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Autonomous Education in Germany

by Matthias Kern

We are a German family, consisting of the parents (Karen and Matthias), two daughters (Rebekka, born 1982 and Hannah, born 1984) and three sons (Jonathan, born 1987; Malchus, born 1990 and Josias, born 1993). All our children started their “school career” at state schools. And all our children had to deal with problems at school to some extent – boring lessons, time consuming homework, no possibility of following their own interests, and bullying. Some of our children changed the school – in some cases the situation got slightly better, in others even worse. Both being qualified teachers; we knew that learning can take place in other ways than formal schooling. In autumn 2000, Karen started to work as a teacher (and headmistress) in a newly founded alternative school. Josias changed to that school, our other sons also would have liked to join, but they couldn’t because it was only a primary school.

Jonathan and Malchus saw that at the alternative school Josias learned without a prescribed curriculum, without homework and by following his own interests. By autumn 2001 they couldn’t stand school learning and school hierarchy any more and they wanted to leave their schools. Just at that time we met a German home educating family. Jonathan and Malchus decided to learn autonomously at home and we accepted their decision. In November 2001 they left their schools.

Now we faced the problem of explaining the situation to the school authorities because the German school laws declare school attendance is compulsory; home education is illegal. Letters went to and fro but after nine months the school authorities stopped the dialogue and we received notices of payment for fines of 450 Euros (£300) per parent. We refused to pay and therefore the case was taken to court. In July 2003 we were sentenced to pay fines by the local court but they were reduced to 200 Euros each. We wrote an appeal to the higher court which was rejected and another appeal to the federal constitutional court which also was not accepted. Eventually we wrote an appeal to the European Court for Human Rights, which has not yet been addressed.

In the meantime Karen had stopped her paid work to spend more time with our children and Hannah and Josias had followed the examples of their brothers and had left school. Rebekka had passed her school leaving exams (high level) at school, and Jonathan had passed exams (low level) as an “external participant.” But even after passing the low level exams, school is still compulsory.

In July 2003 we received a second series of notices for payment for fines. These eventually had to be dropped after a procedural error of the court (lapse of time).

In November 2003, our son Malchus decided to write a letter to the higher school authorities by himself. He was invited to a meeting at the office and this led to an agreement. The school

authorities declared that they would tolerate his autonomous education. But they also declared that this agreement would not apply to his brothers.

We joined an initiative which planned to found a democratic school following the ideas of the Sudbury Valley School in Massachusetts. But in Germany all schools are under supervision of the state and each school needs state permission. A school without a prescribed curriculum and without compulsory lessons is not regarded as a school and therefore there was no way to get permission. Nevertheless we started a learning center. All the children at the center were regarded as truants and so it faced threats from the authorities. In addition, there were financial problems. Eventually, after 16 months the group decided to close.

Meanwhile, state exams had been passed by Hannah (high level) and Malchus (low level).

In June 2005 we received a third series of notices of payment for fines of 500 Euros per parent. Again, we refused to pay, the case was taken to court and we were sentenced to pay reduced fines of 250 Euros (£167) each. Again, our appeal to the higher court was rejected. And again, we wrote an appeal to the European Court for Human Rights.

(The two applications to the European Court for Human Rights are still pending and may not be taken up before next year. If the judges declare that they are inadmissible, then the legal case has come to an end because there is no way to pursue this any further. If they accept the appeal, and find a violation of human rights, the case will have to be reconsidered by the German courts right from the beginning.)

In addition to these court cases, the state – being my employer – started disciplinary actions against me in September 2005.

After the second prosecution in October 2005 we felt that the situation had to change. We decided to move out of the country. This seemed to be the only way to stop further actions. Karen and Josias moved to France for several months and deregistered as German residents. I stayed in Germany.

The disciplinary actions were dropped and for a short time no further actions were taken.

Some months later, Karen and Josias came back to prepare our move. The police showed up because neighbours had informed them about the "truancy." Another court case was started – and this was not about fines but about child custody. We could prove that we were preparing to leave the country and eventually this case was dropped.

We had decided to move to the United Kingdom, which by far has the largest home education community within Europe. In August 2006 we moved to England.

We joined some of the numerous home education groups and found lots of friendly and helpful people there. We regularly take part in home education events 'just around the corner' (the estimated number of home educated children in the UK is 50,000 or more and around 500 in Germany).

And there are no more threats, no more pressure to send the children to school and no more court cases!