

# *What is* **Homeschooling?**





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# What is Homeschooling?

Homeschooling is an innovative, effective educational option that gives parents and caregivers the freedom and flexibility to tailor education to each child's and their family's needs, pace, and schedule. This means that home education can look very different from family to family, yet still reflect key characteristics.

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## **In a homeschool,**

- » education is parent directed,
- » education is customized to meet the child's and family's needs,
- » education is primarily home based, and
- » educational choices are left up to the parents but must still comply with state homeschooling laws.

## **However, homeschooling is not**

- » virtual public school, or
- » curriculum provided through a public school or district.

# A BRIEF LEGAL HISTORY OF HOMESCHOOLING

The term “homeschooling” may be a modern invention, but the idea is not. Families around the world have been educating their children at home for centuries.

It wasn't until 1852 that homeschooling became the exception, rather than the norm, in the United States. That was the year that the state of Massachusetts passed the first compulsory school attendance law: it required all children ages 8–14 to attend a public school for at least 12 weeks of the year.

Other states soon followed suit, and by 1918, all states had a compulsory school attendance law. Although some laws made exceptions for “equivalent” or “otherwise provided” education, homeschooling rapidly declined in popularity and practice.

Many parents, however, did not find the public education system to be a good fit for their child or their family, so they turned instead to other forms of private education—a source of conflict in some states. In 1922, Oregon passed a law that forbade private instruction. In *Pierce v. Society of Sisters*, the US Supreme Court declared Oregon's ban unconstitutional, saying that “the child is not the mere creature of the state,” affirming a right long taken for granted in America: the right of parents to choose private schools.

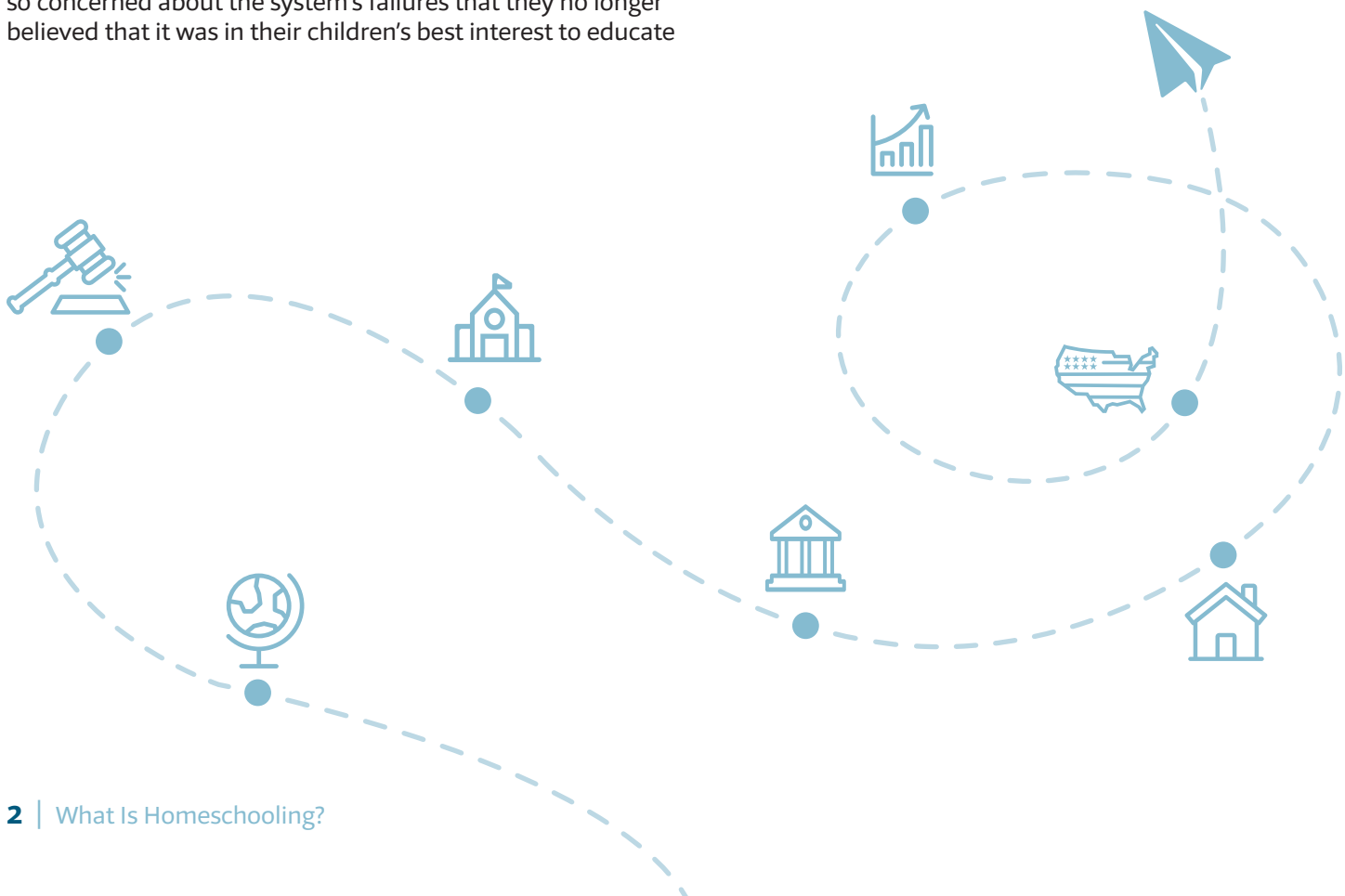
By the mid-1960s and 70s, a small-but-increasing number of parents with kids in the public school system had become so concerned about the system's failures that they no longer believed that it was in their children's best interest to educate

them through state-provided methods. After decades of relying on the public education system, this was a paradigm shift.

By the 1980s, homeschooling was once again on the rise, and states began amending their compulsory attendance laws in response. By 1993, homeschooling had become legal in all 50 states.

Today, each of the 50 states has its own approach to homeschooling law. In some states, homeschools are treated as small private schools. Others have adopted specific homeschooling statutes. Still others use administrative regulations. This 50-state solution to education law generally, and homeschooling law specifically, has always been the norm in our federalist system of dual sovereignty.

Working within the democratic processes, homeschoolers have dramatically changed the face of education in America, one state at a time. Relying on the traditional understanding that education is a state issue but that constitutional law limits states in their coercive power to command public over private education, the 50 states have adopted laws that have made private homeschooling a viable option for more and more families.





# WHY HOMESCHOOLING IS GOOD FOR SOCIETY

## Educational Impact

- » Homeschoolers typically score 15 to 30 percentile points above public-schooled students on K–12 standardized academic achievement tests.<sup>1</sup>
- » A majority of peer-reviewed studies point to superior academic achievement among homeschool students compared to public-schooled students.<sup>2</sup>
- » Studies have shown that homeschool students tend to perform better on ACT college entrance exams, persevere through college longer, and attain higher GPAs in college.<sup>3</sup>

## Social Impact

- » Will homeschooled children be disadvantaged socially? That's been a commonly expressed concern from homeschool critics. But social science studies and anecdotal evidence emerging from thousands of successful homeschool graduates each year have helped to dispel this myth.

- » Homeschoolers consistently score higher on tests that rank cooperation, assertiveness, empathy, and self-control.<sup>4</sup>

## Civic Impact

- » Homeschool students are commonly involved in activities outside the home, such as field trips, scouting, 4-H, political drives, church ministry, sports teams, and community volunteer work. They tend to be very active members of their communities.<sup>5</sup>
- » Studies show that adults who were homeschooled vote and attend public meetings at a higher rate than the general population.<sup>6</sup>

## Economic Impact

Taxpayers spend an average of \$15,240 per pupil annually in public schools.<sup>7</sup> Today's roughly 7 million homeschool students represent a savings of over \$106 billion for US taxpayers!



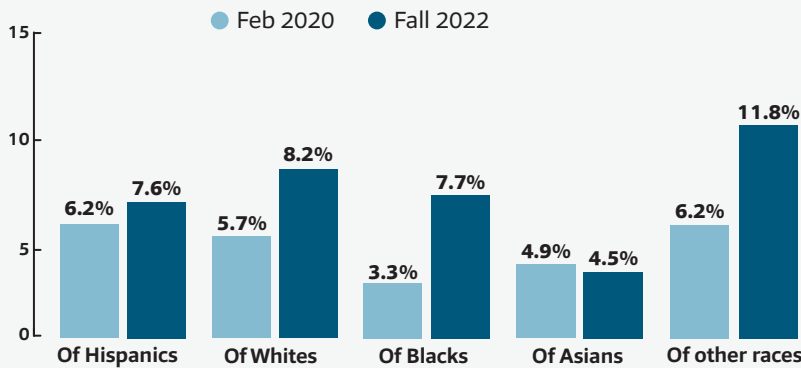
# DATA ON HOMESCHOOLING

## Who homeschools?

A large and diverse population homeschools—that includes every race and income level (see figures 1.1–1.3).

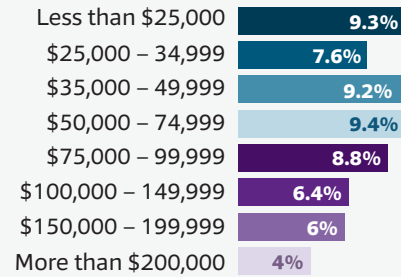
**Figure 1.1: US Households: Homeschooling Growth by Race**  
Homes with at Least 1 Homeschool Student

Source: US Census Bureau's Household Pulse Survey<sup>8</sup>



**Figure 1.2: US Homeschool Households by Average Annual Income\* 2022**

Source: US Census Bureau's Household Pulse Survey<sup>9</sup>



\* Preferred not to respond: 39.3%

**Figure 1.3: Religious Affiliation**

Source: Hanover Research<sup>10</sup>

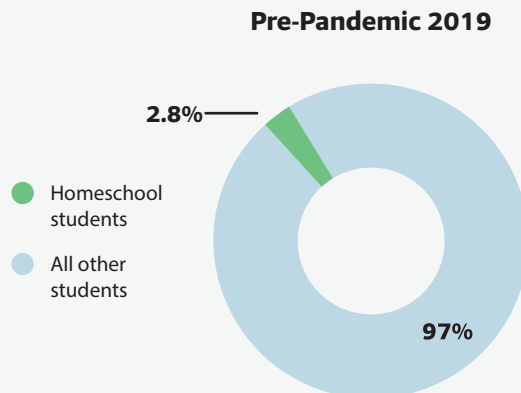
Christian	Atheist/Agnostic	Muslim	Hindu	Jewish	Buddhist	Not listed	Prefer not to respond
68%	10%	2%	1%	1%	1%	7%	10%

## How many students are being homeschooled?

- » According to the most recent Household Pulse Survey that addressed the 2020–21 school year, of the 32.2 million households in the US that included school-age children, 11.1% of them included at least one homeschool child.
- » Based on the data from six Household Pulse Surveys conducted by the US Census Bureau across the 2020–21 school year, we estimate that 7 to 8 million US school-age children are being homeschooled.

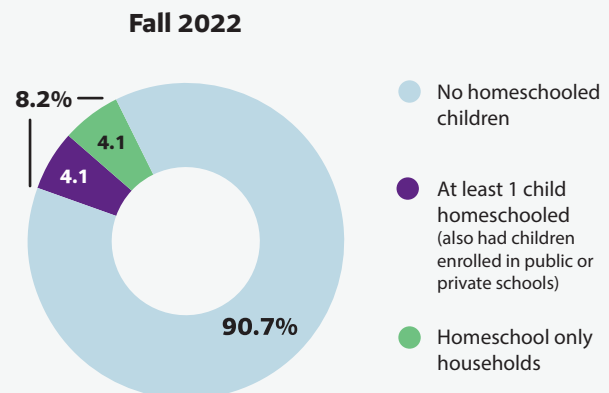
**Figure 2.1: Number of US School-Age Children Being Homeschooled**

Source: National Center for Education Statistics<sup>11</sup>



**Figure 2.2: US Households with School-Age Children**

Source: US Census Bureau's Household Pulse Survey<sup>12</sup>



## Why do parents homeschool?

- » For the last 20 years, parents ranked safety as the top reason they chose to homeschool. Now, that reason has slipped to number four, with COVID-19, greater flexibility, and one-on-one attention moving into the top three spots (see figure 3).
- » Other major reasons parents choose to homeschool rather than send their kids to traditional schools include concerns about academic quality, lack of accommodations (e.g., for special needs), cost of private schools, political aspects of public schools, and religious reasons.<sup>13</sup>

**Figure 3: Reasons for homeschooling**  
Parents indicated these as “important” and “most important”

### 2015–16

Source: National Center for Education Statistics<sup>14</sup>

1	A concern about the environment of other schools	80%
2	A desire to provide moral instruction	67%
3	Concerns about academic quality at other schools	61%
4	A desire to provide religious instruction	51%
5	A desire to provide a nontraditional approach to child’s education	39%
6	Child has other special needs	20%
7	Child has a physical or mental health problem	14%
8	Child has temporary illness	4%
9	Other reasons	22%

### 2021

Source: Hanover Research<sup>15</sup>

1	COVID-19 pandemic	78%
2	Give child more flexibility to shape their learning experience	68%
3	More one-on-one attention for child	68%
4	A concern about the environment of other schools	67%
5	Concerns about academic quality at other schools	62%
6	Wanted more supervision over what my child learns	58%
7	Lack of accommodations for my child	52%
8	Cost of private schools in my area	50%
9	Political aspects of public schools	46%
10	A desire to provide religious instruction	43%

## Where do they homeschool?

- » Homeschooling is more prevalent in small towns and rural areas, but this educational choice is growing in suburbs and cities.<sup>16</sup>
- » The top four states with the largest percentage of families who are homeschooling are West Virginia, Tennessee, Oregon, and Oklahoma.<sup>17</sup>
- » The top five states that saw the largest rate of growth in homeschooling during the COVID-19 pandemic are New York, Massachusetts, Kansas, Illinois, and Nevada.<sup>18</sup>



## POLICIES

Because parents know and love their children better than any government bureaucrat can, society thrives when parents are empowered to make the best choices for their children. And that's why homeschooling works: free from overregulation, families are able to direct their children's education in a way that best suits the child's individual needs, rather than follow a one-size-fits-all model. Policies that reflect this, that allow for maximum freedom for home education, are policies that help create successful, flourishing kids and families.

### Right to educational choice

Parents should be free to choose how they educate their children, and per *Pierce v. Society of Sisters*, private education is a constitutionally guaranteed right.

Yet many policies, such as discrimination against homeschool diplomas, overregulation of curriculum, and economic policies (529 accounts, tax credits) that benefit only public-schooled students make it difficult for families to choose anything other than public education. It should not be this way. Legislation should allow families to exercise their right to educational freedom, not inhibit them.

### Low government regulation of homeschooling

Because homeschooling is a form of private education and separate from public education, it is not subject to the same government regulations. Families can tailor their children's education to suit the child's needs. If government were to start heavily regulating home education, the flexibility that makes homeschooling successful would be suppressed. If the presumption is that parents act in the best interests of their children, is burdensome regulation of homeschooling necessary?





## Diversity of homeschooling methods

The customization and flexibility of home education has given rise to a wide variety of homeschooling methods. From interest-driven learning like Montessori (focused on hands-on, collaborative play) and Finland's forest kindergarten (where children spend up to 95% of their time learning outdoors) to more traditional textbook learning, every homeschool is different.

Regardless of their educational approach, most parents weave hands-on, immersive learning opportunities based on each child's interests and abilities into their day-to-day educational rhythm.

Homeschooling's diversity of learning styles, curriculum, instructional approaches, and even academic assessment methodologies makes it challenging to fit into the rigid box often created by educational regulation.

Unlike students following a traditional school's inflexible curriculum, no homeschool child learns the same way as another homeschooled student. For example, while some homeschool families have a set curriculum they plan to use for the year, other homeschool families that utilize a much more organic, student-directed learning method do not. Officials can't reasonably ask these spontaneous, interest-driven homeschoolers to list their curriculum at the beginning of the year.

And when it comes to testing, many homeschooled kids are thriving because they can study different subjects at the grade level and in the timeframe that works for them—not all on the public school's curriculum schedule.

Many families choose to homeschool for religious reasons, or because their students have learning challenges or gifts. A homeschool program, while still covering what is necessary for a student to learn, is tailored to each specific student, which makes it difficult for a third-party official trained in grade-by-grade mass-education processes to determine if it's appropriate by government standards.

Less regulation allows these various approaches to flourish, so that each family is free to choose whichever method is best for them and their children.

## Nondiscrimination

Because homeschooling is not the primary education method in the US, homeschool students and graduates are still sometimes discriminated against in both public legislation and private sector policies.

Whether that discrimination appears when applying for drivers permits, minor work permits, certain scholarships, careers, college entrance, or other opportunities, these policies and attitudes are unjust and unnecessary. These regulations also deprive employers and colleges of hard-working, creative thinkers.

Legislation has been effectively implemented to end discrimination toward homeschool students and graduates in some areas, but other areas still need improvement.

## Parent-directed education

In home education, the curriculum, schedule, and pace are parent directed, rather than being set by school or government officials. Many families choose to homeschool for this specific reason. Some, including many Muslim, Christian, Sikh, and Jewish families, as well as other families of faith, want to include religious teachings in their homeschool curriculum, a choice that public schools prohibit in state curriculum. Other families have children with learning disabilities, advanced gifts or talents, or other specific learning needs that can be better served at home, with a tailor-made, parent-directed education.

Policies regarding homeschool curriculum must protect the rights of parents to customize their children's education, especially regarding religious freedom, unique gifts and interests, and special needs or disabilities.

## CURRENT GOVERNMENT REGULATION

State governments should give broad freedom and flexibility to empower parents to custom-tailor an educational program that meets the unique needs of each child. No available research has found correlation between increased state regulation and the academic outcomes of homeschool students. There is, however, extensive anecdotal evidence that public school officials are often poorly positioned to review the effectiveness of homeschool programs. In addition to often lacking understanding of the diversity of homeschooling and how it actually works, public school officials are frequently unaware of the laws regarding homeschooling and end up falsely accusing homeschooling families of noncompliance or truancy.

Every state recognizes the right of parents to educate their children at home—homeschooling is legal in all 50 states. The degree to which government regulates homeschooling, however, varies from state to state. Most states have a homeschool statute or specific homeschool regulation, while some states (such as Texas and California) recognize homeschooling as education in a home-based private school or a unique category of instruction outside of a traditional public school. In addition to these options, some states recognize that homeschool associations (such as coops) may be classified as a nonpublic or religious schools, rather than as homeschools. And several states provide more than one legal option. To learn more about a specific state, visit [hsllda.org/legal](https://hsllda.org/legal).

### Homeschool parent/instructor qualification

State governments should avoid rigid qualifications that inhibit parents' liberty to homeschool their children. A common criticism of homeschooling is that parents are not qualified to teach their children, unless they are also trained, certified teachers. Currently, the federal Elementary and Secondary Education Act contains a provision that prohibits federal funding for nationwide teacher certification of all public, private, and homeschool instructors (§ 8530).

Homeschooling parents have several advantages in their teaching role, regardless of their academic background:

- » Small class size with frequent one-on-one instruction (shown by research to be one of the most effective educational methods)
- » Access to a plethora of curricular and educational support resources that empower them to provide an enriching and engaging educational experience unique to their child

- » Ability to customize the curriculum, pace, academic level, and schedule to each student without bureaucratic or budgetary red tape
- » Deep long-term experience with and understanding of a child's personality, strengths, growth opportunities, interests, and dislikes

Generally, the person most qualified to homeschool a child is that child's loving parent! Some states require some form of parental qualification to homeschool. But no state requires more than a high school diploma or its equivalent. Home School Legal Defense Association (HSLDA) has successfully litigated several cases that struck down requirements that parents possess a teaching license or other advanced degree. Because parents have the right to direct the education of their children, teacher certification requirements that would make homeschooling impossible have been deemed unlawful.

### Notification of Intent to Homeschool

State governments should require as little paperwork as possible when it comes to the notice of intent to homeschool. Many of HSLDA's cases involve school districts misplacing paperwork, misunderstanding notification laws, or otherwise falsely accusing parents of incorrectly notifying the state of their intent to homeschool. Unnecessary regulation often leads to unnecessary confusion and investigations into families who did nothing wrong. A majority of states have an option that requires parents to file a formal homeschool notification with the state or local school district. But some states do not require formal notification. Only two states, Massachusetts and Rhode Island, authorize school officials to "approve" homeschool programs (and that approval is a formality).

### Curriculum

State governments should avoid mandating content-based restrictions on what homeschooling parents may or may not teach beyond general subjects such as reading, writing, math, science, civics, and social studies. Regulating what a homeschooling parent must include within a certain subject area, or how they must teach, results in government actors substituting their judgment for that of parents concerning what is best for each child. More than 34 states mandate that homeschool programs include instruction in specific subjects, while 16 states do not. Three states mandate specific credit requirements for graduation.



## Assessments

While it is easy to think that more oversight leads to better education, no available research suggests that there is any such correlation. Burdening school officials with reviewing homeschool student progress requires more government resources without any noticeable benefit.

Some states require a periodic assessment of academic progress. Typically, these assessment requirements include standardized testing, progress reports, evaluation by a qualified teacher, or a portfolio review of school records sufficient to demonstrate adequate progress. You can find specific state requirements at [hslida.org/legal](https://hslida.org/legal).

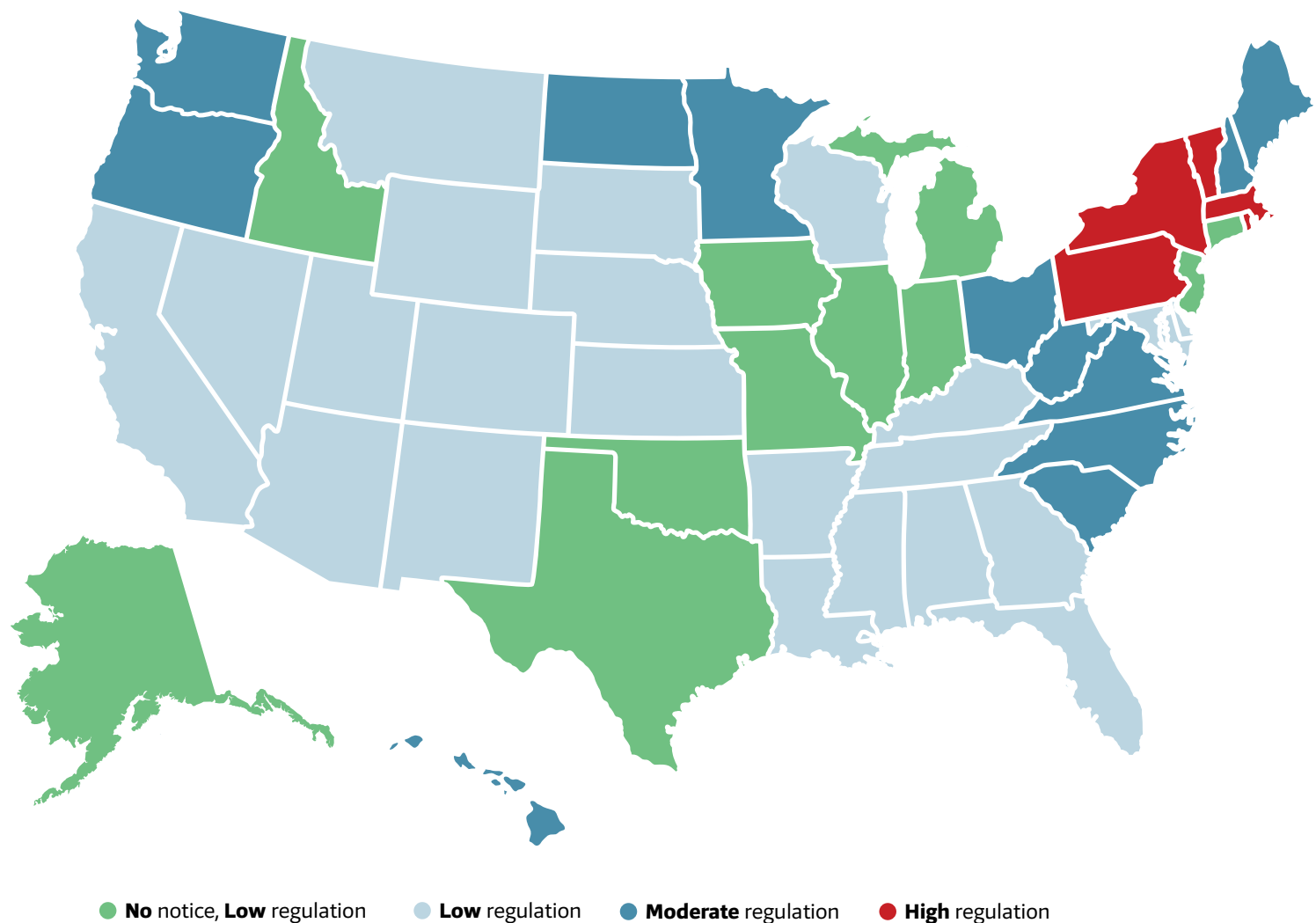
## Summary

State governments currently recognize that parents have a primary right and responsibility to educate their children. Recognizing this liberty empowers parents to educate their children free from unnecessary government intrusion.

In figure 4, Home School Legal Defense Association has ranked states as low, moderate, or high regulation, taking each of the factors discussed above into account.

**Figure 4: State Homeschool Regulation Levels**

Source: HSLDA<sup>19</sup>



## FEDERAL ROLE IN HOMESCHOOLING

The 10th Amendment to the Constitution, which enumerates which powers belong to the federal government, does not mention education. This implies that all power related to education is reserved for the people and the states. The federal government cannot force one type of education on the whole country. Nor may it directly regulate or ban homeschooling.

But it may implement policies that prevent discrimination against homeschoolers.

- » **FAFSA:** Federal Student Aid's website explicitly states that anyone who has completed high school in a home education setting, in compliance with their state's homeschool laws, is eligible to submit a Free Application for Federal Student Aid.
- » **Military:** The National Defense Authorization Act of 2012 confirmed that homeschool graduates must be treated the same as other high school graduates for the purposes of enlistment.

- » **529s:** Currently, families can use 529 savings accounts for K–12 private and public-school expenses. However, homeschool families are excluded from this provision. This is a discriminatory policy that Congress needs to address.
- » **Labor Hours:** The Department of Labor states that 14- and 15-year-olds cannot work during "school hours," and defines "school hours" as those hours that the local public school is in session. However, not all private or homeschool students have the same schedule as their public school peers, and this policy unjustly prohibits them from gaining work experience or participating in internships during their flexible daytime hours.

As this booklet goes to press, HSLDA Action is working with Congress and other officials to resolve the discriminatory policies related to 529 savings accounts and labor hours for 14- and 15-year-old homeschool students.





# Conclusion



Homeschooling works because it combines freedom and flexibility with caring parental involvement. Because parents can provide a personalized education to their kids, those students have the freedom to pursue their passions, develop their unique skills, and even work toward their career or college aspirations at a younger age since they aren't subject to a one-size-fits-all model. We believe all children should have the opportunity to receive an education that allows them to thrive.

The future is bright for education choice. Recent years have highlighted the importance of private education and the ability to avoid relying on one education system. Parents are feeling more empowered than ever to guide their children's education.

But that means that the battle to protect education freedom is more important than ever before. Will you help us to keep homeschooling free and strong?

## ENDNOTES

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Learn more about homeschooling and policy issues related to education freedom at [hsldaaction.org](https://hsldaaction.org).

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## WHO IS HSLDA ACTION?

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HSLDA Action is the political advocacy arm of Home School Legal Defense Association (HSLDA), a member-based nonprofit founded in 1983 to advance and protect the freedom to homeschool.

HSLDA believes that every child is different and should be able to learn at their own pace in a safe, loving environment. And every family should have the freedom to choose the education that works best for each child. HSLDA defends this freedom in the courts and legislatures, and equips families with the encouragement and support to homeschool with confidence.

Together with our own member community, HSLDA Action fights to protect the freedom to homeschool against any who wish to undermine it. We do this through grassroots political

engagement, education on the issues, and the building of partnerships with other organizations and candidates who support the cause of homeschooling.

### **HSLDA Action seeks to**

- » advance opportunities for home education in the public arena;
- » educate skeptics, legislators, and the public on its advantages; and
- » show the world how much children can benefit from home education.



1 Patrick Henry Circle | Purcellville, VA 20132  
540-338-8292 | [hsl daaction.org](https://hsl daaction.org)