

PUBLIC SCHOOL, PRIVATE SCHOOL, CHARTER SCHOOL HOMESCHOOL, AND CO-OPS - WHAT'S THE DIFFERENCE? AND DOES IT REALLY MATTER?

By Attorney Deborah G. Stevenson

Yes, it matters quite a bit.

There seems to be a lot of confusion of late about the differences between these types of educational experiences. To clarify the differences, the facts below are intended to help. From the inception of this country, it was understood that all children must be educated. By whom? By their parents, first and foremost. That was a given. That also is what took place, for the most part, for almost two centuries. Back then, there was no such term as "homeschooling". Everyone throughout history simply called people "self taught". You can look in any history book and find many historic figures described this way, including Abe Lincoln and Thomas Edison. The truth is, most people were "self taught", but also at the direction and control of their parents.

It also has been understood, since the beginning of our history, that parents have the inalienable fundamental, Creator-given right to the upbringing and education of their children. With that right, as decent members of society, parents also have the responsibility to ensure that the children are brought up to be well educated citizens who can participate appropriately in our republic.

In our history, also, there developed both private and public institutions where children may be educated, when their parents chose that manner of instruction, instead of undertaking that obligation themselves to see that the children otherwise were "self taught".

In our very recent history, most parents chose to have their children instructed in private and public schools, especially when compulsory attendance laws were adopted, and those two types of schools were fairly well recognized. They were both brick and mortar buildings where children attended five days a week for most of the year, except during the summer months. Public schools were paid for by shared taxpayer funds from the community, while private schools were paid for solely by the parents of the children attending. Curriculum and teachers at public schools were controlled by government decree, while curriculum and teachers at private schools were controlled only by the private schools with input from parents.

For a long time, most people were satisfied with this system. Until around the 1980s. Then parents re-discovered their inalienable right to the upbringing and education of their own children and took back the responsibility to direct their "self taught" children. This time, however, they did not call the children "self-taught", they called them "homeschooled".

"Homeschooling" is simply a new nickname for that which parents always have had the right and responsibility to do.

Today, also, public and private schools are morphing into less readily recognizable entities, with the rise of new technology for the provision of instruction, and the rise of creative ways of funding that instruction. There are still the traditional brick and mortar buildings, some instruction therein paid for solely by parents, and others paid for solely by shared community taxpayer dollars; but also, now, there are brick and mortar buildings funded both by shared community taxpayer dollars and by private funds. Those private funds also are not always the

private funds of individual parents, but also they are the private funds of large corporations, both non-profit and for-profit. In addition, there are also new “schools” that exist mainly in the “cloud”.

They are “online schools”, otherwise known as “distance learning” centers. Some of those “online schools” are privately funded, and some are taxpayer funded public schools. While children may learn “at home” from these privately funded or publicly funded “online schools”, if a

student is “enrolled” in such an “online school”, and the curriculum is chosen by the school and the school has total control over that curriculum, that is not what is traditionally known as “self taught”

or “homeschooling”. It is simply “enrollment” in a digitally provided, but otherwise traditional public or private “school”.

Parents do need to know the difference between all of the “schools”, or types of individual instruction that is available today, simply to understand their legal responsibilities and to know what type of control, or lack of control, they have over the curriculum, content, instructors, and overall education that their child is receiving. They need to be able to determine their own rights and responsibilities, in addition to determining the type of education they want their child to receive.

The differences among the types of education can be summarized as follows:

1. Public school - Public schools are paid for entirely by taxpayer funds.

If parents are not undertaking the responsibility to instruct their own child, and is not enrolling the child in a private school of any kind, then the parent is required to send children of certain ages to a public school, or the child may be considered truant.

The curriculum, materials, methods of instruction, and qualifications of instructors are all determined by federal, state, and local government, including local boards of education, with or without public input, except for election of those government officials.

Secular in nature.

(Magnet schools are specialized public schools.)

Days and hours of instruction are mandated by government.

Curriculum generally is inflexible from year to year.

Children must adapt to meet the needs of the curriculum.

Children are given “grades” and are allowed to advance in academics only after receiving an appropriate “grade”.

Data concerning the child, including academic, behavioral, social, emotional, physical, and mental health are collected in school and distributed to other governmental and private entities, with or without parental consent.

Vaccinations of the child, and physical and/or mental health screenings of the child, are required for enrollment/instruction. Parents can get an exemption for their child, however.

2. Private school - Whether brick and mortar or in the “cloud”, these are schools paid for by individual parents for the individual child.

If the parents are not undertaking the responsibility to instruct their own children, and they are not sending the child to a public school, then parents can fulfill their duty by being able to show that their children are being given “equivalent instruction” elsewhere, namely, in a private school.

The curriculum, materials, methods of instruction, and qualifications of instructors are all determined by board of directors, or owners, of the private school, with or without, input from parents.

May be secular or non-secular.

State and federal government may impose certain restrictions or obligations, such as mandating certain academic courses, special education, and non-discrimination.

Private schools report enrollment to the state. Children enrolled in private schools are subject to truancy laws.

Days and hours of instruction may be mandated by government.

Curriculum generally is inflexible from year to year.

Children must adapt to meet the needs of the curriculum.

Children are given “grades” and are allowed to advance in academics only after receiving appropriate “grade”.

Data concerning the child, including academic, behavioral, social, emotional, physical, and mental health may be collected in school and distributed to other governmental and private entities, with or without parental consent.

Vaccinations of the child, and physical and/or mental health screenings of the child, may be required for enrollment/instruction.

3. Charter school - Most charter schools are funded by taxpayer funds, in addition to corporate (for profit or non-profit) funds.

May be considered a “hybrid” of sorts between public and private school.

The curriculum, materials, methods of instruction, and qualifications of instructors are determined by federal or state government, and board of directors of the charter school, with. or without, input from parents.

Secular or non-secular.

State and federal government may impose certain restrictions or obligations, such as mandating certain academic courses, special education, and non-discrimination.

Charter schools report enrollment to the state.

Children enrolled in charter schools are subject to truancy laws.

Days and hours of instruction are mandated by government.

Curriculum generally is inflexible from year to year.

Children must adapt to meet the needs of the curriculum.

Children are given “grades” and are allowed to advance in academics only after receiving an appropriate “grade”.

Data concerning the child, including academic, behavioral, social, emotional, physical, and mental health are collected in school and distributed to other governmental and private entities, with or without parental consent.

Vaccinations of the child, and physical and/or mental health screenings of the child, are required for enrollment/instruction.

4. “Home school” - Not a brick and mortar “school”, not a “cloud” “school”.

Instruction is directed and controlled solely by the parents of the child.

Instruction is funded solely by the parents of the child.

The curriculum, materials, methods of instruction, and qualifications of instructors are all determined solely by the parents of the child.

May be secular or non-secular.

State government may impose certain restrictions or obligations. Amount and kind of

restrictions or obligations differ from state to state.

Federal government may not impose restrictions or obligations, unless the parents agree to accept federal funds or benefits.

Children are not subject to truancy laws.

Curriculum generally is very flexible and may change from day to day.

The curriculum is adapted to meet the needs of the child.

Children are not given “grades” and are allowed to advance in academics at the discretion of the parents.

“Enrollment” is not required for homeschoolers.

Instruction may take place in the home of the child, or anywhere else in the community.

Days and hours of instruction are flexible and determined by the parents of the child.

Parents of child may direct and control the instruction of the child by hiring tutors.

Parents of child in one family may agree with parents of child or children in other families to jointly hire tutors to instruct children in group lessons.

Data concerning the child, including academic, behavioral, social, emotional, physical, and mental health are not collected or distributed to other governmental and private entities without parental consent.

Vaccinations of the child, and physical and/or mental health screenings of the child, are not required for instruction. (Parents can get an exemption from vaccines if they send their child to public school.)

5. Co-ops, Learning Communities, Alternative Education Entities – a newer form of education has been cropping up in the past few years. Their name doesn’t matter; how they operate the entity, does matter. Some homeschoolers have been enrolling in part time or full time classes at some type of alternative education model. This is sometimes called instruction in “co-ops”, or “cooperatives”, or “learning communities”. Note: When such entities hold themselves out to instruct children in a time and manner that is similar, or identical, to the time and manner in a private school, i.e. multiple days per week, for multiple hours per day of courses/classes, then those operating and in control of such an entity (non-profit or for profit) could be legally held accountable for operating a “private school.” Parents may also be considered to have “enrolled” the child in a “private school”, and may cost a substantial amount of money to “enroll” or obtain “membership”.

A homeschool co-op, as it was intended to be, is by homeschoolers, for their children. There is no tuition with enrollment. Parents register their children for a class, or a block of classes for a limited period of time. Co-op meet-ups are no more than once per week, sometimes twice a month. They commonly run for 6, 8 or 10 week sessions a few times per year. They are typically free to participate in, or include a very nominal fee per family. It is primarily the homeschool parents that teach classes.

Private schools and entities called by other names, who are acting in the manner of a private school, have legal responsibilities. They are supposed to file attendance records of their students, with the state. They’re responsible for meeting fire and building code regulations. They may be using technology that, like public schools, gathers personal data on students and possibly their families.

As you can see, there are differences, and those differences do matter. The most important thing for a parent to do, is to fully investigate each type of instruction available to them, and to determine which type of instruction best meets the needs of their child and family. Before you

enroll in any school, or undertake the instruction yourself, beware and be prepared. The choice is up to you.

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