June 10, 2003

GUIDANCE FOR OVERSEAS INSTALLATION COMMANDERS REGARDING HOME SCHOOLING

Questions have arisen concerning overseas installation commanders' responsibilities regarding dependents that are home schooled. Some frequently occurring issues that an installation commander may need to address regarding this subject are outlined below along with recommendations for their solution. This paper should be viewed as providing guidance only. Commanders should consult their legal advisors with respect to specific issues or questions. This guidance is intended to provide assistance to Department of Defense officials and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law.

Allegations of Educational Neglect

Authority:
(1) DoD Directive 6400.1, "Family Advocacy Program (FAP)," June 23, 1992
(2) DoD Instruction 6400.2, "Child and Spouse Abuse Report," July 10, 1987[1]
(3) The "inherent authority" of installation commanders to maintain order, morale, and discipline.

Educational neglect is a reportable form of maltreatment covered by DoD Instruction 6400.2. Under the instruction, an installation commander should immediately notify his or her local Family Advocacy Program (FAP) office when an allegation of educational neglect is made and comply with the guidance provided by DoD Directive (DoDD) 6400.1[2] and his or her parent service. The disposition of an allegation of educational neglect involving a military sponsor who home schools his or her children must be based on the facts of the individual case and not based on the fact that the dependents are home schooled or are otherwise attending school outside the Department of Defense Dependents Schools (DoDDS) system.

For example, if school age dependents are observed playing at MWR facilities during core school hours, this does not, alone, establish that the sponsor is failing to ensure that his or her dependent receives a proper education. If an allegation of educational neglect is made because dependents are left unsupervised for extended periods, the focus should be on the fact that the dependents are left without supervision and may not be receiving an education. The vehicle used to deliver that education, i.e. home schooling, a private or public school, or a DoDDS school, is irrelevant.

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[1] The information collections (RCSs) that are listed on the first page of the DoDI have been cancelled, however, the balance of the DoDI remains in effect.

[2] Section 4 establishes DoD policy regarding the prevention of child and spouse abuse, while E2.1.3. defines Child Abuse and/or Neglect, and E2.1.5. describes the Family Advocacy Program.

Ascertaining School Choice

Authority: (1) Installation Commander's inherent authority to maintain order, morale, and discipline
(2) DoD Directive 1342.13, "Eligibility Requirements for Education of Minor Dependents in Overseas Areas," July 8, 1982, as amended
(3) 20 U.S.C. 926(d)
(4) ASD(FMP) Memorandum, "Department of Defense Education Activity Home Schooling Policy," dated June 27, 2002
(4) DoDEA Policy Memorandum on Home Schooling, dated November 6, 2002

Installation commanders have authority based on their responsibility to maintain order, morale, and discipline and to enforce the prohibition against educational neglect to be informed whether and where dependents of military and civilian sponsors are being educated. The installation commander may exercise his or her inherent authority by requiring military and civilian sponsors, as part of in-processing, to "register" their choice of educational option (i.e., DoDDS schools, private/public host nation schools, or home schools) for their dependents. Installation commanders may verify the assertions of sponsors as necessary. Installation commanders can best support the educational choices of military families when they are fully informed of these choices.

In the case of DoDDS schools, an installation commander provides support by advising incoming personnel about the scope of the commuting area, the extent of pupil transportation services, the availability of housing in the commuting area, and the availability of tuition assistance for educational services provided by non-DoD schools.

In the case of home schoolers eligible to use and receive auxiliary services from DoDDS schools without registering or enrolling for a minimum number of courses, the installation commander provides support by ensuring that families are apprised of their dependents' eligibility to use and receive those services.[3] Installation commanders may also support families who home school by: (1) providing information, through the installation's servicing legal office, concerning any host nation or local laws, customs, or practices that might affect home schooling; and (2) reporting through command channels any barriers or other problems regarding home schooling raised by host nation or local officials.

In the event a sponsor refuses to inform the installation commander where his or her dependent is being educated, the installation commander has various options. The installation commander may attempt to obtain this information by notifying sponsors of the educational options available to dependents in overseas areas, including the availability of DoDDS schools and auxiliary services for home schoolers. Second, if the sponsor will not verify his or her school age dependent is receiving an education, the installation commander may inform the sponsor that it is imperative that school age dependents receive an education, and that DoD Directive 6400.1 states that a failure to provide an education for school age dependents raises issues of educational neglect. If the sponsor continues to refuse to provide the requested information, the installation

[3] Servicing legal offices can answer questions regarding eligibility to attend DoDDS schools.

commander should inform the sponsor that he or she will refer the matter to the Family Advocacy Program for review.

The commander may also consider the progressive use of other available options. For example, if counseling the sponsor about his or her obligation to ensure that school age dependents receive an education does not prove successful, the installation commander can consider restricting the dependents' and/or sponsors' access to installation facilities. In such instances, there must be a nexus between the problem that is being addressed and the privilege that is being withheld, e.g., the dependent spends most of the day in a fast food establishment on the installation. Finally, the installation commander may consider withdrawing command sponsorship of the dependent.

However, adverse action cannot be taken because the school age dependent is receiving his or her education through home schooling.

Assessment of Home Schooling Programs

Authority: None

Installation commanders lack authority to review, assess, or approve/disapprove the content of home schooling programs used by military dependents eligible to attend DoDEA schools. A host nation, as well as states, commonwealths, territories or possessions where a DoD sponsor is stationed may impose legal requirements such as approval or disapproval of particular home schooling programs. Installation commanders may review records of home schooling programs only to verify that the dependent is being home schooled.

Auxiliary Services for Home Schoolers

Authority: (1) 20 U.S.C. 926(d)
(2) DoDEA Policy Memorandum on Home Schooling, dated November 6, 2002

Auxiliary services available to eligible home schoolers include use of DoDDS' academic resources, school libraries, school facilities (after hours), and participation in music, sports, and other extracurricular (e.g., drama, public speaking, cheerleading) and interscholastic activities (e.g., U.S. Model Senate, varsity football, science symposium). Installation commanders should maintain a list of auxiliary services available to eligible home schoolers in their command. The list should include the names, phone numbers, and e-mail addresses of DoD school personnel responsible for providing auxiliary services to home schoolers. The list should be updated annually and provided to sponsors who indicate an intention to home school their dependents.

Compliance with Host Nation and Local Home Schooling Requirements

Authority: (1) ASD (FMP) Memorandum, "Department of Defense Education Activity Home Schooling Policy," dated June 27, 2002
(2) DoDEA Policy Memorandum on Home Schooling, dated November 6, 2002

Comment: Parents who home school their dependents, not the installation commanders, are responsible for complying with host nation and local requirements pertaining to home schooling. In some overseas areas there may be limitations on home schooling that are not clearly defined in terms of their applicability to military families. In these areas, installation commanders can support military families by: (1) providing information, through the installation's servicing legal office, concerning any host national or local laws, customs, or practices that might have an impact on home schooling; and (2) reporting through command channels any home schooling difficulties encountered from host nation or local officials.

Discipline of Home Schoolers

Authority: (1) Installation Commander's inherent authority to maintain order, morale, and discipline

Home schoolers are expected to comply with the same installation standards of conduct that are applicable to students enrolled in DoDDS schools. Installation commanders should process all disciplinary matters involving a home schooled dependent based solely upon the conduct in question. If warranted, remedial administrative measures may be imposed, including withdrawal of command sponsorship.

For example, if home schooled dependents are unruly and cause a disturbance on a recurring basis, the installation commander should focus on the behavior in processing the disciplinary matter. If the behavior is inappropriate, it should be addressed on its merits.

Sponsor's Right to Home School

Authority: (1) ASD(FMP) Memorandum, "Department of Defense Education Activity Home Schooling Policy," dated June 27, 2002
(2) DoDEA Policy Memorandum on Home Schooling, dated November 6, 2002

It is DoDEA policy neither to encourage nor discourage military sponsors from home schooling their minor dependents. Both DoD and DoDEA recognize that home schooling is a military family's right. Accordingly, installation commanders should not make statements or take actions indicating that home schooling is less acceptable than attending DODEA schools or public or private schools within the host nation.

For use at: June 26, 2003, DEC Meeting
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