

Home Education Foundation

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Mutula Kolonzo
Minister of Education
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Dear Sir,

Re: Basic Education Bill

The Home Education Foundation of New Zealand has been advocating parents' rights in New Zealand and worldwide for 27 years. We are committed to home education as the best opportunity to embrace spiritual, intellectual and academic freedom.

After so many years liaising with the New Zealand government, the Home Education Foundation is well placed to understand the concerns and needs of home educators, as well as the concerns of government bodies. We were very concerned on behalf of Kenyan home educators to hear of the Kenyan government's plans to pass an education bill that doesn't recognise home education as a viable educational alternative and hope to provide a perspective that will help you make an informed and equitable decision on this topic.

Home educators in New Zealand and internationally believe that they are the best people to provide their children with an education. They believe that it is primarily their responsibility to do so, not the responsibility of the government. Many home educating parents also hold convictions that to surrender responsibility for their child's education to the state would be deeply wrong on each of the following counts:

1. Education of children is a parent's responsibility, and parents would consider it wrong to give up their responsibility to any alien person or institution.
2. Education of children is not the state's responsibility, and parents would consider themselves at fault if they were to allow the government to overstep its bounds.

Having observed the home education movement worldwide over the last three decades, the Home Education Foundation can vouch for the fact that rather than injure their consciences by yielding their children to government oversight, thousands of home educators worldwide opt to home educate illegally. In Australia, approximately 15,000 school-age children are registered for home education, but estimates put the number of unregistered home educated children as high as 50,000.

These parents have become criminals rather than abandon their conscientious objection to state-regulated home education. We ask that home educators in Kenya should be allowed to retain their liberty and home educate according to their consciences.

Right of Parents to Choose Education

Parents have a right to choose a specific kind of education for their children. This right was not given to them by any legislating body or human authority but by the word of God (Ephesians 6:4; Deuteronomy 6:7). However the right is supported by multiple human rights instruments under international law.

Serving, Promoting and Strengthening the Home Education Community in New Zealand since 1986

Universal Declaration of Human Rights (1948) Article 26 (3) - “Parents have a prior right to choose the kind of education that shall be given to their children.”

International Covenant on Economic, Social and Cultural Rights (1976) Article 10 (1) and 13 (3)³— “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”

International Covenant on Civil and Political Rights (1976) Article 18 (4)⁴ - “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Charter of Fundamental Rights of the European Union (2000) Article 14 (3)³ - “The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.”

European Convention on Human Rights (1952) Protocol 1, Article 2 - “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

American Convention on Human Rights (1969), Article 12 (4) - “Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.” Article 13 (4) - “In conformity with the domestic legislation of the States Parties, parents should have the right to select the type of education to be given to their children, provided that it conforms to the principles set forth above.”

The right of parents to choose what kind of education their children receive is thus well-attested as a fundamental human right. The Home Education advises that in many situations, a parent’s views on what constitutes a suitable education differs broadly from the government’s views on what constitutes suitable education. In such cases, as these human rights instruments attest, it is the parent with whom the decision rests, not the government.

We advise that an education bill which does not provide parents with the ability to educate their own children at home will breach the *Universal Declaration of Human Rights* and fundamental parental rights in Kenya.

The Proven Superiority of Home Education Over Conventional Schooling

The worldwide home education movement is now entering its second generation and it is growing. After so much time, home education is simply no longer viewed with suspicion. The evidence is overwhelming for the fact that home education produces well-socialised, well-educated adults able to think for themselves and take responsibility for their lives. Many universities and employers now aggressively recruit home educators for their unique skills, discipline, and maturity.

We enclose a summary of American research on this topic (*Academic Statistics on Homeschooling*, Home School Legal Defence Association)

In 1997, a study of 5,402 homeschool students from 1,657 families was released. It was entitled, "*Strengths of Their Own: Home Schoolers Across America*." The study demonstrated that homeschoolers, on the aver-

age, out-performed their counterparts in the public schools by 30 to 37 percentile points in all subjects. A significant finding when analyzing the data for 8th graders was the evidence that homeschoolers who are homeschooled two or more years score substantially higher than students who have been homeschooled one year or less. The new homeschoolers were scoring on the average in the 59th percentile compared to students homeschooled the last two or more years who scored between 86th and 92nd percentile.

A 2002 study of home educated children in the United Kingdom found:

‘The results show that 64% of the home-educated Reception aged children scored over 75% on their PIPS Baseline Assessments as opposed to 5.1% of children nationally. The National Literacy Project (Years 1, 3, 5) assessment results reveal that 80.4% of the home-educated children scored within the top 16% band (of a normal distribution bell curve), whilst 77.4% of the PIPS Year 2 home-educated cohort scored similarly. Results from the psychosocial instruments confirm the home-educated children were socially adept and without behavioural problems.’ (Rothermel, P. 2002. Home-Education: Rationales, Practices and Outcomes. University of Durham.)

The overwhelming majority of evidence shows that home educators do give their children better educations than is provided in conventional schools—even by the conventional standards.

Home Education is “low risk”

Home education is well-known worldwide to carry little danger of abuse or neglect. In July 2009, New Zealand’s Ministry of Education ceased carrying out routine reviews of home educators. Chief Review Officer Graham Stoop wrote: “This programme is considered to be low risk to the education priorities of the Government. In 2007/08 ERO completed 644 homeschooling reviews from a total of 6,169 homeschooled students [at an average cost of \$439.44 per review]. ERO could not provide assurance that the terms of exemption were being met in only 35 of the 644 reviews [a 5.4% “failure” rate]. This has been the pattern over many years.”

A senior member of the Education Review Office wrote in personal correspondence with the Home Education Foundation, “The reality is home schooling has been found to be low risk.” He went on to note that home educators make use of support networks, that home education is seen as a viable option, and that the Office had received “mostly positive” feedback on home education. The Home Education Foundation is confident in saying that the vast majority of home educators care for their children and want to see them do well.

Recommendations

Home educators are a low risk group providing a high standard of education to their beloved children and are opposed on principle to allowing government oversight of their right to choose a suitable education for their own children. The Home Education Foundation recommends that the Basic Education Bill be altered to include the provision, “Parents have the prior right to choose the form of education for their children including the right to home educate as well as direct their education at all levels” and that other relevant sections of the Bill be altered to facilitate this.

Yours faithfully,

The Home Education Foundation of New Zealand
Per:

Barbara Smith
National Director

Enclosures:

1.Home School Legal Defence Association: *Academic Statistics on Home Schooling*: <http://www.hslda.org/docs/nche/000010/200410250.asp>