

PENNSYLVANIA

A statewide Network Sharing Information about HOMESCHOOLING in PA.

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HOME SCHOOLERS

Newsletter 18

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Thanks to all of you who were able to support Jim O'Brien, a homeschooling father, in his bid for the State Senate. Unfortunately he did not win, and we all will need to work hard to find good support for our cause in the Senate.

Thanks also to all of you who were able to answer Mark Resetar's questionnaire that was included in the last issue. We will have his full report by the next issue of PA HOMESCHOOLERS. He remarked to Howard that it was very interesting to see the wide variety of reasons home educators have for wanting to teach their own children.

The October 3, 1986 issue of PENNSYLVANIA EDUCATION, a publication from the Dept. of ED, is included to give parents information about the TELLS TEST, the statewide achievement test that 3rd, 5th, and 8th graders in the public schools must take. Some districts are requiring this test of homeschoolers also, although I don't think it is strictly legal that they do this, as your kids by rights are NOT enrolled students of the public schools. Now families can have the same info the teachers have about the specific goals of the test. This info could also be useful to other parents as a sort of minimum curriculum guide to reading and math.

SCHOOL DISTRICTS COOPERATING WITH HOMESCHOOLING FAMILIES IN PA.

(NOTE-- POLICIES VARY WIDELY, BUT THESE DISTRICTS HAVE DEALT WITH HOMESCHOOLING-- YOU WON'T BE A FIRST CASE IN THESE DISTRICTS, ALTHOUGH WE ARE NOT SAYING APPROVAL WILL NECESSARILY BE EASY OR ASSURED.)

ABBINGTON	LAKEVIEW	
ALLENTOWN	LATROBE	
ALTOONA	MARPLE NEWTOWN	
APOLLO-RIDGE	MILLCREEK	TYRONE AREA
ARMSTRONG	MT. LEBANON	UNIONVILLE-CHADDS FORD
BANGOR	MT. PLEASANT	WEST CHESTER AREA
BEAVER	MT. UNION	WEST JEFFERSON HILLS
BETHEL PARK	MORTHAMPTON	WILLIAMSPORT
BLACKHAWK	NORTH HILLS	YOUGH
BUTLER	NORTH PENN	
CHESTER UPLAND	NORTH WESTERN	
CENTRAL BUCKS	PARKLAND	
COMMODORE PERRY	PEN ARGYL AREA	
CONNEAUT LAKE	PENN HILLS	
CRAWFORD CENTRAL	PETERS TOWNSHIP	
CRESSON	PINE-RICHLAND	
DOWNINGTOWN AREA	PITTSBURGH	
EASTON	QUAKER VALLEY	
EAST PENN	REDBANK VALLEY	
FAIRVIEW	RINGGOLD	
FLEETWOOD	SHALER	
FOX CHAPEL	SOUTH WEST BUTLER	
FRANKLIN REGIONAL	SOUTHERN TIOGA	
GIRARD	SLIPPERY ROCK	
HIGHLANDS	TAMAQUA	
JEFFERSON-MORGAN	TREDYFFRIN-EASTTOWN	
HOPEWELL	TRINITY	
KANE	TROY	
KISKI		

You'll notice in this issue that we've decided not to run the directory of families in each issue, due to space limitations: We will run the full directory each August issue, and anyone who wants a directory update at any time during the year can have one for 50 cents and an SASE. Instead, we hope that the expanded list of support networks of homeschoolers across the state will be of even more help-- call these local folks and they will be able to help you get in touch with MANY others nearby, as well as any gatherings or activities.

Another plus about the listing of support networks occurred to me just the other day, while I was meeting with our new superintendent. As we talked he finally said what I'd suspected must be festering there under the surface-- "Well, I don't doubt that IF parents have the time to do this sort of thing WELL (and I can't see how many COULD find this sort of time) that home education programs could be a fine ACADEMIC education". I took his emphasis to mean he was worried about the SOCIAL aspect of this "aberant" way of raising children. He said, grateful that WE brought it up, that YES that was what he was most concerned about-- the SOCIAL LIFE. So we shared with him some of the many ways homeschooling families I knew were finding to meet their children's social needs. I had a copy of PA HOMESCHOOLERS with me, and opened to last issue's CALENDAR page listing the wide variety of fairs, seminars and gatherings all across the state that homeschoolers could attend. He really looked it over carefully-- and he was IMPRESSED. He then made a surprising comment-- "Well, if you all have formed this sort of structure that children can take part in, then you have actually, in a sense, created your own PRIVATE SCHOOL". Now this is not how I look at these gatherings, but the important thing to me was that this man (who was certainly not keen on the whole idea of homeschooling), was so impressed with this amount of networking as to give it the supreme COMPLIMENT of saying we were our own larger school-- and therefore OK. So we are partly sharing this information on support groups and activities for the OUTSIDE world's edification, to show them that we indeed are not locking our kids in closets, but rather have MANY ways to go out into the world, often with our fellow homeschoolers.

As always, thanks SO much to all of you who have shared your experiences with others in this issue-- you are truly what makes the newsletter happen. Next issues deadline is mid-February. Looking forward to hearing from YOU!

PLEASE KEEP US UP TO DATE ABOUT COOPERATIVE SCHOOL DISTRICTS-- THERE ARE 501 DISTRICTS IN PA, SO WE CLEARLY DON'T KNOW ABOUT ALL OF THEM. ALSO DO SEND ON COPIES OF YOUR SCHOOL DISTRICT'S HOME TEACHING POLICY. THANKS!

PA. HOMESCHOOLERS'
MASTHEAD lettered
by Jesse Richman, age 9

NEW COURT CASE MAY GET PRESENT HOMESCHOOLING LAW
DECLARED UNCONSTITUTIONAL.....from Howard Richman

At the end of October, Attorney Michael P. Farris of the Home School Legal Defense Association and Harrisburg Attorney Gregory Reed filed a class action suit in federal court to get the present compulsory education law declared unconstitutional. The suit, representing at least nine families who have chosen homeschooling because of their religious convictions, charges that the present Pennsylvania law gives "unbridled discretion to approve or disapprove a family's desire to teach their own children" to the district superintendents and so violates the U.S. constitution and the Civil Rights Acts. In addition to seeking a declaration that the present Pennsylvania law is unconstitutional, the suit seeks court costs and attorneys' fees from the School Superintendents who are named as defendants. These superintendents include the superintendents of the Solanco, Scranton, Hazelton Area, Wyalusing Area, Centennial, and South Eastern School Districts.

Here are some excerpts from the suit:

5.1. Pennsylvania Public School Code (24 P.S.) # 13-1327 permits a child to be homeschooled under the following terms: "Regular daily instruction in the English language, for the time herein required, by a properly qualified tutor shall be considered as complying [with the compulsory attendance law] ... if such instruction is satisfactory to the proper district superintendent of schools."

5.2. There are no further Pennsylvania statutes or binding administrative regulations which limit in any fashion the sole and unbridled discretion of a local superintendent of schools to approve or disapprove their homeschooling solely on the basis if the instruction is "satisfactory" to him or her. The sole regulation regarding homeschooling, Pa. code 22 # 11.31 merely lists the general subjects which shall be included and the minimum hours and days of study. It also states that the superintendent may require evidence of progress satisfactory to his or her sole discretion....

6.1. The right of a parent to teach his or her child at home is protected by the Free Exercise of Religion Clause of the First Amendment to the Constitution of the United States.

6.2. The right of a parent to teach his or her child at home is protected by the right of parents to direct the rearing and education of their minor child as inherent parental rights protected by the Ninth and Fourteenth Amendments to the United States Constitution.

6.3. Pennsylvania Statute # 13-1327 is unconstitutional on its face in that it conditions the exercise of constitutionally protected rights upon the unfettered discretion of a government official.

6.4. Pennsylvania Statute # 13-1327 is unconstitutional on its face in that it allows a government agent with a financial stake in the outcome of a decision on behalf of his or her agency, to render a decision as to whether or not a family may teach their own children. This is a violation of the Fourteenth Amendment Due Process Clause which demands that any government decision made affecting the exercise of constitutional rights must be in accordance with principles of due process. This includes the requirement of a neutral decision maker. A person with a financial stake in the outcome of the decision is, as a matter of law, not a neutral decision maker.

6.5. Pennsylvania Statute # 13-1327 is unconstitutional on its face in that it conditions the exercise of First Amendment rights in a manner constitu-

ting prior restraint. No First Amendment right, including the Free Exercise of Religion, may be subjected to the requirements of a prior restraint.

6.6. Pennsylvania Statute # 13-1327 is unconstitutional on its face in that it requires the imprimatur of the government to be placed upon religious education as a condition to the practice of religious education in violation of the Establishment Clause of the First Amendment to the United States Constitution.

6.7. Pennsylvania Statute # 13-1327 is constitutionally void for vagueness in that it fails to define "properly qualified tutor" in a manner that will adequately inform either parents or school officials charged with the enforcement of said statute as to the meaning of said term. There are dozens of differing standards of said term adopted by local school superintendents throughout the State of Pennsylvania....

6.9. The effect of Pennsylvania Statute # 13-1327 and the practices of the defendants herein requires plaintiffs to adhere to the curriculum adopted for public schools in Pennsylvania. Said curriculum violates the religious beliefs of the plaintiffs, not in the general sense that children should learn reading, math, science or history, but in the specific sense that the actual course of study adopted by the school district, including their course materials, contains matter which systematically is contrary to the religious beliefs of the plaintiffs.

6.10. The practice requiring public school approval for the use of religious textbooks violates the Establishment Clause of the First Amendment of the United States Constitution.

6.11. Religious schools in Pennsylvania may choose to operate totally apart from state regulation or control of any kind pursuant to 24 P.S. # 2732. Denial of the right of freedom from state regulation for religiously-motivated homeschools violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.

CHANGES ON THE LEGISLATIVE FRONT

.....FROM HOWARD RICHMAN

Every two years an old legislative session ends and a new legislative session begins. As an old session comes to a close, there is usually a flurry of activity. In this flurry, an important bill was passed (the Christian School Bill) which rewrites the compulsory education law with regard to definition of non-public schools. We had hopes that our home-education bill might be brought up, but it wasn't.

PASSAGE OF THE CHRISTIAN SCHOOL BILL

The Christian School Bill, formerly known as House Bill 877, passed both the House and Senate in November as a rider on HB 2174, a PSEA (teacher's union) bill which allowed school districts to provide for the continuing education of their teachers. At the time of this writing (November 27th) it is sitting on Gov. Thornburgh's desk awaiting his signature. By the time you read this, it will probably be the law of the state of Pennsylvania. While this bill defines non-public schools, not home education programs, it should help home-schoolers in three ways:

1. It was sponsored by the same Representatives and Senators who are sponsoring our home-education program bill. Their success in getting this bill passed over the objections of the PSEA strengthens their ability to get our bill passed.

2. It contains language which recognizes parents' rights:

It is the policy of the Commonwealth to preserve the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the education and training for such child....

3. It will make it easier for parent-founded and conducted schools to comply with the compulsory education law. The schools will simply have to file a notarized affidavit with the Department of Education. It may be easy for home-schooling parents to found such schools in order to comply with the provisions of the compulsory education law. In coming issues of Pennsylvania Homeschoolers we will keep you abreast of developments with regard to such schools.

HOME EDUCATION BILL FAILS TO BE BROUGHT UP

On June 24, 1985, when our home-education bill was introduced under the number HB 1478, we had hopes that it would be passed before the session ran out at the end of this year. We hoped that the Christian School bill would soon pass and that then the same legislators who passed the Christian School bill would be able to say, "Let's give the home-educators the same freedom from bureaucratic interference that we gave the Christian Schools." Unfortunately, the Christian School Bill did not pass until the last minute and there was insufficient time to bring our bill up for a vote.

Perhaps, we should not have expected our bill to pass so easily. To my knowledge, of the eighteen states that have so far passed home-education bills, only three of them have passed bills before the courts have forced them to revise their compulsory education laws. The only three exceptions appear to be Alaska, Mississippi, and Washington. Alaska initially started a state-run home-education program for children who lived in the wilderness. The success of this program led Alaska to permit private home-education and to expand their public program to anyone in the state. Mississippi abolished their compulsory education laws when the U.S. Supreme Court forced them to integrate the public schools. When they reinstated the compulsory education laws, they carefully made provision for home-education. In Washington State, the education department first made a study of home-education which convinced them that home-education programs are effective. Then the legislature passed a very good home-education law. I suspect that Raymond Moore had a lot to do with getting this law passed.

In other words, we should not expect a home-education bill to pass quickly unless court decisions force the legislature to make provision for home-education. Nevertheless, I think it is good for us to be active in the meantime. In states like Tennessee where parents have not been active, when the courts have forced the legislature to provide for home-education, the legislatures have based permission for home-education upon the results of yearly achievement tests.

HOME EDUCATION BILL TO BE REINTRODUCED

Early in the next session we will ask the sponsors of HB 1478 to reintroduce a home-education bill. The new home-education bill will have a new section added to it. The purpose of this new section is to protect parents from arbitrary actions by the Department of Education and to head off any administrative attempt to base permission for home-education programs upon the results of achievement tests.

The new section will describe a process through which the Department of Education can investigate a "specific complaint by a named informant that education is not occurring in a specific home-education program". It requires parents to keep one of three forms of documentation that education is indeed taking place in the home either:

- (1) standard achievement test results; or
- (2) written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by any state or commonwealth in the United States or by a private school teacher with teaching experience qualifying the teacher to make such an evaluation; or
- (3) a portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used, and samples of any writings, worksheets, workbooks or creative materials used or developed by the student.

The selection of the most appropriate method of documentation is at the discretion of the parent or guardian or other person supervising the home education program.

Other parts of this new section protect parents by preventing any court action or threats of court action to compel the children to be placed in a different educational setting unless, after receiving a complaint, the Department of Education has (1) found the initial documentation to be inadequate, (2) given the family a year to put together better documentation, (3) permitted the parents to request a due processing hearing before an unbiased arbitrator such as a College Professor who would determine if the documentation is indeed inadequate.

LEADERSHIP MEETING OF PARENT EDUCATORS OF PA

On November 8th, a leadership meeting for Parent Educators of Pennsylvania was held near Harrisburg. Eleven leaders were in attendance. Several important decisions were made including plans for a phone tree and plans for the third annual legislative breakfast and home-schooling conference in Harrisburg next Spring.

PARENT EDUCATORS OF PA PHONE TREE

At the top of the phone tree is Tom Eldredge (215-793-1898). If you want to get out a message to all of the home-schoolers in Pennsylvania please call him. Tom calls me (412-783-6512). I call four people, one for each area code: Jim Means (412-854-4188), Sandy Speck (814-886-4340), Jim Gustafson (717-697-8429), and Gary Freeman (215-266-9716). Each of those people is responsible for setting up the phone tree within their area code.

At the Parent Educators of PA meeting we decided to send out a message to test the phone tree on November 9th. The message was: 1) Write this down, 2) This is a test of the Parent Educators of PA phone tree, 3) Please call your Senator and ask him to ask Majority Leader Stauffer to bring HB 2174 to the floor for passage with the Christian School Amendment because it supports parents right to choose the education for their children, 4) Please call your friends who aren't on the phone tree and tell them to call [whoever is on the top of the phone tree for their area code] if they want to be added to the next phone tree, and 5) Subscribe to PA Homeschoolers newsletter to keep up with state wide news.