

# The Elimination, by Control, of Home and Private Schools in America

On Tuesday afternoon, February 15, 1994, a special, very surprising rider was tacked onto an important bill, the **Elementary and Secondary Education Act (HR-6)**.

This rider (officially known as “**the HR-6, section 2124(e) amendment,**” or “**Miller Amendment**”) would require that every home school and private, non-profit school in America and its possessions could only have certified teachers.

This controversial amendment was attached to the bill quite late in the deliberations of the *House Education Committee*. It is believed to have been done in order that it might be enacted into national law before many families across the land could learn of what had happened. On February 24, the bill (HR-6) is scheduled to begin three days of debate, followed by a vote, in the House of Representatives.

If this rider were to be adopted into law, **nearly every home school as well as many private schools in America would be closed—including many, many church schools**. In order for their teachers to be state certified, each elementary level teacher (grades 1-8) would have to graduate from a four-year college with a major or minor in Elementary Education. In addition, each high school teacher (grades 9-12) would have to have completed a four-year course in Secondary Education, with a specialty certification in the one or two particular fields in which he is permitted by the State to teach (music, chemistry, English, etc.). According to HR-6, each teacher must be “*certified to teach in the subject area to which he or she is assigned.*”

This bill, HR-6 [House of Representatives bill, number 6] has also been called the “*Improving America’s Schools Act of 1994.*”

This recent surprise amendment, which would require state certification of teachers in all home/private/non-profit schools, was

added at the request of Congressman George Miller (D-CA).

## **Here is the Miller Amendment:**

“*Section 2124(e) ASSURANCE—Each State applying for funds under this title [this law] shall provide the Secretary with the assurance that after July 1, 1998, it will require each local educational agency within the State to certify that each full time teacher in schools under the jurisdiction of the agency is certified to teach in the subject area to which he or she is assigned.*”

The definition of what is meant by “school” is given elsewhere in HR-6:

“*Section 9101(11) The term ‘elementary school’ means a non-profit day or residential school that provides elementary education, as determined by State law.*”

“*Section 9101(20) The term ‘secondary school’ means a non-profit day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.*”

These definitions are identical with earlier existing laws—except that one crucial word has been added in HR-6: the word “*non-profit.*” This definition would include home schools and private, non-profit schools. Thus, all forms of primary and secondary education in America would be under the control of HR-6.

What happened, when one Congressman, Dick Arme (CA), proposed that the following amendment be included in HR-6, is highly significant. **Here is the Arme Amendment:**

“*Nothing in this title [HR-6] shall be construed to authorize or encourage Federal control over the curriculum or practices of any private, religious, or home school.*”

The above-proposed amendment to HR-6 was rejected (voted down). It is of interest that all Democrats voted against it, and all Repub-

licans voted in favor of it.

In addition, HR-6 contains other provisions which you should know about: All schools under its jurisdiction (all elementary and secondary schools in America) must teach certain things, and not teach certain other things. The State will decide. As if that is not enough, all children in each state must be taught on a common level—in regard to standards, values, and knowledge content. Yet, there will be things which home school and private schools may wish to do or teach—or not do or teach,—which they will not be permitted to.

Title I of HR-6 requires each State to decide and “specify what children served under this title are expected to know and be able to do” [Section 1111(b)(1)(A)(i)(I)]. Children subject to this Title of HR-6 (which would include all children below high-school graduation level) would be subject to state-imposed “standards [which are] as challenging and of the same high-quality as they are for all children” [Section 1111 (b)(1)(A)]. Thus, in order to receive Title I matching funds, each state would be required to impose strict standards, determined by politicians, on every child living in the state.

(It is in matching funds that federal education laws have their teeth: Apart from the threat of withholding funds, the federal government has no authority over education in the United States. This is due to the fact that all rights, not expressly mentioned in the Constitution as belonging to the federal government, are reserved to the states.)

The *National Association of State Boards of Education* has gone on record as being opposed to the freedom of private and home schools:

“Whether home schooling is regulated through state board actions or state statutes, decision makers should insure that policies have the following components:

“ - Specific provisions for insuring the competency of the instructor (e.g., teacher/instructor certification or certified teacher visits to home school site to observe instruction, minimum education requirements, etc.)

“ - Assurance that policies with regards to home schooling are aligned with the

state’s current outcome-based standards and graduation requirements.” (Policy Update, NASBE, Vol. 2, No. 2, p. 1, January 1994.)

Paragraphs two and three of the above-quoted statement were only two of many listed “components” which would be required of home and private schools.

In the eyes of some, there are serious dangers and flaws in HR-6. Yet it is likely to be enacted this year by both houses of Congress.

**Private and home school advocates see, as the solution, the opposing of the Miller Amendment [Section 2124(e)], and the urging of the adoption of the “Home School/Private School Freedom Amendment,”** which was drafted by the *National Center for Home Education (NCHE)*. **This is the “Home School Freedom Amendment:”**

“HOME SCHOOL/PRIVATE SCHOOL FREEDOM AMENDMENT: (1) Nothing in this Act [HR-6] shall be construed to permit, allow, encourage, or authorize any federal involvement with or control over any aspect of private schools, religious schools, or home schools. Such federal involvement or control is expressly prohibited. This prohibition shall pertain to every federal statute, law, or regulation which does not expressly reference this section and make an exception thereto.

“(2) No federal funds allocated under this Act shall be used by any state agency, local educational agency, or any other agency of government for the purpose of monitoring, controlling, regulating, or supervising any private school, religious school, or home school except to the extent expressly required by this Act relative to federal funds received by students attending such private school, religious school, or home school.

“(3) As used anywhere in this Act, the term ‘school’ shall mean a public school and shall not include a private school, religious school, or home school unless specifically stated otherwise.”

The NCHE believes that, if the above amendment is adopted, home and private schools will be greatly protected from future intrusion by governmental agencies.

Of course, by the time you read this, the

February 1994 battle in the U.S. House of Representatives over HR-6 may have passed. **But then the battle will go to the U.S. Senate. So most readers will have time to write, phone, or FAX in their concerns.**

On what side do you stand? Whatever it may be, let Congress know where you stand! Perhaps you are in favor of eliminating home schools; perhaps you would like to save them. This is no time for neutrality! Contract your congressman and let him know your wishes.

**The address of your Representative in Congress:**

Name  
U.S. House of Representatives,  
Washington, D.C. 20515  
(Phone: 202-224-3121)

**The address of your Senator in Congress:**

Name  
U.S. Senate,  
Washington, D.C. 20510  
(Phone: 202-224-2115)

(You can obtain the name and address of your representative and senator, by calling your city hall or county court house. Always be polite when you speak or write to elected officials.)

**Home and private school advocates will oppose HR-6 and the Miller Amendment [section 2124 (e)], and will urge enactment of the "Home School/Private School Freedom Amendment" to HR-6.**

**Those favoring "public schools only" will do the opposite.**

If the Miller Amendment passes the House, the battle will then go to the Senate. HR-6 has over 700 pages, and will cost \$7-12 billion.

## The National Commorative Events Advisory Act

Also of interest is **HR-624**, a bill which will soon be voted on by the House of Representatives. Called the "**National Commorative Events Advisory Act**," this latest bill is similar to three bills which came before Congress several years ago. If enacted into law, **it would permit a more rapid approval of special commemorative days of national observance** (cf. *Great Controversy*, 573-581). The bill subtitle says, "To establish a commission to advise the president on proposals for national commemorative events."

You may wish to contact your congressman regarding it. Congressman David McCurdy (OK) introduced the bill into the House of Representatives on January 26, 1994. The bill was immediately referred to the *Committee on Post Office and Civil Service*, which, upon receiving it, delegated it to a subcommittee (the *Subcommittee on Census*).

**In order to be voted into law this year, this bill must pass the House, and a compatible one must be approved by the Senate.** A congressional aide (John Gadd) said that, because HR-624 was so similar to HR-746 (which narrowly avoided being enacted a few years ago), neither a House nor Senate hearing will be required for HR-624 or its Senate version, thus enabling both to be

passed more quickly. In addition, the Senate could pass it by voice-vote with a simple acceptance of the House version.

According to the *Congressional Document Room*, by the middle of February (only three weeks after McCurdy introduced the bill), it already had 135 co-sponsors. Eighty-three more representatives are needed on the bandwagon to insure passage.

**If you want that bill enacted, you should contact your congressman as soon as possible! If you do not want it enacted, you should do the same!**

This bill will transfer the authorization of special days of observance, in these United States, from Congress to simple authorization by a special small committee (designated by HR-624 as the *President's Advisory Commission on National Commorative Events*). This commission will have eleven members, seven of whom will be appointed by the President. Only six members need be present to pass a motion, which the President will then issue as a presidential proclamation. The general public will know little about it, until each proclamation is announced.

On the next page, you will find the complete text of HR-624. Thank you for your concern.