

PENNSYLVANIA HOMESCHOOLERS

A STATEWIDE NETWORK FOR SHARING INFORMATION ABOUT HOME EDUCATION

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Judge Rules Against School Sports Participation

On March 27, 1995, Federal Judge Gary L. Lancaster ruled against a homeschooling family, the McNatts of Dawson, Fayette County, who charged their local school district with violating their son Jeremy's civil rights by not letting him participate in the school sports of the Frazier Commodores. Judge Lancaster ruled that in Pennsylvania, individual school districts have the choice of whether or not they let homeschoolers participate on their teams. Some districts permit homeschool participation, others do not.

In October 1994, Mr. and Mrs. Harry McNatt began homeschooling their son Jeremy who was then a "B" average student in the Frazier public schools.

In October and November, 1994, Mrs. McNatt had talked with the local school principal and requested information about whether homeschoolers were allowed to participate in school sports and, prior to the November school board meeting, she wrote a letter formally requesting permission. But after the meeting she was told that the board had not yet made a decision. She felt that they were stringing her along and that Jeremy was missing the basketball season.

Meanwhile she took Jeremy in to the school nurse for a physical exam in preparation for sports, and Jeremy passed. Then she started taking him to the

basketball practices and he made the team. At that point the school district still did not have a policy.

At the December 1994 school board meeting, she gave each member of the board a list of school districts that have made a policy in favor of homeschoolers' participation in extra-curricular activities. She gathered the list herself by phoning districts across the state. She especially listed districts that her own school plays in varsity sports. She also found out that PIAA (Pennsylvania Interscholastic Athletic Association) policy permitted homeschool participation and that she had talked personally with a PIAA representative. She even offered to supply an attendance log to verify her son's attendance and offered to supply the coach with information about her son's satisfactory grades or work. She asked for an answer at that meeting so that her son could resume his participation on the basketball team.

Nevertheless, the Frazier School Board voted 6 to 2 against letting homeschoolers' participate because of concerns that they would be opening the door to abuse of their academic requirements. An AP wire service story quoted School Superintendent Smeigh saying, "A student who is in trouble academically could simply file an affidavit for home schooling to be eligible to play." Jeremy

McNatt was quoted in the same wire service story as saying, "I don't think it was fair. My rights are violated. I am being discriminated against because I'm in home schooling."

This defeat in court suggests that homeschool families who want access to public school sports will not win access by challenging them in court.

Background on Academic Requirements

Meanwhile, elsewhere in Pennsylvania some districts are allowing homeschoolers to participate in their sports while others are denying permission. Debra Bell, homeschooling leader and mother of boys who like to wrestle, successfully led a campaign to get access to school sports in the Palmyra School District. In order to meet school district concerns that sports participants are getting passing grades (a requirement for sports participation) she put together a form in which parents state their students' current grades and offer to back up those claims with evidence from the students' portfolios whenever it is requested. Those who choose for their children to play school sports may have to give up some of their freedom in exchange.

Debra Bell has also helped homeschoolers in other districts mount successful lobbying campaigns with their