

Governor Signs Equal Access Bill

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The photo above is a composite of three photographs taken by the Governor's photographer as Governor Rendell signed Senate Bill 361, a bill that gives homeschoolers access to public school sports, clubs, and other extra-curricular activities throughout Pennsylvania. Seated at the table are Senator Regola, Governor Rendell, and Senator Jubelirer. Behind, are homeschoolers including (roughly from left to right) Peter Hrycenko, the Wong family, the Monroy family, the Weber family, Howard Richman, the Loy family, the Emerson family, the Ryerse family, and the Horn family.

by Howard Richman

On November 10, 2005, Governor Rendell signed Senate Bill 361, sponsored by Senator Regola. As a result, starting on January 1, school districts across Pennsylvania will have to let homeschoolers participate, on the same basis as public school students, on their sports teams and in their other activities.

Sports was the big issue for most of the homeschoolers who participated in the lobbying effort. For example, both of the girls standing just in front of me at the signing ceremony (I'm the one with the beard) wanted to play on public school sports teams.

The taller of the two, blonde-haired Samantha Weber, age 13, wants to play soccer on the Freeport High School team. She brought her soccer ball to the signing ceremony and got it signed by both Governor Rendell and Senator Regola. She was also interviewed by members of the press after the ceremony. Here is how the Pittsburgh *Post-Gazette* article described her situation:

Samantha's brother, Zachary, was not allowed to play soccer for the high school when he was a home-schooler, but he was on the team when he enrolled as a senior in a cyber school, from which he graduated in 2004, said their mom, Alison.

Samantha plays soccer with a Beadling cup team, but once she enters high school next year, the team won't have a fall season because the other players will be on high school soccer teams. Samantha doesn't want to lose a season of playing time.

"I just love the game, period. I love being part of the team. I like running and stuff like that," said Samantha.

Her Beadling teammates go to other high schools, but she previously played with some Freeport girls in recreational soccer. Her current teammates even called and e-mailed the governor in support of the bill even though they aren't home-schoolers.

The shorter of the two, dark-haired Olivia Loy, a sixth grade field hockey player from the Harrisburg Area, spent the fall as the manager of the local middle school level field hockey team. The sixth grade level doesn't compete so she was able to practice with the team. But the seventh and eighth grade levels have games. If not for this law, Olivia would only be allowed to take stats and run for water next year.

Also present at the signing ceremony were the entire Horn family from Philadelphia. James Jr. (10) and Joseph (7), shown wearing suits on the right side of the picture, had joined their father, Natalie Bishop and myself in a visit to the Governor's office in October where we asked an aide to relay our message to the Governor. James already plays football and wanted to have the opportunity to play football in high school.

Also supporting the bill were many homeschoolers whose school districts already let them participate in school sports. For example, Lydia, Rachel, and Abby Wong, shown on the left side of the picture already participate on the Northern York High School Cross Country team and have been a major factor in their team's successful season as noted in a Carlisle Sentinel article on October 28, 2005.



Homeschool dad Peter Hrycenko (shown with the Governor and myself in this photo taken after the ceremony) had been the "point-man" on this bill for homeschoolers for many years. He had continued his lobbying efforts even after his own kids were allowed to play sports on the Allentown High School teams.

The bill needed all of the support it could get as it approached the Governor's desk. PA Homeschoolers stepped in on October 14. Providentially, our annual Homeschool Excellence Day rally, which had been scheduled a year earlier, occurred at just the right time, October 19, to give the bill momentum as it left the Senate and headed toward the Governor's desk. Senators Regola and Jubelierer spoke in favor of the bill at our rally, as did homeschool mom Carol Lugg. The Harrisburg *Patriot-News* covered our rally, but also reported Governor Rendell's negative position on the bill: "Rendell would consider the bill if it reaches his desk, but he is concerned about the financial impact on public schools, said Kate Philips, a spokeswoman for the governor."

From October 19 until the November 10 signing ceremony, I organized an extensive campaign to generate thousands of e-mails and phone calls to the Governor's office. The

PA Homeschoolers Message Board kept people up-to-date with the latest happenings during this campaign. We sent out e-mails to support groups and homeschooling families, and many local support groups passed on my messages to their members or posted the messages on their websites. We could tell that our campaign was succeeding by the gradual shifting in the message that Governor Rendell's spokesperson was giving to the press. He moved from being "willing to consider" the bill on October 19 to being undecided on October 26 to being supportive on November 10.

The Home School Legal Defense Association (HSLDA), a national organization with many members in Pennsylvania, regularly sends out e-mails to their Pennsylvania members and former members, some of whom might have wanted to participate in school sports or activities. I got those mailings but never saw anything about the bill, not even a "heads-up" for those readers who would be directly affected. After it passed, HSLDA spokesman Ian Slatter told the Allentown *Morning Call*, "We don't like the entanglement with the public school system." Slatter also said that HSLDA objected to the language of the bill because it could open the door to a school district mandating that students participating in extra-curriculars take public school tests and the HSLDA doesn't want homeschoolers to "have to change their method of teaching or curriculum to play on the team."

[Note: After this issue went to press I received an e-mail correction from HSLDA lawyer Dee Black to my statement in the above paragraph. He noted that HSLDA "has always been ... neutral on such legislation.... Ian Slatter's comments were intended to provide some of the pros and cons of this type of legislation, not to criticize this particular bill. We did not object to any of the language in this bill, or I would have said so on our [website where we track legislation](#)."]]

But the Senate Rules Committee had bent over backwards to accommodate homeschoolers' concerns when writing the final language of this bill. Here's the language to which HSLDA appeared to object:

Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of Section 511 including, but not limited to, clubs, musical ensembles, athletics and theatrical productions provided that the child:

1. meets the eligibility criteria, or their equivalent, for participation in the activity that apply to students enrolled in the school district;
2. meets the try-out criteria, or their equivalent, for participation in the activity that apply to students enrolled in the school district; and
3. complies with all policies, rules and regulations, or their equivalent, of the governing organization of the activity.

Furthermore, we already know the sort of provisions that will be written into the school district policies. Half of Pennsylvania's school districts already have those policies in place and none, so far as I know, requires that homeschoolers take the public school tests as a condition for playing. Even if HSLDA is correct and some districts might create a policy that has a testing requirement, that testing requirement would only apply to those who choose to play and who would not have been allowed to do so without this bill.

School districts that do not yet have policies for complying with the PIAA (Pennsylvania Interscholastic Athletic Association) academic requirements for participation in school sports will probably be adopting new policies at their December meetings. Homeschoolers may want to attend and bring with them sample policies to show how friendly school districts are handling the PIAA requirements.

The authors of the bill were careful to make sure that any policies created by school districts would only apply to school sports and extra-curriculars. Specifically, the bill reads:

A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in activities and shall not conflict with any provisions of this section.

Also, since students are usually required to get a medical examination in order to participate in school sports, the bill requires that school districts publish the dates and times of such medical examinations on their websites so that homeschoolers can attend.

What Else is Involved besides School Sports?

The bill not only lets homeschoolers into school sports, it also allows them into all of the other activities that are defined by Section 511 of the School Code. In general, school students do not get credits or grades for an activity, although they would get credits and grades for a course.

The law and Section 511 specifically mention clubs, musical ensembles, theatrical productions, school publications, debating and forensic activities. They are still Section 511 activities even if they meet during the school day.

School districts are already supposed to have policies about how activities are managed, supervised, and paid for, so it should be possible to find out which are the Section 511 activities in your school district by checking out your school district's already-existing policies. I talked to Sarah Pearce at the Department of Education (717-783-6610) and she told me, "Basically anything that a public student can do under Section 511, now a homeschooled student can do as well."

Although school courses are not included in Senate Bill 361, we expect more and more school districts to open their courses to access by homeschoolers. Under existing laws, school districts can already get Department of Education funding for the part of the school day that homeschoolers (or private school students) participate in their courses. [Governor Ridge's remarks](#) usher in a new era of cooperation in Pennsylvania.