

## Legal Aspects of Homeschooling in Europe

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**Abstract:** Homeschooling is a type of education where children learn outside of a school setting under the supervision of their parents. The family determines what is to be learned and how it is to be taught, while following whatever government regulations apply in that country. Later, according to the Universal Declaration of Human Rights adopted by the UN in 1948, parents have the first right to choose the educational methods their children can benefit from. Later, the International Convention on the Rights of the Child from 1989 admits the right of children to education, as well as the right of children with discernment to freely express their views regarding any problem of interest. Lately, homeschooling has become an important theme of discussion internationally, since it is viewed as an alternative to the traditional education system; moreover, this type of education benefits from a legal operating framework in most developed countries. In Europe, regulations regarding the freedom of instruction differ from one country to another, not being clearly defined in most countries. Thus, there are states which support homeschooling (Belgium, Czech Republic, Great Britain, Hungary, Finland, France, Italy, Slovenia); states that initially did not allow homeschooling but currently do (Austria); states that do not accept homeschooling according to the letter of the law, but allow isolated cases (Germany, Greece, Romania, Spain). In most European countries, the homeschooling curriculum is related to the knowledge required by the mandatory school curricula and the check-ups take these requirements into account. The homeschooling models accepted in Europe range from the highly regulated ones in which public authorities exercise a significant control, by periodically checking the knowledge acquired by children, to those in which the state barely intervenes. Thus, in some European countries, such as Great Britain, Ireland, France, Italy, the freedom of education is mentioned in the legislation, which also regulates the control over homeschooling. In France, the city hall performs a social control every two years in addition to the annual academic inspection. In Italy, the income and the possession of a diploma by one of the parents are taken into consideration. The control is carried out in relation to the national annual curricula, such as in Belgium or Austria, where the children included in this type of education take national school exams. Other countries like France, Italy and Great Britain offer a relative teaching independence to parents.

### 1. General considerations

Homeschooling is defined as an alternative form of education in which children are educated at home rather than in traditional public or private schools. Children educated at home are educated by parents, next of kin or guardians.

Internationally, the act underlying the possibility of alternative forms of education is the Universal Declaration of Human Rights of 1948, which in art. 26-3 states that parents have the right to choose educational methods which can benefit their children. International Children's Rights Convention of 1989 recognizes in Articles 28 and 29, the right of children to education and art. 12-1 recognizes the right of children with discerning capacity to freely express their views on any issue of interest.

At a European level, the European Convention Protocol no. 1, additional to the European Commission of safeguarding human rights and fundamental freedoms of 1952, states in art.2 that no person shall be denied the right to education. The state, in the exercise of its functions in the field of education, will respect the rights of parents to ensure such education and teaching in accordance with their own religious, philosophical and pedagogical views, observing the legislation in effect. The Charter of Fundamental Rights of the European Union, adopted in 2002, confirms in Art. 14-3 the freedom to create educational institutions by respecting democratic principles, such as the right of parents to ensure their children's education, according to their religious, philosophical and pedagogical views, by observing the legislation in effect. The Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning was drafted to enforce these rights. International assessments done through the Program for International Student Assessment (PISA) are taken into consideration in this endeavor.

At a national European level, the regulations regarding right of education differ from one country to another: there are states which support homeschooling, states that did not initially allow homeschooling but currently do, as well as states which do not allow homeschooling according to the letter of the law, but allow isolated cases.

The term homeschooling is difficult to define as there are several conceptions and practices in the field. Even the definition of this process differs from one country to another, the English using *homeschooling*, *unschooling*, while the francophone countries use the terms *l'instruction en famille* (education in the family) or *l'école à la maison* (education at home). The problem is dealt with in the legislation in connection to compulsory education laws.

A special problem is to explain why homeschooling is necessary. The reasons taken into consideration are pedagogical, religious, philosophical or related to parents' or children's special problems (health issues, school, financial, geographical problems etc.). In practice, there are several ways of homeschooling: correspondence courses, through distance public education centers, through private courses done by specialized staff called «homeschoolers» etc.

In most European states, the content of homeschooling is related to knowledge requested by compulsory school curriculums and assessments take into account these requirements.

The main debates are related to advantages and disadvantages of this educational method. The advantages are related to how the child learns, how a different pedagogy is applied, how a parent exerts control, how a child is protected from the risks of public school environment etc. The disadvantages are mostly related to the risks of this option, the necessary effort it involves, the limitation of the child's socialization process, difficulties in adapting when going to university etc.

## **2. States which legislatively support homeschooling**

There are countries in the European Union where homeschooling is legal: Austria, Belgium, Finland, France, Italy, Great Britain, Slovenia, Hungary etc. In other countries, this alternative educational method was not approved, but it is nevertheless done.

In *Austria*, parents can homeschool their children if they register them at a local school. In May of each year, all these children are assessed and, if they do not pass the exam, their parents are forced to re-enroll them in school to repeat the year. Homeschooling is possible only at the elementary level.

The issue of home education in *Belgium* was determined by the specific approach of each community of the federal state. The French Community adopted the French policy in this field,

supporting and regulating this type of education, while the Flemish Community and the Germanic one adopted restrictive policies similar to those in the Dutch and the German state respectively.

With respect to homeschooling in the French Community [1], the legal basis is represented by the Constitution, the Royal Decree on the coordination of laws in elementary education on August 20, 1957, as amended, Act No. 29 of June 20, 1983 on compulsory education [2], the French Community Decree of April 25, 2008 to meet the school requirement outside of organized or subsidized education by the French Community.

Thus, the Constitution states in art. 24 that “education is free ... the community offers free choice to parents ... and everyone has the right to education with the respect of fundamental rights and freedoms”.

In article 8 from the Royal Decree regarding the coordination of laws in primary education from August 20, 1957 [3], subsequently amended, it is mentioned that every year, a month before school starts, communal administrations hand out to the Community the list with children eligible for school. Fifteen days before this, there is a notice posted for parents who would like, according to the constitutional right they have, to enroll children in homeschooling by mentioning the procedure and obligations they have following this option. The notice states the deadline until which you can file a written and motivated request to suspend school obligation, provided in art.2 of the law. Till October 1, all these formalities must be met.

Law no.29 from June 29, 1983 regarding compulsory education [4] determines that it should be attended till the age of 15, has a maximum of seven years of primary education and at least two of secondary education, but does not go beyond the age of 16. This period is followed by another in which compulsory education must be done with a reduced attendance. The law amended several times so far provides that, in case of homeschooling, people vested with parental power or who assume custody of a minor of compulsory school age must meet conditions set by the Decree of April 25, 2008 [5] to meet the conditions of compulsory education outside the organized or subsidized one by the French Community. Chapter III of Decree refers to homeschooling, stating what kinds of children are included in this category. According to the French Community, homeschooling includes both minors who are homeschooled by their parents, a third party or by distance learning and minors over 12 years of age which the Juvenile Court decided they should receive education and social reinsertion in IPPJ (Institutions publiques de Protection de la Jeunesse) and those enrolled in a private educational institution, unorganized and unsubsidized by the French Community and who are not affiliated with organized institutions, subsidized or recognized by the Flemish Community and the Germanic community but also by foreign institutions such as SHAPE International School, Board of European Schools etc.

Control is provided by the General Inspectorate approves and has the power to decide regarding to Committee for Homeschooling. The Inspection Service which ensures that the student has a level of knowledge equal to what must be attained in the French Community, referring to the minimum basic skills specified in the decree.

If that commission decides the study level is unsatisfactory, a new check is performed based on the same method, between the second and the fourth month since the notification of the decision. Those responsible with homeschooling can defend themselves before the Commission’s final decision. If the inspection reveals that the level is unsatisfactory for the second time, they are suggested to integrate the minors in organized or subsidized education of the French Community (the form of education, section, year of study).

According to the decree provisions, the exams to obtain certification according to the study level can be sat for at 12, 14 or 16. According to the Constitutional Court’s decision on July 9, 2009, an unsuccessful candidate will not be penalized, but enrolled in the educational system at a suitable level.

In the *Czech Republic*, homeschooling is allowed by the school principal only after the parents prove they are able to homeschool their children. Furthermore, if the student does not get good

results at the end of the year assessments, he/she is forced to join the normal educational system. Homeschooling within the Czech system is much more controlled by authorities than in other states but this is considered a good thing because, even if it gives parents freedom, it makes sure no abuse happens either from the parents or from authorities. In fact it is a model of collaboration between authorities, the legislative and those who homeschool.

The *Finnish* system is based on compulsory education, but not on mandatory presence. According to the education law no. 628/1998 [6], compulsory education is applied to all children who are permanent residents in Finland. The children can meet the compulsory educational requirements by attending mandatory classes or by acquiring knowledge and skills in the national school curriculum through other means.

The possibility to acquire knowledge and skills outside of school, allowed by the law, means that attending school is not mandatory in Finland, thus children can be homeschooled.

Homeschooling does not require the approval of authorities. The child's supervisor is the one who deals with organizing his/her studies. The municipalities do not have this obligation as long as the child is educated out of school. The children's supervisors have the responsibility to fulfill the mandatory education requirements and those who do not do this may be fined.

In accordance with art. 26 par. (3) from the Education Law, municipal authorities from a child's residence who is of legal compulsory education are responsible with monitoring the child's progress if he/she does not go to class. The legislation does not mention how the surveillance is conducted, for it is decided by local authorities. A common practice is for the municipality to nominate a supervising teacher who must test and assess the child of legal compulsory education. The supervising teacher will be in touch with the children's supervisors.

The school progress is monitored and assessed in relation with the set aims for subjects included in the school curriculum. The legislation does not specify how often the supervision has to be done, but actually it is performed once or twice a year. Assessment by the supervising teacher is done through talks, written or oral examinations and other proof which is necessary when the child's progress is assessed in artistic fields and subjects which require handiwork. The proof can also be done in authentic environments such as nature, a laboratory or during sports events, offering the supervising teacher the opportunity to assess the child's progress and skills in various situations.

In accordance with the Education Law, art. 11, the school curriculum contains the following subjects: native language and literature (Finnish, which is also the official language), the second official language (Swedish), Foreign languages, Health education, Religion or Ethics, Social studies, Mathematics, Physics, Chemistry, Biology, Geography, Sports, Music, Visual arts, Practical skills.

The requirements for homeschooling for pupils who are of legal compulsory education are mainly determined by the Education Law, by the general aims in the above-mentioned Government's Decree, as well as by the *National Core Curriculum* [6] regarding subjects and content of several related subjects and fields, as well as regarding the pupil's assessments and issue of school certificates. After an examination is performed, the supervising teacher drafts a written report regarding the student's progress, which he will submit to the municipal authorities. A copy of the report should be given to the student's supervisor as well. This report is not the same as a school certificate. If the student's supervisor wishes to obtain a degree equivalent to a school certificate containing the subjects and grades, then the student will have to sit for an exam for the diploma, according to art.38 from the Education Law.

If a child of compulsory education age does not go to municipal school, then he/she will not be registered as being part of a municipal educational institution. Therefore, the municipality will not be forced to offer the student services or benefits stipulated in the Education Law. Thus, students in general education have the right to free schooling, as well as recuperation, in case of those with special needs. They also have the right to free textbooks, free materials and learning tools, as well as free lunch in schools, free access to health services, transportation and other services.

In *France*, freedom of education is a principle granted by the Constitution, confirmed by the Constitutional Council's Decision from November 23, 1977, based on which family instruction was organized. Law no.98-115 from December 18, 1998 of control in compulsory education offered the legal framework for this field.

In the Education Code [8] article L131-2 states that compulsory education can be done either in public institutions, schools or in the family by one of the parents or somebody else. A public long-distance education service is organized to ensure that children who cannot be educated in a school or another institution benefit from some sort of instruction. The grant of family benefits for those enrolled in this type of education is done through a certificate of registration issued by the competent authority. According to article L131-5, the parents must draft an annual declaration to the town hall and the competent authority in this respect. Article L131-10 states that homeschooled children or those who study at distance are in the town hall's care, which carries out an investigation from the first year and then every two years to find out the reasons and conditions in which this activity is done. The result of this investigation is submitted to the competent authority in the education field which, at least once a year, starting with the third month since the submission of the declaration related to family instruction, has to check if it is adapted to the right of the child to instruction.

The control done by the competent authority in the education field is done at the residence of the child's parents. In addition, Decree no.2009-259 specified the necessary knowledge which must be acquired during homeschooling. The results of this control are sent to the persons in charge, indicating the interval in which they can explain or improve the situation or suffer the consequences in case they do not abide. The authority will set a new control, and if the results are still unsatisfactory, the parents must enroll their child in 15 days in a school and to notify the town hall.

In the Education Code, the regulation part, Book I, Title III, Chapter 1, section 1, article D131-11 states the precise way to assess the knowledge acquired by homeschooled children or those educated in private institutions without a contract. These are right for the child's age, his/her health, they are in accordance with the common framework of necessary knowledge which should be attained at these levels, according to the Law from April 23, 2005 regarding compulsory schooling. It is worth mentioning that the nation wants the school to teach the student the values of the Republic, the knowledge, language and national historical practices.

The circular no.2011-238 from 12/26/2011 [9] set important criteria regarding the framework and enforcement of the control the academy's inspectors-departmental services managers perform, for their responsibility is national education.

The obligation to go to school, instituted in France from 1882, has been enforced in different ways lately. Thus, Law no.2007-293 from March 5, 2007 regarding childcare reform and Decree no.2009-259 from March 5, 2009, regarding the content of knowledge of homeschooled children or educated in private institutions without contract have significantly contributed to the evolution of the legal framework of homeschooled children. Normative acts refers to children aged between 6 and 16 who have to be educated, are in the country, no matter the nationality or their living arrangements, fixed or non-sedentary. According to article L131-10 of the Education Code, education can only be achieved for small children of one family, and the place of instruction is its residence. Since 2007, homeschooling covers distance learning too. Children can be enrolled in this program if their families decide that, since they do not need any degree to develop this activity. In some cases, a certain number of families enroll their children either in the National Centre for Distance Learning – CNED or in a private school for distance learning.

According to article 131-6 from the Education Code, the mayor, before the start of the school years, draws up the list of children residing in the commune who are registered for compulsory education. Persons who wish to register their children for homeschooling must send a homeschooling declaration each year to the commune's town hall and to the departmental



inspectorate till the end of the school year. Those who do not submit the declaration in due time may be forced to pay a 1500 euro fine.

The check conducted by academic inspectors focuses on education, what the child acquired and his/her progress. According to the Education Code, article L131-10, the check must ascertain that all the rights of the child to education are met, that is that he/she acquired the fundamental tools, basic knowledge. The check thus verifies the content of education, the knowledge from the common framework acquired by the child, stated in article D 131-11 from the Education code and from the enforcement decree (included in the circular's annex as well). The seven types of skills are checked, as well as the progress done by each child, with the respect to the previous stage. The control does not set and does not validate the school level but decides if that child acquires knowledge and makes suitable progress for his age, health condition. According to the Circular no. 2011-238, inspectors can prepare the family beforehand, prior to the control by having a constructive dialogue with the parents regarding aims, with skills to be achieved. These are not an important tool for parents who educate their children. The inspector will come and will notice the activity, will explain and will conduct, if necessary, some individual exercises to check everything is well.

The results are communicated to the persons in charge with homeschooling. If these results are deemed insufficient, the reasons why this has happened are explained, and the parents are told the date of the next control. If the second one is not good as well, the parents are told to enroll the child in 15 days since the notification in a public or private institution of their choice. If parents wish to homeschool the child next year, they submit a new declaration to the town hall. If the child is not enlisted within the legal term and the parent deliberately refuse to do so, they face jail time for 6 months and a 75,000 euro fine according to the Penal Code, art.40. The parents must inform the mayor of the commune about the name of the institutions the child is enrolled in. If the child has not benefitted from any sort of education, then they face the consequences of art.227-17 from the Criminal Code. If the inspector concludes that the family does not have the financial means to homeschool the child, the inspector draws up a report requesting, according to article L226 2-1 of the Social and Family Action Code, the grant of protection and additional financial support to the family.

A report of the French senate regarding the enforcement of Circular no.2011-238 from December 26, 2011 [10] shows that during 2010–2011 18,818 children were enrolled for homeschooling, out of which: 13,755 were enrolled at the National Centre for Distance Learning (CNED) and 5,063 children were homeschooled and not enrolled in CNED. Regarding pedagogic control of national education, out of all the homeschooled children, only 9.5% had an insufficient education level and, after the second control, 66% of the children with this level achieved a superior one.

In the *Italian* Constitution, in the first part, which refers to rights and obligations of citizens, it is stated that parents have the obligation to ensure education for their children (art.30) and the state sets the general rules regarding education and creates public schools, but also ensures the freedom of students to choose other education methods. However, they are forced to sit for corresponding state exams (art.33).

In Italy, one has to go school for ten years, until 16 years of age. Parent education (*istruzione parentale*) is legal, but not very used, as parents have to prove they possess technical and economic skills of learning which justifies their decision to opt for this kind of education. They must register every year at the school where their child should go and at the place they will sit for the finals, according to the school curriculum.

Decree no.297-1994 regarding education (art.111 and art.112) [11] recognized homeschooling, within elementary and secondary education, provided one of the parents had a high school degree, professional qualification for three years or a B.A. Every year, ministerial circulars state the way this parental education should take place.

The assessment test must ascertain the general and specific learning level acquired by students from the elementary cycle in Italian and Mathematics, it also has to allow assessment based on standardized procedures to contribute to monitoring and assessment of evolution of the knowledge level. The nature of the examination allows a comparison of results from a regional and national level. The great numbers of questions from the different sections of the test allows a correct assessment for all students, taking into consideration the possibility of measuring students' results with different characteristics.

The ministerial circular no.101/2010 and the State Council's Decision no. 579 from 01/19/2011 referring to parental education have extended this way of education to the first year of high school. According to this regulation, at the beginning of every school year, parents have to draft a written declaration and submit to the school the child belongs to, in which they educate the child and themselves. Later, he/she can take different measures to achieve this education, be it at home or in other ways, setting up parents' associations, which, by private contributions, hire counselors to educate their children. This activity is performed in special places by using known educational methodologies.

In *Great Britain*, education is compulsory, but school attendance is not. Parents have the right to educate their children at home, a right stipulated by the Law regarding education from 1996 [12], a fundamental legislative act which integrates the Act regarding education from 1944 and the subsequent legislation in this regard. According to art.7, the parent of every child at the schooling age stipulated by law has the obligation to provide his child with the education corresponding to their age, capacity, skills, as well as to all special educational demands required by a normal schooling process or some other one.

Moreover, the Department for Children, Schools and Families issued a guide about home-schooling for local authorities (Elective Home Education: Guidelines for Local Authorities [13]). This document provisions that, in the case when the local authority determines that a child in its jurisdiction, who turned the compulsory schooling age, does not benefit from corresponding education through regular attendance of a school or other schooling methods, that one will ask the respective parents in writing to prove until the date specified in the notification that their child is given the appropriate education.

The parent is responsible for providing his/her child with corresponding education, he/she must decide whether the minor is to study in a school or at home. In the case when the child is not registered as a pupil at a school, parents do not have any obligation or constraint.

The regulatory document on the basis of which a pupil must be crossed out of the list of registered pupils in a certain school is Regulation no. 2089 from 1995 regarding the Education (Pupil Registration) Regulations 1995/ - SI 1995/2089 [14]. According to this document, a pupil who turned the compulsory schooling age must be crossed out of the pupils' list if this one stopped attending the courses of a school, and the principal who does not receive a written notification from his/her parents to specify that they educate their child at home, is under the obligation to cross the child's name out of the school lists.

According to the provisions of article 13, paragraph (3), the school direction is obligated to report to the local authority for education, in ten school days, that pupil's deletion from the school lists. Consequently, the legal status of parents who invest in their child's homeschooling does not impose certain obligations, regardless of the fact that has been drawn off school or not; the local authority for education has the obligation to inform parents in this regard. The only case in which has the obligation to inform the local authority for education of his/her intention to educate the child at home is that of children who are registered in special schools; in this case, the parent must ask for the approval of the respective authority.

The aim of this special regulation is to offer the local authority for education the possibility to make sure that the special education that child needs will be continued even after he/she left school, and it is not aimed at the discrimination of the rights concerning homeschooling of children with

special needs. They must be given enough time and information to be able to take measures with a view to eliminate the deficiencies they notice. If the parent is not given the approval of the local authority for education, he/she can appeal to the Secretary of State.

The law for education from 1996 authorizes the local authority for education to take measure in the case when it has good reasons to claim that a parent has not kept to the provisions of article 7. Investigations made by other control bodies are not necessary to ascertain whether the quality of homeschooling takes place at home.

At the time an informal investigation starts (or a formal one, if facts evolve in this sense), the local authority for education must prove to the legal institutions, with clear evidence, that the parents under investigation have failed to provide an appropriate education. Legal institutions have the obligation to take into account the evidence given by the parents in any form, as long as it supports the assertion that the child benefits from an adequate education. The local authority for education does not have automatically the right to access to the parents' residence. Parents are entitled to refuse a visit at home if they can prove that they provide their child with an appropriate education in some other way, for example by showing some of his/her homework or by making an appointment in some other place.

In *Slovenia*, according to the Law for education, compulsory school begins at the age of 6 and lasts for 9 years. Homeschooling (*izobraževanje na domu*) is legal in Slovenia from 1996, when the Law about primary [15] school, based on the Danish model, was enforced. According to art. 90 of this law, the child educated at home will be tested annually, through exams at certain school subjects and, if the child does not pass all his exams for two consecutive times, he/she is obligated to continue his/her education in a compulsory school. Each year, at the end of May, parents must notify the school their child dis registered, the fact that they choose homeschooling.

In *Hungary*, homeschooling is allowed, and the pupil is examined twice a year, but less than 1% of primary school pupils learn at home.

### **3. States which do not accept homeschooling legally**

In Spain, Holland, Cyprus or Germany, governments have not accepted to remove children between 6 and 16 from compulsory education.

In Germany, the state is given the educational mandate, *staatlicher Erziehungsauftrag*, to prepare responsible citizens, to integrate minorities and to limit the existence of parallel societies [16]. The obligation to attend school is regulated by each land, most of which provisioning compulsory education even from the time of the Weimar Republic. Starting from the sixties, homeschooling has been tacitly accepted by the local authorities of certain lands, but fine are given to parents. The situation is the same in Sweden. In Holland, homeschooling must be authorized, and is allowed only if there are religious or educational reasons, those pedagogical not being taken into consideration.

In article 27, the Spanish Constitution stipulates the free access to education and the fact that elementary education is compulsory and free of charge. Also, public authorities guarantee the parents' right to choose their children's education in accordance with their own moral and religious beliefs.

On the other hand, Law of education no. 2/2006, in art.4 paragraph (2), stipulates that basic education consists of 10 years of schooling and is compulsory for all children between 6 and 16. A decision of the Constitutional Court (STC 133/2010, from December 10, 2010) admits that the law should be amended with respect of homeschooling in Spain, but such a regulation has not been issued at national level up to now. In fact, Law no. 2/2006, art. 3, paragraph (9), updated in 2011, provisions that education will be adapted for pupils with special needs, in such a way to ensure those pupils' access to education as well as their evolution. Moreover, in order to guarantee the access to education, of those who cannot attend school regularly, an appropriate distance learning offer will be developed or, depending on certain cases, specific educational support and attention



will be given. This provision only refers to children with special needs or those who cannot attend school regularly from objective reasons, without regulating homeschooling for each child.

An exception to these regulations is the Spanish region of Catalonia, where, from the beginning of 2009, the possibility of homeschooling has been under discussion, taking into account the fact that about 500 families are already practising this system on their own. In today's situation in that area, even though parents are not forbidden to choose this distance learning system, children educated in this way cannot sit for baccalaureate.

In Romania, there is a tradition of „private tutors”, practised in the inter-war period, especially in wealthy families, whose children had to sit for baccalaureate in public schools. The tradition was interrupted after the instauration of the communist regime.

Though little known in today's Romania, homeschooling is gradually gaining ground in more and more families who are interested in their children thorough education. In general, Romanian residents with double citizenship, the families where one or both parents have graduate or postgraduate studies or the families who are most interested in their children's education, and disappointed by appeal to the quality, efficiency and results of the state educational system appeal to this type of education. At the same time, homeschooling is preferred by parents who are worried by the vices and bad habits their children can fall into in school environment (smoking, drugs, violence, sex, etc.), and who got over the fear „children will lack socialization if they learn at home”, inculcated by teachers working in state schools, afraid of losing their jobs.

However, from a legislative point of view, Romania is among the few European countries that do not allow homeschooling but in special cases of illness. According to Law no.1/2011 of national education, homeschooling is possible only in the case of children with special educational needs or homebound out of medical reasons /art.25, paragraph (3)/, and for a determined period /art. 25, paragraph (2)/. Such children can be registered in an education unit, where they will have their school documents filled in. The school performance of home schooled pupils will be assessed with the evaluation system applicable in high-school education.

The efforts to implement homeschooling, sometimes named „self-taught learning”, in the national education system have resulted in several legislative attempts, unfortunately, all unsuccessful.

The restriction valid for Romanian parents does not apply to foreign citizens who settled in Romania, if homeschooling is allowed in their native countries. The only solution Romanian parents have found to homeschool their children is to register them in a foreign school with a distance learning system, an alternative that does not risk sanctions from Romanian authorities. Later, children can transfer into the Romanian system (whenever they want during school, or can get their diploma from the foreign school in which they learned at distance, on condition that the document is recognized in Romania.

#### **4. Conclusions**

Homeschooling implies children's education at home by parents, tutors or teachers. Homeschooling does not mean that school education must be restricted at home, but its starting point is the decision made by the family members. Parents who choose to teach their children themselves have at hand a large variety of means – radio, TV, Internet, book shops, museums, sports centers, art galleries, exhibitions, as well as the knowledge and resources of some of their friends or neighbors. Education methods are either conventional, such as correspondence courses, or unconventional, that is accumulation of experience, reading and conversation. However, the positive results of homeschooling do not depend on the method chosen by parents, but on their degree of involvement in the teaching process.

The reasons why parents choose this system are, besides the poor performance of state education (parents believe they can give their children a better education at home), some more subjective, such as religion, the parents'wish to have their child closer to them, etc. However, in most

countries, pupils who learn at home must sit regularly for exams that check their progress, and, if they fail them, children are required to register in the state education system.

In national legislations, the issue is approached in relation with the compulsory character of education and the right to education. The regulations regarding the right to education differ from one country to another in most countries not being clearly defined. In some European countries, such as Great Britain, Ireland, France, Italy, the right to education is mentioned in the legislation. In France, town halls do a social control twice a year, apart from the annual academic inspection. In Italy, one of the parents' income and possession of a diploma are taken into account. The control is done in relation with the national curriculum, as in Belgium and Austria, where children educated at home sit for national exams. Other states, like France, Italy and Great Britain, give parents a relative pedagogical independence. In France, for example, if a family invokes religious reasons, they risk being accused of sectarian behavior, which can complicate things.

On the other hand, in countries like Germany, Holland, Romania or Spain, the governments have not approved to remove children from the compulsory education system, and the breaking of these regulations is punished with fines or time in prison. In Romania, the current legislation offers the possibility of homeschooling only to pupils with special needs or homebound permanently or temporarily, and in Spain, homeschooling is not stipulated by law, but tolerated in certain circumstances.

In conclusion, nowadays, in most EU Countries, homeschooling is a generally accepted alternative to traditional public and private schools, as well as a valuable teaching method.

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