

# PENNSYLVANIA HOMESCHOOLERS

A Statewide Network Sharing  
Information on Home Education

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## First Due Process Hearing Held -- AND WON BY FAMILY

from Howard Richman

The first homeschooling due process hearing under the new PA law was held on November 16 in Dallas, Pennsylvania. At stake was whether Joleen and Dan Suda could continue to teach their sixth grade daughter Tiffany at home. They were also teaching an eleventh grader and a fifth grader, but only Tiffany's home education program was being challenged. We are all grateful that this first hearing has been decided in the family's favor.

The Suda's problems with their district had begun two years earlier. They had put Tiffany in public school for her first four grades. When they pulled her out under the old homeschooling law, the school district prosecuted them when they wouldn't go along with the school's request that they hire a certified teacher to oversee Joleen for 7 and a half hours per week. The court case against the Sudas was dropped after HSLDA's Jeffery v. O'Donnell civil rights suit got the old law declared to be unconstitutional. Still there were ill feelings between the superintendent and the family. One of the last actions the family's HSLDA lawyer, Jonathan Sparks, had taken was to threaten to charge the superintendent with violations of the Suda's civil rights. The superintendent resented that.

Tiffany had been homeschooled for two years, and was just beginning her third. During her year of homeschooling she repeated the fourth grade, this time using the Alpha-Omega curriculum. At the end of that year she took an achievement test and scored very well. The next year Tiffany completed her fourth grade work and moved into fifth grade materials. Early March of this second year at home, the Sudas filed an affidavit under the new homeschooling law.

On June 12th they turned in their portfolios. Tiffany's daily log was two pages long. One page was a calendar with days circled, the other was a progress report which listed Tiffany's test results along with the dates the tests were taken. Her portfolio easily fit into a single duotang pocket. It mostly consisted of the tests that she had taken during the year as part of the Alpha Omega curriculum. The Suda's turned in the portfolio accompanied with a one page evaluation by a certified teacher who was a homeschooling mother in their district. They didn't include test results for fifth grade since Tiffany had not yet completed all of her work in the fifth grade curriculum.

The superintendent passed the portfolio on to an elementary school principal in the district for an analysis.

She noted that the portfolios did not include a log made concurrently with instruction. She also wondered why Tiffany had not completed fifth grade two years after having passed fourth grade in the public school.

The superintendent asked the Sudas and their evaluator to come in for a meeting with the superintendent and the elementary school principal. The evaluator was shy and asked not to go in with the Sudas. The HSLDA said that it would be OK if the evaluator didn't attend. At the meeting, Joleen presented the achievement test results from the end of the previous year. The school people dismissed those test results saying that the scores were skewed by the fact that she had taken the very same fourth grade level test at the end of the previous year.

After the meeting the Superintendent sent Joleen the official certified letter which precedes a due process hearing. He noted that he thought her language program was inadequate and requested that she send in either an achievement test score or more documentation in that area. Joleen sent in several of her text books. Next the school superintendent ruled that he still felt that education was not taking place and scheduled the due process hearing. In the meantime the HSLDA had the family arrange for Tiffany to quickly take an achievement test that is usually given to children at the end of sixth or beginning of seventh grades, the same brand of achievement test that Tiffany had taken at the end of each of her years in fourth grade.

The hearing took place in a conference room at the administration building of the Dallas School District. Present for the school district were the school superintendent Gerald Wycallis to act as a witness and the school solicitor to act as the school district's lawyer. Present for the Sudas was Mike Farris from the HSLDA to act as their attorney, and a local attorney since Mike is not licensed to practice in Pennsylvania. Also present were Dan and Joleen Suda.

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## NEW CONTACT PERSON IN DEPARTMENT OF EDUCATION

from Susan Richman

Many of you have told us of your good and helpful contacts with Joseph Bard in the Advisory Services Division of the PA Department of Education. He has always been reasonable, understanding, and more than willing to help homeschooling families out in dealing with districts who did not yet understand the new law. We have deeply appreciated his fairness and the great amount of time he has put into seeing that the new law is respected and upheld. Joseph Bard has now been promoted out of the Advisory Services Division and is now the Commissioner of Basic Education, a very influential and

key position in the Department of Education.

The new contact person in the Division of Advisory Services is **Dr. Ken Miller**. I spoke with him just recently, and he seems just as balanced and fair-minded as Joseph Bard, and I think we can all look forward to working with him in a very positive way. His number in Harrisburg is 717-787-4860. Many problems can, and should, be solved through your own negotiating and information sharing at the local level, but if you find you really need help from a "higher authority", do feel free to give Dr. Miller a call. ●