

“ Move Across the Border” -- The History of Senate Bill 361

by Peter Hrycenko

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“Move across the border,” suggested the then vice-president of the Allentown School Board in Spring 2000 when I had approached the district to allow homeschoolers equal access, in particular for my 9th grade son Nestor to play soccer. Players and the coach were waiting for him.

Moving a half mile to an equal access friendly district was not in my mind. Sports and community was. By April I had published in *The Morning Call* my first of several op-eds and at that moment the state struggle had been renewed, there was no turning back, and proponents and opponents would be forming up with each new radio and TV show.

These battles weren't cheap. There was also the emotional toll. Still, others before me in America had shone a light with their equal access sacrifices. National homeschool speaker Debra Bell had, with the help of attorney Michael Farris of HSLDA -- when HSLDA had once taken an aggressive stance on equal access -- opened up the Palmyra district in the early 90s. Mrs. Bell had put together a packet of advice and national news stories to assist other seekers. From this I began a dialogue with Gary Lineburg, the pioneer in Oregon who saw statewide equal access in one year, and Tom Lewis, now president-emeritus of AFHE Arizona Families for Home Education who said “think outside the box.”

While Pennsylvania had no written law on equal access and 501 districts each at their own whim made the decision on inclusion or exclusion, back then no one knew how many districts were open.

When looking for allies, most amazingly I had found some equal access friendly school administrators and teachers from other districts ready to share with my district. They were not fearful of accidentally stepping on toes and said that helping all children was paramount. In my own district, our teacher-coach endured threats for his opinion.

Homeschoolers, on the other hand, would be different. From hearing important war stories from homeschoolers such as Charlene McNatt (equal access federal lawsuit) and in talking with those in my area, as well as with state homeschool group leaders, I figured not to count on homeschool leaders. At least not in the beginning. In fact, when there wasn't apathy, there was hostility. “Why are you rocking the boat? The state will come after us with new regulation. Sports really aren't that important. Districts should decide. Go join a cyber-charter.” Not that I was unaware of the bloody independence struggle for homeschool legalization culminating in 1988 with Act 169. Later I tried in several ways to get the NFL's first homeschooler, Jason Taylor, to come help the kids out. No response.

Despite a shock wave of media stirred by WAEB Clear Channel radio host Bobby Gunther Walsh, after a failed Preliminary Injunction hearing in Lehigh County court failed in Fall 2000, I went to Harrisburg. Rep. Mark McNaughton (R-Dauphin) had been introducing bills along with Sen. Robert “Tommy” Tomlinson (R-Bucks) since 1997 for an open door. McNaughton, a

home builder, had been outraged upon seeing the first homeschool girl denied in his district, while Tomlinson a former school board president in Bensalem, had championed a homeschool wrestler. (Actually Tomlinson was not in 2000 the Senate bill chief sponsor, that sponsorship role had gone to some else on the Senate Education Committee from Pittsburgh.) McNaughton said to me, "Tell Zogby to move the bill. Can't get it past the House Committee leader and Majority Leader in caucus discussion." Gov. Ridge's point man Charles B. Zogby told me he couldn't budge it, either. There were many votes in the right places needing to be won. Of course, the biggest obstacles would be the Education Committee Chairmen in the Legislature.

Homeschool support group queen Barb Page was the first to alert me of PA Dept of Education's first survey on equal access in 2000, revealing that just less than half had equal access for extracurriculars and even curriculars. We now had some more traction. Kindly, Barb used her large email address book to spread word to other homeschool mavens. Pauline J. Harding and Carol Lugg didn't hesitate either to inform the community.

That lonely Christmas, I read PA homeschool giant Howard Richman's book *Story of a Bill* and was inspired by the humor and the sadness as homeschoolers slogged through a decade of unimaginable persecution, living on faith, to get the 1988 independence law. Some names in his masterpiece would repeat themselves in my own trek. Howard and I to this day have some differences, but this book deserves reprint and redistribution by a world publisher.

House Education Committee Majority Chairman Jess Stairs told me in January 2001. "You'll have to visit in person all 26 members of my committee, talk, get their commitment for your bill." The road had just gotten longer.

Along came another gifted homeschool icon, Mary Hudzinski. Before Thanksgiving she had decided I needed a boost, talked with Education Committee member Rep. Pat Fleagle (R-Chambersburg). "Jess will bring it up for me," he said, "and I know you don't want to hear this, but we need the 'yes' majority first." McNaughton and I got the yes votes somehow.

For December 5, I was told the big media would be at our first hearing ever. They weren't. Our crushing crowd of supporters, which numbered myself, my son, McNaughton, one other advocate, three curious homeschool families looking on, and resident Education Lobbyists, were dwarfed by the shadow of a near full Committee over us. Where were the hundreds of activists that I thought should be interested enough to come out? The sun rays in the vast Public Utility Commission hearing hall played upon the legislators as they spoke. Story goes, our voting bloc on the Committee had collapsed before it started, the Education Lobby behind the scenes had made phone calls. Erstwhile supporter Rep. Sara Steelman opened her mouth, "I have questions." To stave off utter defeat, Jess Stairs continued the bill to January 9, 2002.

This was better, despite icy weather. AP's Martha Raffaele was there, dozens of homeschoolers, and an equal number of Education Lobbyists and government observers. Howard Richman had Delaware County homeschool pioneer Pat Parris visit as an observer, and Howard's recommendation, Debra Bell, was chosen to appear with me on the Committee panel. Debra Bell was a hit with the public education panelists due to her eloquence and public ed history. A surprise on the panel was Dr. Michael Pladus, a former

wrestling champ and a national and state principal of the year, who said “[M]ost school administrators fully welcome and embrace the decision to allow [equal access].” Another superintendent had equal access in his district but recommended against it statewide. PIAA’s Brad Cashman was happy to report no problems. At one point, a committee member asked the Education Lobby amassed at the table, what would be wrong with it statewide. A superintendent shot forth, “We don’t want the state telling us what to do.” (My testimony can still be found on the web at www.equalaccess.cjb.net)

Martha Raffaele’s story went nationwide, leading to the NY Times and more talk show radio ☐ and a call from Good Morning America; but my wife declined, didn’t want thousands of pounds of cameras in our home at 530AM. Nor was she enthused about equal access.

Come something else, the HB2560 hearing in Fall 2002, the bill that was for total homeschool freedom sponsored by Rep. Sam Rohrer. Jess Stairs sponsored equal access as an amendment. Out of parliamentary sequence, he raised up first statewide equal access, condemned his own amendment, then proceeded to kill off Rohrer’s bill.

Rep. McNaughton could not have realized, fearless as he is, that he would do the greatest heavy lifting of his life in the House. The Senate had expected the House to be an uncertainty and wanted the House to make a decision on the House Floor once and for all.

But McNaughton couldn’t do it alone. The House was astir. Next session, his bill was joined by another bill from heavyweight Rep. Bob Godshall (R-Montgomery). Godshall had been on the Souderton school board for 17 years and had long promoted inclusiveness. House Speaker John Perzel sent me a letter of support.

Then on June 25, 2003, the ball was handed off to Godshall on the House Floor. Since Jess Stairs had bottled up the new equal access bills in committee, Godshall presented to the full House an amendment to a vehicle (a “shell” bill), which if passed would go on to the Senate. Sides had formed. Opponents were led by an opportunistic Rep. James Roebuck (D-Philadelphia), the Education Committee Minority Chairman and by his counterpart Jess Stairs. Godshall throughout the hearing, like a bulldog, stayed firm on his answer that we were extending something that worked already up to 2/3 of the districts. McNaughton brought up the issue of discrimination against a tiny minority, which brought over many in the Black Caucus, I’ve been told. My own Rep. Jennifer Mann (D-Lehigh) behind the scenes brought in many from the Women’s Caucus. You could see the shift in the tide during the 100 minutes, as Reps. Peter Daly (D-Fayette, Washington), Gordon Denlinger (R-Lancaster), and most surprisingly a turnaround Phyllis Mundy (D-Luzerne), spoke strongly, while Rep. P. Michael Sturla (D-Lancaster) softened his tone after several speeches against us, and James Roebuck’s face likewise faded. 149-51 we won the amendment and moments later 200-0 the bill. But the bill died inactive in the Senate Education Committee.

Senate Education Committee Majority Chairman James Rhoades (R-Schuylkill) had told me in private that he hated equal access. A former football coach and principal, whose tough look reminds of a leather helmet days player, Rhoades exercised near dictatorial control of committee traffic.

However, by 2005, we had the yes votes on committee. Further, Senate President Pro-Tem Robert Jubelirer (R-Blair) would exercise a “yes” vote ex-officio. Jubelirer had always been

with us, speaking notably at high noon at a 90 degrees April 15, 2002, homeschool rally at the Rotunda. On the committee all Republicans except Rhoades lined up for us as well as Connie Williams (D-Montgomery, Delaware). Williams had been with us since she had been in the House Education Committee previous to the Senate.

In February 2005 I found myself at the onset of a fresh start, in the office of Megan Crompton, chief of staff for Sen. Tomlinson. While I expected him to be chief sponsor of the latest Senate bill, she informed me that a week ago the Senator had been preparing for just that, but halted when he discovered freshman Senator Bob Regola (R-Westmoreland) had already submitted his own bill! Who was this young Regola, I asked? Well, homeschoolers (and Jess Stairs) had helped in his election.

On June 8, 2005, I got an unexpected call from Dave Broderic, the Committee Executive Director who is the right hand man of Sen. Rhoades. Regola's Senate Bill 361 had just passed the Committee 7-4. No need for thanks, just a heads up.

Suzanne O' Berry, Regola's then chief of staff, later told me the cruiserweights championed us at the hearing. Together, Jubelirer, Tomlinson, Majority Whip Jeff Piccola (R-Dauphin) had raucous speeches while opponents were mostly quiet.

The buzz had it that the Education Lobby was furious the bill left committee. My own local newspaper editorial board of *The Morning Call*, which two years earlier supported a legislative decision one way or the other, now would write in June and October the Governor should veto it, disingenuously claiming equal access would burden districts.

June 22, 2005 the Senate Floor debate was carried by the Republicans and fair-minded Democrats 34-16. Candidates for a Hall of Shame, Minority Leader Bob Mellow (D-Lackawanna) and Lisa Boscola (D-Northampton), need mention. I don't know which was more vicious. They acted as if the illegal aliens were finally taking over the United States. Mellow began his tirade about "homebound students" and "bad public policy" and why not mandate for private schoolers lacking extracurricular programs. Similarly went Boscola, who probably wasn't aware of the fact that every school district except one in her Northampton County had equal access.

Sen. Anthony Williams (D-Philadelphia) stood up in defense of the equal access children with a speech spelling basic human rights that needs full publication here one day. Visibly upset; I did not expect it to turn into this kind of debate!

Majority Leader Chip Brightbill was the antidote for Mellow. He offered to entertain any amendment by Mellow to discuss equal access for private schoolers should he desire. Slim chance Mellow would do that.

When the bill went to the House, it picked up an unrelated cybercharter amendment, which was a poison pill from Rep. John Pallone (D-Armstrong, Westmoreland) and booby trap language from the House Education Committee. The bill passed the House quietly at 194-3. Because it had to be cleansed by the Senate and House Rules Committees, the bill would not go to the Governor in July. Another delay. Kids would not play in September.

Which led to better bill language. Dave Broderic was lead writer of the advanced language. MaryAlice Newborn, Mary Hudzinski and I were included in teleconferences with Sen. Regola's Chief of Staff Dave Chick and Dr. Paula Hess, special assistant to Speaker John Perzel.

MaryAlice and Mary were instrumental in seeing that "meeting standards" terminology included "or its equivalent" to protect homeschool sovereignty. Their deep knowledge of homeschooling helped as they studied every word.

My revisions were that the Act take place immediately, activities start at least by January 1, and the final paragraph that any school boards adopting a policy not interfere with provisions of the bill. I repeatedly said in the House and Senate that many schools had equal access but no written policy and that we shouldn't burden anyone with written policy so long as equal access was permitted.

Meanwhile Howard and Susan Richman had been picking up steam. At the PA Homeschoolers Excellence Day, it was their pleasure to announce the final version of SB361 had just passed the Senate. They called on their vast contacts to begin approaching their legislators, and at last the Governor.

We were heartened that Governor Ed Rendell said through his press secretary Kate Phillips that he was studying the bill, weighing any costs.

On November 9, short notice invitations poured out of the Governor's Office. We didn't know all who would be there. I could bring a couple people I was told, but my close top activists were busy with work, surgery or didn't get my call in time. Howard Richman brought in the troops from around the state. He drove in with Alison Weber and her daughter Samantha. The Webers had once mustered over a hundred supporters at a school board meeting that had stonewalled son Zach, featured for example in *USA Today*.

November 10 the Governor directed a ceremony at his offices making Pennsylvania the 15th equal access state. Media and lights. Known to be kind, gentle and sweet with his old constituents in Philadelphia, he now made Pennsylvania homeschoolers present feel in no uncertain terms they were his nieces and nephews. At the signing table with him were Sens. Regola and Jubelirer. TV and AP photos of the day would show poignantly the diversity and ages of children involved. "Homeschool parents deserve our respect, and their children are entitled to be included in the activities of their school districts," the Governor said. "It was very disingenuous for the local school districts to say this adds an additional financial burden to them because each of these homeschool parents pay property taxes." The whole speech could be used for a national equal access effort.

Reps. McNaughton and Godshall didn't get invites that day but I'm hoping homeschoolers in Harrisburg will arrange the next celebration soon.

Peter Hrycenko, Governor Rendell and Howard Richman at the signing ceremony

