

## Possible Homeschool Bills Proliferate

by Howard Richman

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On June 12 a meeting will be held in Harrisburg involving a few legislators and homeschool leaders in order to discuss the possibility of homeschoolers introducing one or more bills that could change the homeschool law. That meeting could either end in unity or rancor. It could result in one or more homeschool bills being introduced or it could result in a decision not to introduce any homeschool legislation whatsoever.

It all started, as reported in the last issue, on February 14, when Rep. Armstrong and I organized a meeting to discuss the possibility of introducing a bill that would solve some of the problems that were occurring with Pennsylvania's home education law.

That meeting was attended by three legislators and leaders of nine organizations: (1) PA Homeschoolers, (2) Mason Dixon Homeschoolers, (3) HSLDA, (4) Home School Connection, (5) Pennsylvania Home Education Network, (6) Catholic Homeschoolers of Pennsylvania, (7) Pennsylvania Family Institute, (8) SEARCH, and (9) CHAP. We discussed several suggestions proposed by Dee Black, a lawyer with the Home School Legal Defense Association (HSLDA), which would greatly reduce friction between homeschoolers and school districts in Pennsylvania. The group agreed to meet again on April 10 (later postponed to June 12) after each homeschool organization went back to poll its membership in order to prioritize the various changes that were discussed and come up with additional possible changes. Legislators would then use those priorities as their basis for legislation that could possibly pass in Pennsylvania.

As one of the participants, I polled the PHAA (Pennsylvania Homeschoolers Accreditation Agency) membership and our PA Homeschoolers subscribers on the Internet. (Details of how to participate were published in the last issue of this newsletter and the last issue of the Excelsior.) Thirty-five homeschoolers had responded at the time this issue went to press.

These proposals were favored:

- 86% were strongly in favor and an additional 9% were supportive of adding a clear statement to law that local school districts cannot make policies that go beyond the home education law.
- 69% were strongly in favor and an additional 20% were supportive of adding a statement to law that those high school credits (but not grades) awarded by recognized home education organizations must be recognized by school districts should a home education student transfer into a public school at the high school level.
- 66% were strongly in favor and an additional 20% were supportive of changing the law so that homeschoolers do not have to turn in their portfolios at the end of the school year.
- 60% were strongly in favor and an additional 11% were supportive of changing the home education affidavit so that homeschoolers do not have to include immunization records attachments.

- 57% were strongly in favor and an additional 34% were supportive of clarifying the law so that the annual written evaluation obtained by the parent be accepted by the superintendent as determinative of whether an appropriate education is taking place.
- 57% were strongly in favor and an additional 20% were supportive of changing the home education affidavit so that homeschoolers do not have to include any medical services attachments.
- 54% were strongly in favor and an additional 26% were supportive of placing a statement into law that the Department of Education must continue to maintain a list of nonprofit organizations whose standards and procedures insure that the graduation requirements of the home education law are met, and will continue to recognize the validity of those diplomas.
- 51% were strongly in favor and an additional 26% were supportive of requiring school districts to provide special education services to homeschoolers should the parent request.
- 40% were strongly in favor and additional 43% were supportive of permitting grandparents to homeschool.
- 40% were strongly in favor and an additional 23% were supportive of eliminating the two years of classroom grading experience requirement for certified teachers who do evaluations.
- 40% were strongly in favor and an additional 23% were supportive of changing the homeschool law so that homeschoolers do not have to turn in test scores.
- 26% were strongly in favor and additional 43% were supportive of requiring the Department of Education to maintain a list of legitimate correspondence schools and recognize diplomas awarded by those correspondence schools.

**These proposals were opposed:**

- 34% were strongly opposed and 20% were somewhat opposed to mandating that school districts permit homeschool participation in school sports and extra-curriculars.
- 31% were strongly opposed and 46% were somewhat opposed to requiring the Department of Education to recognize diplomas issued by any parent who files a home education affidavit.
- 20% were strongly opposed and 31% were somewhat opposed to placing a statement into law that the Department of Education recognize the validity of home education diplomas awarded by parents if the school superintendent signs a statement that the student has met the graduation requirements of the home education law.

Some of the above changes, and perhaps other changes as well, could find themselves into a bill that legislators might put together. Such changes could greatly reduce the friction between homeschoolers and districts in Pennsylvania. Similar modifications of homeschool laws have been quietly passed in many states including Arkansas, Florida, and Colorado.

**Religious Exemption**

Another possible bill has been circulated by some of those who will participate in the June 12 meeting. It would provide a religious exemption from the compulsory school law for those who homeschool primarily for religious, not academic, reasons. Modeled after a provision

that is already in place in Virginia, it would amend the compulsory attendance law (Section 13-1327) by adding a subsection which would read:

The board of school directors in a school district shall excuse from the requirements of this section any child and parent, guardian, or custodian of such child if the parent, guardian, or custodian is conscientiously opposed to the child's attendance at school by reason of bona fide religious training or belief.

This exemption would give homeschoolers a new alternative to the home education program or private tutoring options that most homeschoolers currently use. Few homeschoolers, if any, would oppose adding this additional alternative. Although it would be a very tough sell to most legislators, it could possibly pass if those who support it would put together a huge legislative effort.

### **Rewrite Home Education Law**

Yet a third alternative bill is being circulated by some of the participants at the June 12 meeting. It would erase the entire home education law (Section 1327.1) in hopes of passing a "no-accountability" law in which homeschool parents would have complete freedom and homeschool kids would have no protections. It would take away options in the current law that some homeschoolers value such as borrowing textbooks and receiving recognized diplomas. (According to Department of Education statistics for the 1998-1999 school year, 20% of homeschoolers request curricular services, such as borrowing school district textbooks.) Moreover, it could easily be abused by unfriendly legislators who would add negative provisions while agreeing to the parts that erase such homeschool protections already in law as parent-set objectives which can't be rejected and due process hearings which cost school districts about \$5,000 if they want to take on a homeschool family.

Home School Legal Defense Association has been well aware of the dangers involved in rewriting homeschooling laws from the ground up. Instead, they have wisely advocated changes that would add new options for homeschoolers without taking away those that are already present. For example, in 1993 Doris Hohensee, a New Hampshire homeschooler, introduced a bill that not only failed to pass but also caused deep divisions within the New Hampshire homeschool community. In the January-February 1994 issue of Home School Court Report, HSLDA criticized Ms. Hohensee's divisive tactics and laid out the principle that homeschoolers should campaign for new options, not against the current homeschooling law:

State Senator Dave Wheeler is preparing to introduce the Non-Institutional Private Education bill again this year. This bill, primarily drafted by Doris Hohensee and the P.U.R.E. group, was quite controversial last year. On the plus side, it would open up a new legal way to home school. If it does not affect the current home school law in any way, it could benefit home schoolers. Last year, unfortunately, the bill's proponents spent much of their energy attacking RSA 193A, the current law. Home School Legal Defense Association strongly encourages home schoolers to work together to expand our liberties, rather than waste our time attacking one another.

## **Importance of Accountability**

The main reason that this “no-accountability” bill would fail would be the legislators themselves -- they would never vote to cross out all of the accountability provisions in the PA home education law. If you were at the December 3, 1987, hearings held by the House Education Committee about the original home education law (which I described in Chapter 3 of my book *Story of a Bill*), you would have no doubts about this.

One of the speakers was Stephanie Wilson, a doctor's wife who knew that since she did not have a college degree, she could not get permission from the Pittsburgh Public Schools to be her children's private tutor (in those days you had to be a “properly qualified private tutor” in order to teach your children). When questioned, she captured the legislators' own doubts. You could have heard a pin drop. She said:

When I lived in Kentucky, which is considered to be a totally unregulated state, I saw what I consider to be abuses in home education. I know of two families where the parents were very laid back. They had other things to do and their attitude was, “Well, it will sink in eventually.” I realize that there may be children who are not educated. . . .

Homeschoolers can counter that Brian Ray has performed a study which shows that homeschoolers from “unregulated” states score just as high as homeschoolers from “regulated” states, but legislators will eventually figure out that in unregulated states, homeschoolers who do not take the time to teach their kids would not take the time to give their kids an optional achievement test.

A few states have achieved a “no-accountability” law through court victories allowing them to come under private school laws, a few states have achieved a “no-accountability” law as their first homeschool law, but no state has been able to eliminate accountability by replacing their current home education law with a completely new one.

## **Diploma Organizations Would Oppose It**

Some parents feel that high school diplomas may not be necessary for their own homeschool kids, but as diplomas are not compulsory, they already have the full option available not to go for a recognized diploma. On the other hand, Susan and I hear daily from both new and experienced families expressing how much they appreciate that they can get a recognized high school diploma in Pennsylvania. At this point in time, South Carolina and Pennsylvania are the only states (to my knowledge) where homeschoolers can get a recognized diploma from a homeschool organization.

Our organization, PA Homeschoolers Accreditation Agency (PHAA), is just one of the six homeschool organizations whose diplomas have been recognized by the PA Department of Education as a way to acknowledge achievement of the graduation requirements that were written into Pennsylvania's home education law. Three homeschool organizations were put on the initial list by the Casey administration, and three more, so far, have been added to the list by the Ridge Administration. (See page 25 for the current list.)

We hear regularly from a wide range of college and technical school admissions offices, and all of them also express their great appreciation for the professional documentation all of our students have, and for the fact that our office can send on official transcripts that include evaluation letters from educational professionals. They really like knowing that PHAA students are meeting outside standards recognized by the PA Department of Education. We have already achieved at the high school level what HSLDA's Patrick Henry College is trying to achieve at the college level as noted in the Spring, 2000, issue of the Virginia Home Educator:

[Patrick Henry] college's next step is to gain approval to grant degrees, which will have to wait for higher education officials to visit the college site after it opens and make a determination whether the college's curriculum meets state guidelines.

Each of the six organizations has different standards and procedures and a different interpretation of the graduation requirements of the Pennsylvania home education law; they give homeschoolers six alternative sets of standards to choose between. To my knowledge, the Department of Education has yet to reject an application for recognition of diplomas from a bona-fide non-profit homeschool organization. (It continues to puzzle me why radical homeschool organizations complain about existing diploma options rather than start their own diploma program.)

The Department of Education has written letters to PHEAA (Pennsylvania Higher Education Assistance Agency) and Penn State University recognizing the validity of the diplomas of these organizations. (Whenever a college or university would question the validity of a PHAA diploma, we would send them copies of these letters.) As a result, those with diplomas from these organizations can get government scholarship grants as well as admission to public universities. This is not to say that homeschoolers need to go with one of these organizations to get such grants or admission -- homeschoolers also have the options available in other states such as the GED or a certificate of completion of home education signed by the local school superintendent (if the local superintendent is willing to sign such a certificate).

The fact that all homeschoolers in Pennsylvania have to have evaluations makes it inexpensive for homeschoolers to have an outside person confirm their course credits. If a "no-accountability" bill succeeds in taking away the graduation requirements or the evaluators from the home education law, then it takes away the recognized diploma.

There are more than a thousand members of PHAA. (I don't know the number of members of the other five organizations.) They would not be very pleased to have their option of getting a recognized diploma taken away from them, for the following reasons:

- They want their children to have the qualification required to teach their own children in Pennsylvania (a high school diploma or its equivalent).
- They want their children to be able to attend college without having to first pass extra tests that are not required of school graduates. According to a recent survey of colleges by the National Center for Home Education, 38% of public-funded colleges and 29% of private colleges across the nation require homeschoolers to take GED or SAT II tests not required of school graduates. In Pennsylvania, graduates

of PHAA (and the other 5 diploma programs) attend colleges without being required to take such additional tests.

- They realize that some high school kids would not do the work just for Mom. With outside requirements the parents can be on their teenagers' side helping them to do the required work but do not have to be the heavy who makes the requirements.
- They realize that good evaluations help their kids get scholarships and college admission. Although parents are excellent teachers able to see even hidden gifts in their children, they are not always considered to be objective evaluators of their children's abilities.
- The legitimacy and track record of the PHAA diploma helps them and their kids feel secure that their kids' futures are not being endangered. In other states many homeschoolers feel that they have to take the GED in order to get a legitimate diploma.

If you take a look at surrounding states, you'll see that Pennsylvania has a much more vibrant high school at home movement than its neighbors. Susan and I have fielded inquiries from state after state wishing they could accomplish what only we and South Carolina have accomplished so far -- gain recognition for diplomas awarded by homeschoolers to homeschoolers.

### **Principles for Legislative Action**

Homeschoolers who engage in legislative efforts must agree to an essential principle without which we lose the trust of the homeschooling community: *Not one step backward. Promote only what would provide homeschoolers with new options. Oppose any bill or amendment that would take away options already won.*

If a homeschool bill goes awry because an unfriendly amendment is inserted that would take homeschoolers backward, then we must all work together to oppose it. Virginia homeschoolers, for example, recently had their bill gutted and an unfriendly amendment added (requiring that all homeschoolers take the state's Standards of Learning Exams). They then worked successfully to remove the unfriendly amendment.

In the past in Pennsylvania, homeschoolers have worked hard together to fight the lowering of Pennsylvania's beginning compulsory school age from eight. (We have had a temporary truce in this battle stemming, perhaps, from the campaign promise that Governor Ridge gave to *PA Homeschoolers* six years ago.)

I don't know what the June 12 meeting will bring. It could result in one bill, several bills, or no bill at all. It could result either in unity or alternatively in such deep divisions within the homeschooling community that we will have a difficult time working together into the far distant future.

[Note: This meeting eventually resulted in [HB2560](#), a bill that failed because it would eliminate all accountability and take away recognition of the homeschool diploma programs, including PHAA.]