

FACE TO FACE – STUDENT SUMMER ASSIGNMENT rev b

2010 Survey Questions for Home Schooled Students
to ask their Legislators in a Face to Face Meeting
*(one survey for each legislator, submit to NDHSA office,
1854 107th St NE, Bottineau, ND 58318 by September 1st, 2010)*

Name of Legislator: _____ Date: _____

Student Asking Questions: _____ Student Phone: _____

1. What good and bad things have you observed about home education in North Dakota?
2. Have you heard that North Dakota is one of the six worst states for home schooling and that there are 12 states or territories with no regulation?¹ Comments?
3. Have you heard that the trend is toward deregulation across the states because homeschooling is working? Comments?
4. What are your three greatest concerns with regard to the repeal of the North Dakota home school statutes?²
5. Are you aware that the home school statutes are not needed to report a case of educational neglect or physical abuse of a child or adult? Comments?
6. Have you heard that 99.9 percent of the educational neglect and physical abuse cases are regarding children attending public schools?^{3,4} Comments?
7. Have you heard that standardized testing hurts children's motivation to learn, self-esteem, and curriculum content?⁵ Comments?
8. Did you know that there is no significant difference in SAT scores among home schooled students in states with high regulation versus those in no regulation states?⁶ Comments?
9. Do you believe that parents have the God given inalienable right to direct the education of their children without state interference?^{7, 8, 9, 10} Comments?
10. Legislators are concerned about the public schools loosing funds as more people home educate. How could the public school funding formula be adjusted so that home schooling is not a financial threat to the public school system?

References

1. Home School Legal Defense Association's map of state home school regulation levels. <http://hsllda.org/laws>
2. NDCC 15.1-23 HOME EDUCATION <http://www.legis.nd.gov/cencode/t151c23.pdf>
3. Jamestown, ND psychologist's written testimony for 2011 committee hearings.
4. James Bartlett, "Child Educational Neglect and Abuse: Public School v. Home School," North Dakota Home School Association, 2010, <http://ndhsa.org>.
5. Bobby Sollie, "On Standardized Testing: An ACEI Position Paper," Association for Childhood Education International, 2007.
6. Gail Biby, "Does High State Regulation of Homeschooling Produce Higher Test Scores?", *The Home School Report*, October/November 2008. The answer is no.
7. North Dakota Family Alliance, "A Plan to Save America," 2010. <http://ndfa.org>
8. NDGOP 2010 Resolution on Home Education. <http://ndgop.gov>
9. *United States and North Dakota Constitutional Reference*. From the legal viewpoint, the right to direct the education of one's child comes from the liberty clause of the Fourteenth Amendment to the United States Constitution,

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

and Section 1 of Article 1 of the Declaration of Rights in the North Dakota Constitution.

All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

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

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

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

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

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