

Homeschool Freedom and How to Maintain It

Perspectives from Mike Farris, Mike Smith, and Jim Mason

[Rachel Stoltzfoos](#)

HSLDA Managing Editor of Communications

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It's a new era for homeschooling. As we face a new wave of determined opposition to homeschool freedom, we are also embracing a new generation of committed homeschooling parents—some new to the movement, others homeschool graduates now tackling the challenge of teaching their own children.

It's a moment for us to remember where we came from, how we got here, and what we have to do so we don't go back to a time when homeschooling wasn't free.

"But for HSLDA, the state associations, and committed homeschooling parents all over the country, we would still be living with the same uncertainties and, in some cases, downright hostile conditions parents were facing in 1982," said Mike Farris, founding president of HSLDA. "And if we don't defend our freedom, we could end up back there."

We talked to Farris, President Emeritus and HSLDA co-founder Mike Smith, and President Jim Mason to get their perspectives on where we've been and where we're headed after more than 40 years of working to advance and protect homeschool freedom. You'll also find on these pages a message from each of them to the families teaching their children at home today, in particular to those who may be newer to homeschooling.

The Farris Era

Homeschooling was largely considered illegal when Farris founded the Home School Legal Defense Association in 1983. Families faced prosecution and even jail time.

"As a matter of practical reality, the right to homeschool wasn't really recognized anywhere," he said, noting that all 50 state attorneys general would have considered it illegal.

For the most part, the few families who had been homeschooling were following figures like John Holt, an educational theorist who advocated for unschooling. Now the evangelical community was also beginning to embrace homeschooling, thanks in part to a series of interviews with Dr. Raymond Moore on Dr. James Dobson's radio program in the early 1980s. (Moore is an educator who wrote a popular book with his wife titled *Better Late Than Early*.)^[1] The homeschooling community quickly grew.

Still, when Farris started homeschooling in 1982 in Washington state, he only knew of two other homeschooling families. “A lot of people hid during the school day, kept their windows closed and the shades drawn, and that sort of thing,” he said.

Smith, who had begun homeschooling a year earlier in California, faced a similar legal situation. He too knew only a handful of families who homeschooled.

“It was only the really extraordinarily brave that homeschooled prior to 1983,” Farris said. “Parents were regularly being prosecuted or threatened with prosecution. In some places they were ignored, but there was a looming threat over pretty much everybody.”

Farris and Smith met in 1982 and quickly joined forces to create HSLDA. Within a few decades, their work would completely transform the landscape for homeschooling.

“The biggest factor was God’s blessing, but that’s difficult to quantify,” Farris said. “From a human perspective, there were two factors. One is that over time people became more and more familiar with families who were homeschooling, and the second is that there was a growing legal recognition of the right to homeschool.”

The Early Battles

As HSLDA was getting off the ground, Farris was already suing Washington over its onerous teacher certification requirement for homeschooling. A legislative fix would come just a few years later there, but other states would prove more difficult.

“We were pretty much responding to where the fights were erupting,” he said. “We were more proactive in planning ahead on the legislative side than we were on the litigation side. We didn’t have much choice where we filed proactive cases, because of the sheer volume of cases we were dealing with.”

To the extent that a strategy was possible at the time, Farris saw the work to advance homeschool freedom as existing in two phases. First, states must recognize the legal right to homeschool—that was the priority. Second, undue regulations and idiosyncratic demands on homeschooling families must be pushed back.

Families were homeschooling in one of three kinds of states at the time. Some required teacher certification, others a functionally equivalent education, and the rest had no law on the books regarding homeschooling. Families in these states tried to operate as a private school.

“Most of our battles at that time were in teacher certification and equivalent education states,” Farris said. (Homeschooling under the private school exemption was relatively unhindered.)

Teacher Certification Holdouts

Three states in particular refused to budge on **teacher certification requirements** and required substantial litigation: Iowa, North Dakota, and Michigan.

In **Iowa**, the courts ducked a constitutional argument from HSLDA against the requirement in 1987.^[2] However, the case did result in an important procedural victory that made it difficult to prosecute homeschooling. “That broke the back of the legislature, because the barriers were so difficult for prosecutors to overcome,” Farris said.

North Dakota was perhaps the most stubborn. “I argued so many cases in the Supreme Court of North Dakota that I felt like saying to the justices, ‘Fred, Bill, Jim, how’s fishing going? Have you got your buck yet this year?’” Farris said. “But we didn’t overturn the law through a court decision.”

The tide turned in 1989, when homeschooling families created a storm at the capitol that embarrassed legislators. “We called it the Bismark Tea Party,” Farris said. “I went to Kmart and bought up all the boxes of Lipton tea, and then the homeschooling families handed them out at the capitol. We attached a message to each one that said: Consent of the governed for homeschoolers too.”



Farris at the 1989 Bismark Tea Party.

In **Michigan**, HSLDA argued against the teacher certification requirement on the grounds that it violates religious liberty, and the state Supreme Court agreed in a 1993 ruling.^[3]

In each of these states, the legislatures scrapped the teacher certification requirements.

Then, in 1994, HSLDA helped defeat **federal legislation** (H.R. 6) that would have mandated teacher certification for all homeschooling families. The homeschool community overwhelmed the Capitol with phone calls, to the point where the switchboards were completely shut down, and the bill was quickly defeated.

Wins in Equivalent Education States

On the equivalent education front, victories in Pennsylvania and New York led the way for change in 1988.

A federal district court in **Pennsylvania** ruled it was unconstitutional to require equivalent education, because there were no objective standards. Farris argued the case.^[4] And in **New York**, he hammered out a deal with a friendly lawyer for the state school boards association.

“We were litigating a bunch of cases in New York at the time, and he was always on the other side,” Farris said. “Over a span of two days we came up with a set of regulations that were dramatic improvements at that time. They don’t look so good compared to today’s laws, but back then it was a huge step forward.”

Dramatic Growth

As Farris closed out his time as president, the number of homeschooling families had exploded, along with homeschool freedom. Forty-nine states now formally recognized the freedom to homeschool, and the population of homeschooling families had grown from an estimated tens of thousands to hundreds of thousands. HSLDA kept fighting to push back legal barriers.

“We were facing a power conglomerate that absolutely dominates virtually every state in the country,” Farris said, referring to the education establishment. “And we beat them in legislatures, and in courts, and in Congress, and we won the right to homeschool. No rational human being would ever tell you that was foreseeable, and in hindsight it’s only God’s blessing that can explain it.”

“The basic right to homeschool had been pretty well secured,” he added. “So we were in the early stages of Phase 2—except in California.”

A MESSAGE FROM MIKE FARRIS

Do the things that won homeschool freedom in the first place. Join HSLDA and join your state homeschool organization so that you're connected to what's happening and can defend your rights.

Alexis de Tocqueville's *Democracy in America* talks about the importance of associations in early American democracy. He established that, within a democracy, it is extraordinarily difficult for a person to advance their views effectively without associating with others who share them. You have to have associations if you have a position that matters.

If we don't stand together, we're going to be in trouble.

The Smith Era

Farris stepped down as president in 2000 to found Patrick Henry College, but continued to serve on the board of directors and oversee the litigation team. That's when Smith took over as president.

His focus was on protecting the freedom HSLDA had won in the previous two decades. "We weren't emphasizing trying to change laws, because a lot of them had been changed, mostly in the legislatures," he said. "We cruised along, protecting our families one member at a time."

Many families were dealing with administrative snags or issues with instances of discrimination. Districts were imposing illegal or extralegal demands on homeschooling families, and in some cases employers were failing to recognize the validity of a homeschool diploma. HSLDA worked extensively with families to navigate these hurdles and maintain their freedom to homeschool.

In 1994, we began to incorporate financial assistance into our efforts to sustain homeschooling when we started the Home School Foundation, now known as HSLDA Compassion. Initially, we offered assistance to homeschool organizations, and then in 2000 we expanded the scope to support bereaved children and spouses. Over the years, we added grants for single parents, families affected by disaster, and military families.

"As a matter of personal pride, my wife Elizabeth Smith was the first director of development for the foundation, and without any bias, she did a remarkable job," Smith said. "It wasn't easy to raise money at first, but the giving increased every year, which resulted in homeschool organizations and families increasingly being blessed by HSLDA."

Since its formation, HSLDA Compassion has issued more than 21,000 grants totaling more than \$13.3 million.

Meanwhile, **California** loomed. “There was no specific homeschool definition, and it was pretty hostile there,” Smith said. “We were doing it with smoke and mirrors, so to speak.”

Families were attempting to homeschool through the private school exemption, but this method wasn’t widely accepted as legal by officials.

The number of families homeschooling in the state had exploded since the early ‘80s, yet the law remained largely unchanged. “In the very early years, close to 50 percent of our membership came from California,” Smith said. “It was a very important state and a very contentious state.”

Restrictions Unexpectedly Toppled

Then, in 2008, a surprise ruling on a previously sealed case effectively declared homeschooling illegal in California.^[5] “That scared us to death,” Smith said.

An appellate court found there was no constitutional or statutory right to homeschool for *anyone* in the state. The ruling impacted other states as well, such as Kansas and Texas, where homeschooling was also done through the private school exemption.

HSLDA offered to help get the ruling reversed but was initially turned down by the family, who was not connected to HSLDA. “We didn’t know where to turn at that point,” Smith said. “We were really praying up a storm about this case and really worried about it.”

The family ended up hiring a different lawyer who asked HSLDA to write a motion to reconsider—a Hail Mary pass. Farris agreed, and the attorneys got to work. They had just 15 days from the date of the decision to file with the court, and they got it filed on the last day.



(L to R) Smith, Mason, and Farris working on the California case in 2008.

In a momentous decision, the appellate court vacated the ruling and agreed to rehear the case. “It was imperative we win,” Smith said.

Amicus briefs in support of homeschooling poured in, some from unexpected sources, including then-Gov. Arnold Schwarzenegger, then-Attorney General Jerry Brown, the California Department of Education, and the Los Angeles Unified School District.

Farris argued on constitutional grounds before the court, while others pointed to legislation that showed the legislature already recognized homeschooling as legal through the private school exemption. These arguments hadn’t been considered in the initial ruling.

Afterward, Farris was sure they’d lost. But the court reversed itself and declared homeschooling legal in California under the private school exemption.

Seeds of Opposition

On another front, seeds of opposition were being planted by ideologically motivated opponents to homeschooling. An organization called the **Coalition for Responsible Home Education** incorporated in 2013. CRHE believes more laws and oversight by government officials and public schools are required to make homeschooling “safe.”

“They believe that parents should be allowed—they use that word ‘allowed’—to choose how their children are taught, but not whether they can educate their children or not,” Smith said.

HSLDA takes the opposite position, he noted, grounded in a 1979 Supreme Court ruling in a parental rights case, which found that parents are presumed to act in the best

interests of their children.^[6] “Because some parents don’t, that doesn’t mean the majority doesn’t,” Smith said.

CRHE was largely ineffective during Smith’s tenure, but Harvard law professor **Elizabeth Bartholet** posed a bigger challenge. She published a law review article in 2020 calling for a presumptive ban of homeschooling and smearing homeschool families as religious lunatics who want to isolate their children from society.^[7]

“It was concerning that somebody would do that,” Smith said. “I mean it was so offensive, what she wrote.” HSLDA responded by writing a book, *Homeschool Freedom: How it Works and Why We Must Protect It*, with essays from Smith, Farris, Mason, and others dismantling her arguments.^[8]

Bartholet’s article was poorly timed, as it gained attention just as the COVID-19 pandemic shut down public schools. It didn’t get much traction, and she was ultimately ineffective during Smith’s tenure.

“Since 1983, we really hadn’t lost any ground, and we’d gained some,” Smith said.

When he retired in 2022, he was surprised by how much they had been able to accomplish since 1983. He recalls feeling overwhelmed early on when he realized battles would have to be fought in every single state.

“I was just thinking if we could win one major federal case, that would be the law of the land,” he said. “But it doesn’t work that way. And quite frankly, when I realized that, I thought: ‘This is overwhelming. This is going to be really difficult.’ ”

Still, he never doubted they would succeed. “I thought we would be able to do it eventually, because it’s the right thing to do, and God’s behind it,” he said.

A MESSAGE FROM MIKE SMITH

Remember why you homeschool, and remember to focus on the positives. You’ve got to have a commitment to do it. That’s the main thing.

Don’t judge your family by anybody else’s family. You’re unique. Homeschooling parents compare their kids to other families a lot and their programs to other programs. You don’t want to do that. Just do the best that you can.

Connect with HSLDA and follow the battles we’re fighting—you’re part of a movement, and it’s a freedom movement. It’s important to understand how we got the freedom to begin with and how to maintain it.

The Mason Era

When Mason stepped into the role of president in 2022, the pandemic was still very much a part of daily life and was continuing to have a tremendous impact on the homeschooling community.

“Probably the single biggest thing that I’ve had to cope with is what the pandemic meant for our organization and what it meant for the homeschooling movement writ large,” Mason said.

Parents who became disillusioned after seeing their children’s public school education up close or who were initially forced into homeschooling because of the pandemic chose to join the movement. A perceived lack of safety in public schools also played a role in many decisions to homeschool.

At the same time, homeschooling became far more diverse and began to include a growing array of families from all kinds of socioeconomic, ethnic, religious, and political backgrounds. Mason noted that many of the newer homeschooling families he’s spoken with are not very different from him and his wife when they first started homeschooling on a trial basis, and that they share some of the same motivations.

But the increased numbers proved challenging. “After years of slow, steady growth, all of a sudden you have this enormous influx,” Mason said. “That’s been a challenge to accommodate.”

This surge in popularity made Bartholet’s article look ridiculous in 2020, but now proved advantageous to those in her camp like CRHE. “The influx has meant a renewed scrutiny of homeschooling,” Mason said. Indeed, the national media has released a plethora of articles designed to make homeschooling look bad and influence public opinion against it.^[9]

CRHE was ready to capitalize on the moment, having grown in allies and experience and learned from their early attempts to organize. They released a model bill in 2024 urging legislators all over the country to restrict homeschooling.^[10] The group was also behind the dangerous campaigns we saw this year in Virginia and Illinois. Bartholet, too, has been working to rebuild momentum. (More on page 4.)

“The attempts to roll back freedoms started in the media in 2023, then were discussed legislatively in 2024, and in 2025 we saw actual attempts to roll back freedoms, especially in Illinois and Virginia,” Mason said.

New Battlegrounds Emerge

Thankfully, both of those attempts failed. But Mason said the “small cadre of ideological opponents” behind these attacks—CRHE and the group’s allies—seem to have regathered strength now that the pandemic is in the past.

“I think we might have been seeing this back in 2020, had it not been for COVID-19,” he said, noting that the surge in families homeschooling made CRHE’s work more difficult. “It delayed their progress, but they’re determined and want to make a difference, so they picked two states where they thought they could. We believe they’ll be back next legislative season.”

The growing diversity of the homeschool movement in **Illinois**, where homeschooling is growing at a faster pace among Black families in the Chicago area than the rest of the state, is a large part of the reason that bill did not succeed. [\[11\]](#)

“HSLDA and Illinois Christian Home Educators were able to partner with some of these emerging populations in the homeschooling world, and that put a different face on who’s homeschooling today,” Mason said. “And that made a big difference.”

In **Virginia**, there was tremendous opposition from homeschooling families, and Governor Glenn Youngkin vowed to veto the bill. It died in committee, but next year could prove more opportune for opponents of homeschooling.

“Governor Youngkin won’t be in office,” Mason said. “I imagine they’ll come back, and it’ll be a different political atmosphere in Virginia. We’ll need to up our game to really demonstrate the breadth and depth of the homeschooling movement there.”

While Mason faces a new era of challenges to homeschool freedom, he said the fundamentals remain the same. “Homeschooling is accepted around the country and homeschool graduates are appreciated and sought after,” he said. “But we know that we have ideological opponents who would take us back to the bad old days if they could.”

A MESSAGE FROM JIM MASON

I imagine newer homeschooling families are probably a little bit like I was when we first started homeschooling 30 years ago—unaware of all that’s gone into making homeschooling legally available to many more families.

It’s important to remember that 50 years ago, people were getting prosecuted by district attorneys all over the country for doing what we sometimes take for granted today. And there are determined ideological opponents who want to return us to those days.

So to the extent that you enjoy the liberty you have, take some time to appreciate it and get involved. Sign up for our legislative alerts, so that when bad bills get introduced, we can mobilize quickly and educate legislators as to why they’re a bad idea.

The Outlook

Looking ahead, Mason said HSLDA’s primary focus will be holding back efforts to regulate while attempting to make improvements in a few states. “Part of our job is to communicate to people that they have the freedom to choose homeschooling, and that

it's a good choice for lots of families. We also mobilize the homeschooling population when these threats emerge."

Much of the work, however, remains in helping people navigate the legal complexities of regulations and idiosyncratic demands that remain, even where homeschooling is legal.

"You're still engaging with the government in many cases, and there are still folks in the government who don't think homeschooling is a very good idea," Mason said. "Anytime you have an intersection with a government bureaucracy, there's always opportunities for mix-ups, misunderstandings, and late paperwork. So we do an awful lot of just helping people, especially newer homeschooling families, navigate those legal bureaucracies."

Farris echoed Mason's thoughts on the new opponents of homeschooling, and warned of the dangers of complacency. "It looks like we're about to go back into some of the old battles again," he said. "We're more vulnerable today than we have been for the last 10 or 15 years."

"Homeschooling families have gotten used to it being perceived as legal," he continued. "Many parents in the Gen X and Gen Z generations have never known a time when homeschooling wasn't legal, and so there's an understandable complacency."

"There is also an active ideologically motivated component of education thinkers and a handful of dissatisfied homeschool graduates," he added. "And those people have begun making serious trouble in state legislatures."

For his part, Smith said he's very optimistic about the future of homeschooling, but concurred that difficult (and familiar) battles are ahead. HSLDA's role will be crucial.

"You always have to fight the freedom issue, because as long as you have the education establishment, which has no control over this particular segment of children and families, you're always going to be fighting for it," he said. "So HSLDA is always going to be absolutely, totally essential to the homeschool movement. It's what we're called to do, and we have the resources to do it."

"Our opponents don't have many people show up," he added. "For example, in California, when we had that legislation introduced in 2018, they had two witnesses that showed up to testify. We had 3,000. That matters, and it makes a difference."

Mason, Farris, and Smith all noted that the battle in Virginia next year is likely to be harder, since the elections could result in a political environment less friendly to homeschooling. The outcome could be crucial.

"The work we do today isn't as exciting as suing states because they're arresting people for homeschooling," Mason said. "But in some ways it's more vital. "

“We’re like the watchmen,” he continued. “We see things that nobody else does. We’re looking over the horizon, we’re looking for threats, and we’re responding to them.”

“We’re trained, and we have muscles to respond to these things, and so what we do now is extremely important for this era of homeschooling.”

ENDNOTES

[1] Raymond S. Moore and Dorothy S. Moore, *Better Late Than Early: A New Approach to Your Child’s Education*, (New York: Reader’s Digest Press, 1975).

[2] *State v. Trucke*, 410 N.W.2d 242 (1987).

[3] *People v. Dejonge*, 442 Mich. 266 (1993).

[4] *Jeffery v. O’Donnell*, 702 F. Supp. 516 (M.D. Pa. 1988).

[5] *Jonathan I v. Superior Court*, 165 Cal.App.4th 1074 (2008).

[6] *Parham v. J.R.*, 4421 US 584 (1979).

[7] Elizabeth Bartholet, “Homeschooling: Parent Rights Absolutism vs. Child Rights to Education & Protection,” *Arizona Law Review* 62, no. 1 (2020) <https://arizonalawreview.org/pdf/62-1/62arizlrev1.pdf>.

[8] HSLDA, *Homeschool Freedom: How it Works and Why We Must Protect It*, (Virginia: HSLDA, 2020).

[9] Jim Mason, “We’re Aware of Media Critics, and We’re Still Defending Homeschool Freedom,” *Court Report* 39, no. 3 (2023): 17-20, <https://hsllda.org/post/we-are-aware-of-media-critics-and-we-are-still-defending-homeschool-freedom>.

[10] HSLDA, “HSLDA Opposes the ‘Make Homeschool Safe Act,’ ” hsllda.org/mhsa.

[11] Alanna Bjorklumn-Young & Angela R. Watson, “The Changing Face of American Homeschool: A 25-Year Comparison of Race and Ethnicity,” *Journal of School Choice* 18, no. 4 (2024) <https://doi.org/10.1080/15582159.2024.2422743>

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[Rachel Stoltzfoos](#)

Managing Editor of Communications

Rachel is an editor at HSLDA, who leads the communications team and writes on occasion. She has a background in journalism and is an avid gardener.