

Home Education Legalized in Albania: A Review of Education Law 69/2012, Article 17

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Abstract

The education law in Albania, Law 69/2012, permits home education. Little scholarship on home education in Albania predates this new law, It is important to explore the implications of this new law on education in Albania and call for research to better understand the reality of home education in Albania and provide guidelines for future policy. This article reviews the key arguments behind legalizing home education in Albania, offers insight into the current practice of home education in Albania, provides an interpretation of Article 17 in Law 69/2012 that pertains to home education, and recommends paths for future research.

Introduction

The new education law in Albania, Law 69/2012, now permits home education. This is an encouraging step because it is “safe, just, and smart” (Hagen 2011a) and will allow parents an educational option that encourages democracy and has frequently been associated with higher student achievement. As the idea of modern home education has not received much attention in Albania, and extant literature is theory-intensive and lacking details of home education practice in Albania (Gaither, 2012), it is important to survey current home education practices in Albania, explore the implications of the new law on education in Albania, and call for research to better understand the reality of home education and provide guidelines for future policy. Although a nation-wide survey is beyond the scope of this article, the article includes a survey of three expatriate families who practice home education; additionally, it reviews the key arguments behind legalizing home education in Albania, presents views and policy recommendations from three currently homeschooling families, provides an interpretation of Article 17 in Law 69/2012 that pertains to home education, and suggests paths for future research.

Previous Scholarship: The Argument for Home Education

Few scholarly articles have been written on the question of home education in Albania. Some news reports mention children who are by necessity confined to their homes because of blood feuds—recent news reports speak of 35 to “tens” of such

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isolated children who receive government-assisted education at home (Koha.net, 2012; Gazeta Start, 2012; UNICEF, “Gjakmarrja”). In light of this dearth of scholarship, and in the belief that the arguments for home education warranted its legalization in Albania, I previously explored the argument for home education in Albania (Hagen 2011a; 2011b). Given the novelty of home education in Albania—and many other places—it is appropriate to summarize that argument again here.

My argument for home education is that it is “safe, just, and smart” (Hagen 2011a). It is “safe” because it provides parents with an ability to counter the power of governments or interest groups to misuse institutional educational programs for their own ideological purposes. Drawing from Cicero, Aquinas (1247), and Jefferson (1776), I argued that legally recognizing the right to educate children at home is “just” because brings human law in line with natural law. Finally, I argued that home education is “smart” because children who are educated at home achieve much higher than national averages (Rudner 1999; Ray 2010), and those that are home-educated in an intentional, structured way achieve better than students of similar geographic, socio-economic, and family backgrounds in public schools (Martin-Chang, Gould, and Meuse 2011).

In responding to objections that home education laws would be exploited to allow child labor or neglect, I noted that existing compulsory-education and child protection laws would still apply and parents who neglected or exploited their children would be held accountable (Hagen, 2011b). In response to objections about the inadequate socialization of home-educated students, I argued that such fears have no scholarly basis, that evidence indicates healthy socialization of adults who had been previously educated at home (Van Pelt, Allison, & Allison, 2009), and that home education, by its very nature, models and encourages attitudes and behaviors that are good for a healthy society: principled, non-conformist action based on careful research, entailing self-sacrifice, and rooted in deep, loving relationships (ibid). In anticipation of the objection that parents need advanced training before being qualified to teach their children at home, I cited research—from a very small sample—showing that parental qualifications have no significant impact on a child’s academic performance (Duvall, Delquadri, & Ward, 2004), and that with so many educational materials available today in print or online, almost any literate parent can find the information and materials to develop a good educational philosophy and curriculum.

Yet home education may not be the best option for every family or child (Hagen 2011b). Some parents may not have the desire, confidence, or financial resources to home educate. Some children may prefer the atmosphere, structure, and social setting of an institutional school. Some parents may home-educate for improper motives or simply be incompetent at teaching literacy (Blockhuis, 2010). Furthermore, not all homeschooling approaches are equally beneficial. A recent study by Martin-Chang, Gould, and Meuse (2011) suggests that while students whose parents follow a structured home education curriculum achieve superior results than do those in traditional classrooms, students following unstructured home education approaches do not. However, given the benefits of home education, I argued that it should be one of the educational options available to families, and affirmed John Stuart Mill’s (1859) suggestion that a simple form of oversight, such as periodic standardized tests on factual topics, may provide sufficient monitoring to ensure a child is receiving an education (Hagen 2011b). Furthermore, instead of taking an antagonistic approach toward home-education families, I recommended that governments assume a more supportive role and that policy-makers act on the basis of a

deep understanding of home education.

Current Homeschooling Practice in Albania

One of the criticisms of an article summarized above (Hagen 2011b) is that it reviews literature and theory on homeschooling from North America rather than giving much new information about the on-the-ground practice of home education in Albania (Gaither, 2012). To address that shortcoming, this article attempts to provide a modest overview of home education practice in Albania.

According to Albanian media, 35 children—of an estimated 800 (Alston, 2010)—who are confined to their homes as a result of blood feuds are receiving in-home lessons from professional instructors through a program organized by the Ministry of Education and Science (Koha.net, 2012; Gazeta Start, 2012).

It should be noted, however, that many children are confined to their homes and not given any formal education. In addition to hundreds confined to their home because of blood feuds, the majority of which seem to be denied any formal education, many children are kept home because cultural norms dictate seclusion for individuals with disabilities. UNICEF Albania estimates the number of children with disabilities who are kept home and not sent to school is 94% of 12,000 school-age children with disabilities 10,000 (“The Children”), while Save the Children Albania estimates the number to be 20,000 – 30,000 (2011, p. 10). The preliminary findings of the 2011 census in Albania would suggest that the number of disabled school-age children in Albania is close to UNICEF’s figure and the census stated that only 1.0% of all school-age children in Albania have never attended school (INSTAT 2012, p. 13-14). While some efforts have been made to educate families, schools, and teachers on the importance of integrating disabled children into classrooms (ibid), no mention was made in the literature on whether these families practice home education (UNICEF, “The Children”; Save the Children Albania, 2011). More research needs to be done to better understand the prevalence of children confined to their homes or denied an education and find how many of them need assistance—or enforcement of obligations—in ensuring a quality education for their children, either through removing obstacles for integration into the classroom, providing government-funded tutors for those who cannot attend classrooms, or providing information on home education opportunities.

Formal home education by parents is likely only practiced by expatriates in Albania. To gain some insight into the home education views and practices of this population, I surveyed three expatriate families who are currently or have recently homeschooled their children in Albania, and find that they personally know of 20-30 expatriate homeschooling families, but that the number could be much higher.

This survey of three expatriate homeschooling families is important because it provides an insight into homeschooling practices and philosophies in Albania, something that appears to have received little prior study. This is a very limited survey, as it only assesses the views of three families. Future studies should seek to assess the views and practices of a larger sample of this home education community in Albania and of those confined to their homes by necessity. Despite the small sample size, these survey results fit with observations of large populations of homeschoolers in the US—20,760 in Rudner’s 1999 study and 11,739 in Ray’s 2010 study.

These three responses provide an informative insight into the current homeschooling community in Albania. Two of the families are from North America and one is from Central Europe. All have lived in Albania for many years and have homeschooled their children from the beginning years through high school, with the possible exception of a year in an Albanian-language or English-language school in Albania. All three families have two-parent households and appear to be religious. The parents all have post-secondary degrees, ranging from undergraduate to master's levels.

The reasons given for homeschooling were very similar. All three families believed that homeschooling would provide an academically superior education and both families saw home education as fitting for, as one respondent put it, "a lifestyle of frequent travel and occasional moving." One survey respondent also mentioned the objective: "To instill desired moral and religious values in my children" while the other said homeschooling was "a wonderful way to connect with one's children during the growing years and give them an education that is tailored to their likes and talents."

When posed with the question of what type of curriculum was used, all three respondents said that they used established curricula, but with modifications and enhancements to meet the individual child's needs. One respondent emphasized that her family's curriculum approach was "Eclectic—curriculum choices are based on the students' learning styles, ages and preferences" and listed a number of prominent homeschooling curriculum publishers. Another respondent said that her family mainly used the A Beka curriculum, appreciated for its structured approach, with the addition of the Apologia Science curriculum, which was valued for its in-depth study. The third respondent did not name a branded curriculum, but said that the curriculum chosen varied by child and was selected on the basis of each child's needs and learning style, and included online courses and "courses taught in the home school co-op."

In terms of regulation, all three families, as expatriates, followed the legal requirements of their home countries and appreciated that the Albanian government allowed them to freely educate their children at home. The highest levels of bureaucratic intervention were experienced by the Central European family, which had to become a member of an umbrella organization and conduct annual standardized testing. The two North American families had diverse experiences. One experienced a low level of regulation with simple requirements to annually and electronically register their decision to home educate with their home state, provide annual attendance records, and two requirements that did not need to be reported: maintain educational records and conduct standardized testing every three years. The other North American family, however, valued the high level freedom they enjoy and the lack of reporting requirements or interference from government. Their children are successful and they recommend this freedom for Albanian families as well. None of these families seemed to think the requirements they followed to be overly burdensome, but recommended them for Albania.

When challenged to respond to the criticism that homeschoolers suffer from inadequate socialization, one respondent gave the following description:

Our children grew up meeting and connecting with people from all walks of life in a few different countries (Serbia, Kosovo, Bosnia and Albania), using a few different languages. We have our shy types of kids and our outgoing types of kids like any other family. But they have not had problems with socialization: they took part in courses such as folklore dancing in Novisad, ballet, music in Bosnia or swimming and other sports in

Albania. They have been part of different outreach projects like donating goods to the poor, talking to sponsors about projects, putting on shows for celebrations, etc.

This statement is informative in several ways. It illustrates the frequent moves that many homeschooling families make, a lifestyle that often necessitates home education for the sake of continuity. Furthermore, it recognizes that homeschooled children are like most other children insofar as some might be naturally more introverted and others more extroverted. The fact that this range of personality traits is evident within the same family of homeschooled children suggests that introverted or extroverted personalities are caused by something other than home education. Finally, the passage shows that the parents have been very intentional in providing social opportunities that not only build the children's unique skills but also nurture a generous, communicative character. As such characteristics are important in creating a just, harmonious, and truth-seeking society, homeschooling in this case seems to nurture socially competent individuals who will benefit their larger society.

When asked to respond to the criticism that homeschooling children suffer from inadequate socialization, another respondent remarked:

That is a myth. Most home school children, including my own, are very well socialized. They are more capable of communication with their peers and adults than most students who are the product of public schools.

It is a fact that children who spend large amounts of regular time with peers develop behavioral problems. Children imitate those they associate with on a regular basis. If they associate with their peers, they will imitate the behavior of their peers and often demonstrate disrespect, rebellion, insecurity, etc. as a result. Likewise, if they associate with adults, they will learn to imitate and follow the example of adults, which will naturally be mature, well-balanced, and possessing high moral values.

As not all adults possess high moral values, this respondent clearly means that children who associate with virtuous adults will learn from their examples. Particularly, those adults who are concerned enough to sacrifice time, money, careers, and considerable effort to educate their children at home are likely individuals who have high moral values and who possess the dispositions of hard work, initiative, critical thinking, and self-sacrifice that are essential for a healthy society. Good social relationships and a good democracy require thoughtful, attentive (Adler, 1993), and moral individuals, and these are the qualities that homeschooled students often possess. Thus homeschooling does not appear to harm a child's social skills; to the contrary, it models and nurtures the very dispositions that are important for a harmonious and just society.

This small survey provides important insights into home education in Albania and a reference point for future study. However, it is a very limited survey; a wider survey will provide a more complete view of homeschooling practice in Albania and the philosophies that accompany it.

Interpreting Law 69/2012, Article 17

As is clear from the survey, home education has long been practiced in Albania by a number of expatriate families. Furthermore, some of the Albanian children who are confined to their homes because of blood feuds—and possibly some of those confined for other reasons, such as health or disability—are also educated at home. However, the new educational law for pre-university education in Albania, Law 69/2012, in Article 17, now explicitly allows for home education.

In Albanian, Article 17 of Law 69/2012 reads: “*Arsimimi në kushtet e shtëpisë ofrohet në raste të veçanta, për të gjitha klasat e arsimit bazë ose vetëm për disa prej tyre. Ministri përcakton rastet e veçanta, kriteret dhe procedurat për arsimimin në kushtet e shtëpisë.*” An English translation may read: “Home education is offered in special situations for all grades in basic education or only for some of them. The Minister specifies the special situations, the criteria, and procedures for home education.”

This law obviously permits home education. As clarified in Article 22, Paragraph 2, of Law 69/2012, “basic education” consists of elementary education and lower secondary education, that is, first through ninth grade. As these grades are compulsory between the ages of six and sixteen, the law thus allows for home education for all compulsory grades. Non-compulsory grades, by their very nature of being non-compulsory, could also be taught and studied at home. That is, preschool through kindergarten and the tenth through twelfth grades of upper secondary school can also be pursued in a home education context.

The “special situations” in Law 69/2012, Article 17 deserve attention. Those who wish to educate their children at home may have hoped for more liberal language than seemingly-limited “special situations,” and one committee discussing the law seems to have interpreted the special situations to include health reasons, disability, and blood feuds (Komisioni, 2012, p. 2). Yet “special situations” can be read to include any situation in which a parent can provide an articulate and rational request to why the child should be educated at home. These may include reasons such as the superior academic possibilities of home education, objections to institutional education, or religious and philosophical reasons.

The new law is an encouraging and explicit step towards a “safe, just, and smart” education policy (Hagen 2011a). By giving the Ministry of Education and Science the responsibility to specify the regulations for home education, it allows flexibility as policy-makers, researchers, and monitors grow more knowledgeable of home education. As noted by one of the survey respondents, “it may be a little frightening [...] to think of letting go of government control of children’s education.” Furthermore, as some Albanian children are denied education for other reasons, whether because of work, exploitation, disability, or blood feuds, some measure of enforcement is needed to ensure that the home education law is not misused to deny a child’s right to an education. Thus regulators will need to provide a higher level of oversight initially. Yet regulations must be designed and enforced in such a way that they ensure that all children in Albania receive an education, whether at school or home, but that no undue burdens or obstacles are placed in the path of those who are sincere and capable of pursuing home education.

As researchers and regulators learn more about home education, particularly about what one survey respondent called “the positive results of decades of home schooling in other countries,”—and hopefully with more research, the positive results of home education in Albania—they will hopefully reduce bureaucratic obstacles to home education and “protect the rights of Albanian parents who would like to begin homeschooling now.”

The responses of the three surveyed families provide a brief overview of a spectrum of possible regulatory options for MASH to consider, as shown in Table 1. Compared to some European states that require periodic inspections (Blok & Karsten, 2011), these suggested regulations may seem quite liberal. However, they reflect recommendations by those who are most knowledgeable of home education: the parents themselves. Although survey respondents were self-selecting, and thus may only represent the more successful

homeschooling families, their positive experiences despite varying regulatory backgrounds accords with prior research (Ray 2010) and suggests that government regulation of home education does not significantly impact student performance. Furthermore, several of these suggested requirements closely align with those recommended by John Stuart Mill over 150 years ago in *On Liberty* (1859):

If the government would make up its mind to *require* for every child a good education, it might save itself the trouble of *providing* one. It might leave to parents to obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes of children, and defraying the entire school expenses of those who have no one else to pay for them.

Mill recommends annual “public examinations” on objective content as a means of monitoring such education and compulsory, parent-paid institutional schooling for those who do not meet adequate standards.

Table 1. Regulation implicitly or explicitly suggested by survey participants.

Family	Annual Registration	Reporting Requirements	Inspections	Enforcement
Central European	Registration with umbrella organization	Registration with umbrella organization; annual standardized tests	Not specified	Not specified; presumably, truancy laws would apply upon failure to register
North American 1	Simple one-page registration required, submitted in paper or electronically	Attendance records must be submitted annually. Some records must be maintained but are not reported. These include standardized tests every three years and annual parent evaluations of the children’s performance	Not specified	Recommended state requirements apply truancy laws upon failure to register
North American 2	None	None	None	Not specified, but parents have the responsibility to research and evaluate educational options and choose the best one for each child

It is important that any regulation of home education is based on evidence and a deep understanding of the field. Although I do not suggest a specific method of regulating home education in this article, I do encourage policy-makers, scholars, and parents—the

groups are not necessarily exclusive—to research philosophies, practices, regulation, and outcomes of home education so as to maximize its benefits to society and remove any unnecessary burdens. Home education provides a rich field for research, and because it offers so much flexibility in terms of curriculum design and implementation, may provide researchers with insight into innovative teaching methods or philosophies that may be useful for larger classroom settings.

Conclusion

Albania has now legalized home education for Albanian families in Article 17 of Law 69/2012. This is a good and proper step because home education is “safe, just, and smart” (Hagen 2011a). Although the new law may seem overly cautious in the phrase “special situations,” the Ministry of Education and Science has the liberty to define those special situations and the procedures for regulating home education. A survey of parents who currently educate their children at home suggests that such children are well-socialized and academically strong. The families offer recommendations that vary from some regulation to almost no regulation of home education. Given the lack of previous scholarship on home education and the novelty of this subject in academic and policy circles in Albania, a better understanding of home education is essential. Such a deeper understanding is needed to inform appropriate regulations that encourage high-quality education in pursuit of truth, justice, and a healthy, prosperous society.

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