

# HOME SCHOOL<sup>®</sup> LEGAL DEFENSE ASSOCIATION

*Advocates for Family & Freedom*

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## **TESTIMONY AND RECOMMENDED HOMESCHOOL AMENDMENTS REGARDING COLLEGE ADMISSION**

### **FROM THE HOME SCHOOL LEGAL DEFENSE ASSOCIATION**

#### **BEFORE THE NEW YORK BOARD OF REGENTS**

Thank you for the opportunity to present this testimony to you all on behalf of the homeschooler of New York who are facing discrimination at college.

We believe the solution is simple. An option needs to be added to 3.47 which allows a student to be admitted to college if,

“...[T]hey produce a letter from the local superintendent stating that the student is in compliance with the homeschool requirements of regulation 100.10. Within 14 days of the request the superintendent must supply this letter to the student for the purpose of demonstrating that the student has completed four years of high school while in compliance with the homeschool regulations or a combination of other compulsory attendance alternatives.”

If the Board of Regents adopts the above option, a homeschooler will have the option of obtaining a GED, completing 24 college credits pursuant to the regulations, or producing a “letter of compliance” with the homeschool regulations from his local superintendent. Such an option would end the current discrimination that is taking place across New York against homeschool graduates.

The other issue that has been raised by the State Education Department’s recent proposed regulations is that of students currently being homeschooled and wanting to take a few courses with a local community college. The proposed regulations will make it difficult for

homeschoolers to take these classes. Currently homeschoolers have had no problems. We recommend that in lieu of the proposed regulations it should simply state the following:

When a non-matriculating student who is under compulsory attendance age wants to enroll in courses with a college the student/parent must indicate on a form that they are in compliance with one of the two options below:

"A) This student is attending public or private school and has the permission of the local superintendent or designee.

-OR-

B) This student is homeschooled and has filed all paperwork per Regents Regulations 100.10.

In order to stop the interruption of hundreds of homeschool students' higher education, we urge the Board of Regents to immediately rescind the policy issued by the Deputy Commissioner of Higher Education (Oct. 11, 2002) regarding homeschool graduates seeking admission to college.

If this is done quickly, homeschoolers will be able to continue being admitted to college and graduating from college until the new Regent regulations are adopted. Colleges throughout the country routinely use ACT and SAT scores, references, and a portfolio of completed coursework along with a transcript of four years of high school from the parent.

## INTRODUCTION

My name is Christopher J. Klicka, and I serve as Senior Counsel of the Home School Legal Defense Association (HSLDA). Since 1985, I have counseled or legally represented over 10,000 homeschool families around the country whose constitutional or statutory rights were being challenged by state officials. I have testified before over a dozen legislative committees and several times before Congress.

I have also worked on "opening the doors" for homeschool graduates to be accepted in colleges and to receive federal financial aid with both Congress and hundreds of colleges. I have presented three times before the National Association of College Administrators and Counselors (NACACC). I have drafted state legislation on college discrimination issues and written and spoken extensively on college issues and homeschooler admission. As a constitutional attorney working in this area for 18 years, I have become aware of the unnecessary roadblocks put in the way of college-bound homeschool graduates.

The Home School Legal Defense Association is a nonprofit legal advocacy organization dedicated to protecting parental freedom generally and promoting the right to homeschool. At this time, we represent over 80,000 member families (i.e. approximately 250,000 children and 150,000 parents) and over 2,400 families in New York.

### **I. The Problem: Homeschool Students Are Currently Being Forced To Attend College Out Of State**

Beginning in the 2002-2003 school year, New York homeschoolers have been experiencing an increase in discrimination due to the implementation of a previously dormant New York State Education Department policy. This policy is preventing colleges from recognizing a 9-12 grade homeschool education as being sufficient to enroll in either a State University of New York or community college.

The Deputy Commissioner of Higher Education issued a policy statement October 2002 saying a homeschooler must produce either a GED or a letter from their school district recognizing the legitimacy of their academic program, or they must enroll in a special GED program that requires completion of 24 specific credit hours in college.

This unexpected change in college policy has interrupted many homeschool graduates' plans for college and has even kept homeschool graduates in college from graduating. Below are a couple of examples of the widespread discrimination.

- M.P. is a homeschool graduate from New York. She enrolled in a political science Associates' Degree program at a New York community college. She had attended one full year with an approximate GPA of 3.2 when the college contacted her and said that because she had not attended an accredited school, she would have to take a GED to continue. She has since had to transfer out of the community college to a private four-year school out of state.
- Paul Owens is a homeschool graduate from New York. He enrolled in Monroe Community College, which had full knowledge of his status as a homeschooled student. After almost two years, Monroe informed him that he would not be allowed to receive an Associates' Degree even if he completed all the required courses (which he did within 8 months). Paul has also had to transfer to a private college in order to receive a degree. In order to write this wrong, HSLDA recently filed suit against the state in Owens v. Parrinello to help those homeschoolers who are already admitted into college.

#### **A. WHY HOMESCHOOLERS DO NOT WANT A GED**

Homeschoolers often do not want to obtain a GED since they believe it carries the stigma of a being a high school dropout. Homeschoolers are not dropouts; they are completing a full 4-year high school education.

For example, the military treats GED holders differently believing if they dropped out in high school, they will drop out in the military. As a result, GED holders are only allowed Tier 2 status with few openings and few benefits. Many colleges across the country treat GED holders differently requiring much more evidence of academic ability and some employers and businesses treat GED holders with suspicion.

#### **B. Why the Current Option of a "Letter of Equivalency" From the Superintendent is not Working**

Most school districts refuse to provide documentation legitimizing a homeschool education because of the liabilities involved. They will not recognize any homeschool program as sufficient, even if the family has followed the requirements of the law.

### **C. Why the 24 Credits (Super GED) is not Workable for Many Homeschool Graduates**

The "special" GED option is difficult for many homeschool students who do not want to take all of the 24 credit hours required. This makes it difficult for them to complete their majors in fields other than those covered by the 24 credit hours.

## **II. Homeschoolers Have a Proven Track Record Of Success And Deserve This Option For A “Letter Of Compliance” Rather Than The Requirement To Obtain A GED**

All studies completed at this point show that homeschoolers generally score above average on standardized achievement tests at both elementary and secondary levels. Furthermore, studies completed at universities show that homeschool graduates have higher grade point averages than graduates from traditional schools. This demonstrates only one thing: homeschooling works.

In addition, Congress and the major national college associations all recommend that homeschoolers not be forced to take a GED. The rest of my testimony provides documentation and reasons why homeschoolers should be treated in a non-discriminatory manner and not required to take a GED.

## **III. Federal Financial Aid: Homeschool High School Diploma is Sufficient-No GED Required**

**IN TIMES PAST, COLLEGES AND UNIVERSITIES HAVE OFTEN—AND UNNECESSARILY—INSISTED THAT HOMESCHOOLERS OBTAIN A GENERAL EQUIVALENCY DIPLOMA (GED) FOR FINANCIAL AID. BECAUSE THIS REQUIREMENT WAS USUALLY BASED ON THE INSTITUTION’S CONCERNS ABOUT FEDERAL FUNDING REGULATIONS, HSLDA ADDRESSED THE SITUATION AT ITS ROOT. THE ASSOCIATION DRAFTED FEDERAL LEGISLATION TO PLACE HOMESCHOOL COLLEGE APPLICANTS FOR ADMISSIONS AND FINANCIAL AID ON THE SAME FOOTING AS TRADITIONAL APPLICANTS.**

This language was included in The Higher Education Act Amendments of 1998 (Pub. L. No. 105-244). Although these amendments, enacted in early October 1998, changed what post-secondary schools could require of homeschool applicants, these new guidelines have only slowly reached local financial aid offices. Additional confusion was caused by the 2001-2002 Federal Financial Aid Handbook, which indicated that colleges would lose their institutional eligibility if they admitted homeschool students. Not wanting any institution or student to be

caught uninformed, HSLDA has put together the following information for financial aid officers and applicants:

ONCE ACCEPTED BY A UNIVERSITY, A HOMESCHOOLED STUDENT MAY BE ELIGIBLE FOR FINANCIAL AID OR AN ACADEMIC SCHOLARSHIP. WHEN A COLLEGE RECEIVES FEDERAL FUNDS, ITS FINANCIAL AID AND SCHOLARSHIP PROGRAMS ARE SUBJECT TO FEDERAL REGULATIONS. IN THE PAST, THESE COLLEGES INSTRUCTED THAT, PURSUANT TO FEDERAL LAW, HOMESCHOOLERS MUST TAKE A GED EXAM OR AN ABILITY-TO-BENEFIT TEST TO QUALIFY FOR FEDERAL AID.

HOWEVER, THIS HAS ALL CHANGED. THE LAW NOW SIMPLY STATES THAT, IN LIEU OF AN ACCREDITED HIGH SCHOOL DIPLOMA OR GED, A STUDENT IS ELIGIBLE FOR FEDERAL FINANCIAL AID IF “THE STUDENT HAS COMPLETED A SECONDARY SCHOOL EDUCATION IN A HOMESCHOOL SETTING THAT IS TREATED AS A HOMESCHOOL OR A PRIVATE SCHOOL UNDER STATE LAW.” [PUB. L. NO. 105-244, AMENDING 20 U.S.C. § 1091(D)].

NOTHING ELSE IS REQUIRED. HOMESCHOOLERS DO NOT HAVE TO PRODUCE A GED OR TAKE AN ABILITY-TO-BENEFIT TEST ANY LONGER. NEITHER MUST THEIR HOMESCHOOL DIPLOMA BE OFFICIALLY RECOGNIZED BY THE STATE. THIS IS AFFIRMED BY A RECENT REVISION IN THE 2002-2003 FEDERAL FINANCIAL AID HANDBOOK, WHICH NOW STATES THAT A HOMESCHOOL DIPLOMA IS SELF-CERTIFYING, THUS ESTABLISHING THAT COLLEGES CAN ACCEPT HOMESCHOOLERS AND STILL MAINTAIN INSTITUTIONAL ELIGIBILITY.

#### **IV. Congress Condemns College Admissions Discrimination— A GED Should Not Be Required**

There are several further developments in Congress which should motivate colleges to adopt non-discriminatory admissions policies for homeschoolers. United States House of Representatives and Senate Committee Reports accompanying Pub. L. No. 105-244 (Reauthorization of the Higher Education Act) encourage colleges and universities receiving federal funding to discontinue their discrimination against homeschoolers.

The House Report specifically recommends that colleges and universities change any admissions policies which force homeschooled students to take additional tests beyond what is required of traditionally schooled students, including the GED and the SAT II exams:

The Committee is aware that many colleges and universities now require applicants from non-public, private, or non-traditional secondary programs (including homeschools) to submit scores from additional standardized tests such as the GED or . . . SAT-II in lieu of a transcript/diploma from an accredited high school. Historically . . . [the] SAT II was not designed for, and until recently was not used to determine college admissions. Given that standardized test scores (ACT or SAT) and portfolio- or performance-based assessments may also provide a sound basis for an admission decision regarding these students, the Committee recommends that colleges and universities consider using these assessments for applicants educated in non-public, private, and non-traditional programs rather than requiring them to undergo additional types of standardized testing.

REQUIRING ADDITIONAL TESTING ONLY OF STUDENTS EDUCATED IN THESE SETTINGS COULD REASONABLY BE SEEN AS DISCRIMINATORY. . . . THE COMMITTEE BELIEVES THAT COLLEGE ADMISSIONS SHOULD BE DETERMINED BASED ON

ACADEMIC ABILITY OF THE STUDENT AND NOT THE ACCREDITATION STATUS OF THE SCHOOL IN WHICH HE OR SHE RECEIVED A SECONDARY EDUCATION.

### **V. National College Associations Discourage Use of the GED for Homeschool Graduate College Admissions**

Home School Legal Defense Association also met with both the American Council on Education (ACE) and the American Association of State Colleges and Universities (AASCU) and negotiated for them to contact their member colleges and request these colleges change their policies regarding homeschoolers. As a result, the ACE and the AASCU both sent letters to their members, encouraging them to consider portfolio- and performance-based assessments of homeschoolers. U.S.

Representative Bill Goodling (R-PA), Chairman of the House Committee on Education and the Workforce, wrote a letter to the ACE, urging them to carry out their agreement.

Stanley Ikenberry, president of the ACE, states in his letter:

The General Educational Development (GED) and Scholastic Aptitude Test subject area (SAT-II) examinations . . . have been criticized by some in the homeschool community as discriminatory and unnecessarily burdensome. I urge you and admissions personnel at your institution to engage in a dialogue with providers of non-public, non-traditional programs in forming admissions policies regarding their graduates.

The AASCU letter to its Council of State Representatives said:

AASCU's view is that the setting of college and university admission standards is a responsibility that belongs with the institutions themselves and their governing entities. At the same time we urge colleges and universities to address this issue if they have not already done so . . . The policies by which these [homeschooled] students are admitted must balance the need for accurate assessment of their academic preparation with a sensitivity to their special circumstances and attributes.

### **VI. Homeschoolers at College: How Are They Doing?**

As early as December 1991, U.S. News & World Report recognized that an "estimated 50 percent of home-schooled students attend college, about the same rate as their public-school counterparts." According to a nationwide study published by Dr. Brian Ray in 1997, homeschool graduates continue to pursue either post-secondary education or employment at similar rates to public school graduates.

Here are the results of two of several internal studies of the above average performance of homeschoolers in college. HSLDA also has scores of comments from admission officers from universities around the country that testify to the consistent success in college of homeschool graduates. See "Homeschoolers Excel in College" at [www.hslda.org](http://www.hslda.org).

- **Oral Roberts University Study**

Many Christian colleges are eager to obtain more homeschool applicants because they find the homeschooled student generally has a strong Christian foundation and excels academically. For instance, in the fall of 1994, Oral Roberts University (OK) Dean of Enrollment Management Mike Mitchell found that 212 homeschool students were enrolled, comprising about 10% of the student body. The average homeschooler had an ACT score of 24 and an SAT score of 1005, consistent with the average score for all ORU students, but higher than the national average. Mitchell's report also found that the average ORU homeschooler's GPA was 3.02, while the overall average ORU student's GPA was 2.76.

Mitchell reported that 88% of ORU homeschooled students were involved in one or more outreach ministries. Many served as chaplains in the dorms and virtually all embraced the ORU honor code as an already adopted way of life. In addition, over 90% of ORU homeschoolers participated in intramural sports and nearly 80% in various campus clubs and organizations. Homeschoolers were active in all areas of college life, debunking the myth that homeschoolers are largely unsocialized.

- **Galloway/Sutton Study**

On October 10, 1997, Drs. Rhonda Galloway and Joe Sutton released the results of a four-year study to find out how homeschoolers fared in the college setting as compared to Christian and public school graduates. The study tracked 180 students, 60 graduates each from homeschools, public schools, and Christian schools. Five success indicators were used in the study: Academic, Cognitive, Moral, Affective-Social, and Psychomotor.

Galloway and Sutton found that in every success category except psychomotor, the homeschool graduates excelled above the other students. Out of 12 academic indicators, the homeschoolers ranked first in 10. Out of 11 moral indicators, homeschoolers ranked first in seven. In cognitive skills, homeschoolers ranked first in 17 of the 23 indicators. Out of 63 total indicators, homeschoolers ranked first in 42.

In analyzing college aptitude, Galloway and Sutton found that "homeschooled students demonstrate similar academic preparedness [and] achievement in college as students who have attended conventional schools." They concluded that, consistent with the success of homeschoolers at the elementary and secondary levels, "homeschooled students can perform adequately in the different, and more advanced, academic setting of college-level study."

- **How are Homeschoolers Scoring on College Entrance Exams?**

**RESEARCH HAS SHOWN THAT HOMESCHOOLERS ON AVERAGE DO BETTER THAN THE NATIONAL AVERAGE ON STANDARDIZED ACHIEVEMENT TESTS FOR THE ELEMENTARY AND SECONDARY GRADE LEVELS. RECENTLY RELEASED STATISTICS DEMONSTRATE THAT HOMESCHOOLERS TEND TO SCORE ABOVE THE NATIONAL AVERAGE ON BOTH THEIR SAT AND ACT SCORES.**

For example, the 2,219 students reporting their homeschool status on the SAT in 1999 scored an average of 1083 (verbal 548, math 535), 67 points above the national average of 1016. Also in 1999, 3,616 homeschool students taking the ACT scored an average of 22.7, compared to the national average of 21.

According to the 1998 ACT High School Profile Report, 2,610 graduating homeschoolers took the ACT and scored an average of 22.8 out of a possible 36 points. This score is slightly higher than the 1997 report released on the results of 1,926 homeschool graduates and founding homeschoolers maintained the average of 22.5. This is higher than the national average, which was 21.0 in both 1997 and 1998.

The 1996 ACT results showed that in English, homeschoolers scored 22.5 compared to the national average of 20.3. In math, homeschoolers scored 19.2 compared to the national average of 20.2. In reading, homeschoolers outshone their public school counterparts 24.1 to 21.3. In science, homeschoolers scored 21.9 compared to 21.1. These above-average scores have continued for homeschoolers through 2003.

NEW YORK IS THE ONLY STATE WITH A STATEWIDE POLICY REQUIRING HOMESCHOOL GRADUATES TO OBTAIN A GED OR A LETTER OF RECOGNITION FROM THEIR LOCAL PUBLIC SCHOOL DISTRICT TO GAIN ADMISSION TO COLLEGE. HOMESCHOOLERS WANT THE FREEDOM TO CHOOSE THEIR SCHOOLS.

#### CONCLUSION

We hope that the Board of Regents sympathizes with the difficulty innocent homeschool graduates are facing with New York colleges as a result of the implementation of this recent discriminatory policy. We urge the Board of Regents to adopt an option for homeschool students to demonstrate their completion of four years of high school through the production of a letter from the local superintendent indicating their compliance with the homeschool regulations. This is a simple solution to what has become a very complicated problem that has interrupted many students' higher education.

Thank you for your time and consideration.

Sincerely,



Christopher J. Klicka  
HSLDA Senior Counsel

Enclosure