



Home Schools in North Carolina

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EDITOR'S NOTE: The author of this article was Director of the North Carolina Division of Non-Public Education for 25 years until his retirement in 2010. Most of the events mentioned in this article took place during his tenure. The North Carolina Supreme Court's Delconte Decision, which marked the beginning of the modern day home school era in North Carolina, was rendered less than six weeks after he became Director of the Division.

Before the establishment of a public school system, children of early North Carolina parents were taught at home. The children were usually taught by either the parents or by governesses. There were also small neighborhood schools which met in private homes and also schools in churches. With the coming of the public school system, however, the concept of home instruction virtually disappeared from the educational scene until about 1980.

Since at least 1919, the State of North Carolina has had a [compulsory attendance law](#) as part of its General Statutes. The age range has varied over the years. Since 1946, the law has required all children who are at least age 7 but not yet 16 to attend school. With the passage of legislation by the 1979 General Assembly de-regulating conventional non-public schools in North Carolina, the stage was set for a major court case which six years later would officially legalize home schools as non-public schools. Circumstances leading to passage of the 1979 legislation are detailed in the article at this web site entitled [Conventional Non-Public Schools in North Carolina](#).

The Delconte Case

Since the newly enacted 1979 non-public school legislation did not define the word "school," several court cases relating to home instruction followed. The defining one was the Delconte case.

Larry Delconte, his wife and two children moved from the State of New York to Harnett County, North Carolina in March of 1981. Delconte held a Bachelor of Science degree and taught his children at home legally while a New York citizen. In September 1981, Delconte informed the Division of Non-Public Education of his intent to teach two of his children at his own non-public school in his home. Delconte was notified a few days later by mail that the division could not acknowledge his school as a non-public school "within the meaning of the law" because of an August 1979 and March 1981 legal opinion by the Attorney General ruling that a home instruction setting could not qualify as a legal non-public school under the new 1979 legislation. Upon receipt of the letter, Delconte continued to educate his children in his home. He was subsequently prosecuted (two warrants were issued) for violating North Carolina's compulsory attendance statutes. The charges were voluntarily dismissed by the State in the Civil Superior Court of Harnett County. Delconte continued to teach his children at home and then filed suit against the State in [Larry Delconte v. State of North Carolina](#). In January 1983, the Superior Court ruled in favor of Delconte. The State appealed to the Court of Appeals which then reversed against Delconte. The Court of Appeals decision was in turn then appealed to the North Carolina Supreme Court in 1984 which handed down its findings on May 7, 1985 reversing the Court of Appeals decision. It concluded:

" . . . we find nothing in the evolution of our compulsory school attendance laws to support a conclusion that the word 'school,' when used by the legislature in the statutes bearing on compulsory

attendance, evidences a legislative purpose to refer to a particular kind of instructional setting. The legislature has historically insisted only that the instructional setting, whatever it may be, meet certain standards which can be objectively determined and which require no subjective or philosophical analysis of what is or is not a 'school.'

" . . . the evident purpose of these recent statutes is to loosen, rather than tighten, the standards for non-public education in North Carolina. It would be anomalous to hold that these recent statutes were designed to prohibit home instruction when the legislature obviously intended them to make it easier, not harder, for children to be educated in non-public school settings.

" . . . without a clearer expression of legislative intent on this issue we are not prepared to hold that the statutes now under consideration prohibit home instruction as a means of complying with the compulsory school attendance law.

"Whether home instruction ought to be permitted, and if so, the extent to which it should be regulated, are questions of public policy which are reasonably debatable. Our legislature may want to consider them and speak plainly about them."

Department of Public Instruction Legislative Efforts

After the Delconte court decision, the Department of Public Instruction began an effort to address the home school issue legislatively. In May 1985, a legislative study commission was proposed in the State Senate to investigate home instruction. The commission was not funded. In the spring of 1986, the department circulated a memorandum to state public school superintendents explaining the 1979 legislation and presenting the need for home school legislation along with specific ideas which should be contained therein. It concluded with the following statement:

"We are convinced that such legislation is needed and can be passed -- provided school administrators are willing to play a key role in helping legislators to understand that the present situation is not in the best interest of children."

On April 2, 1987, the department reported to the State Board of Education that home instruction was a major concern and that legislation addressing the issue was needed. The Board voted unanimously to accept the recommendations for legislative action on the issue. On April 17, 1987 the department's [House Bill 837](#) was introduced in the State House of Representatives followed by a similar version introduced in the State Senate on May 1 as [Senate Bill 779](#). These bills called for the following home instruction requirements:

- A bachelor's or associate's degree from an institution accredited by the Southern Association of Colleges and Schools, or its counterpart, in order to teach at home;
- Instruction in eight specifically named subjects;
- Minimum of 5 1/2 hours of instruction each school day for 180 days per year;
- Registration with and approval from the local public school system;
- Local public school system review of the instructional program at least twice yearly;
- Local public school authority to revoke the privilege.

As a compromise alternative to these two bills, [Senate Bill 708](#) was introduced on May 1, 1987. It was less restrictive and:

- Defined a home school as a school in which a child of compulsory attendance age receives regular and systematic academic instruction and directed educational activities from parent or legal guardian at the place of legal residence;
- Prohibited enrollment of other children in the school;

- Required each home school to notify the State Division of Non-Public Education annually of its intent to operate and the division to notify local public school officials of students enrolled in home schools;
- Required school to operate on a regular schedule for at least 900 hours each term, maintain an up-to-date log or lesson plan book for the duration of the school year, and maintain disease immunization records;
- Required administration of a nationally standardized achievement test to children in grades 1 through 11 to be given in a public school or conventional private school or by a competent teacher, with test results to be made available for inspection by State division representatives;
- Authorized voluntary participation by any home school in state programs.

The Senate Education Committee conducted a hearing on May 14, 1987 about Senate Bill 779. In the end, both Senate Bills 708 and 779 were sent to a subcommittee for further study. No other action was ever taken on them.

The one remaining bill, House Bill 837, proved to be rather controversial in nature. May 28, 1987 was the deadline for non-appropriation bills to be passed by one chamber of the General Assembly in order for a bill to "remain active" in the 1987 session. On May 19, 1987, the House Education Subcommittee on Curriculum met to discuss the bill. At this meeting, four changes were made: The concept of unannounced visits was proposed; the requirement for teacher degrees along with the concept of public school control of the program were both dropped; and, financial appropriations for the Division of Non-Public Education were added. The subcommittee next met on May 22 and made further changes. From June 24 through July 7 the subcommittee revised the bill four more times. On July 8, a request for a public hearing on the legislation was denied by the House Education Committee, however, home school leaders were later granted eight minutes for an educational expert to speak on their behalf on July 14. By the time the bill finally cleared the House Education Committee, it was in its sixth version. On August 8, the bill went to the House floor for its second reading -- in an unusual Saturday session. During the debate, the testing requirement was amended by a 53-21 vote. That version then passed with a 69-15 vote. The third and final reading was then scheduled for Monday evening, August 10 but was then rescheduled for the next morning. On Tuesday, August 11, another testing amendment was added by a vote of 59-18 as the bill cleared the House. The bill was then quickly sent to the Senate since adjournment of the 1987 General Assembly was now imminent. In the Senate, the bill was sent to the Senate Education Committee which did nothing with it before the 1987 session concluded. Later, the Department of Public Instruction issued a memorandum reporting on the 1987 session and its anticipated actions of the forthcoming 1988 session. Concerning the 1987 House passage of its very latest version of House Bill 837, it said:

"This bill is eligible for consideration, but because of its controversial nature, passage of the bill during the short session is doubtful. The leadership in the General Assembly is trying to keep controversial issues to a bare minimum during the short session in order to limit the session to one month if possible."

By the time the General Assembly convened in May 1988 for its short session, [North Carolinians for Home Education](#), the privately funded statewide home school advocacy organization, had drawn up a completely new version of the bill. On June 10, 1988, it was presented to members of the Senate Education Committee who accepted it after home school leaders agreed to an annual testing requirement (instead of only at certain grade levels) and a high school diploma or its equivalent requirement. On the Senate floor this bill was then amended for the final time on June 14 to allow two-household home school situations. The final Senate vote was 43-5. The House Education Committee accepted the Senate substitute version and the House officially concurred on the Senate substitute version on June 17 with a final vote of 93-0. On June 20, 1988, the completely [rewritten House Bill 837](#) was ratified. Today it is known as [Part 3 of Article 39, Chapter 115C](#) of the North Carolina General Statutes. (Note that G.S. 115C-565 which appears within Part 3 originally contained only the first sentence. The other portions were later added in 2004 and 2007.) At the conclusion of their legislative initiative, one of the home school organization leaders penned the following:

"We were told that the legislators had never gotten so many calls, letters and visits on any one issue."

What is a Home School?

G.S. 115C-563(a) defines a home school as a *non-public* school in which the child receives *academic* instruction from the parent, legal guardian or a member of the household in which the child resides. The instructor must possess at least a high school diploma or its equivalent. The home school law also permits [two households](#) to combine as one home school and allows the children from both households to be taught together by adult members of either household -- provided such persons hold a high school diploma or its equivalent.

Schools enrolling children from *more than* two households, or parents simply hiring an "outside-the-household" [professional instructor](#) to teach *academic* subjects are governed by the conventional school statutes -- not by the home school laws. The home school legal definition, however, does allow the parent/guardian to hire someone from outside the household to teach *non-academic* (enrichment) subjects such as music lessons, art lessons, etc. Home school parents also may employ a personal education consultant to teach the parent how to teach difficult subjects so long as the child does not receive *academic* instruction directly from the consultant. The statute also prohibits a student of North Carolina compulsory attendance age enrolled in a home school registered with DNPE from receiving *academic* instruction at a local public, conventional non-public school or community college. Enrollment in non-*academic* subjects at such institutions would, however, be permissible if the institution agrees to such a part-time arrangement. In short, the State of North Carolina defines a home school *NOT* by where it meets, but rather from whom the student receives the *academic* instruction.

A family with children of compulsory attendance age has only three choices in the education of its children in North Carolina. The child must either be enrolled in a local public school, a conventional non-public school or in a home school registered with this division and which satisfies the home school laws of the State.

Home Schools Today

Home schools in North Carolina enrolling students of compulsory attendance age answer to the North Carolina Division of Non-Public Education. The [history and mission](#) of the division and [how to contact](#) it are available from this web site. The relationship between home schools and the division have been congenial.

A family considering the concept of home instruction would normally begin by visiting the division's [Home School Requirements, Reminders and Recommendations](#) web page and follow the instructions and procedures outlined in it.

There were 381 home schools operating statewide with a combined enrollment of 809 students during the first school year (1985-1986) in which home schools were officially legal again in North Carolina. The number of home schools has increased each year since. The [Home School Statistics](#) section of this web site documents this fact by providing information from 1985 up through the most recently completed school year. It contains information about the statewide total number of schools by each school year as well as the number of males and females and [growth and operational longevity trends](#). Each year, a goodly number of home schools cease operation. Home school "burnout" takes its toll on families whose circumstances and priorities often change.

The question is often asked: "Why do families choose to teach their children at home in lieu of attending a conventional school?" There are many reasons. A few of them include:

- Religious motivation (70-75% of new schools each year list themselves as religious);
- To develop a strong reading and math foundation;
- Do-it-yourself motivation;
- Inability to enroll in a local private school;
- Distractions caused by traditional classroom settings;
- Dissatisfaction with local schools;
- Societal problems manifested in local schools.

Two of the most common concerns about the concept of home instruction revolve around academic progress and the lack of socialization of the students. Each school year since 1985, the division has been inspecting student attendance and nationally standardized achievement test result records of home schools "from Murphy to Manteo." The majority of these records indicate that home schooled students in this State are generally performing academically from one to three years above the national norms. In recent years, parents of children with special needs have been withdrawing their children from school and teaching them at home in an effort to provide the needed one-on-one help in a non-distracting environment -- frequently at the suggestion of the classroom teacher. These students typically rank below national norms as they come in to the home school setting and often, despite the parents' very best efforts, continue to rank below national norms. Our observation has been that most home instructors are well aware of the socialization needs of their children. Consequently, many of them are quite active in local home school support group student activities, 4-H clubs, scouts, church and other activities.

Home school support groups exist throughout the state. They are informal organizations of local home school families who gather together frequently so that the children can socialize with one another through group student activities. They include field trips, science fairs, academic contests, choirs, bands, sporting events, etc. Support groups also provide the parents opportunities to share teaching ideas, discuss their teaching frustrations, etc. The division does not have direct contact or involvement with these local support groups or their activities. There are, however, three statewide home school organizations -- [North Carolinians for Home Education](#); [Families Learning Together](#); and [Homeschool Alliance of NC](#) -- which have information about and are in contact with local support groups. North Carolinians for Home Education sponsors an annual statewide home school convention each year drawing several thousand home school parents and about 100 displays catering to the needs of the burgeoning North Carolina home school educational market.

The dramatic national growth of the home school movement has spawned the many new companies exclusively serving home school families. In recent years, textbook, curriculum, educational material and other school suppliers now specifically market toward the home school community. Most North Carolina home school families use traditional curriculum and textbooks. However, a growing number of them are moving in the direction of instructional services delivered via distance learning programs utilizing electronic technology, DVDs of actual classroom instruction and the Internet. These newer learning systems now make the parent instructor's job much easier than in earlier years.

Since the non-public school statutes are silent on the subject of curriculum and textbooks; and, since the non-public school community desires freedom of choice in such matters, the division does not directly provide that information. Inquiring individuals, however, are routinely referred to the above named statewide home school organizations which make such information available. Neither state government nor local North Carolina public schools provide student textbooks or learning materials to home schools. The division, however, does provide a list of [vendors](#) of nationally standardized tests which are required annually of home schools.

Recognition of Credit Earned

The State of North Carolina does not provide a high school diploma for students graduating from non-public schools (including home schools). Each non-public school (including home schools) issues its own diploma to students graduating from its high school program, retains student academic records after

high school graduation and issues student transcripts as needed. In a home school, therefore, the parent provides the high school diploma. To what extent a home school issued high school diploma is recognized by colleges, the United States military and the business community is determined individually by each of those entities. A parent considering establishing a home school to teach a high school student is advised to check in advance with the admissions office of any colleges in which the student might ultimately be interested or with United States military recruiting offices to ascertain how a home school high school graduate applicant would be handled. Often to improve credibility, home school parents will have the high school student enroll in a reputable home school high school distance learning program which is permissible by State law.

The North Carolina General Statutes relating to public schools empower the local principal to decide whether or not student transfer credit will be recognized by his/her school in determining grade placement for the incoming student. G.S. 115C-288(a) reads:

"To Grade and Classify Pupils. -- The principal shall have authority to grade and classify pupils except a principal shall not require additional testing of a student entering a public school from a school governed under Article 39 of this Chapter if test scores from a nationally standardized test or nationally standardized equivalent measure that are adequate to determine the appropriate placement of the child are available."

Typically, a student presented for public school enrollment in grade 9 or below, after a year or more of home school enrollment, will -- as a minimum -- be required to produce the following evidence: That the home school operated according to state law; a copy of the most recent student nationally standardized achievement test results (from a test not administered or scored by a relative or the parent/guardian); and, the student attendance record for at least the most recent school year. Student immunization records as well as additional information is also usually requested. The standardized test results always play a major role in deciding grade placement.

For students who have completed grades 9, 10 or 11 elsewhere, the grade placement is usually also determined by the number of individual subject units earned in the previous school. A unit is usually determined by fifty minutes of classroom instruction for at least 180 days in the subject. For that reason, home schools not voluntarily adhering to the unit rule will often encounter problems in acquiring public school recognition of high school level credit earned while enrolled in grades 9-11 in a home school.

Government Funded Programs

In North Carolina, the only state government sponsored program in which non-public school students can voluntarily participate is Driver Education. Since completion of the state-approved course is required for all students under age 18 to obtain a North Carolina driver's license, the course is provided free of charge to local non-public school students under age 18 through the local public high school. Home school parents simply contact the Driver Education instructor in the local public high school which the student would otherwise be attending and inform him/her of the need for the home school student to be enrolled in the next available session of the course at that public high school. Schools normally give priority to oldest students as courses are scheduled. Parents may also enroll the student in a local conventional non-public school's state-approved Driver Education course, if the school has room and is willing to include the home school student. The parent may also pay a local professional driver, state-approved training school to provide the state-approved Driver Education course. Parent-taught driver education courses at home are not recognized toward meeting the course requirement for a North Carolina driver's license. Since 1998, a teenager not yet possessing a high school diploma while under age 18 and who desires a North Carolina driver's license, must present to the local DMV office a State of North Carolina [Student Driving Eligibility Certificate](#) signed by the administrator of the North Carolina school in which the student is currently enrolled.

Local public schools are not mandated to provide government services to non-public schools other than Driver Education. If a local public school system wishes to voluntarily make available to local home

schools non-academic courses or permit home school student participation in non inter-school competition type activities, they may legally do so. Public schools, however, may not allow non-public school students to play on public school teams or enroll them in an *academic* course in the public school while legally registered as a home school with this division. Local public schools normally do not sell, rent or loan textbooks, curriculum or other educational materials to home school parents since home schools are non-public schools. The parent purchases such materials.

Is it for your family?

Any educator would agree that "one-on-one" academic instruction from a caring and competent instructor is an ideal setting for learning. Some familiar people were educated in this manner. They include: Leonardo da Vinci, Abraham Lincoln, Franklin Delano Roosevelt, Woodrow Wilson, George Washington Carver, Winston Churchill, Benjamin Franklin, Hans Christian Anderson, John Wesley, Albert Schweitzer, Pearl Buck, James Madison, Pierre Curie, Conrad Adenauer, Charles Dickens, C.S. Lewis, Robert E. Lee, Douglas McArthur, Thomas Edison, Alexander Graham Bell, the Wright brothers, George Benard Shaw, Charlie Chaplin, John Quincy Adams, Cyrus McCormick, Andrew Carnegie, Sandra Day O'Conner and others. A typical parent can certainly qualify as caring. In analyzing your competency for the task, ponder the following questions:

1. Do I have the time, patience, perseverance and fortitude?
2. Do I possess sufficient academic training and leadership skills?
3. Am I self-disciplined and well organized?
4. Am I a good goal-setter and motivator?
5. Will my spouse provide the needed resources, support and encouragement?
6. Would I enjoy having my children with me 24/7 year round?
7. Are my children well disciplined?
8. Will my children enjoy the experience?
9. Will it better prepare my children for the challenges of life?
10. Will my children still have opportunities to interact with other children?

Conclusion

North Carolina, like other states, has historically come full circle in the education of its youth -- from home instruction in years past to teaching children in groups (called schools) and then since the 1980's a growing trend back to home instruction. Since in many of today's North Carolina households, both parents are employed outside the home, it would seem that the return to home instruction will probably not reach [massive proportions](#) in the near future. Since 1985, home schools have gained wider acceptance in North Carolina as well as in other states. All fifty states permit parents to teach their children at home in lieu of conventional school attendance. The division web site includes [links by state](#) to the various state government agencies in the United States which oversee private K-12 and home schools. This web site also has a section entitled [Frequently Asked Home School Questions](#) which provides additional information on issues and topics related to the operation of a home school in North Carolina.