schools?

The first part of the question dealt with how the superintendents and school board chairs viewed local control of the issue of access. The responses revealed that all seven of the participants believed the establishment of policies to govern access for home schooled students should be the responsibility of the locality. Three participants stated in their interview there was a need for consistency among the policies but they did not indicate that a state statute would be the best method of establishing this consistency. Two participants stated they would favor a state

⁴³⁵ Supra note at 25.

Table 21

Variances and Commonalities Found In the Opinions of the Five Home
School Coordinators That Participated in Phase Two of This Study

Variances	Commonalities
<ul style="list-style-type: none"> • Three home school coordinators opposed allowing home schooled students access to public school classes and extracurricular activities. • Two home school coordinators favored allowing home school students access to public school classes and school sponsored extracurricular activities. • Three home school coordinators opposed having a state statute that would govern home schooled student's access. • Two home school coordinators supported have a state statute that would govern home schooled students access. 	<ul style="list-style-type: none"> • All five home school coordinators supported their district's existing policy that governs access and believed that the policy was accepted by the members of their respective communities. • Each of the home school coordinators believed that the local school boards should be responsible for the establishment of the policies that govern the issue of access for home schooled students • None of the home school coordinators favored of allowing access to VHSL sponsored activities.

statute because they believed it would be helpful to their local school board however, they recognized the importance of the localities maintaining some control over this issue.

The second part of the question focused on obtaining the perceptions of these participants regarding whether to allow or deny home schooled students access to public school classes and extracurricular activities. The responses revealed that the participant's beliefs aligned with their district's current policy on access. The six participants from school districts where home schooled students were allowed access were in total support of their policy. Consequently, the six participants from the school districts where home schooled students were not allowed access were in total support of their policy. The one commonality that was found among all of the participants was that none of the participants supported allowing home schooled student's access to VHSL sponsored activities.

By comparing the information obtained through the interviews it can be determined that 100% of the school superintendents and assistant superintendents who participated in this study believed that governing school districts is a responsibility of the local school board and that the establishment of state statutes prevent school boards from meeting the desires and wishes of their communities. In many cases the establishment of state statutes often creates financial hardships for the localities. Additionally, 100% of the school board chairs and the school board members included in this study believed that governing school districts is a responsibility of the local school board and not the state.

The perceptions of the school superintendent and four assistant superintendents regarding whether home schooled students should be allowed or denied access to public school classes and extracurricular activities showed that their opinions are directly influenced by their district's current policy. Each superintendent and assistant superintendent was supportive of their district's current policy on allowing or denying access. The superintendent and assistant superintendent from the districts that had a policy that denies access to home schooled students indicated they did not support allowing access to home schooled students. The three assistant superintendents from school districts who have a policy that allows access indicated they are in favor of allowing home schooled student's access. The information obtained from the school board chair and school board member also yielded the same results. The school board chair was from a district that did not allow home school students access and consequently this person was not in favor of allowing access. The school board member was from a district that allows home school students access and consequently the person favored allowing access.

The interviews with the home school coordinator provided the information that was used to answer the fourth subordinate research question:

4. How do those responsible for the implementation of the school district's home schooling policies perceive the local control of this policy issue?

What are their perceptions on home school access to public schools?

The first part of the question dealt with how the home school coordinators viewed local control of the issue of access. The responses revealed that all of the participants believed the establishment of policies to govern access for home schooled students

should be the responsibility of the locality. Two participants stated they recognized the need for consistency among the policies but they did not indicate that a state statute would be the best method of establishing this consistency. One participant said they would favor a state statute because they believed it would be helpful to their local school board however, they recognized the importance of the localities maintaining some control over this issue.

The second part of the question focused on obtaining the perceptions of these participants regarding whether to allow or deny home schooled students access to public school classes and extracurricular activities. The responses revealed that the participant's beliefs aligned with their district's current policy on access. The three participants from school districts where home schooled students were allowed access were in total support of their policy. Consequently, the two participants from the school districts where home schooled students were not allowed access were in total support of their policy.

By comparing the information obtained through the interviews it can be determined that 100% of the home school coordinators who participated in this study believed that governing school districts is a responsibility of the local school board and that the establishment of state statutes prevent school boards from meeting the desires and wishes of their communities. One of the home school coordinators indicated they would favor a state statute to establish consistency but recognized the importance of the local school boards having some determination on the adoption of policy.

The perceptions of the five home school coordinators with regard to allowing or denying home schooled students access showed that their opinions are directly

influenced by the districts current policy as well. Each home school coordinator was supportive of their district's current policy on allowing or denying access. The two home school coordinators from districts that have a policy that denies access to home schooled students indicated they did not support allowing access to home schooled students. The three home school coordinators from school districts who have a policy that allows access indicated they are in favor of allowing home schooled student's access.

CHAPTER V

CONCLUSIONS

The purpose of this chapter is to provide a summary of the study, concluding statements, and implications for future consideration. Chapter V is divided into four sections. The first section provides an overview of the context, outcomes of the study, and purpose of the study. The second section includes the implications of the study, concluding statements, and observations. The third section provides suggestions for future research and the final section provides information regarding what has been learned from the study.

Overview of the Study

As the number of home educated students has grown, the issues facing their families have grown as well. Among the persistent matters such as the legality of home schooling, the socialization of these students, and the entitlement of parents to oversee the education of their children, the issue of access to public school courses and activities has moved to the forefront. Despite rejecting full time attendance at public schools, home schooled students are increasingly seeking to exercise what they believe is their right to participate selectively in public school curricular and extracurricular activities.

Seventeen state legislatures have adopted laws that either uniformly permits or denies home schooled student requests to participate in public school sponsored extracurricular activities and attend public school classes on a part time basis.⁴³⁶ Virginia, however, has chosen not to adopt blanket legislation governing this issue. The

⁴³⁶ Supra note at 2.

Virginia General Assembly has legislated standards⁴³⁷ and procedures for requests by parents to home school their children, but has left the decision of access to local school boards. Currently, the LEAs have the authority to establish their own policies with regard to part time school attendance and participation in extracurricular activities.⁴³⁸ These varying policies create controversy as more and more children become involved in home schooling programs and as home schooling families move from one school district to another.

Virginia law does not mandate or define public school access for home schooled students. Consequently, the opportunity for participation by some home schoolers does exist within certain school districts in the Commonwealth of Virginia. This study is important because it provides information about those school districts in Virginia that currently provide the opportunity for home schooled students to have access to extracurricular activities. It will also assist other school boards that are considering changes to their policies that govern home schooling families and access to public school education programs and activities. Additionally, this information will be useful to the Virginia High School League (VHSL) since they are responsible for governing interscholastic athletics in Virginia.

Although the issue of access has created problems for local school boards and school administrators, they are not the only ones affected. Home schooling families have experienced some difficulties as well. For the past ten years many home schooled parents have been reluctant to seek access to public school classes and extracurricular activities for their children for fear that it would create friction between them and the

⁴³⁷ Supra note at 3.

⁴³⁸ Supra note at 4.

public schools and result in stricter rules and less cooperation and support from their local school district.⁴³⁹ Another problem home schooling parents have experienced is the resentment that they have encountered from public school officials. This has created a barrier for them in their attempts to develop their children's education plan so as to meet the same standards and regulations as those that public school children are expected to meet.

This study is important because it will provide information about those school districts in Virginia that currently provide the opportunity for home schooled students to have access to extracurricular activities. It will also assist other school boards that are considering changes to their policies that govern home schooling families and access to public school education programs and activities. Additionally, this information will be useful to the Virginia High School League (VHSL) since they are responsible for governing interscholastic athletics in Virginia.

The purpose of this study is twofold. The first purpose focuses on conducting a policy analysis involving the 132 functional school districts in the Commonwealth of Virginia to explore the variation and commonalities in policies governing access for home schooled students across the school districts. The second purpose is to obtain information from school district leadership regarding their perceptions on allowing or denying home schooled students to have access to public schools and extracurricular activities and their perceptions on whether there is a need for a state statute to govern the issue of access for home schooled students.

⁴³⁹ Supra note at 8.

The primary research question that guided this study is: What is the variation in policies across the 132 school districts in the Commonwealth of Virginia that govern whether or not students who are educated at home have access to public school courses and activities? Subordinate questions include:

- 1) What is the proportion of local school boards who allow home schooled students to attend their schools part time or participate in extracurricular activities?
- 2) How is access defined and regulated?
- 3) How do superintendents and school board chairpersons view local control of this policy issue? What are their perceptions on home school access to public schools?
- 4) How do those responsible for the implementation of the school district's home schooling policies perceive the local control of this policy issue? What are their perceptions on home school access to public schools?

Concluding Statements, Implications, and Observations

From this study, the following concluding statements can be made:

1. The majority of school districts in Virginia have adopted a policy that allows home school students to have access to public school classes and/or extracurricular activities.

The analysis of the policies that govern access for home schooled students in the 132 school districts in Virginia revealed that 120 of the 132 school districts currently have a policy that governs the issue of access for home schooled students. Of the 120 policies sixty-nine allow home schooled students access to public school

classes and school sponsored extracurricular activities, six allow access to public school classes but deny access to any extracurricular activities, and forty-five deny access of any type.

2. A number of variances and commonalities exist among the policies that govern access for home schooled students.

Of the 120 school boards that have adopted a policy that governs home school student access, eighty-two have chosen to adopt a policy that has been authored by the Virginia School Board Association (VSBA) while thirty-eight have chosen to adopt a policy that was written by the locality.

The policies written by the VSBA have identical language regardless of whether the policy allows or denies access; consequently no variances exist among these policies. Variances however, do exist among the thirty-eight locally authored policies. These variances consist of how credit may or may not be earned for classes taken at home, how the placement of students who return to public education from being home school educated is determined, how the grade point averages of home school students is calculated if the student chooses to return to the public school, how credits can or cannot be earned through a home education program, and if credits earned through a home education program can be used to satisfy the graduation requirements for public education. Twenty-seven school districts have policies that award credit classes taken at home. Of these twenty-seven policies, twenty award credit for classes that use either a correspondence curriculum or a curriculum developed by the home school teacher. Four policies award credit for classes taken through a correspondence course as well as a class

that uses a curriculum developed by the home school teacher. Three award credit for a correspondence course and a class that uses a curriculum developed by the home school teacher. Variances also exist among the locally authored policies with regard to how the grade placement of home schooled students wishing to return to public school, is determined. Thirty-five policies state that the placement for elementary and middle school age home school students is determined by the school principal and three state that placement is determined by a committee established by the school principal. For secondary students three different options are employed to determine the placement of a secondary level student wishing to return to public education. Sixteen policies state that secondary students can receive no credit for classes they take while being home schooled and therefore start back at the beginning of high school if they choose to return. Seventeen policies award credit for classes taken through a correspondence course and use these classes to determine placement. Five policies state that classes taken at home can be counted as a required prerequisite for another class provided but award no credit a class taken at home.

How grade point averages for home school students wishing to return to public schools, varies among the thirty-eight locally written policies. The policies of thirty-two school districts state that grades earned for classes taken at home will not be used to determine a student's grade point average and class ranking nor will any grade received for classes taken at home be used in conjunction with grades for classes taken through the public school to determine the student's class ranking. Six policies award credit and

accept the grades for the classes taken at home. These policies also allow for those grades to be used in the calculation of the overall grade point average of the student.

The policies from twenty-seven school districts stated that a home school student who returns to public school on a full time basis prior to graduation may be awarded credit for some classes taken at home and these credits may be applied toward the requirements for earning a high school diploma. Thirteen policies prohibit home school classes from being counted toward earning a high school diploma. None of the thirty-eight locally written policies allow home school students to participate in graduation ceremonies or earn a high school diploma unless the student is enrolled in public school on at least a part-time basis.

Four commonalities exist among all of policies that allow access. These commonalities include: (a) part time students may be counted toward the school districts' Average Daily Membership, but each student counted can not exceed 0.5, (b) a home school student wishing to participate in extracurricular activities must be enrolled in at least one public school class for each extracurricular activity, (c) students who wish to participate in a Virginia High School League-sponsored activity must meet all the requirements described in the VHSL Eligibility Regulations, and (d) home schooled students will not be permitted to participate in public school sponsored graduation ceremonies.

3. Of those interviewed in this study, each participant supported the current policy adopted by their school district that governs access for home schooled students.

The analysis of the data collected from interviewing one school board chair and one school board member, one superintendent, and four assistant superintendents, and five home school coordinators revealed that the participant's beliefs aligned with their district's current policy on access. The participants from school districts where home schooled students are allowed access support allowing home schooled students access. The participants from school districts where home schooled students are not allowed access do not favor allowing access.

4. The people interviewed in this study believe that the establishment and implementation of policies to govern the issue of access for home schooled students should be the responsibility of the localities.

Consequently, they do not favor a uniform state statute to govern this issue.

The interviews conducted with one school board chair and one school board member, one superintendent, and four assistant superintendents, and five home school coordinators revealed that all of these individuals believed the establishment of policies to govern access for home schooled students should be the responsibility of the locality. Additionally only two of the twelve people interviewed favored establishing a uniform state statute that would govern this issue.

OUTCOMES OF THE STUDY

As described in Chapter III a conceptual framework was created to explain the scope and sequence of the study and to assist in analyzing the current school board policies and procedures that are in place that govern home schooling and, in particular,

the issue of access for home schooled students. The explanation for this was provided in graphic form and served to provide the direction and organization of the study.

The conceptual framework of this study demonstrated the issues that local school districts must consider when developing and instituting policy to address access to public school classes and extracurricular activities by home schooled students. The parameters included Constitutional authority, statutory authority, VHSL authority, a rationale for the development of a policy, people impacted by the policy, and the nature, and scope, and implementation of the policy.

For the purpose of completing the research, this study focused on two frameworks. The first framework was modeled after Bronfenbrenner's Ecological Model of Human Development (Table 11). In the diagram, the circles surrounding school board policies represented those areas that were believed to have had an impact on the development of these policies. The closer an area was to the inner circle the greater the influence. Each circle was interlaced upon another and, therefore, was thought to have an influence on the next level.

The data obtained from the study revealed that the Conceptual Framework I model prescribed in Chapter III did not align with the outcomes of the study. Prior to the study, it was believed that home school parents entitlement beliefs, home school support groups, and the beliefs of school stakeholders had the greatest influence on the beliefs of school board members and the beliefs of the superintendents regarding whether home school students should be allowed to have access to public school classes and extracurricular activities. The study revealed that the entitlement beliefs of the home school parents and the beliefs of school stakeholders did have an influence

the beliefs of the school board members and school superintendents. The home school support groups were found to have no direct influence on the beliefs of school board members or school superintendents and therefore should not be included in the second ring of the model. These groups however, were found to influence the beliefs of home school parent's and community members and consequently should be included in the outer ring. Additionally, it was discovered that the beliefs of the total community regarding access for home school students had the greatest influence on the beliefs of the school board members and school superintendent and thus should be added to the second ring of the model. Table 22 provides a graphic description of what the Conceptual Framework I model should be as a result of the findings of the study.

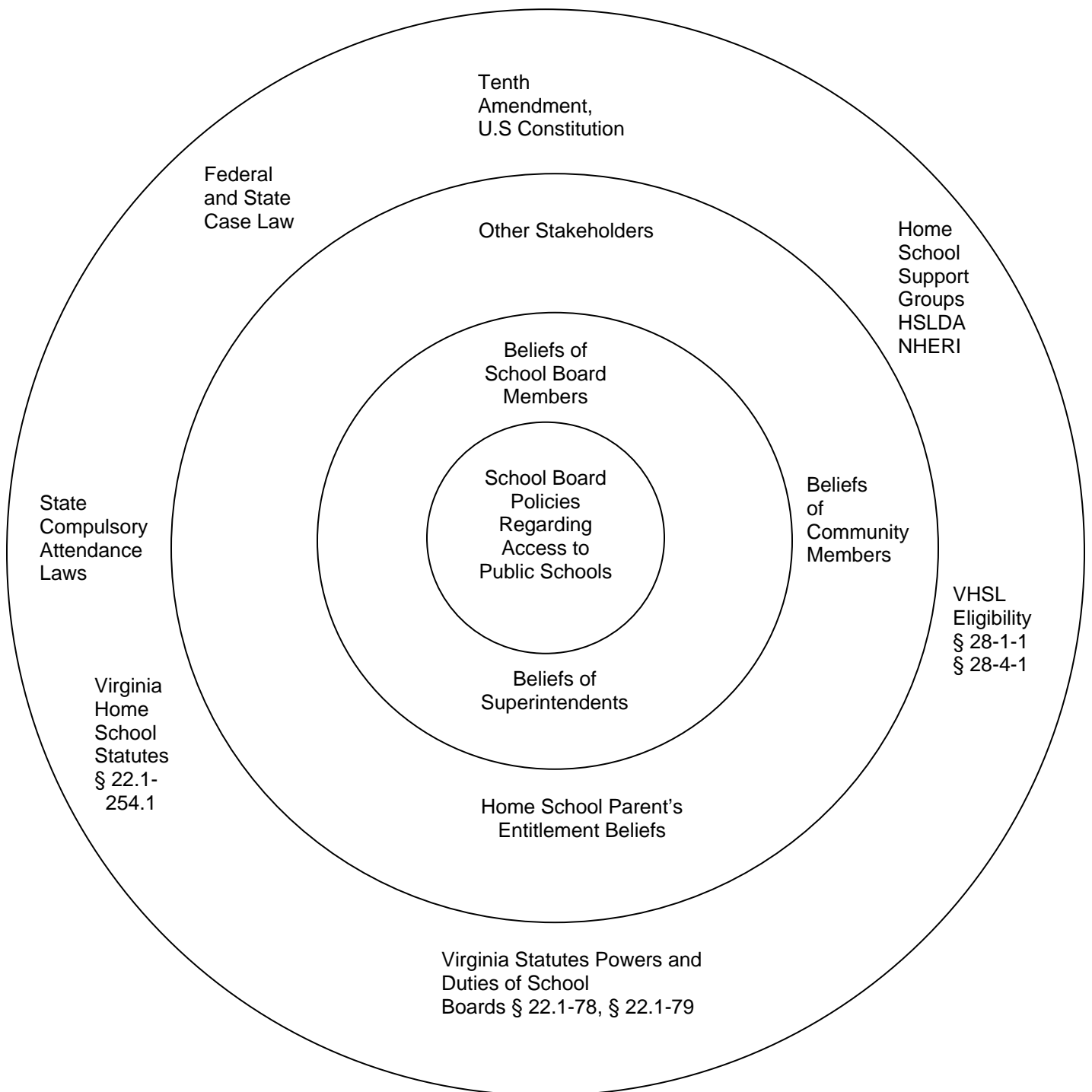
The second framework is a theoretical model consisting of two questions that were answered as a result of this study (Table 12). The analysis of the data collected through the multiple case study served to substantiate the theories depicted in this framework. The conclusions drawn from this analysis will provide school officials and state legislators with information they need to help them determine if there is a need for a state statute to govern the issue of access for home schooled students.

STUDY IMPLICATIONS

The information obtained through this study will be beneficial to home school parents, school administrators and school boards, state legislators, and the Virginia High School League. The first implication of the study focuses on the variances and commonalities that were discovered through the policy analysis. This information will be of interest to home school parents who are considering moving from one district to another. By knowing that access policies differ among the school districts in Virginia,

Table 22

Framework of the Study Results



home school parents will realize that they must review a particular district's access policy prior to moving. This will alleviate potential problems for their home schooled child such as not being able to complete a course that they were previously taking through a public school or not being able to continue participation in a specific club or activity. In addition to benefiting the home school parent, this information will also be useful to school administrators and school boards who are considering adopting a policy to govern access for home schooled students or revising an existing policy. The information obtained in this study will increase the awareness of these individuals with regard to the issues that need to be focused on in their policy and also reveal how the different school districts have chosen to address specific issues.

A second implication of this study focuses on the number of school districts in Virginia that allow home schooled students access to public schools classes and/or extracurricular activities. This study revealed that the majority of Virginia's school districts (fifty-eight percent) currently have a policy that allows home schooled students to have access to public schools. Due to the majority of school districts having a policy that allows access, it can only be assumed that the number of requests for access by home school families has increased and consequently has influenced the adoption of these policies. Additionally, the home school population in Virginia has increased at an average rate of thirteen percent annually over the past ten years. This increase has forced many school boards to reexamine their policy that governs access and in some instances change their policy in order to meet the increasing demands of their district's home school population.

This information will be beneficial to school administrators, school board members, state legislators, and the VHSL by increasing their awareness of the growth that Virginia is experiencing in its home school population. This information will also reveal information to them regarding how this growth is influencing the policies that local school boards are adopting to govern access to public school classes and extracurricular activities by home schooled students.

A third implication of the study focuses on where the responsibility for establishing and implementing policy to govern schools falls. State constitutional clauses assign responsibility for education to state legislators, but often in broad terms. § 22.1-78 of the Code of Virginia provides localities with the authority to adopt bylaws and regulations that are not inconsistent with state statutes and regulations of the Board of Education.⁴⁴⁰ Since there is no state statute in Virginia to govern the issue of access the responsibility falls on the local school boards. Local school personnel believe that it is the responsibility of the locality to establish policies to govern the issues of the public school. Even though the issue of access for home schooled students has begun to attract more attention especially from state legislators, it should not be treated differently than any other policy issues. The school personnel that participated in this study were consistent in their views regarding who should be responsible for establishing the policies that govern access for home schooled students. Ten of the twelve participants opposed having a uniform state statute to govern this issue. The two interview participants that favored having a state statute did so only because they felt there was a need to establish more consistency among the school districts in how much access that is permitted. By knowing that most school administrators and school boards are

⁴⁴⁰ Supra note at 3.

opposed to having a uniform state statute to govern this issue, Virginia legislators may be more reluctant to sponsor and support this type of state legislation. Additionally this information is beneficial to the VHSL by making them aware of the need to establish clearly defined policies that specifically address if part-time enrolled students will be permitted to participate in VHSL sponsored events.

OBSERVATIONS BEYOND THE RESEARCH QUESTIONS

The research experience provided a number of observations that extended beyond the data that was reported in the study. First, it was obvious from the interviews that the home school coordinators possessed the most knowledge with regard to the issues that local school districts are facing as they consider allowing home school students to have access to public schools. This knowledge enabled the information collected through the on-site interviews with the home school coordinator to extend beyond the specified parameters of the study and provide the opportunity data to be collected based on the participant's knowledge and expertise in the area of home school education. Information such as what factors influenced the adoption their school district's policy that governs home school access, services their district provides for home school students with special needs, testing procedures for home schooled students, and the regulations that home schooled students must follow when coming to school to take a class or to participate in an extracurricular activity are examples of the additional information that was obtained.

Second, it was determined that all of the school personnel that participated in the interviews were supportive of their school district's policy that governs access.

Consequently, their opinions on allowing or denying access to home schooled students were influenced by the policy that was in place in their school district.

Third, each interview participant believed that the local school boards' decisions on whether to adopt a policy that allows or denies public school access to home schooled students was influenced by the desires and requests made by home schooling parents. None of the interview participants had any knowledge of a time when a non-home school parent had spoken in opposition of allowing access to home school students.

Finally, when the interview participants were asked about their district's policy on allowing home school students to participate in VHSL sponsored activities each participant responded by saying we do not allow permit home school students to participate. Further questions were used in the interviews to ascertain if the local policy addresses this issue. The interview participants all believed that the VHSL's bona fide student rule would prohibit a home school student from participating in an extracurricular activity when in fact this is not the case.⁴⁴¹

Suggestions for Future Research

In the future, other approaches could be utilized that would add to the understanding of the policies that are in place among Virginia's school districts as well as assist in determining the actual number of school personnel that would support the adoption of a state statute to govern the issue of access for home schooled students.

⁴⁴¹ Supra note at 409. Currently the Virginia High School League (VHSL) policy handbook addresses this issue in two sections. Section 28-1-1 of the Bona Fide Student Rule states "that the student shall be a regular bona fide student in good standing of the school which he/she represents" (VHSL Handbook, 2001-02, p. 38). The interpretation of what constitutes a regular student in this section is certainly open for debate. A student could be deemed a regular student by attending one class that could in fact be offered outside the normal instructional day.

Other studies might include:

1. An expanded study of the same six school districts that would involve interviewing home school parents to obtain their perceptions on whether they support their school district's policy and if they think there is a need for a state statute to govern the issue of access.
2. A longitudinal study of home school families in Virginia who utilize public school resources to determine their degree of involvement and their relationship with the school district.
3. A study examining the types of resources home school parents wish to have access to and the reasons for their choices.

Final Reactions

As I look back on the design of this study, I realize there are some things that should have been done differently if the study were to be replicated. One area that seemed to have had the greatest influence on why the local school boards chose to adopt a policy that either allows home school students access or denies home school students access was the board's desire to be supportive of what they perceived were the wishes of their communities. This study should have included interviews with home school parents and non home school parents from each of the communities as well as home schooled students and non home schooled students to obtain their perceptions about the issue of access. It would also have been beneficial to the study to determine who they believed should be responsible for establishing and implementing policy to govern this issue.

I would have also liked to have done a comparison of school districts that allow and deny access with the home school populations of the district to determine if the majority of school districts that allow home school students access are from districts that have the highest percentage of home schooled students. This information would be interesting because it would provide statistical support for what is already being perceived by local home school coordinators, that the desires of home school parents are having an effect on the policies that local school boards are adopting.

Another thing that I would do differently would be to interview VHSL staff to obtain their perceptions on who should be responsible for developing policy to govern access to VHSL activities. This year two members of Virginia's House of Delegates, William H. Fralin of the 17th District and John A. Cosgrove of the 78th District, sponsored bills proposing the adoption of a state statute that would have required public schools and the VHSL to allow home school students to have access to VHSL sponsored activities. Ken Tilley, Executive Director of the VHSL, and members of the Virginia Association of Secondary School Principals (VASSP) lobbied against this piece of legislation. The legislators were convinced to remove these bills before prior to them going before the house for the first reading.⁴⁴² I believe that this is an issue that will continue to find support through different state legislators and will eventually make it through committee to the house floor.

This study has provided a great deal of information regarding the policies that are currently in place among Virginia's school districts. The information obtained through this study will be beneficial to school administrators and local school boards as they continue to consider amendments to their current policies on access. Additionally, the

⁴⁴²Interviews conducted with William Fralin's aide on 1/27/05 and 3/2/05.

information obtained through the case studies, will be beneficial to state legislators as they consider if there is a need for a uniform state statute to govern the issue of access for home schooled students.

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APPENDIX A

State Home School Statutes

ALABAMA

Home School Statute: Alabama does not recognize home schooling as a separate legal option. Home schoolers in Alabama must educate their children according to the provisions set forth in this legislation and therefore, most find "covering" or "umbrella" schools which will oversee their home schooling programs and answer to the state.

Compulsory School Age: Between the ages of 7 and 16

Alabama Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and/or enroll in a church school	Use a private tutor
Attendance:	None specified (175 days required for the public schools)	140 days per calendar year, 3 hours per day between the hours of 8am and 4pm
Subjects:	None	Reading, spelling, writing, arithmetic, English, geography, history of the United States, science, health, physical education, and Alabama history
Qualifications:	None	Teacher certification
Notice:	File a notice of enrollment and attendance with the local superintendent on a provided form (not required annually)	File a statement showing children to be instructed, the subjects taught and the period of instruction with the local superintendent
Recordkeeping:	Maintain a daily attendance register to be kept by the principal teacher of the church school	Maintain a register of the child's work showing daily attendance and make such reports as the State Board of Education may require
Testing:	None	None

ALASKA

Home School Statute: § 14.30.010. SB 134 adds an exemption to the Compulsory Education Law in statute allowing children to be home schooled by a parent or guardian.

Compulsory School Age: Between 7 and 16 (A child who is six years old and enrolled in the first grade in public school is subject to the compulsory attendance law. A parent may withdraw such a child from public school within 60 days of enrollment, and the child will not be subject to the compulsory attendance law until age seven.)

Alaska Legal Home Schooling Options: 1 2 3 4 5

	Option: 1	Option: 2	Option: 3
Legal Option:	Establish and operate a home school	Use a private tutor	Enroll in a state department of education approved full-time correspondence program
Attendance:	None	180 days per year	180 days per year
Subjects:	None	Comparable to those offered in the public schools	Comparable to those offered in the public schools
Qualifications:	None	Teacher certification	None
Notice:	None	None	None
Recordkeeping:	None	None	None
Testing:	None	None	None

Alaska Legal Home Schooling Options: 1 2 3 4 5

	Option: 4	Option: 5
Legal Option:	Request school board approval to provide an equal alternate educational experience	Qualify as a religious or other private school
Attendance:	180 days per year	180 days per year
Subjects:	Comparable to those offered in the public schools	None, but standardized testing must cover English grammar, reading, spelling, and math
Qualifications:	None	None
Notice:	None	File a "Private School Enrollment Reporting Form" with the local superintendent by the first day of public school; also file a "Private and Denominational Schools

Recordkeeping:	None	Enrollment Report" and a "School Calendar" with the state department of education by October 15 each year
Testing:	None	Maintain monthly attendance records; also maintain records on immunization, courses, standardized testing, academic achievement, and physical exams
		Administer a standardized test in grades 4,

ARIZONA

Home School Statute: 5-745, 15-802, Section 1. Section 15-802.01, R7-2-810, 15-828

Compulsory School Age: Between 6 and 16; by noting so in affidavit (see Notice Required), instruction in a home school setting may be delayed until eight years of age

Arizona Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	None
Subjects:	Reading, grammar, math, social studies and science
Qualifications:	None
Notice:	File a affidavit of intent with the local superintendent within 30 days of the start (even if instruction will be delayed until age 8) or end of home schooling
Recordkeeping:	None
Testing:	None

ARKANSAS

Home School Statutes: 6-18-201, Section 6-15-501. 6-15-502, 6-15-503, 6-15-504, 6-15-505, 6-15-506, 6-15-507.

Compulsory School Age: 5 through 17 on or before September 15 of that year; a child under age 6 on September 15 may be waived from kindergarten with submission of a state-provided form

Arkansas Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	None
Subjects:	None
Qualifications:	None
Notice:	File written notice of intent with the local superintendent by August 15 (for those starting in fall semester), December 15 (for those starting in spring semester), or 14 days prior to withdrawing child mid-semester from public school; re-file annually thereafter at beginning of school year
Recordkeeping:	None
Testing:	Participate in same state-mandated norm-referenced tests given to public school students (in grades 5, 7, and 10); no cost to parent unless alternate testing procedures are approved

CALIFORNIA

Home School Statute: None Option 1 § 33190, § 48200, § 48220, § 48224, § 48415, § 51210, § 51220.5, § 51221, § 51745, § 51747.3.

Compulsory School Age: Between the ages of 6 by December 2 and under 18

California Legal Home Schooling Options: 1 2 3 4

	Option: 1	Option: 2	Option: 3
Legal Option:	Qualify as a private school	Use a private tutor	Enroll in a private school satellite program, taking "independent study"
Attendance:	None	175 days per year, 3 hours per day	As prescribed by the program
Subjects:	Same as the public schools and in the English language	Same as the public schools and in the English language	As prescribed by the program
Qualifications:	Must be "capable of teaching"	Teacher certification	Must be "capable of teaching"
Notice:	File an annual affidavit with the Superintendent of Public Instruction between October 1 and 15	None	None
Recordkeeping:	Maintain an attendance register	None	As prescribed by the program
Testing:	None	None	As prescribed by the program

California Legal Home Schooling Options: 1 2 3 4

	Option: 4
Legal Option:	Enroll in an independent study program through the public school
Attendance:	As prescribed by the program
Subjects:	As prescribed by the program
Qualifications:	None
Notice:	A de facto part of the enrollment process

Recordkeeping: As prescribed by the
program

Testing: As prescribed by the
program

COLORADO

Home School Statute: § 22-33-104, § 22-33-104.5.

Compulsory School Age: 7 and under the age of 16. Also applies to a six-year-old child who has been enrolled in a public school in the first [or higher] grade," unless the "parent or legal guardian chooses to withdraw such child."

Colorado Legal Home Schooling Options: 1 2 3

	Option: 1	Option: 2	Option: 3
Legal Option:	Establish and operate a home school	Enroll in a private school that allows home instruction	Use a private tutor
Attendance:	172 days per year, averaging four hours per day	None	None
Subjects:	Constitution of the United States, reading, writing, speaking, math, history, civics, literature, and science	As prescribed by the program	Constitution of the United States, reading, writing, speaking, math, history, civics, literature, and science
Qualifications:	None	None	Teacher certification
Notice:	File notice of intent with the local superintendent 14 days prior to start of home school and annually thereafter	None	None
Recordkeeping:	Maintain attendance records, test and evaluation results, and immunization records	None	None
Testing:	Administer a standardized test for grades 3, 5, 7, 9, and 11 or have the child evaluated by a "qualified person . . . selected by parent"	None	None

CONNECTICUT

Home School Statute: None Options; 10-184, 10-220,

Compulsory School Age: Five years of age and over and under sixteen years of age
five- or six-year-olds can opt out when the parent goes to the
school district and signs an option form

Connecticut Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	Generally, 180 days per year
Subjects:	Reading, writing, spelling, English, grammar, geography, arithmetic, United States history, and citizenship, including a study of the town, state and federal governments
Qualifications:	None
Notice:	None, but parents may voluntarily comply with State Dept. of Education guidelines by filing a"; Notice of Intent" form with the local superintendent within 10 days of the start of home school
Recordkeeping:	The guidelines require that parents maintain a portfolio indicating that instruction in the required courses has been given
Testing:	None

DELAWARE

Home School Statute: Delaware Code Annotated Title 14, Part 1, Chapter 27, § 2701-2704.

Compulsory School Age: Between 5 years of age and 16 years of age; can delay start (if "in best interests of the child") with school authorization

Delaware Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and/or enroll in a home school association or organization	Establish and operate a home school providing "regular and thorough instruction" to the satisfaction of the local superintendent and the state board of education
Attendance:	180 days per year	180 days per year
Subjects:	Same as the public schools	Same as the public schools
Qualifications:	None	None
Notice:	Association or organization must register with the Department of Education; report enrollment, student ages, and attendance to Department of Education on or before July 31 each year; also submit annual statement of enrollment as of last school day in September in form prescribed by Department of Education	Report enrollment, student ages, and attendance to Department of Education on or before July 31 each year; also submit annual statement of enrollment as of last school day in September in form prescribed by Department of Education
Recordkeeping:	None	None
Testing:	None	Administer a written examination as prescribed during the approval process

DISTRICT OF COLUMBIA

Home School Statute: None

Compulsory School Age: Age of 5 years by December 31 of current school year until minor reaches the age of 18

District of Columbia Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Provide private instruction not affiliated with an educational institution
Attendance:	During the period that the public schools are in session
Subjects:	None
Qualifications:	None
Notice:	None, unless the child is being removed from the public school
Recordkeeping:	An accurate daily record of the attendance...shall be kept by every teacher who gives instruction privately.
Testing:	None

FLORIDA

Home School Statute: Florida Statue Annotated § 1002.41, § 1002.01, § 1002.43, §1002.01 (2).

Compulsory School Age: Attained the age of 6 years by February 1 . . . but have not attained the age of 16 years

Florida Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home school	Qualify and operate as part of a private school corporation (a legally incorporated group of home school families)
Attendance:	None specified	180 days
Subjects:	None	None
Qualifications:	None	None
Notice:	File notice of intent with the local superintendent within 30 days of establishment for home school (not required annually)	None
Recordkeeping:	Maintain a portfolio of records and materials (log of texts and sample work sheets)	None
Testing:	Annually, either: 1) administer any standardized test or a state student assessment test; must be given by a certified teacher, 2) have child evaluated by a certified teacher, or 3) be evaluated by a licensed psychologist, or 4) have child evaluated by another valid tool that is mutually agreed upon	

GEORGIA

Home School Statute: Georgic Code Annotated § 20-2-690 ET SEQ

Compulsory School Age: Between 6th and 16th birthdays; a child under 7 who has attended public school for more than 20 days is also subject to the compulsory attendance law

Georgia Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and conduct a home study program
Attendance:	180 days per year, 4 1/2 hours per day
Subjects:	Reading, language arts, math, social studies, and science
Qualifications:	High school diploma or GED for a teaching parent; baccalaureate degree for any private tutor used
Notice:	File a declaration of intent with the local superintendent within 30 days of commencing the home study program and by September 1 annually thereafter
Recordkeeping:	Maintain attendance records and submit monthly to the superintendent; write and retain an annual progress report
Testing:	Administer and retain the results of a standardized test every 3 years beginning at the end of the 3rd grade

HAWAII

Home School Statute: Hawaii Revised Statute § 302A-1132 (a) (5)

Compulsory School Age: Have arrived at the age of at least 6 years and...not...at the age of 18 years by January 1 of any school year.

Hawaii Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home school	Enroll in a superintendent-approved appropriate alternative educational program
Attendance:	None	As prescribed during the approval process (approximately 3 hours per day)
Subjects:	Curriculum must"; be structured and based on educational objectives as well as the needs of the child, be cumulative and sequential, provide a range of up-to-date knowledge and needed skills, and take into account the interests, needs, and abilities of the child"	As prescribed during the approval process
Qualifications:	None	Baccalaureate degree
Notice:	File a notice of intent with the principal of the public school the child would otherwise be required to attend before starting to home school (not required annually); notify this same principal within 5 days after ending home school	None
Recordkeeping:	Maintain a record of the planned curriculum	None
Testing:	Administer standardized achievement test of parent's choice in grades	Participate in statewide testing program at the public

3, 5, 8, and 10; submit annual report (of child's progress) to local principal comprised of either: 1) standardized test results, or 2) written evaluation by certified teacher, or 3) written evaluation by parent

IDAHO

Home School Statutes: Title 33: Education Chapter 2: Attendance At Schools, Title 33, section 202, Title 33, section 203,

Compulsory School Age: Attained the age of 7 years, but not the age of 16 years

Idaho Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Provide an alternate educational experience for the child that "is otherwise comparably instructed"
Attendance:	Same as the public schools
Subjects:	Same as the public schools
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

ILLINOIS

Home School Statutes: Illinois School Codes: Article 26, Section 1, Paragraph 1, Section 10-19.1, Section 26-1.

Compulsory School Age: Between the ages of 7 and 16 years

Illinois Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Operate a home school as a private school
Attendance:	Generally, 176 days per year (but not mandated for private or home schools)
Subjects:	Language arts, biological and physical science, math, social sciences, fine arts, health and physical development
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

INDIANA

Home School Statutes: None

Compulsory School Age: Earlier of the date on which the child officially enrolls in a school or reaches the age of 7 until the date on which he reaches the age of 18.

Indiana Legal Home Schooling Options: 1

Legal Option:	Option: 1 Operate a home school as a private school
Attendance:	Same as the public schools; Generally, 180 days per year
Subjects:	None
Qualifications:	None
Notice:	None, unless specifically requested by the state superintendent of education
Recordkeeping:	Maintain attendance records
Testing:	None

IOWA

Home School Statutes: Iowa Code Annotated § 299 A.1- 299 A .10

Compulsory School Age: Age 6 by September 15 until age 16"

Iowa Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Operate a home school	Operate a home school that is supervised by a licensed teacher
Attendance:	148 days per year (37 days each quarter)	148 days per year (37 days each quarter)
Subjects:	None	None
Qualifications:	None	None for teaching parent; license for the supervising teacher
Notice:	Complete an annual "Competent Private Instruction Report Form"; file 2 copies with the local school district by 1st day of school or within 14 days of withdrawal from school	Complete an annual "Competent Private Instruction Report Form"; file 2 copies with the local school district by 1st day of school or within 14 days of withdrawal from school
Recordkeeping:	None	None
Testing:	Complete by May 1 and submit to the local school district by June 30: 1) test results from an acceptably administered standardized test, or 2) a portfolio for review	None; however, must meet with supervising teacher twice per quarter (one may be conducted by telephone)

KANSAS

Home School Statute: None

Compulsory School Age: Reached the age of 7 and under the age of 18 years

Kansas Legal Home Schooling Options: 1 2 3

	Option: 1	Option: 2	Option: 3
Legal Option:	Operate a home school as a non-accredited private school	Operate a home school as a satellite of an accredited private school	Qualify for a state board of education approved religious exemption in the high school grades
Attendance:	"substantially equivalent to . . . the public schools" (i.e., 186 days per year or 1116 hours per year; 1086 hours for 12th grade)	Same as above	As prescribed in the approval process
Subjects:	None	As prescribed by the supervising private school	As prescribed in the approval process
Qualifications:	Must be a "competent" teacher (however, local school board has no authority to define or evaluate "competence" of private school teachers)	Must be a "competent" teacher (however, local school board has no authority to define or evaluate "competence" of private school teachers)	As prescribed in the approval process
Notice:	Register name and address of school with the state board of education (not subject to approval)	None	As prescribed in the approval process
Recordkeeping:	None	As prescribed by the supervising private school	As prescribed in the approval process
Testing:	None	As prescribed by the supervising private school	As prescribed in the approval process

KENTUCKY

Home School Statute: None

Compulsory School Age: Has reached 6th birthday and has not passed 16th birthday

Kentucky Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Qualify a home school as a private school
Attendance:	185 days
Subjects:	Reading, writing, spelling, grammar, history, mathematics, and civics
Qualifications:	None
Notice:	Notify the local board of education of those students in attendance within two weeks of start of school year
Recordkeeping:	Maintain an attendance register and scholarship reports
Testing:	None

LOUISIANA

Home School Statute: Louisiana Revised Statute Annotated § 17:236

Compulsory School Age: From the child's 7th birthday until his 18th birthday

Louisiana Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Operate a home school as approved by the board of education	Operate a home school as a private school
Attendance:	180 days per year	180 days per year
Subjects:	At least equal to the quality of that in the public schools including the Declaration of Independence and the Federalist Papers	At least equal to the quality of that in the public schools including the Declaration of Independence and the Federalist Papers
Qualifications:	None	None
Notice:	File an application and a copy of the child's birth certificate, with board of education, within 15 days after start of home school. Renew annually thereafter	Submit notification to the state department of education within the first 30 days of the school year
Recordkeeping:	Whatever form(s) of documentation is(are) planned to satisfy the testing requirement	None
Testing:	Submit with renewal application documents showing satisfactory evidence that the program is at least equal to that offered by the public schools	None

MAINE

Home School Statute: Maine Revised Statute Annotated Title 20-A § 5001-A Sub § 3A. (4) (1993)

Compulsory School Age: 7 years of age or older and under 17 years

Maine Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Operate home school	Operate a home school as part of a non-approved private school that teaches at least two unrelated students
Attendance:	175 days per year	175 days per year or 875 hours
Subjects:	English, language arts, math, science, social studies, physical and health education, library skills, fine arts, Maine studies (in one grade between grade 6 and 12), and computer proficiency (in one grade between grade 7 and 12)	English, math, science, health, fine arts, U.S. history, Maine history, geography, government, citizenship
Qualifications:	None	Competent, as approved by the non-approved private school
Notice:	File initial notice of intent within 10 days. Each subsequent year file letter indicating whether child's home school will continue. Submit a copy to both the local school board and the commissioner of education.	Annually by October 1 file letter with commissioner.
Recordkeeping:	Keep copies of all material filed until home school program concludes.	None
Testing:	Annually, either: 1) administer a standardized test, or 2) take a local test, or 3) have child's progress reviewed by a certified	Must give parents four progress reports annually

teacher, a superintendent-selected local advisory board, or a home school support group that includes a certified teacher

MARYLAND

Home School Statute: Maryland Education Code Annotated § 7-301 (a)

Compulsory School Age: 5 years old or older and under 16 with one-year exemption available for 5 year-olds

Maryland Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Operate a home school	Provide home instruction under the supervision of a church institution or school that complies with regulations
Attendance:	Must be of "sufficient duration to implement the instructional program"	As prescribed by the supervising program
Subjects:	Must provide "regular, thorough instruction" in the same subjects as the public schools including English, math, science, social studies, art, music, health, and physical education	As prescribed by the supervising program
Qualifications:	None	None
Notice:	File a one-time notice of intent with the local superintendent at least 15 days before the start of home school. Verify to superintendent annually thereafter whether home school program will continue or not, and notify if status changes.	File a one-time notice of intent with the local superintendent at least 15 days before the start of home school. Verify continuation to supervising program annually and notify of any status change
Recordkeeping:	Maintain a portfolio of "relevant materials," reviewable by the local superintendent up to 3 times per year	As prescribed by the supervising program
Testing:	None	As prescribed by the supervising program

MASSACHUSETTS

Home School Statute: None.

Compulsory School Age: 6 (by December 31 of that school year) to 16 years of age

Massachusetts Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school as approved in advance by the local school committee or superintendent
Attendance:	None specified, though 900 hours at elementary level and 990 hours at secondary level are expected
Subjects:	Reading, writing, English language and grammar, geography, arithmetic, drawing, music, history, and constitution of United States, duties of citizenship, health (including CPR), physical education, and good behavior
Qualifications:	None
Notice:	A de facto part of the approval process
Recordkeeping:	None
Testing:	Not required by state law but may be a negotiated condition for approval

MICHIGAN

Home School Statute: MCLA § 380.1561 (3) (f), MCLA 380.156 (3) (a)

Compulsory School Age: Age of 6 to the child's 16th birthday

Michigan Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home education program	Operate a home school as a nonpublic school
Attendance:	None	None
Subjects:	Reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar	Must be ";comparable to those taught in the public schools"
Qualifications:	None	Teacher certification (unless claiming a religious exemption)
Notice:	None	Submit, to the department of education and the local superintendent, at start of each school year a statement of enrollment
Recordkeeping:	None	Maintain records of enrollment, courses of study, and qualifications of teachers (must be submitted to the Department of Education upon request)
Testing:	None	None

MINNESOTA

Home School Statute: Minnesota Statute Annotated § 120A.22

Compulsory School Age: "between 7 and 16 years of age"

Minnesota Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a qualified home school
Attendance:	None
Subjects:	Reading, writing, literature, fine arts, math, science, history, geography, government, health, and physical education
Qualifications:	None
Notice:	File a "Non-Public Education Compulsory Instructions Report" with the local superintendent by October 1 of each school
Recordkeeping:	If only teacher qualification is to be child's parent, submit a quarterly report to the local superintendent showing the achievement of each child in the required subjects
Testing:	Administer an annual standardized test as agreed to by the local superintendent

MISSISSIPPI

Home School Statute: Mississippi Code Annotated 37-13-91 (3) (c)

Compulsory School Age: "age of 6 on or before September 1... and has not attained the age of 17 on or before September 1"

Mississippi Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	Whatever "number of days that each [home] school shall require for promotion from grade to grade"
Subjects:	None
Qualifications:	None
Notice:	File a "certificate of enrollment" by September 15 of each school year to the district's attendance officer
Recordkeeping:	None
Testing:	None

MISSOURI

Home School Statute: Missouri Annotated Statute § 167.031.3

Compulsory School Age: "between the ages of 7 and 16 years"

Missouri Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Operate a home school
Attendance:	1,000 hours per year; at least 600 hours in the five required subjects; 400 of these 600 hours must occur at "the regular home school location"
Subjects:	Reading, math, social studies, language arts, and science
Qualifications:	None
Notice:	None required
Recordkeeping:	Maintain records of subjects taught, activities engaged in, samples of the child's academic work and evaluations or a credible equivalent, and a written log showing the hours required under "attendance"
Testing:	None

MONTANA

Home School Statute: Montana Code Annotated § 20-5-102 (2) (e)

Compulsory School Age: "7 years of age or older prior to the first day of school" and "the later of the following dates: the child's 16th birthday; the day of completion of the work of the 8th grade"

Montana Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	180 days per year, 4 hours per day for grades 1-3 and 6 hours per day for grades 4-12
Subjects:	Same "basic instructional program" as the public schools
Qualifications:	None
Notice:	File annual notice of intent with the county superintendent
Recordkeeping:	Maintain attendance and immunization records; must be available for inspection by county superintendent upon request
Testing:	None

NORTH CAROLINA

Home School Statute: Article 39 § 115C-541 through 11SC-565

Compulsory School Age: "between the ages of seven and 16 years"

North Carolina Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	At least nine calendar months per year, excluding reasonable holidays and vacations
Subjects:	None, but annual standardized tests must cover English grammar, reading, spelling, and mathematics
Qualifications:	High school diploma or GED
Notice:	File notice of intent with the state division of non-public education upon starting home school
Recordkeeping:	Maintain attendance and immunization records and results of standardized tests
Testing:	Administer an annual standardized test measuring achievement in English grammar, reading, spelling, and mathematics, the results of which must be available for inspection

NORTH DAKOTA

Home School Statute: North Dakota Code § 15.1-20-04

Compulsory School Age: "a child between the ages of seven and sixteen years."

North Dakota Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home school	Operate a home school as a county- and state-approved private school
Attendance:	175 days per year, four hours per day	Same as the public schools
Subjects:	English language arts, including reading, composition, creative writing, English grammar, and spelling, mathematics, social studies, including the United States Constitution, and United States history, geography, and government, science, including agriculture, physical education, health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics	English language arts, including reading, composition, creative writing, English grammar, and spelling, mathematics, social studies, including the United States Constitution, and United States history, geography, and government, science, including agriculture, physical education, health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics
Qualifications:	Possess either: 1) a teaching certificate, or 2) a baccalaureate degree, 3) a high school diploma or GED and be monitored by a certified teacher during first two years of home instruction; monitoring must continue thereafter if child scores below the 50th percentile on required standardized achievement test, or 4) proof of meeting or exceeding the cut-off score	Teacher certification

<p>Notice:</p>	<p>of the national teacher exam</p> <p>File annual notice of intent with the local superintendent 14 days prior to the start of the home school or within 14 days of establishing residency inside the district</p> <p>For Autistic Children: In addition to above, file a copy of the child's diagnosis from a licensed psychologist along with an individualized education program developed and followed by the child's school district and parent or by a team selected and compensated by the parent.</p>	<p>A de facto part of the approval process</p>
<p>Recordkeeping:</p>	<p>Maintain an annual record of courses and each child's academic progress assessments, including standardized achievement test results</p> <p>For Autistic Children: Also file with the local superintendent progress reports from an individualized education program team selected by the parent on or before November 1, February 1, and May 1 of each school year</p>	<p>None</p>
<p>Testing:</p>	<p>Take a standardized achievement test in grades 4, 6, 8 and 10; must be administered by a certified teacher; results must be provided to the local superintendent; a basic composite score below the 30th percentile requires a professional assessment for learning problems and submission of a plan of remediation to the local superintendent</p>	<p>None</p>

NEBRASKA

Home School Statute: None

Compulsory School Age: "not less than 7 nor more than 16 years of age"

Nebraska Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school as a private school
Attendance:	1,032 hours per year for elementary grades, 1,080 hours per year for high school grades
Subjects:	Language arts, math, science, social studies, and health
Qualifications:	None, unless the teacher is "employed" by the family
Notice:	File an annual notice of intent with the state commissioner of education by August 1 (or 30 days prior to the start of home school)
Recordkeeping:	None
Testing:	None

NEVADA

Home School Statute: Nevada Revises Statute Annotated § 392.070, 393.015, 393.025 (1)

Compulsory School Age: "between the ages of 7 and 17 years"

Nevada Legal Home Schooling Options: [1](#)

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	Equivalent of 180 days of instruction
Subjects:	Parents must provide the local school board with "satisfactory written evidence" that "the child is receiving at home . . . equivalent instruction of the kind and amount approved by the state board of education," including U.S. and Nevada constitutions
Qualifications:	Either: 1) teacher who possesses a Nevada teaching certificate for grade level taught, or 2) parent who consults with a licensed teacher or 3-year home school veteran, or 3) parent who uses an approved correspondence course, or 4) parent who possesses or qualifies for a teaching certificate in any state or has at least 1 year experience homeschooling in the U.S.
Notice:	File, with the local school board, annual "satisfactory written evidence" that the "child is receiving at home...equivalent instruction of the kind and amount approved by the state board of education"
Recordkeeping:	None
Testing:	None

NEW HAMPSHIRE

Home School Statute: New Hampshire Revised Statute Annotated § 193-A

Compulsory School Age: "at least 6 years of age [on September 30] and under 16 years of age"

New Hampshire Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Operate a home school
Attendance:	None
Subjects:	Science, mathematics, language, government, history, health, reading, writing, spelling, U.S. and New Hampshire constitutional history, and art and music appreciation
Qualifications:	None
Notice:	Within 30 days of withdrawing from public school or moving into the school district, file a notice of intent with a private school principal, the state commissioner of education, or the local superintendent. See <i>detailed analysis</i>
Recordkeeping:	Maintain a portfolio of records and materials including a log of reading materials used, samples of writings, worksheets, workbooks or creative materials used or developed by the child
Testing:	By July 1, file either: 1) results from a standardized test, or 2) results from a state student assessment test used by the local school district, or 3) a written evaluation by a certified teacher, or 4) results of another measure agreeable to the local school board

NEW JERSEY

Home School Statute: None

Compulsory School Age: "between the ages of six and 16 years"

New Jersey Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Operate a home school
Attendance:	None specified (180 days required for the public schools)
Subjects:	Must provide instruction academically equivalent to that in public schools
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

NEW MEXICO

Home School Statute: New Mexico Statute Annotated § 22-1-2 (v)

Compulsory School Age: "at least five years of age prior to 12:01am on September 1 of the school year" to the "age of majority" unless the person has graduated from high school; children under eight can be excused

New Mexico Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	Same school year length as local public schools
Subjects:	Reading, language arts, mathematics, social studies, and science
Qualifications:	High school diploma or equivalent
Notice:	File notice of intent with the state superintendent within 30 days of establishing the home school and by April 1 of each subsequent year
Recordkeeping:	Maintain immunization records
Testing:	None.

NEW YORK

Home School Statute: New York Education Law § 3204 (1), 3204 (2) New York Competency Code Rules and Regulations Title 8-S 100.10

Compulsory School Age: "a minor who becomes six years of age on or before the first of December in any school year...until the last day of session in the school year in which the minor becomes sixteen years of age" or completes high school

New York Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	Substantial equivalent of 180 days per year; 900 hours per year for grades 1-6; 990 hours per year for grades 7-12
Subjects:	Grades K-12: patriotism and citizenship, substance abuse, traffic safety, fire safety; Grades 1-6: arithmetic, reading, spelling, writing, English, geography, U.S. history, science, health, music, visual arts, and physical education; Grades 7-8: English, history and geography, science, mathematics, physical education, health, art, music, practical arts, and library skills; At least once in grades 1-8: U.S. and New York history and constitutions; Grades 9-12: English, social studies--including American history, participation in government, and economics, math, science, art or music, health, physical education, and electives
Qualifications:	"Competent" - A person is deemed to be competent if they follow the regulations.
Notice:	File annual notice of intent with the local superintendent by July 1 or within 14 days if starting home schooling mid-year; complete and submit an Individualized Home Instruction Plan (form provided by district)
Recordkeeping:	Maintain attendance records (must make available for inspection upon request of the local superintendent); file, with the local superintendent, quarterly reports listing the number of hours of instruction during quarter, description of material covered in each subject, and a grade or narrative evaluation in each subject
Testing:	File, with the local superintendent, an annual

assessment by June 30; must be from a standardized test every other year in grades 4-8, and every year in grades 9-12; the child should score above the 33rd percentile or their home instruction program could be placed on probation; other years can be satisfied by either another standardized test or a written narrative evaluation prepared by a certified teacher, a home instruction peer review panel, or other person chosen by the parent with the consent of the superintendent

OHIO

Home School Statute: Ohio Revises Code Annotated § 3321.04 (A)

Compulsory School Age: "between six and eighteen years of age"

Ohio Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home school	Establish a Non-Chartered school ("08 School")
Attendance:	900 hours per year	182 days per year for at least 5 hours each day, excluding recess
Subjects:	Language arts, geography, U.S. and Ohio history, government, math, health, physical education, fine arts, first aid and science	Language arts, geography, U.S. and Ohio history, government, math, science, health, physical education, fine arts (including music), first aid, safety, and fire prevention
Qualifications:	High school diploma, GED, test scores showing high school equivalence, or work under a person with a baccalaureate degree until child's test scores show proficiency or parent earns diploma or GED	Bachelor's Degree or equivalent from a recognized college or university
Notice:	Submit an annual notice of intent to the local superintendent	File annual "report" with Ohio Department of Education by September 30, and with treasurer of local board of education within first two weeks of school
Recordkeeping:	None	None
Testing:	Submit with renewal notification either: 1) standardized test scores, or 2) a written narrative showing satisfactory academic progress, or 3) an approved alternative assessment	

OKLAHOMA

Home School Statute: None

Compulsory School Age: "over age of five (5) years and under the age of eighteen (18) years"

Oklahoma Legal Home Schooling Options: 1

Legal Option:	Option: 1 Operate a home school as an "other means of education" expressed in the state constitution
Attendance:	180 Days
Subjects:	Reading, writing, math, science, citizenship, U.S. constitution, health, safety, physical education, conservation
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

OREGON

Home School Statute: Oregon Statute § 339.030 (1) (d) and 339.035;
Administrative Rules 581-021-0026 and 581-021-0029

Compulsory School Age: "between the ages of 7 and 18 years who have not completed the twelfth grade"

Oregon Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	None
Subjects:	None
Qualifications:	None
Notice:	Notify education service district in writing when child starts being taught at home; when moving, notify new district in same manner
Recordkeeping:	None
Testing:	Participate in an approved comprehensive test in grades 3, 5, 8, and 10 administered by "a qualified neutral person"; if child was withdrawn from public school, the first test must be administered at least 18 months after child was withdrawn; children with disabilities are to be evaluated as per their individualized education plan

PENNSYLVANIA

Home School Statute: Pennsylvania Statute Annotated Title 24 § 13-1327.1 (SB 134 December 1988)

Compulsory School Age: From time the child enters school, "which shall not be later than the age of eight (8) years, until the age of seventeen (17) years"

Pennsylvania Legal Home Schooling Options: 1 2 3

	Option: 1	Option: 2	Option: 3
Legal Option:	Establish and operate a home education program	Use a private tutor who: 1) is teaching one or more children who are members of a single family, 2) provides the majority of instruction, and 3) is receiving a fee or other consideration for the instruction	Establish and/or operate a home school as an extension or satellite of a day school operated by a church or other religious body
Attendance:	180 days per year or 900 hours at the elementary level or 990 hours at the secondary level	180 days per year or 900 hours at the elementary level or 990 hours at the secondary level	180 days per year or 900 hours at the elementary level or 990 hours at the secondary level
Subjects:	Elementary level: English spelling, reading, writing, arithmetic, U.S. and Pennsylvania history, civics, health and physiology, physical education, music, art, geography, science, safety and fire prevention Secondary level: English language, literature, speech and composition, science, geography, civics, world, U.S., and Pennsylvania history,	Elementary level: English spelling, reading, writing, arithmetic, science, geography, U.S. and Pennsylvania history, civics, safety and fire prevention, health and physiology, physical education, music, and art Secondary level: English language, literature, speech and composition, science, biology, chemistry, geography, social studies, civics, economics, world,	Elementary level: English spelling, reading, writing, arithmetic, science, geography, U.S. and Pennsylvania history, civics, safety and fire prevention, health and physiology, physical education, music, and art Secondary level: English language, literature, speech and composition, science, biology, chemistry, geography, social studies, civics, economics, world,

	algebra and geometry, art, music, physical education, health, safety, and fire prevention	U.S. and Pennsylvania history, a foreign language, general mathematics and statistics, algebra and geometry, art, music, physical education, health and physiology, safety and fire prevention	U.S. and Pennsylvania history, a foreign language, general mathematics and statistics, algebra and geometry, art, music, physical education, health and physiology, safety and fire prevention
Qualifications:	High school diploma or equivalent	Teacher certification	None
Notice:	File a notarized affidavit with the local superintendent prior to start of home school and annually by August 1st thereafter	File copy of certification and criminal history record with the local superintendent	School principal must file a notarized affidavit with the department of education
Recordkeeping:	Maintain a portfolio of materials used, work done, standardized test results in grades 3, 5, and 8, and a written evaluation completed by June 30 of each year	None	None
Testing:	Administer standardized tests in grades 3, 5, and 8; submit results as part of portfolio	None	None

RHODE ISLAND

Home School Statute: Rhode Island General Laws § 16-19-1

Compulsory School Age: "completed six (6) years of life on or before December 31 of any school year and not completed sixteen (16) years of life"

Rhode Island Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Operate a home school as approved by the local school board
Attendance:	"Substantially equal" to that of the public schools
Subjects:	Reading, writing, English, geography, arithmetic, U.S. History, Rhode Island history (in fourth grade), Rhode Island government (fourth grade and high school), Rhode Island constitution (high school), U.S. government and constitution (high school), health and physical education (grades one through 12, to average 20 minutes per school day)
Qualifications:	None
Notice:	A de facto part of the approval process
Recordkeeping:	Keep attendance record and submit to school committee if requested
Testing:	Annual assessment may be required. Preference of parent as to type of assessment must be honored

SOUTH CAROLINA

Home School Statute: South Carolina code § 59-65-40, 59-65-45, 59,67-47

Compulsory School Age: "five years of age before September first until . . . seventeenth birthday or" graduation from high school; five-year-olds may be excused from kindergarten with submission of written notice to the school district

South Carolina Legal Home Schooling Options: 1 2 3

	Option: 1	Option: 2	Option: 3
Legal Option:	Establish and operate a home school as approved by the local school board	Establish and operate a home school under the membership auspices of the South Carolina Association of Independent Home Schools (SCAIHS)	Establish and operate a home school under the membership auspices of an association for home schools with no fewer than fifty members
Attendance:	180 days per year, 4½ hours per day	180 days per year	180 days per year
Subjects:	Reading, writing, math, science, and social studies; also composition and literature in grades 7-12	Reading, writing, math, science, and social studies; also composition and literature in grades 7-12	Reading, writing, math, science, and social studies; also composition and literature in grades 7-12
Qualifications:	High school diploma or GED or a baccalaureate degree	High school diploma or GED	High school diploma or GED
Notice:	None	None	None
Recordkeeping:	Maintain evidence of regular instruction including a record of subjects taught, activities in which the student and parent engage, a portfolio of the child's work, and a record of academic evaluations, with a semiannual progress report	None required by statute; SCAIHS requires some recordkeeping	Maintain evidence of regular instruction including a record of subjects taught, activities in which the student and parent engage, and a portfolio of the child's work, with a semiannual progress report
Testing:	Participate in the	None required by	None

annual statewide
testing program and
the Basic Skills
Assessment Program

statute; SCAIHS has
certain testing
requirements

SOUTH DAKOTA

Home School Statute: None

Compulsory School Age: "six years old by the first day of September and who has not exceeded the age of sixteen years"; children under age 7 can be excused

South Dakota Legal Home Schooling Options: 1

Legal Option:	Option: 1
Attendance:	Operate a home school
Subjects:	Equivalent to that of the public schools; generally a "nine-month regular term"
Qualifications:	Language arts and math
Notice:	None
Recordkeeping:	Submit a notarized application to the local superintendent using the form provided by state department of education. If submitting an application for first time, include certified copy of child's birth certificate or affidavit notarized or witnessed by two or more witnesses, swearing that the child identified on the request for excuse is the same person appearing on the child's birth certificate.
Testing:	Must keep copy of child's birth certificate on file at home.
	Administer a standardized test to children in grades 2, 4, 8, and 11. Results must show satisfactory progress.

TENNESSEE

Home School Statute: § 49-6-3050, 49-50-801

Compulsory School Age: "between the ages of six (6) and seventeen (17) years, both inclusive"; also applicable to children under age 6 who have enrolled in any public, private, or parochial school for more than six weeks; a parent of a six-year-old may make application for a one-semester or one-year deferral with the principal of the public school in which the child would be required to attend

Tennessee Legal Home Schooling Options: <u>1</u> <u>2</u> <u>3</u>			
	Option: 1	Option: 2	Option: 3
Legal Option:	Establish and operate a home school	Establish and operate a home school in association with a church-related school	Operate as a satellite campus of a church-related school
Attendance:	180 days per year, 4 hours per day	As prescribed by the church-related school	As prescribed by the church-related school
Subjects:	For grades K-8: None For grades 9-12: Either college preparatory courses---those required for admission to state-operated four-year colleges, OR general studies courses---those required by the state board of education for high school graduation.	As prescribed by the church-related school	As prescribed by the church-related school
Qualifications:	For grades K-8: High school diploma or GED For grades 9-12: College degree (or an exemption granted by the commissioner of education)	For grades K-8: None For grades 9-12: High school diploma or GED	None
Notice:	Submit a notice of intent to the local superintendent by August 1 of each school year	For grades K-8: None For grades 9-12: Register with the local school district each year	None
Recordkeeping:	Maintain attendance records; must be kept available for inspection and	None	None

submitted to the local
superintendent at the end of
the school year

Testing:	Administer a standardized test in grades 5, 7, and 9; must be given by commissioner of education, his designee, or a professional testing service approved by the local school district	Administer the same annual standardized achievement test or Sanders Model assessment used by the local school district for grades 9-12	As prescribed by the church-related school
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TEXAS

Home School Statute: None

Compulsory School Age: "a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 18th birthday."

Texas Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school as a private school
Attendance:	None
Subjects:	Reading, spelling, grammar, math, good citizenship
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

UTAH

Home School Statute: Utah Code Annotated § 53 A-11-102 (1) (b) (ii)

Compulsory School Age: "a child who has reached the age of six years but has not reached the age of eighteen years..."

Utah Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home school as approved by the local school board	Establish a group of home school families as a regular private school
Attendance:	Same as the public schools	None
Subjects:	Language arts, math, science, social studies, arts, health, computer literacy, and vocational education	None
Qualifications:	None specified; however, the local school board can consider the basic educative ability of the teacher	None
Notice:	A de facto part of the approval process	None
Recordkeeping:	None	None
Testing:	None	None

VERMONT

Home School Statute: Vermont Statute Annotated Title 16 § 11 (21)

Compulsory School Age: "between the ages of six and 16 years"; children attending a post-secondary school (approved or accredited by Vermont or another state) are exempt

Vermont Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	None. 175 days per year required for public schools
Subjects:	Reading, writing, math, citizenship, history, U.S. and Vermont government, physical education, health, English, American, and other literature, science, and fine arts
Qualifications:	None
Notice:	File a written notice of enrollment with the commissioner of education any time after March 1 for the subsequent year
Recordkeeping:	None
Testing:	Submit an annual assessment from: 1) a certified (or approved Vermont independent school) teacher, or 2) a report from a commercial curriculum publisher together with a portfolio, or 3) results of an acceptably administered standardized test

VIRGINIA

Home School Statute: Virginia Code Annotated 22.1-254.1

Compulsory School Age: "have reached the fifth birthday on or before... September 30...and who has not passed the eighteenth birthday; 5 year-olds can be excused

Virginia Legal Home Schooling Options: <u>1</u> <u>2</u> <u>3</u>			
	Option: 1	Option: 2	Option: 3
Legal Option:	Operate a home school	Operate a home school under the religious exemption statute	Use a private tutor
Attendance:	None	None	None
Subjects:	If operating under teacher qualification #4, math and language arts; for all others, none	None	None
Qualifications:	Either: 1) possess a baccalaureate degree, or 2) be a certified teacher, or 3) use an approved correspondence course, or 4) submit evidence parent can teach and use curriculum that includes state objectives for language arts and math	None	Teacher certification
Notice:	File an annual notice of intent with local Superintendent by August 15; if starting or moving into the state after school year has begun, file notice as soon as practicable and comply with applicable requirements within 30 days of such notice	File request to acknowledge religious exemption with the local school board chairman	Send letter to local superintendent asking him to recognize that parent (tutor) has the qualifications prescribed by the state Board of Education (i.e. teacher certificate)
Recordkeeping:	None	None	None
Testing:	Administer a standardized test or have child otherwise evaluated every year (for those six years or	None	None

older on September 30 of
the school year); submit
results to local
superintendent by August
1

WASHINGTON

Home School Statute: Washington Revised Code Annotated § 28A.225.010 and 8A. 200.010

Compulsory School Age: "eight years of age and under eighteen years of age"

Washington Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Establish and operate a home school	Operate under an extension program of an approved private school designed for parents to teach their children at home
Attendance:	180 days or in grades 1-12 "an annual average total instructional hour offering of one thousand hours."	180 days or in grades 1-12 "an annual average total instructional hour offering of one thousand hours."
Subjects:	Occupational education, science, math, language, social studies, history, health, reading, writing, spelling, music and art appreciation	Occupational education, science, math, language, social studies, history, health, reading, writing, spelling, music and art appreciation
Qualifications:	Either: 1) be supervised by a certified teacher, or 2) have 45 college quarter credit hours or completed a course in home education, or 3) be deemed qualified by the local superintendent	Must be under the supervision of a certified teacher employed by the approved private school
Notice:	File an annual notice of intent with the local (or applicable nonresident) superintendent by September 15 or within two weeks of the start of any public school quarter	None
Recordkeeping:	Maintain standardized test scores, academic progress assessments, and immunization records	None

Testing:

Annually administer and retain a state approved standardized test by a qualified person or have the child evaluated by a certified teacher currently working in the field of education

Progress must be evaluated by a certified teacher employed by the approved private school

WEST VIRGINIA

Home School Statute: West Virginia Code § 18-8-1 © Notice and Approval

Compulsory School Age: "compulsory school attendance shall begin with the school year in which the sixth birthday is reached prior to the first day of September of such year or upon enrolling in a publicly supported kindergarten program and continue to the sixteenth birthday"

West Virginia Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Seek local school board approval to operate a home school	Operate a home school
Attendance:	Same as the public schools; generally 180 days per year	None
Subjects:	As required by board	None, but must be assessed in areas of: reading, language, mathematics, science and social studies.
Qualifications:	Be deemed qualified to teach by the local superintendent and school board	High school diploma
Notice:	A de facto part of the approval process	File a notice of intent with the local superintendent two weeks prior to starting to home school
Recordkeeping:	As prescribed during the approval process	None
Testing:	As prescribed during the approval process	Annually, either: 1) administer a standardized test, or 2) have certified teacher evaluate portfolio of work, 3) assess progress by other means agreeable to superintendent, or 4) participate in state testing program.

WISCONSIN

Home School Statute: Wisconsin Statute Annotated § 118.15.(4), § 118.165 (1)

Compulsory School Age: "between the ages of 6 [by September 1] and 18 years"

Wisconsin Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a "home-based private educational program"
Attendance:	Must provide "at least 875 hours of instruction each year"
Subjects:	Must provide "a sequentially progressive curriculum of fundamental instruction" in reading, language arts, math, social studies, science, and health; such curriculum need not "conflict with the program's religious doctrines"
Qualifications:	None
Notice:	File a statement of enrollment with the state department of education by October 15 each year
Recordkeeping:	None
Testing:	None

WYOMING

Home School Statute: Wyoming Statute § 21-4-101-102

Compulsory School Age: "whose seventh birthday falls before September 15 of any year and who has not yet attained his sixteenth birthday or completed the tenth grade..."

Wyoming Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school
Attendance:	175 days per year
Subjects:	A "basic academic educational program" that provides a "sequentially progressive curriculum of fundamental instruction in reading, writing, math, civics, history, literature, and science"
Qualifications:	None
Notice:	Annually submit to the local school board a curriculum showing that a "basic academic educational program" is being provided
Recordkeeping:	None
Testing:	None

U.S. Territories

AMERICAN SAMOA

Home School Statute: None

Compulsory School Age: "between 6 and 18 years of age inclusive, or from grade one through grade twelve"

American Samoa Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Request department of education authorization to operate a private school
Attendance:	Same as the public schools
Subjects:	A curriculum that is approved as being "in the interest of good citizenship" by the director of education
Qualifications:	Teacher certification
Notice:	A de facto part of the authorization process
Recordkeeping:	Maintain permanent report cards; submit monthly enrollment reports and an annual report to the department of education
Testing:	None

GUAM

Home School Statute: None

Compulsory School Age: "between the ages of 5 and 16 years"

Guam Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Provide private instruction "by a private tutor or other person"
Attendance:	170 days per year
Subjects:	Same as the public schools and in the English language
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

NORTHERN MARIANA ISLAND

Home School Statute: Northern Mariana Island Code § 3-1141

Compulsory School Age: "between the ages of six and sixteen"

Northern Mariana Islands Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Seek approval to operate a home school	Seek approval to operate a home school as an chartered non-public school
Attendance:	180 days per year with at least "300 minutes of secular instruction daily"	180 days per year with at least "300 minutes of secular instruction daily"
Subjects:	Same as the public schools	As prescribed by the board in issuing a charter
Qualifications:	None	None
Notice:	Submit a waiver application to the commissioner at least 60 days prior to start of school year	Submit to the board of education an application for a charter
Recordkeeping:	Submit to the commissioner monthly, quarterly, and annual reports on program progress	As prescribed by the board in issuing a charter
Testing:	None	None

PUERTO RICO

Home School Statute: None

Compulsory School Age: "between six and eighteen years of age"

Puerto Rico Legal Home Schooling Options: 1

	Option: 1
Legal Option:	Establish and operate a home school as a non-governmental school
Attendance:	Same as the public schools
Subjects:	Same as the public schools
Qualifications:	None
Notice:	None
Recordkeeping:	None
Testing:	None

VIRGIN ISLANDS

Home School Statute: None

Compulsory School Age: "beginning of the school year nearest [child's] fifth birthday . . . until the expiration of the school year nearest [child's] sixteenth birthday," except those who graduate from high school earlier

Virgin Islands Legal Home Schooling Options: 1 2

	Option: 1	Option: 2
Legal Option:	Seek commissioner of education approval to establish and operate a home school	Apply for accreditation to operate a home school as a private school
Attendance:	As prescribed during the approval process	As prescribed during the accreditation process
Subjects:	As prescribed during the approval process	As prescribed during the accreditation process
Qualifications:	As prescribed during the approval process	As prescribed during the accreditation process
Notice:	A de facto part of the approval process	A de facto part of the accreditation process
Recordkeeping:	As prescribed during the approval process	As prescribed during the accreditation process
Testing:	As prescribed during the approval process	As prescribed during the accreditation process

APPENDIX B

State Laws Governing Participation of Home Schooled Students in Public School Activities

Arizona

Home instructed students are allowed to participate in the public schools' interscholastic activities (*Arizona Revised Statutes* § 01 15-802).

Colorado

Children participating in a non-public, home-based education program are allowed equal access to the public school extracurricular and interscholastic activities (*Colorado Revised Statutes* § 22-33-104.5-6).

Florida

Home-educated students are eligible to participate in the public schools' interscholastic, curricular and extracurricular activities (*Florida Statutes* § 232.425).

Idaho

Nonpublic school students are allowed to dual enroll in public school to participate in nonacademic activities (*Idaho Code* § 33-203).

Illinois

Nonpublic school students may request to enroll part-time in public schools (*Illinois Compiled Statutes* § 5/10-20.24).

Iowa

Students receiving "competent public instruction" may dual enroll with the public school to participate in any academic, instructional, or extracurricular activities offered by the school district (*Iowa Code* § 256.46, 299A, *Iowa Administrative Code* § 281-31.5).

Maine

Students receiving home instruction may enroll in any specific classes at the appropriate public school. This includes all academic, co-curricular, and extracurricular activities, as well as special education services (*Maine Revised Statutes* 20-A § 5021).

Minnesota

School districts “shall allow all resident pupils receiving instruction in a home school ...to be eligible to fully participate in extracurricular activities on the same basis as public school students” (*Minnesota Statutes Annotated*, 123B.49, Subd. 4(a).

Nebraska

Schools not approved or accredited by the Nebraska Department of Education are not “entitled to any benefits privileges, or services accorded or provided to approved or accredited schools by the department.” (*Nebraska Administrative Code*, Title 92, 13 § 001.02).

New Hampshire

Home-educated students are eligible to attend public school curricular courses subject to local board policy (*New Hampshire Revised Statutes* § 193:1-a, II). Resident school districts are to “work with parents upon request” to meet statutory requirements (*New Hampshire Revised Statutes* annotated § 193A: 4, II).

North Dakota

A child receiving home education may participate in extracurricular activities either under the auspices of the child's school district of residence or under the auspices of an approved nonpublic school, if permitted by the administrator of the school. A home schooled student is subject to the same standards for participation as required of full-time students at these schools (*North Dakota Century Code* § 15.1-23-16).

Oregon

School districts must allow home schooled students access to public school interscholastic activities (*Oregon Revised Statutes* § 339.460).

Pennsylvania

Any pupil participating in a home education program under section 1327.1 shall be entitled to participate in any extra curricular activities conducted by the local school district, which are appropriate to the age of the pupil (P.L. 30, No 14).

South Dakota

If the school board or governing body of an accredited school approves, a student receiving alternative instruction is eligible to participate in any interscholastic activity sponsored by the South Dakota High School Activities Association (*South Dakota Codified Laws* § 13-36-7).

Utah

Home educated students are eligible to participate in public school extracurricular activities, *State Board of Education Regulation R277-438-4*, and in any academic activity in the public school available to students in their grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity (*Utah Code* § 53A-11-102.5).

Vermont

School boards are required to adopt rules to integrate home study students into school courses, (co-curricular and extracurricular) and use of facilities. *Vermont Statutes Annotated* 16 § 563(24). School boards must follow Vermont Department of Education guidelines found in (*Code of Vermont Rules* 22-000-009, Sec. 4401-4405).

Washington

School districts must permit enrollment of and provide ancillary services for part-time students enrolled in home-based education programs (*Washington Revised Code* § 28A.150.350).

Notes

States not mentioned in this appendix do not have statutory law that addresses the issue of access for non-public school students. In states without laws addressing this situation, it is generally up to the individual school and school districts to determine whether or not to allow home schooled students access to public school sponsored activities.

Most states have private associations that have adopted bylaws for governing the participation of home schooled students in public school interscholastic activities. In

most cases these bylaws do not permit schools to allow a student's participation in these activities unless the student is enrolled full time in the school he or she represents.⁴⁴³

⁴⁴³ The Home School Court Report. "Home schooling news from across the states." (Home School Legal Defense Association, 1999) Retrieved February 28, 2002 from <http://www.hslda.org/courtreport/v15n2/v15n2va.asp>. (1999, March/April).

APPENDIX C

Letter to Superintendent Describing the Study

Dear Superintendent:

During the 2004-05 academic year, researchers from Virginia Tech will be conducting a study titled "Comparing and Contrasting Local School Board Policies that Govern Access to Public School Programs and Activities by Home Schooled Students in Virginia." The purposes of this study are as follows:

1. To analyze Virginia school district's policies on access for home school students to public school classes and participation in extracurricular activities to determine if there is a need as well as a desire among school districts to have a state statute to govern this issue.
2. To ascertain the patterns or practices in Virginia public school districts that currently allow home school students access to public school classes or to participate in public school sponsored extracurricular activities.

This study will be conducted in two phases. The first phase will involve analyzing the school board policies of Virginia's 132 operational school districts that govern home schooling and more importantly access for home schooled students to public school classes and extracurricular activities. Analysis of the data from phase one will be used to identify school districts that will be asked to participate in phase two of the study. Phase two of the study will involve personal interviews being conducted with the district's school board chairman, superintendent, and home school coordinator, as well as a review of any pertinent school board or school district documents relating to the issue of access to public school classes and extracurricular activities. Data obtained from your school district, and data collected from other school districts in Virginia, will be used to write a case study as part of a dissertation prepared by and presented to Virginia Polytechnic Institute and State University as a component of the graduate program. A copy of the dissertation or the results of the study will be made available upon request.

The following safeguards will be in place in order to maintain the anonymity and confidentiality of all study participants:

1. The name of your school district will not be used at any point in the written report. All interview participants and school districts will be given a pseudonym that will be used in all verbal and written records and in the final document.
2. Your participation in this research is voluntary; you have the right to withdraw from the study at any point, for any reason, without any prejudices, and all information collected and all records and reports containing responses from your school district will be turned over to you.
3. Upon request, you will receive a copy of the research prior to it being handed in, so that you have the opportunity to suggest changes or corrections, if necessary.

The purpose of this letter is to inform you of this study and to ask you to identify your school district's home school coordinator so that he or she may be contacted to request a copy of your school district's home school policy and any subsequent policies dealing with the issue of access for home schooled students. This letter is also intended to inform you of the possibility that you, your district's school board chairman, as well as your district's home school coordinator may be asked to participate in phase two of this study. Please respond to the questions below as well as complete the information regarding your district's home school coordinator and return the letter to me in the enclosed, self addressed stamped envelope.

What is the total student population of your school district? _____

How many home schooled students are registered in your school district? _____

Please provide contact information for the home school coordinator for your school district.

Name: _____ School District: _____

Phone number: _____ Email address: _____

Please provide the email addresses of the following people:

District School Board Chairman:

District Superintendent:

Study participants are encouraged to ask questions at any time about the nature of the study and the methods used. Participants' suggestions and concerns are important to the researchers. If you have any questions related to the study, or wish to report problems regarding the conduct of the study, you may contact the following individuals:

Researcher: B. Keith Rowland
rowlandk@vt.edu
6815 Sahalee Circle
Radford, Va. 24141
(540) 731-0354

Faculty Advisor: Jennifer Sughrue, PhD
jsugh@vt.edu
Assistant Professor
Educational Leadership and Policy Studies
Virginia Tech
213 E. Eggleston Hall (0302)
Blacksburg, VA 24073
(540) 231-9707

IRB Chair: David Moore
moored@vt.edu
Chair – Institutional Review Board for the Protection of Human
Subjects
Virginia Tech
(540) 231-4991

APPENDIX D

Letter to Home School Coordinator Requesting a Copy of the

District's Home School and Access for Home Schoolers Policy

Dear Home School Coordinator:

Researchers from Virginia Tech will be conducting a study during the 2004-05 academic school year titled "Comparing and Contrasting Local School Board Policies that Govern Access to Public School Programs and Activities by Home Schooled Students in Virginia." The purposes of this study are as follows:

1. To analyze Virginia school district's policies on access for home school students to public school classes and participation in extracurricular activities to determine if there is a need as well as a desire among school districts to have a state statute to govern this issue.
2. To ascertain the patterns or practices in Virginia public school districts that currently allow home school students access to public school classes or to participate in public school sponsored extracurricular activities.

This research study will be conducted in two phases. Phase one will involve collecting and analyzing each of Virginia's school district's policies on home schooling as well their policies governing the issue of access to public school classes and participation in extracurricular activities by home school students.

If you would, please forward a copy of your district's home school policy including any sections that deal specifically with the issue of access for home schooled students. You can send this information either electronically at krowland@rcps.org or by mail to the following address:

B. Keith Rowland
6815 Sahalee Circle
Radford, VA 24141

Data obtained from your school district, and data gained from other school districts in Virginia, will be used to write a case study as part of a dissertation prepared by and presented to Virginia Polytechnic Institute and State University as a component of the graduate program. A copy of the dissertation or the results of the study will be made available upon request.

The following safeguards will be in place in order to maintain the anonymity and confidentiality of all study participants:

1. The name of your school district will not be used at any point in the written report. You and your school district will be given a pseudonym that will be used in all verbal and written records and in the final document.
2. Your participation in this research is voluntary; you have the right to withdrawal from the study at any point, for any reason, and without any prejudices, and all information collected and all records and reports containing responses from your school district will be turned over to you.
3. Upon request, you will receive a copy of the research prior to it being handed in, so that you have the opportunity to suggest changes or corrections, if necessary.

Study participants are encouraged to ask questions at any time about the nature of the study and the methods used. Participants' suggestions and concerns are important to the researchers. If you have any questions or concerns related to the study, or wish to report problems regarding the conduct of the study, you may contact the following individuals:

Researcher: B. Keith Rowland
rowlandk@vt.edu
6815 Sahalee Circle
Radford, Va. 24141
(540) 731-0354

Faculty Advisor: Jennifer Sughrue, PhD
jsugh@vt.edu
Assistant Professor
Educational Leadership and Policy Studies
Virginia Tech
213 E. Eggleston Hall (0302)
Blacksburg, VA 24073
(540) 231-9707

IRB Chair: David Moore
moored@vt.edu
Chair – Institutional Review Board for the Protection of Human Subjects
Virginia Tech
(540) 231-4991

APPENDIX E

Matrix for Phase I Data Analysis

Initial Factors

School District	District's Home School Supervisor's Willingness to Participate	Supt's Willingness to Participate	School Board Chairperson's Willingness to Participate	Supt's Assigned Region	Total Student Population	Number of Registered Home Schooled Students in the district	School board policy permits home schoolers access to public school classes and extracurricular activities	School board policy denies home schoolers access to public school classes and extracurricular activities
School District A								
School District B								
School District C								
School District D								

Phase I Data Analysis

School District	A	B	C	D
Date of Policy Adoption				
Permits Or Denies home schooled students to have access to public school classes				
Permits or Denies home schooled students to have access to public school sponsored extracurricular activities				
Permits or Denies home school students to have access to other public school sponsored activities				
Awards or does not award high school credit for home school classes				
Policy on home schoolers reentering public school at the high school level				
Policy on home schoolers reentering public school at the middle school level				
Policy on home schoolers reentering public school at the elementary school level				

APPENDIX E

Phase I Data Analysis

School District	Date of Policy Adoption	Permits or Denies home schooled students to have access to public school classes	Permits or Denies home schooled students to have access to public school sponsored extracurricular activities	Permits or Denies home school students to have access to other public school sponsored activities	Awards or does not award high school credit for home school classes	Policy on home schoolers reentering public school at the high school level	Policy on home schoolers reentering public school at the middle school level	Policy on home schoolers reentering public school at the elementary school level
School District A								
School District B								
School District C								
School District D								

APPENDIX F

Letter of Explanation of Phase II of the Study and Asking for Participation and Review of the Documents

Date _____

School Division _____
Address _____

Dear School Board Chairman,

I am currently a doctoral student at Virginia Tech in Educational Leadership and Policy Studies. Under the guidance of Drs. Jennifer Sughrue and M. David Alexander, I am initiating the process of collecting data for my dissertation research and am requesting your assistance. My study will analyze Virginia school district's policies on access for home school students to public school classes and participation in extracurricular activities to determine if there is a need as well as a desire among school districts to have a state statute to govern this issue. Although this is primarily a policy study, I am interested in visiting schools in which access by home schooled students is permitted, as well as schools where access is not permitted in order to interview the school board, school superintendent, and home school coordinator. The purpose of these interviews will be to acquire information regarding how their school district's policy was initiated, when the policy was adopted, how has the policy been beneficial, and their perceptions regarding the effectiveness of a local policy versus a state statute to govern the issue of access for home schooled students to public school classes and extracurricular activities.

Please respond to the questions below and return your responses to electronically:

Would you be willing to participate in a 45-60 minute interview? _____ Yes _____ No

Will you permit the researchers to review pertinent documents that deal specifically with the issue of access to public school classes and extracurricular activities by home schooled students? These documents may include minutes from school board meetings where the issue of access was discussed, written requests made by home schooling parents for access to public school classes or extracurricular activities, and written responses from school officials to home school parents that address these requests for access?

Yes _____ No _____

In order to initiate this study, I am contacting those individual who have met the initial criteria for participation, to determine if they would be willing to be interviewed. The interview will last approximately 45-60 minutes and can be conducted either by phone or through a personal visit.

During the week of October 18, 2004, I will email you a short inquiry asking you to provide me with three potential dates and times that would be convenient for me to conduct these interviews. The email will arrive under my name, Keith Rowland, and my email address, krowland@rcps.org. Once I receive your response, I will confirm the date and time with you via email.

Thank you in advance for your willingness to participate in this study. I look forward to talking with you and your school board chairperson in the near future. Please advise me at the time of interview if you are interested in seeing the results of this study. I would be happy to share them once I have defended my dissertation.

Sincerely,

B. Keith Rowland
Director of Elementary Education
Radford City Schools
Doctoral Candidate

Jennifer Sughrue, Ph.D.
Assistant Professor
Doctoral Advisor

M. David Alexander
Professor
Doctoral Advisor

Date

School Division
Address

Dear Superintendent,

I am currently a doctoral student at Virginia Tech in Educational Leadership and Policy Studies. Under the guidance of Drs. Jennifer Sughrue and M. David Alexander, I am initiating the process of collecting data for my dissertation research and am requesting your assistance. My study will analyze Virginia school district's policies on access for home school students to public school classes and participation in extracurricular activities to determine if there is a need as well as a desire among school districts to have a state statute to govern this issue. Although this is primarily a policy study, I am interested in visiting schools in which access by home schooled students is permitted, as well as schools where access is not permitted in order to interview the school board, school superintendent, and home school coordinator. The purpose of these interviews will be to acquire information regarding how their school district's policy was initiated, when the policy was adopted, how the policy has been beneficial, and their perceptions regarding the effectiveness of a local policy versus a state statute to govern the issue of access for home schooled students to public school classes and extracurricular activities.

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Yes _____ No _____

In order to initiate this study, I am contacting those individual who have met the initial criteria for participation, to determine if they would be willing to be interviewed. The interview will last approximately 45-60 minutes and can be conducted either by phone or through a personal visit.

During the week of October 18, 2004, I will email you a short inquiry asking you to provide me with three potential dates and times that would be convenient for me to conduct these interviews. The email will arrive under my name, Keith Rowland, and my

email address, krowland@rcps.org. Once I receive your response, I will confirm the date and time with you via email.

Thank you in advance for your willingness to participate in this study. I look forward to talking with you and your school board chairperson in the near future. Please advise me at the time of interview if you are interested in seeing the results of this study. I would be happy to share them once I have defended my dissertation.

Sincerely,

B. Keith Rowland
Director of Elementary Education
Radford City Schools
Doctoral Candidate

Jennifer Sughrue, Ph.D.
Assistant Professor
Doctoral Advisor

M. David Alexander
Professor
Doctoral Advisor

Date
School Division
Address

Dear Home School Coordinator,

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Please respond to the questions below and return your responses to electronically:

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Yes _____ No _____

In order to initiate this study, I am contacting those individual who have met the initial criteria for participation, to determine if they would be willing to be interviewed. The interview will last approximately 45-60 minutes and can be conducted either by phone or through a personal visit.

During the week of October 18, 2004, I will email you a short inquiry asking you to provide me with three potential dates and times that would be convenient for me to conduct these interviews. The email will arrive under my name, Keith Rowland, and my

email address, krowland@rcps.org. Once I receive your response, I will confirm the date and time with you via email.

Thank you in advance for your willingness to participate in this study. I look forward to talking with you and your school board chairperson in the near future. Please advise me at the time of interview if you are interested in seeing the results of this study. I would be happy to share them once I have defended my dissertation.

Sincerely,

B. Keith Rowland
Director of Elementary Education
Radford City Schools
Doctoral Candidate

Jennifer Sughrue, Ph.D.
Assistant Professor
Doctoral Advisor

M. David Alexander
Professor
Doctoral Advisor

APPENDIX G

Request for Expedited Approval of Research Involving Human Subjects

[please print or type responses below]

Principal Investigator (Faculty or Faculty Advisor and primary contact): B. Keith Rowland

Co-Investigators(Faculty or Student) Dr. Jennifer Sughrue and Dr. M. David Alexander

Department(s): Educational Leadership Mail Code: _____ E-mail: rowlandk@vt.edu Phone (540) 731-0354

Project Title: Comparing and Contrasting Local School Board Policies that Govern Access to Public School Programs and Activities by Home Schooled Students in Virginia # of Human Subjects 10 – Home School Coordinators, 10-District Superintendents, 10-School Board Chairman

Source of Funding Support: _____ Departmental Research _____ Sponsored Research (OSP No.: _____)

X All investigators of this project are qualified through completion of the formal training program or web-based training programs provided by the Virginia Tech Office of Research Compliance.

Note: To qualify for Expedited Approval, the research activities must: (a) present not more than minimal risk to the subjects, (b) not involve any of the special classes of subjects, except children as noted, and (c) involve only procedures listed in one or more of the following categories. The full description may be found in the Expedited Review section of the Virginia Tech “*IRB Protocol Submission Instructions Document*” or 45 CFR 46.110 (<http://ohrp.osophs.dhhs.gov/humansubjects/guidance/45cfr46.htm#46.110>)

Please mark/check the appropriate category below which qualifies the project for expedited review:

- ☐ 1. Clinical studies of drugs and medical devices when proscribed conditions are met [see item (1), page 8 of the “Instructions” document].
- ☐ 2. Collection of blood samples by finger, heel or ear stick, or venipuncture subject to proscribed limitations [see item (2), page 9 of the “Instructions” document].
- ☐ 3. Prospective collection of biological specimens for research purposes by noninvasive means. Examples: hair and nail clippings, deciduous teeth, permanent teeth, excreta and external secretions, uncannulated saliva, placenta, amniotic fluid, dental plaque, muscosal and skin cells and sputum [see item (3), page 9 of the “Instructions” document].
- ☐ 4. Collection of data through noninvasive procedures routinely employed in clinical practice, excluding procedures involving x-rays or microwaves [see item (4), page 9 of the “Instructions”].
- ☐ 5. Research involving materials (data, documents, records or specimens) that have been collected or will be collected solely for non-research purposes (such as medical treatment or diagnosis [see item (5), page 10 of the “Instructions” document].
- ☒ 6. Collection of data from voice, video, digital, or image recordings made for research purposes [see item (6), page 10 of the “Instructions” document].
- ☐ 7. Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language communication, cultural beliefs or practices, social behavior), or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies [see item (7), page 10 of the “Instructions” document].

Investigator(s)	B. Keith Rowland Print Name	Date
Departmental Reviewer	Print Name	Date
Chair, Institutional Review Board		Date

This project is approved for _____ months from the approval date of the IRB Chair.

APPENDIX H

Email Letter Used to Schedule Interview Times

E-mail inquiry

Dear District Superintendent,

In an earlier letter, you indicated a willingness to participate in a research study from Virginia Tech titled "Comparing and Contrasting Local School Board Policies that Govern Access to Public School Programs and Activities by Home Schooled Students in Virginia. As previously described, this study is being conducted in two phases. The first phase, which has already begun, involves analyzing the school board policies of Virginia's 132 operational school districts that govern home schooling and more importantly access for home schooled students to public school classes and extracurricular activities. Analysis of the data from phase one was used to identify school districts that are being asked to participate in phase two of the study.

Phase two of the study, involves conducting personal interviews with the district's school board chairman, superintendent, and home school coordinator, as well as reviewing any pertinent school board or school district documents relating to the issue of access to public school classes and extracurricular activities. Data obtained from your school district, and data collected from other school districts in Virginia, will be used to write a case study as part of a dissertation prepared by and presented to Virginia Polytechnic Institute and State University as a component of the graduate program. A copy of the dissertation or the results of the study will be made available upon request.

This email is designed to schedule a convenient time for me to visit your school district to conduct these interviews in order to acquire information regarding the personal experiences and opinions from selected individuals regarding this topic. At this time, I would also like to review any pertinent school board or school district documents relating to the issue of access by home schoolers to public school classes and extracurricular activities. These documents may include school board minutes where the issue of access was discussed, written requests for access by home schooled students, and written responses made by school officials to parents requesting access to public school classes and extracurricular activities.

Below I have provided a list of potential dates and times for this interview. Responding to this email should take no longer than two minutes. Simply hit the reply button, answer the questions, and hit send. Once this information is received, you will be contacted to confirm the date and time of the visit.

How would you prefer to be interviewed: _____ by telephone _____ in person?

Please select three dates:

<input type="checkbox"/> Monday, November 8	<input type="checkbox"/> Monday, November 15
<input type="checkbox"/> Tuesday, November 9	<input type="checkbox"/> Tuesday, November 16
<input type="checkbox"/> Wednesday, November 10	<input type="checkbox"/> Wednesday, November 17
<input type="checkbox"/> Thursday, November 11	<input type="checkbox"/> Thursday, November 18
<input type="checkbox"/> Friday, November 12	<input type="checkbox"/> Friday, November 19

List other, more convenient dates:

Please select three times to conduct these interviews.

<input type="checkbox"/> 9:00 a.m.	<input type="checkbox"/> 9:30 a.m.	<input type="checkbox"/> 10:00 a.m.	<input type="checkbox"/> 10:30 a.m.
<input type="checkbox"/> 11:00 a.m.	<input type="checkbox"/> 11:30 a.m.	<input type="checkbox"/> 1:00 p.m.	<input type="checkbox"/> 1:30 p.m.
<input type="checkbox"/> 2:00 p.m.	<input type="checkbox"/> 2:30 p.m.	<input type="checkbox"/> 3:00 p.m.	<input type="checkbox"/> 3:30 p.m.
<input type="checkbox"/> 4:00 p.m.	<input type="checkbox"/> 4:30 p.m.	<input type="checkbox"/> 5:00 p.m.	<input type="checkbox"/> 5:30 p.m.
<input type="checkbox"/> 6:00 p.m.	<input type="checkbox"/> 6:30 p.m.	<input type="checkbox"/> 7:00 p.m.	<input type="checkbox"/> 7:30 p.m.

List other, more convenient times:

Thank you again, for agreeing to participate in this interview.

Sincerely,

B. Keith Rowland
Director of Elementary Education
Radford High School
Doctoral Candidate

Jennifer Sughrue, Ph.D.
Associate Professor
Doctoral Advisor
Virginia Tech

M. David Alexander
Professor
Doctoral Advisor

E-mail inquiry

Dear School Board Chairman,

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Please select three dates:

<input type="checkbox"/> Monday, November 8	<input type="checkbox"/> Monday, November 15
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<input type="checkbox"/> Friday, November 12	<input type="checkbox"/> Friday, November 19

List other, more convenient dates:

Please select three times to conduct these interviews.

<input type="checkbox"/> 9:00 a.m.	<input type="checkbox"/> 9:30 a.m.	<input type="checkbox"/> 10:00 a.m.	<input type="checkbox"/> 10:30 a.m.
<input type="checkbox"/> 11:00 a.m.	<input type="checkbox"/> 11:30 a.m.	<input type="checkbox"/> 1:00 p.m.	<input type="checkbox"/> 1:30 p.m.
<input type="checkbox"/> 2:00 p.m.	<input type="checkbox"/> 2:30 p.m.	<input type="checkbox"/> 3:00 p.m.	<input type="checkbox"/> 3:30 p.m.
<input type="checkbox"/> 4:00 p.m.	<input type="checkbox"/> 4:30 p.m.	<input type="checkbox"/> 5:00 p.m.	<input type="checkbox"/> 5:30 p.m.
<input type="checkbox"/> 6:00 p.m.	<input type="checkbox"/> 6:30 p.m.	<input type="checkbox"/> 7:00 p.m.	<input type="checkbox"/> 7:30 p.m.

List other, more convenient times:

Thank you again, for agreeing to participate in this interview.

Sincerely,

B. Keith Rowland
Director of Elementary Education
Radford High School
Doctoral Candidate

Jennifer Sughrue, Ph.D.
Associate Professor
Doctoral Advisor
Virginia Tech

M. David Alexander
Professor
Doctoral Advisor

E-mail inquiry

Dear Home School Coordinator,

In an earlier letter, you indicated a willingness to participate in a research study from Virginia Tech titled "Comparing and Contrasting Local School Board Policies that Govern Access to Public School Programs and Activities by Home Schooled Students in Virginia. As previously described, this study is being conducted in two phases. The first phase, which has already begun, involves analyzing the school board policies of Virginia's 132 operational school districts that govern home schooling and more importantly access for home schooled students to public school classes and extracurricular activities. Analysis of the data from phase one was used to identify school districts that are being asked to participate in phase two of the study.

Phase two of the study, involves conducting personal interviews with the district's school board chairman, superintendent, and home school coordinator, as well as reviewing any pertinent school board or school district documents relating to the issue of access to public school classes and extracurricular activities. Data obtained from your school district, and data collected from other school districts in Virginia, will be used to write a case study as part of a dissertation prepared by and presented to Virginia Polytechnic Institute and State University as a component of the graduate program. A copy of the dissertation or the results of the study will be made available upon request.

This email is designed to schedule a convenient time for me to visit your school district to conduct these interviews in order to acquire information regarding the personal experiences and opinions from selected individuals regarding this topic. At this time, I would also like to review any pertinent school board or school district documents relating to the issue of access by home schoolers to public school classes and extracurricular activities. These documents may include school board minutes where the issue of access was discussed, written requests for access by home schooled students, and written responses made by school officials to parents requesting access to public school classes and extracurricular activities.

Below I have provided a list of potential dates and times for this interview. Responding to this email should take no longer than two minutes. Simply hit the reply button, answer the questions, and hit send. Once this information is received, you will be contacted to confirm the date and time of the visit.

How would you prefer to be interviewed: ____ by telephone ____ in person?

Please select three dates:

<input type="checkbox"/> Monday, November 8	<input type="checkbox"/> Monday, November 15
<input type="checkbox"/> Tuesday, November 9	<input type="checkbox"/> Tuesday, November 16
<input type="checkbox"/> Wednesday, November 10	<input type="checkbox"/> Wednesday, November 17
<input type="checkbox"/> Thursday, November 11	<input type="checkbox"/> Thursday, November 18
<input type="checkbox"/> Friday, November 12	<input type="checkbox"/> Friday, November 19

List other, more convenient dates:

Please select three times to conduct these interviews.

<input type="checkbox"/> 9:00 a.m.	<input type="checkbox"/> 9:30 a.m.	<input type="checkbox"/> 10:00 a.m.	<input type="checkbox"/> 10:30 a.m.
<input type="checkbox"/> 11:00 a.m.	<input type="checkbox"/> 11:30 a.m.	<input type="checkbox"/> 1:00 p.m.	<input type="checkbox"/> 1:30 p.m.
<input type="checkbox"/> 2:00 p.m.	<input type="checkbox"/> 2:30 p.m.	<input type="checkbox"/> 3:00 p.m.	<input type="checkbox"/> 3:30 p.m.
<input type="checkbox"/> 4:00 p.m.	<input type="checkbox"/> 4:30 p.m.	<input type="checkbox"/> 5:00 p.m.	<input type="checkbox"/> 5:30 p.m.
<input type="checkbox"/> 6:00 p.m.	<input type="checkbox"/> 6:30 p.m.	<input type="checkbox"/> 7:00 p.m.	<input type="checkbox"/> 7:30 p.m.

List other, more convenient times:

Thank you again, for agreeing to participate in this interview.

Sincerely,

B. Keith Rowland
Director of Elementary Education
Radford High School
Doctoral Candidate

Jennifer Sughrue, Ph.D.
Associate Professor
Doctoral Advisor
Virginia Tech

M. David Alexander
Professor
Doctoral Advisor

APPENDIX I

Written Consent Forms

Participant's Name:

Address:

Phone:

Thank you for agreeing to participate in the study, titled "Comparing and Contrasting Local School Board Policies that Govern Access to Public School Programs and Activities by Home Schooled Students in Virginia." This study will analyze Virginia school district's policies on access for home school students to public school classes and participation in extracurricular activities to determine if there is a need as well as a desire among school districts to have a state statute to govern this issue. The interview, will take place on (date) at (time). This form outlines the purpose of the study and provides a description of your involvement and rights associated with participation in human subjects research.

The purposes of this study are:

1. To analyze Virginia school district's policies on access for home school students to public school classes and participation in extracurricular activities to determine if there is a need as well as a desire among school districts to have a state statute to govern this issue.
2. To ascertain the patterns or practices in Virginia public school districts that currently allow home school students access to public school classes or to participate in public school sponsored extracurricular activities.

The primary methods of data collection will be policy analysis, interviews, and review of pertinent school board and school district documents that are relevant to the issue of access to public school classes and extracurricular activities by home schooled students. Data obtained from your school district and other school districts in Virginia, will be used to write a case study as part of a dissertation prepared by and presented to Virginia Polytechnic Institute and State University as a component of the graduate program. A copy of the dissertation or the results of the study will be made available upon request.

The following safeguards will be in place in order to maintain the anonymity and confidentiality of all study participants:

1. The name of your school district will not be used at any point in the written report. You and your school district will be given a pseudonym that will be used in all verbal and written records and in the final document.

2. Your participation in this research is voluntary; you have the right to withdrawal from the study at any point, for any reason, and without any prejudices, and all information collected and all records and reports containing responses from your school district will be turned over to you.
3. Upon request, you will receive a copy of the research prior to it being handed in, so that you have the opportunity to suggest changes or corrections, if necessary.

Do you grant permission to be quoted directly?

Yes_____ No_____

Do you grant permission to be audio taped?

Yes_____ No_____

I agree to the terms:

Respondent_____ Date:_____

Study participants are encouraged to ask any questions at any time about the nature of the study and the methods used. Participants' suggestions and concerns are important to the researchers. If you have any questions or concerns related to the study, or wish to report problems regarding the conduct of the study, you may contact the following individuals:

Researcher: B. Keith Rowland
rowlandk@vt.edu
6815 Sahalee Circle
Radford, Va. 24141
(540) 731-0354

Faculty Advisor: Jennifer Sughrue, PhD
jsugh@vt.edu
Assistant Professor
Educational Leadership and Policy Studies
Virginia Tech
213 E. Eggleston Hall (0302)
Blacksburg, VA 24073
(540) 231-9707

IRB Chair: David Moore
moored@vt.edu
Chair – Institutional Review Board for the Protection of Human Subjects
Virginia Tech
(540) 231-4991

APPENDIX J

Interview Protocols:

School Board Chairman

Name of Person being Interviewed:_____

Title:_____

Background information: Superintendent's Region of the school district, number of students, number of home schooled students in the district, when was the policy that allows or denies access to public school classes or extracurricular activities by home schooled students adopted?

1. Describe your school districts policy for allowing or denying access to home schooled students to public school classes and extracurricular activities.
2. How many home schooled students currently participate in public school sponsored classes and extracurricular activities?

Provide specific examples:

3. What factors contributed to the adoption of your districts current policy on access to public school classes and extracurricular activities by home schooled students?
4. Do you feel that the current school board supports your existing policy?
5. Has your school districts policy on allowing of denying access to home schooled students ever been challenged in the courts?
6. Has your school district ever been contacted by the Home School Legal Defense Association or the National Home Education Research Institute regarding your current access policy for home schooled students?

7. What is your personal opinion regarding the issue of access to public school classes and extracurricular activities by home schoolers?
8. How have non-home schooling parents and community members accepted this policy?
9. What conflicts have occurred as a result of your districts access policy for home schooled students?
10. What are the positives of having an access policy for home schooled students?
11. What are the negatives of having an access policy for home schooled students?
12. If you could make suggestions in modifying the policy what would they be?
13. Do you feel your school district's policy is effective?
14. Would a state statute that governs the issue of access for home schooled students contribute to the effectiveness of your school district's policy? Why or why not?
15. Do you feel that allowing access to public school activities infringes on the rights of students who attend public school on a full time basis?
16. Do you feel that allowing home schooled students access to public schools creates a financial burden on your school district?

17. Has there ever been an issue in your school district that challenged who was responsible for ensuring the safety of a home schooled student who participates in public school sponsored classes or activities?

18. What safeguards are in place in your school district that ensure a student who cannot meet the minimum standards for eligibility established by the Virginia High School League, does not use home schooling as a means of meeting these standards?

19. Do you feel that school personnel and other students welcome home schooled students who choose to participate in public school classes or extracurricular activities?

Interview Protocols: School Superintendent

Name of Person being Interviewed: _____

Title: _____

Background information: Superintendent's Region of the school district, number of students, number of home schooled students in the district, when was the policy that allows or denies access to public school classes or extracurricular activities by home schooled students adopted?

1. Describe your school districts policy for allowing or denying access to home schooled students to public school classes and extracurricular activities.
2. How many home schooled students currently participate in public school sponsored classes and extracurricular activities?

Provide specific examples:

3. What factors contributed to the adoption of this policy?
4. Has your school districts policy on allowing of denying access to home schooled students ever been challenged in the courts?
5. What is your personal opinion regarding the issue of access to public school classes and extracurricular activities by home schoolers?
6. How does the policy align with the rules of eligibility prescribed by the Virginia High School League?
7. Has your school district ever been contacted by the Home School Legal Defense Association or the National Home Education Research Institute regarding your current access policy for home schooled students?

8. Does your school district award credit for classes taken at home? If so, what factors are considered when awarding credit?
9. What are the regulations that home schooled students must follow when coming to school to take a class or to participate in an extracurricular activity or school sponsored activity?
10. How have non-home schooling parents and community members accepted this policy?
11. Does your school district provide support to home schooled students who have special needs?
12. Does your school district award credit to home schoolers for classes taken at home?

What are the regulations that must be followed?

13. What are your school districts testing policies for home schooled students?
14. What conflicts have occurred as a result of your school districts access policy for home schooled students?
15. What are the positives of having an access policy for home schooled students?
16. What are the negatives of having an access policy for home schooled students?

17. If you could make suggestions in modifying the policy what would they be?
18. Do you feel your school district's policy is effective?
19. Would a state statute that governs the issue of access for home schooled students contribute to the effectiveness of your school district's policy? Why or why not?
20. Do you feel that allowing access to public school activities infringe on the rights of students who attend public school on a full time basis?
21. Do you feel that allowing home schooled students access to public schools creates a financial burden on your school district?
22. Does your school district monitor the attendance of home schooled students? How?
23. Has there ever been an issue in your school district that challenged who was responsible for ensuring the safety of a home schooled student?
24. How does school district ensure that a student who cannot meet the minimum standards for eligibility established by the Virginia High School League, does not use home schooling as a means of meeting these standards?
25. Do school personnel and other students welcome home schooled students who choose to participate in public school classes or extracurricular activities?

Interview Protocols: Home School Coordinator

Name of Person being Interviewed: _____

Title: _____

Background information: Superintendent's Region of the school district, number of students, number of home schooled students in the district, when was the policy that allows or denies access to public school classes or extracurricular activities by home schooled students adopted?

1. Describe your school districts policy for allowing or denying access to home schooled students to public school classes and extracurricular activities.
2. How many home schooled students currently participate in public school sponsored classes and extracurricular activities?

Provide specific examples:

3. What factors contributed to the adoption of this policy?
4. As the person responsible for seeing that the rules and regulations of your districts current policy that governs the issue of access by home schooled students is followed what have been the biggest challenges that you have faced?
5. Has your school districts policy on allowing or denying access to home schooled students ever been challenged in the courts?
6. What is your personal opinion regarding the issue of access to public school classes and extracurricular activities by home schoolers?

7. How does the policy align with the rules of eligibility prescribed by the Virginia High School League?
8. Has your school district ever been contacted by the Home School Legal Defense Association or the National Home Education Research Institute regarding your current access policy for home schooled students?
9. Does your school district award credit for classes taken at home? If so, what factors are considered when awarding credit?
10. What are the regulations that home schooled students must follow when coming to school to take a class or to participate in an extracurricular activity or school sponsored activity?
11. How have non-home schooling parents and community members accepted this policy?
12. Does your school district provide support to home schooled students who have special needs?
13. Does your school district award credit to home schoolers for classes taken at home?

What are the regulations that must be followed?

14. What are your school districts testing policies for home schooled students?
15. What conflicts have occurred as a result of your school districts access policy for home schooled students?

16. What are the positives of having an access policy for home schooled students?
17. What are the negatives of having an access policy for home schooled students?
18. If you could make suggestions in modifying the policy what would they be?
19. Do you feel your school district's policy is effective?
20. Would a state statute that governs the issue of access for home schooled students contribute to the effectiveness of your school district's policy? Why or why not?
21. Do you feel that allowing access to public school activities infringe on the rights of students who attend public school on a full time basis?
22. Do you feel that allowing home schooled students access to public schools creates a financial burden on your school district?
23. Does your school district monitor the attendance of home schooled students? How?
24. Has there ever been an issue in your school district that challenged who was responsible for ensuring the safety of a home schooled student?
25. How does school district ensure that a student who cannot meet the minimum standards for eligibility established by the Virginia High School League, does not use home schooling as a means of meeting these standards?
26. Do school personnel and other students welcome home schooled students who choose to participate in public school classes or extracurricular activities?

APPENDIX K

Matrix for Phase II Data Analysis

Matrix for Phase II Data Analysis

Protocols	School Board Chairman	District Superintendent	Home School Coordinator	Review of School Board and School District Documents
History of the development of the current policy on access for home schooled students				
Have constitutional law, state statutes, VHSL regulations and case law impacted the development of the policy				
Have the entitlement beliefs of home school parents and the beliefs of home school organizations impacted the development of the policy				
Personal beliefs on the issue of access				
What factors contributed to the development of the current access policy				
Modifications of suggestions to the current policy				
Is the policy accepted supported by all stakeholders of the public school				
Do current school board members support the policy				
Have school board members supported the policy in the past				

Matrix for Phase II Data Analysis (continued)

Protocols	School Board Chairman	District Superintendent	Home School Coordinator	Review of School Board and School District Documents
Has the current policy ever been challenged by the courts				
Monitor attendance of home schooled students				
Award credit for classes taken at home				
Testing of home schooled students				
How does your school district protect the integrity of the VHSL				
Provides services to home schooled students with special needs				
Do you feel there is a need for a state statute to assist public school districts with governing the issue of access for home schooled students				

APPENDIX L

Policies Governing Home School Student Access by School

District in Virginia, AY 2004-2005

Information contained in Appendix L is available upon request from the author.

APPENDIX M

Interview Data from Selected School Leaders and Home School Coordinators

Information contained in Appendix L is available upon request from the author.