CHAOS AT SEA
The Rape of the Seabed
A Parent's "Right to Decide"

Almost all American parents send their children to school voluntarily. Thus compulsory attendance laws affect only a few families. However, some parents are now deliberately violating these laws—and are challenging their constitutionality in court.

Common to all these cases, including the well-known cases involving the Amish sect, is the parents' insistence on their right to decide about the upbringing and education of their children—including decisions about keeping them out of school. (In most states children are required to attend school from age six to sixteen.) Many of these families would put their children back in public school if what the schools offered were more to their liking. Some would move to another public school district or find a private school in which to enroll their children if they could afford it. Consider these examples:

- Barbara Hoag, a black mother on welfare in Sacramento, California, deliberately risked a jail term in order to keep her ten-year-old daughter home from school for more than a year. Mrs. Hoag refused to comply with the state's compulsory attendance laws because she complained about the low reading scores, skimpy resources, violence, exposure to drugs, and racist values in the local public school. School authorities would not approve a transfer to another school acceptable to Mrs. Hoag, who was too poor to afford private school tuition. She therefore tried to educate her daughter herself at home. When school officials started to prosecute her, Mrs. Hoag decided to leave California, and the district attorney seemed happy to "solve" the problem that way.

- Lydia and Kenneth Williams are at odds with Morgan County, West Virginia, school authorities over their decision as parents to educate their young children at home. West Virginia law permits home teaching by "qualified" tutors, but the school board has resisted the idea that parents are automatically "qualified," and it has not approved the Williamses' specific home education program. The Williamses, who live in a rural community in Unger, argue that home training is better for their children, primarily because the local public school teaches them undesirable values. They explain that the school tells their children that they must account for every move and that they must not challenge decisions of those with power, even if the decisions are arbitrary or capricious. The Williamses say the school makes children believe they are untrustworthy and dependent. To the Williamses this is hardly appropriate preparation for participation as citizens in a democracy.

- A Northern California father of two teen-age daughters recently was sentenced to jail because he had refused to send them to school. A firm believer in education, he discovered that his daughters had played hooky for almost a month without school officials ever asking about their absence. He concluded that since he could not afford to send his daughters to private school, they would be better off at home than on the streets. Although school officials had showed little interest when the girls were merely truants, they prosecuted the father when he decided to keep them out of school himself. His case is now on appeal.

- Parents in Orlando Village, a San Francisco suburb, kept their child out of grade school about half the time for three years. Each term, with the teachers' agreement, they would instruct the child at home in some subjects but would send him to school for others. But when the boy reached seventh grade, the school said the arrangement was no longer acceptable; so the parents kept the child home for most of the year. The mother said the school wasn't doing a good enough job and that it was teaching seventh graders with fifth-grade materials, because most of the class, she said, was reading at the fifth-grade level. She thinks the family can do more for the child. The parents have received warnings of criminal prosecution.

These examples illustrate the wide range of reasons parents cite for disregarding the law. In each case the parents make a substantial claim for exemption; yet unless the Constitution protects them, parents who keep children home for these reasons will certainly lose in most jurisdictions.

Prosecution of such parents probably will be sporadic. In some big cities the absentee rate, particularly at the junior and senior high school levels, is so staggering that school officials actually have given up trying to compel attendance—let alone trying to find out whether absence is caused by simple truancy or by the parents' wishes.

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