

PARENTS & LAWYERS HOME SCHOOLS FOR

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Harrisburg Eleventh Hour Action Plan for SB 154

The new homeschooling bill, Senate Bill 154, will pass in the House and Senate in Harrisburg sometime between November 15th and the end of November, unless the lobbies of the educational establishment can stop it. We don't have a host of paid lobbyists, so we will need you to come to Harrisburg one more time. If you are from the Harrisburg area, maybe you can come in more than once.

Here is our plan. We want our presence to be felt in the Capitol Rotunda every day the House and Senate is in session from November 15th until the bill passes. **We are planning for the 5 most likely days. November 15, 16, 21, 22, and 23.** We will set up a Parent Educators of Pennsylvania literature table from 9 a.m. to 5 p.m. in the rotunda. We will have Parent Educators of Pennsylvania name tags for everyone so that we will be visible in the corridors. We want parents and children packing the gallery watching the House and Senate in action. We want people checking with their Representatives and Senators (and the other people in their legislators' offices) and letting them know that we are there.

A different home-schooling leader will be in charge of each day. Once you pick which day you will come, call or write to the person in charge by November 10th so that he can put together a phone tree (be sure to tell them your phone number). If there are specific plans for that day, the leader can call you with a phone message. If the bill has already passed both the House and the Senate, the leader will call you so that you will not have to waste a trip. Even if you can't go, you can help tremendously just by calling the leader and offering to help with that day's phone tree. It should be an educational experience for you and your children to see the legislature enact the new homeschooling law.

If you will be coming to Harrisburg from far away and need a place to stay overnight, or if you live in Harrisburg and are willing to put people up, call or write to Jim Gustafson (717-697-8429) 1010 Apache Trail, Mechanicsburg, PA 17055 by November 10th.

Leaders for the five days are:

Tuesday, Nov. 15 --
Alan Koch (412-531-6426)
126 Woodhaven Dr.
Mt. Lebanon, PA 15228

Wednesday, Nov. 16 --
Jay Snyder (717-859-1630)
6 Echo Valley Dr.
Ephrata, PA 17522

Monday, Nov. 21 --
Bob Finley (717-921-8345)
1310 Narrow Lane
Dauphin, PA 17018

Tuesday, Nov. 22 --
Jim Means (412-854-4188)
3485 South Park Rd.
Bethel Park, PA 15102

Wednesday, Nov. 23 --
Tom Murphy (215-822-3253)
823 Church Rd.,
Hatfield, PA 19440

Homeschooling Bill on Verge of Passage from Howard Richman

We, in Pennsylvania, are fighting a very tough battle. It is David vs. Goliath all over again. We are a small group fighting for the right to teach our children more effectively than the schools. Arrayed against us are the Pennsylvania Department of Education and the organized lobbies of the educational establishment. We don't have any paid lobbyists or campaign funds to throw around, all we have is the slingshot of truth.

The story is partly about some of the legislators of integrity who are helping us including Republican Representative Joe Pitts, who sponsored our original homeschooling bills in 1985 and 1987, and who has constantly guided us with his wisdom, and Rep. Ron Cowell, the Democratic Chair of the House Education Committee, who has put together a compromise bill which respects both parents right to choose home education and protects the children's right to

receive an education. Although a strong supporter of public education, he listened to our concerns when his committee held hearings on December 3rd. In the May 22nd edition of The Pittsburgh Press reporter Don Wolf wrote:

Cowell is convinced that most home schooling parents have "an exceptional interest in their children and are willing to commit extraordinary amounts of time to their children.... The kids are obviously exceptional," said Cowell.

In the same article Dr. William Logan, state deputy commissioner for basic education, said that the existing law (which was resulting in more prosecutions of homeschoolers than any other state) was "fairly workable," and that he was not disturbed by differences in homeschooling policies among school districts.

A few months later, on August 24th, Federal Judge Edwin Kosik in Scranton ruled (Jeffery vs. O'Donnell) that the

existing law was unconstitutionally vague and struck it off the books if a new law is not passed, or new regulations promulgated by December 31st. (The Department of Education is now waiting in the wings with regulations which would begin new prosecutions of many successful families.)

Judge Kosik's ruling lit a fire under the homeschooling part of Rep. Cowell's House Bill 2501. On October 3rd, the evening before the homeschooling rally, Ron Cowell called together homeschooling leaders to meet with the Department of Education and negotiate about several additions to the bill that were being requested by the Department of Education.

Then on October 12th, the House Education Committee gutted Senate Bill 154 and replaced its original language

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"Pennsylvania Homeschoolers"
masthead lettered by
Jacob Richman, age 8.

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with the newly negotiated home-schooling bill, and, while homeschoolers sat helplessly in the audience, Rep. Davies, perhaps at the behest of the organized lobbies of the educational establishment, proposed a horrendous amendment which passed. While sounding innocuous, the amendment would make homeschooling prohibitively expensive. Parents would have to get a licensed psychologist to do year-end evaluations of their home-education programs at a possible cost of about \$500 per year. Before Tom Eldredge left Harrisburg on the train, he told Rep. Cowell that that amendment would have to be changed.

The next morning, Rep. Cowell held a meeting to arrange a compromise between the organized lobbies of the educational establishment and the leaders of the homeschoolers. Present were representatives of the PSEA (Pa. State Education Association), PSBA (Pa. School Board Association), and PASA (Pa. Association of School Administrators). Homeschoolers were represented by Rep. Joe Pitts, Rep. Steve Freind, Tom Eldredge, Robert Finley, Alan Koch, Mike Farris (Home School Legal Defense Association), Gary Hornberger (Pennsylvanians for Biblical Morality) and myself.

We worked at compromise wording through a long tense two hour session. Finally, a compromise was reached which permitted year-end evaluations of home-education programs by non-public school teachers or Pennsylvania certified teachers, so long as the teacher had two years of experience at the appropriate level (elementary or secondary) within the previous ten years. Thanks to Mike Farris, for his brilliant last-minute thinking, a provision was also added which permitted anyone else to do year-end evaluations with the prior consent for that person by the school superintendent. Without this compromise, Senate Bill 154 would virtually prohibit home-education. With this compromise, homeschoolers in friendly districts will be able to home-school with year-end evaluations by fellow homeschoolers who have teaching certificates. In unfriendly districts, homeschoolers will be able to homeschool with year-end evaluations of friendly public and non-public school teachers.

The Cowell compromise amendment, agreed to by the parties present, will either be added to the bill at its next stop in the Appropriations Committee, or possibly later on the house floor. At the end of the meeting, Rep. Cowell asked the lobbies if

they would support the bill now that this compromise had been reached, but they said no.

During the post-election session (which will start on November 14th), Senate Bill 154 will probably come up in the House for a vote. Then if it passes the House it will go to the Senate for a concurrence vote. If the Senate concurs, it will go to the Governor to be signed.

In structure, the bill is similar to a bill passed three years ago by the Florida legislature. (Since 1982, twenty states have passed legislation which specifically recognizes home-education.) It requires a professional of the parent's choice to do a year-end evaluation of the home-education program based upon the documentation kept by the parents (a portfolio of their children's work and either achievement test results or an evaluation of the children's progress by a professional). Then this evaluation of the program by the professional and the documentation kept by the parents would be passed on to the local school superintendents for their review.

Senate Bill 154

What We Got

1. **You Choose the Evaluator.** The new wording has a teacher or psychologist, chosen by the parent, examine (1) the portfolio and (2) the written evaluation of progress or achievement test scores, and make the initial judgment of whether an appropriate education is taking place in the home. Then the school superintendent could review this judgment and the evidence that went into it.

Mike Farris came up with this change in our negotiation session with the Department of Education and argued that it would make it more constitutional.

Since a non-public school teacher can make this judgment, this bill is clearly permitting homeschoolers to teach under the supervision of Pennsylvania non-public schools.

Many parents have expressed concern that under House Bill 2501 the superintendents would look over our portfolios with a fine tooth comb. Under this provision, the professional selected by the parent would closely examine the portfolio, and unless the superintendent has a real reason to doubt the judgment of the professional, he will only give it a cursory glance.

2. **Free Textbooks.** If parents want, they can get free use of textbooks from the public schools.

3. **Free Classes for Exceptional Children.** If parents want, and their children qualify, they can send exceptional children to special education, speech, or gifted classes in public schools or approved private schools.

New Requirements

1. **Immunizations Required.** Like parents of public school and non-public school children, homeschooling parents will have to either give their children immunizations, or get a doctor's excuse that immunizations are counter-indicated, or put in writing that immunizations are against their religious belief.

2. **Criminals Can't Homeschool.** Parents would not be able to teach their own children if there is an adult living in their household who has been convicted of any of the following major crimes within the last five years:

- a. Homicide
- b. Assault
- c. Kidnapping
- d. Unlawful restraint.
- e. Rape
- f. Statutory rape
- g. Involuntary deviate sex
- h. Indecent assault
- i. Indecent exposure
- j. Concealing death of a child born out of wedlock
- k. Endangering welfare of children
- l. Dealing in infant children
- m. Felony -- prostitution
- n. Felony -- pornography
- o. Felony -- corruption of minors
- p. Sexual abuse of children

Originally, the Department of Education wanted parents to have to apply for a one-time criminal check from the State Police. Currently all people who work in public or non-public schools must pass that criminal check.

Some parents would consider it an unconstitutional infringement on their rights as parents to have to apply for this criminal check, so we negotiated with Ron Cowell's office so parents would just have to sign on the affidavit that they have not been convicted. In order to enhance our negotiating position, we volunteered that

neither parent could be a criminal, not just the teaching-parent specified in the Department of Education's position. Rep. Davies' amendment in-committee expanded the provision to include all adults living in the home.

Although no other homeschooling laws in the country have this provision, once this issue was raised by the Department of Education, we couldn't oppose this. I could easily envision Governor Casey vetoing the bill saying that it did not protect children from child abuse.

3. **Medical Checkups Required.** As I understand it, this provision requires three physical checkups and three dental checkups during the child's school career.

Dental Checkups:

- 1. Upon original entry into school.
- 2. Third Grade.
- 3. Seventh Grade.

Physical Checkups

- 1. Upon original entry into school.
- 2. Sixth Grade.
- 3. Eleventh grade, or prior to issuance of a farm or domestic service permit.

The most straightforward way for homeschoolers to comply would be to have their family physicians and dentists fill out medical reports of examination or dental reports of examination on Department of Health Forms H511.336 and H511.337 that we are planning to have available here at Pennsylvania Homeschoolers. The examination should be scheduled no more than four months prior to the opening of the school term.

4. **Educational Plan Required.** When beginning each year, parents will have to submit an "outline of proposed educational objectives by subject area," but the superintendent will not be able to reject the program on that basis.