

Protecting Homeschoolers



**A
Proposal to
Protect
Homeschooled
Children in
North Carolina
From
Educational
Neglect**

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EXECUTIVE SUMMARY

More and more North Carolina parents are choosing to homeschool their children. While this option provides a welcome opportunity for families who seek an alternative to existing public and private schools, it leaves some children at risk of educational neglect. Due to the potential isolation of homeschooled children, as well as the complete absence of any current monitoring mechanisms, the possibility exists that a child could be left with minimal skills upon reaching adulthood.

Given the constitutional as well as moral duty of the state to ensure that every child has the opportunity to obtain a sound, basic education, this report recommends a modest change to state law to protect children from being deprived of educational opportunity while homeschooled. This recommendation would require that all homeschooled children be annually registered with the state and it would add “educational neglect” to the definition of child neglect. The proposal gives the local departments of social services the authority to receive complaints and initiate screening investigations into homeschools that are the subject of complaints. It also gives expanded power to the Division of Non-Public Education within the Department of Administration (or other state or local agency) to investigate cases referred from departments of social services to verify or dismiss complaints of educational neglect. It would provide due process protections to parents at each step.

This approach is preferable to other more intrusive approaches in that it does not add any obligations to parents who are adequately educating their children other than to identify the children being homeschooled. It would not add any additional testing obligations. Any interaction between a homeschooling family and local or state officials would be limited to those situations in which there is a serious and verifiable concern that a child is suffering from educational neglect.

All of us have an interest in the collective education of our people. No child’s potential should be wasted, and no child should arrive at adulthood without the skills to participate in both our economy and our democracy. Homeschooling offers a valuable opportunity for some families; the recommendations in this report in no way limit or intrude on that opportunity. Yet to protect the presumably few children whose parents are either ill-equipped or unwilling to provide them with the tools they need to thrive in society, the state must have authority to intervene.

The purpose of this report is to open a discussion among policy makers about the unique risks to homeschooled children and potential tools to protect those children from educational neglect.

Introduction

North Carolina's Constitution acclaims the value of education and the General Assembly commands that every child in North Carolina be educated. Children who attend public schools are protected by comprehensive statutes and regulations,¹ which are backstopped by the constitutional guarantee of a "sound basic education."² Children who are homeschooled – an estimated 135,000 children in North Carolina³ -- rely only on their parents to ensure that they are well prepared for adulthood and citizenship. To date, the state has established neither law nor policy to protect homeschooled children from their parents' failure, leaving some to suffer from stark educational neglect.

While many, undoubtedly most, homeschooled children enjoy a rich education that well prepares them for productive futures, there is no way to know how many homeschooled children are poorly educated, miseducated, or otherwise educationally neglected. At present, North Carolina has virtually no oversight of homeschools and no state agency has any power to investigate the adequacy of a homeschool. The lack of oversight means there is no data; we have no idea how many homeschooled North Carolina children cannot read, write, or do math; how many get to be adults without ever having learned history or science; how many are completely ill-equipped to contribute to either the economy or our democracy.

The current approach negates the state's long-expressed devotion to ensuring the state's children are properly educated. The state's constitution provides that "[t]he people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right."⁴ The North Carolina Supreme Court has explained that the state's constitution guarantees "every child of this state an opportunity to receive a sound basic education in our public schools."⁵ If parents decline that opportunity for their child, the state has an obligation – currently unfulfilled -- to guard and maintain that child's right.

Nor is educational neglect the only harm the homeschooled children may suffer. Insufficient oversight of homeschool parents also prevents detection of child abuse. Indeed, one study involving cases of child torture found that that nearly half of the school-aged torture victims studied were withdrawn from school and homeschooled instead.⁶

As homeschooling has grown as an alternative to public and private schools, many states have addressed the risk of educational neglect and physical abuse through legislation imposing reporting, curricular requirements, assessment protocols, and other requirements on homeschools. North Carolina's homeschool statutes remain largely unchanged since 1988, when the state first included the right to homeschool in the general statutes.

This report raises questions about the sufficiency of North Carolina’s protection of homeschooled children. It recommends changes to laws that, if implemented, will reduce the risk that children who are homeschooled will fall victim to educational neglect and physical abuse, without imposing additional burdens on most homeschool families.

I. NORTH CAROLINA’S HOMESCHOOLING LAWS

History

North Carolina’s laws regulating homeschooling are tied up with the laws on private schools. Neither private schools nor homeschools were regulated at all before 1955. That changed after the U.S. Supreme Court mandated racial integration of public schools and many North Carolinians turned to private schools to avoid integration. The initial law addressing private schools – which made no mention of homeschools – was enacted in 1955. It required private schools to be nearly equivalent to public schools. In order for their enrolled students to comply with the state’s compulsory education law, private schools needed approval from the State Board of Education regarding teacher qualifications, curricula, and textbooks.⁷

In the late 1970s, private schools, particularly religious schools, chafed at state regulation, simultaneously challenging the regulations in court and lobbying the legislature for change. The litigation failed⁸ but the lobbying efforts succeeded. In 1979, the state passed legislation that radically deregulated the operation of private schools.⁹ The law changed the governance of private schools in two major ways. First, it removed oversight of private schools from the State Board of Education and gave regulatory authority to the Division of Non-Public Education (DNPE) within the Department of Administration.¹⁰ Second, it removed the requirements that “non-public” schools have any equivalency to public schools. The law freed private schools from any state oversight of teacher qualifications, curriculum, or textbooks. That legislation still governs non-public education today.¹¹

The 1979 law made no mention of homeschooling. Indeed, that same year, the Attorney General issued an opinion declaring that home instruction would not satisfy state compulsory education requirements.¹²

In 1982, a religious family brought suit against North Carolina, alleging the state’s refusal to permit home instruction violated their First Amendment right to religious freedom.¹³ The case reached the North Carolina Supreme Court in 1985. While the case did not address the religious freedom claim, it held that, under North Carolina’s broad

non-public education statute, homeschools qualified as non-public schools and therefore attendance at a homeschool satisfied the state's compulsory education law.¹⁴ Less than three years later, in 1988, the General Assembly enacted an additional part to the non-public school law, explicitly allowing homeschools to operate as non-public schools and be regulated as non-public schools by the Division of Non-Public Education.¹⁵ One amendment has been made since then, allowing parents to contract for some aspects of a child's education rather than provide all of the instruction themselves.¹⁶

Current Law

1. Governance Structure of Homeschools

Homeschools, like private schools, are regulated by the Division of Non-Public Education (DNPE). Currently, DNPE oversees approximately 750 private schools and 87,000 homeschools.¹⁷ DNPE's primary role is administrative; it handles registrations, monitors schools for compliance with administrative requirements, and keeps data.¹⁸ The staff has no responsibilities with regard to substantive education issues such as curriculum, textbook, teacher qualifications, or academic testing.

2. Requirements for Homeschools

Current law defines a homeschool as "a non-public school consisting of the children of not more than two families or households, where the parents or legal guardians or members of either household determine the scope and sequence of academic instruction, provide academic instruction, and determine additional sources of academic instruction."¹⁹

Homeschools must elect to qualify as a religious school or a non-religious school.²⁰ Other requirements are as follows:

1. The homeschool operator must send DNPE a notice of intent to operate, the name and address of the school, and the name of the school's owner and chief administrator;²¹
2. The person who will be the academic instructor in a homeschool must provide evidence that he or she holds at least a high school diploma or its equivalent;²²
3. The homeschool must operate on a regular schedule during at least nine calendar months of the year;²³
4. The homeschool operator must maintain annual attendance and disease immunization records for each child;²⁴

5. The homeschool operator must administer, at least once a year, a nationally standardized test, selected by the operator, to all children enrolled.²⁵

Notably, the law does not require the homeschool operator to report to DNPE the names, ages, or even the number of children being homeschooled. Because of this omission, DNPE cannot report which children or how many children in North Carolina are homeschooled. DNPE acknowledges that it can only estimate the number of homeschooled children in the state.²⁶ Likewise, because of this omission, it is challenging for the state's compulsory education requirement to be enforced for homeschooled children.

The law prescribes no educational standards. Homeschools are not required to follow the state's standard course of study or an equivalent curriculum. Parents have complete discretion over what subjects are or are not taught. They are not required to report any information about the homeschool curriculum, nor are they required to report the scores of the required tests. The law explicitly states that homeschools shall not be required to meet any other education laws except for those relating to immunization.²⁷

3. Enforcement of Homeschool Laws

The Division of Non-Public Education is charged with assuring that homeschools comply with state law. Primarily through its website, DNPE accepts the required "Intent to Operate a Homeschool" forms. The website notifies homeschool operators of the requirements, including that they must maintain their attendance, immunization, and testing records for one year. These records are to be made available, upon request, to a DNPE official. Due to the number of homeschools and the limited DNPE staff, such requests are rare.

DNPE accepts complaints against homeschools on its website during the months of September through May.²⁸ Complaints must concern only homeschools with children between the ages of 7 and 16 (the ages of compulsory education in North Carolina). An investigation will proceed if the complaint alleges one of the following issues:

- 1) the homeschool operator did not provide notice of an intent to homeschool;
- 2) the homeschool instructor does not possess a high school diploma;
- 3) the homeschool does not operate for at least nine months of the year;
- 4) the homeschool fails to maintain attendance and immunization records of students; or
- 5) the homeschool fails to administer a standardized test at least once a year.

Anyone can file a complaint against a homeschool with DNPE.²⁹ After receiving a complaint, DNPE offers the homeschool a chance to respond to the complaint,³⁰ and investigates the allegations.³¹ If DNPE finds the homeschool has violated the nonpublic

education statutes, it is empowered to terminate the legal status of the school and refer the parents of the children to local compulsory attendance enforcement authorities.³²

DNPE has six employees to oversee the 87,000 homeschools and 750 other non-public schools within its regulatory jurisdiction. During the four academic years 2014-15 through 2017-18, DNPE investigated an average of nine complaints a year and closed an average of five schools per year.³³

Neither DNPE nor any other state or local agency (i.e., not the local board of education or the local department of social services³⁴) has jurisdiction to investigate a complaint about the quality of a homeschool, including whether the students are being taught basic academic subjects such as reading or math. Nor is there jurisdiction to investigate whether the needs of a disabled child are being ignored. A child who is not being educated by a parent purporting to homeschool has no recourse him or herself to override a parent's approach to his education.

4. Risks of Current Homeschool Laws

Sparse homeschool laws leave homeschooled children at heightened risk of both educational neglect and child abuse. Without the many layers of oversight of a child's education that are built in to public and most private schools, detection of a parent's failure to educate a child is elusive. While changes to our laws must be sensitive to the rights of parents to make choices with regard to their children's education, they must simultaneously be respectful of the rights of children to be properly prepared to participate and compete in the society in which they will live and work.

Under the current law, which does not require parents to identify the individual children who are enrolled in the homeschool, enforcing the compulsory education law for homeschooled children is virtually impossible. Children never enrolled in school or withdrawn from school become unaccounted for; while they may be homeschooled, they may also simply be truant, or worse yet, being abused and hidden. Neither local nor state records track them.

While the risks to homeschooled children are easy to imagine, they have been difficult to document. Nevertheless, anecdotal accounts of homeschooled teens recognizing that their math skills leveled out at an elementary level, their knowledge of the functions of government were nonexistent, or their understanding of science was limited to the most basic concepts should prompt state leaders to support changes to our laws.³⁵ The recent bestselling memoir *Educated* by Tara Westover vividly depicts a harrowing homeschool experience, full of physical dangers and overlooked lessons.³⁶

II. NATIONAL OVERVIEW

Around the country, states take a wide variety of approaches to regulating homeschools. While some states are similar to North Carolina in having a very hands-off approach, others take an approach that more carefully protects children from educational neglect.³⁷ The U.S. Supreme Court has recognized the authority of the state to regulate private education in the interest of ensuring that its citizens are adequately educated.³⁸ This likewise gives states the power to regulate homeschools.

Across the country, it is more common for states to give the power to local boards of education to oversee homeschools within their districts, although some states, like North Carolina, assign oversight to a statewide agency. In most states, parents are required to identify the children who are being homeschooled, unlike in North Carolina where only the parent operating a homeschool must be identified.

A few states require the parent instructor to have more than a high school diploma.³⁹ Others, like North Carolina, require a high school diploma or GED,⁴⁰ and some require “competence.”⁴¹ A number of states require instruction to be in English, thus requiring the parent to be English speaking.⁴²

While most states, like North Carolina, allow parents full control of the content of the instruction, a few states require particular subjects to be covered at certain educational levels⁴³ Annual assessments by outside education authorities are required to monitor compliance.⁴⁴ Children in homeschools that are determined to be out of compliance with the educational standards of the state can be required to enroll in either a public or private school.

Several states take measures designed to protect homeschooled children from physical abuse. Pennsylvania, for example, requires homeschool operators to submit an affidavit averring that no one in the home has committed certain crimes relevant to child safety.⁴⁵ Arkansas does not permit homeschooling to occur in a home occupied by a registered sex offender.⁴⁶ Colorado has limits on the establishment of a homeschool following a period of time when the student previously enrolled in public school has been habitually truant.

Twenty-four states include educational neglect in their definition of child neglect.⁴⁷ In so doing, these states empower child protective services, or an equivalent agency, to intervene when it possesses evidence that a child’s parent is not complying with compulsory education laws. In most of these states, however, educational neglect is simply the failure to enroll a child in a public or private school or to homeschool “as required by law.”⁴⁸ When the state’s homeschool law, like North Carolina’s, has no qualitative standard for the required education, the inclusion of educational neglect in

child neglect laws provides limited protection to a child against a parent's failure to provide an education that provides the child a chance to succeed in the adult world.

III. PROPOSAL FOR CHANGE

1. Registration Requirement

A simple change to North Carolina's homeschool law would be a registration requirement. Under current law, parents who operate a homeschool must provide their own names to the state. The change would require that the names and birth dates of the homeschooled children also be provided, to be updated annually. An annual update of the information would contribute to the enforcement of compulsory education laws, distinguishing between children enrolled in school (whether private, public, or homeschooled) and children who have been kept from the educational system by their parents or are otherwise truant.

Policy makers may wish to authorize the state to share the names and ages of homeschooled children with the superintendent of the public school district in which the homeschool is located. This would additionally facilitate the enforcement of compulsory education laws, allowing local authorities to know that children withdrawn from public schools were enrolled elsewhere. Aligning the private school requirements to likewise require the reporting of the names and ages of children enrolled and withdrawn from private school would even more effectively facilitate the enforcement of compulsory education.

2. Including "Educational Neglect" in Definition of Child Neglect

The current statutory definition of a "neglected juvenile" includes one who is not provided necessary medical or remedial care.⁴⁹ The change would add education to this list. Thus, a neglected juvenile would include one "who is not provided, while aged 7 through 15, access to education by enrollment in either a public school, a private school, or an adequate homeschool." The inclusion of education within this definition would then allow the departments of social services to receive reports of suspected neglect and authorize investigation of such reports. (See proposed text in Appendix.)

This formulation begs the question of how to define "an adequate homeschool." Homeschools often approach the education of children in unique and individual ways; this proposal in no way seeks to disrupt the ability of parents to customize their educational approaches. Nevertheless, approaches that fail to provide children opportunities to develop skills such as reading, writing, and mathematics, or fail to expose children to increasingly advanced knowledge of science, literature, civics, and social studies may well be short of "adequate."

Some scholars and advocates have suggested that educational neglect be defined as the failure of the parent to provide a child with an education equivalent to that taught in public school in the basic skills of reading, writing, and arithmetic.⁵⁰ Another formulation is that a child has been educationally neglected when a child has not learned to read or do basic math by age 10, is significantly behind grade level in a majority of subject areas, or is shown to have not made educational progress in core subjects like reading, math, or science⁵¹ A number of states require that a homeschool offer “a basic academic educational program, including reading, language arts, mathematics, social studies and science.”⁵²

In North Carolina, another possibility would be to peg an “adequate homeschool” to the constitutional standard developed for public schools by the N.C. Supreme Court: all children are entitled to the opportunity to receive a “sound, basic education.”⁵³ The Court defined a “sound, basic education,” as follows:

(1) sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society; (2) sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation; (3) sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and (4) sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society.⁵⁴

Were this standard be employed, an “adequate” education would be one that offers each homeschooled child the means to acquire a sound, basic education. This standard would not mandate any particular curriculum or educational strategy, would not require certain instructional pacing, and would not prescribe specific results. It would, however, require some demonstration that the homeschooled child was being prepared, at a reasonable pace, for higher education or vocational success and for democratic participation after the age of 18.

Proposed Enforcement Mechanisms

Should “educational neglect” be added to the definition of “child neglect” in North Carolina, an enforcement mechanism would need to be developed. One approach would be two tiered, involving an initial screening followed by a more thorough investigation of those identified by the screening as needing more expertise. Under this approach, the initial tier would use the existing authority of local departments of social services to accept and screen reports.⁵⁵ Standards would need to be developed to assist

DDS workers to engage in an initial assessment and determine if further investigation is warranted. A threshold determination by a local department of social services (DSS) that a child may be experiencing educational neglect and not being offered an adequate education would then be referred to the second tier. This tier could be managed by the Division of Non-Public Education, the Department of Public Instruction, or local boards of education. In any of those scenarios, the agency could use internal staff or could contract with educational experts to examine educational materials, test scores, and other relevant evidence of an adequate education offered by the homeschooling parents. A determination of educational neglect could be remedied by the enrollment of the neglected child in public or private school, or by an alteration of the provision of education to the child by the parents. Periodic review of intended changes would provide parents an opportunity to cure the neglect before a final decision is made. A final decision of educational neglect by the authorized agency would be a final agency decision appealable pursuant to the state Administrative Procedures Act.

An approach beginning with the local departments of social services capitalizes on their expertise and authority in investigating matters involving children and maintains standards designed to protect confidentiality and other rights of parents subjected to investigation.⁵⁶ The protection of educationally neglected children would be enhanced by the duty of all adults to report suspected neglect.⁵⁷ Deploying DSS's existing investigative authority and expertise allows North Carolina to address educational neglect without needing to significantly reallocate state resources. Moreover, requiring DSS to investigate reports of educational neglect also neutralizes homeschooling as a tool to shield other forms of neglect or abuse. In the course of investigating a report of educational neglect, DSS may uncover evidence of physical or emotional abuse. And, of course, the reverse would also be true: DSS could uncover educational neglect when investigating other forms of abuse or neglect. Finally, this approach targets only those homeschool parents who are suspected of wrongdoing, while imposing no new requirements on homeschooling parents generally.

Employing a second tier protects the departments of social services from needing to be experts on assessing an educational program. While specific standards would need to be developed, they should be relatively simple and easy to administer. For example, the social worker could ask the homeschooling parents to share curricular materials and/or provide examples of the children's work. The social worker could question the children about their learning experiences. Only if the parent could not show any evidence of an educational program or the children are unable to report on any educational experiences would the matter go further. So long as the parents could demonstrate that they were providing educational materials and experiences for the children, the inquiry would end. The social worker would not be asked to assess the quality of the materials or work samples.

In a case that progresses to the second tier, a deeper investigation and more expertise would be involved. That expertise could come from state or local personnel, in either the Division of Non-Public Education or the Department of Public Instruction, or in local boards of education. Likewise, any of those agencies could be authorized to hire consultants when needed to conduct a second-tier investigation. Parents would be given notice and an opportunity to demonstrate the adequacy of the homeschool. The investigator would be given authority to assess the children and examine the educational materials, approach, and curriculum. The investigator would be charged with determining whether there existed an educational program that was adequately providing learning opportunities for the children aimed at them being prepared, by the time of adulthood, for higher education or vocational success and for democratic participation, consistent with “a sound, basic education.” Investigators would not be able to find an educational program inadequate because the investigator disagreed with the particular educational strategies or approach used by the parents. As with the first tier, specific standards would need to be developed.

If the investigator determined that the child was being neglected educationally because the homeschool was inadequate, the parents would be given a formal notice with an explanation of the deficiencies. The parent would be given a period of time to remedy the situation (60 days, for example), and then a follow-up investigation would occur. If the investigator concluded that the homeschool continued to be inadequate, then the parent would receive a formal notice of the decision. The parent would be required to either 1) enroll the child in a private or public school; or 2) appeal the decision. The decision would be a final agency decision as defined in the N.C. Administrative Procedures Act, leading to an appeal in the Office of Administrative Hearings.

It is anticipated that this process would occur in extremely few cases and thus the impact on the Office of Administrative Hearings would be minimal.

Alternative Enforcement Mechanisms

Instead of including “educational neglect” within the definition of child neglect and giving departments of social services and DNPE investigatory authority, North Carolina could use mechanisms developed in other states to assure that homeschooled children are truly educated. A few options are described below.

A. Testing

Under current law, homeschools must annually administer a nationally-standardized test of their choice to all enrolled students. The scores need not be reported and records may be discarded after a year. To better protect students, the law could require that homeschools administer a test selected by the state, or could require the reporting of scores, or both.

Reported test scores would serve a screening function for DNPE. If the scores for a particular child fell below a specified cut-off point, an investigation by the Division of Non-Public Education would be triggered. Either through its own staff or through contracted experts, investigators would further assess the child's educational progress. Were the officials to find the child's education unsatisfactory, parents would be given a period of time to craft a remedial plan. Should the parents fail to provide an adequate plan, or should the child not sufficiently improve after a specified length of time, the child would be required to enroll in a public or private school.

A testing system like this would impose an additional requirement on all homeschools and would require additional DNPE staff to collect and review all test scores. Further, it would require skilled investigators to follow up on all schools in which the scores did not reach the set targets.

B. Instructional, Curriculum, and Reporting Requirements

Another approach would require homeschools to comply with additional regulations and submit reports document their compliance. For example, the law could require that homeschools be in session a specified number of hours (rather than the "nine months" that is currently required). Additionally or alternatively, homeschools could be required to verify that basic subjects were being taught or that the curriculum mirror the North Carolina Standard of Course of Study.

To ensure compliance with more stringent requirements, DNPE would need to mandate that homeschools submit logs, test scores, or other records documenting each students' work during the school year. As with testing requirements, monitoring these requirements would require additional DNPE staff and possibly contracted experts.

Due to their more onerous intrusion on homeschool families, these alternative mechanisms are not recommended for North Carolina.

Conclusion

Homeschooling can be an effective approach to a child's education and offers advantages to certain families over private and public schools. However, failure to regulate homeschools leaves homeschool children at increased risk of educational neglect and physical abuse. North Carolina can address these risks without burdening well-intentioned homeschool parents by recognizing educational neglect as a form of child neglect and empowering the state to investigate those few cases in which children may be on a path to illiteracy and incompetence as adults.

APPENDIX

Proposals for Statutory Change:

115C-564. Qualifications and requirements

A home school shall make the election to operate under the qualifications of either Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except that

- a) any requirement related to safety and sanitation inspections shall be waived if the school operates in a private residence; and ~~except that~~
- b) testing requirements in [G.S. 115C-549](#) and [G.S. 115C-557](#) shall be on an annual basis; and
- c) Each home school operator shall, at the time of establishing a new home school, and annually thereafter, send to a duly authorized representative of the State of North Carolina the names and dates of birth of the children enrolled in the home school.

The persons providing academic instruction in a home school shall hold at least a high school diploma or its equivalent.

§ 7B-101. Definitions

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(15) Neglected juvenile.--Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under [G.S. 14-43.15](#) or (ii) whose parent, guardian, custodian, or caretaker does not provide proper care, supervision, or discipline; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who is not provided, while aged 7 through 15, access to education by enrollment in either a public school, a private school, or an adequate homeschool; or who lives in an environment injurious to the juvenile's welfare; or the custody of whom has been unlawfully transferred under [G.S. 14-321.2](#); or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home. In determining whether a homeschool is adequate, it is relevant whether the parents can produce educational materials, can describe how the juvenile is educated, and can demonstrate that the juvenile is making educational progress.

ENDNOTES

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- ¹ See, e.g. N.C. Gen. Stat. § 115C-1 *et seq.*
- ² *Leandro v. State*, 488 S.E.2d 249, 255 (N.C. 1997).
- ³ T. Keung Hui, *Secular Home-Schooling Grows in NC as More Identify as Non-Religious Schools*, NEWS & OBSV. (Nov. 30, 2018) <https://www.newsobserver.com/news/local/article222108400.html>; https://a2zhomeschooling.com/thoughts_opinions_home_school/numbers_home_schooled_students/
- ⁴ N.C. Const. art. I, § 15.
- ⁵ *Leandro*, 488 S.E.2d at 255.
- ⁶ Barbara L. Knox, et al., *Child Torture as a Form of Child Abuse*, 7 J. CHILD ADOLESCENT TRAUMA 37, 39 (2014).
- ⁷ N.C. Gen. Stat. § 115-166 (Supp. 1979)
- ⁸ *State v. Columbus Christian Academy*, No. 78 CVS 1678 (Wake Cty. Super. Ct., Sept. 1, 1978).
- ⁹ *Home Instruction*, N.C. BD. OF EDUC., <https://stateboard.ncpublicschools.gov/legal-affairs/resources-1/home-instruction> (last visited Oct. 12, 2018).
- ¹⁰ See Article 39 of Chapter 115C of the N.C. General Statutes
- ¹¹ *Id.*
- ¹² 49 N.C. OP. ATTY. GEN. 8 (N.C.A.G.), 1979 WL 31158.
- ¹³ *Delconte v. State*, 329 S.E.2d 636, 638 (N.C. 1985).
- ¹⁴ *Id.* at 641.
- ¹⁵ See N.C. GEN. STAT. § 115C-563 - 115C-565.
- ¹⁶ See N.C. GEN. STAT. § 115C-563(a).
- ¹⁷ N.C. Dep't of Non-Public Educ., 2018 North Carolina Homeschool Statistical Summary 2, <https://files.nc.gov/ncdoa/17-18%20Home%20School%20Annual%20Report.pdf>
- ¹⁸ <https://ncadmin.nc.gov/about-doa/divisions/division-non-public-education>
- ¹⁹ N.C. GEN. STAT. § 115C-563(a) (2013). The limit on the number of families who may participate in a given homeschool was imposed in 2013. S.L. 2013-57, § 1 (May 30, 2013).
- ²⁰ *Id.* § 115C-564.
- ²¹ *Id.* §§ 115C-552, 115C-560.
- ²² N.C. GEN. STAT. § 115C-564.
- ²³ *Id.* §§ 115C-548, 115C-556.
- ²⁴ *Id.* §§ 115C-548, 115C-556.
- ²⁵ *Id.* §§ 115C-564.
- ²⁶ N.C. DEP'T OF NON-PUBLIC EDUC., 2018 NORTH CAROLINA HOMESCHOOL STATISTICAL SUMMARY 3, <https://files.nc.gov/ncdoa/17-18%20Home%20School%20Annual%20Report.pdf> (“Student enrollment estimates are based on an algorithm where values for nonreporting schools and schools with reported numbers that are not possible.”).
- ²⁷ N.C. GEN. STAT. § 115C-565 (“No school which complies with this Part shall be subject to any other provision of law relating to education except requirements of law respecting immunization.”).
- ²⁸ *Complaints about Homeschools*, N.C. DIV. NON-PUBLIC EDUC. <https://ncadmin.nc.gov/contact/feedback/complaints-about-home-schools> (last visited Oct. 12, 2018).
- ²⁹ *Complaints about Homeschools*, N.C. DIV. NON-PUBLIC EDUC. <https://ncadmin.nc.gov/contact/feedback/complaints-about-home-schools> (last visited Oct. 12, 2018).
- ³⁰ *Id.*
- ³¹ *Id.*
- ³² *Id.*
- ³³ In response to an email request for information, a DNPE official reported for school years 2014-15, 15-16, 16-17, 17-18 and 18-19:

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1. the number of complaints filed against homeschools with the Division of Non-Public Education -- 64
 2. the number of those complaints resulting in an investigation -- 45
 3. the number of those complaints resulting in the closure of the homeschool 26
 4. how many of those complaints resulted in other action being taken against the complained-of-homeschool; none

³⁴ While the Department of Social Services is required to investigate reports of abuse, dependency, or neglect, its definition of “Neglected juvenile,” does not include educational neglect. *See* N.C. GEN. STAT. § 7B-101(15).

³⁵ *See, e.g.,* Carmen Green, Note, Educational Empowerment: A Child’s Right to Attend Public School, 103 Geo. L. J. 1089, 1106-1112 (2015).

³⁶ Westover, Tara, *Educated* (Random House 2018)

³⁷ *Find Your State*, COALITION FOR RESPONSIBLE HOME EDUC.

<https://www.responsiblehomeschooling.org/policy-issues/current-policy/> (last visited September 23, 2018).

³⁸ *Pierce v. Society of Sisters*, 268 US 510 (1925).

³⁹ WASH. REV. CODE § 28A.200.010(4)(a)–(c) (West 2018) (Some exceptions are allowed.)

⁴⁰ *See* GA. CODE ANN. § 20-2-690(c)(3); N.M. STAT. ANN. § 22-1-2.1(C) (West 2014).

⁴¹ *See, e.g.,* CAL. EDUC. CODE § 48222 (West 2018); KAN. STAT. ANN. § 72-3120(a)(2) (West 2012).

⁴² *See, e.g.,* 24 P.S. § 13-1327.1(c) (requiring 900 hours of instruction “in English”).

⁴³ 24 P.S. § 13-1327.1(c); N.Y. COMP. CODES R. & REGS. tit. 8, § 101(e)(2).

⁴⁴ 24 P.S. § 13-1327.1(e); N.Y. COMP. CODES R. & REGS. tit. 8, § 100.10(h)(1–2).

⁴⁵ 24 P.S. § 13-1327.1(b).

⁴⁶ ARK. CODE. ANN. § 6-15-508 (West 2018).

⁴⁷ Child Welfare Information Gateway, Definitions of Child Abuse and Neglect (April 2016)

<https://www.childwelfare.gov/pubPDFs/define.pdf>.

⁴⁸ *See, e.g.,* TENN. CODE ANN., tit. 49 § 49-6-3009(b) (providing that parents who violate the state’s truancy laws has committed educational neglect).

⁴⁹ N.C. GEN. STAT. § 7B-101(15) (2019).

⁵⁰ Eric W. Johnson, Comment, Educational Neglect As a Proper Harm to Warrant a Child Neglect Finding: In Re B.B., 76 IOWA L. REV. 167, 184 (1990).

⁵¹ *Recognizing Educational Neglect*, COALITION FOR RESPONSIBLE HOME EDUCATION,

<https://www.responsiblehomeschooling.org/educational-neglect/recognizing-educational-neglect/> (last visited Dec. 17, 2018).

⁵² *See, e.g.,* N.M. STAT. ANN. § 22-1-2.1(C) (West 2014).

⁵³ *See* Leandro v. State, 346 N.C. 336, 345, 488 S.E.2d 249, 254 (1997).

⁵⁴ *Id.* at 347, 488 S.E.2d at 255.

⁵⁵ N.C. GEN. STAT. § 7B-300 (2015).

⁵⁶ *See id.* § 7B-302 (providing, among other things, the steps DSS should take in investigating allegations of abuse, neglect or dependency; the deadlines for completing an investigation; that information learned in an investigation is confidential and the circumstances under which information learned in the course of an investigation may be disclosed; and the instances under which a DSS official may lawfully enter a private residence).

⁵⁷ *Id.* § 7B-301(a).

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