

TRANSFORMING EDUCATION IN MINNESOTA VIA CONSTITUTIONAL AMENDMENT

Why the Amendment Does Not Pose a Risk to Homeschooling

1. Giving all children in Minnesota an equal right to a quality public education empowers parents to make the best choice for their children.

- Just as a quality public education is a fundamental right, so too is a parent's choice of *how* to educate their child. Both this proposed amendment and homeschooling can and should co-exist. For with both options (along with others) available to our children, we will provide them with the best offerings possible for securing a quality education.
- The right to a quality public education is no different than any other right. As citizens, we have the right to vote, but it is our choice to decide if or when we wish to exercise that right. Similarly, parents can decide to educate their children at home, send them to private schools, or exercise the right to have their children educated in a public school system. And, if they choose the public school system option, the proposed amendment will ensure that their children will receive a quality public education. *Under no circumstances will the proposed amendment mandate or require public school attendance.*
- For many children, the option for homeschooling is not available. Therefore, in the face of limited options, it is imperative that we ensure the only option they may have, a public education, is provided with application of a quality standard in order to best prepare our children to achieve the success they so deserve.

2. Minnesota law protects nonpublic education and a parent's right to choose between public school, homeschooling, or private school. This amendment does not encroach on those protections.

- The Minnesota Constitution currently permits parents to home school their children or send them to a private school (*see* Minn. Const. art. XIII, § 1). The proposed amendments to the state constitution do not affect this choice.
- The amendment does not impact Minnesota's Compulsory Instruction statutes (Minn. Stat. Sections [120A.22](#), [120A.24](#), and [120A.26](#)), which require all children ages 7-17 to attend a public or nonpublic school (which includes homeschools) and set forth the standards for such education.
 - Those statutes:
 - Highlight the paramount role the parent plays in a child's education.
 - Under Minnesota law, "[t]he parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship" (Minn. Stat. § 120A.22, subd. 1). In this respect, the state already recognizes it has an obligation to ensure school-aged children receive

educational instruction, but in doing so must respect parents' roles in preparing their children to be Minnesotans.

- Define a “school” broadly to include public schools, nonpublic schools, and homeschools.
 - Under current law and the proposed amendment, parents have the option to send their children to any of these types of schools. Nothing in the proposed amendment mandates public school attendance, nor does it create a claim if parents choose to home school their children.
 - The Minnesota Department of Education explicitly indicates that “[s]tate standards set for public schools do not apply to non-public schools—whether regular private schools or homeschools” ([Minn. Dept. of Ed., “Home School Education”](#)).
 - The proposed amendment would not change the fact that:
 - Neither the Minnesota Department of Education nor local school districts certify or validate any nonpublic or homeschool diploma or transcript ([Minn. Dept. of Ed., “Home School Education”](#)).
 - The Minnesota Department of Education does not help select the curriculum for nonpublic schools, including homeschools. “Students must receive instruction in the knowledge and skill areas detailed in the compulsory instruction laws” ([Minn. Dept. of Ed., “Home-School Questions and Answers – 3/12/20](#)). Generally, the subject areas focus on: (1) basic communication skills, including reading, writing, literature, and fine arts; (2) mathematics and science; (3) social studies, including history, geography, economics, government, and citizenship; and (4) health and physical education (Minn. Stat. § 120A.22, subd. 9).
 - Students between the ages of 7-17 who are homeschooled are generally subject to an annual, norm-referenced testing requirement (Minn. Stat. § 120A.22, subd. 11; [Minn. Dept. of Ed., “Home-School Questions and Answers – 3/12/20](#)). There are limited exceptions to this testing requirement—“An accredited home-school is exempt from the testing requirement, per Minnesota Statutes, section 120A.22, subdivision 11(d). In certain situations, when the person providing instruction meets certain requirements, the testing required in Minnesota Statutes, section 120A.22, subdivision 11(b) is also waived” ([Minn. Dept. of Ed., “Home-School Questions and Answers – 3/12/20](#)).
- 3. Since Florida’s 1998 constitutional amendment to establish education as a “fundamental value” and “paramount duty,” homeschooling in Florida has grown steadily and consistent with growth nationwide. Florida’s experience underscores that empowering all children to achieve a quality education does not come at the expense of homeschooling.**

- In 1998, Florida amended its constitution to establish the education of children as a “fundamental value” and “paramount duty” of the state.
- Since then, Florida homeschooling has grown steadily, from 41,128 students during the 2000-01 school year to 97,261 students during the 2018-19 school year.
- Florida’s growth is on par with homeschooling nationwide, which doubled from 850,000 students in 1999 to 1,690,000 in 2016. (To compare, Florida was at 83,359 homeschooled students in 2015-16, roughly double from 2000-01.)
- As the growth in Florida homeschooling shows, amending the constitution does not come at the expense of homeschooling. Instead, the objective is to empower all parents and all families to achieve a quality education for all children.
- As in Florida, declaring education as a fundamental right (or value) and paramount duty establishes education as a top priority of the state. The proposed Minnesota amendment seeks to ensure that a quality public education is available to all children. But, as in Florida, it does not dictate the legislature’s specific policy choices. And it does not dictate the choices of individual parents and families.
- Sources:
 - Florida Department of Education, *Home Education in Florida: 2018-19 School Year Annual Report*.
 - Florida House of Representatives, *2010-11 Education Fact Sheets*, “Home Education,” at 239.
 - Thomas D. Snyder, Critobal de Brey and Sally A. Dillow, U.S. Department of Education, *Digest of Education Statistics 2017: 53rd Edition* (2019), at 132.