

North Dakota State University  
Graduate School

---

**Title**

AN ANALYSIS OF THE ARGUMENTS USED IN THE HOME SCHOOL ISSUE

---

**By**

Jaime P. Meyer

The Supervisory Committee certifies that this **thesis** complies with North Dakota State University's regulations and meets the accepted standards for the degree of

**MASTER OF ARTS**

North Dakota State University Libraries Addendum

To protect the privacy of individuals associated with the document, signatures have been removed from the digital version of this document.

AN ANALYSIS OF THE ARGUMENTS  
USED IN THE HOME SCHOOL ISSUE

A Thesis  
Submitted to the Graduate Faculty  
of the  
North Dakota State University  
of Agriculture and Applied Science

By

Jaime Paul Meyer

In Partial Fulfillment of the Requirements  
for the Degree of  
Master of Arts

Major Department: Mass Communication,  
Speech Communication, Theatre Arts

May 1988

Fargo, North Dakota

## ACKNOWLEDGEMENTS

This thesis would not have been possible without the cooperation of Rep. Carolyn Nelson, Rev. Clinton Birst, and Dr. Wayne G. Sanstead. Thanks must also go to Dr. Robert S. Littlefield, Prof. E. James Ubbelohde, and Dr. Dan King for their advice as my committee. Special thanks are extended to Dr. C.T. Hanson who guided me through the completion of this paper and my graduate studies. This paper is dedicated to my wife, Mary.

## TABLE OF CONTENTS

ABSTRACT.....	ii
ACKNOWLEDGEMENTS.....	iii
<u>Chapter</u>	<u>page</u>
I. INTRODUCTION.....	1
II. REVIEW OF THE LITERATURE.....	10
III. PRESENTATION OF THE DATA AND APPLICATION OF THE METHODOLOGY REGARDING THE STATE STATUTES AND CONDITIONAL HOME SCHOOL SUPPORTERS.....	18
IV. PRESENTATION OF THE DATA AND APPLICATION OF THE METHODOLOGY REGARDING CONDITIONAL HOME SCHOOL OPPONENTS.....	33
V. CONCLUSIONS AND SUGGESTIONS FOR FUTURE RESEARCH.....	49
<u>References</u>	<u>page</u>
WORKS CITED.....	54

## CHAPTER I: INTRODUCTION

According to David W. Brown, a public management instructor at Yale University, America's concern for government has overshadowed the responsibilities to its families and churches (39). Brown's statement is indicative of the home school issue in the state of North Dakota. Some North Dakota parents view home schooling, which is only conditionally legal in North Dakota (Nelson, Address), as a family and church responsibility which exceeds their governmental responsibilities. In opposition to these parents and their supporting organizations is the State Department of Public Instruction and state associations of school boards, school administrators, principals, and teachers who view home schooling as a governmental responsibility because it involves school-age children, family members for whom they have a legal responsibility. Those supporting conditional home schooling also view their governmental responsibilities as not interfering with church responsibilities.

Compulsory school attendance and teacher certification are often the focus of the arguments presented. The approximately 200 home school children (Vukelic 2) and their parents are arguing for the values that they feel they have a right to live by, and their opposition is also arguing for values which they are bound to uphold. In the balance hang the values enshrined in the laws of North Dakota.

### Research Question

An appraisal of the ongoing communication in the home school issue leads to the following research question: Are the values in the arguments of those for or against conditional home schooling in North Dakota consistent with the values underlying the laws of the state?

Three issues emerge in researching this question:

1. What are the values implied in the state statutes, as expressed by the statutes themselves and their supporters, regarding conditional home schooling?
2. What are the values implied in the arguments of conditional home school opponents?
3. How are the two groups' values, when established in a hierarchy of values, similar and dissimilar to the values underlying the laws of the state?

### Rationale

Examining the arguments embodying the home school issue and matching them with the values communicated by state law is a unique project. By looking at both public and private communication, a more complete and objective picture can be gained on an issue which will help shape the future of schooling in North Dakota. The objective insight gained in this work might prove beneficial to all parties involved in the issue, especially in a state considered to be restrictive. North Dakota is one of the last states to require that home school parents be certified teachers; Michigan and Iowa are the other two states that make this requirement ("Certification Challenged," Klicka 34). An evaluation of the communication process involved will yield

insight into how arguments of those for and against conditional home schooling differ and share common ground, not only between the value arguments espoused by the two camps but with those values underlying North Dakota law as well.

### Definitions

In order to completely understand the ideas expressed in this thesis, the following educational, legal, and rhetorical terms must be defined: home schooling, conditional home schooling, compulsory school attendance, arguments, values, hierarchy of values, audience, universal audience, particular audience, epideictic audience, deliberative audience, and judicial audience. Educationally, home schooling is an elusive term which Lines has defined as home instruction "by a parent or guardian of children in their own family;" however, they are often lumped with Christian schools involving more than one family, because their arguments overlap (47).

Legally, conditional home schooling refers to the fact that home schooling is only legal in North Dakota when certain conditions or standards for approval are met as outlined in the state's Century Code (Sections 15-34.1-03, 15-47-33, 15-38-07, 15-41-25). Compulsory school attendance requires guardians of all children aged seven to sixteen years to send said children to public school or an approved parochial or private school (N.D.C.C. Sections 15-34.1-01, 15-34.1-03(1)).

Rhetorical definitions are drawn from Perelman and Olbrechts-Tyteca's The New Rhetoric: A Treatise on Argumentation. Arguments are the techniques used to create the adherence of minds regarding an

issue (4). Values are an eventual part of every argument and refer to beings, objects, and ideals which specifically have an impact on action and disposition (74); argumentation is inevitable when a value issue emerges enroute to the adherence or joining of minds (8, 74, 132). A hierarchy of values suggests the superiority of one value over another in an interconnected framework (81). An audience is the group of people, here North Dakotans, a speaker is working to influence through his/her argumentation (19). The universal audience is comprehensive in nature and transcends all other audiences; it is a hypothetical construct consisting of all rational beings capable of making sound judgments based on sound/formal reasoning (30, 32-3). A particular audience is one whose reasoning is based on special interests or needs (28, 31). An epideictic audience is one engaged in recognizing values (48). A deliberative audience is one concerned with courses or action, problem solving, and politics (21, 45). A judicial audience deals with judgment and litigation (21, 45).

#### Limitations

This study was focused by recognizing four limitations. The most significant limitation was that which confined the study of the home school issue and its accompanying arguments to the State of North Dakota. A rationale for this limitation was found in the fact that both the Master's Theses in Education and Dissertation Abstracts International failed to specify an examination of home schooling in North Dakota, much less as an issue of communication study. Even by searching ERIC, such a study did not emerge.

The second limitation dealt with the time frame of the study. Since compulsory education (the law which has brought the home school issue to the surface in North Dakota) is a rather recent mandate in American education (Wisconsin v. Yoder, 406 U.S. 205, 31 (1971)), the tie to non-approved Christian based education has only emerged in the last few years (The Report of the Governor's Christian School Issue Panel 8). Detailed standards for school approval were added to North Dakota law in 1977 ("Home-School Backers"), and court arguments on the issue in North Dakota have not changed substantially during the last decade (Motion of Defendant Dr. Wayne Sanstead for Summary Judgment 20). This study will focus on home schooling argumentation in North Dakota from 1977 to date.

The third limitation confined the study of state law to only those laws cited by arguers involved in the home school issue. This limitation defined parameters for the research as well as helped to ensure that only exigent laws used were included in the study.

The fourth and final limitation had to do with the value arguments found. Since all of the arguments involved in the issue may not have been discovered, those which are cited are the ones publicized and called to the public's attention.

#### Database

The database for this paper consisted of information from written materials, interviews, committee meetings, computer searches, public offices, and special interest groups. This collage of sources provided a varied supply of material for the communication theory and arguments applicable to the home school issue in North Dakota. The written

materials for this study included the popular press of North Dakota (The Forum and Bismarck Tribune in particular), state and national periodicals, state statutes, court decisions and related papers which offered interpretations of state statutes. Information from several state-wide organizations and/or one of their spokespersons (Mr. Larry Klundt, North Dakota Council of School Administrators; Dr. Richard Ott, North Dakota School Boards Association; North Dakota Elementary Principals Association; Mr. Wayne Lucht, North Dakota Secondary School Principals Association; North Dakota Education Association; North Dakota Association of Christian Church Schools) were of interest as were the files of State Representative Carolyn Nelson and works from the North Dakota Legislature, and the North Dakota and U.S. Constitutions. Educational works from John Holt as well as Miller, Coon, and Sugarman, the North Dakota Century Code, Master's Theses in Education index, the North West Reporter, and United States Supreme Court Reports were also consulted.

The results of interviews with Dr. Glenn Melvey of the Fargo Public School District, State Representative Carolyn Nelson, State Superintendent of Public Instruction Dr. Wayne Sanstead (Chief Officer of Education in North Dakota), Reverend Clinton Birst as the executive director of the North Dakota Home Schooling Association, and Cheryl Erickson as the instructor in her approved home school were utilized. The information from committee meetings attended were those of the Compulsory Attendance Law Committee, where many of those people against conditional home schooling appeared. Computer searches of ERIC and Dissertations Abstract International were explored. The

public offices of the Department of Public Instruction and the State's Attorney General, represented by Solicitor General James M. Vukelic, were combed for information. Special interest groups such as the Home School Legal Defense Association also proved to be valuable data sources.

### Methodology

The range of arguments employed in attempting to settle the home school issue in North Dakota required an extensive method of analysis. Ch. Perelman and L. Olbrechts-Tyteca provided a work which addressed the nature and compatibility of an array of arguments. In their book, The New Rhetoric: A Treatise on Argumentation, the rhetoricians provided a method of analysis whereby the arguments of those for and against conditional home schooling in North Dakota could be identified in conjunction with the values they upheld and then matched for consistency with the values underlying the laws of the state, which were also categorized by using Perelman and Olbrechts-Tyteca's work.

Perelman and Olbrechts-Tyteca viewed rhetoric as the study of the methods used to gain adherence of mind (1-10). Ultimately, this adherence was aimed at values and a desire to act on those values (Golden, Berquist, and Coleman 12). Perelman and Olbrechts-Tyteca provided twelve categories of arguments applicable to the notion of values and their adherence: optative, causal links, authority, pragmatic, quality, rule of justice, sacrifice, classical, hierarchy or values, epideictic, model (perfect Being), and ends and means.

Optative arguments are ones that express standards (160). Arguments based on causal links emphasize the effects which will

result from a given event (263). Arguments based on authority urge acceptance because of the prestige of an authority (305-6). Pragmatic arguments seek the evaluation of an event in terms of the favorable or unfavorable consequences which it produces (266). Arguments of quality focus on values beyond compare which will always be important (89, 91). Arguments under the rule of justice, a quasi-logical argument because it only appears to be the formal reasoning of logic, call for identical entities to be treated in the same way via the idea of precedent and regardless of fine differences (193, 219). Arguments by sacrifice, which are also quasi-logical, are based on what an individual is willing to give up in order to obtain some valued result (248). Arguments that are classical in nature concern the largest number of people and are stable, durable, and essential (98). Hierarchy of value arguments suggest the superiority of one value over another in an interconnected framework (81). Epidictic arguments focus on praise or blame and the recognition of values (48). Arguments based on the perfect Being (God) as a model deal with the many adaptations that the perfect Being must undergo before being offered as a referent (371). For instance, some home schoolers desire to fulfill God's words and deeds. Finally, arguments based on ends and means acknowledge the interaction between the goals desired and the manner in which they are sought (274).

The twelve point method of analysis was applied to the communication of those for and against conditional home schooling. The arguments and associated values discovered for both groups were categorized and listed in value hierarchies. These hierarchies appear in

table format and consist of a rank ordering of the arguments, the arguments of the groups involved, the frequency with which those specific arguments were stated, and the percentage of the total value arguments for which each type accounted for. The twelve point method of analysis was applied to the laws of North Dakota, those related to the home school issue, in order to identify the values underlying those laws.

### Organization of the Thesis

This study consists of five chapters. Chapter I includes introductory material, the research question, a rationale and terms, the limitations and database, and the methodology. Chapter II consists of a review of the literature regarding home schooling in North Dakota. Chapter III presents the data and the application of the methodology regarding the state statutes and conditional home school supporters. Chapter IV presents the data and application of the methodology regarding conditional home school opponents. The last chapter, Chapter V, draws conclusions and makes suggestions for future research.

Chapter I has introduced and explained home schooling as it applies to North Dakota, stated the research question, provided a rationale for the study, defined necessary terms, established the study's limitations and database, and explained Perelman and Olbrechts-Tyteca's twelve point method of analysis and how it will be applied to the subject. A review of the literature is now in order and will be presented in Chapter II.

## CHAPTER II

### REVIEW OF THE LITERATURE

A review of the literature indicated that the communication involved in North Dakota's home school issue revolved around argumentation presented in the legal, judicial, and legislative arenas and was made available through a variety of sources. Since there has not been a study of the argumentation involved in this issue from a communication standpoint, a review of the events composing the controversy was necessary in order to indicate where argumentation can be documented.

Historically, home schooling was the only way early Americans were educated. The evolution of the public school changed that, and home schooling became an underground activity until the last few years (Divoky 395). Advocates of educational reform have bolstered the movement either directly or indirectly. John Holt, considered by some to be the principal spokesperson on home schooling (Divoky 396), has published two works which some home schoolers have taken to heart. Holt's Teach Your Own openly advocates home schools as the "one place" where helpful learning, methods, and materials can be presented to a child (330). This statement is congruent with Holt's earlier works which stress self-direction (Instead of Education 3). Self-direction is also taken up by Coons and Sugarman who go on to urge dispensing with teacher certification (15, 171). The background of this doctrine for self-direction is lined with many factions but dominated by religious fundamentalists (Divoky 396) who are fighting state control of their

home schools in the face of a legal system which sparingly grants exemption on religious grounds (Miller 330-31).

As home schooling resurfaced with its new found theories, the movement caught the attention of North Dakota's superintendent of public instruction. For although state law required every child in the state from seven through sixteen years of age to attend a public school (N.D.C.C. Section 15-34.1-01), a compulsory school attendance law in line with the spirit of Article VIII(1) of the North Dakota Constitution, which calls for an educated voter populace, lacked coherent specifics. Desiring not only the attendance of children but also their attendance at an approved school, Superintendent of Public Instruction Howard Snortland suggested legislation to the 1977 state legislature which was eventually passed ("Home-School Backers").

The legislature established The Present Statutory Requirements, specified by N.D.C.C. Section 15-34.1-03, which require that particular units of study be taught for a given number of hours per day during 175 days of classroom instruction. The statutory requirements also call for the enforcement of health, fire, and safety laws. Finally, the requirements call for all teachers to be certified by the state. The document goes on to state that "parents may be prosecuted under the compulsory attendance law" if they send their children to non-public schools that do not comply with the requirements. So, for example, parents who teach their children at home, but are not certified teachers, would be charged in violation of the compulsory attendance law. These conditions make home schooling conditionally legal in North Dakota, and some home schools have applied for and been approved by

the state (Melvey, Personal interview). In this situation, for example, one of the home schooling parents or guardians may be a certified teacher. Approved home schools, therefore, are legal in North Dakota.

Although legal if approved, the conditions required for approval have been fought by home school advocates. A precedent setting 1980 case, State v. Shaver, found the Supreme Court of North Dakota convicting the defendants of failing to comply with the compulsory school attendance law. The court ruled that the state's "compelling interest in providing an education for its people" was more significant than the burden on the parent's free exercise of religion. The court also noted that public schools, state prescribed courses, and teacher certification were not forbidden by the defendant's religion (State v. Shaver, 294 N.W.2d 883 (1980)).

The Shaver case introduced four previous court cases into the issue. The first, and perhaps most important, was Wisconsin v. Yoder. Here, the U.S. Supreme Court found in favor of Yoder, representing the Old Order Amish, in teaching their children away from public schools because of their deeply held and long standing religious beliefs as expressed in the First Amendment. The case, however, also stressed the state's role in education (Wisconsin v. Yoder, 406 U.S. 205, 15, 36-38 (1971)).

Three other court cases were also introduced. Pierce v. Society of Sisters, Brown v. Board of Education, and Meyer v. Nebraska focused on the state's right to dictate education in favor of its best interests and the best interests of its people. Even though Pierce dealt with the existence of private schools, Brown with segregation, and Meyer with

the teaching of English as a primary language, the three cases were and are used by those for and against conditional home schooling (Pierce v. Society of Sisters, 268 U.S. 510, 1071 (1924); Brown v. Board of Education, 347 U.S. 483, 48 (1953); Meyer v. Nebraska, 262 U.S. 390, 1042 (1922)).

The arguments and cases used in State v. Shaver were seminal and used in a second landmark court decision in 1982. In State v. Rivinius, the defendants argued that less restriction was needed for their religiously oriented home school as mandated in the First and Fourteenth Amendments. However, the North Dakota Supreme Court upheld the need for teacher certification as it did not violate religious freedom. The court also urged the state legislature to resolve the issue (State v. Rivinius, 328 N.W.2d 220 (1982)).

Significant action was taken by the North Dakota Legislature but not until 1985. For in that year, the home school issue exploded in North Dakota. The number of home schools was on a marked increase in the state. The Rev. Clinton Birst, executive director of the North Dakota Home Schooling Association which was founded in 1984 (Birst, Telephone interview), estimated that far more than 200 home schooling practitioners were at work at that time (Meyer). The work was being conducted, in some cases, in violation of state law. This condition exists to date. Responding to this increase, the Senate Education Committee attempted to go beyond approved home schools in 1985 by proposing Senate Bill No. 2263 ("Compulsory School Attendance Laws"), a bill that would have made more home schools legal in North Dakota. The bill asked state legislators to allow parents to teach their children

at home without being certified teachers ("Home School Bill Approved") in lieu of requiring home schooled children to fall within the national mean for their age on a standardized test ("Compulsory School Attendance Laws"). The North Dakota Senate refused the bill on a 13-40 vote ("Senate Rejects"). The same bill was withdrawn from the House, and the legislature established an interim committee to study the issue ("Home School Backers").

Legal as well as legislative activity also marked 1985. Two Stutsman County couples and two Bottineau County couples were convicted of violating the compulsory attendance law when their children attended their unapproved home school. While continuing to battle opposition in the courts, one couple, the Patzers, moved their family to South Dakota ("N.D. Court Hears"). The family did so before the Supreme Court of North Dakota sided with the state in State v. Patzer, upholding the teacher certification requirement for home schools in spite of religiously based arguments (State v. Patzer, 382 N.W.2d 639 (1986)).

The legal and legislative deliberations continued into 1986. The North Dakota Supreme Court ruled that home school children could not be recorded as being habitually truant from public schools. The Supreme Court indicated that allegations of breaking the compulsory school attendance law must be filed against the parents (North Dakota Supreme Court, Nos. 10,944-10,945). In another case, the wife of one of the Stutsman County couples found guilty in 1985 took their children to Minnesota, leaving the father behind, to avoid prosecution (Birst, Letter to legislators). On the legislative side, lawmakers on the

interim committee, which was established to study the issue, continued to formulate and finalize recommendations for the next year's legislative session (Bradbury).

The interim committee submitted its work to the legislature which led to a proposed bill. The Fiftieth Legislative Assembly voted on House Bill No. 1523 which would have allowed home school parents to teach as long as they held a college baccalaureate degree or passed a state teacher proficiency examination. The bill was defeated by one vote (Hendrickson and Schuck). The defeat came although the issue now had gained some national attention through a national news report on home schooling in North Dakota (CBS Evening News). Legal activity in 1987 found a Mandan couple charged the second time for violating the attendance law ("Couple Cited") and the two Bottineau County couples, charged in 1985, convicted for a second time after breaching the attendance law ("Jury Finds Couples Guilty"). Also, a Stutsman County couple was found guilty of the attendance infraction ("Jamestown Couple") while a Bismarck couple began court proceedings ("Minister, Wife"). One important legal outcome in 1987 centered around an Eighth Circuit Court of Appeals decision. The court upheld Iowa's compulsory school attendance law, school reporting, and teacher certification requirements in Fellowship Baptist Church v. Benton (United States Court of Appeals for the Eighth Circuit, No. 85-2370). This court decision affected the home school controversy in North Dakota as North Dakota is in the Eighth Circuit Court's jurisdiction (Sanstead, Personal interview). The most pronounced legal decision of 1987 came on the third of September. On that date, Rev. Jonathan and Diana Melin, who

are not certified teachers, were upheld by Dickey County Judge Gary Neuharth in their fight to religiously educate their son at home. Neuharth's decision was based on the Melins' sincere religious beliefs and the couple's argument that teacher certification was too restrictive. The case has established itself as a new legal precedent in North Dakota, but Judge Neuharth urged a legislative solution to the issue ("Judge Finds;" State v. Melin, Dickey County Court, No. 376, 8 (1987)).

The last part of 1987 was characterized by the news from the compulsory Attendance Law Committee, a thirteen member board organized by State Attorney General Nicholas Speath in July ("No Consensus"). During the committee's meeting in Fargo, this researcher observed the public testify and share their numerous reasons for deregulating home schools. However, the next meeting focused on a Washington state educator, Frank Deebach, who advised against easing home school regulations ("Educator Warns").

This researcher was able to share this news with an approved home school parent during an early 1988 visit to her Lakeside School, and it was met with a contrary opinion (Erickson, Personal interview). Lakeside is one of ten currently state approved home schools operating in North Dakota (North Dakota Department of Public Instruction Elementary School Approval Report 1-3). Erickson is also the author of a paper on home schooling from a national perspective, "Legal Aspects of Home Schooling." Other 1988 activity included Mandan, Stutsman County, and Bottineau County couples seeking appeals to their earlier convictions. However, another change in attitude toward home

schooling became apparent when the Hazen School Board allowed a family to educate one of its children at home. The school board argued that the child "probably couldn't function well in the public schools" as he had been home schooled for a number of years ("North Dakota-Certification on the Way Out?"). Meanwhile, the state sought a reversal of the Melin decision ("N.D. Wants") while managing to succeed in the conviction of a Bismarck couple for violating the compulsory attendance law ("N.D. Home School Backers Guilty"). All in all, 1987-88 saw eleven families contacted about home schooling, and two of the cases were resolved out of court. This left nine unresolved cases of which six were being heard in court ("Contact Countdown").

Whereas the home school issue creates constantly breaking news stories, this literature review brings the home school controversy in North Dakota up-to-date. The background information found in this literature review made the study of the arguments and values involved possible.

This chapter has reviewed the literature on home schooling in North Dakota. The principal arguments have changed since the seminal Shaver case which focused on the state's compelling interest and how it outweighed any burdens this interest might have placed on religious freedom. Recently, the Melin case decided in favor of religious freedom over the state's interests as insured by teacher certification. With this basis, Chapter III will examine the values implied in the state statutes, as expressed by the statutes themselves and their supporters, regarding conditional home schooling.

CHAPTER III:  
PRESENTATION OF THE DATA AND APPLICATION OF THE METHODOLOGY  
REGARDING THE STATE STATUTES AND CONDITIONAL HOME SCHOOL  
SUPPORTERS

The values implied in the state statutes, as expressed by the statutes themselves and their advocates, regarding conditional home schooling were collected from the entire data base according to the study's four limitations. The twelve point method of analysis was utilized in grouping and labeling these values expressed by conditional home school supporters and statutory and constitutional references, yielding several insights. Conditional home school support was found in optative arguments. These value arguments identified the value assigned to reasonable standards to set quality education ("GOP Sets Home"), the need for teacher certification standards (Nelson, Address), the public's desire for standards regarding home schooling ("N.D. Public Schools"), and the wish to have standards of minimum requirements and attendance ("Home-School Backers"). These arguments also value the ease with which the alternative school standards can be satisfied ("Couple Cited Second Time"), how standards expressed by laws for education are needed and completely established (Ott), and the need "to maintain the minimum standards now in effect" for school approval (Klundt and Lucht). In addition, they value the educationally representative stature of public schools (Sanstead, Personal interview), and the states' "compelling interest in requiring minimum

standards of education" for satisfactory education which produces "viable citizens" (State v. Rivinius, 328 N.W.2d 228 (1982)). Overall, nine value statements were expressed using optative arguments.

Arguments based on causal links were also used. These value arguments identified the value placed in education serving North Dakota's best interests ("N.D. School Board Chairman"), refraining from easing home school regulations and avoiding the negative effects of such softening ("Educator Warns"). These arguments also displayed the value in students learning to contend with the larger world which may challenge their beliefs (CBS Evening News, Transcript of Deposition of Dr. Wayne Sanstead 58), avoiding the negative effects on home schooled children as they re-enter public schools ("Educator Warns"), sending the correct impression regarding selective obedience of the law ("Educator Warns;" Ott), and making sure special education students are not "closeted" (Klundt and Lucht). Further, they value making sure parents do not keep their children home only to work or avoid being educated (Klundt and Lucht), regulations which guard against potential child abuse (Klundt and Lucht), regulations which avoid home school establishment based on a disciplinary matter or a dispute with a principal (Klundt and Lucht), and not allowing children to suffer from the "good intentions" of home schoolers and miss a solid education (Sanstead, Personal interview; Transcript of Deposition of Dr. Wayne Sanstead 58). These value arguments, finally, recognized how the influence from the home overcomes the influence of the school (Melvey, Personal interview), teaching style must be able to change if a student can't learn via self-study (State v. Shaver, 294

N.W.2d 883 (1980)), and due process is not violated regarding foundation aid loss and teacher certification contentions (Motion of Defendant Dr. Wayne Sanstead for Summary Judgment 5, 8). All in all, thirteen value statements were expressed using causal link arguments.

In contrast to the extensive use of causal link arguments, three forms of arguments were used on a limited basis. Arguments stemming from an authority were used only once. Here, Frank Deebach, Regional Superintendent in Washington State, is cited ("Educator Warns"). This value argument expressed the value placed in that authority's prestige in relationship to the issue.

Likewise, arguments from the quasi-logical rule of justice were employed once. In that instance, the value expressed contended that certain home school situations presented before the courts had not significantly changed in ten years (Motion of Defendant Dr. Wayne Sanstead for Summary Judgment 20).

Another scarce form, arguments based on quality also emerged. Used only twice, those arguments sought to demonstrate the value in keeping the quality which might otherwise steadily deteriorate in home schooling, "as the grade level increases" (Educator Warns). They also demonstrate the value in regarding the law as the most "likely" way to ensure quality learning and teaching (Ott; Klundt and Lucht). Two categories of value arguments did not surface: the quasi-logical argument of sacrifice and the argument based on the perfect Being as model.

Pragmatic arguments sought to highlight the values placed in guarding against possible educational abuse (Nelson, Address),

showing concern over the financial and time costs to local school districts (Bradbury), dispersing the burden of supervision placed on county superintendents ("Nething"), and noting the negative consequences of home school restrictions ("N.D. School Board Chairman"). These values also stressed a legislative rather than a judicial solution to the home school issue (Vukelic, Letter; "GOP Sets Home") and the recognition that standardized testing, a curriculum, and the accountability of parents does not ensure "quality education" (North Dakota v. Melin-Appellant's Brief 21-2, 24). Six value statements were expressed through pragmatic arguments.

Much more support was found in arguments that are considered classical in nature. These value arguments revealed the value placed in a situation involving all of the children of North Dakota (Nelson, Address), the fixed rights of the youth and society of North Dakota ("Senate Rejects"), and recognizing the importance of school programs such as special education (Nelson, Address). These value arguments went on to note the supremacy of the law ("N.D. Court Hears"), the overriding constitutional obligation of the state to educate its youth ("Judge Finds for Parents;" Sanstead, Personal interview; Nelson, Personal interview; Melvey, Personal interview; North Dakota v. Melin-Appellant's Brief 15), and the need for laws "grounded in the best interests of the youngsters" who have rights in need of protection (Ott). In the end, the classical value of twenty four state statutes and constitutional references were provided (N.D. Admin. Code Section 67-02-02-02, Entrance certificates; N.D.C.C. Ch. 15-34.1, Compulsory School Attendance; N.D.C.C. Sections 15-34.1-01, Compulsory

attendance; 15-34.1-03, Compulsory attendance-Exceptions; 15-34.1-03(1), Compulsory attendance-Exceptions (length of time in an approved private or parochial school, teacher certification needed for approval of such schools, subjects offered follow the law, and compliance with state health/fire/safety laws); 15-34.1-05, Violation of compulsory school attendance provisions-Penalty; 12.1-32-01(7), Classification of offenses-Penalties; 15-47-33, Length of elementary and secondary school year term; 15-38-07, Required subjects in all schools; 15-41-24, High schools-Minimum curriculum; 15-41-25, High schools-Teacher qualification; 15-43-04, Lists of textbooks to be furnished to school districts; 15-34.2-16, Transportation of nonpublic elementary and high school students-Conditions; 15-47-30.1, Schools-Period of silence for meditation or prayer; 15-38-12, Reading of Bible optional; 15-47-10, Ten commandments to be displayed in classrooms; 15-47-29, Wearing of religious garb by teachers in public school prohibited; 15-47-30, Suspension and revocation of teachers' certificates for wearing religious garb; 15-34.2-17, School boards to release students for religious instruction, N.D. Constitution, Article VIII, Education, Sections 1-4; N.D. Constitution, Article 1, Declaration of Rights, Section 3.). Taken together, thirty value statements were expressed using classical arguments.

Another significant area of argument concerned those establishing a hierarchy of values. These numerous value arguments demonstrated the value placed in the superiority of the constitution's validity ("N.D. Court Hears"), the superiority of public schools over home schools

("N.D. Public schools"), and the superiority of the needs of the few ("Home School Bill Approved"). Values were found here upholding the compelling interests of the state ("Senate Rejects"), the equal opportunity for education (Bradbury), the interaction of children with each other ("Senate Rejects") , and the rights of children over the religious freedom of parents ("Home School, Public School Officials"). Continuing value was found in realizing how the religious beliefs in one home school case can override those in another (North Dakota v. Melin-Appellant's Brief 12), the compulsory attendance law is constitutional concerning religious beliefs ("North Dakota-Certification On the Way Out?," North Dakota v. Melin-Appellant's Brief 25), and the teacher certification requirement overcomes any burdens claimed on the parents' religious beliefs (State v. Patzer, 382 N.W.2d 633 (1986); State v. Shaver, 294 N.W.2d 897, (1980); State v. Rivinius, 328 N.W.2d 231 (1982); Motion of Defendant Dr. Wayne Sanstead for Summary Judgment 10, 17). Finally, value was housed in arguments favoring some legislative restrictions over religiously motivated actions (State v. Rivinius, 328 N.W.2d 223 (1982); State v. Shaver, 294 N.W.2d 888, (1980)) and the "reasonable state regulation" of parents' rights in directing their childrens' growth and education (State v. Shaver, 294 N.W.2d 899 (1980)). Here, twelve value statements were expressed through hierarchy of value arguments.

Yet another strong source of values was found in the epideictic arguments used. These value arguments revealed the value placed in recognizing that there is a difference between a teacher and a high school graduate (Transcript of Deposition of Dr. Wayne Sanstead 78),

realizing that no parent is knowledgeable in all the academic areas (CBS Evening News), and viewing Judge Neuharth's decision in finding the law unconstitutional as incorrect ("North Dakota-Certification On the Way Out?"). In addition, value was placed in public opinion which is not positive regarding home schooling (Transcript of Deposition of Dr. Wayne Sanstead 59), avoiding the selective enforcement and obedience of the laws (Ott), and holding the present laws as valid (State v. Rivinius, 328 N.W.2d 231 (1982)). Values were again expressed when it was stated that home schools should "operate within the bounds of reasonable regulation" (Ott), the teacher certification and approval process are worthy and effective (Transcript of Deposition of Dr. Wayne Sanstead 61), the law has "simple regulations about approval for having any school in North Dakota" (Klundt and Lucht), and state laws are not unreasonable or unconstitutional (State v. Shaver, 294 N.W.2d 899, (1980); North Dakota v. Melin-Appellant's Brief 11). In conclusion, epideictic value arguments pointed out how home schooling without regulation could result in "disaster for many children in North Dakota" (Klundt and Lucht) and the Attorney General's recognition of "the value claims made by both proponents and opponents of changes to our present compulsory attendance law" (Vukelic, Letter). When counted together, twelve value statements were provided through epideictic arguments.

In the last type of argument, ends and means, it was discovered that value was placed in opposition to changing the law regarding teacher certification ("N.D. Dems Support"), the NDEA's support of the law as written ("Judge Finds for Parents;" NDEA Policy Statement),

certified persons conducting instruction to meet the best interests of youth and the state ("Judge Finds for Parents;" State v. Patzer, 382 N.W.2d 639 (1986); State v. Shaver, 294 N.W.2d 900 (1980)), and teacher certification as "the least restrictive means of achieving the state's interest" ("North Dakota-Certification On the Way Out?;" Sanstead, Personal interview; North Dakota v. Melin-Appellant's Brief 19; State v. Patzer, 382 N.W.2d 639 (1986)). These value arguments also stressed standards as a means of protection (Ott), "guidelines for home education programs" (NDEA Policy Statement), certification as the best method of providing a solid future for a child as a North Dakotan (Sanstead, Personal interview), and acknowledging that a free private religious education is not a constitutional right (Motion of Defendant Dr. Wayne Sanstead 18). The value arguments also recognized that parents holding baccalaureate degrees may be able to handle an elementary pupil (Transcript of Deposition of Dr. Wayne Sanstead 43). Also, the arguments reveal the values held in home school teachers being certified or meeting special requirements which include a baccalaureate degree, annual state and local authorization, local school administration monitoring, home school study programs being comparable to those in public schools as based on the age of students, home school students participating in "state or locally mandated testing programs" and "other assessments," compulsory keeping of school type records, home schoolers having the option of attending public schools part-time, and home school parents paying for home schooling if home schooling was the parents' preference (NDEA

Policy Statement). As the reader can see, seventeen value statements were given via ends and means arguments.

Since the classification scheme was applied to the broad spectrum of arguments involved at that point, a hierarchy of these values of those for conditional home schooling was prepared. The hierarchy of values was established based upon the superiority of one type of value, expressed through value arguments, over another in the interconnected framework of arguments used. As a result, the thirty instances of classical values top the hierarchy and is followed by the values expressed in the ends and means arguments (seventeen), causal link (thirteen), hierarchy of values and epideictic (twelve each), optative (nine), pragmatic (six), quality (two), authority and rule of justice (one each), and sacrifice and perfect Being as model (zero each).

Before being matched to the value hierarchy depicting the values underlying the laws of the state, the complete list of laws utilized in the argumentation had to include those laws used by those against conditional home schooling but not included by conditional home school supporters. Then, the values underlying the laws of the state were arranged according to a hierarchy of values and readied for comparison. As was the case earlier, all of the state statutes and constitutional references used were classified as being classical in nature and were seventeen in number (Preamble, N.D. Constitution; N.D. Constitution, Article I, Declaration of Rights, Sections 1, 3-4; N.D. Constitution, Article VIII, Education, Section 3; U.S. Constitution, Amendments I (free exercise of religion), IX (due process), X (due process), XIV (free exercise of religion); N.D.C.C. Sections 15-34.1-01,

Compulsory attendance; 15-34.1-03, Compulsory attendance-Exceptions; 15-34.1-03(1), Compulsory attendance-Exceptions (provided earlier); 15-34.1-03(4), Compulsory attendance-Exceptions (excused from public school attendance based on a mental condition); 15-38-07, Required subjects in all schools; 15-41-06, High school courses-Requirements-Credits; 15-41-24, High schools-Minimum curriculum; 15-41-25, High schools-Teacher qualification).

When placed in a hierarchy of values, all of the laws and constitutional references utilized in the issue were classical in nature with thirty-three instances. Although these references are classical as stated, a closer inspection of each reference independently provides a clearer picture of the values these laws argue to uphold. Here, eleven express values upheld through optative arguments (N.D. Admin. Code Section 67-02-02-02; N.D.C.C. Ch. 15-34.1; N.D.C.C. Sections 15-34.1-01, 15-47-33, 15-38-07, 15-41-24, 15-41-25, 15-43-04, 15-34.2-16, 15-47-30.1, 15-41-06), one through pragmatic argumentation (N.D.C.C. Section 15-34.1-05), one through arguments based on quality (N.D. Constitution, Article VIII, Section 3), ten by way of hierarchy of value arguments (N.D.C.C. Sections 15-47-10, 15-47-29, 15-34.2-17; N.D. Constitution, Article I, Sections 1, 3-4; N.D. Constitution, Article VIII, Section 4; U.S. Constitution, Amendments I, IX, XIV), one epideictic indicator of value (N.D.C.C. Section 15-38-12), four via causal links (N.D.C.C. Sections 12.1-32-01(7), 15-47-30; N.D. Constitution, Article VIII, Section 2; U.S. Constitution, Amendment X), one through perfect Being as model (Preamble, N.D. Constitution), and four by way

of ends and means (N.D.C.C. Sections 15-34.1-03, 15-34.1-03(1), 15-34.1-03(4); N.D. Constitution, Article VIII, Section 1).

Based on this deeper inspection, the hierarchy of values prepared for the values underlying the laws of the state was prepared. As a result, thirty-three instances of classical values topped the hierarchy and was followed by the values expressed in the optative arguments (eleven), hierarchy of value arguments (ten), causal link and ends and means (four each), with four value arguments (quality, perfect Being, pragmatic, epidictic) with one each, and three arguments not expressing any values (authority, rule of justice, sacrifice).

By referring to Table 1 on the next page, a brief summary of the hierarchies can be easily reviewed. The table shows the overall comparison of both hierarchies. Note the placement of one value over another based on the usage of that value, which is further represented by the percentage of the total arguments that each group of values represents.

When the hierarchy of values for conditional home schooling was compared to the value hierarchy for the values underlying the laws of the state, the value preference ranked first for each hierarchy was based on classical values. Again, classical values focus on what is stable, durable, and essential in relationship to the greatest number of people. These values represent twenty-nine percent of the total value arguments used by those for conditional home schooling, and they mark fifty percent of the total value arguments presented in the state laws (Refer to Table 1.). Although this strong similarity exists, it was followed by a string of four dissimilarities.

Table 1  
Hierarchies of Recurring Value Arguments by Those for Conditional  
Home Schooling and the State Laws

Rank	For Conditional H.S. <sup>1</sup>	f <sup>2</sup>	% <sup>3</sup>	Rank	Laws of N.D.	f	%
1	classical	30	29	1	classical	33	50
2	ends/means	17	17	2	optative	11	17
3	causal link	13	13	3	hierarchy	10	15
4-5	hierarchy	12	12	4-5	ends/means	4	6
4-5	epidictic	12	12	4-5	causal link	4	6
6	optative	9	9	6-9	quality	1	2
7	pragmatic	6	6	6-9	pragmatic	1	2
8	quality	2	2	6-9	epidictic	1	2
9-10	authority	1	1	6-9	perfect Being	1	2
9-10	rule of justice	1	1	10-12	authority	0	0
11-12	perfect Being	0	0	10-12	rule of justice	0	0
11-12	sacrifice	0	0	10-12	sacrifice	0	0
		<u>103</u>	<u>102</u>			<u>66</u>	<u>102</u>

<sup>1</sup>H.S. is an abbreviation for home schooling.

<sup>2</sup>The frequency notation (f) notes how many times the value argument was cited.

<sup>3</sup>The percentage notation (%) notes the percentage of the total arguments accounted for by each type of value argument.

The first dissimilarity occurred concerning the second ranked value arguments. In this position, conditional home school supporters

preferred ends and means values (seventeen percent of their total arguments) to the law's optative or standard values (seventeen percent of their total arguments). The third position found conditional home school advocates favoring the use of causal link values (thirteen percent) to the law's hierarchy of values (fifteen percent). The fourth and fifth positions on the hierarchy were marked by the hierarchy of value and epideictic values (twelve percent each) of conditional home school supporters but by the ends and means and causal link value arguments found in the statutes (six percent each).

The six through nine slots on the combined hierarchy had to contend with a tie among four value statements found in the law. With each accounting for two percent of the total value statements used, they were ones based on quality, pragmatic, epideictic, and perfect Being arguments. When matched with the six through nine entries of the conditional home school supporter hierarchy, one dissimilarity was found with the optative values (nine percent), which could not be matched with the law's epideictic or perfect Being values. However, two similarities were found among the pragmatic (six percent) and the quality (two percent) value statements.

Also, the nine through twelve slots had to contend with overlap on the hierarchies. This resulted in the preference for rule of justice (one percent) and authority (one percent) value statements being similar, with the laws not using either value. A dissimilarity occurred regarding perfect Being arguments as the laws placed them higher on the hierarchy and conditional home school advocates did not use them (zero percent). Finally, a similarity presented itself when

both groups failed to cite values based on sacrifice (zero percent each).

Based, then, on six dissimilarities and six similarities between the hierarchies, it was concluded that the values in the arguments of those for conditional home schooling are balanced or consistent with the values underlying the laws of the state. The preference for values focusing on ends and means, optative, causal link, hierarchy of values, epideictic, and perfect Being value arguments was not expressed between the two hierarchies, but the two groups of values were similar in their preference for six types of values. In order, these six values were given in classical, pragmatic and quality (tied), rule of justice and authority (tied), and sacrifice based value arguments. The clearly pre-eminent concern for what is classical or what concerns the largest number of people and is durable, stable, and essential was noted in the laws and by conditional home school supporters. This agreement indicates values which seem to have a broad or universal audience appeal with the larger audience of North Dakotans and their idea of what constitutes sound value judgments. Such an adherence of minds and values apparent among the epideictic audiences involved was contributed to by large judicial or court and deliberative or legislative audiences. This more complete picture indicates a measure of similarity which has bonded the values implied in the state statutes with their advocates, which have included conditional home school supporters.

In this chapter, the data regarding the state statutes and conditional home school supporters have been presented, along with

the application of Perelman and Olbrecht-Tyteca's methodology. Hierarchies of values for the two groups were established and compared for similarities and dissimilarities. In the end, it was concluded that the arguments of those for conditional home schooling were consistent with the values underlying the laws of the state. The next step, found in Chapter IV, proceeds with the presentation of the data regarding the value arguments of those against conditional home schooling and applying the methodology to this information. Finally, the value hierarchy of those against conditional home schooling and that of the laws will be compared for consistency.

CHAPTER IV:  
PRESENTATION OF THE DATA AND APPLICATION OF THE METHODOLOGY  
REGARDING CONDITIONAL HOME SCHOOL OPPONENTS

The values implied in the arguments of conditional home school opponents were collected from the complete data base according to the study's four limitations. The twelve point method of analysis was again employed in grouping and labeling these values expressed by those against conditional home schooling. The several insights were gained by means of another examination of the arguments presented.

Conditional home school opposition was found in optative arguments. These value arguments displayed the value placed in avoiding the sinking standards of public schools (Meyer), acknowledging that public schools are fine but lack religious standards (Dunham), regarding education as the entity in which faith and family and freedom are united (Dagley), and being satisfied with personal fulfillment (Melin). These value arguments also acknowledged some governmental guidelines and monitoring to ensure competency as home schoolers function within the constitution and God's word (Melin; State v. Melin, Dickey County Court, No. 376, 4, 7). Overall, five values emerge during the use of optative arguments.

A much more in depth listing of value statements was found regarding causal link arguments. The values here noted the effects of peer pressure and dependency (Meyer; State v. Melin, Dickey County Court, No. 376, 4; Meduna; State v. Patzer, 382 N.W.2d 633 (1986); Melin), worldly and unsavory influences (Darby), schools fearing

competition and the loss of foundation aid (Pozarnsky), and the idea of North Dakota being on trial (Herron). In addition, the arguments acknowledged the effects of public school on home schooled children since those children probably could not function well there because of a religiously based mental condition ("North Dakota-Certification On the Way Out?," "Is the Sacred Cow," Smith), time with the kids on task in a situation where the kids are not labeled (Lines, Compulsory Attendance Law Committee), and not allowing less restricted home schooling which could be the best situation for a child (Birst, Telephone interview). Further, the valued effects of the tutorial approach and its success regarding content and motivation and excellence (Pozarnsky; Melin; Erickson, Personal interview; Birst, Telephone interview; Taylor 2; State v. Patzer, 382 N.W.2d 633 (1986)), the flexibility in teaching regarding content and the needs/interests of children (Melin; Taylor 2; Mrs. Birst; Erickson, Personal interview), a lack of the drugs and alcohol and violence of public schools (Melin) were noted. Values regarding the effects of children testifying against their parents in court (Peavey 6), home schooling on strong family bonds and loyalty (Melin), and home schooling on the spiritual and social and academic dimensions of a child (Birst, Telephone interview) were stated.

Also, further causal link arguments revealed the valued effects of excellent home school resources (Mrs. Birst), providing "training in the practical areas of education as well as the strictly academic areas" (Erickson, Personal interview), balancing the concern over potential child abuse as not all home school settings would have this problem (Melin), and providing "opportunity for development of good citizenship

qualities in our children thus training them to become productive members of society" who are able to serve "both God and man" (Erickson, Personal interview). In the end, the valued effects of home schooling leading to literacy as opposed to illiteracy (Erickson, "Legal Aspects" 21) and home schooling dispelling the myth of social deprivation (Taylor 4) were revealed. When tallied, the values expressed through causal link value arguments added up to nineteen.

Another significant area of value statements was found regarding arguments based on authority. Those against conditional home schooling associated themselves with the prestige of twelve authorities. They were Raymond Moore, a renowned home school believer and founder of the Hewitt-Moore Research Foundation ("Jamestown Home School;" State v. Patzer, 382 N.W.2d 633 (1986); "Superintendent Smokescreen"), Dr. Donald Erickson, a professor in the Graduate School of Education at UCLA (State v. Patzer, 382 N.W.2d 633 (1986)); President Ronald Reagan (Reagan); Sam B. Peavey, ED.D-School of Education at the University of Louisville (Peavey 1); Patricia Lines, U.S. Department of Education but presenting her own informed views (Birst, Compulsory Attendance Law Committee); and Dr. Rex Fuller, Regional Coordinator for Accelerated Christian Education, Inc. (State v. Rivinius-Trial Brief 7). The list also included David Kline, M.A., researcher from Richardson, Texas (Birst, Compulsory Attendance Law Committee); Rousas John Rushdoony, president of the Chalcedon Foundation (State v. Patzer, 382 N.W.2d 633 (1986)); Dr. Joseph Crawford, former North Dakota Superintendent of Public Instruction (State v. Rivinius-Trial Brief 6), Inge Pohl, professional educator and

education director of the Melin family home school program (State v. Melin, Dickey County Court, No. 376, 4); Dr. John Wesley Taylor V, Chairman of the Department of Education at Hartland College (Taylor 1); and Dr. Ron Statsny, Assistant North Dakota Superintendent of Public Instruction ("North Dakota Jury Convicts;" State v. Shaver, 294 N.W.2d 886, 894 (1980)).

Further values were disclosed in the use of pragmatic arguments. These arguments expressed how some conditional home school opponents valued state inspection and curriculum requirements (State v. Melin, Dickey County Court, No. 376, 4), the sound nature of home school curriculums and test results (State v. Melin, Dickey County Court, No. 376, 3, 5; Taylor 2; Birst, Telephone interview; State v. Rivinius-Trial Brief 7; State v. Shaver, 294 N.W.2d 886, 887 (1986); State v. Patzer, 382 N.W.2d 633 (1986)), and avoiding the scandal and uproar caused by the issue (Birst, Letter to legislators). These values also displayed the value in the constitutional right to freedom of religion with which state regulation interfered ("Educator Warns"), avoiding the fear of arrest (Larsen), the fact that children were not harmed by home schooling ("Judge Finds for Parents"), recognizing the unconstitutional nature of the compulsory attendance law ("Jury Finds Couples Guilty;" "Couple Cited Second Time;" Pozarnsky; Dagley; Meduna; "Judge Finds for Parents;" State v. Shaver, 294 N.W.2d 885 (1980)), and recognizing the separation of church and state arguments (Peavey 6). Continuing, the values stressed avoiding the bad public relations for North Dakota as a result of the issue (Schirber), the proven literacy of their children ("Judge Finds for Parents"), recognizing the need for

educational and economic responsibility (Farris), and the fact that the average home child performs in the 75<sup>th</sup> to 95<sup>th</sup> percentile on the Stanford and Iowa Achievement Tests and does well on other tests also (Taylor 3, "Superintendent Smokescreen"). These value arguments expressed the value in correcting the injustice in the present system (Birst, NDHSA letter 1), encouraging the government to accommodate what is done well--home school or not (Melin)--and recognizing the consequences that the compulsory attendance and teacher certification laws have on the constitutional rights of home schoolers ("N.D. Wants Reversal;" State v. Melin- Judgment; "Judge Finds for Parents;" State v. Melin, Dickey County Court, No. 376, 1; Birst, Telephone interview; State v. Rivinius, 328 N.W.2d 223 (1982); State v. Shaver, 294 N.W.2d 888, 891 (1980); Peavey 5, 9).

In addition, those against conditional home schooling use pragmatic arguments pointing to the value in complying with the law as long as no harm is done to personal values (Erickson, Personal interview), desiring a legislative solution to the issue rather than a judicial one (Lines, Compulsory Attendance Law Committee; State v. Melin-Judgment; State v. Rivinius, 328 N.W.2d 231 (1982); "Judge Finds for Parents;" State v. Melin, Dickey County Court, No. 376, 8; "Is the Sacred Cow"), recognizing the financial and emotional drain involved in prosecution (Anderson), and avoiding stress on the families involved (Lund). Value was also expressed in urging the state to at least explore home schooling based on its success (Kline), seeing educators and the state and home schoolers cooperate (Taylor 8; Lines, Compulsory Attendance Law Committee), and not violating the law (Dunham, Dagley). Value

was placed in the state not breaking God's law (Dagley), balancing the state's interests "when it impinges on fundamental rights and interests such as the free exercise clause" (State v. Rivinius, 328 N.W.2d 228 (1982); State v. Shaver, 294 N.W.2d 890 (1980)), and home schools as fortifiers as opposed to weakening agents to public schools (Erickson, "Legal Aspects" 21). In conclusion, these values advocated the Compulsory Attendance Law Committee getting to know the character and motivation with which home schoolers operated (Peavey 5) and viewing home schools as producers of "viable citizens" (State v. Melin, Dickey County Court, No. 376, 6). There were twenty-seven of these lengthy value statements.

However, the next area of value arguments, ones based on quality, were not nearly as numerous. These arguments displayed the value placed in a certain amount of state supervision to guarantee quality as expressed by some home school advocates (Bradbury), the excellence of home schoolers when taught by their parents ("N.D. Public Schools"), meeting "the spirit of the law" ("Home School, Public School Officials"), and home school teachers as capable teachers (State v. Melin, Dickey County Court, No. 376, 6). Also listed as being valued were a Christ-centered education (Smith), following Biblical faith and commands (Dagley; "Bismarck Couple Charged;" "Minister, Wife Plead Innocent;" Cole; State v. Rivinius, 328 N.W.2d 222 (1982); State v. Shaver, 294 N.W.2d 885 (1980)), instilling personal values in children (Melin), and quality family relationships (Melin). Finally, these arguments value home schooling because of its biblical basis and results (Melin) and the opportunity it provides to conscientiously teach one's own children

(Erickson, "Legal Aspects" 21). Overall, ten values were expressed via quality based arguments.

Even fewer values were expressed using quasi-logical arguments. Only one argument by sacrifice was used, and it expressed the value of dying before personal convictions are compromised (Dagley). Three arguments based on the rule of justice were used to express the value in treating the home school alternative as part of "the American way" (Melin, Peavey 10), extending teacher status to all families who desire the home school option (Mrs. Birst), and recognizing the freedom of religion and education as other democracies around the world have (Peavey 1).

The number of value arguments picks up again with those that are classical in nature. These arguments were used extensively to show the value in allowing the state to know who is home schooled and which children need special education (Lines, Compulsory Attendance Law Committee). Also, there were seventeen state statute and constitutional classical references ("Jamestown Couple Violate;" Preamble, N.D. Constitution; N.D. Constitution, Article I, Sections 1, 3-4; N.D. Constitution, Article VIII, Section 3; U.S. Constitution, Amendments I, IX, X, XIV; N.D.C.C. Sections 15-34.1-01, 15-34.1-03, 15-34.1-03(1), 15-38-07, 15-41-06, 15-41-24, 15-41-25). A quick count indicates that eighteen values were expressed through classical arguments.

This group of values was followed by yet another extensive list of value arguments and the values they lobby for. The hierarchy of value arguments revealed value in holding the church above state licensing or

control ("Home School Backers;" "Home School, Public School Officials;" Melin; State v. Rivinius, 328 N.W.2d 222 (1982); State v. Shaver, 294 N.W.2d 887 (1980)), home schooling over conformity (Meduna), the superiority of values which imply the highest regard for constitutional rights ("Home School Bill Approved"), and parents deciding if their children are educated and good citizens (Taylor 7, Melin). These arguments also valued the superiority of parental rights ("Senate Rejects;" Meduna; Lines, Compulsory Attendance Law Committee; Birst, Compulsory Attendance Law Committee; "Jamestown Couple Violate"), doing what is best for the family and child (Chamey, Dagley), the preference for personal convictions ("Home School Backers"), and education in terms of values and faith ("Home School Backers"). The valued supremacy of religious beliefs (Quanrud; State v. Patzer, 328 N.W.2d 633 (1986); "N.D. Home School Backers Guilty;" "Jamestown Couple Violate;" "Bismarck Couple Charged;" Cole) and family religious beliefs which are sincerely and deeply held ("Judge Finds for Parents;" State v. Melin, Dickey County Court, No. 376, 8; "Is the Sacred Cow;" State v. Shaver, 294 N.W.2d 891 (1980)) were also noted. Finally, value was given to the superiority of a Christian education (Melin; Erickson, Personal interview), appeals to values themselves (Birst, Telephone interview), not all home schoolers being religiously motivated (Birst, Telephone interview; Birst, Compulsory Attendance Law Committee; Lines, Compulsory Attendance Law Committee), and the superiority of God's law over man's law ("Home School Student Can Compete"). All in all, fourteen values were provided through hierarchy of value arguments.

An ease in the flow of values came with the ones based on epideictic arguments. Here, values were stated regarding the public's biased nature toward and lack of information about home schooling (Lines, Compulsory Attendance Law Committee; Pozarnsky), the stringent nature of North Dakota laws which impact on home schooling ("Home Schooling;" Lines, Compulsory Attendance Law Committee; Mrs. Birst), and the recognition that home school dropouts resulted from reasons other than dissatisfaction (Mrs. Birst). In addition, these values applauded a change of attitude and the altering of misconceptions toward home schooling (Schlenker), upheld the belief of some that it is a sin to have one's children taught by unbelievers ("Home School Backers"), and condemned the compulsory school attendance law as unnecessary or frivolous (Cole,"Bismarck;" "North Dakota-Certification On the Way Out?;" State v. Patzer, 382 N.W.2d 633 (1986)). In the end, these value arguments called the teacher certification requirement unconstitutional (State v. Patzer, 382 N.W.2d 633 (1986)) and noted the "injustice on part of the school authorities" ("North Dakota-Certification On the Way Out?"). Arguments based on epideictic value statements yielded eight such statements.

Unlike their counterparts, conditional home school opponents utilized six value statements fixed on the perfect Being. Relying on the perfect Being, these values stress "God's word" and "God's role" in family life (State v. Melin, Dickey County Court, No. 376, 4), that sending their children to public schools was a violation of God's law and deed (Cole; "Couple Cited Second Time;" State v. Rivinius, 328 N.W.2d 222 (1982); State v. Shaver, 294 N.W.2d 885 (1980)), and God's

trust in parents to make decisions for their families and their teaching (Dunham, Anderson, Dagley). These values also urged that education be established on the reality of Christ (Dagley, Darby), fulfilling God's requirement to home school (State v. Patzer, 382 N.W.2d 633 (1986)), and following God's trait or value structure (Birst, Telephone interview; State v. Rivinius, 328 N.W.2d 222 (1982)).

In the last category, ends and means, nine arguments were used to establish values. The values testified to a change in the compulsory school attendance law and teacher certification as they are not the least restrictive way to achieve the state's educational goals (State v. Melin, Dickey County Court, No. 376, 8; "N.D. Wants Reversal;" "Judge Finds for Parents;" "Is the Sacred Cow;" Birst, Telephone interview; Erickson, Personal interview; Dagley; "North Dakota-Certification On the Way Out?"), the unconstitutional burden which certification as a means to education places on religious beliefs (State v. Melin, Dickey County Court, No. 376, 6; State v. Patzer, 382 N.W.2d 633 (1986); "North Dakota-Certification On the Way Out?;" State v. Rivinius, 328 N.W.2d 223 (1982)), and the idea that a law change could accommodate both those for and against conditional home schooling ("Judge Finds for Parents;" Erickson, "Legal Aspects" 21). The continuing value argument questioned the value and need of the teacher certification requirement to ensure good education (Melin; Lines, Compulsory Attendance Law Committee; Birst, Telephone interview; Peavey 3; Taylor 6; State v. Melin, Dickey County Court, No. 376, 2, 5); and advocated accreditation based on whether or not the teaching parent holds a baccalaureate degree, success in testing, family enrollment, or accountability

("North Dakota-Certification On the Way Out?;" State v. Melin, Dickey County Court, No. 376, 7; State v. Shaver, 294 N.W.2d 897 (1980); State v. Rivinius-Trial Brief 44; State v. Rivinius, 328 N.W.2d 228 (1982)). The values stressed the product of home schooling justifying the process of home schooling with former home schoolers Vice President George Bush and Thomas Edison and Franklin Delano Roosevelt as examples ("Is the Sacred Cow;" Peavey 3, 6; Lines, Compulsory Attendance Law Committee), the fact that the public's welfare is not harmed by home schooling ("Is the Sacred Cow"), and how institutional education as the only means of education ends up harming ones's liberty (Taylor 6). The ends and means arguments closed with the value placed in public schools providing counseling and some materials to home schoolers (Melin). This brings the data presentation and part of the application to a close.

At this point, a value hierarchy for those against conditional home schooling was prepared. As a result, the twenty-seven instances of pragmatic values topped the hierarchy and was followed by the values expressed in causal link arguments (nineteen), classical (eighteen), hierarchy of value (fourteen), authority (twelve), quality (ten), ends and means (nine), epideictic (eight), perfect Being (six), optative (five), rule of justice (three), and sacrifice (one).

A brief summary of the hierarchies can be easily reviewed (See Table 2). Also, the table shows the overall comparison of both hierarchies and will prove helpful in the upcoming application. Note the placement of values based on usage, which is further represented

by the percentage of the total arguments that each group of values represents.

When the hierarchy of values of those against conditional home schooling is compared to the value hierarchy for the values underlying the laws of the state, previously presented in Chapter III, the value preference ranked first for conditional home school opponents was based on pragmatic values. These values represent twenty-percent of the total value arguments used by those against conditional home schooling and vies for top ranking with the law's preference for classical values, fifty percent of the total value arguments proposed in the state's laws (Refer to Table 2.). This dissimilarity was followed by four others.

Table 2  
Hierarchies of Recurring Value Arguments by Those Against Conditional  
Home Schooling and the State Laws

Rank	v. Conditional H.S. <sup>1</sup>	f <sup>2</sup>	% <sup>3</sup>	Rank	Laws of N.D.	f	%
1	pragmatic	27	20	1	classical	33	50
2	causal link	19	14	2	optative	11	17
3	classical	18	14	3	hierarchy	10	15
4	hierarchy	14	11	4-5	ends/means	4	6
5	authority	12	9	4-5	causal link	4	6
6	quality	10	8	6-9	quality	1	2
7	ends/means	9	7	6-9	pragmatic	1	2
8	epidictic	8	6	6-9	epidictic	1	2
9	perfect Being	6	5	6-9	perfect Being	1	2
10	optative	5	4	10-12	authority	0	0
11	rule of justice	3	2	10-12	rule of justice	0	0
12	sacrifice	<u>1</u>	<u>1</u>	10-12	sacrifice	<u>0</u>	<u>0</u>
		<u>132</u>	<u>101</u>			<u>66</u>	<u>102</u>

<sup>1</sup>H.S. is an abbreviation for home schooling, and v. is an abbreviation for versus.

<sup>2</sup>The frequency notation (f) notes how many times the value argument was cited.

<sup>3</sup>The percentage notation (%) notes the percentage of the total arguments accounted for by each type of value argument.

The first of these occurred concerning the second ranked value arguments. In this position, conditional home school opponents preferred causal link values (fourteen percent of their total arguments) to the law's optative values (seventeen percent of their total arguments). The third position found those against conditional home schooling favoring the use of classical values (fourteen percent) to the law's hierarchy of values (fifteen percent). The fourth and fifth positions on the hierarchy were marked by the hierarchy of value (eleven percent) and authority based values (nine percent) of conditional home school opponents but by the ends and means and causal link value arguments found in the statutes (six percent each).

The six through nine slots on the combined hierarchy had to once again contend with a tie among four value statements found in the law. With each accounting for two percent of the total value statements used, they were ones based on quality, pragmatic, epideictic, and perfect Being arguments. When matched with the six through nine entries of the conditional home school detractor hierarchy, one similarity was found with the quality values (eight percent). However, this was countered by a dissimilarity as those against conditional home schooling enter their ends and means values (seven percent). This is followed by two similarities as epideictic (six percent) and perfect Being (five percent) values are offered next.

The ten through twelve slots had to once again contend with overlap on the hierarchies. This resulted in a dissimilarity regarding optative values as the laws placed them higher on the hierarchy, preferring authority here (zero percent), and conditional home school opponents

used them four percent of the time. Finally, two similarities came about in the preference for rule of justice (two percent) and sacrifice (one percent) value statements, with the law not citing either value (zero percent).

Based, then, on only five similarities but seven dissimilarities , it was concluded that the values in the arguments of those against conditional home schooling are not consistent with the values underlying the laws of the state.

Through disagreement and interpretation, the judicial and deliberative audiences involved have contributed to the particular rather than universal nature of the values expressed by those against conditional home schooling. This group appears to be a particular audience which has been entreating North Dakotans and their view of the universal audience and what is, therefore, acceptable for all. The special needs or interests of those against conditional home schooling are not as highly valued by the laws of the state.

While the two groups agreed in their preference for values concerning quality, epideictic, perfect Being, rule of justice, and sacrifice value arguments, they were dissimilar in their preference for seven value types. In order, these dissimilar values focused on pragmatic and classical, causal link and optative, hierarchy of values, ends and means, and authority based value arguments. The basic and widespread concern of the state for what is classical ranked third on the hierarchy of those against conditional home schooling. It was not until the tie in the sixth ranking (valuing quality, epideictic, and perfect Being statements) that the first similarities between these two

hierarchies occurred. This overall picture indicates a measure of dissimilarity which has marked the separation of the values implied in the state statutes with their questioners, which have included conditional home school opponents.

This chapter has presented the data regarding those against conditional home schooling, along with the application of Perelman and Olbrechts-Tyteca's methodology. The value hierarchies of the laws and those against conditional home schooling were compared for similarities and dissimilarities. In the end, it was concluded that the arguments of those against conditional home schooling were not consistent with the values underlying the laws of the state. The next step, found in Chapter V, will be the presentation of the overall conclusions and suggestions for future research.

## CHAPTER V: CONCLUSIONS AND SUGGESTIONS FOR FUTURE RESEARCH

The issue of home schooling in North Dakota was explored through public and private communication. By looking at both public and private communication, a more complete set of arguments was identified. Once the value hierarchies for all three of the principal groups of arguments involved in the home school issue in North Dakota were completed, the hierarchies of those for and against conditional home schooling were compared with the value hierarchy associated with the laws of the state. Are the values in the arguments of those for or against conditional home schooling in North Dakota consistent with the values underlying the laws of the state? The values in the arguments of those for conditional home schooling are more consistent with the values underlying the laws of North Dakota than the values in the arguments of those against conditional home schooling.

This overall conclusion was drawn in light of the balance regarding six similarities and six dissimilarities found between the value hierarchies of the state's laws and conditional home school supporters. While not agreeing in their preference for values dealing with ends and means, optative, causal link, hierarchy of values, epideictic, and perfect Being value arguments, the two groups of values were similar in their preference for six types of values. Ranked in order of preference, these six values were expressed in classical, pragmatic and quality (tied), rule of justice and authority (tied), and sacrifice based value

arguments. The dominating concern for what is classical or what concerns the largest number of people and is durable, stable, and essential was clearly noted in the laws and by conditional home school supporters.

With such agreement, the state's laws and conditional home school supporters indicate values which would seem to have wide or universal audience appeal with the larger audience of North Dakotans and their notion of what are sound value judgments. As seen in the database, this adherence of minds concerning the values presented by the epideictic audiences involved was contributed to by large deliberative, the legislature as framers of the law, and judicial, the courts as interpreters of the law, audiences. Through disagreement and interpretation, these same audiences have contributed to the particular nature of the values expressed by those against conditional home schooling.

Those against conditional home schooling appear to be a particular audience which has been appealing to the universal audience mentioned earlier. Conditional home school opponents have special interests or needs which are not as highly valued by the laws of North Dakota. This conclusion was drawn in reference to the five similarities and seven dissimilarities found between the value hierarchies of the state's laws and conditional home school opponents. While agreeing in their preference for values concerning quality, epideictic, perfect Being, rule of justice, and sacrifice value arguments, the two groups of values were dissimilar in their preference for seven types of values.

Ranked according to their basic order of difference, these seven values were expressed in pragmatic and classical, causal link and optative, hierarchy of values, ends and means, and authority based value arguments. The dominating concern for what is classical, as expressed by the laws of North Dakota, ranked third on the hierarchy of those against conditional home schooling. The first similarity in these two hierarchies did not occur until the sixth ranking, quality. These differences have been clearly noted by the judicial and deliberative audiences which have questioned the particular needs of conditional home school opponents, thus hampering their universal audience appeal with the larger audience of North Dakotans.

The objective insights gained through this examination of a communication event which will shape the future of schooling in North Dakota are open to those for and against conditional home schooling. While a steadily unfolding issue, this historical/critical study of home schooling puts the issue in perspective and helps to explain its current status: Those for conditional home schooling have found favor with the laws of North Dakota.

Conditional home school proponents are faced with the residual value of this study which suggests that the citizenry realize the differences of opinion regarding how children should be educated. Those charged with guiding education in North Dakota are challenged to reevaluate the values espoused in their arguments for conditional home schooling. However, as the conclusions hint, even more could be done in the study of conditional home schooling in the state.

These conclusions indicate room for future research. First of all, this study could be replicated and the conclusions from the two studies compared. The veracity secured by such an undertaking would enable more concrete links to be drawn between this educational issue and others with which it is in common, such as curriculum and certification concerns. Also, such verification would continue to disclose the dynamic process of the argumentation engaged in by those for and against conditional home schooling.

Secondly, further study of this issue is further justified based on the deliberative and judicial outcomes which are bound to come forth concerning the issue. The state legislature will probably reconsider more options regarding home schooling during their next session, thus redefining what conditional will mean. The courts will probably see continued appeal of the Neuharth decision. Depending on how the legislature responds to the issue, this researcher's hunch is that the Melin decision could be overturned.

Finally, additional research could consist of a questionnaire based on the values, conclusions, and identified parties found in this paper. When administered to the group selected, whether involved in the issue or not, such a questionnaire could more clearly define the value arguments cited, ask precisely how they are employed, and discover the degree to which these values are agreed upon. The results of such a venture could, as this paper does, provide insight for the parties involved in the issue.

This chapter dealt with answering the research question: Are the values in the arguments of those for or against conditional home schooling in North Dakota consistent with the values underlying the laws of the state? It was found that the values in the arguments of those for conditional home schooling are more consistent with the laws of North Dakota than the values in the arguments of those against conditional home schooling. This overall conclusion was drawn based on the total number of similarities and dissimilarities noted among the value hierarchies presented and parallels the current status of the issue. In the end, suggestions for future research were given regarding this paper and the change which will mark the issue.

## Works Cited

- Anderson, Rev. Larry. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.
- Birst, Mrs. Clinton. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.
- Birst, Rev. Clinton. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.
- . Letter to legislators. 18 Dec. 1986. Bismarck, North Dakota.
- . North Dakota Home School Association letter to legislators. 19 Feb. 1987. Bismarck, North Dakota: 1.
- . Telephone interview. 30 Apr. 1987.
- "Bismarck Couple Charged Under Attendance Law." Forum 24 Oct. 1987: A3.
- Bradburg, Randy. "N.D. Legislators Hear Debate on Home School Proposal." Forum 26 Feb. 1986: B1.
- Brown v. Board of Education, 347 U.S. 483, 48 (1953).
- Brown, David W. "Civic Virtue in America." National Forum 67.2 (1987): 39-41.
- CBS Evening News. CBS. KXJB, Fargo. 26 Mar. 1987.
- "Certification Challenged." The Home School Court Report 3.2 (1987): 5.
- Chamey, Al. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.
- Cole, Janell. "Bismarck Couple Doesn't Want Child to Testify in School Trial." Bismarck Tribune 11 Jan. 1988.
- . "Pastor, Wife Face School Law Charges." Bismarck Tribune 23 Oct. 1987.

- "Compulsory School Attendance Laws-Background Memorandum."  
Bismarck: Legislative Council, 1985.
- Constitution of North Dakota. Bismarck: North Dakota Legislative  
Council, 1987.
- Constitution of the United States of America. Washington: U.S.  
Government Printing Office, 1973.
- "Contact Countdown." The Home School Court Report. 4.1 (1987): 2.
- Coons, John E., and Stephen D. Sugarman. Education by Choice: The Case  
for Family Control. Los Angeles: Univ. of Calif. Press, 1978.
- "Couple Cited Second Time for School Attendance Law." Forum 11 Oct.  
1987: A12.
- Dagley, Mark. Compulsory Attendance Law Committe Meeting. Oak  
Grove Lutheran High School. Fargo, 18 Nov. 1987.
- Darby, Bob. "Home Schooling Still Issue With Two Families." Courant  
(Bottineau, N.D.) 23 Apr. 1985: 1A+.
- Dissertation Abstracts International 44-48 (1983-1986).
- Divoky, Diane. "The New Pioneers of the Home-Schooling Movement."  
Phi Delta Kappan 64 (1983): 395-98.
- Dunham, Tom. Compulsory Attendance Law Committe Meeting. Oak  
Grove Lutheran High School. Fargo, 18 Nov. 1987.
- "Educator Warns N.D. About Easing Home-School Laws." Forum 14 Jan.  
1988 A12.
- ERIC, 1987. EJ347873-ED218801.
- Erickson, Cheryl. "Legal Aspects of Home Schooling." Unpublished  
paper, 1985: 21.
- . Personal interview. 20 Jan. 1988.

Farris, Michael P. Testimony of Michael Farris. Bismarck, North Dakota State Legislature, 1987.

Fellowship Baptist Church v. Benton, United States Court of Appeals for the Eighth Circuit, No. 85-2370.

Golden, James L., Goodwing F. Berquist, and William E. Coleman. The Rhetoric of Western Thought. 3rd ed. Dubuque: Kendall/Hunt, 1984.

"GOP Sets Home School, Swampbuster Resolutions." Forum 19 Apr. 1988: A10.

Hanson, Dr. C.T. Lecture. North Dakota State University. Fargo, 17 Mar. 1987.

Hendrickson, Lucille, and Gayle Schuck. "Home School Case to Go Before Court." Bismarck Tribune 21 Mar. 1987: 1B.

Herron, Stacy. "Mandan Texts: Religious Violation?" Bismarck Tribune 25 Mar. 1987: 1A+.

Holt, John. Instead of Education: Ways to Help People Do Things Better. New York: E.P. Dutton, 1976.

---. Teach Your Own. New York: Merloyd Lawrence, 1981.

"Home-School Backers Urge Law Changes." Forum 23 Oct. 1985: C1.

"Home School Bill Approved by N.D. Senate Committee." Forum 23 Jan. 1985: B1.

"Home School, Public School Officials Agree on Little." Forum 25 Mar. 1988: A13.

"Home School Student Can Compete in Spelling Bee." Forum 2 Apr. 1988: A3.

"Home Schooling." Country Journal 12.13 Dec. 1986: 67-74.

House Bill No. 1523. Bismarck: North Dakota State Legislature, 1987.

"Is the Sacred Cow of Certification About to Tumble in North Dakota?"

The Home School Court Report 3.3 (1987): 5.

"Jamestown Couple Violate N.D. School Attendance Law." Forum 22 Aug. 1987: A5.

"Jamestown Home School Trial Ends; Judge to Issue Ruling Later."

Forum 3 Jan. 1985: A5.

"Judge Finds for Parents in Home School Case." Forum 5 Sept. 1987: A5.

"Jury Finds Couples Guilty of Violating School Attendance Law." Forum 29 Mar. 1987: C6.

Klicka, Christopher J. Home School Statute Chart of the 50 States. 4th ed. Great Falls: Home School Legal Defense Association, 1987.

Kline, David. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.

Klundt, Larry A., and Wayne Lucht. Letter to the author. 11 Apr. 1988.

Larsen, Michael. Affidavit of Michael Larsen. Bismarck, North Dakota State Legislature, 1986.

Laws of North Dakota 1971: Laws Passed at the Forty-second Session of the Legislative Assembly of the State of North Dakota. Bismarck: Department of State, 1971.

Lines, Patricia. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.

---. Compulsory Education Laws and Their Impact on Public and Private Education. Law and Education Center, Education Commission of the States, March 1985: 47.

Lund, Mrs. Gerald. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.

Master's Theses in Education No. 27-36 (1977-1987).

Meduna, Frances M. "We Don't Have to be the Same." Editorial.

Bismarck Tribune 14 Sept. 1987: 4A.

Melin, John. Compulsory Attendance Law Committee Meeting. Oak Grove Lutheran High School. Fargo, 18 Nov. 1987.

Melvey, Dr. Glenn. Personal interview. 4 May 1987.

Meyer, Jeff. "More Parents Defying Compulsory Attendance Law." Minot Daily News 26 Mar. 1985: 7.

Meyer v. Nebraska, 262 U.S. 390, 1042 (1922).

Miller, William Lee. The First Liberty: Religion and the American Republic. New York: Alfred A. Knopf, 1986.

"Minister, Wife Plead Innocent." Forum 5 Nov. 1987: B1.

Motion of Defendant Dr. Wayne Sanstead for Summary Judgment. United States District Court for the district of North Dakota Southeastern Division: Civil

No. A3-86-161: 10, 17, 18.

"N.D. Court Hears Home School Cases." Forum 23 Oct. 1985: C1.

"N.D. Dems Support Strong Teacher Certification Laws." Forum 15 Apr. 1988: A7.

NDEA Policy Statement On Home Study. Bismarck: North Dakota Education Association, 1988.

"N.D. Home School Backers Guilty." Forum 2 Apr. 1988: A3.

"N.D. Public Schools Get High Grades." Forum 18 Mar. 1986: B1.

"N.D. School Board Chairman Teaches Children at Home." Forum 26 Mar. 1985: B7.

"N.D. Wants Reversal in Home-School Case." Forum 9 Mar. 1988: C1.  
Nelson, Rep. Carolyn. Address. Fargo Board of Education. Fargo, 1986.  
---. Personal interview. 30 Apr. 1987.

"Nothing Says Home Schooling Measure Will Fail." Forum 29 Jan. 1985: B1.

"No Consensus Yet by N.D. Task Force on Home School." Forum 25 Jan. 1988: A5.

North Dakota Administrative Code. Bismarck: North Dakota Legislative Council, 1987.

North Dakota Century Code: Annotated Replacement Volume 3B.

Indianapolis: Allen Smith Co., 1981.

---. Annotated Replacement Volume 2B-1985. Indianapolis: Allen Smith Co., 1985.

---. Replacement Volume 3B-1985 Pocket Supplement. Indianapolis: Allen Smith Co., 1985.

---. Replacement Volume 3B-1987 Pocket Supplement.  
Charlottesville: Michie Co., 1987.

North Dakota Century School Code: 1985 Supplement. Indianapolis: Allen Smith Co., 1985.

"North Dakota-Certification On the Way Out?" The Home School Court Report 4.1 (1988): 5, 10.

North Dakota Department of Public Instruction Elementary School  
Approval Report for Private and Parochial Schools for the 1986-87

School Term. Bismarck: North Dakota Department of Public Instruction, 1986-87.

"North Dakota Jury Convicts Home Schoolers Upon 'Mystery Evidence'."

The Home School Court Report 3.2 (1987): 4, 6.

North Dakota Supreme Court, Nos. 10, 944-10, 945.

North Dakota v. Melin-Appellant's Brief. Dickey County Court, No.

870290, 11, 2, 15, 19, 21-2, 24-5.

Ott, Richard D. Letter to the author. 4 Apr. 1988.

Peavey, Dr. Sam B. Letter to Compulsory Attendance Law Committee.

30 Sept. Bismarck, North Dakota: 1, 5, 6, 10.

Perelman, Ch., and L. Olbrechts-Tyteca. The New Rhetoric: A Treatise on Argumentation. Trans. John Wilkinson and Purcell Weaver. Notre Dame: U of Notre Dame Press, 1971.

Pierce v. Society of Sisters, 268 U.S. 510, 1071 (1924).

Pozarnsky, Marie. "N.D. Hysterical Over Home Schools." Editorial.

Bismarck Tribune 24 Oct. 1987: 4A.

The Present Statutory Requirements. Bismarck: North Dakota State Legislature, 1987.

Pritchett, C. Herman. The American Constitution. 2nd ed. St. Louis: McGraw-Hill, 1968.

Quanrud, Ted. "Mom Lands in Hot Water." Bismarck Tribune 29 Apr. 1987: 1A.

Reagan, Pres. Ronald. Letter to Dr. Raymond S. Moore. 28 Aug. 1984. Bismarck, North Dakota.

The Report of the Governor's Christian School Issue Panel. Omaha:

Governor's Panel, 1984.

- Rupp, Becky. "Home Schooling." Country Journal 13.12 (1986): 66-74.
- Sanstead, Dr. Wayne G. Personal Interview. 29 July 1987.
- Schirber, Harriet. "Prosecuting Home Schoolers Bad P.R." Editorial.  
Bismarck Tribune 1 Apr. 1987: 4A.
- Schlenker, Kathy. Compulsory Attendance Law Committee Meeting. Oak  
Grove Lutheran High School. Fargo, 18 Nov. 1987.
- Seligmann, Jean, and Pamela Abramson. "From Homespun to Harvard."  
Newsweek 111.5 (1988): 49.
- "Senate Rejects Home Schooling Bill." Forum 30 Jan. 1985: B1.
- Smith, Frederic. "Home-Schoolers Raise New Question." Bismarck  
Tribune 7 Jan. 1988: 1B.
- Solorzano, Lucia. "Teaching Kids at Home Stirs New Uproar." U.S. News  
and World Report 99.8 (1985): 59.
- State v. Melin, Dickey County Court, No. 376, 1-8. (1987).
- State v. Melin-Judgment, Dickey County Court, No. 376 (1987).
- State v. Patzer, 382 N.W.2d 633, 639 (1986).
- State v. Rivinius, 382 N.W.2d 220, 222-3, 228, 231 (1982).
- State v. Rivinius-Trial Brief. Sioux County Court, 6, 7, 44.
- State v. Shaver, 294 N.W.2d 883, 885-8, 890-1, 894, 897, 899, 900  
(1980).
- "Superintendent Smokescreen." The Home School Court Report 4.1  
(1988): 15.
- Taylor, Dr. John Wesley. "Home-Based Education an Alternative That  
Works." Unpublished paper, 1987: 1-4, 6-8.

Transcript of Deposition of Dr. Wayne Sanstead. United States District Court for the District of North Dakota Southeastern Division: Civil No.A3-86-161: 43, 59, 61, 78.

"Two Rulings Clarify Home School Issue." Forum 24 Mar. 1986: A1+.

Vukelic, James M. Letter to the author. 8 Apr. 1988.

---. "North Dakota Compulsory School Attendance Laws." 13 July 1987. Bismarck, North Dakota.

Wisconsin V. Yoder, 406 U.S. 205, 15, 36-38 (1971).