

Election of State Superintendent of Public Instruction

The April 7th election of the next Wisconsin State Superintendent of Public Instruction could have a greater effect on our homeschooling freedoms than recent elections for this position. WPA's policy has always been and continues to be NOT to endorse or support any candidate for public office, including State Superintendent. However, WPA would be remiss if it did not provide its members and other homeschoolers with information that is important to our homeschooling freedoms and is not readily available elsewhere. The goal of this article is to inform, not to convince you to vote for or against a particular candidate.

Some of the issues are complex and, for some people, emotions may run high. Please read this article carefully and consider the complexities. Share the whole article with others. Please don't shorten it to, "WPA says to vote for this candidate" or to "WPA says not to vote for that candidate." In addition to working to maintain our homeschooling freedoms, approaching this election calmly and logically and considering the facts involved provide us with an unusual opportunity. We can set an example for how elections can be handled without misleading sound bites, oversimplification, and mudslinging. Instead, in approaching this election, we can become informed about the issues, consider them carefully, set emotions aside, make rational decisions, act on our principles, and inform others.

General Background Information on the Office of the State Superintendent of Public Instruction

The State Superintendent of Public Instruction heads the Department of Public Instruction (DPI), which is part of the executive branch of Wisconsin's state government. Unlike many states, the Wisconsin Constitution gives the primary responsibility for education to local school districts, not the DPI or the Superintendent. This means that the Superintendent's power and authority are more limited than the title might suggest. Basically, the Superintendent

and the DPI advise local school districts. Sometimes this advice carries a significant amount of weight, but it's still advisory and often not legally binding.

Another limitation on the Superintendent and the DPI comes from the fact that the only way they can get money to operate is by going to the State Legislature. This gives the Legislature considerable power over the DPI and means that the Superintendent cannot set policy on any matter that costs money (and what doesn't cost money?) without getting the Legislature to agree. Therefore, no matter how strongly Superintendents may feel about certain issues or policies, they cannot make sweeping changes without legislative approval.

However, the DPI has some influence in the Legislature. In addition, the Superintendent can unilaterally introduce legislation (even though they have little control over what happens to the legislation once it is introduced, including how it is changed by amendment and whether or not it passes). Therefore, the Superintendent has enough power to make a difference in some areas, including creating real problems on some issues. In short, it matters to us as homeschoolers who the Superintendent is and how they view homeschooling.

Relationship of the Office of the State Superintendent of Public Instruction to Homeschooling

Because the DPI has authority over public education, but not over private education, including homeschooling, WPA is committed to maintaining a position independent of the DPI. Despite the fact that State Superintendents have no direct or constitutional basis for overseeing or supervising homeschools, some individual State Superintendents (and candidates for this office) have taken strong positions opposing homeschooling. In response, homeschoolers working through WPA established the fact that the State Superintendent and the DPI do not have oversight or any other role regarding homeschooling in Wisconsin except to make available the annual reporting form PI-1206, receive completed copies of it, and send a copy to the appropriate local

school district. This fact is now generally accepted by most DPI officials.

The history of the relationship between homeschoolers and the Superintendent provides helpful perspective. Herbert Grover, who served as Superintendent from 1981 to 1993, was a strong and vocal opponent of homeschooling, arguing that it needed to be strongly regulated by the DPI. Both of his successors, John Benson (1993-2001) and Elizabeth Burmaster (2001-present) have taken a hands-off approach and accepted that under Wisconsin statutes, the only role the DPI has in homeschooling is processing PI-1206 forms.

There are five good reasons why having a homeschool advocate as the State Superintendent of Public Instruction could undermine our homeschooling freedoms.

First, having the State Superintendent be a homeschool advocate is inconsistent with WPA's policy of keeping homeschooling independent of the DPI.

Second, we homeschoolers lose our power when we turn to a public official to make our case for us before the Legislature. This is true whether the person is a state legislator (for example, see WPA Newsletter #85, pages 5, 6, and 7 concerning a Senator from West Allis) or the State Superintendent of Public Instruction. Our power as homeschoolers is based on our grassroots organization in which we homeschoolers take direct action with our own legislators to ensure our freedoms.

Our grassroots power is weakened in at least four ways when we have a public official advocating for us instead of being our own advocates.

- Some homeschoolers think the public official will accurately represent homeschoolers' interests and therefore won't work on issues themselves.

- The public official typically (in fact, nearly inevitably) thinks of homeschooling through their own experience. They may think that state standards or state testing are reasonable requirements for the education of all students and may not realize that they would or could be a problem for homeschoolers. (continued)

• A single legislator, while in a position to introduce legislation directly, is only one person and has only one vote. The State Superintendent does not even have a vote in the Legislature. Such officials cannot guarantee anything. Because they cannot control what happens to legislation once it is introduced, legislation they initiate for one purpose may be changed a great deal through amendments and turn into laws that undermine our freedoms.

• However well-intentioned a public official may be, if they are not homeschooling themselves, understandably, they are likely to be less committed to homeschooling freedoms than we are. If they are homeschooling themselves, they are likely to assume that other homeschoolers think as they do and would agree to things that are acceptable to them. They are likely to overlook the fact that families homeschool for different reasons and in different ways and many oppose state-mandated tests, tax credits, etc.

Third, having a homeschool advocate as State Superintendent of Public Instruction could easily create a backlash against homeschoolers in both the Wisconsin Legislature and local school boards, which is where the real decisions about education are made. We could lose in big ways if the Legislature decided to counter the State Superintendent on the issue of homeschooling. Such action by the Legislature would be the opposite of what happened in 1984 when Wisconsin's homeschooling law was passed and again in 1990 when the Legislative Council did a study of homeschooling. In both those cases, the State Superintendent had decided to work to increase the DPI's power and authority over homeschoolers. In both cases, homeschoolers saw the threat from the State Superintendent clearly and directly and took decisive action. The Legislature came to our aid because they saw homeschoolers as Davids battling the Goliath of the State Superintendent.

Fourth, because we homeschoolers do not want anything from the government, and in fact, oppose the government's giving us anything, we have nothing to gain, and a lot to lose, from having a State Superintendent who is a homeschool advocate as State Superintendent.

Fifth, no matter how well intentioned a candidate may be and however committed to homeschooling freedoms they may be, being labeled as a supporter of homeschooling raises other issues. People who do not understand the ways in which government favors undermine homeschooling freedoms, who do not value homeschooling freedoms, or who would risk them in

exchange for favors for homeschoolers, are likely to be encouraged by having a "supporter of homeschooling" as State Superintendent. They are likely to pressure both the Superintendent and the Legislature to get the favors they want.

Should Homeschooling Be An Issue In This Campaign?

From WPA's perspective, the less homeschooling becomes an issue in the campaign, the better. It has not been an issue in recent campaigns for State Superintendent. Once superintendents were elected, homeschoolers working together through WPA watched to make sure the superintendent did not recommend or push for increased regulation of homeschooling or favors for homeschoolers. As a result, we have maintained our good homeschooling law.

However, homeschooling is likely to receive more attention in this campaign.

• Homeschoolers are accurately recognized as being particularly active politically, especially in Wisconsin where we have had a strong reputation in the state Legislature since homeschoolers worked so hard through WPA in 1984 to get the good law we have. We have been involved in numerous legislative battles since then.

• The media is always looking for issues and drama. Homeschooling is a topic the media is used to turning to for human interest, conflict, controversy, etc.

• One of the candidates is a former homeschooler who has recently been a leader in the virtual charter school movement, which the media often confuses with homeschooling.

What we can do to minimize the extent to which homeschooling becomes an issue in this campaign:

• We can share with others the information included in this article. For convenience, this article will be posted on WPA's website, so people can read it or download it by going to www.homeschooling-wpa.org and clicking on Issues and Legislation and then on Election of State Superintendent.

• If asked about homeschooling as an issue in the campaign, we can respond by saying that it should not be an issue because the State Superintendent is responsible for public education and homeschooling is part of private education, not public. We can politely but persistently refuse to discuss homeschooling as an issue because it isn't an issue.

• We can avoid asking the candidates for their position on homeschooling. Asking for their position could backfire by making the possibility of increased regula-

tion of homeschooling an issue for one or more candidates. In addition, we don't want to encourage candidates to seek homeschoolers' votes by offering us tax credits or other so-called favors or benefits, any of which would undermine our homeschooling freedoms.

Need to Be Vigilant After the Election

Regardless of which candidate is elected and what they have promised during the campaign, WPA will need to monitor developments in the DPI and the Legislature.

• WPA will continue to work to prevent the introduction of any new homeschooling legislation. Any such legislation, even a bill that seems supportive of homeschooling, can easily be changed through amendments and end up increasing state regulation of homeschooling.

• WPA will continue to work to maintain a clear distinction between homeschooling and public school programs that are based in students' homes. Obviously, students who are enrolled in any public school program and who therefore receive tax money are required to comply with state standards and take state-mandated tests. If we don't maintain the distinction between homeschools and public schools in the home, the media, the Legislature, and the general public are likely to assume that homeschoolers should also be required to comply, which would undermine our homeschooling freedoms.

• WPA will continue to oppose legislation to grant homeschoolers so-called favors. Any favors the government would give homeschoolers, whether direct grants of money, tax credits, allowing homeschoolers to participate on public school sports teams, etc. These pose a more serious threat because they sound very appealing to some homeschoolers and it's not immediately obvious that they would undermine our homeschooling freedoms. (However, there is no doubt that they would. There is no such thing as a free lunch. Government money always has strings attached. Homeschoolers' experiences in other states have shown that increased regulation comes with or follows on such favors.) Difficulties also arise because some well-meaning politicians and public officials mistakenly think that they can support homeschooling by granting such favors, not realizing the risk involved. Also, some candidates may try to win homeschoolers' votes by promising favors. ❖

