

August 16, 2016

TO THE ADMINISTRATOR ADDRESSED:

Re: Home Schools

The issues surrounding students schooled at home continue to be of significant interest to parents and school districts. Because of the number of inquiries the Texas Education Agency (TEA) receives regarding this matter, I am providing some general information with respect to the Agency's position on home schooled students.

The decision rendered in *Leeper et al. vs. Arlington ISD et al.* clearly establishes that students who are home schooled are exempt from the compulsory attendance requirement to the same extent as students enrolled in private schools. Students should be disenrolled by school officials when they receive written notice either by signing withdrawal forms or a letter of withdrawal. It is not necessary for the parents to make a personal appearance with school officials or present curriculum for review. For purposes of Leaver Reason Code 60, a signed and dated letter from the parent or guardian stating that the student is being homeschooled and the date homeschooling began is sufficient documentation.

School districts which become aware of a student who is potentially being home schooled may request in writing a letter of assurance from the parents that the student is being home schooled. This letter may require assurances that the home-school curriculum is designed to meet basic education goals including reading, spelling, grammar, mathematics, and a study of good citizenship. Please note that a letter of this type is not required each year.

Additionally, it has been brought to my attention that there may be some confusion with respect to the awarding of transfer credit from students who have been home schooled. Under 19 T.A.C. Section 74.26(a)(2), students transferring from home schools should be afforded the same treatment as students transferring from unaccredited private schools. Awarding of credit for courses taken may be determined by reviewing the curriculum and/or work of the student, or by using appropriate assessments.

When appropriate assessments are used for determination of placement, the passing standard for those students who have been home schooled should be no higher than the standard required of students transferring from unaccredited private schools. As the TEA has stated in the past, school districts may assess students by administering valid and reliable assessment instruments. The determination of whether or not to use such instruments is a local matter. Districts may place students according to a review of the curriculum, course of study, and work of the student coming from a home school environment. Section 28.021 of the Texas Education Code (TEC) requires advancement or credit to be awarded on the basis of "academic achievement or demonstrated proficiency of the subject matter."

If assessments are used for determining placement, the agency would suggest the following guidelines:

1. Elementary students should be assessed by means of a nationally recognized norm-referenced test or by a previously released STAAR assessment for the appropriate grade level.
2. Secondary students may be assessed using credit-by-examination methods for individual subject areas or by - previously released STAAR end-of-course assessments.
3. A secondary student assessed using the credit-by-examination method should be given adequate time to prepare for the test, particularly if multiple examinations are required. Under 19 T.A.C. Section 74.24(c), the standard of 70% for students to receive credit for courses they have already taken should be used rather than that the 80% standard for earning credit for courses not previously taken.
4. Under TEC Section 29.916, school districts are required to allow home school students the opportunity to participate in PSAT/NQMST and Advanced Placement (AP) testing that each district provides enrolled students. The statute also requires districts to notify the public via website or local newspaper: of the dates of PSAT/NQMST and AP tests; that home school students are eligible to take the test; and the procedures for registering for such tests. This public notice must be posted or published at the same time and with the same frequency as the notice given to students attending the school district.

Finally, there has been some concern that school districts may be contacting Child Protective Services regarding children who are being home-schooled. While school officials are required to contact that agency in instances of abuse or neglect of a child, the determination of whether compulsory attendance has been violated should be made by the school district or local judicial authorities.

It is my hope that these policy statements clarify issues surrounding notification, placement, and the awarding of credit to previously home-schooled students. Thank you for your attention to these matters.

Sincerely,

Mike Morath  
Commissioner of Education