

- SUBJECT:** Allowing home-schooled students to attend public school
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 6 ayes — Grusendorf, Branch, Eissler, Hochberg, B. Keffer, Mowery
0 nays
3 absent — Oliveira, Delisi, Dutton
- WITNESSES:** For — Tim Lambert, Texas Home School Coalition

Against — Tim Bacon, Texas State Teachers Association; Lindsay Gustafson, Texas Classroom Teachers Association; Ted Melina Raab, Texas Federation of Teachers; Jo Hannah Whitsett, Association of Texas Professional Educators
- DIGEST:** CSHB 386 would allow a home-schooled child who was eligible to attend Texas public schools to attend a school in the district as a part-time student if the district and the child's parent or guardian agreed in writing to the child's enrollment. The student could participate in an academic class on the same basis as a regular student and would be entitled to the same textbooks provided to other students.
- School districts could not charge a home-schooled student tuition but could charge applicable fees required of a regularly enrolled student.
- For funding purposes, school districts could include in their average daily attendance home-schooled students who attended as part time students, participated in online courses offered by the district, or used an off-campus laboratory for home-schooled students. For each day a student participated in a course, the district could claim that student in average daily attendance. Charter schools would not be eligible for this funding.
- In any school year, not more than 1,000 full-time equivalent home-schooled students in the state could be included in average daily attendance. If school districts exceeded this limit, TEA could distribute funding on a pro rata share based on the ratio of home-schooled students to regular students. The amount appropriated for home-schooled students

could not exceed \$5 million in a school year. If the amount to which school districts were entitled exceeded this amount, the commissioner would have to reduce each district's entitlement proportionately.

School districts could develop on-line courses and establish laboratories or other facilities not located on a regular school campus for home-schooled students. A school district could permit a home-schooled student entitled to attend public schools to participate in on-line courses or use a laboratory for home-schooled students or one on a regular school campus.

School districts could permit home-schooled students to participate in district-sponsored extracurricular activities. The school board would have to adopt a policy authorizing students to participate in activities sponsored by the University Interscholastic League (UIL). Home-schooled students would not be exempted from UIL eligibility requirements other than class attendance requirements. For each grading period, the student's teacher would have to provide the school principal with an affidavit affirming that the student was a full-time student and had grades that satisfied state no-pass, no-play requirements.

School districts would have to administer the TAKS test to home-schooled students enrolled in more than two courses. Students enrolled in two or fewer courses or two or fewer hours could be tested only in the subject of the class in which the student was enrolled. The school district could include TAKS test results in accountability ratings.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

The funding provisions would take effect September 1, 2005. The bill would apply beginning with the 2005-06 school year. Provisions regarding on-line courses would be contingent on enactment of HB 1445 by Madden, et. al.

**SUPPORTERS
SAY:**

CSHB 386 would expand educational options and choices for home-schooled students and allow school districts to receive additional funding for accommodating these students. School districts would not be required to accept home-schooled students, but those with large populations of these students may wish to do so because of the opportunity for additional funding.

The bill would limit funding for home-schooled students to \$5 million per year to ensure that significant funds were not diverted from other educational programs. School districts would have to be conservative in their management of the enrollment of home-schooled students to ensure that they received the appropriate funding. The TEA commissioner would have to adopt rules to ensure that school districts received appropriate funding.

Home school families pay millions of dollars a year in school taxes. They should not be denied the opportunity voluntarily to take advantage of the resources of a public school simply because they made an alternative educational choice.

By opening UIL activities to home-schooled students, the bill would extend to these students the same opportunity as some private school students who have been allowed to participate in UIL activities. UIL was originally created to foster events and activities for all students, and it should be returned to that purpose.

**OPPONENTS
SAY:**

Home-schooled students already have the opportunity to attend public schools, but they choose not to. These students should not be allowed to pick and choose courses and activities in which they participate with full-time students. If too many home-schooled students signed up for courses or activities at a particular school, full-time students could have trouble enrolling in that course or participating in UIL activities.

The funding limitations could create uncertainties for school districts. Districts could authorize home-schooled students with the expectation that they would be able to count students in their average daily attendance, only to discover later that other districts have done the same thing and the cap had been exceeded. This would leave districts having to cover the cost of students whose hours were not paid for with state funds.

NOTES:

The committee substitute added the \$5 million cap on funding and 1,000 cap on the number of full-time equivalent hours as well as requirements regarding testing and no-pass, no-play.