

Testimony about House Bill 2560
by Howard B. Richman, PhD
Executive Director, Pennsylvania Homeschoolers Accreditation Agency (PHAA)

Informational Meeting of the House Education Committee
The Forum, Harrisburg
June 13, 2002

As executive director of Pennsylvania Homeschoolers Accreditation Agency, I am here to represent our 1500 members, many of whom are in the audience wearing blue. We are the largest of 7 homeschool associations currently recognized by the Pennsylvania Department of Education to give diplomas under the home education law. We have twice as many graduates as the other six organizations combined.¹ We oppose this bill because it would take away our diplomas and the ability of the homeschool community to protect its reputation.

Let me give you some historical background. When the home education law passed in December 1988, it included requirements for high school graduation, but it did not specify who would give the diplomas. In their first circular about the law, the Department of Education said that school districts did not have to give diplomas to homeschoolers.² So I asked the Department who should: parents? or would the PDE give the diplomas themselves?³ They told me that they would not recognize parent-issued diplomas, but that the PDE might issue the diploma themselves if we decided to pursue it.⁴

So I carefully crafted a letter with input from 70 homeschool support group leaders. The letter was designed to get the Department to issue the diplomas without opening homeschoolers up to goals set by the government and without eliminating other diploma options that homeschoolers might pursue.

In response, the Department came up with an unexpected alternative. They stated that homeschool organizations should issue the diplomas since homeschool organizations “have a vested interest in maintaining [the] quality” of their diplomas.⁵

I immediately started our accreditation agency. In succeeding years we submitted our standards and procedures to the Department, other non-profit homeschool associations did the same, and the Department, under both the Casey and Ridge administrations, wrote letters to PHEAA, Penn State and us recognizing our diploma and those of the other homeschool associations as the equivalent of a high school diploma for all legal purposes.⁶

Over the past decade, our organization has established an excellent reputation for our diplomas. Colleges are very appreciative of our transcripts and the informative evaluation letters that are attached. Our diplomas and transcripts are helping our graduates succeed in life.⁷

This bill is designed to take away our diploma option.⁸ I was involved in the formulation process and I know. Not only does it eliminate the specific provisions mentioned in the Department’s policy, such as evaluators, portfolios, and due process hearings,⁹ but it specifically prevents the Department of Education from enacting any “policy” which provides even so much as a “suggestion” to a home education program.¹⁰

During the formulation of this bill I let Rep. Rohrer know exactly what language we would need to protect recognition of our diplomas. On December 18 he called a meeting to forge a compromise between us and those who favored parent-issued diplomas. At that meeting, we agreed to accept their

parent-issued diplomas so long as they also recognized our organization-issued diplomas. Rep. Rohrer included the compromise language in the January 22 draft¹¹ and the very next day I e-mailed him thanking him for listening to our deep concerns.¹² However, he did not stick to the compromise reached. The next draft of the bill, and every succeeding draft, including the one in front of you today, ended recognition of our diplomas.

During a meeting in my state representative's office, we put a conference call through to Rep. Rohrer's office and I asked his assistant, Jim Cox, why he had taken out the language that would have protected our diploma. He said that he did so in order to prevent a "hierarchy" of homeschool diplomas. In other words, those who favor parent-issued diplomas knew that if they didn't eliminate our diploma, their diploma would be lower on the hierarchy!

This bill is a Statue of Liberty for delinquents. Under this bill, any parent prosecuted for truancy would have 30 days to begin a home education program in order to escape punishment.¹³ Then that parent would be able to graduate the delinquent at any age in order to make the delinquent exempt from further compulsory education.¹⁴ Not only that but the parent of the delinquent could be a high school dropout¹⁵ and yet the diploma issued, based upon no accountability or standards whatsoever, would have to be recognized by the state as the equivalent to a high school diploma.¹⁶ The diploma in this bill is a joke.¹⁷

In contrast, the current home education law provides a flexible framework for homeschooling which balances the right of the parent with the child's right to receive an education and the state's interest in an educated citizenry. It lets parents write the objectives for their own educational program.¹⁸ It includes due process procedures which protect the family from abuse by the superintendent.¹⁹ Not only that, but it protects the child's interest by involving another adult in the child's life, a third party whose evaluation letters help the child gain scholarships and college admissions.²⁰ The diplomas issued by the homeschool organizations under the current law are recognized and legitimate because they are based upon accountability and standards.

The House Education Committee could meet our concerns in either of two ways:

- The first and easiest would be to do nothing. Just let this bill die.
- The second would be to pass this bill as an alternative, not a replacement, to the current home education law.²¹

The current home education law protects both the parent's rights and the child's interests. It provides the accountability and diplomas that many homeschoolers appreciate. Leave the current law alone.²²

Appendix A
Dept of Education Correspondence Recognizing PHAA Diplomas

June 11, 1992

Mr. Kim Frankford
Grant Division
Pennsylvania Higher Education
Assistance Agency
Towne House
660 Boas Street
Harrisburg, PA 17102

Dear Mr. Frankford:

The question of eligibility for PHEAA grants and loans by Pennsylvania students receiving their education through Home Education Programs has been posed by Dr. Howard B. Richman, Pennsylvania Homeschoolers.

Home Education in Pennsylvania is addressed in Section 1327.1 (Act 169 of 1988) of the Public School Code of 1949. The code prescribes attendance and curriculum requirements that mirror those of the public school system. In addition, the code requires the program supervisor to maintain specific documentation to demonstrate that appropriate education is occurring. This documentation is annually submitted to the superintendent of the public school district of residence as monitor of the program.

Dr. Richman, founder of the Pennsylvania Homeschoolers organization, has furnished the Department of Education the standards and procedures established by the Pennsylvania Homeschoolers for evaluation of a home education student's education portfolio. The Department has been asked to review these standards and procedures to render an opinion as to the acceptability of these student's credentials for PHEAA grants and loans.

- 2 -

We have reviewed the standards and procedures of the Pennsylvania Homeschoolers Accreditation Agency and find them acceptable, therefore, I request PHEAA consider any student receiving a diploma from the Pennsylvania Homeschoolers Accreditation Agency as eligible for a PHEAA grant and loan.

Sincerely,

Handwritten signature of Joseph F. Bard in cursive, including the date 6/11.

Joseph F. Bard

cc: ✓ Dr. Howard B. Richman
Dr. Gary W. Ledebur

APR-15-93 THU 11:51

Phil



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
333 MARKET STREET
HARRISBURG PENNSYLVANIA 17126-1100

DEPARTMENT OF EDUCATION
AND SECONDARY EDUCATION

APR 13, 1993

PHONE: 717-787-2127
FAX: 717-783-6802
TDD: 717-783-8445

Mr. Geoffrey Harford
Undergraduate Admissions Office
Pennsylvania State University
201 Shields Building
University Park, PA 16802

Dear Mr. Harford:

Home Education in Pennsylvania is addressed in Section 1327.1 (Act 169 of 1988) of the Public School Code of 1949. The code prescribes attendance and curriculum requirements that mirror those of the public school system. In addition, the code requires that the program supervisor maintain specific documentation to demonstrate that appropriate education is occurring. This documentation is annually submitted to the superintendent of the public school district of residence as monitor of the program.

The Pennsylvania Department of Education has reviewed the standards and procedures established by the following organizations for the evaluation of home education student's educational portfolio.

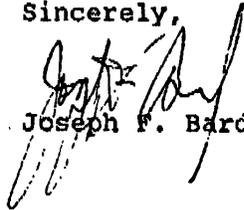
- a. Buxmont Christian Educational Institute
- b. Pennsylvania Homeschoolers
- c. Erie County Home Schoolers

We find these standards and procedures acceptable and have requested that PHEAA consider students, whose portfolios were evaluated by these organizations to be considered eligible for PHEAA grants and loans.

APR-15-93 THU 11:57

I believe that home schooled students who have been successfully evaluated by either of these programs have completed the requirements necessary to be considered graduates from a public school in Pennsylvania.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph F. Bard", written in a cursive style.

Joseph F. Bard



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
333 MARKET STREET
HARRISBURG, PA 17126-0333

April 3, 2001

Howard B. Richman, Ph.D.
Pennsylvania Homeschoolers Accreditation Agency
R.D. 2, Box 117
Kittanning, PA 16201

Dear Dr. Richman,

Please forgive my delay in responding to your letter of January 29, 2001; I have been out of the office due to illness.

It is the opinion of the Pennsylvania Department of Education that individuals who either receive a diploma from an organization recognized by PDE to award a home education diploma or receive a letter from the superintendent of the resident school district indicating completion of the requirements for graduation from a home education program per §13-1327.1(d) of the Pennsylvania School Code are qualified under §13-1327.1(a) to become a Supervisor of a home education program. Section 13-1327.1(a) defines a "Supervisor" as "the parent or guardian or such person having legal custody of the child or children who shall be responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent." The diploma from a recognized organization or letter from the superintendent are "equivalent" to a high school diploma and thereby qualifies an individual to be a Supervisor of a home education program.

As you know, Dr. Richman, PDE may establish this as their opinion on this matter. However, local school district boards of directors and solicitors may hold a different view and establish their own policy regarding the definition of "equivalent" since it is not clearly stated in the law or established in legal cases.

Thank you for requesting clarity on this issue. We will make the required changes to the website. Please don't hesitate to contact me if you have additional questions or concerns.

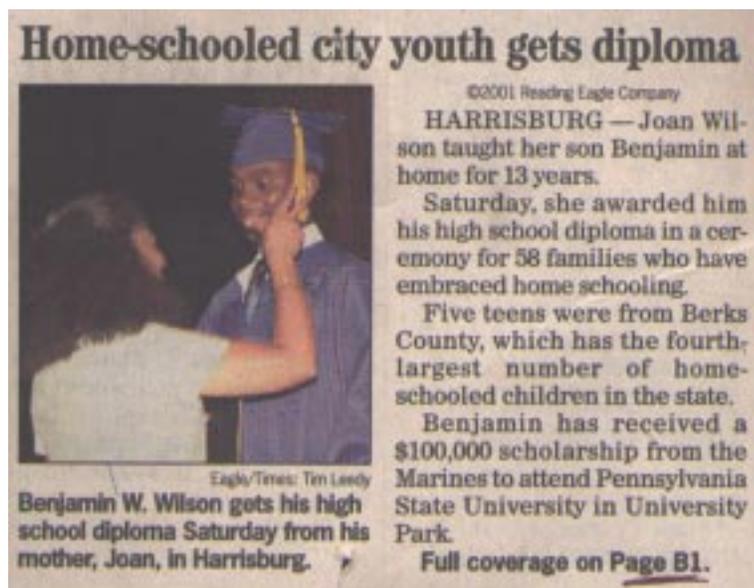
Sincerely,

A handwritten signature in cursive script that reads "Sarah".

Sarah J. Pearce
Advisor
School Services Unit
Office of Elementary/Secondary Education
Telephone: 717-783-9287
Fax: 717-783-6802
TTY: 717-783-8445
E-mail: spearce@state.pa.us
Web page: www.pde.state.pa.us

Appendix B

Some Recent Testimonials about PHAA Diplomas



PHAA Graduation ceremony, Reading *Eagle*, July 1, 2001.

“As the liaison for the local area and for homeschool families in the Admission Office at Franklin & Marshall, I have to complement you on the services PHAA provides. As I represent students in the admission process, I am sometimes dismayed as I work with families that are not able to present their educational programs and outcomes in a form that the college can use. I have read the applications of two students today with PHAA transcripts. They are at a distinct advantage in presenting their credentials. I thought you should know. Thanks for building a good bridge.” — Aaron Basco, Assistant Director of Admissions and Coordinator of Multicultural Admissions, Franklin & Marshall College, February 26, 2002.

“I spoke to Trevor Rusert, Admissions Counselor at Carnegie Mellon University, about the PA Homeschoolers Diploma Program. He had high praise for the Pennsylvania Homeschoolers organization, and he stated that their diploma program is ‘outstanding.’ I am very glad that homeschoolers have the option of enrolling in this program, which is highly regarded at this prestigious university.” — *Ellie Bachovchin, April 9, 2002*

“Just wanted to let those of you who know us...Andrew has been accepted to Embry-Riddle Aeronautical University in Daytona Beach, Florida. The evaluations and transcripts provided by PHAA were pivotal in their decision to accept Andrew. Thank you Susan & Howard for having the foresight to provide the diploma program!” — *Laurie & Alan Koch, April 10, 2002*

“I am a homeschooling mom of 8 years now. My eldest son has been accepted into Penn State’s Engineering Dept. and has also been accepted into the Honors program. We have used the PHAA diploma program. Its outstanding reputation preceded our contact with several colleges in the state. Each one opened their arms wide to receive us.” — *Tracey Lynn Earhart, April 22, 2002*

“Our third and last son graduates from [PHAA] this June and will follow his brothers to Villanova University, where I am a Professor.... It is well known in my University that I am a homeschooling advocate, practitioner and leader. My department chairman called on me to advise him about an applicant who wanted to study chemical engineering. He was looking for standardized test scores (SAT’s in particular) that would tell him how well this student stacked up against the competition. These scores were lacking. He then looked for validation of his diploma program – there was only the G.E.D. He then asked me about the course of study, and since I knew something about it, I told him. He accepted my comments as advice, but still wanted something more. Since it was not in the application, the student was not admitted....” — *Dr. Donald D. Joye, May 2002*

Appendix C

Would House Bill 2560 Affect the Homeschool Association Diploma?

House Bill 2560 is *intended* to end PA Department of Education recognition of homeschool association diplomas. When asked for the reason that they rejected language that would have continued that recognition, those who formulated this bill say that their goal was to end the “hierarchy” of homeschool diplomas in Pennsylvania. If you are low in a hierarchy, one of the quickest ways to achieve equality is to eliminate those above you.

If one understands the PA Department of Education policy that recognizes home education association diplomas, the language in HB 2560 is not even ambiguous. It specifically eliminates PA Department of Education *policies*, the only one of which currently existing being the one which recognizes homeschool associations that issue diplomas. Here is the passage from HB 2560 that specifically eliminates such policies:

b) Nothing in this section shall be construed to grant by implication or otherwise to the Commonwealth of Pennsylvania or any of its officers, agencies or subdivisions any right or authority to control, manage, approve, supervise or make any suggestion, rule, standard, regulation, **policy**, procedure or requirement as to the control, management or supervision of a home education program.

Dee Black, a lawyer with the Home School Legal Defense Association agrees with this assessment. Recently homeschooler Pauline Harding asked him whether the state would still be permitted to recognize these homeschool associations to give diplomas to home education programs after passage of House Bill 2560. He replied:

In my opinion, the answer to your question is no. If the state especially recognizes these programs, the implication is that there is some difference between these diploma programs and regular home education programs. This means that the regular programs would have to do something else or meet some standard in order to be recognized to the same extent as the diploma programs.

Sometimes proponents of this bill argue that the only policies eliminated would be ones that would affect individual home education programs, not policies that would affect homeschool associations. However, the PA Department of Education policy recognizes home education associations to set standards and procedures for evaluating the portfolios of individual home education programs in order to award course credits and give diplomas to individual home education programs. This policy clearly affects individual home education programs — and so would have to be eliminated.

Sometimes proponents of this bill argue that if this bill were to pass, then the PA Department of Education would write a completely new policy about homeschool associations that issue diplomas, one that did not affect individual home education programs. This is known as the “benevolent bureaucrat” theory. The big question is “Why would the PA Department of Education do so?” The only reason that they decided to recognize home education organizations to give diplomas was because they had to recognize someone to do so and they would not recognize parent-issued diplomas, would not recognize evaluator-issued diplomas, would not require that the school districts issue diplomas to homeschoolers, and would not issue the diplomas themselves. They themselves came up with the idea of homeschool associations issuing the diplomas under the PA home education law, because home education organizations would “have a vested interest in maintaining [the] quality” of their diplomas.

This new bill would tell the Department of Education that they are not supposed to do anything, and they would only be too pleased to comply.

Sometimes proponents of this bill argue that the PA Department of Education policy recognizing homeschool association diplomas would be likely to end *with or without* passage of HB 2560. This is definitely not true. The Department of Education, themselves, came up with the idea of recognizing homeschool association diplomas because they had to recognize some way for homeschoolers to get diplomas under the home education law. In order to eliminate this policy, they would have to come up with another way for homeschoolers to get diplomas. Furthermore, the policy is working, has been in place for more than a decade and has been supported by both Democratic and Republican administrations. Also, homeschool diploma organizations know how to lobby. If the PA Department of Education were to try to eliminate that policy, the homeschool organizations would see to it that the policy was reinstated. The threat to homeschool organization diplomas comes from within the homeschooling community, not from the educational establishment.

Although House Bill 2560 would eliminate homeschool organization diplomas, it might not eliminate homeschoolers' diplomas altogether. The bill also includes the following provision which could be interpreted to allow any parent to give his or her child a recognized high school diploma:

(g) A student who has completed the graduation requirements set forth in subsection (f) shall no longer be subject to this section or to the compulsory attendance laws of this Commonwealth. Such student shall for all purposes be considered a high school graduate and shall receive all the rights, benefits and privileges pertaining thereto.

In chess there are some risky moves called “gambits” which give away something good in hopes of winning something better. House Bill 2560 includes that kind of a “gambit.” It starts by giving away the homeschool organization diplomas option in hopes of winning standardless parent-issued diplomas. Even if this bill were to pass in a form that allowed parents to give their own kids diplomas, which is unlikely, it would still be a disaster for the homeschooling community. Instead of the reputation of homeschoolers diplomas being protected by homeschool organizations, the homeschool diploma would become a standardless joke, a haven for dropouts, and a piece of paper sneered at by colleges and employers.

Sometimes proponents of this bill argue that nothing in the bill prevents homeschoolers from choosing to use any diploma option that they wish to use. This is true. But it does not mean that the homeschool organization diploma option will still exist.

Appendix D
PA Department of Education application form which outlines their policy.

HOME EDUCATION ASSOCIATION APPLICATION

INSTRUCTIONS

Complete the application on the reverse.

1. Provide all the information requested in Section I – Association Data.
2. Answer “Yes” or “No” all questions in Section II – Affirmations by placing a check mark in the appropriate box.
3. Attach copy of PA Department of State registration as a non-profit organization and a copy of the IRS letter approving non-profit status.
4. Attach a list of the titles, names and addresses of each member of the Board of Directors.
5. Complete Section III – Authentication with a notarized original signature.
6. Use the following definitions in completing the application.

“Evaluator” refers to the person who evaluates a home education portfolio in accordance with the provisions of the Pennsylvania Home Education Law Section 1327.1 of the School Code and the procedures established by the association.

“Reviewer” refers to an employee of the Pennsylvania Department of Education who processes the new application or renewal application of the home education organization.

“Candidate” refers to the student in a Pennsylvania home education program who requests a high school diploma from an association.

“Officer” refers to an officer or director of a home education association who has been designated by the association to determine whether the documentation submitted by the candidate, such as a transcript, makes the candidate eligible to receive a diploma from the association.

7. If the standards for the Department's review are deemed to be incomplete, the Department may request additional information describing the standards.
8. The Department's review and recommendation will be completed and the applicant notified within 45 working days of receipt of the application.
9. Return one copy of the completed application to:

Pennsylvania Department of Education
Division of Nonpublic and Private School Services
333 Market Street (5th Floor)
Harrisburg, PA 17126-0333

Pennsylvania Department of Education Home Education Association Application for Recognition

Section I – Association Data

In the space below provide the information requested.

Association Name _____

Address _____ City _____ State _____ ZIP Code _____

Telephone () _____ - _____ FAX () _____ - _____ E-mail _____

Contact Person: _____ Date Prepared _____

Application Status: (Check One) New Application Renewal Application

Section II – Affirmations

In the space provided below affirm that the association meets the criteria indicated in each item by checking the appropriate "Yes" or "No" box.

Association Organization

Yes No The association has written by-laws. (*Attach a current copy of the association by-laws.*)

Yes No The association consists of at least five non-family related members.

Yes No The association is a nonprofit organization. (*Attach a copy of PA Department of State registration and IRS letter approving non-profit status.*)

Yes No The association is managed by a Board of Directors. (*Attach a list including the titles, names and addresses of each board member.*)

Association Procedures

Yes No The association procedures for evaluating portfolios are written and applied on a consistent basis.

Yes No The officer possesses a high school diploma or its equivalent and has two years work experience in evaluating secondary level work, or two years of experience as the supervisor of secondary level home education programs.

Yes No The officer is not a family member of the candidate for the diploma.

Yes No Blank diplomas are maintained by the association in a secure location and controlled by using a registration or numbering system that will protect the authenticity of diplomas awarded by the association.

Yes No Standards for the department's review verify appropriate education, which include, but are not limited to: general contents, methods and materials used to accomplish goals and objectives, a listing of required assignments including reading composition and research assignments, assessment criteria and procedures.

Association Graduation Criteria

Yes No The association has written procedures for determining if the candidate has met the requirements for graduation as follows: documentation for grades 9-12 to assure the candidate has met minimum standards of Section 1327.1(d) of the PA School Code requiring four years of English, three years of mathematics, three years of science, three years of social studies and two years of arts and humanities.

Yes No The association has documentation that the candidate has studied all of the subjects between grades 7-12 that are required by Section 24 1327.1 of the school code at the secondary level, specifically, English to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the US and Pennsylvania; mathematics, to include general mathematics, algebra, and geometry; art; music; physical education; health; safety education, including regular and continuous instruction in the dangers and prevention of fires.

Yes No The association has established procedures to be used by its evaluators for determining when credits are awarded including transfer credits from out-of-state home education program.

Yes No The officer will review the annual written evaluation of educational progress and the documentation (such as a transcript) of high school records signed by its evaluators and determine that the candidate received an appropriate education during each year in a PA Home Education program and that the candidate has met the requirements.

Association Evaluation Criteria

Yes No The evaluator will assure that home education took place for 180 days or 990 hours of instruction each year.

Yes No Materials submitted for a review contain required elements of a log of reading materials used; sample of any writings, worksheets, workbooks or creative materials used or developed by students.

Yes No The evaluator has signed documentation such as a transcript of high school records awarding credits based upon the standards of the association.

Yes No Students with disabilities will be provided appropriate accommodations.

Yes No The evaluator will consider any attendance or participation in public or nonpublic school activities.

Verification of Challenges/Approvals

Yes No The association will require written verification from the supervisor of the home education program that a review for non-compliance of the candidate's home education program by the superintendent of the district of residence has not been filed and that a due-process hearing is not pending.

Yes No Incorporated within the by-laws or written procedure is a statement that prohibits the issuance of a diploma to any candidate whose educational program is under review or pending a hearing for non-compliance until such time as the review is completed or the superintendent or hearing officer has determined that appropriate education has occurred.

Section III – Authentication

I certify all the information provided in this application is true and correct to the best of my knowledge.

Notary Seal

Date _____ Name _____ Signature _____

Appendix E
Alternative Language for HB 2560 Which Makes it an Option not a Replacement

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled “An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,” further providing for compulsory school attendance and for a non-institutional private education program.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1327(e) and 1327.2 are added to the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949:

Section 1327. Compulsory School Attendance.—* * *

(e) Instruction to children of compulsory school age provided in a non-institutional private education program, as provided for in section 1327.2 of this act, shall be considered as complying with the provisions of this section. The supervisor of a non-institutional private education program may request that the school district or intermediate unit of residence provide special education and related services that address the specific needs of the exceptional student in the non-institutional private education program. When the provision of services is agreed to by the supervisor, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

Section 1327.2. Non-institutional Private Education Program.—

(a) It is the policy of the Commonwealth of Pennsylvania to preserve the primary right and the obligation of parents, guardians or other persons having legal custody of a child to choose the education and training for the child.

(b) Nothing in this section shall be construed to grant by implication or otherwise to the Commonwealth of Pennsylvania or any of its officers, agencies or subdivisions any right or authority to control, manage, approve, supervise or make any suggestion, rule, standard, regulation, policy, procedure or requirement as to the control, management or supervision of a non-institutional private education program.

(c) Notwithstanding the subjects enumerated in subsection (f), this section does not require the non-

institutional private education program to include in its curriculum any concept, topic or practice in conflict with a parent's, guardian's or custodian's religious beliefs or to exclude from its curriculum any concept, topic or practice consistent with the parent's, guardian's or custodian's religious beliefs.

(d) A non-institutional private education program shall be defined as instruction primarily supervised by the parent, guardian or custodian of the child. The parent, guardian or custodian shall be the supervisor of the non-institutional private education program.

(e) Each year, a parent, guardian or custodian who elects to supervise instruction in a non-institutional private education program shall notify in writing the superintendent of the school district of residence within thirty (30) days of establishing the education program. The notice need only contain the name, residence address and age of each child who shall be enrolled in the non-institutional private education program and the name of the supervisor of the non-institutional private education program who shall be responsible for supervising the instruction. A parent, guardian or custodian shall notify in writing the superintendent within thirty (30) days of the termination of the non-institutional private education program.

(f) A child who is enrolled in a non-institutional private education program and whose education is therefore under the direct supervision of the child's parent, guardian or other person having legal custody shall be deemed to have met the requirements of section 1327 if the non-institutional private education program provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, and one hundred eighty (180) days of instruction or nine hundred ninety (990) hours per year at the secondary level.

(1) The following subjects shall be taught each year to every student enrolled in a non-institutional private education program of compulsory school age through grade eight in the English language and from English texts or resources: English, to include spelling, reading and writing; mathematics; science; health; physical education; art; and music. These subjects may be taught as separate subjects or integrated into other appropriate subjects. The following subjects shall be taught for at least one academic year to every student of compulsory school age through grade eight: history of the United States, history of Pennsylvania, geography, civics and safety education. These subjects may be taught as separate subjects or integrated into other appropriate subjects.

(2) At the secondary school level, grade nine through completion, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and history of Pennsylvania; mathematics; art; music; physical education; health; and safety education. The courses of study may include, at the discretion of the supervisor of the non-institutional private education program, economics, biology, chemistry, foreign languages, algebra, geometry, trigonometry and other age-appropriate courses. The following minimum courses at the secondary school level, grade nine through completion, are established as a requirement for graduation in a non-institutional private education program:

- (i) Four years or equivalent credits of English.
- (ii) Three years or equivalent credits of mathematics.
- (iii) Three years or equivalent credits of science.
- (iv) Three years or equivalent credits of social studies.
- (v) Two years or equivalent credits of arts and humanities.
- (g) A student who has completed the graduation requirements set forth in subsection (f) shall no longer be subject to this section or to the compulsory attendance laws of this Commonwealth. Such student shall for all purposes be considered a high school graduate and shall receive all the rights, benefits and privileges pertaining thereto.

Section 2. This act shall take effect immediately.

Appendix F Relationship Between Accountability and Achievement

“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary”—Madison, Federalist No. 51.

House Bill 2560 would eliminate all accountability from the home education law. Current law both requires: (1) that homeschooled students take tests in grades 3, 5, and 8; and (2) that homeschooling families meet with a professional educator each year who evaluates the portfolio, interviews the child and certifies whether an appropriate education is taking place. Accountability gets people to do things that are good when we otherwise might be too lazy or too busy to do them.

Nevertheless, some homeschoolers argue, based upon a flawed national studies by Brian Ray that compare overall homeschoolers’ test scores in different states, that there is no difference in homeschooled student achievement levels between states requiring accountability and states that do not. These homeschoolers neglect to point out a central fallacy in these studies — in states with no accountability, homeschoolers are not required to take tests. Therefore the test results from low accountability states in these studies only represented the families who voluntarily took the tests while the test results in the high accountability states were much more representative. Furthermore, Ray’s published study on this topic is further flawed in that the test scores were collected through self-reporting by homeschooling families located using mailing lists of the organized homeschooling community. Only 29% of those homeschoolers surveyed responded to the survey and only about 38% of that 29% provided test scores that Ray could use. The average student in this study scored at an atmospheric 87th national percentile in total reading and 82nd percentile in total math which is much higher than more systematic reports from within the organized homeschooling community and not even remotely similar to reports of achievement from the unorganized segment of the homeschooling community such as the results for homeschooled students in Pennsylvania who took the TELLS test at their local public schools in March 1990 and scored slightly higher in reading but slightly lower in math than school educated students.

Furthermore, there are very different kinds of accountability grouped together in this flawed study. It could be that some types of accountability work. For example, this flawed study groups Washington and Pennsylvania together as “high accountability” states, even though Pennsylvania homeschoolers must share test results with evaluators and school superintendents while in Washington nobody but the family sees the test results. (Brian Ray probably considered Washington to be high-accountability because parents who have less than 45 college credits are required to take a course in home-based instruction before they can homeschool.) In a study that I conducted with two other researchers that was published in a homeschool research journal, we specifically compared family characteristics and test results of homeschoolers in Washington and Pennsylvania. **Although the family characteristics were the same, Pennsylvania homeschooled student scores in reading and math were the 86th and 73rd national percentiles while the Washington students scored at the 64th and 53rd national percentiles.** These results are suggestive, but do not prove anything, since there were many differences in the testing conditions. For example, the Pennsylvania students took the tests in the fall while the Washington students took their tests in the spring. (Those in Pennsylvania who knew that their children would not score well in the fall might have postponed testing to the spring in hopes that their children’s abilities would improve.) The Pennsylvania students had the alternative of taking the TELLS test for free in their local public schools, while the Washington students did not. Also, the Pennsylvania students took the CTBS/4 test, while the Washington students took the Stanford Achieve-

ment Test. Nevertheless, there is a suggestion here that the evaluations required in Pennsylvania, but not in Washington, might produce higher test results.

There are other indications as well that homeschoolers in PA may be scoring better than homeschoolers in some other states. For example, in February 2000, the College Board reported that **homeschooled students nationally averaged 548 in verbal and 535 in math while students enrolled in Pennsylvania Homeschoolers Accreditation Agency averaged 602 verbal and 550 math.** (The average for Pennsylvania's school-educated students that year was 498 verbal and 495 math.) These results may not be strictly comparable since only students in our homeschool association were represented in the PA sample.

Common sense tells us that accountability gets all of us, even homeschoolers, to do things that are good when we otherwise might be too lazy or too busy to do them. Although there is one flawed study which appears to show that this is not true when it comes to homeschoolers, other studies suggest that the accountability provisions in place here in PA may be making Pennsylvania one of the most successful states in the country when it comes to homeschool achievement.

Appendix G

How HB 2560 would hurt parents, children, and the state's interests

“Education is fundamental to the development of individual citizens and the progress of the Nation”—US Code, Title 20, Section 3401

Pennsylvania Homeschoolers Accreditation Agency (PHAA) strongly opposes House Bill 2560. If passed, it would completely erase the entire current home education law and then substitute an untested new version which would negatively impact homeschooling parents, homeschooled children, and the state's interest in an educated citizenry.

Aspects that would hurt homeschooling parents:

No recognition of homeschool association diplomas. Because this bill would forbid any PA Department of Education policy related to homeschooling, it would end the current PDE policy that recognizes homeschool association diplomas. Thus, if this bill were to pass, homeschool association diplomas would no longer be recognized as valid by the PDE, despite the fact that PHAA has developed an excellent reputation with colleges across the state and country. PHAA is the largest of the seven homeschool associations whose diplomas are recognized by the PDE. Each year of high school, PHAA member evaluators award high school credits to home educated students based upon PHAA's rigorous standards. PHAA's 1500 members (470 graduates per year) deeply resent this attempt to take away their diploma option.

No borrowing of school district textbooks. This bill takes away the option in the current law to borrow school district textbooks. This option is especially appreciated by low income homeschooling families.

No possibility of participation in school district sports. Because this bill would forbid any school district policy related to homeschooling, it would wipe out the policies that about half of the school districts have made to let homeschoolers participate in school sports and extra extracurricular activities.

No protection for the due process rights of parents. The due process procedures of the current law tell the superintendents what they need to do to investigate a complaint against a homeschooling family — first the superintendent requests additional documentation, then there is a due process hearing with an impartial hearing officer to determine whether education is taking place. Elimination of due process procedures opens parents up to other kinds of prosecution by the state. Superintendents and child service agencies retain the power to initiate prosecution for “neglect.” Such prosecution carries potential loss of custody as opposed to simply having to put the child in school.

No accountability. This bill eliminates both of the accountability measures of the current law. Homeschooled students: (1) take tests in grades 3, 5, and 8; and (2) have progress evaluated by a professional educator annually. Accountability gets all of us, including homeschoolers, to do things that are good when we would otherwise be too lazy or too busy to do them.

Aspects that would hurt homeschooled children:

Reduced child protection. This bill would remove all of the following child protections that are in the current home education law: (1) immunization requirements, (2) medical services requirements, (3) protection of the child from being homeschooled when a felon or child abuser lives in the home.

No evaluators to provide encouragement and help. This bill would remove the requirement that homeschoolers meet with a professional educator of their own choice to evaluate the portfolio and interview the child at the end of each school year. Evaluators read and respond to student writing, appreciate creative projects, appreciate hard work, and serve as guidance counselors. Not only that, they often point out student excellence in evaluation letters that function as recommendations for the student when applying to summer programs, for scholarships, to colleges or for employment.

Lowers value of home education graduation. Currently homeschool associations, recognized by the PDE, maintain high standards in order to protect the reputation of their diplomas. Partly as a result, homeschooled student's diplomas are given respect, even preference, by many colleges. This bill would end the PDE policy recognizing homeschool association diplomas. Instead the bill itself claims that graduation from a home education program is the equivalent of high school graduation if a certain number of "years or equivalent credits" are met. Unfortunately, nothing in the bill specifies how completion of credits can be determined. Currently credits are determined via the annual evaluation of the portfolio. If this bill passes, judges may be asked to determine whether individual homeschoolers have graduated. This bill could turn homeschool graduation into a cruel joke.

Reduced protection for the child's right to receive an education. This bill removes the accountability that protects the child's right to receive an education.

Aspects that would hurt the state's interest in an educated citizenry:

Blocks enforcement of truancy laws. This bill is designed to poke a hole in the compulsory attendance laws that is a mile wide. Any parent of a truant would have 30 days after being warned that their child is truant to begin a home education program. Once in the home education program there would be no accountability whatsoever. The parent would not even have to sign the currently-required notarized affidavit asserting that they would abide by the provisions in the law.

Opens graduation loophole in compulsory attendance law. Those who complete the vague graduation requirements of this bill would be exempt from further compliance with the compulsory attendance law. Thus any parents who want their teenagers to labor full time in a family business could claim completion of graduation requirements in an attempt to exempt the family from truancy prosecution. No form of monitoring completion is allowed in this bill.

Removes algebra and geometry from course requirements. This bill would remove the current requirement that homeschooling parents teach algebra and geometry to their children. Homeschooled students could graduate with no high school math whatsoever! This reduction in standards reverses the trend toward higher standards in math education to prepare students for a technologically advanced world. Even the GED has higher standards since it was just revamped so that half of the math section would consist of algebra and geometry.

Devalues high school diplomas. This bill is designed to let dropouts give legitimate diplomas to their children. It would do so through the following three actions: (1) it removes the requirement that homeschooling parents must have a high school diploma or its equivalent, (2) it removes all accountability from the diploma-granting process, and (3) it requires that home education graduation be recognized as the equivalent of high school graduation for all purposes. As dropouts graduate dropouts, the effect of this bill would be to devalue the whole concept of a high school diploma.

Appendix H

Timeline: Pennsylvania Homeschoolers Accreditation Agency (PHAA)

December 1988 Home Education Statute passes, including graduation requirements

1989 PDE, in first BEC Circular, tells school districts that they do not have to give diplomas or recognize graduation of home education students.

1989 Discussion begins with PA Dept of Ed re/ who gives a diploma to homeschoolers

1989 PDE says that they will not recognize diplomas issued by parents.

1990 Formal proposition to PDE that PDE issue Commonwealth Diplomas to homeschool grads.

1990 PDE states they will *not* issue diploma; PDE suggest homeschool organizations take on this responsibility.

1991 PHAA is founded, and holds first graduation ceremony for 6 graduates.

1992 PHAA submits a copy of its standards and procedures for evaluating portfolios to PDE and PDE helps PHAA gain recognition from PHEAA that PHAA diplomas are the equivalent of a high school diploma for state grants.

1993 Two additional homeschool associations submit their standards and procedures to PDE and PDE writes letters that diplomas from all three organizations are equivalent of high school diploma for state grants and admission to Penn State.

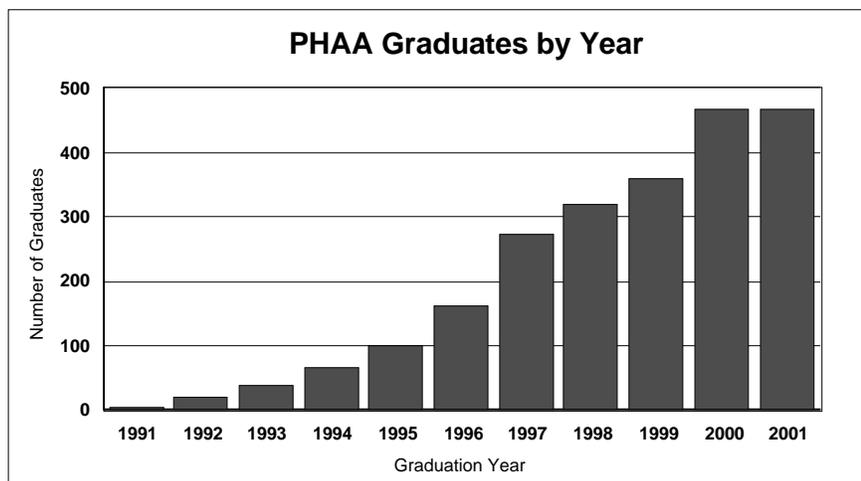
1996 PHAA incorporates as non-profit corporation

1998 PDE comes up with clear written policy for recognition of home education associations that issue diplomas and publishes its application for such recognition on the Internet.

1998 - 2001 Four additional homeschool associations recognized to issue diplomas.

2001 PDE writes letter recognizing that graduates of recognized home education associations have the high school diploma or equivalent required to teach their own children.

April 2002 HB 2560 introduced. If passed it would deny the PDE the right to issue any policies regarding home education programs, which would eliminate recognition of the seven homeschool association diploma programs now in existence.



Appendix I

College Admissions Requirements in Other States

According to a 1998-1999 survey by the National Center for Home Education, **38% of public colleges and 29% of private colleges across the nation either require homeschoolers to take GED or SAT II tests not required of school graduates** or else they set criteria for homeschool admission that are higher than those set for school graduates. To our knowledge, no Pennsylvania college or university has any such requirement for the graduates of Pennsylvania Homeschoolers Accreditation Agency.

Homeschoolers in other states are even discriminated by colleges that don't officially require extra tests. For example, here is part of a Dec. 17, 2001, e-mail from Sheri McClain, a homeschool mom from North Carolina about a homeschooled student rejected by the University of North Carolina although he was an Eagle Scout with SAT I scores of 1450:

In June of 1999, the summer before my daughter's junior year, I again called the Office of Undergraduate Admissions at UNC-Chapel Hill to find out what it takes for a homeschooled high school student to be admitted to a very competitive university in North Carolina. I spoke with Tony Strickland, who has been an admissions officer there for thirty years.... I then politely proceeded to tell him that I was perplexed as to what UNC was looking for in a qualified applicant, since a close family friend's homeschooled son had been rejected that year, although he had SAT I scores of 1450, was a National Merit Scholar finalist and an Eagle Scout. I recall his response quite vividly and have shared it at several regional meetings. Mr. Strickland responded with an almost apologetic tone that — although North Carolina law now prohibits colleges from placing admissions requirements on homeschooled students that are not placed on students graduating from public or private high schools — as a practical matter, homeschooled applicants were not admitted without SAT II scores in those same five areas that used to be “required.” He continued to relate that when he met with the representatives of our state organizations at the time the law was being considered, he had told them that a competitive university simply had to have “something else” other than the diploma from home and SAT I scores....

She continued by pointing out that some homeschoolers and some admissions officers in other states envy what we have been able to accomplish here in Pennsylvania:

I envy the diploma program you have in Pennsylvania. Our road through the college admissions process would have been much easier had we such a program in North Carolina. In fact, I described your program to Ms. Fran Barrett, the interim admissions director at the local branch of UNC here in Asheville where my daughter has taken courses as a dual-enrollment high school student. She told me in no uncertain terms that I should urge North Carolinians for Home Education, our state organization, to develop a similar program, because their admissions department simply had “no basis upon which to judge” an applicant whose transcript came solely from home.

End Notes

¹ In 2000, the last year for which statistics are available, our organization (PHAA) awarded 467 diplomas, Erie County Homeschoolers awarded 75, Buxmont Christian Educational Institute awarded 60, Homeschool Academy (recently re-named Bridgeway Academy) gave 27, Mason Dixon Homeschoolers gave 11, and Aleithia Learning Center gave 6.

² That Basic Education Circular from Donna D. Wall dated March 1989 stated: “School districts are under no obligation to award a diploma or otherwise acknowledge the completion of a home-educated student’s education.”

³ Specifically, I asked Joseph Bard at the Department about the following three options: (1) “School districts must award high school diplomas to home educated students who meet the graduation requirements,” or (2) “The Department of Education must create a new regulation which awards the Commonwealth Secondary School Diploma to applicants who have successfully met the requirements for high school graduation in home education programs,” or (3) “Supervisors of home education programs may give their students high school diplomas which are officially recognized by the Commonwealth of Pennsylvania.”

⁴ On July 11, 1989, Joseph Bard replied: “As regards your suggested solutions to the diploma problem: I believe your second suggestion of the Department creating a new regulation to award the Commonwealth diploma to applicants who have successfully completed a home education program has the most merit. Unfortunately, none of your suggestions can come to fruition without considerable time and effort. This is something to discuss.”

⁵ On October 2, 1990, Philip J. Mulvihill, PhD, the new Chief of the Division of Advisory Services wrote me: “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 those programs and the quality control could be enforced by those individuals who have a vested interest in maintaining that quality.”

⁶ See Appendix A for copies of some of this correspondence and Appendix H for a timeline.

⁷ See Appendix B for some testimonials on this subject and Appendix I for the situation in other states.

⁸ See Appendix C for a more complete discussion of the affect of HB 2560 upon the homeschool organization diploma option.

⁹ See Appendix D for the PA Department of Education application form which outlines their policy.

¹⁰ The specific language which prevents the Department from adopting such a policy is the following paragraph from page 11 of HB 2560: “(b) Nothing in this section shall be construed to grant by implication or otherwise to the Commonwealth of Pennsylvania or any of its officers, agencies or subdivisions any right or authority to control, manage, approve, supervise or make any suggestion, rule, standard, regulation, policy, procedure or requirement as to the control, management or supervision of a home education program.”

¹¹ The relevant language from the January 22, 2002, draft was the following: “(d) The Department of Education shall maintain a list of non-profit home education organizations whose standards and procedures for evaluating home education students’ portfolios in grades nine through twelve meet the graduation requirements of this section. The department shall also maintain a list of distance learning programs whose standards and procedures for grades nine through twelve meet the graduation requirements of this section. Diplomas awarded by these home education organizations, distance learning programs, or by the supervisor of a home education program to any student who has met the requirements of this section shall be recognized as a valid high school diploma.”

¹² In my January 23, 2002, e-mail to Rep. Rohrer (cc’d to Jim Cox) I wrote: “Thank you so much for listening to my deep

concern about how the bill would affect our diploma program. I am very appreciative of this draft....”

¹³ Section (e) of HB 2560 at the bottom of page 11 and top of page 12 begins, “Each year, a parent, guardian or custodian who elects to supervise instruction in a home education program shall notify in writing the superintendent of the school district of residence within thirty (30) days of establishing the program.” Thus the parent can establish the program 30 days after being warned that the child is truant, and the truancy would be wiped out.

¹⁴ Section (g) of HB 2560 at the bottom of page 13 begins, “(g) A student who has completed the graduation requirements set forth in subsection (f) shall no longer be subject to this section or to the compulsory attendance laws of this Commonwealth.”

¹⁵ The requirement that the parent have a high school diploma or its equivalent appeared on page 3 line 8 in a section deleted by HB 2560.

¹⁶ Section (g) of HB 2560 at the bottom of page 13 continues, “Such student shall for all purposes be considered a high school graduate and shall receive all the rights, benefits and privileges pertaining thereto.”

¹⁷ See Appendix G for a summary of how HB 2560 would hurt parents, children, and the state’s interests and Appendix F for a discussion of the relationship between accountability and achievement.

¹⁸ These objectives appear on the bottom of page 3 and the top of page 4 as part of the section deleted from the current law by HB 2560. Of special importance to homeschool freedom is the language deleted from page 4 which states, “The required outline of proposed education objectives shall not be utilized by the superintendent in determining if the home education program is out of compliance with this section and section 1327.”

¹⁹ These due process procedures appear on page 9 and the top of page 10 as part of the section deleted from the current law by HB 2560.

²⁰ The evaluator’s role is defined at the bottom of page 7 and top of page 8 as part of the section deleted from the current law by HB 2560.

²¹ See Appendix E for a sample bill which writes the new part of HB 2560 into the school code as a new option.

²² In 1993 Doris Hohensee, a New Hampshire homeschooler, introduced a bill that not only failed to pass but also caused deep divisions within the New Hampshire homeschool community. In the January-February 1994 issue of *Home School Court Report*, the Home School Legal Defense Association criticized Ms. Hohensee’s divisive tactics and laid out the principle that homeschoolers should campaign for new options, not against the current homeschooling law:

State Senator Dave Wheeler is preparing to introduce the Non-Institutional Private Education bill again this year. This bill, primarily drafted by Doris Hohensee and the P.U.R.E. group, was quite controversial last year. On the plus side, it would open up a new legal way to home school. **If it does not affect the current home school law in any way, it could benefit home schoolers.** Last year, unfortunately, the bill’s proponents spent much of their energy attacking RSA 193A, the current law. Home School Legal Defense Association strongly encourages home schoolers to work *together* to expand our liberties, rather than waste our time attacking one another.