



Posted on Wed, Jul. 28, 2004

Home school law put to test

A couple sues a school district, saying complying with Pa. rules would be a sin.

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Thomas and Babette Hankin believe they are "duty-bound by God" to educate their seven children. But the secular public school system, "with its humanism, evolution, denial of God," is "an unclean thing," they say.

So the Bucks County couple homeschooled their children underground for 10 years. Then the school district found out and threatened to intervene.

Now, in a test case watched by homeschoolers nationwide, the Hankins have sued the Bristol Township School District, saying the government has no right to monitor their children's "holy and sacred education," and that complying with the state's home school law would be a sin.

They base their case on the Pennsylvania Religious Freedom Protection Act, which allows a person to challenge any state or local law if it "substantially burdens" that person's religious beliefs.

Since a federal version of the law was declared unconstitutional in 1997 by the U.S. Supreme Court, a range of religious organizations successfully lobbied for a dozen state versions.

But the 11 other states with religious freedom acts have less stringent home school requirements than Pennsylvania, and their acts have not been used to challenge education issues, said Darren Jones, a lawyer with the Home School Legal Defense Association who is representing the Hankins.

When the act passed in Pennsylvania in November 2002, supporters applauded lawmakers for "standing up for freedom of religion." Critics called it "a dangerous law" that could have unintended results.

The Hankins are among the first to put the law to the test.

Filed in April, their case is the second of its kind to go to court, and part of a larger movement of homeschoolers seeking religious exemption from the state's home-education statute.

"It was inevitable that someone would file, especially on education issues," said Marci Hamilton, a constitutional law expert at Yeshiva University in New York, who predicted in 2002 that the act would start a flood of religious lawsuits. "It could set a precedent, either one way or another."

Like other religious freedom acts around the country, the Pennsylvania law has been challenged in court papers, but decisions are pending, Hamilton said.

As many as 50 families of homeschoolers have written to local school districts requesting religious exemption, the Home School Legal Defense Association reports.

The group hopes to use the cases to chip away at what it calls Pennsylvania's "archaic" home school regulations, which require parents to register their child with the local school district, submit detailed course objectives, keep a log and portfolio for each child, and have a third party evaluate the child's progress at the end of the year.

Pennsylvania requires "more reporting than any other state in the country except perhaps New York," Jones said.

Until now, home educators in Pennsylvania had no legal way to opt out of the rules.

"We've been given this opportunity with RFPA to win some of our freedoms back, and I'm going to take advantage of it,"

said Sue Rothermel, a homeschooling mother of six in York County.

Homeschoolers such as Rothermel argue that God entrusts parents to educate children, and the government has no right to interfere.

"It comes down to, who owns the child - the parents or the state?" said Maryalice Newborn, a plaintiff in the state's first case, filed in Westmoreland County in February and scheduled to go to court Friday.

Homeschoolers will have to prove that the state's requirements place a "substantial burden" on their religious freedom. The state must prove that it has a "compelling interest" to enforce those requirements, and is using "the least restrictive means" to meet its interest.

Proving a "substantial burden" could be a challenge, because most parents of Pennsylvania's registered 24,415 home school students follow the regulations.

"They say, 'It's inconvenient, it's a pain, but we're doing it because it doesn't violate our conscience,' " said Bruce Eagleson, vice president of the Christian Homeschool Association of Pennsylvania.

The state says reporting is necessary to ensure all children in the district are being educated.

"If we did not have appropriate records for homeschooled youth, we would never be able to determine its effectiveness," Pennsylvania Department of Education spokeswoman Bethany Jenner said. "Record-keeping and accountability are necessary for all children, no matter how they are schooled."

Sarah Pearce, acting director of the department's School Services Office, said the laws were not unnecessarily burdensome.

"A homeschooling family may use any curriculum they wish as long as the student is progressing," Pearce said. "Most families don't mind at all showing off what their kids have done for the year."

But the Hankins, members of the Free Presbyterian Church of Malvern, eschew any and all "entanglement" with the public schools.

The couple met at Bob Jones University, the fundamentalist Christian college in Greenville, S.C., famous for its ban on interracial dating, which it dropped in 2000. A former paralegal, Babette Hankin holds a bachelor's degree in modern languages. Thomas Hankin has a degree in mathematics and works as a computer programmer.

"Between the two of us, we're really qualified in every subject," she said.

They have homeschooled their children since 1994, using books from Christian publishers and online bookstores. Their children's curriculum includes science, math, phonics, music, history, English and literature, as well as French, German, Latin and Welsh.

"If you've completed high school, then you ought to know the material well enough to teach your own children," Babette Hankin said.

Visits to the library are rare, because it is too difficult to take the seven children, ages 2 to 14, by herself during the day, she said.

So from Monday through Saturday - except on Wednesdays, when they clean - the children study throughout their Croydon home, a three-bedroom house crammed with books.

Often they work on their own; sometimes their mother teaches them as a group. Occasionally, they teach one another.

The Bristol Township School District found out about the family in March, after the Bucks County Children and Youth Social Services Agency investigated a report about numerous children at the home during the day.

Soon after, a truancy officer from the school district called about the state's home school regulations.

"We understand your desire to ensure that the children in your district are appropriately educated," the Hankins replied

in a notarized letter to the district on March 6. "Because it would be a sin for us not to educate our children diligently, you may be assured that our children are receiving a thorough education."

The Hankins sued the school district after they received a letter, dated April 19, that said: "Failure to enroll within three days will result in the institution of proceedings against you."

David Truelove, the school district's attorney, said the district is just upholding the law.

"We're not trying to keep their children from being homeschooled," he said, "but there are certain requirements."

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