



Pennsylvania Home Educators Association

Supporting Freedom in Home Education

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Ms. Suzanne Tallman
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

July 7, 2011

Dear Ms. Tallman,

The Pennsylvania Home Educators Association (PHEA) is a statewide advocacy group. PHEA is an inclusive statewide coalition of home educators, founded in 2002, whose primary purpose is to provide accurate information and advocate for Pennsylvania home educators.

The PHEA Advisory Board has looked over your updated website on Home Education and Private Tutoring and have some comments. We would like to commend you on all the work that you put into this effort. It was well over due. We appreciate many of the clarifications and hope that it will help the home education families and the school districts understand the law.

We have the following areas of concern:

1. We see the word “homeschool” though out the website. This is particularly troublesome since that word has come to mean so many things to so many people. Anyone who does not attend a “brick-and-mortar” school refers to themselves as a “homeschooler”, when in fact, they may be a public cyber charter school student or privately tutored student. Pennsylvania does not have a “homeschool” law; it has a Home Education law.
2. Educational Options page
 - a. Homeschooling
“Homeschooling is a right and does not require the approval of the school district as long as the required documentation is submitted (22 Pa. Code § 11.31a).”

Although we appreciate the clarification that a Home Education program is a right and does not require approval, it is a “Home Education” law, not homeschooling.

- b. “Some restrictions apply (24 P.S. § 13-1327.1 (b)): the supervisor of the home education program must possess a recognized high school diploma or its equivalent (such as successfully passing the GED tests).

The word "recognized is **not** in the law. This is an interpretation, not in the legislation. Furthermore, by whom shall the diploma be recognized? Does this exclude graduates of schools not in Pennsylvania? Technically, many private school diplomas are not "recognized". Are their graduates excluded from home educating their children, should they move to PA? In other words, who decides what is "recognized"? And by what authority since there is no legislative mandate to which to refer?

3. Evaluators page

- a. “Evaluators charge for this service and it is the responsibility of the parent to pay for the service.”

Actually, evaluators **may** charge for this service. For example, there are evaluation service ministries that go to churches, libraries, etc. and evaluate families without charge. Many evaluators charge, but not all.

- b. “The law does not speak to the method by which and [sic] evaluator must prove their credentials and the district is within its rights to ask the evaluator to provide documentation.”

Foremost, people have rights; governments have authority. If something is not in the law, then it is not within the school district “rights” or authority. The evaluator is employed by the home education supervisor. The home education supervisor has attested in the notarized affidavit that the evaluator will be in compliance with the law. (“I attest that the home education program will be in compliance with Section 13-1327.1 of Pennsylvania Statutes Annotated.” This would include Section 13-1327.1(d)(1-2), evaluator qualifications.) If the superintendent questions the evaluation, there are already provisions in the law to ask for more documentation (Section 13-1327.1(h)(i)).

Furthermore, the online teacher certification system uses Social Security Numbers and the school district has no legal right to ask for SSN of non-employees. Finally, the online teacher certification system could only help verify one type of evaluator out of the five listed, a PA certified teacher, and the system does not verify grading experience. Therefore, by checking a teacher certification, a school district would not be able to check all types of evaluators nor even all requirements of the one type of evaluator with certification.

c. **“List of Qualified Evaluators**

A school district may want to keep a list of approved evaluators, noting the level at which they are qualified to evaluate (elementary, secondary, both). Whenever someone new wishes to evaluate, they could be cleared and added to the list, saving the district the time of rechecking qualifications. This also would build a handy list for any homeschool family, should the district choose to help a family find an evaluator.

Only the fifth type of evaluator with “other qualifications” is approved by the superintendent. This will be very confusing to school district personnel who will now think that they “approve” all evaluators.

4. Private Tutors page

- a. “Credits that are taken by dual enrollment count toward homeschool curriculum requirements and graduation.”

This statement is inconsistent since directly above it states that “there is no direct path to graduation for a privately-tutored student; there are no graduation requirements.”

- b. “However, the parents must provide written assurance to the superintendent by June 30 of each school year that the instructional requirements have been met. See 22 Pa Code § 11.31 (b).”

There is no statutory basis for this requirement for the parent to provide such documentation at the end of the year.

- c. There is no reason in the home education law or the private tutor provision of the school code that would prevent a parent from being his or her children's private tutor. Therefore, it should be assumed that a properly qualified parent may educate his children at home under the private tutor provision. This should be so stipulated on the PDE website.

5. Diplomas page

- a. “recognized”

Frequent use of the word "recognized" is made. This should be defined. If the PDE means that recognition is required to obtain PHEAA aid, that should be so stipulated. However, care should be taken because many private schools award "unrecognized" diplomas yet their graduates are well regarded in the community.

The implication of this page seems to indicate to an unsuspecting reader that the PDE holds the power and authority to dictate how everyone else sees a particular diploma choice. Students who possess a diploma are still permitted to present themselves as high school graduates, yet this webpage seems to subtly indicate that they are not.

It is, of course, absurd, that the PDE has taken it upon itself to "recognize" completion of high school when the home education law specifically sets forth graduation requirements without reference to the PDE or the school district's authority to determine that the requirements have been met. Since the purpose of the law is to grant parents the control of and authority over their children's education, it seems reasonable to assume that the legislature also intended parents will determine what a credit is, and when the requirements have been met. There is certainly nothing in 24 P.S. Section 13-1327.1 that grants that specific authority to either the school district superintendent or the PDE. No other state has "recognized" diplomas for homeschoolers.

Furthermore, it is unconscionable the PA withholds financial assistance to higher education from students whose parents have made the decisions about their education. It is in the best interests of the Commonwealth to have an educated populace. Students who have demonstrated the ability to be accepted into post-secondary institutions of higher learning should not be excluded because of the origin of their secondary education, yet the PDE does so by its policy on "recognition". No other state or the federal government has extra hoops for qualified students to go through in order to get deserved funding.

b. "Take the GED tests"

Many years ago, a number of homeschoolers approached the board governing the GED testing and inquired about home educated students taking the GED. The board's representative avowed that the test was normed for adults who had dropped out of school (which home educated students have not!) and had acquired their education through experience. While many home education programs do provide experiential learning opportunities, it is clear that the GED is normed for a different population than the home educated student who is recently finished with his studies.

The high school graduation requirements are in the home education law. It stands to reason that if the requirements are met, then the student is a high school graduate. The GED specifically states that the test is not to be taken by high school graduates. Advising home educated students to "take the GED" is contradictory to the intent and the rules of the GED.

c. order of diplomas

Why are the diploma programs listed in the order in which they appear? It is not an order of when they were first recognized nor is it alphabetical. It would be more helpful to list them alphabetically because the current order seems to indicate some preference by the PDE.

6. Statistics page

Please update the Home Education statistics. The data has been collected annually, yet the latest data available is 2006-07. Four, almost five years of statistics is missing.

7. Portfolio page

- a. "Evaluators charge for this service and it is the responsibility of the parent to pay for this service."

Again, same comment as that from the Evaluator page:

Actually, evaluators **may** charge for this service. For example, FE-Net is an evaluation service ministry that goes to churches, libraries, etc. and evaluates families without charge. Many evaluators charge, but not all.

b. Log

"- A log, made contemporaneously with the instruction, which designates by title the reading materials used.

The log must demonstrate that the home education program provided a minimum of either (1) one hundred eighty (180) days of instruction or (2) of nine hundred (900) hours of instruction per year at the elementary level (grades kindergarten to 6), or nine hundred ninety (990) hours per year at the secondary level (grades 7-12). See 24 P.S. § 13-1327.1 (c). If you choose to document days, you do not need to specify the number of hours each day."

Given the words of the law, a log is a list of reading materials made/written down contemporaneously. The law does not state that a log must demonstrate instruction time.

c. "Suggested Format"

"Parents sometimes ask what the portfolio should look like. One suggestion for maintaining the portfolio is to use a big three-ring binder, inserting dividers for (1) the log, (2) the results of the standardized test (for grades 3, 5 and 8), (3) the evaluation, and (4) each subject taught."

Although it says "one suggestion", the words "Suggested Format" implies more. There is nothing inherently wrong with this. However, some portfolios are in boxes, some in accordion files, some are "lap books", some are computer digital formats. Home education learning samples come in all shapes, sizes and formats. It would be best not to have a PDE "Suggested Format".

8. Age of Enrollment & Attendance page

- a. "NOTE: If a child has attended any public or private school in first grade or above, or if the parent has submitted an affidavit for a homeschool program for first grade or above, the child must continue their formal education (whether private, public or homeschool), regardless of the child's age, even if they are not yet eight years old ([24 P.S. Section 13-1326](#)). Attendance in kindergarten does not count toward this rule."

We recognize that this is a very confusing area of the compulsory attendance law, but these words, "or if the parent has submitted an affidavit for a homeschool

program for first grade or above” leaves no room for a confused parent to rescind or withdraw an affidavit for a child under 8 years old. Sometimes parents get wrong information, submit an affidavit for a six year old (first grader), find out that they made a mistake and withdraw their affidavit. To be accurate, the words should say “or if the parent has submitted an affidavit, portfolio and evaluation for a homeschool program for first grade or above”.

- b. “If a student drops out of homeschooling after age 17, they may not return to homeschooling.”

By what authority does the school district have to reject an affidavit of a student over 17? What statute addresses this? Again, if a student stops being homeschooled at 17 and gets a job, and then later finds that he made a mistake and he needs more education, what statute says that he cannot return to be home educated? The school district is already accepting affidavits from students over 17 years old who are in diploma programs

9. Curriculum

- a. “For example, a family may be interested in a classical education or perhaps a faith-based curriculum.”

“Categories” used to describe homeschoolers are confusing. There are Classical Christian homeschooling, secular Classical homeschooling, Jewish unschooling, pagan school-at-home with K12™ packaged courses. Most of what one sees is just plain eclectic. There is no stipulation in the home education law regarding or commanding the use of any structured curriculum. For that reason, this paragraph should be amended to reflect parental control over the types of materials used in the home education program, “Children are homeschooled for a variety of reasons and some of these reasons may dictate the type of educational materials selected,” or deleted.

- b. “Other resources may include the following:
 - Public or private libraries
 - Curriculum that may be purchased from many sources
 - Online or correspondence courses (“umbrella schools”)

Other options must be included to avoid confusion on the part of parents considering home educating and to avoid having superintendents tell parents who are home educating that these are the only options that may be used. Other options to list would include but are not limited to:

- The County Extension Service, 4 H materials, Boy Scout and Girl Scout merit badge materials
- Personal knowledge and experience
- Community Resources such as archeology clubs or hiking clubs
- Field trips

- c. "All that is necessary for home education credit to be allowed for instruction from these sources is to show in the portfolio the evidence of the work completed."

The use of the word "credit" is misleading. The home education supervisor must show that an appropriate education has been provided for the required number of days and that the student made sustained progress in the overall educational program. By using the word "credit", a subtle shift to the school district superintendent giving him/her the authority to award "credit" for completion of a grade or subject. No such authority has been assigned in the home education law. The superintendent is limited to determining if progress has been made in the "overall" educational program, and of course, an appropriate education for the required amount of time has been provided.

If the intent of this language is to show that there are multiple paths to education (which is great!), then it might be more helpful to say that there are multiple ways to document that an education has been provided. For example, a parent may take dictation, an evaluator may discuss a subject studied, pictures of projects completed (as opposed to written work) may be included, or simply a written summary by the parent that a particular subject was studied in a particular manner and the student exhibited mastery or understanding of the subject.

- b. "Mandatory Courses"

It should be noted that not every subject must be taught every year during either the elementary or secondary level programs. This is imperative because it is very often a misunderstood section of the law. The only subject mandated to be taught every year is the "danger and prevention of fires".

- c. "Standards"

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT (22 Pa. Code Chapter 4 contains very detailed standards for parents who are interested in comparing the normal expectations for students in various grades for curriculum content. These, of course, should be considered minimum standards; many homeschool families choose to accelerate education and may cover this content much earlier."

While this information is helpful and may be useful to home educating families in PA, the fact is that there are no "standards" established in the PA Home Education law. This section could easily be interpreted by parents and superintendents to say that home educated students must meet these standards in order to have made "sustained progress". This should be substantially modified or eliminated.

10. Transcripts page

The parents are responsible for transcripts, whether they do it themselves or chose a diploma association to do it for them. This is an unfunded mandate on the public schools and an infringement on personal freedom. The law allows the school

district to copy samples (24 P.S. Section 13-1327.1 (g)). In many cases, it will not be apparent whether samples are a “course” or just an educational experience. This entire page should be eliminated.

11. Standardized Testing page

- a. “Homeschooled students do not “skip” grades, although they may cover the usually grade-specific material more quickly. Similarly, a student may not “skip” a tested grade and so avoid the standardized tests. As a homeschooled student moves through their educational plan, the tests must be administered at the appropriate time, regardless of how quickly the student accelerates through their education.”

Home educated students are not required by law to have a ‘grade’ (4th grade, 5th grade, etc.) assigned to them. If there is no ‘grade’, then they do not “skip” grades. Although the intent of this paragraph is to make parents understand that by manipulating ‘grades’, they cannot skip testing. This paragraph needs to be modified to be more precise in its wording.

12. Support Groups & Resources

The webpage does not provide a way of adding new organizations nor correcting information that is contained on the page. A link to a form or a phone number or email address to use is necessary if it is to remain. It is already out of date, with false information. Does the PDE really want to be in the business of listing support groups and resources, which could be in the thousands, with the exponential growth and fluidity?

13. Portfolio Review page

- a. “The evaluator must verify whether, in their opinion, an appropriate education has taken place for the student they evaluated.”

The evaluator “shall **certify** whether or not an appropriate education is occurring.” (24 P.S. Section 13-1327.1 (g)(2))

14. Portfolio Challenge

Throughout this entire page, there is no mention that all requests **MUST** be in writing and “certified mail, return receipt requested”. A superintendent may not phone the supervisor or contact them in any other way.

15. Age versus Grade

- a. “Since the affidavit is based on age, not grade, many districts are concerned about fulfilling their obligation for oversight (curriculum, testing, and immunizations and medical exams) when a parent chooses to declare only the age of the student and not a grade. This is compounded by the fact that students may be in differing grades depending on the subject.”

Firstly, the school districts do NOT have oversight of curriculum. Secondly, the law only requires the age of the student. If a parent “chooses to declare only the age”, they are choosing to follow the law.

- b. “In a home education program, the parent sets the grade of a child. In other words, if the child is struggling, they could be in a lower grade; if the child is accelerating, they could be in a higher grade. It is not unusual for a child to span more than one grade, depending on the subject – this is the beauty and flexibility of a home education program. Of course, the child likely would have an “overall” grade.”

After such a description of the “beauty and flexibility of a home education program”, it is odd that the final sentence is incorrect. It is UNlikely for a child to have an “overall” grade, not likely.

- c. “Comparing the age of the child listed on the affidavit with the law and regulations and the state board definition of age/grade appropriate materials, in conjunction with a yearly review of the portfolio contents, may help the school district reasonably infer the grade of the child from year-to-year and determine whether an appropriate education is taking place. This would give guidance on minimal standards, not the accelerated education which could occur.”

Having a superintendent “infer” a grade of a child is contrary to the “beauty and flexibility of a home education program” (as stated above). Appropriate education is defined in the law as “in which the student demonstrates sustained progress in the overall program.” There is no statutory reference to inferring a grade in order to match it to “grade appropriate materials” and “minimal standards”, neither is there a statutory mandate requiring students to progress one grade level each year.

- d. “Academic Standards

State academic standards and anchors are provided at each grade level.

- The state academic standards are benchmark measures that define what students should know and be able to do at specified grade levels beginning in grade.

- Assessment Anchors for each subject and grade level assessed by the Pennsylvania System of School Assessment (PSSA) are a subset of the state academic standards and define the academic content and skills that are assessed by the PSSA.”

The state academic standards are for PUBLIC schools. They are not applicable to home education or private tutoring. This should be eliminated.

The only factual information on this page is:

“In a home education program, the parent sets the grade of a child. In other words, if the child is struggling, they could be in a lower grade; if the child is accelerating, they could be in a higher grade. It is not unusual for a child to span more than one grade, depending on the subject – this is the beauty and flexibility of a home education program.”

Home Education Divisions

24 P.S. § 13-1327.1 (c)-(d) (Home education recognized levels)

- The elementary level is grades kindergarten through six (K-6).
- The secondary level is grades seven through twelve (7-12).”

16. Transferring to Another District

- a. “Similar to the concept of transcripts in public schools, this letter substantiates that the home education program is in compliance with the home education law and allows for credit to be given to the student in their new school district for work completed in the former school district.”

A letter of transfer is not similar to transcripts. It simply states that the home education program is in compliance. There are no “credits” transferred from one school to the next. Parents are responsible for transcripts and determining credits.

- b. “It is helpful if the letter of transfer from the superintendent lists the courses that are completed for the level of the student (elementary versus secondary). See the Transcripts section of this Home Education website for a suggested format for tracking the educational record of homeschooled students.”

The superintendent does not have the lists of courses completed. It is not within the law for the school district to compile such records. The parents are responsible for records.

17. School Year

- a. Philadelphia

“The school year is defined as July 1 of the year until June 30 of the following year, with the exception of the Philadelphia City School District where it is defined as January 1 to December 31 of any year (24 P.S. § 1-102).

The school year defines when a home education program may begin counting days or hours toward compulsory attendance laws for the new school year (July 1) and when the portfolio and accompanying documentation is due at the end of the school year (June 30). Some parents may elect to have year-round homeschooling; this could begin on July 1, as long as the appropriate documentation is submitted to the district.”

This is very confusing. Given the first paragraph, one might conclude that if you live in Philadelphia, that one would begin county days/hours on January 1 and hand in portfolios on December 31.

18. Dual and Concurrent Enrollment

a. typo

“For reimbursement purposes for dual enrollment, membership and attendance of nonpublic school students in a private tutoring program or a home education program lawfully enrolled part-time in the public schools, shall be calculated by counting the time the students spend in the public school program on a pro rata basis.”

The above should read:

For reimbursement purposes for dual enrollment, membership and attendance of nonpublic school students, students in a private tutoring program, and students in a home education program, lawfully enrolled part-time in the public schools, shall be calculated by counting the time the students spend in the public school program on a pro rata basis.

19. Records

a. “School districts are required to maintain records for home education students in their district, just as they would for students attending their schools. These are important for letters of transfer and proof of graduation.”

School districts are NOT required by law to maintain any records of home educated students as they would for public school students.

b. “Recommendations on data to be kept and the time for which it should be kept are provided online. The home education law does not require to be provided all information listed on this website, but the information provided should be kept for the recommended time.”

The home education law is very specific on the data that is to be furnished to the school district, that which is contained in the affidavit – name of supervisor, name and ages of children, address and phone. The list of recommended data is:

Academic grades

Attendance data

Date and place of birth

Degrees and awards received

Grade level

Participation in officially recognized activities and sports

Photographs

Student name, address, telephone listing and electronic mail address

Chapter 15 service agreements

Court documents relating to issues such as custody and protection from abuse

Discipline records
Family background information
Health records
Interests inventory results
Instructional Support Team (IST) information
Scores on standardized intelligence and aptitude tests
Special Education records
Systematically gathered teacher or counselor ratings and observations; verified reports of serious or recurrent behavior patterns are included in this category.
Legal or clinical findings including certain personality test results
Student Assistance Program information
Unevaluated reports of teachers, counselors and others which may be needed in ongoing investigations and disciplinary or counseling actions

Most of the data is recommended to be kept for a minimum of 100 years.

Again, the home education law specifies ONLY name of supervisor, name and ages of children, address and phone and no time requirement.

20. Residency

a. Proof of residency

“If the family is from out-of-state, the letter of transfer is not required but the school district may reasonably ask for proof of residency, since the affidavit is to be presented to the superintendent of the district of residency. “

The home educator attests to the facts on the affidavit, including address, and has it notarized. Further proof is not required by law.

21. Written Policies

“School districts should have written policies on attendance. This would include such things as whether Dual Enrollment is allowed and how support for students with special needs will be handled, if allowed. See 22 Pa Code § 11.41.”

Schools may have written policies on Dual Enrollment and Exceptional Student services, but a school district may reasonably misinterpret the first sentence to have a policy on home education attendance, such as when the home education days or hours may occur. Modify to say, “School districts may have written policies regarding such things as whether Dual Enrollment is allowed or how support for students with special needs will be handled, if allowed. See 22 Pa Code § 11.41.”

22. Home Education Programs Past Compulsory Age

a. “However, if a student is continuing in a home education program, submitting affidavits although they have passed the age of 17, the Department encourages school districts to accept the affidavit so that students can obtain their home education diploma. Organizations that grant home education diplomas cannot

grant a diploma to any student who is not under the authority of an affidavit to their school district.”

There is no valid reason for a diploma program student to be under the authority of an affidavit. Home education diploma programs have their own rules and the home education law adds no value above the diploma program. The PDE has now begun to apply their rules to homeschool diploma programs that are not in the law.

- b. “If a student above the age of 17 withdraws from homeschooling, they cannot then return to homeschooling to complete their education. Their options would be to go to the district public school (until they complete the school year in which they turn 21), a cyber-charter school, private school, or adult education.

There is nothing in the Home Education law that supports this. Why can a student return to all other educational choices, but not a home education program?

23. Home Education & Private Tutoring Report

- a. “If the district is having difficulty with home education program supervisors turning in their portfolios by the June 30 deadline, thereby preventing the timely submission of the PDE 4097, the simplest and most direct approach is to begin the process of challenging the home education programs of any student whose portfolio is missing on July 1. See the section on Portfolio Challenge in this Home Education website.”

Since nothing has been done with the submitted data for the last 4 years, this urgent request for the data from school districts and then this enforcement of the Home Education law if a portfolio is one day late is draconian rather than “simple and direct”.

In conclusion, although our list is long, we feel that each item is important for the integrity of the PDE website. We hope that you change the website to conform with the law, but if not, home educators and private tutors will be abiding by the law, and not necessarily considering any misinterpretations by PDE.

Regards,

PHEA Advisory Board