

PENNSYLVANIA

HOMESCHOOLERS

Masthead by Jacob Richman (ii)

A Statewide Network for Sharing Information about Home Education
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Homeschoolers Win Pittsburgh Suit!

from Howard Richman

The right of parents to begin home-schooling during the school year was upheld in an out-of-court settlement of Deely v. Wallace, a civil rights suit filed by homeschoolers Dan and Kathleen Deely against Superintendent Wallace of the Pittsburgh Public Schools. The Deelys were represented by the Home School Legal Defense Association (HSLDA).

Last spring, Dr. Richard Wallace (Superintendent of the Pittsburgh Public Schools) had filed truancy charges against Kathleen Deely after she filed an affidavit to begin home-schooling her daughter in the middle of the school year. Dr. Wallace contended that families could only begin homeschooling if they filed their affidavits by August 1. In response, Kathleen and Dan Deely filed a civil rights suit against Dr. Wallace in federal court. In the out-of-court settlement, the homeschoolers won.

The out-of-court settlement resulted in a federal court consent decree which makes it clear that homeschoolers can begin homeschooling at any time during the school year. It states:

All parties agree that 24 PA Statute 13-1327.1 allows families to begin homeschooling at any time if they give notice to the school

district prior to the commencement of their home school program and annually thereafter on August 1. Families who are beginning their home school program do not have to abide by the August 1 deadline in order to begin home schooling. They must comply with that deadline in subsequent years.

In addition the decree eliminates the criminal charges that had been filed against Kathleen Deely, expunges her police record, and has the school district pay \$5,000 to the Home School Legal Defense Association for the attorney fees and costs associated with the lawsuit.

The Pittsburgh Public Schools have been trying to poke holes in the home education law ever since it passed in December 1988. Instead of following the guidelines of the Department of Education, Dr. Wallace has been making up his own policy. This was the second civil rights suit filed against him by the HSLDA. The first suit was filed when Dr. Wallace tried to get Pittsburgh homeschoolers to send their children into the schools for the school district's testing program even though such testing was not required by the home education law. At the conclusion of the first suit Judge Lee wrote that "Wallace has

arbitrarily chosen to flout state law."

Even now, there are two aspects of Dr. Wallace's policy which run counter to the state law. Wallace maintains that homeschoolers' portfolios should be turned in to the district in the middle of June rather than at the end of the public school year (June 30). He also maintains that a panel of evaluators chosen by the school district should perform the evaluations of home education portfolios, not the private evaluator chosen by the homeschooling families. The evaluators chosen by the district routinely find fault with the home education portfolios.

It is the understanding of those connected with the suit that Dr. Wallace will retire as Pittsburgh School Superintendent at the end of the 1991-1992 school year. We hope that the new Pittsburgh School Superintendent will choose to comply with the law without need of further court action.

We're grateful to the excellent legal work of Michael Farris of the HSLDA as this case will have benefits to homeschoolers all across the state of Pennsylvania. If you are interested in membership call 703-882-3838. HSLDA continues to prevent superintendents from exceeding their authority and protects our right to home-school in Pennsylvania. ♣♣♣