



Daytime Curfews

As reported in [The Independent](#) newspaper the government has yet another initiative that has the potential of significantly curtailing the rights of home educators. This time it could effectively make them prisoners in their own homes.

A new education act is being planned which would make it illegal for children of compulsory school age to be in a public place during school hours without good reason. This legislation is primarily aimed at excluded children who are perceived as being a public menace but will effect other children such as those being home educated. Home educators can expect problems similar to those experienced with anti truancy legislation which has been a nuisance for HE families almost since the day it was introduced.

It largely depends of course upon the wording of the bill and how local police, who still have difficulty understanding the nature of home education and how it works, interpret it. At worst it could effectively make HE children prisoners in their homes from 9 till 3. Given that children in some areas are already under curfew after around 9pm that means that children are only allowed out in the twilight world between 3 and 9 pm. However regardless of the wording of the proposed legislation it seems likely that home educators will find themselves further harassed by police officers and LA officials trying to enforce the legislation.

Similar legislation has been enacted in some states and local communities in the United states leading to widespread problems for the home education community there. One homeschool support website has reported that

"While SARB actions against homeschooling families are still few in California, the majority of children stopped by police because of daytime curfew ordinances are predominantly homeschoolers. These ordinances typically allow police officers to write citations forcing parents to appear before a court and pay stiff fines for repeated violations. The combination of SARBS with subpoena powers and daytime curfew ordinances will have the proverbial "chilling effect" on independent homeschoolers, forcing them underground or into the government system" [love at home](#)

Another organisation, HSLDA a conservative Christian organisation which provides legal defence for Christian home educators in the US details a case they defended which resulted in a court appearance

"At 12:30 p.m. on December 16, the thirteen year old was riding his bicycle on his way to do some Christmas shopping. A plainclothes police officer stopped the child and asked why he wasn't in school. The child told the officer that he was homeschooled and that he was on Christmas vacation. The officer replied that it didn't matter, he was required to abide by the public school's schedule." [HSLDA](#)

other websites have other comments to make about it



"The thing that really bugs me about this is that it covers all public areas such as the library and community centres. The superintendent in our area had a "it doesn't matter what type of program the kids are in, they should be studying during these hours" quote in the papers."

[Home Education Magazine](#)

"It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city between the hours of 12:00 at night (midnight) and 6:00 a.m. on any day of the week or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, *****houses*****, office buildings, transport facilities, and shops." [here](#)

"What happens to children who break curfew ordinances? Penalties vary but could include fines from \$50 to \$1000, community service hours, driver's license suspension, and court-ordered juvenile counselling. Parents are punished if they "knowingly permit or by insufficient control allow" their child to violate curfews. They too can be fined or they may be ordered to court approved parenting courses. One proposal allows for up to six months jail time for parents whose children violate the curfew laws a second time." [here](#)

"Statistical analysis provides no support for the proposition that stricter curfew enforcement reduces youth crime either absolutely or relative to adults, by location, by city, or by type of crime. Curfew enforcement generally had no discernible effect on youth crime. In those few instances in which a significant effect was found, it was more likely to be positive (that is, greater curfew enforcement was associated with higher rates of juvenile crime) than negative." [here](#)

"Daytime curfews train young citizens to accept, as normal, constraints that are inconsistent with the freedom they should be educated to enjoy and use responsibly in their adult years. Daytime curfews send a message to self-disciplined and responsible young people that the community makes no distinction between them and irresponsible adults who abuse freedom in ways detrimental to the community. Daytime curfews will likely result in registration of privately educated students with police departments with the attendant issuance of ID cards and badges." [here](#)

Even young people enrolled in school can be caught out by badly written legislation enforced by overly enthusiastic law enforcement officers.

"Dustin is a college-bound senior at Guilford High School who got a daytime curfew violation on his way to school one morning. Dustin, 17, starts his school day at 10:25 a.m., a privilege he earned by getting most of his graduation requirements out of the way during the past three years. He never expected the law would grab him. "I don't even have any unexcused absences," Dustin said. "I'm there every day." Dustin said he tried to explain to the officer that he had a late start time, but was issued the ticket anyway. The ticket requires the student and parent to go to court." [Home Ed mag Blog](#)



Young people not even of compulsory school age can find that they are harassed by officers not sure of a persons age.

"MONROVIA, CALIFORNIA. A 16-year-old en route to a fast-food restaurant is stopped and questioned five times, by five different police officers. Two homeschooled brothers are stopped 20 times as they walk to and from special classes. A 22-year-old woman is questioned twice, once by a plainclothes officer and once by an officer in uniform, as she tries to use a public telephone. An especially young-looking high school graduate is questioned on at least 10 occasions. Yet none of these people have committed a crime." [here](#)

Home education does not take place in traditional schooling hours either in terms of when education is to take place or in terms of how many hours of education should take place. So the fact that a child is 'out and about' during school hours cannot be interpreted as meaning that the child is neglecting their education.

Under the ECHR parents have the right in law to decide the form of education their children receive and this may well include their children being out and about during traditional school hours to gain experience of dealing with the world around them. Therefore a home educated child in a public space may be educationally engaged even though the activity itself does not prima fascia look like an educational activity and may not be formally structured as such. Such activities may be viewed similarly to those employed by schools whose pupils visit a town centre to learn how commerce takes place as part of environmental studies. As such this law may infringe the child's ECHR right to an education and the parents ECHR right to determine the philosophical basis of their child's education.

Home educated children benefit from the independence of movement which allows them greater opportunities for socialisation within the community than those of schooled children. If this was curtailed it would seriously damage home educated children's ability to socialise. It may also be contrary to the ECHR right of children to associate freely.

Home educated children, particularly those living in cities, may not have private play spaces. Badly worded legislation could make such children prisoners in their homes for many hours a day, not even allowing them the right to play outside during recreation periods between study or time for quite reflection in public spaces such as parks.

Following the crime and disorder act and the provisions for anti truancy legislation home educators in many parts of the UK have reported difficulties with local officers, these difficulties highlight the fact that front line police officers rarely if ever have any experience or training regarding home education and the law as it applies to children encountered in public places. It is therefore likely that home educators and their children will experience even more difficult encounters with officers in public spaces should a law restricting the movement of children during traditional school hours be created which does not account for their existence.