

# HSLDA

*Advocates for Homeschooling*

J. MICHAEL SMITH, ESQ.  
PRESIDENT (CA, DC, VA)

JAMES R. MASON III, ESQ.  
SENIOR COUNSEL (DC, OR)

SCOTT A. WOODRUFF, ESQ.  
SENIOR COUNSEL (VA, MO)

DARREN A. JONES, ESQ.  
ATTORNEY (CA)

WILLIAM A. ESTRADA, ESQ.  
ATTORNEY (CA)

MICHAEL P. FARRIS, ESQ.  
CHAIRMAN (DC, WA)

DEWITT T. BLACK III, ESQ.  
SENIOR COUNSEL (AR, SC, DC)

THOMAS J. SCHMIDT, ESQ.  
ATTORNEY (CA)

MICHAEL P. DONNELLY, ESQ.  
ATTORNEY (MA, NH, WV, DC)

SCOTT W. SOMERVILLE, ESQ.  
OF COUNSEL (VA, MD)

MARY E. SCHOFIELD, ESQ.  
OF COUNSEL (CA)

December 19, 2011

RE: Reject Proposed Child Act

Dear Bulgarian Law Makers and Public Officials:

The Home School Legal Defense Association is an international organization with over 81,000 members in all 55 states and territories and in 36 countries. Our mission is to protect and advance the right of parents to direct the education of their children. Since our founding in 1983, HSLDA has been on the front line defending the constitutional and natural rights of parents to direct the education of their children by teaching them at home. We have worked directly with homeschool families in Bulgaria for nearly a decade.

We understand that a new “children’s rights” bill has been introduced into the Bulgarian Parliament. After reviewing the text of the proposed law, we are alarmed by the apparent disregard this legislation has for the rights of parents to make decisions concerning their children. This legislation places excessive authority for children into the hands of the State—this is harmful to families and children. It is our understanding that the proposed bill is unnecessary because Bulgaria’s current family code as well as other laws already address these areas. On behalf of our members and for parents in Bulgaria, we ask that you oppose the proposed “Child Act.”

## **The Child Act Violates International Law**

The proposed Child Act grants the State the right to intervene in all family affairs and to control the family under the important and legitimate goal of protecting children. However, the bill authorizes the state to encroach into areas traditionally and appropriately reserved for the family; including a parent’s right to make decisions regarding his child’s education. This transfer of authority from parents to the State violates provisions in numerous international treaties which affirm the right of parents to determine the form of education that their children will receive.

The *Treaty of Amsterdam* calls for respect for those fundamental rights guaranteed by the *European Convention on Human Rights*. Protocol 1, Article 2 of the Convention states, “The

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

NATIONAL OFFICE ▪ P.O. BOX 3000 ▪ PURCELLVILLE, VA 20134 ▪ 540-338-5600 ▪ 540-338-1952 FAX  
CAPITOL HILL OFFICE ▪ 119 C STREET, S.E. ▪ WASHINGTON, DC 20003 ▪ 202-547-9222 ▪ 202-547-6655 FAX  
EXPRESS & SHIPPING ▪ ONE PATRICK HENRY CIRCLE ▪ PURCELLVILLE, VA 20132

State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.” These same fundamental rights are solemnly proclaimed in the *Charter of Fundamental Rights of the European Union*, most notably Article 6 (Right to liberty and security of person), Article 7 (Respect for private and family life), Article 10 (Freedom of thought, conscience and religion), Article 14 (Right to education), Article 20 (Equality before the law), Article 21 (Non-discrimination), Article 22 (Cultural, religious and linguistic diversity), Article 24 (Rights of the child), and Article 47 (Right to an effective remedy and a fair trial). Furthermore, the United Nations *Universal Declaration of Human Rights* itself states in Article 26 (3) that parents have a “prior right” to choose the kind of education their children receive.

These formative documents—to which Bulgaria is a party—each indicate that parents are the ones who ought to make decisions for children, particularly in the area of education. However, under the proposed law, parents would be prohibited from exercising their right to make these decisions. This act will reflect poorly on Bulgaria’s protection of basic human freedoms. In virtually all other European countries and many other countries a parent’s right to choose the kind of education their children receive including home education is protected by law. Freedom in education is absolutely vital in a country that seeks pluralism and democracy. The proposed legislation fails to protect freedom of education; therefore, we ask that you reject the proposed Child Act bill.

### **Bulgaria Should Legalize Home Education**

The mandatory requirement of state education and the prohibition of home education under Article 34 (3) of the proposed Child Act cannot be deemed to be necessary in a democratic society. A prohibition of home education is not proportionate to the best interests of children in Bulgaria and cannot be balanced with the respect for parental rights called for by Protocol 1, Article 2 of the European Convention on Human Rights. Non-attendance at a school should not be interpreted as educational negligence, nor should a child be removed from his parents for the failure to attend school if they are providing education at home or through alternate means. Home education must be an option provided to parents precisely because it serves the best interests of the child.

It appears that the Bulgarian government has interpreted its legal obligations under the United Nations Convention on the Rights of the Child (CRC) to include requiring that children go to a government school. The Convention does indeed state that children have a “right to an education,” but it does not specify that education must be in a government school. In fact, by interpreting the word “education” in light of the principles of human rights as articulated above in the UN *Universal Declaration of Human Rights*, this specification does not appear possible.

The CRC clearly states in Articles 5 and 18 that among the most important rights of the child, besides the right to life, are precisely the right to parental love and the right to education. The Convention explicitly notes that the rights of parents are not juxtaposed to the rights of children. Parents must be protected in the decision making process when it comes to education which deeply affects the value system of the child. To impose state education without exception is contrary to the basic norms of democracy, pluralism and international human rights norms.

Furthermore, home education is not only a viable option, but could be seen as preferential circumstances as they currently exist within the Bulgarian education system. Home education is uniquely suited to meet the needs of ensuring parents' wishes are met as to the education and best interests of their children and that the State ensures objective compliance with academic standards as mandated by the Ministry of Education within Bulgaria.

### **Academic & Social Benefits of Home Education**

#### *Academic Excellence*

Homeschooling is gaining popularity around the world, stretching from North America to South America and expanding across Europe, Africa, and Asia. In America, homeschooling has grown dramatically in recent years, from tens of thousands in the 1980s to over two million today. Over the past 30 years, homeschooling has proven to be a positive educational option that produces academically successful, well-developed, socialized adults who are ready for university or to hold a job.<sup>1</sup>

Educational achievement tests document that homeschooled students attain higher scores than public school students in the United States. Homeschoolers achieve, on average, between 15 and 30 percentile points above public school averages. A number of studies reveal that this is true for all grade levels and subjects.<sup>2</sup> Research also shows there is no correlation between high test scores and government regulation.

These studies also consider whether academic success depends on factors like the educational level of parents, family income, or teacher certification. When the achievement of homeschooled students is analyzed according to the educational level of their parents (high school diploma, some college, college degree, etc.), some studies find that there is a small correlation between parental

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<sup>1</sup> Patrick Basham, John Merrifield & Claudia R. Hepburn, "Home Schooling: From The Extreme To The Mainstream," 2nd ed 6, *The Fraser Institute* 2007, available at <http://www.fraserinstitute.org/research-news/display.aspx?id=13089>; see also HSLDA and Brian D. Ray, "Homeschool Progress Report 2009: Academic achievement and demographics," May 2009, [http://www.hslda.org/docs/study/ray2009/2009\\_Ray\\_StudyFINAL.pdf](http://www.hslda.org/docs/study/ray2009/2009_Ray_StudyFINAL.pdf).

<sup>2</sup> Lawrence M. Rudner, *Scholastic achievement and demographic characteristics of home school students in 1998*, Educational Policy Analysis Archives, 7(8), (1999), available at <http://epaa.asu.edu/epaa/v7n8/>; Robert Kinsman, Homeschooling Research & Scholarship, [http://www.indiana.edu/~homeeduc/research\\_homepage.html](http://www.indiana.edu/~homeeduc/research_homepage.html).

education and student success while other studies find no correlation at all.<sup>3</sup> However, all studies have found that even those students whose parents have the lowest level of educational background still score higher than public school averages. This same phenomenon can be found when educational results are segmented according to family income. Homeschooling has demonstrated that children from low income families succeed.<sup>4</sup>

*Well-Developed, Socialized Adults Ready for University*

Numerous social research studies demonstrate that homeschooled students become responsible citizens who are productive members of society.<sup>5</sup> Studies have also concluded that students schooled at home develop into well-rounded and socially integrated adults.<sup>6</sup> Experience shows that homeschooled children are as or more mature and socialized than their public school counterparts. Colleges and universities in America have discovered that homeschooled students are excellent members of their student body. Over the years, colleges and universities have learned to adapt their admissions requirements to this form of education and homeschooled students are routinely admitted into institutions of higher learning. A number of studies have demonstrated that homeschooled students perform well academically, are emotionally prepared for college, and are significant contributors on their college campuses.<sup>7</sup>

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<sup>3</sup>Joan Ellen Havens, *A study of parent education levels as they relate to academic achievement among home schooled children*. Doctoral (Ed.D.) dissertation, Southwestern Baptist Theological Seminary, Fort Worth TX (1991), 92-97; Brian D. Ray, *Home education in Oklahoma: Family characteristics, student achievement, and policy matters*, National Home Education Research Institute (Salem, OR, 1992), 25; Rudner 1999, Table 3.12 *supra*.

<sup>4</sup> James S. Coleman & Thomas Hoffer, *Public and private high schools: The impact of communities* Chapter 5 (New York, NY: Basic Books, Inc, 1987); Gordon Dahl & Lance Lochner, *The impact of family income on child achievement*. Discussion Paper No. 1305-05, Institute for Research on Poverty, 2005 available at <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED485788>; Catherine E. Snow, Wendy S. Barnes, Jean Chandler, Irene F. Goodman, & Lowry Hemphill, *Unfulfilled expectations: Home and school influences on literacy* 2-3 (Cambridge, MA: Harvard University Press, 1991).

<sup>5</sup> Brian D. Ray, *Home educated and now adults: Their community and civic involvement, views about homeschooling, and other traits* (Salem, OR: National Home Education Research Institute, 2004).

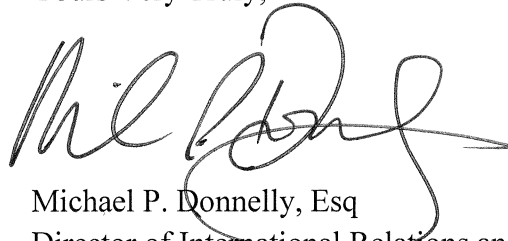
<sup>6</sup> Rhonda A. Galloway, "Home Schooled Adults: Are They Ready for College?," in *American Educational Research Association* (San Francisco: 1995), available at <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED384297>; Richard G. Medlin, *the Question of Socialization*, Peabody Journal of Education 75(1 & 2), 107-123, 117, (2000); Scott White, Megan Moore, and Josh Squires, *Examination of Previously Homeschooled College Students with the Big Five Model of Personality*, Home School Researcher 25(1), 1-7, (2009).

<sup>7</sup> Paula Wasley, *Home-Schooled Students Rise in Supply and Demand*, The Chronicle of Higher Education 54(7), 1, (Oct. 12, 2007); Alan Scher Zagier, *Colleges Coveting Home-Schooled Students*, AP, September 30, 2006, available at [http://www.boston.com/news/nation/articles/2006/09/30/colleges\\_coveting\\_home\\_schooled\\_students/](http://www.boston.com/news/nation/articles/2006/09/30/colleges_coveting_home_schooled_students/); Georgina Gustin, *Home-school numbers growing*, St. Louis Post-Dispatch, October 3, 2007, available at <http://forum.gon.com/showthread.php?t=141756>.

*Conclusion*

We urge you to reject the proposed Child Act to avoid further reduction to the rights of Bulgarian parents and to please consider legalizing homeschooling as an alternative form of education. The individualized attention provided in a homeschool setting promises to produce academically successful and well-developed, socialized students from a variety of backgrounds. Home education is already a meaningful alternative education option in many societies. With over 2 million homeschooled students (3% of the school age population), the United States' experience has been overwhelmingly positive and demonstrates that measures to restrict home education are unnecessary to safeguard the State's interest in education or in protecting children.

Yours Very Truly,

A handwritten signature in black ink, appearing to read "Michael P. Donnelly". The signature is fluid and cursive, with a large loop at the end.

Michael P. Donnelly, Esq  
Director of International Relations and Staff Attorney  
HSLDA

1 Patrick Henry Circle  
Purcellville, VA 20132

(p) 540.338.5600

(f) 540.338.1952

(e) [miked@hsllda.org](mailto:miked@hsllda.org)

(skype) michael.donnelly.esq

*"Advocates for Homeschooling"*

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