

PENNSYLVANIA HOMESCHOOLERS

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A STATEWIDE NETWORK SHARING INFORMATION ABOUT HOME EDUCATION Editors: SUSAN & HOWARD RICHMAN
PA Homeschoolers masthead hand lettered by Jacob Richman, age 10.

Judge Tells off Pittsburgh Superintendent

from Howard Richman

On October 18, 1990, Federal Judge Donald J. Lee in Pittsburgh told off Pittsburgh School Superintendent Richard Wallace for trying to make requirements of homeschoolers which are not in Pennsylvania law. At the same time, Judge Lee held that Wallace had not caused any damages and so he dismissed the Home School Legal Defense Association civil rights suit, *Stobaugh et. al. v. Wallace*. If Wallace had gone so far as to charge any of the homeschoolers with truancy, he would probably have been liable for damages. This case is a clear victory for the Home School Legal Defense Association (HSLDA), homeschooling families in Pennsylvania, and our homeschooling law Act 169-1988.

Background

Several school districts have tried to make requirements of homeschoolers which are not in the Pennsylvania home education law. Sometimes families have submitted to these requirements and at other times they have stood their ground. Some families simply showed the districts the home education law (available from us if you send an SASE) or asked the districts to call Dr. Philip Mulvihill (717-787-4860) chief of the Division of Advisory Services at the Department of Education. Except for the Pittsburgh Public Schools, all of the school districts backed down if the parents stood their ground.

At the beginning of the 1989-90 school year, Superintendent Wallace wrote to Pittsburgh homeschooling families telling them to bring their children to public schools to take the "MAP" (Monitoring Achievement in Pittsburgh) tests which are part of the Pittsburgh Public School Curriculum, but

not required by the home education law. Several Pittsburgh families stood their ground and refused. Then Wallace wrote to the families telling them to bring in their portfolios and get evaluations midyear as required in the homeschooling law if the superintendent has a "reasonable belief" that education is not taking place. At that point these families had their lawyers (the HSLDA) write to Wallace telling him to withdraw his request for midyear documentation or face a civil rights suit. Wallace refused to withdraw his request, and so the HSLDA filed suit.

Judge Lee's Opinion

In his *Memorandum Opinion* Judge Lee defined what the term "reasonable belief" means in our homeschooling law. He wrote:

A reasonable belief should be based upon substantive fact and affirmative knowledge, not upon nonoccurrence and presumption. Without an evidentiary foundation upon which Wallace could base his "belief," Superintendent Wallace was without statutory authority to require that the portfolios of records and materials required by subsection e(1) be submitted prior to the conclusion of the school year. Failure to participate in MAP testing, a requirement not found in the home education statute, is not determinative of the measure of achievement of the home school program.

Though Wallace has arbitrarily chosen to flout state law, every violation of a state statute does not give rise to an infringement of constitutional rights.... Plaintiffs undoubtedly have a property and/or liberty interest in the home education

of their children which was created by state law. There must be an allegation of deprivation of such property or liberty interest to warrant recognition as a federal constitutional question....

Stand Your Ground, with the HSLDA

We urge homeschoolers across the state to stand their ground when school districts try to make requirements that are not in the Pennsylvania law. If everyone would do so, we would reach the point sooner when all the school districts stop trying to make extra requirements. We encourage families to join the Home School Legal Defense Association (P.O. Box 159, Paconian Springs VA 22129, phone 703-882-3838) so that you will have some of the best lawyers in the country standing with you.

Victory for Act 169

In his decision Judge Lee mentioned that Act 169-1988 protects the "liberty interest" of parents. On December 22, 1990, it celebrated its second anniversary and it seems to be doing just that.

Before it passed about 50 families were in court, now none are prosecuted. Before it passed home visits were routine, now they are prohibited. Before it passed homeschoolers were tested in the schools, now they can be tested at home. Before it passed many parents could not homeschool unless they had teaching certificates or at the least 2 years of college, now all can homeschool with a high school diploma or a GED. Before it passed you had to get approval to homeschool from the local school superintendent, now you just send in an affidavit by certified mail.

Before our law passed the school

superintendent decided whether you were properly educating your children. Now an evaluator whom you hire makes that decision. Not only that, the law allows evaluators to be nonpublic non-certified teachers, or to come from within the homeschooling community, and if one evaluator says you are not giving your children an education, you can hire another and turn in the second evaluation. Try firing the school superintendent!

This issue of our newsletter is full of one of the biggest advantages of the Pennsylvania law. To our knowledge it is the only homeschooling law in the country that recognizes graduation from home education programs. Since parents must already have evaluators, and since the evaluators are willing and able to sign such forms as transcripts and

diplomas, many parents are having the evaluators sign these official documents. One homeschooled boy, whom I evaluated, entered a public high school in eleventh grade and had all of his homeschooling credits accepted because of the ninth and tenth grade homeschooling transcript that I had signed as his evaluator. (Under the old law this same school district once maintained that this boy could not be taught high school at home because his parents did not have college degrees.)

Although Pennsylvania law requires achievement tests in third, fifth, and eighth grade, no children have been forced into school if they score poorly on the tests. In the meantime, dozens of states, including our neighboring states, New York and West Virginia, don't allow you to continue to homeschool

unless your children score above a certain level on standardized achievement tests. The Arkansas Department of Education each year publishes the scores of dozens of homeschooled children who are forced back to the schools because they scored more than six months behind grade level on standardized achievement tests.

All in all, I think that we should celebrate the second anniversary of this law. It did not please everyone. For example, there are a few school superintendents (Tunkhannock and Pittsburgh) lobbying against it because they think it is too loose, and a few homeschoolers lobbying against it because they think it is too tight. But it sure is better than what we had. ●

Can Learner-Directed Families Keep Good Portfolios?

from Howard Richman

One of the most puzzling arguments that is used to buttress opposition to our homeschooling law holds that "learner-directed" families should not keep good portfolios or they will become "school-at-home" families.

On the contrary, evaluators and school officials alike are usually "blown over" by the portfolios of self-initiating students. Schools realize that they fail to help students learn how to carry out goals that they set for themselves. On the other hand, in many of the best homeschooling programs, the students learn to do just that. What better preparation could there be for becoming a self-initiating adult?

If it were true that our homeschooling law prevented "learner-directed" education, I would be the first to work to change it. However, I have done enough evaluations of learner-directed families all over the state to know that it is not true. In my travels I have seen all of the following in the portfolios of learner-directed families:

1. **Children Can Keep the Documentation.** Through periodic

discussions, some parents are helping their students set their own goals. These goals go onto checklist plan sheets so that the students can proudly check off their accomplishments during each homeschooling day. (See Susan's article called *Checklist Weekly Plan Sheets* elsewhere in this issue.) A number of homeschooled children are taking responsibility for keeping their own logs and putting together their own portfolio albums.

2. **Projects Can Be Documented.** Often learner-directed families spend much time working on projects instead of working in textbooks. These projects can be documented in the portfolio albums through photographs, reports, drawings, journals, or written descriptions by Mom or student of the process.

3. **Lists of Books Read are Important.** Often students in learner-directed families do a lot of reading or have a lot of books read to them. Lists of books read can be compiled as a very impressive part of a portfolio. Some

students will keep journals about the books they read. These journals allow them to think in writing about what they are reading.

4. **Student's Creations are Important.** Often students in learner-directed programs do a lot of creating. These creations can make a portfolio very impressive. When art work is too bulky to fit, it can be photographed. When the creations are in music, dance, or gymnastics, they can be tape recorded or videotaped, and the tapes can be included with the portfolio album. Even before children can write for themselves, parents can take dictation of their compositions. And of course, nothing is more impressive than a portfolio that is filled with the student's own writing.

So, given all of the reasons why this argument is false, why is it still made? **The problem is that some people fail to differentiate between learner-directed families and non-educating families.** Families where the children are not getting an education *do* have a lot of trouble putting together good portfolios. ●

Homeschool Organizations to Give Diplomas

from Howard Richman

The Pennsylvania Department of Education has finally specified who gives diplomas to home education graduates under the new Pennsylvania law, and the answer is good enough to please everyone except the habitual complainer. They specified that homeschool organizations would be the appropriate bodies to issue such

diplomas. We have quickly taken steps to initiate a diploma through our *PA Homeschoolers* network, as described elsewhere in this newsletter, and we urge other home education organizations to do the same.

Other diploma options will continue to be available to homeschoolers in Pennsylvania, including getting a

diploma from a correspondence school, passing the G.E.D., or getting a high school diploma from the Department of Education after completing a year of college.

Background

Sometimes you don't know what you have until someone tries to take it away. (cont. next page →)

Boston University Wants Homeschoolers

from Howard Richman

On December 17, we received the following letter from Boston University. They asked us to print it in our newsletter:

To homeschooled students:

Boston University welcomes applications from homeschooled students. We believe students educated primarily at home possess the passion for knowledge, the independence, and self-reliance that enable them to excel in our intellectually challenging programs of study.

Two homeschooled students currently attend Boston University. One is a sophomore in the College of Liberal Arts, the other a freshman in the College of Engineering. Both students are doing very well. Their educational and personal transitions from homeschooling to the University are a proven success.

If you are a homeschooled student interested in attending college or simply concerned to know more about your options in higher education, we would be pleased to talk with you. To get in touch with us, please call or write to Kathy

Mackin, Assistant Director of Admissions (telephone 617 353-4806). An interview can also be arranged. Our address:

Boston University
Office of Undergraduate Admissions
881 Commonwealth Avenue
Boston, Massachusetts 02215

We look forward to hearing from you.
Yours Sincerely,
George A. Schiller, Jr.
Director of Undergraduate Admissions

(Diplomas, cont.)

That's the way it was in November 1988 when the teachers union tried to take the requirements for graduation out of our homeschooling bill. Were they trying to make things easier for homeschoolers by eliminating requirements? I think not.

These were not friends of home education. A look at the other things they tried to change (while the bill was in the appropriations committee) makes that clear. For example, they tried to substitute the local school board for the impartial hearing officer (if a superintendent told you that you couldn't homeschool you could appeal to the school board!). Similarly, they tried to substitute standardized achievement tests for the evaluator chosen by the parents (you could only homeschool if your child scored higher each year in every subject area!).

Many homeschoolers think of requirements in a negative way. But graduation requirements have a positive side to them. They mean that homeschooled students can get high school diplomas that are legal in Pennsylvania.

With all of the cheating in the schools, with all of the drugs, with all of the teen-age pregnancies, with all of the violence, why do parents send their children to the schools? The answer is partly that piece of paper called a high school diploma which is the passport to jobs and college and success in life. Pennsylvania is the only state with a state law which also awards full-fledged diplomas to homeschoolers. The only trouble is that our law doesn't specify who gives the diplomas.

Ever since the bill passed, I have been trying to pin down the Department of Education about who gives diplomas to students who meet the graduation requirements that are specified in the law. Until recently, all of their answers had been negative. They specified who doesn't give the diplomas, but they never said who does. For example, in a March 1989 Basic Education Circular they told the school districts that they did not have to issue diplomas to home education

graduates.

In the meantime I went ahead and made plans so that evaluators and parents could issue diplomas to homeschooled students. I got together a transcript committee and we came up with several alternative forms. Then when I did high school evaluations, I helped families keep transcripts in preparation for diplomas. But I still had a nagging worry that diplomas issued by parents and evaluators might not be completely valid. I thought it might be possible to get the Department of Education's seal of approval on such diplomas.

So, on September 24, 1990, after consulting with about 70 homeschooling leaders from all across the state, I wrote a letter to the Department asking them to award the diplomas themselves based upon the signatures of the parents and evaluators on a transcript form. My intention was to get them to "fish or cut bait." Either they would award the diplomas themselves or specify who should.

Three days later (September 27) Michael Farris, President of the Home School Legal Defense Association, wrote me a letter urging that we issue diplomas through our state-wide organizations instead of trying to get the Department of Education to issue the diplomas. He wrote:

Many state home schooling organizations are issuing their own diplomas. I would encourage this in Pennsylvania. I would encourage the diplomas to be issued in a form which looks very official. At one or more graduation ceremonies certain government officials could be invited to speak to give further "endorsement" to the diploma. Harvard and Yale do not have state-endorsed diplomas. Quality is its own endorsement.

Mike Farris was urging us to issue diplomas that look official. He didn't know that we were about to get an endorsement from the Department of

Education which would make the diplomas not only look official, but be official.

Then on October 2, Dr. Phillip Mulvihill, the new Chief of the Division of Advisory Services at the Pennsylvania Department of Education, wrote me that it would not be appropriate for the Department of Education to award diplomas since homeschooling is private education. He wrote, "It is not clear to me how the government could issue a credential for an educational program that was intentionally removed from government control." Instead, he recommended that the diplomas be issued by a homeschoolers organization. He concluded:

It seems more appropriate to me to have the credential for home schoolers issued by a home schoolers organization. The monitoring and evaluation could then be done by individuals familiar with these programs and the quality control could be enforced by those individuals who have a vested interest in maintaining that quality.

Based on this advice from both the Department of Education and the Home School Legal Defense Association, we have decided to issue a diploma through *PA Homeschoolers*. These diplomas will be based on our state law, and recognized by our Department of Education.

Graduation Ceremonies

We will organize a graduation ceremony in early July in the Harrisburg area each year. See page 6 for a description of this year's ceremony and dinner which will take place on July 9. ●