

## Homeschooling: Depriving Children of Social Development?

SAMANTHA LEBEDA (Spring 2005)

A family member asked my wife, “Aren’t you concerned about his (our son’s) socialization with other kids?” My wife gave this response: “Go to your local middle school, junior high, or high school, walk down the hallways, and tell me which behavior you see that you think our son should emulate.”<sup>1</sup>

Until the 20th Century parents were widely assumed to have the right (and bear the responsibility) to dictate the upbringing of their children.<sup>2</sup> After states implemented compulsory-education programs, the United States Supreme Court found a place for this right in the United States Constitution.<sup>3</sup> By the late 20th Century many observers noted an increasing trend of parents who implement this right (and responsibility) by choosing homeschool over public or private schools for their children.<sup>4</sup>

---

1. Manfred B. Zysk, *Homeschooling and the Myth of Socialization*, December 16, 1999, available at [www.lewrockwell.com/orig/zysk1.html](http://www.lewrockwell.com/orig/zysk1.html).

2. See Judith G. McMullen, *Behind Closed Doors: Should States Regulate Homeschooling?* 54 S.C. L. Rev. 75, 76-78 (2002) (providing a brief history of the transition from homeschooling to compulsory-education systems, and the recent and growing popularity of homeschooling).

3. See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) (stating, while holding unconstitutional the application of a statute that would forbid the teaching of foreign languages in private schools, that the due process clause of the Fourteenth Amendment protects “the right of the individual to . . . establish a home and bring up children”); *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925) (stating, while holding a state statute banning private-school education to violate due process, that “[t]he fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only”); *Wisconsin v. Yoder*, 406 U.S. 205 (1972) (holding that Fourteenth Amendment due process is violated when the state requires Amish parents to send their children to high school in contravention of their religious beliefs).

4. “Home schooling, once the backbone of education in this country, has made a comeback.” Kathryn Gardner and Allison J. McFarland, *Legal Precedents and Strategies Shaping Home Schooled Students’ Participation in Public School Sports*, 11 J. Legal Aspects of Sports 25, 26 (2001). Although estimates vary, between 700,000 and a million children, or about 1.7 percent of the U.S. school-age population, were being homeschooled at the end of

Whatever their rationale, most homeschooling parents believe the education they provide their children is superior to that offered by formal schooling.<sup>5</sup>

All states permit homeschooling,<sup>6</sup> although statutes concerning its regulation vary from state to state.<sup>7</sup> As homeschooling becomes more popular, lawyers can expect to participate in the resolution of various disputes involving its practice: between parents who disagree over the desirability of homeschooling,<sup>8</sup> between parents involved with alimony and child-support issues,<sup>9</sup> between parents and school boards over the

---

the 20th Century. See National Center for Education Statistics, *Homeschooling in the United States: 1999*, at 3 (U.S. Dept. Ed. 2001).

5. In a 1999 study, the federal Department of Education noted that parents advanced several reasons for homeschooling their children. Belief in the superiority of education at home was the reason most frequently given, followed by considerations of religion, various family reasons, objections to what public school was teaching, student behavioral problems at school, convenience, and student special needs, among other reasons. *Homeschooling in the United States: 1999*, note 4 *supra*, at 10-11.

6. "In the 1980s, home schooling families in many states were prosecuted for not complying with compulsory school attendance laws. Those days appear to be gone. Under steady pressure by lawyers and lobbyists for the home school movement, the majority of states have rewritten compulsory school attendance laws, or enacted new laws specifically addressing home schooling, creating a general consensus that home education is now legal in all 50 states." Gardner and McFarland, note 4 *supra*, at 26.

7. See Comment (Laura J. Bach), *For God or For Grades? States Imposing Fewer Requirements on Religious Home Schoolers and the Religion Clause of the First Amendment*, 38 Val. U.L. Rev. 1337, 1349-58 (2004) (surveying state homeschooling regulations); Comment (Joseph P. Tocco), *Home Schooling in Michigan: Is There a Fundamental Right to Teach Your Children at Home?* 71 U. Det. Mercy L. Rev. 1053, 1053 (1994) (mentioning variations in the ways "all states impose some form of regulation on the home school"). California, for example, does not have statute dedicated to homeschooling, but rather allows for homeschooling under private tutor, private school, or independent study statutes. See Cal. Educ. Code §§ 48222, 48224, 5175 (West 1993 & Supp. 2003). Under these statutes, California regulates the academic aspect of homeschooling including attendance and curriculum. See Cal. Educ. Code § 48222 (imposing requirements on parents to annually notify educational officials of their intent to homeschool their child, by requiring the same subjects to be taught to homeschoolers as is required in public schools, by requiring an attendance register to be kept, and requiring maintenance of the homeschooler's record).

8. See, e.g., *Cassady v. Signorelli*, 49 Cal. App. 4th 55 (1996) (affirming trial court's decision granting custody to father who, among several other issues, opposed mother's desire to homeschool the couple's child). More generally, see Priscilla Day, *When Parents Can't Agree: Representing the Parent Who Shares Legal Custody*, 11 J. Contemp. Legal Issues 532 (2000).

9. "In order to homeschool, parents may need to dedicate a significant amount of time to schooling their children. Because of the time required, homeschooling usually involves two parents—one who participates in the labor force and one who homeschools." *Homeschooling in the United States: 1999*, note 4 *supra*, at 18 (noting research that

[Vol. 16: 99, 2007]

*The Debate over Homeschooling*  
THE JOURNAL OF CONTEMPORARY LEGAL ISSUES

availability of extra-curricular activities for children who are not enrolled in public school,<sup>10</sup> between single parents and welfare agencies over the merits of working or staying home with the kids,<sup>11</sup> and so forth.

*Socialization* is the process by which individuals learn to establish and maintain relationships with others, become accepted members of society, regulate their own behavior in accordance with society's codes and standards, and get along with others.<sup>12</sup> Many educators, child development specialists, and social scientists claim that homeschooling deprives the child of the ability to develop socialization skills.<sup>13</sup> Parents of homeschoolers disagree, sometimes violently, with this contention.<sup>14</sup> Lawyers involved

---

indicates "97 percent of homeschooling parents were married couples" and that "the percentage of homeschooled students living in two-parent households was much higher than the percentage for nonhomeschoolers"). An oversized child-support or alimony award against the noncustodial parent may be required to finance the homeschooling desire of the custodial parent.

10. "In recent lawsuits involving home schoolers it is the parents who are the plaintiffs bringing suit against the state to allow home schoolers' selective participation in public school activities such as band or sports. . . . Although home schoolers participating in public school programs constitute less than 5% of all students schooled at home, they present an ever growing dilemma for state legislatures, local school boards, athletic directors, and attorneys who may represent them." Gardner and McFarland, note 4 *supra*, at 26, 28.

11. Cf. note 8 *supra*. The DOE report notes that, in 1999, while nearly half of the children in schools were in one-parent households, only about 15% of homeschooled children were in one-parent-households, and that while fully half of the children in schools were in households with \$25,000 or less household income, less than a third of homeschooled children were. *Homeschooling in the United States: 1999*, note 4 *supra*, Table 2 at 5-6.

12. Wendy Craig, *What is Social Development*, in *Childhood Social Development* 1-2 (2002). The two functions of social development are *socialization* and *individuation*. Individuation, or differentiation, is defined as the process of defining oneself as unique and distinct from others. *Id.* at 1-2. Dictionaries define "socialization," the noun form of the verb "to socialize," more broadly, e.g.: "1. to place under government or group ownership or control; establish on a socialistic basis. 2. to fit for companionship with others; make sociable in attitude or manners. 3. to convert or adapt to the needs of society. To take part in social activities." American Heritage Dictionary, *socialize* (1978).

13. McMullen, note 2 *supra*, at 83. Note that other intuitively strong criticisms, such as that homeschooling is academically inferior to more formal schooling, have been called seriously into question by the available research. See *Academic Statistics on Homeschooling*, Home School Legal Defense Association, October 22, 2004 (collecting research), available at [www.hslda.org/docs/nche/000010/200410250.asp](http://www.hslda.org/docs/nche/000010/200410250.asp) (last visited April 2005).

14. Laura Osborne, *Homeschooled Kids: But What About Socialization?* 1 Nat'l LDS Homeschool Ass'n No. 1 (Mar. 2005); Fred Worth, *Socialization Issues* (2002),

in homeschooling disputes should be familiar with both sides of this argument.

Socialization involves interaction between the child and others in their social network.<sup>15</sup> Social scientists observe that school plays a significant role in the socialization of children by providing them context in which to develop fundamental aspects of their personality, including cooperation with peers and acquisition of social skills.<sup>16</sup> They note that homeschooling compresses the three spheres in which children need to be successful—home, school, peers—into a single setting, making socialization “very difficult for kids.”<sup>17</sup> They claim that failures of socialization may lead to interpersonal conflicts, social isolation, and development of aggressive behavior.<sup>18</sup> If critics of homeschooling are correct that homeschoolers are deprived of socialization, the ramifications could have lasting effects on the rest of their lives.

Homeschooling proponents, however, begin by rejecting the notion that socialization depends heavily on interaction with peers.<sup>19</sup> They point to evidence suggesting that socialization depends at least as much

---

available at <http://fac.hsu.edu/worth/hsr.htm>; Zysk, note 1 *supra*; Ann Zeise, *Socialization: The "S" Word, A to Z's Social Home's Cool Homeschooling*, Apr. 29, 1998, available at <http://homeschooling.gomilpitas.com/articles/042998.htm> (all sites last visited April 2005).

15. Craig, note 12 *supra*, at 1. In adolescence, individuals interact with peers to help each other develop a sense of self, of their own moral conduct, and their own career identity. *Id.* at 2. As noted by a popular defender of homeschooling, one of the assumptions underlying the “socialization” debate is that “[t]o be properly socialized, children must spend large amounts of time with their peers.” Worth, note 14 *supra*.

16. Craig, *The School Context*, note 12 *supra*, at 114. The individuation and socialization learned as a child are critical to the rest of a person’s life because they enable him or her to maintain satisfying relationships with others, community, and society. *Id.* at 2.

17. McMullen, *supra* note 2, at 83 (quoting Phoenix pediatrician Daniel Kessler, member of American Academy of Pediatrics developmental-behavior group). “In many ways, home schooling is an unreal world.” Sarah Downey, *Home-schoolers Make the Grade: Many Find Success in Growing Trend for Academic Study*, Chicago Tribune, Sept 23, 1998 at 1 (quoting Dr. James Colmer, director of school development program at Yale University’s Child Studies Center).

18. Craig, note 12 *supra*, at 2.

19. “Realizing that when a child graduates, he is never again cloistered in an environment with same-age peers makes one question the authenticity of the school as a superior socializing agent.” Osborne, note 14 *supra*. “I have never been in a situation, outside of government school, where everyone in the group is the same age and is forced to do the same things. I have always been in groups of people of various ages. Age segregation is not the ‘real world.’ In the ‘real world,’ people who can excel are not held back until the people who are slower catch up. That is how things are done in government schools.” Worth, note 14 *supra*.

[Vol. 16: 99, 2007]

*The Debate over Homeschooling*  
THE JOURNAL OF CONTEMPORARY LEGAL ISSUES

on interaction with adults as with peers.<sup>20</sup> They suggest that the larger the group of children—such as a typical public school classroom—the fewer meaningful socializing contacts a child can have.<sup>21</sup> Next, proponents point out that socialization can be either positive or negative, and argue that a great deal of peer socialization, especially in the school setting, is of the negative variety.<sup>22</sup> Next, they attack the notion that school is the only place for a child's socializing experiences with peers:

[T]he school is not the only place children can find friends and peer group interaction. Churches and communities offer other activities, many of which focus more on healthy social interaction than the school does. Sports, music, youth groups and service groups teach children how to be productive in relationships and to use good social interaction to be a positive influence on society.<sup>23</sup> These activities may offer enough or even more than enough peer contact.

---

20. Homeschool advocates regularly cite the doctoral dissertation of Larry Edward Shyers, *Comparison of Social Adjustment Between Home and Traditionally Schooled Students* (U. Fla. 1992), 53 Dissertation Abstracts Internat'l, No. 12, which includes an empirical study comparing 70 homeschooled children with 70 traditionally schooled children between ages 8 and 10 in support of his hypothesis that "a child's social development depends more on adult contact and less on contact with other children than previously thought." See Osborne, note 14 supra.

21. "Our mass education system has taken from the teacher, for many reasons, the ability to fulfill the role of a social mentor in the classroom. Discipline is often lacking and teaching social skills has taken a back seat to preparing children to score well on tests and learning academics. Children are often encouraged to solve social problems later or carry on conversations during non-teaching times. In most situations, the classroom is not the best environment for good social skills to be learned." Scott Turansky, *Social Development and the Homeschooled Child* (authored for the Homeschoolers Support Network in 1997), available at [www.homeschoolsupport.org/starter.asp](http://www.homeschoolsupport.org/starter.asp) (last visited Apr. 2005).

22. "Anyone who watches school bus socialization or cafeteria interaction or children on a playground begins to question the kinds of social skills which are being learned. These children are left to learn from each other appropriate social behavior and healthy responses to emotions, but all are equally as uneducated in this field and cannot provide what each other need. Unfortunately, the negative socialization that takes place in the larger 'school' environment is often destructive and parents must spend time retraining their children after long exposure to it. Meanness, teasing, gossip, rudeness, peer pressure and other destructive social skills contribute to negative socialization." Turansky, note 21 supra.

23. Turansky, note 21 supra. "There's Little League, Bobby Sox, and Pop Warner Football, if that's what he (or she) wants to do. Mostly likely, he'll choose some sport he can do his whole life long, such as skiing or rock climbing or roller blading." Zeise, note 13 supra.

Finally, they claim the advantage that homeschooled children are more likely than traditionally schooled children to become independent and self-directed in learning their own values and skills, and to avoid reliance on peer approval.<sup>24</sup>

Research has shown that extracurricular participation is associated with leadership as well as academic excellence.<sup>25</sup> Child development specialists advise homeschooling parents that they should make room for activities outside the home.<sup>26</sup> In addition to many activities supervised by organizations other than schools—churches, the “Y” and other child-centered service organizations, the Boy Scouts and Girl Scouts, and organized sports like Little League and Pop Warner—some school districts have permitted homeschoolers to “opt in” to extracurricular activities.<sup>27</sup> When exercised, these options may provide homeschool students with sufficient opportunities to interact with other children and develop the social skills they may be missing as a result of an individualized education.

---

24. “Home school children will not be forced to act more mature than they really are to try to protect themselves from being mocked. They are permitted to enjoy their childhood by not being exposed to things that rob them of their youth and innocence. They will not be forced to become prematurely independent. Independence will come after they have developed the moral and emotional maturity to handle it. My experience shows me that home schooled children tend to be more respectful, more self-confident, more mature and more capable than government schooled children.” Worth, note 13 *supra*.

25. Joseph L. Mahoney and Robert B. Cairns, *Do Extracurricular Activities Protect Against Early School Dropout?* in *Childhood Social Development* 169 (Wendy Craig ed., 2000).

26. Downey, note 17 *supra*.

27. Gardner and McFarland, note 4 *supra*, at 25: “Despite reluctance to expose their children to the academic curriculum and social environment of the public school system, some parents of home schooled students appear eager to embrace the benefits of their children’s participation in extracurricular activities.” But see *id.* at 29: “Faced with the growing number of students schooled at home, and the increasing interest of this group in participating in public school extracurricular activities, the response of most states and local school districts has been to resist home schoolers’ efforts to opt in.”

Copyright of Journal of Contemporary Legal Issues is the property of University of San Diego, School of Law and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.