



Fundamental Flaws of Attacks on Homeschooling by Nation's Elites

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By Corey A. DeAngelis, Ph.D.

It's bad timing for Elizabeth Bartholet's [article](#) to come out and to be highlighted in [Harvard Magazine](#), in which she argues that homeschooling prevents kids from being taught democratic values. The [Nation's Report Card](#) (National Assessment of Educational Progress, NAEP) just came out last week showing that the students in government schools have only reached fifteen percent proficiency in U.S. history, and three out of every four kids are not proficient in geography or civics.

Just to clarify up front, other panelists have called these "public schools" but I am not going to cede my language over to the other side because these are government schools. These schools are not open to the public. They discriminate based on zip code. You cannot just go to any public school you want. It's not like a public park. It's run by the government. It's operated by the government. It's funded by the government. It's compelled by the government. These are government schools. Let's make it clear with the language we use.

I'm going to use most of my time to respond to Professor Bartholet's claims.

I want to thank Kerry McDonald for doing a good job at that already, but I'll fill in the gaps a little bit and respond to Bartholet's [Arizona Law Review article](#). It's about 80 pages and I thought it was going to be better than *The Risks of Homeschooling* article that was in *Harvard Magazine*, but it wasn't actually any better—it was just longer and fraught with the same logical inconsistencies.

In it, she calls for a presumptive ban on homeschooling and she doesn't use statistics to back up her claims that homeschooling is the same thing as educational maltreatment or that it leads to more child abuse. She doesn't back up these claims. Instead, she says things like "well there's some families that might do this," and "there are many families that might do this." But, she doesn't cite many sources for many of her claims.

A quick word search in her 80-page article reveals that the word “many” appears 90 times. The word “some” appears 120 times. Add these together: that's 210 times the word “many” or “some” is used in the article.

For comparison, my latest study was 72 pages long. I did a quick word search and the word “some” came up two times, compared to her one hundred and twenty times. The word “many” came up two times compared to her 90 times, and I'm actually embarrassed. I'm sorry, I shouldn't have used that word at all in my report. I'm kind of embarrassed that I had two instances instead of zero instances, because I like to back up my claims with statistics.

The problem is Elizabeth Bartholet doesn't do that—she instead paints with a broad brush. She doesn't give us any idea of how often these kinds of abuse and maltreatment are actually happening. Is it 0.2% of the population? Is it 0.1% of the population? We don't really get an understanding of that.

She essentially wants everybody to come out of this believing that substantial numbers of homeschoolers abuse their children or do not provide them with any meaningful education.

Obviously, homeschool parents have the best instincts for their children and knowledge about how to provide the best education for their individual children. I'm not saying that negative events never happened in the home, but I would argue that it's more likely that the kids are going to be provided with a better education in the home and the evidence actually supports that claim. The evidence is in favor of homeschooled students performing better academically and socially than their peers in regular schools.

Prof. Bartholet says a lot of things that might happen in the homeschool environment warrant a presumptive ban. But, if she took her same logic and applied it to the education system overall, she would instead have to call for a presumptive ban on the government schools. As Kerry mentioned, in [2004](#) the U.S. Department of Education estimated that one in every ten kids in government schools will experience some form of sexual misconduct by the government employees themselves by the time the kids graduate from high school. That doesn't even account for all the things that aren't reported.

Another [report](#) in 2010 by the Government Accountability Office (GAO) found that, on average, offending teachers will jump between three different school districts before this abuse is actually caught, if ever. One offender can have up to 72 victims in their lifetime. It's not as if nothing is happening that is a negative event in the government school system. That's the realistic counterfactual to homeschooling.

We shouldn't make perfect the enemy of the good. We shouldn't use the exceptions to prove the rule as Elizabeth Bartholet is doing, and we shouldn't compare homeschooling to perfection.

We should compare homeschooling to the realistic alternative, which is government schools. We don't have to say this happens “sometimes” or it happens “in many cases.” We have hard data showing that this actually does happen in the government school system. If you're going to ban homeschooling, this would lead to more abuse and more educational maltreatment in the government school system.

As I said earlier, two out of every three kids are not proficient in reading according to the most recent Nation's Report Card. Seventy-nine percent of government-run schools reported some type of violent incident or [crime](#) on their campuses during the most recent school year. These data are from the National Center of Education Statistics ([NCES](#)). Again, we shouldn't make perfect the enemy of the good. As Kerry mentioned earlier, when Elizabeth Bartholet does make a citation, and actually provides statistics, (for example, when she says ninety percent of homeschoolers are doing so for religious reasons), that's not an accurate claim.

If you go to the first two sources in the footnotes of her Law Review article, they link to blog pieces, which aren't scientific articles. I went through these blogs in places like *The Atlantic* and I couldn't locate any reference to the claim that ninety percent of homeschooling families choose to homeschool because they're Christians. Even if ninety percent of homeschooling families were Christians, and they've chosen that for that reason, they have that First Amendment right to a religious education for their families—even if people like Elizabeth Bartholet don't like it.

I'm not a religious person myself, but I will fight for people to be able to freely exercise their religion and to choose religious education.

The evidence is positive as well comparing, between sectors, homeschooling to the alternative, which is government schooling (or any other type of regular type of schooling). Brian Ray in 2017 in the *Journal of School Choice* [summarized](#) 45 different studies on this; all of the rigorous evidence on the subject. He found that not every study was positive for homeschooling, but the vast majority of studies, I believe over 80% of the studies, were in favor of homeschooling.

Lindsey Burke also conducted a 2018 [review](#) of the evidence and similarly found positive academic results for homeschool students. Brian Ray also conducted a 2018 [review](#), and from the limited evidence that we have on the subject, abuse rates seem to be lower in the home than they are in schools. In 2019, Daniel Hamlin [found](#) that homeschooled children are more likely to go to theaters and concerts than their peers in government schools even after controlling for differences in background characteristics of students.

Elizabeth Bartholet doesn't really contend with all of this evidence. She stoops down to ad hominem and attacks people like Brian Ray; attacks his funding sources and attacks his motives, instead of attacking the methods in the studies.

Of course, the studies aren't perfect. But, again, she makes perfect the enemy of the good. When she does address the methods of Ray's work she calls into question the representativeness of the sampled homeschool populations. But, researchers tend not to have access to the full population of homeschoolers. But we can still learn things from subsets of the population.

Ray often cites a lot of studies with sample sizes of a few thousand students, but Bartholet takes that evidence and dismisses it, saying "it's positive, but this is science that can't be trusted." Then, in her 80-page paper, she doesn't really provide any statistics at all.

Recently, she wrote in the *Boston Globe* that there was some [evidence](#) of homeschoolers being subject to more abuse than kids in conventional schools. She cites a pediatric [article](#) with a sample size of only 28 children from just five different clinics and extrapolates to the entire

homeschool population. She asserts, based on this study of 28 students, that there's evidence that home schoolers are abused at higher rates than students in conventional schools.

She commits the same fallacies that she accuses Brian Ray of, but she does it to a larger extent: Ray cites studies that have more than 28 students—studies that are more representative of the population.

The researchers that conducted the study of the 28 students explained that this was a non-random sample. They hand-picked the students to tell a particular story... and they said that. They said that other people should not use the results for statistical comparison purposes, but that didn't prevent Elizabeth Bartholet from doing just that in her recent *Boston Globe* piece. The *Boston Globe* should issue a correction of that statement.

Even if the evidence wasn't in favor of homeschooling, there still should not be a presumptive ban on homeschooling. All researchers know that the science is not perfect. It's flawed, and Bartholet acknowledges that when studies of homeschooling reveal positive outcomes. However, she doesn't apply the same scrutiny to research that aligns with her biases.

While Elizabeth Bartholet attacked the character of Brian Ray, she cited a study led by Barbara Knox who had been [under investigation](#) for reportedly pressuring her colleagues to say there was evidence of abuse of children when there actually wasn't.

Science is flawed. She understands that; we all understand that, but we can still learn from it. Science doesn't grant us our rights. Our rights pre-exist the government. We should not be guilty until proven innocent. On the contrary, we should be innocent until proven guilty. That's how our legal system works in the United States, and rightly so. The science is flawed, so that shouldn't be used against us to take away our right to educate our own children at home.

Imagine if you applied this “guilty until proven innocent” logic to other areas of our life. If it's justified to force us to send our kids to government-run schools or other types of schools, then why wait until the age of five years old? Are they going to demand we give our kids to the government at age zero, because kids are vulnerable between the ages of 0 and 5?

The argument behind a presumptive ban is that “if you have nothing to hide, then you should be more than happy to surrender your liberties to the government.” Why end it at the age of 18, if you have nothing to hide? This argument can be applied to relationships over the age of 18 as well. Relationships between people over age 18 carry risks of some forms of abuse. If there is some risk of abuse happening, does that mean that we should all have to go to government counselors and pay for their services—100% of people in relationships—just because there might be a *potential* for abuse? Everybody would agree that's ridiculous.

We shouldn't punish 100% of the population for the misdeeds of a few bad actors. But, of course, if there are signs of abuse then the government should obviously come in and intervene. What's interesting in Elizabeth Bartholet's [Arizona Law Review article](#) is that in her title she implies that people are arguing for parental rights absolutism, but no one here on this panel is arguing that parents should have absolute rights over their children; that they should be able to abuse their children or harm their children or provide them with absolutely zero education. No one is

arguing for that. We're saying that a presumptive ban is ridiculous because it makes us all guilty until proven innocent. On the other hand, the government should have to prove to us why they should be able to take our kids away from us. That should always be the case. That's how our legal system currently works in the United States.

Let's imagine the application of this argument to food. Food is important for young children; we want them to be healthy. There is a risk for abuse related to food. Should we have government bureaucrats come to our dinner tables each day? Should we have to prove our innocence to them and show them our children are eating broccoli?

The logic behind Elizabeth Bartholet's assertion is "if you have nothing to hide, if you're feeding your child good food, then you shouldn't have anything to worry about. You won't have anything to worry about with government bureaucrats coming into your home for dinner each night." This would be completely ridiculous.

Considering the response to the Harvard magazine article, it appears that a lot of people think that we should be able to keep our liberties and that we should all be innocent until proven guilty. We can go on and on and on with other examples: the Fourth Amendment would essentially be thrown out the door, because the cops could say, "we don't need a warrant because you don't have anything to hide, so we should be able to come into your house." We wouldn't be protected from unreasonable search and seizure. Same thing with the Fifth Amendment: "well Corey, if you have nothing to hide you shouldn't be able to take the plead the Fifth; you shouldn't have a right to remain silent. If you have nothing to hide, then you shouldn't have anything to worry about."

Similarly, with stop-and-frisk policies: "if you have nothing to hide; if you don't have any drugs on you; you don't have a gun on you, then the cops should be able to stop you at random in the streets." There are a lot of unintended consequences with these types of policies and the people who advocate for these types of policies seem to assume that bureaucrats are benevolent and that they'll never make mistakes.

A lot of innocent people have been harmed by stop-and-frisk policies. The cop might have thought, for example, that the person had a gun when it was just an iPhone. That could result in the death of individuals. Similarly, I don't trust the government to have a perfect definition of what education ought to look like. So, what happens if you try to make your case to prove your innocence to be able to homeschool your child, then the bureaucrat says "well you're implementing a religious education. That's educational maltreatment, so your request is denied"? That would be a huge violation of our liberties. I don't trust the bureaucrats to figure out the food pyramid. I don't trust bureaucrats to figure out a lot of other aspects of life, and I certainly don't trust them to figure out what's best for my own child when they don't even know their names.

The central theme of Elizabeth Bartholet's argument is a strawman. No one here is arguing for absolute rights of parents, we're arguing that the burden of proof rightly remains on the government. They should have to make a case to curtail our right to educate our own children at home. We're not arguing that abuse is okay. It's unfortunate that the title of Bartholet's article in *Arizona Law Review* made it through peer review. It sets up a strawman that homeschoolers are

arguing for absolute rights over their children. Again, the burden of proof should be on the government; it should never be on the families. Our rights do not come from the government. They pre-exist the government, and the government should always have to prove to us why they should have the power to take our rights away.

Thank you.

Edited for clarity