

California court reverses, backs home schools: "Home schools may constitute private schools"

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A California court has reversed its previous ruling and decided that most forms of homeschooling are legal—a decision called a “tremendous victory” for conservative Christians critical of public schools.

Last February, the Second District Court of Appeal ruled in a juvenile court case that public school enrollment is generally required unless a child is tutored by a credentialed person or enrolled in a full-time private school.

In the new ruling on August 8, the court determined that while the original education laws seemed to exclude home schools in the definition of private school, later laws could be interpreted differently.

“The most logical interpretation of subsequent legislative enactments and regulatory provisions supports the conclusion that a home school can, in fact, fall within the private school exception to the general compulsory education law,” the court concluded. “We therefore conclude that home schools may constitute private schools.”

But the court added that “an order requiring a dependent child to attend school outside the home in order to protect that child’s safety” is constitutional.

The case, which involved a family accused of abusing their homeschooled children, drew the attention of homeschooling advocates, including Focus on the Family founder James Dobson.

“This is a tremendous victory for thousands of homeschooling families in California,” said Brad Dacus, president of Pacific Justice Institute, which represented a Christian school that provided testing to the family.

Baptist Press, an arm of the Southern Baptist Convention, reported that there are an estimated 166,000 homeschooled children in California. Governor Arnold Schwarzenegger and state schools superintendent Jack O'Connell, who were critical of the earlier appellate court ruling, had pledged to seek new legislation for the broader right of parents to homeschool their children. -*Religion News Service*