

March 17, 2014

**TESTIMONY OF DEWITT T. BLACK, III BEFORE THE PENNSYLVANIA HOUSE
EDUCATION COMMITTEE REGARDING HOUSE BILL 1013**

Mr. Chairman, Members of the Committee, Ladies and Gentlemen:

My name is Dee Black. I am Senior Counsel with Home School Legal Defense Association, a nonprofit association whose primary purpose is the protection of the right of parents to educate their children at home. Our office is located in northern Virginia within the Washington, D.C., metropolitan area. Our association presently has over 81,000 member families in all 50 states and the District of Columbia, with approximately 2,700 member families in Pennsylvania.

Thank you for permitting me to testify before this committee concerning proposed changes to the home education law of Pennsylvania. I appear before you today to speak in favor of House Bill 1013.

Pennsylvania's current homeschool law was enacted in 1988, over 25 years ago, at a time when there was a great deal of skepticism about the viability of homeschooling as an educational option. For the most part, home instruction by parents was unproven as a successful way to educate children in modern America. Twenty-five years later, this has all changed. Every study conducted of the academic achievement of children taught at home by their parents has revealed that these students score on average at least 20-30 percentile points higher on standardized achievement tests than their public school counterparts. Further, these same studies have found that there is no statistical difference between the academic performance of homeschool students in states with very restrictive laws and those in states where there is no regulation. I am providing members of the committee with a copy of the most recent study conducted by the National Home Education Research Institute which was published in 2009.

In response to homeschool students' above-average standardized test scores and other demonstrations of success, legislatures in 25 states have revised their previously enacted homeschool laws to make them less restrictive and burdensome for parents. But Pennsylvania's law has remained unchanged all these years, except for a 2005 amendment permitting students in a home education program to participate in certain extracurricular activities at public schools. House Bill 1013 would make some reasonable modifications to the law that would ease the administrative burden on parents and free superintendents to devote more time to their public school responsibilities.

First and foremost, House Bill 1013 would eliminate the so-called "double jeopardy" of having two independent evaluations of the home education program at the end of the year, first by a qualified evaluator and then by the local public school superintendent. This second evaluation of the same materials by the superintendent is unnecessary and a waste of public

school resources. No other state has such a requirement. Under current law, the first evaluation is to be performed by “a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator.” The teachers and school administrators must have at least two years of experience at the elementary level to evaluate elementary students and two years of experience at the secondary level to evaluate secondary students. A determination by one of these qualified individuals of whether the student is receiving an appropriate education should be sufficient. Yet under current law, the superintendent may completely disregard the findings of the evaluator and make a contrary determination, thereby triggering an additional administrative review process. Most telling about the lack of need for this second evaluation are the statistics of the Pennsylvania Department of Education for the 2011-2012 school year, the most recent available. Of the 20,897 homeschool students evaluated, only 106 (0.51%) were considered by superintendents not to be receiving an appropriate education.

Second, Pennsylvania is the only state in the nation to mandate graduation requirements for homeschool students and then fail to recognize diplomas issued by parents whose children have fulfilled the requirements. In fact, Pennsylvania is the only state in the nation to prescribe graduation requirements in its homeschool law. But since the requirements are in the law, a diploma issued upon completion of the requirements should be given the same recognition as one issued by the public schools. Simply put, if the state is going to mandate graduation requirements, the state should also recognize a diploma awarded to a student who has completed the requirements. An example of the discrimination being experienced by homeschool graduates is that the Pennsylvania Higher Education Assistance Agency (PHEAA), which qualifies applicants for student aid for higher education, does not recognize parent-issued diplomas. Instead, graduates of a home education program must either possess a diploma from an agency recognized by the Pennsylvania Department of Education or obtain a certification from the local superintendent that their education is in compliance with the homeschool law. As a matter of practice, superintendents will not issue such a certification. House Bill 1013 would remedy this problem by requiring that a high school diploma issued by a parent conducting a home education program be recognized the same as a diploma issued by the Commonwealth or any of its agencies or subdivisions.

Third, current law provides for an administrative hearing only to resolve the issue of whether the homeschool student is receiving an appropriate education. Other issues of administrative noncompliance must be resolved by judicial proceedings in the form of truancy charges against the parent. Such criminal charges used to resolve questions such as whether the parent included all the required information in an affidavit are draconian and inappropriate. The law should be changed to permit such paperwork discrepancies to be resolved at an administrative hearing conducted by the school district. In connection with this, the home education program should be permitted to continue during the time of any appeal of the hearing examiner’s ruling. House Bill 1013 would make these needed changes.

On behalf of our member families in Pennsylvania, we at Home School Legal Defense Association ask that this committee vote in favor of House Bill 1013.