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Homeschooling in California and the Good Society in Kansas

By John R. LaPlante

Recently a California court made news when it ruled that homeschooling parents must have a teaching certificate. While the ruling has no legal effect outside the state, the debates it has stirred have implications across the country.

Gov. Arnold Schwarzenegger responded decisively saying, "Every California child deserves a quality education, and parents should have the right to decide what's best for their children." He added that parents should "not be penalized for acting in the best interests of their children's education."

The governor's statement is consistent with a long history in which the rights and responsibilities of parents to direct the education of their children have been recognized.

In the 1923 case *Meyer v. Nebraska*, the U.S. Supreme Court overruled a state law against teaching foreign languages to any student who had not completed the eighth grade. What if a parent wanted his 8-year-old to learn German? Too bad, said Nebraska. Citing concerns about foreign immigrants, it said that the law was essential to promoting "the best interests of this country."

The nation's highest court disagreed, saying the lofty goals cited by the state could not replace the judgment of parents. "It is the natural duty of the parent," the court said, "to give his children education suitable to their station in life." The Nebraska law "exceed[ed] the limitations upon the power of the state."

Two years later the Supreme Court faced another law that would trump parental rights and responsibilities. In an act of bigotry targeting Catholics, Oregon effectively outlawed private schools.

In the case *Pierce v Society of Sisters*, the court struck down that law. It said that the Oregon law unreasonably interfered "with the liberty of parents and guardians to direct the upbringing and education of children under their control."

The Supreme Court affirmed an important distinction between families and government. It said that "the fundamental theory of liberty" forbade any government from standardizing children by forcing them to attend only government-run schools. There must, the court said, be substantial room for parents to make decisions regarding their own children. "The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

As it goes about its business, then, government must operate within limits. The Supreme Court

has affirmed this principle many times. Other limits include the Bill of Rights; a division of power between the national government and the state governments; and checks and balances among the executive, legislative and judicial branches. Limits on government are an essential part the American fabric.

Equally important to American life is the recognition that the political sphere is only one of several vital institutions in society. Others include the family; religious communities; the world of commerce; and voluntary organizations.

Each of these institutions is valuable, providing something necessary for life. Each has its own purposes and operating principles. "Treat everyone the same" may be a good principle for public programs, for example, but most parents will find that it's not a good idea for childrearing.

Trouble results when one institution acts like another. Religious organizations can help us comprehend the spiritual world. But when they seek legal authority through government, they become distracted and corrupted, and politics can take a nasty turn. For-profit corporations are useful for meeting everyday needs through commerce and employment, but they can't replace the love and guidance provided by parents.

As in the example from California, institutions, such as family and government, sometimes clash. It's normal for leaders of one institution to seek to expand their reach to other institutions. A superintendent of a public school system, for example, may seek a clampdown on families because he sees their homeschools as a threat to his budgetary power or his ideas on education.

The distinct roles of each institution can also get muddled when some people in one institution voluntarily cede some of their responsibilities to people in another. One reason for the expansion of welfare programs is the failure of some families to take care of their own responsibilities.

The most recent muddling of institutions is a plan, touted by Gov. Sebelius and others, to insert the institution of government into the institution of the family. They call for pre-K programs that involve government-paid workers in the role of coaching parents and attending even to infants, doing things that parents, grandparents and others outside the world of government have always done.

As Kansans consider this idea, they ought to remember the example of Gov. Schwarzenegger: We need each institution to do its own job well, and respect the role of each.

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