

HB 2560: Fizzle in the Forum

by Howard Richman

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Like a fire cracker, House Bill 2560, the radical rewrite of the homeschool law, burst into life then quickly fizzled at an informational meeting of the House Education Committee on June 13, attended by about a thousand homeschoolers in the Forum, Harrisburg. Homeschoolers in the audience were divided between those supporting the bill, wearing red, those opposing the bill, wearing blue, and some in other colors. The only independent count of how many were wearing each color was given by Mike Wereschagin in a June 14 article in the Harrisburg *Patriot-News* who wrote that about 650 wore red and about 150 wore blue. When I was on the stage with the legislators, it seemed to me that the clapping was equally loud after points made by pro and anti-bill speakers.

The meeting started strongly for the bill supporters. The first panel included a school superintendent (Dr. Carol Saylor of the Manheim Central School District) a school board member (Ms. Idette Groff of the Conestoga School District) and two nationally known homeschooling figures (lawyer Chris Klicka of Home School Legal Defense Association and researcher Brian Ray of the National Home Education Research Institute).

Superintendent Saylor, representing the Pennsylvania Association of School Administrators (PASA), testified that HB 2560 would not be good for children. She said that it would repeal all of the child protections of the current law, including immunization requirements, health and medical service requirements, and the prevention against criminals homeschooling.

Then Ms. Groff, representing the Pennsylvania School Board Association (PSBA), testified that there are currently many alternative ways for people to receive an education and that these systems interlock in various ways. She said that HB 2560 would be bad because it would cut off all of the connections between homeschoolers and public education making it especially difficult for students to transition from homeschooling to schools.

Then Chris Klicka testified. He argued that parents have proven themselves and that the point of House Bill 2560 was to eliminate burdensome requirements. As a general principle, he argued that regulation does no good. This bill, he argued, protects parental liberty while the present law takes away freedom. Then he gave some examples of states with testing laws that have eased up on their testing requirements in recent years.

Finally, Brian Ray testified. He said that parental involvement was the key to education whether the parent is in school or not. He also discussed his study which found no correlation whatsoever between level of regulation in a state and the homeschool achievement in that state.

The legislators then began to ask questions. Several of the legislators were very supportive of homeschoolers as when one representative asked Superintendent Saylor, "Ninety-nine percent of home schooling parents are conscientious and committed -- what percentage of parents that send their children to school are like that?" or when another pointed out that homeschoolers, unlike many school students, do not have drug or alcohol problems.

Bill supporters were given pause when Rep. Mundy questioned Dr. Saylor about how she would continue to enforce the compulsory school law after passage of HB 2560. The audience literally gasped when Dr. Saylor replied that she would probably call homes and send out home visits by her employees.

Rep. Mundy pointed out that it would make much more sense to get rid of the compulsory attendance law entirely (which she did not advocate) than it would to pass this bill since, as long as compulsory attendance laws continue to exist, school superintendents would still be obligated to enforce them.

Chris Klicka replied that compulsory attendance could be enforced if the school superintendents just responded to complaints. "We get families across the country who are reported by families and neighbors," he explained. (According to the HSLDA, Pennsylvania is one of the safest states in the nation to homeschool.)

One good thing to come from the hearing was clarification that homeschoolers can indeed put sick days into their logs when Rep. Grucela, asked Dr. Saylor why homeschoolers should have to have perfect attendance for 180 days, and Superintendent Saylor replied that some homeschoolers do have sick days listed in their logs.

A note of warning was added by Rep. Schuler. He said that he was involved when the current home education law was written and told the homeschoolers that when this bill comes up in the House there will be "a ton of amendments."

The morning panel ended with many indications that the legislators expected that House Bill 2560 would pass out of the House Education Committee and at least get as far as the amendment process on the House Floor. That was the bang of the fire cracker. The second panel, which consisted of 6 homeschooling leaders from Pennsylvania, was the fizzle.

First to speak was Maryalice Newborn. She cited statistics from surveys that she had conducted claiming that 92% of school districts "exceed the limits of the law" leading to harassment. She also claimed that there was a homeschoolers' "brain drain" leaving the state of PA and claimed to have 69 letters from people who had moved from PA or said that they would not move into PA because of PA law. Maryalice neglected to mention that some people who move to PA from less-regulated states finally feel safe now that they no longer have to fear a knock on the door from a school official or social worker. For example, Jane Frost posted the following message on the PA HOMESCHOOLERS Message Board:

We moved to Pennsylvania six years ago from California, where the language of the home school law was vague and left to the interpretation of school district superintendents. I lived in constant fear of that knock on the door.

When we moved to Pennsylvania, I was appalled to learn that I would have to put together a portfolio and allow the local school district to scrutinize my children's work. In California there was no accountability whatsoever. However, it wasn't long before I came to appreciate the accounting process required by the law. I also am grateful for the security that the Pennsylvania Home School Law affords me. As a home schooler, I am protected here, and I am thankful for that. My children enjoy the best of both school worlds in Pennsylvania. They

learn at home and participate in public school sport programs as well as vo-tech.

Accounting to our local district is a small price to pay for the protection that the law affords our home school. I am deeply disappointed that this security is once again threatened.

Maryalice then, citing reports of superintendents to the PA Department of Education, noted that only .09% of homeschooled students were believed to have inappropriate education by the superintendents and 99.91% had appropriate education. (It is not surprising that the current law does not find slackers since it has an infrastructure that encourages families to do quite well.)

Next to speak was Ellen Kramer. She said that homeschoolers felt that they had to have a "brief case" full of diplomas, "a diploma from a full-service distance learning program that they are using for their curriculum, also a state-recognized diploma program in order to get PHEAA grant, and a GED just in case either of the other two is sufficient in some manner." (To our knowledge, however, there is only one remaining college in the nation which requires that our homeschool organization graduates take the GED â" Ricks College, a Mormon college in Idaho.) She also claimed that the part of HB 2560 which ends the requirement that school districts lend homeschoolers textbooks would not hurt poor people because Section 923 of the school code states that it is the intention of the Commonwealth to provide textbooks to all students. (She neglected to point out that Section 923 includes a loophole that lending of textbooks by the Department of Education is subject to the "feasibility of making loans of particular instructional materials on an individual basis.")

Next to speak was Carol Lugg, Chairperson of North Central Pennsylvania Homeschoolers. She was articulate and animated. ([Click here](#) to read her testimony.) Legislators who had been reading along when others testified, had their attention fully focused upon her. First, she summarized the current law in order to point out that it did allow for parental freedom within a helpful framework. She was the only one during the whole day who gave the legislators an idea of what the law was actually like. Her lines were punchy and clear and she made the point that HB 2560 would end the positive relationships with school districts that are occurring in the 45% of school districts that allow participation in school sports and extra-curricular activities.

Next to speak was myself. ([Click here](#) to read my testimony.) I pointed out that I knew, because I was involved in the formulation of the bill, that it was the intention of HB 2560 to eliminate the recognition of the homeschool diploma organizations in order to prevent a "hierarchy" of diplomas. I also pointed out that HB 2560 was a "Statue of Liberty" for delinquents since it invited them to homeschool in order to avoid prosecution and then get diplomas, based upon no standards whatsoever, from their parents.

Next to speak was Bruce Eagleson. After introducing himself as a physician, he talked about issuing his own children diplomas (neglecting to mention that at least one of his own children had gotten a diploma from a source outside of his family). He argued that the fact that you have to buy a guide in order to understand the PA law says something bad about Pennsylvania's law. (Carol Lugg later pointed out that in Texas, a supposedly free state, homeschoolers still have buy a guide, but it costs \$25 not \$4.) "For our family the extra time

required to comply with this law is really the issue," he claimed. He said that his wife over the years estimated that she spent 1300 hours in order to comply with the law — the equivalent of 32 work weeks. (He did not mention that some parents use the requirements of the law as a way to improve their kids' education: using the objectives as a time for planning, the log as a checklist to keep their children organized, and the portfolio as a proud display of a year well done.) In order to point out how well homeschoolers are succeeding he used as an example a homeschooling family that he knows with five wonderful daughters, one of whom is matriculating at Hershey Medical School and another is attending Harvard Law School, but he neglected to mention that these girls graduated with Pennsylvania Homeschoolers Accreditation Agency diplomas.

Last to speak was Mary Hudzinski of Mason Dixon Homeschoolers. Her testimony denigrated the need for a diploma and painted a rosy picture of the situation that homeschoolers' face in other states. She said that although the PA Department of Education recognizes homeschool organization diplomas when children teach their own, the school districts do not have to do so. Based upon the fact that one of her daughters had gone to a college in Minnesota that did not require a diploma, she claimed that other colleges in other states did not require diplomas for college admissions. She also claimed that homeschoolers in the other 49 states got federal financial aid without diplomas, but Pennsylvania was different because of our diploma organizations.

Actually, Pennsylvania is very similar to other states with the exception that Pennsylvanians actually have the additional option of getting a recognized diploma from a homeschool organization. The Federal policy for financial aid requires that the student have a high school diploma, have a GED, take a test, or "complete a high school education in a home school setting that is treated as a home school or private school under state law." Each state interprets this passage based upon its own law. In Pennsylvania this has been interpreted to mean that the school district signs a form saying that the student has completed his high school education at home. Mary claimed that few school districts would sign such a form. The reverse is true. Almost all school districts will sign this form. I recently had a conversation on our PA Homeschoolers message board which made this precise point. A homeschooling mother wrote blaming me because her son could not get a PHEAA grant to college:

...and now my college-bound son is being discriminated against, he may not get a state grant thanks to the double-standard, unfair system that now exists and that would be eliminated if [HB 2560] would go through.

I responded:

1. Because of me and others you have a choice, not available in other states, between the standards of seven different sets of homeschool organizations for a recognized diploma offered within the homeschooling community. This, of course, would require your son to meet standards designed to protect the reputation of homeschool diplomas.
2. Because of the HSLDA who fought at the national level so that homeschoolers could get Pell grants without diplomas, you can go to your school superintendent and get him to sign a form stating that your son completed high school in a home education

program. This, of course, might require you to cultivate a relationship with your school superintendent.

3. Because of far-seeing educational reformers of the past, your son can pass the GED and get a diploma recognized as the equivalent of a high school diploma.

Donna D. replied, addressing the idea that her school district might sign the "certificate of completion":

Choice #2: Our District hands out a BEC (Basic Education Circular) along with a copy of the Home Education Law to all homeschooling families. In this circular they state that they are "under no obligation to award a diploma or otherwise acknowledge the completion of a home-educated student's education" Doesn't sound like the superintendent wishes to be friendly or cooperative to me.

About a week later she added an addendum:

Just wanted to give a quick update here...I called my School District contact person and asked if they would be willing to sign a "certificate of completion" for my son when I brought in this year's evaluation. She told me "no problem, they've done it before for other families, just bring in the grant or whatever paperwork there was and they'd be glad to sign it".

Soon Rep. McIlhattan asked me to explain the discrepancy between my testimony and Mary Hudzinski's testimony. "She basically says we don't need a diploma. Other states don't need a diploma. We need to have one in Pennsylvania. Take me around that tree."

I pointed out that according to a 1998-1999 survey by the National Center for Home Education, 38% of public colleges and 29% of private colleges across the nation either require homeschoolers to take GED or SAT II tests not required of school graduates or else they set criteria for homeschool admission that are higher than those set for school graduates. But to my knowledge, no Pennsylvania college or university has any such requirement for the graduates of Pennsylvania Homeschoolers Accreditation Agency. I went on to cite an e-mail that I had received about a homeschooled student from North Carolina who was rejected by the University of North Carolina although he was an Eagle Scout with SAT I scores of 1450. "And this was a college that was not allowed by state law to have a policy that gives any extra requirements to homeschoolers. They still did it anyway. What we are finding is that parent-issued diplomas are not considered to be worth very much by colleges." And, I pointed out, those who are graduating with our diplomas are not getting any of these extra requirements from colleges in Pennsylvania.

Ellen Kramer then challenged this study (even though it is the most recent one available). She argued that the survey was done prior to the 105th congress which made it acceptable for those with parent-issued diplomas to get into the military and get financial aid.

Later Rep. Fleagle began to look for a solution other than HB 2560 to the problems mentioned at the hearing. He asked the panelists to tell him the primary areas where school superintendents are overstepping their bounds.

Mary Hudzinski replied that the main problems were with special needs children, and that school districts have a "tendency to presuppose that families with special needs children will not be able to meet their difficulties at home." Bruce Eagleson said that school districts ask homeschoolers to provide extra documentation. I said (exaggerating the extent of the problem) that if homeschoolers did not have to turn in their portfolios that would eliminate 99.9% of the problems.

Ellen Kramer said that school districts are charging people with truancy instead of taking advantage of the due process procedures in law. In the case she described, the parent indeed had a high school diploma, but was refusing to show it to the school superintendent because the language of the affidavit does not specifically require that the parent show the diploma. The school district charged the family with truancy because a parent may not teach his or her own children without a high school diploma or its equivalent. A year later the case was dropped. (Perhaps the mother demonstrated to the judge or the school district that she did have a high school diploma or its equivalent.)

I then pointed out that the due process procedures are actually working quite well. I cited the case of *Deely v. Wallace* where Wallace had charged Mrs. Casey Deely with truancy for filing an affidavit mid-year and in a counter-action Mrs. Deely had successfully sued Wallace for violating her civil rights. I pointed out that the current law cuts both ways.

Rep. Steelman then asked me about my suggestion that the superintendent just get the evaluations and test scores, but not get the portfolios and whether I had a particular interest in the evaluations because I run an evaluation agency.

I replied, "Yes. My wife and I provide many services to homeschoolers, and keeping the evaluations but not turning in the portfolios would continue our accreditation agency, which pays me, in business giving diplomas. So yes, I do have a financial interest."

Rep. Steelman asked me, in light of the studies that have been presented, why I would maintain that backend evaluations might be necessary.

I responded by pointing out fundamental flaws of the study by Brian Ray which found no difference in homeschool achievement between states depending upon amount of regulation. In his study, only 29% of those surveyed responded and only 38% of that 29% provided test scores that Ray could use. The average student in that study scored at surprisingly high 87th national percentile in total reading and 82nd percentile in total math, which is much higher than the more systematic reports found where all homeschoolers are tested, such as the study by Wartes which found that homeschoolers in WA scored at the 65th percentile in reading and the 53rd percentile in math. And furthermore, as Brian Ray himself pointed out, in low regulation states testing is optional. "If your kids aren't learning to read, you're not going to test them and you're certainly not going to brag about their scores in a survey to Brian Ray." If there is no accountability, I pointed out, then homeschoolers will say, "I'm too busy to do that now." There is a lot of anecdotal evidence that there are a lot of problems in states that have no regulation. Homeschoolers are not angels, I explained, quoting Madison: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

Last to ask questions was Rep. Grucela. He asked about the need for diplomas among homeschoolers who don't go to college. I replied:

The military has a 5 year program where they're testing out how well homeschoolers do. There's already been a situation where it's been abused. What happens is a high school dropout comes in to a military recruiter, he doesn't have any kind of a diploma. So the recruiter says, "If you just had a homeschool diploma then you get in the military." So the homeschool diploma appears and then this person goes in the military, and drop-outs don't do very well in the military. They drop out of school and they drop out of the military. And they often can't handle the technical courses they take in the military, so they don't last long. So the military, then, is getting an impression of how homeschoolers are, based upon who the people are who claim to be homeschoolers when they get into the military.

Here in Pennsylvania we have a situation where any homeschool organization, any of the people here at the table, CHAP, Catholic Homeschoolers of Pennsylvania, Pennsylvania Home Education Network, could start a diploma program and make sure their members have diplomas. And they can make sure by doing so that no drop-out can claim to be a homeschooler easily. And it protects our diplomas.

Mary Hudzinski then argued that there was a problem with the Pennsylvania Department of Education policy recognizing our diplomas which could affect her grandchildren. While the Department does recognize our diplomas, the school districts do not have to. I responded by pointing out that if it ever comes to a court case, the Department of Education's opinion would convince the judge.

Maryalice Newborn told of a single mother: "Two months before graduation, her evaluator said in order for your child to get PHEAA funding you either have to do one of these three things: The GED (she said she did not want the stigma of the GED attached to her child), the superintendent letter (those friendly superintendents out there wouldn't sign it, there aren't very many that will), or purchase a diploma. There is something fundamentally wrong with a system that forces the low income to purchase a product from a company in order to get state assistance."

A minute later I had a chance to defend our members: "I want to just respond a second. The fees of these diploma organization are very low. Susquehanna charges \$25 total including everything. We charge \$80 total, it comes with a high school student newsletter. And I think that Maryalice was insulting every single member, every single of our graduates when she said that they purchase their diploma. They work very hard for their diplomas. Thank you!"

After the hearing, reporter George Taylor for the Lehighon Times-News reported the reaction of 3 Democratic representatives and 3 Republican legislators to the hearing. Not one of the six was positive about House Bill 2560:

"It's clear that many administrators are clearly over-stepping their bounds," said Rep. Patrick Fleagle.

"The current law is a good one but it's the interpretation that is creating the problems," Rep. William Robinson said.

"We must have more important things we ought to be doing than bothering these people with all these regulations," said Rep. Edward Krebs, "but HB 2560 goes too far for my liking."

"The current Pa. law does not do any good, but it does no harm," said Rep. Fred McIlhattan, "but if we remove the current law, will quality homeschooling programs remain in five years?"

"It's not our position to eliminate homeschooling or increase regulations," said Rep. Sara Steelman. "I think we need to keep what we have in place."

"Whether or not these people are good, conscientious parents, is not the point," said Rep. Phyllis Mundy. "Are they all good and conscientious educators? We may not need to regulate homeschoolers as we do, but this bill goes way beyond what we need to do."

What is Next?

It is possible, but not likely, that the House Education Committee will yet pass House Bill 2560. If so, they may change it first so that it looks very different than it does now. If it gets out of committee and goes to the House floor, the educational establishment will no doubt try to add provisions that they favor, such as testing or home visits. If the bill were to pass the House it would still need to pass the Senate and get signed by the Governor before it could become law. Some homeschoolers are under the illusion that the chief sponsor (Rep. Rohrer) can withdraw a bill after it has been introduced. This is not true. Since the bill rewrites the entire homeschool law, any changes made in the bill on its way to passage put us all at risk.

The introduction of House Bill 2560 was a sad defeat for the homeschooling community. It ended the possibility of our working together to fix the problems of our current law. The only winners were those who gained new adherents to their anti-government cause. I still can't understand what attracts people to the position that parents are angels, that there should be no protection for the child, that there should be no protection of the state's interest in an educated citizenry, and that it is acceptable to introduce a bill with the intention of taking away other homeschoolers' recognized diplomas because those diplomas are higher on a "hierarchy." I especially cannot understand those who go out of their way to try to hurt homeschool organization graduates by telling the public that their diplomas were "purchased."

If HB 2560 has not passed at the end of November, the session will end and it will die. A new session will start in January. The proponents of HB 2560 will then have a choice: If they want to continue to divide homeschoolers by taking away other homeschoolers' options and putting all of us at risk, they can introduce another bill that changes the current homeschool law. If they don't want other homeschoolers to oppose their bill, they can write their bill as a new option, a new alternative under the compulsory education law, and they can leave the current law alone. In my testimony I noted that we would not oppose their bill if it were

turned into an option, since it would not take away our diploma and the accountability and safety from those of us who would still follow the current law.

In 1993 Doris Hohensee, a New Hampshire homeschooler, introduced a bill similar to this one 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, the Home School Legal Defense Association 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.

That was good advice for New Hampshire in 1994, and it would be good advice for Pennsylvania in 2003. [Read more about HB 2560](#)