

Homeschooling After a Divorce

Although it is legal to homeschool after a divorce or in a situation where the other parent does not agree with homeschooling, the ultimate decision as to whether you can homeschool your children may be up to the Family Law Court. The judge will make a decision based upon the evidence presented at the court hearing regarding what is in the child's best interest. Generally, courts tend to order that the children remain in the status quo. Children who are enrolled in public school stay in public school, children who are in private school stay in private school, and children who are homeschooled continue homeschooling. If you cannot reach an agreement with your child's other parent, you will need to consult with a local attorney for guidance. HSC can assist your attorney with information about the legality of homeschooling in California and experts favorable to homeschooling.

Before you commence an expensive battle, which invariably hurts the children, it is helpful if you consider other alternatives. It may be helpful if you educate the other parent about the benefits of homeschooling and how that parent can have both more and flexible time with the children because they are not tied to the public school schedule. Involve the parent in the educational process. If finances are the underlying issue, consider whether and how you can work and homeschool your children. It may be that the other parent is concerned about accountability. You can meet this concern by involving the other parent in the educational process, choosing a charter school or public school independent study program (ISP), enrolling in a private school satellite program (PSP), or involving a third party in the process, such as a tutor or evaluator.

Keep in mind that your goal is to do what is in the best interest of your children. Each custody situation is unique, and your attorney can guide you to choose the best option for your family. If you have the ability to shape the language of the custody agreement, ask that you be given "sole educational custody," which gives you the ability to control your children's education without the other spouse's input.