
State of New Hampshire Supreme Court

RECORD NO. 2009-0751

IN THE MATTER OF
MARTIN F. KUROWSKI,
and
BRENDA A. KUROWSKI,

BRIEF OF *AMICUS CURIAE*
HOME SCHOOL LEGAL DEFENSE ASSOCIATION,
CHRISTIAN HOME EDUCATORS OF NEW HAMPSHIRE, and
CATHOLICS UNITED FOR HOME EDUCATION
IN SUPPORT OF PETITIONER

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INTEREST OF *AMICI CURAE*

The Home School Legal Defense Association is an international organization with over 84,000 members in all 50 states, the District of Columbia, and 36 countries. We have over 500 member families in New Hampshire. Our mission is to protect and advance the right of parents to teach their children at home. Any family who homeschools is eligible for membership. HSLDA attorneys assist member families to understand the law in their states, represent them in court when necessary, and advocates in federal and state legislatures on behalf of the interests of our members. Since our founding in 1983, HSLDA has been on the front line defending the constitutional right of parents to direct the education of their children by teaching them at home. HSLDA attorneys have been involved in scores of home school cases and have assisted in resolving thousands of legal contacts around the nation.¹

As homeschooling has grown dramatically in recent years, the issue of homeschooling arises with more frequency in divorce and custody cases, like the one before this Court. When parents cannot agree the court is called upon to determine what is in the best interest of the individual child based on evidence in the particular case. In the case before this Court, the child, had always been homeschooled. The uncontroverted evidence in the record supports the conclusion that her academic and social needs were being met exceptionally by her mother. In disputes such as this, the presumption should be in favor of the child continuing in the familiar educational setting rather than disrupting the child.

In this case, however, as explained in Petitioner's brief, the trial court committed plain error by relying on the non-expert opinion testimony of the Guardian ad Litem regarding adolescent brain development. By relying almost exclusively on this suspect

¹ HSLDA has obtained consent from both parties to file this amicus brief.

testimony, the trial court ordered the child into the unfamiliar environment of the public school. In its order, the trial court appeared to adopt a presumption in favor of public school in all cases – no matter what the evidence might show about a particular child’s best interests. Such a presumption is in opposition to the evidence-based case-by-case analysis that courts are required to conduct in making educational decisions in the best interests of the child. Due to the high publicity of this case, other courts may adopt the trial court’s presumption rule. This would be contrary to law and detrimental to homeschooled children both across the state and potentially in other states, who might look to this case for guidance about this increasingly common issue.

Not only does a presumption in favor of public school in custody cases go against the law as explained in the Appellant’s brief, the GAL’s “opinion” in the context of home education is factually erroneous. The entire body of research on homeschooled children indicates the reverse. Numerous studies and surveys show that children who are homeschooled thrive educationally and socially both during and after their compulsory education years. The purpose of this brief is to assist the court by giving background and context to homeschooling, and to empirically demonstrate that homeschooling does meet the developmental needs of children. Many scientific studies show that home educated children exceed their peers both academically and in measures of social competence.

The Christian Home Educators of New Hampshire (CHENH) is a statewide homeschool organization devoted to supporting and assisting homeschooling families in New Hampshire. Since 1988, CHEN has been both supporting homeschoolers and lobbying for homeschooling freedom.

Catholics United for Home Education (CUHE) was founded in 1989 as a statewide Catholic home education support group. Membership is available to Catholic families who teach their children at home or are interested in home education.

STATEMENT OF FACTS AND STATEMENT OF CASE

Amici adopt statement of facts as presented in Petitioner's brief.

SUMMARY OF ARGUMENT

At the trial court's hearing, the GAL testified that homeschooling could not meet the necessities of "brain development" in adolescents. And while no experts, studies, or other published works were cited to support the GAL's proposition that homeschooling is insufficient to meet the needs of a developing adolescent, this presumption became central to the trial court's order. In reality, however, there is an abundance of published social science and other research that demonstrates homeschoolers' success, both in and after their school years, and often in ways superior to their public or private schooled counterparts.

If the trial court's unqualified opinion were allowed to stand, in the face of overwhelming evidence to the contrary, this case could become a model for other courts around the state to follow. This result would harm homeschoolers across the state and potentially across the nation.

ARGUMENT

I. Case-by-case Analysis is the Correct Standard

Instead of relying on a non-expert's opinion regarding "brain development", this Court should uphold the premise that custody decisions are best made on a case-by-case basis with a presumption in favor of the child continuing in the familiar educational setting; a

standard approach adopted by courts in juvenile matters all over the nation.² Homeschooling is not merely a viable educational option for students. It promises the potential for success beyond that offered in a traditional school setting. Homeschooling does not harm children's "brain development" and therefore may not be categorically dismissed in favor of public school in custody cases.

II. Homeschooling Produces Well-Developed and Socialized Adults

Homeschooling has grown rapidly in the United States since the early 1980s, and especially so in the past decade. "The increase in the homeschooling rate (from 1.7 percent

² *Jordan v. Rea*, 212 P.3d 919, 922 (Ariz. App. Div. 1 2009) "we hold: (1) The superior court is to apply a best interests standard when parents obligated to work together are unable to reach agreement as to school placement; [and] (2) A private religious school may not be precluded from consideration as the child's school placement merely because it is a private religious school"; *Staub v. Staub*, 960 A.2d 848 at 849 (Pa. Super. 2008) "we hold that the well-established best interests standard, applied on a case by case basis, governs a court's decision regarding public schooling versus home schooling. Utilizing this standard, we affirm the trial court's order [to leave the children in a home-education program]"; *Stephen v. Stephen*, 937 P.2d 92 (Okla. 1997) "such change [ordering the children from homeschooling into public school] was against the clear weight of the evidence, and was an abuse of discretion"; *In re Marriage of Debenam*, 896 P.2d 1098, 1101 (Kan. Ct. App. 1995) "The trial court's finding that the stability of continuing Cortney at [private school] Cair Paravel, at the time, was in the child's best interest was supported by the evidence and was not an abuse of discretion."; *In re Marriage of Riess*, 632 N.E.2d 635 (Ill. App. 2 Dist. 1994) "On appeal, the mother argues, inter alia, that the trial judge improperly shifted to her the burden of proving that home schooling was in the child's best interests [as opposed to father proving that it is not]. A review of the record supports this assertion. Consequently, reversal is required"; *In re Marriage of Manning*, 871 S.W.2d 108, 111 (Mo. Ct. App. 1994) "Dissolution is difficult for a child. Not allowing the child to continue at the school she has been attending would make it more so"; *Von Tersch v. Von Tersch*, 455 N.W.2d 130 (Neb. 1990) "the trial court abused its discretion by intruding upon the right of a custodial parent to determine the nature and extent of educating a child for whom the parent has been granted custody. Accordingly, we reverse"; *Valente v. Valente*, 495 N.Y.S.2d 215 (N.Y. App. Div. 2 1985) "it is in the best interests of the children that their school and social lives not be disrupted at this juncture."

in 1999 to 2.2 percent in 2003 to 2.9 percent in 2007) represents a 74 percent relative increase over the 8-year period and a 36 percent relative increase since 2003.”³

As homeschooling has increased in popularity, it has been the subject of increasing social research.⁴ Most relevant to this case is research indicating that homeschooled students develop into well rounded and socially integrated adults and become responsible citizens who are productive members of society.

Noteworthy among this body of research is Brian Ray’s 2004 study *Home Educated and Now Adults*.⁵ This study surveyed 5,254 homeschooled adults ages 18 through 24, and found that homeschoolers are involved in their community, civics, and higher education to a greater extent than their traditionally educated peers. For example, 50.2% of homeschooled students go on to some form of college, compared to 34% of their peers; 8.7% received associates degrees, compared to 4.1% of their peers, 11.8% received bachelor’s degrees, compared to 7.6% of their peers; and 0.8% received master’s degrees, compared to 0.3% of their peers.

Furthermore, 95% of those surveyed responded that they either agreed or strongly agreed that they were glad to be homeschooled, 92% agreed or strongly agreed that being homeschooled gave them advantages in adulthood, 88% disagreed or strongly disagreed that homeschooling limited their educational opportunities, 94% disagreed or strongly disagreed

³ U.S. Department of Education, National Center for Education Statistics, *1.5 Million Homeschooled Students in the United States in 2007*, NCES 2009–030, December 2008, at <http://nces.ed.gov/pubs2009/2009030.pdf>.

⁴ Tanya K. Dumas, Sean Gates, & Deborah Schwarzer, “Evidence for Homeschooling: Constitutional Analysis in Light of Social Science Research,” *Widener Law Review* (forthcoming), draft available at <http://ssrn.com/abstract=1317439>.

⁵ 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).

that being homeschooled limited their career choices, and 82% agreed or strongly agreed that they would homeschool their own children.

Homeschool graduates also ranked very highly on social and civic involvement. “Seventy-one percent of subjects were participating in any ongoing community service activity (e.g., coaching a sports team, volunteering at school, or working with a church or neighborhood association), while 37% of similarly aged U.S. adults and 39% of all U.S. adults did so in 1996. While 88% of these home-educated subjects were a member of any organization (e.g., a community group, church or synagogue, union, homeschool group, or professional organization), 50% of similarly aged U.S. Adults and 59% of all U.S. adults were in 1996.”⁶ The study also revealed that homeschooled graduates are as tolerant, if not more so, of differing viewpoints than the general population, as well as being more civically involved.⁷

These results are not limited to this single study. Another study, presented to the Annual Meeting of the American Educational Research Association in 1995, looked at homeschooled students who went on to college and discovered that homeschoolers are often leaders on college campuses.⁸ This study looked at 60 students who had been exclusively homeschooled in high school, and compared them to the rest of the student population according to sixty-three indicators. Homeschooled students came in first in 43 of the 63 indicators. “Because many indicators for which home-schooled students took first place involved positions of leadership, Galloway concluded that home-schooled students

⁶ Id. 48, internal citations omitted.

⁷ Id. 48-49.

⁸ 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/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/14/0a/d0.pdf.

were readily recognized for their leadership abilities. She stated flatly, “They are the leaders on campus.”⁹

Other studies demonstrate the same results. One study found that homeschooled children score in the 84th percentile for socialization, in contrast to their peers who scored in the 23rd percentile, and concluded that “children kept home are more mature and better socialized than those who are sent to school.”¹⁰ Another study was unable to find a lack of adjustment among home schooled students who went to college, and noted that “they appear to be able to adjust as well or better than traditionally schooled freshmen to collegiate life at a Christian college as measured by these various scales of college adjustment.”¹¹ Yet another study found that “College students who were previously homeschooled were found to be significantly more Agreeable, Conscientious and Open as compared to their peers in the national college-aged norms.”¹²

In a 2000 article published in the Peabody Journal of Education, Richard Medlin, Professor of Psychology at Setson University who teaches both Child Psychology and Childhood Behavior Disorders, surveyed the research concerning homeschoolers’ social skills. In none of the studies he reviews are homeschoolers behind their traditionally educated peers. Rather, he finds that homeschooled children are very engaged in their community and social lives:

⁹ Richard G. Medlin, *The Question of Socialization*, Peabody Journal of Education 75(1 & 2), 107-123, 117, (2000).

¹⁰ Thomas C. Smedley, *Socialization of Home School Children*, Home School Researcher 8(3), 9-16, (1992).

¹¹ Scott White, et al., *Emotional, Social & Academic Adjustment to College: A Comparison Between Christian Home Schooled & Traditionally Schooled College Freshman*, Home School Researcher 17(4), 1-7, (2007).

¹² 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).

Despite the widespread belief that home schooling is socially isolating, the research documents quite clearly that home-schooled children are very much engaged in the social routines of their communities. They are involved in many different kinds of activities with many different kinds of people. In fact, the flexible schedule and more efficient use of time home schooling affords may allow home-schooled children to participate in more extracurricular activities than children attending conventional schools.¹³

He likewise finds that homeschoolers are learning proper social behavior.

The research confirms that home-schooled children are learning rules for appropriate social behavior and forming healthy attitudes toward themselves. Their social behavior and self-esteem are certainly no worse than those of children attending conventional schools and are probably better.¹⁴

More recently, Medlin conducted another study, and found: “Homeschooled children’s social skills scores were consistently higher than those of public school students. Differences were most marked for girls and for older children, and encompassed all four of the specific skills tested: cooperation, assertiveness, empathy, and self-control,”¹⁵ and concludes that “[t]here appears to be, therefore, a convergence of evidence from three different perspectives—parental report, objective observers, and self-report—that homeschooled children’s social skills are exceptional.”¹⁶

III. Homeschooled Students Are Academically Successful

Since 1988, there have been a number of studies done comparing the success of homeschooled students with those in the public education system. These include official studies by the Tennessee Department of Education in 1988¹⁷ and the Oregon Department of

¹³ Medlin 2000, 112-113 *supra*.

¹⁴ *Id.*, 116

¹⁵ Richard G. Medlin, *Homeschooled Children’s Social Skills*, Home School Researcher 17(1), 1-8, (2006).

¹⁶ *Id.*

¹⁷ Tennessee Department of Education. *Tennessee statewide averages, home school student test results, Stanford Achievement Test, grades 2, 5, 7 and 9* (Nashville, TN, 1988).

Education in 1999.¹⁸ Additionally, there have been at least five national studies of the success of homeschooling by professional researchers¹⁹, including Lawrence Rudner formerly the Director of the Education Resources Information Center (ERIC) Clearinghouse on Testing and Measurement, a research library sponsored by the U.S. Department of Education.²⁰

All of these studies demonstrate that homeschooling produces higher scores on educational achievement tests than public school students. Homeschoolers achieve, on average, between 15 and 30 percentile points above public school averages. These studies reveal that this is true for all grade levels and subjects.

Studies also show that there is no significant correlation between teacher certification and educational success in homeschooling. Homeschool students achieve high results whether or not their parents possess a state teaching credential.²¹

¹⁸ Oregon Department of Education, Office of Student Services, *Annual report of home school statistics 1998-99* (Salem, OR. May 20, 1999).

¹⁹ Brian D. Ray, *Academic Achievement and Demographic Traits of Homeschool Students: A Nationwide Study*, Academic Leadership Live: The Online Journal, 8 no. 1 (February 2010), available at http://www.academicleadership.org/emprical_research/Academic_Achievement_and_Demographic_Traits_of_Homeschool_Students_A_Nationwide_Study.shtml; Brian D. Ray, *A nationwide study of home education: Family characteristics, legal matters, and student achievement* (Salem, OR: National Home Education Research Institute, 1990); *Research Project*. Home School Researcher, 6(4), 1-7; (1990); Deani Van Pelt. *The choices families make: Home schooling in Canada comes of age*, Frasier Forum, March 2004, available at http://www.fraserinstitute.org/Commerce.Web/product_files/The%20Choices%20Families%20Make%20Home%20Schooling%20in%20Canada%20Comes%20of%20Age-Mar04ffpelt.pdf.

²⁰ 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/>.

²¹ Jennie F. Rakestraw, *Home schooling in Alabama*, Home School Researcher, 4(4), 1, 5 (1988); Brian D. Ray 1990, 13, 38 *supra*; Brian D. Ray, *Home schooling: The ameliorator of negative influences on learning?* Peabody Journal of Education 75(1 & 2), 71, 83, 90 (2000); Howard B. Richman, William Girtten, & Jay Snyder, *Academic achievement and its relationship to selected variables among Pennsylvania homeschoolers*, Home School Researcher, 6(4), 9, 13, (1990); Rudner 1999, Table 3.11 *supra*.

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 education and student success while other studies find no correlation at all.²² 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.

In public schools, however, there is a strong correlation between the parents' educational level and student success.²³ In public schools, the children of highly educated families are the achievers; students from families with lower-level educational backgrounds score significantly lower on achievement tests. Not so in homeschooling. There is virtually no educational disparity between the children of the most highly educated compared to those with less. Every segment of the homeschooling community scores materially higher than public school averages. Public schools are unable to attain the results achieved by homeschooled students.

This same phenomenon can be found when educational results are segmented according to family income. It is a tragedy to see that in public schools, students who come

²² 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: "It is worthy to note that, at every grade level, the mean performance of home school students whose parents do not have a college degree is much higher than the mean performance of students in public schools. Their [homeschooled] percentiles are mostly in the 65th to 69th percentile range."

²³ Gary Neil Marks, *Are father's or mother's socioeconomic characteristics more important influences on student performance? Recent international evidence*. Social Indicators Research, 85(2), 293-309, (January 2008).

from low-income families have significantly lower results than students from high-income families.²⁴

In contrast, homeschooled children from every income level achieve results that are significantly above public school averages. Moreover, in some studies of homeschoolers there is no material difference in the achievement of the children from the poorest families compared to the children from the richest families.²⁵ Although some studies show a marginal difference in homeschool student success based on family income, even in these cases, students from the lowest income levels achieve well above public school averages.²⁶

Public schools appear unable to break the cycle of low achievement for students from low income families. But homeschooling has demonstrated that children from low income families succeed; and children of parents with lower educational levels also succeed.

Homeschoolers have scored higher on the ACT than the national average for 10 years – from 1996 until 2006. In 2006, the ACT stopped reporting the results of homeschooled students separately. In 2006, the average ACT composite score for homeschooled students was 22.4, compared to the national average composite of 21.1.²⁷ The 2005 average ACT composite score for homeschooled students was 22.5, compared to the

²⁴ 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/>; 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).

²⁵ Ray 2000, 83-90 *supra*; Terry Russell, *Cross-validation of a multivariate path analysis of predictors of home school student academic achievement*, Home School Researcher, 10(1), 9, (1994).

²⁶ Rudner 1999, Table 3.10 *supra*; Jon Wartes, *The relationship of selected input variables to academic achievement among Washington's homeschoolers*. (Woodinville, WA, September 1990), 79, 122.

²⁷ *Once Again Home-schoolers Score High on the ACT Exam*, HSLDA, July 31, 2007, available at <http://www.hslda.org/docs/news/hslda/200707310.asp>.

national average of 20.9. Part of this academic achievement may be related to the fact that homeschool kids spend their time in radically different ways than their public- or private-schooled counterparts. In a study of fourth graders, 0.1 percent of homeschooled children watched six hours or more of television per day whereas 19 percent of public schooled children watched television at this staggering rate.²⁸

Studies also show that homeschooled graduates demonstrate success and do as well or better, on average, than the general public in all measures of adult success. These measures include the rates of matriculation in college, completion of college, civic engagement, and community service.²⁹

a. Popular Reports Demonstrate That Home Schooling is Highly Successful

Homeschool success has also been demonstrated by a number of other popular indicators of success. California's youngest college student, 10-year-old genius Moshe Kai Cavalin, was homeschooled from age 6 through 8, after which his parents decided college was the best place for him.³⁰

Another indication of the success of homeschooling comes from the national spelling and geography bees. Since 1997 and 1999, when homeschoolers first won the

²⁸ Rudner 1999, Table 2.10 *supra*.

²⁹ Clive R Belfield, *Home-schoolers: How well do they perform on the SAT for college admission?* in Bruce S. Cooper (Ed.), *Home schooling in full view: A reader* (Greenwich, CT: Information Age Publishing; Galloway, 2005), 167-177; Rhonda A. Galloway & Joe P. Sutton, *Home schooled and conventionally schooled high school graduates: A comparison of aptitude for and achievement in college English*, *Home School Researcher*, 11(1), 1-9 (1995); Paul Jones & Gene Gloeckner, *First-Year College Performance: A Study of Home School Graduates & Traditional School Graduates*, *Journal of College Admission* 183 (Spr. 2004), at 17, 20; Ray 2004, *supra*.

³⁰ John Rogers, *10-year-old scholar takes Calif. college by storm*, AP News, May 14, 2008, available at <http://apnews.myway.com/article/20080514/D90LCS4G0.html>.

spelling and geography bees respectively, homeschoolers have consistently performed well at these competitions.

In 2007, the winner of the Scripps Howard National Spelling Bee was Evan O’Dorney, a homeschooled student.³¹ Of the competitors who made it to the national level that year, 12.5 percent of them were homeschooled (despite homeschoolers only making up 2.9% of the school population in 2007³²), and homeschoolers took three of the top six slots.³³ Last year (2009), two of the finalists—including the runner up³⁴—were home schooled.³⁵ The winner of the 2007 National Geographic Bee, Caitlin Snaring, was homeschooled,³⁶ and in both 2005³⁷ and 2003³⁸ homeschoolers took second place in the

³¹ *California Boy Wins National Spelling Bee*,” CBS News, May 31, 2007, *available at* <http://www.cbsnews.com/stories/2007/05/31/national/main2873184.shtml>.

³² U.S. Department of Education, 2008 *supra*.

³³ Richard Sousa , *On Education: Home-schooling is a viable alternative to public schools*, San Francisco Chronicle, June 11, 2007, *available at* <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/06/11/EDGKOP3DE31.DTL&hw=subject%3Dedu+subject%3Deducation&sn=150&sc=153>.

³⁴ *Homeschooler takes second place in national spelling bee*, Washington DC Examiner, May 29, 2009, *available at* <http://www.examiner.com/x-4291-Baltimore-Christian-Conservative-Examiner~y2009m5d29-Homeschooler-takes-second-place-in-national-spelling-bee>.

³⁵ Scripps Howard National Spelling Bee website, *2009 Results*, *available at* <http://public.spellingbee.com/public/results/2009/finishers/html>; *Homeschooler takes second place in national spelling bee*, Washington DC Examiner, May 29, 2009, *available at* <http://www.examiner.com/x-4291-Baltimore-Christian-Conservative-Examiner~y2009m5d29-Homeschooler-takes-second-place-in-national-spelling-bee>.

³⁶ Scott Norris, *Girl Wins Geographic Bee – First in 17 Years*, National Geographic News, May 23, 2007, *available at* <http://news.nationalgeographic.com/news/2007/05/070523-geo-bee.html>.

³⁷ *Californian wins National Spelling Bee with ‘appoggiatura’*, USA Today, June 1, 2005, *available at* http://www.usatoday.com/news/nation/2005-06-01-spelling-bee_x.htm; *Ten Students Win Places in National Geographic Bee Final*, National Geographic News, May 24, 2005, *available at* http://news.nationalgeographic.com/news/2005/05/0524_050524_beefinals.html; National Geographic, *Past National Geographic Bee Winners*, *at* http://www.nationalgeographic.com/geographybee/past_winners.html (n.d.).

spelling bee and won the geography bee. Four out of the top six finalists in the 2002 geography bee—including the winner³⁹—and at least one of the finalists in the 2002 spelling bee,⁴⁰ were also homeschooled. In 2001 a homeschooled student won the spelling bee again,⁴¹ and another took third place in the geography bee.⁴² The most successful year, however, was 2000, where homeschooled students swept the top three slots in spelling,⁴³ and four of the top ten in geography.⁴⁴ In 1999 a homeschooled student took third in spelling⁴⁵ and first in geography.⁴⁶ Altogether, homeschoolers claim five of the past thirteen spelling bee winners and five of the past eleven geography bee winners, as well as over thirty finalists between the two competitions.

In 2002, three home schooled teams were nationally recognized for their projects in the national Space Day program, Design Challenges. Over 400 team projects were submitted

³⁸ *Eighth-grader from Dallas wins spelling bee*, CNN.com, May 30, 2003, at <http://edition.cnn.com/2003/EDUCATION/05/29/spelling.bee.ap/index.html>; National Geographic, *2003 Winner: James Williams*, at <http://www.nationalgeographic.com/geographybee/2003.html> (n.d.).

³⁹ Mary Pride, *What We Can Learn from the Home-schooled 2002 National Geography Bee Winners*, Practical Home-schooling # 48, 2002, available at <http://www.home-school.com/Articles/p48-geobee.html>.

⁴⁰ *Colo. student wins spelling bee with 'prospicience'*, USA Today, May 31, 2002, available at <http://www.usatoday.com/news/nation/2002/05/30/spelling-bee.htm>.

⁴¹ *Minnesota Boy Is Spelling Champ*, CBS News, May 31, 2001, available at http://www.cbsnews.com/stories/2001/05/31/national/main294239.shtml?source=search_story.

⁴² Rich Jefferson, *Home schooler wins third place in National Geography Bee*, NCHE, May 23, 2001, <http://www.hslda.org/docs/news/hslda/200105231.asp>.

⁴³ *Home Schoolers Making Headlines*, NCHE, June 22, 2000, <http://www.hslda.org/docs/nche/000002/00000254.asp>.

⁴⁴ National Geographic, "2000 Finalists," http://www.nationalgeographic.com/geographybee/2000_semi.html.

⁴⁵ Jefferson 2001, *supra*.

⁴⁶ NCHE 2000, *supra*.

to Space Day Foundation from students around the world. Eighteen team winners were chosen, five of which were home school teams. Former astronaut and United States Senator John Glenn recognized the teams in Washington, D.C. at the May 2 Space Day Opening Ceremony.⁴⁷

Academic champions are not the only ones who are homeschooled. Tim Tebow, 2007 Heisman Trophy winner, was homeschooled,⁴⁸ and according to USA Today, “The ranks of action sports champions are thick with homeschool graduates such as 17-year-old X Games snowboard gold medalist Shaun White, 19-year-old motocross champion James “Bubba” Stewart and 17-year-old mountain bike champion Kyle Strait.”⁴⁹ Shaun White went on to become an Olympic gold medalist in the 2010 Vancouver games.⁵⁰

b. Home Schooled Students do well in college

Homeschooled graduates build on their solid secondary education when they go to college. Data from Colorado reveals that “academic performance analyses indicate that homeschool graduates are as ready for college as traditional high school graduates and that they perform as well on national college assessment tests as traditional high school graduates.”⁵¹ Another study looked at GPAs and professional aptitude tests and determined that home school graduates preformed just as well as public and private school graduates. In

⁴⁷ *California Home Schoolers Recognized in Space Day Competition*, HSLDA News, July 8, 2002, at <http://www.hsllda.org/docs/news/hsllda/200207080.asp>.

⁴⁸ *One-of-a-kind Tebow becomes first sophomore to win Heisman*, AP article, December 10, 2007 available at <http://sports.espn.go.com/espn/wire?section=ncf&id=3148445>.

⁴⁹ Sal Ruibal, *Elite take home-school route*, USA TODAY, June 7, 2005, available at http://www.usatoday.com/sports/preps/2005-06-07-home-school-cover_x.htm.

⁵⁰ Vancouver Olympics 2010 website, athlete profile of Shaun White, available at http://www.vancouver2010.com/olympic-snowboard/athletes/shaun-white_ath1023740ln.html.

⁵¹ Jones & Gloeckner, 2004.

2004 the Journal of College Admission published an article by an admissions director from Ball State University who reported that “[r]esearch showed that our homeschooled students had above-average SAT and ACT scores (1210 and 29 respectively). They also performed better academically. They had a combined cumulative grade point average of 3.47, compared to the 2.91 shared by the general student population.”⁵² Another study found that college freshman who had been homeschooled had slightly higher GPAs and higher entrance SAT scores than private and public schooled students, participated in more activities, and were satisfied with their homeschool experience.⁵³

In addition to the academics, homeschooled students are emotionally prepared for college. For instance, one study involving freshman students at a private liberal arts college found that homeschooled students reported “significantly fewer anxiety symptoms than a matched sample of traditionally schooled students.”⁵⁴ Using the College Adjustment Scale (a measure of emotional, behavioral, social, and academic problems used by university counseling centers), researchers found no other significant differences between the two groups of students.

Accordingly, colleges have recognized the potential of homeschooled students. The Chronicle of Higher Education has reported that as early as a decade ago, “over 700 post-secondary institutions across the United States, including Harvard University, Yale University, Stanford University, MIT, Rice University, and the Citadel, admitted

⁵² Gary Mason, *Homeschool Recruiting: Lessons Learned on the Journey*, Journal of College Admission 185 (Fall 2004), at 2.

⁵³ Erika M. L. Jones, *Transition from Home Education to Higher Education: Academic and Social Issues*, Home School Researcher 25(3), 1-9, (2010).

⁵⁴ White, et al., 2007, *supra*.

homeschooled students.”⁵⁵ Barmak Nassirian, associate executive director of the American Association of Collegiate Registrars and Admissions Officers explains: “After years of skepticism, even mistrust, many college officials now realize it’s in their best interest to seek out home-schoolers.”⁵⁶ Some are even actively recruiting homeschoolers. “UC Riverside [is] the first UC campus and one of the first public research universities in the nation to recruit students who were home-schooled at the kitchen table or on the road instead of inside a classroom. ‘These students are very prepared for college-level work and doing very well here,’ said Merlyn Campos, interim admissions director.”⁵⁷ Regina Morin, director of admissions at Columbia College in St. Louis, Missouri, says the school is seeing more homeschoolers apply each year. “They tend to be better than their public school counterparts,” she said. “They score above average on tests, they’re more independent, they’re often a grade ahead.”⁵⁸

CONCLUSION

In the past thirty years that homeschooling has gained in popularity, a wide variety of research has been conducted addressing both socialization and academics. On all counts homeschooling meets the standard set by public schools, and virtually all of the research

⁵⁵ Paula Wasley, *Home-Schooled Students Rise in Supply and Demand*, *The chronicle of Higher Education* 54(7), 1, (Oct. 12, 2007); see also 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/COMMERCE.WEB/product_files/Homeschooling2.pdf. Basham at 15.

⁵⁶ 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/.

⁵⁷ Elaine Regus, *UC Riverside a leader in courting home-schooled students*, *The Press-Enterprise*, November 23, 2007, available at http://www.pe.com/localnews/highereducation/stories/PE_News_Local_D_home-school24.3085ff7.html.

⁵⁸ Georgina Gustin, *Home-school numbers growing*, *St. Louis Post-Dispatch*, October 3, 2007, available at <http://forum.gon.com/showthread.php?t=141756>.

demonstrates that homeschoolers far exceed that bar. Accordingly, the presumption that homeschooling fails to meet the developmental needs of adolescents—either socially or academically—cannot be supported in light of the evidence.

Respectfully submitted this the 14th day of May, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on May 14th, 2010 I filed this brief and eight copies with the New Hampshire Supreme Court using Federal Express. I also certify that I have served two copies of this brief via

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