

H.B. 547 – Home School Participation in UIL Activities

The Home School Bill (HB 547) was passed through the Texas state legislature during the 87th session in the spring of 2021. This bill was only able to pass after permissive language was added to allow the decision for home school student participation to be left in the hands of the individual school districts. This bill as passed, does not sufficiently outline a level playing field for UIL activity participants. The UIL has been tasked with creating regulations for home school student participation beginning with the 2021 fall season, but it is impossible to anticipate all the unintended consequences we foresee this creating. School districts will be required to notify the UIL prior to August 1st if they choose to OPT-IN for home school participation.

It is the recommendation of the Texas High School Coaches Association (THSCA) that school districts **DO NOT opt-in to allow home-school participation**. We have provided the attached initial protocol distributed by the UIL at the June Legislative Council meeting. Below are several talking points we have provided as an association for use when lobbying against school districts choosing to allow for home school student participation in UIL activities.

- Home school student participations is currently allowed in 36 other states, however based on their experience, regulatory guidelines have needed to increase to create an equitable standard of participation. Some additional regulations required by others states that are not addressed in the Texas version of the bill:
 - Dual or Part Time Enrollment with the public school
 - Stricter standards on home school student's academic eligibility. (Some including proof of curriculum by the home school parent or parent requirements to prove they have a college degree. See [this video explanation](#), produced by the Texas Home School Coalition that supports this bill.)
- Texas home schooled students and their instructors are not subject to several state regulations that school district employees must abide by and hold their students accountable for.
 - Instructors are not required to hold a degree, or a Texas teacher certification nor are they subject to third-party curriculum approval.
 - Home school schedules are entirely flexible and are exempt from compulsory attendance laws as well as minutes of instruction guidelines.

These freedoms from government regulation are the very reason many parents have chosen home school settings and waived their right to a free public education and access to extracurricular activities.

- HB 547 inherently secures a home school family's freedom from regulation with unlimited access to government funded services. The bill specifically prohibits "an agency of the state, a public-school district, or any other governmental body to exercise control, regulatory authority or supervision over the home-schooled student, or a parent." If the public school has no regulatory authority, the school leaders are completely restricted as the bill prohibits them from ensuring that a home-schooled student is in fact meeting the same eligibility requirements of their public-school teammates. Without this authority, a school athletic program is left vulnerable and open to accusations of UIL violations or suspension from league participation. (A major concern of the THSCA is that home school students who choose to participate may not be aware of all the UIL guidelines. If they inadvertently violate a practice rule, academic or behavioral standard, they are jeopardizing the eligibility of the entire team. Monitoring their activity outside the school day will now become an added obligation of the administrators and coaches.)
- The bill creates a fundamental inequity regarding initial and continuing participation. H.B. 547 proposes that students choosing to participate in UIL must demonstrate grade-level academic proficiency by taking any nationally recognized, norm-referenced assessment (not the STARR test). Once grade-level proficiency is proven, the student is only required to submit written verification of academic competence from their home school instructor periodically in accordance with participation guidelines. This takes the authority and the responsibility to monitor academic progress out of the hands of certified Texas teachers. A teacher/coach's definition of academic achievement can be calculated and measured based on TEKS guidelines and the

approved content provided by district curriculum specialists. Often, a home-school instructor is not a certified teacher, and impartial judgment of academic success is subjective.

- Further, the inequitable circumstances are extended as HB 547 does NOT offer solutions to:
 - equally balanced required minutes of instruction and state mandated assessments,
 - augment budgets to offset costs associated with additional student participation in extracurricular activities.
- HB 547 attempts to deter students who cannot meet required public school standards from withdrawing to begin unregulated home-school by stipulating that their access to extracurricular participation be revoked for the remainder of that school year. This statement acknowledges that UIL participation has never previously been considered **a right**. Participation has always been a **privilege** that can be withheld if established standards are not met.
- Enforcement of a code of conduct will be inconsistent, causing serious concern for academic and athletic activities that rely on consistency for ALL students as a hallmark. Teachers and coaches use participation in extracurricular, academic and athletic programs as an incentive to positively influence student behavior in the classroom, sustain academic achievement, and raise self-awareness involving social exchanges on and off the campus. The bill as drafted, stipulates that home school students are bound only by athletic program behavioral guidelines, thus making them exempt from accountability standards that must be met by the public-school students. This inequity makes it impossible for the educator/coach to manage academic and behavioral performance and hold the entire team accountable to consistent high standards of morality and ethics throughout their school and community.
- When it comes to regulations surrounding transfers, PAPF and a DEC's regulatory authority, there are many ways to manipulate and/or interpret these rules. This opens a door for further violations and circumventing of the rules when "transferring for athletic purposes." It was the recommendation of the THSCA at the UIL Legislative Council meeting that protocols for home school participation, once set, be distributed immediately to District Executive Committee members, home school parents and school district officials. The UIL has already determined that a home school student moving into an attendance zone within the last 12 months will automatically trigger a DEC investigation and hearing. We foresee this causing further discrepancies in rules interpretations, especially for UIL districts that include multiple ISDs. Though this decision for participation was left in the hands of the individual independent school districts, those schools do not control the decisions of those they compete against within their UIL district.

- **Home Schooled Student -Section 33.0832 of the Texas Education Code** – As a result of the passage of HB 547 homeschool students are allowed eligibility for UIL activities, if approved by the local school district.
 - Schools that allow homeschool participation must notify their DEC and UIL by August 1st. (This will occur in UIL portal, and direction will be sent at a later time.)
 - For non-enrolled (homeschool students), if the public independent school district where the parent/guardians of the students reside decide not to allow home schooled students to participate, the student could petition to participate at a charter school within the boundaries of the independent school district where the parent/guardian of the student reside, if allowed by charter school administration.
 - The parent or person standing in parental relation to a home schooled student participating in a UIL activity on behalf of a public school must, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.
 - Home schooled students may not participate unattached.
 - Home schooled students may not participate in an athletic activity offered by the UIL in and in a non-school league under auspices of any other sanctioning organization.
 - Home schooled students that have moved into an attendance zone within the past 12 months will require a full hearing of the DEC.
 - A home schooled student seeking participation for the first six weeks must demonstrate grade-level academic proficiency on any nationally recognized, norm referenced assessment instrument.
 - A home schooled student shall participate in no more than one athletic class period per school day, not to exceed 60 minutes per day.
 - Home schooled students are not authorized to participate in a league activity during the remainder of any school year during which the student was previously enrolled in a public school.
 - Home schooled students that reside outside of the attendance boundaries of a school or ISD are not eligible to for a parent residence waiver.