



Texas Education Agency

Home School Information Letter

March 10, 2000

TO THE INDIVIDUAL ADDRESSED:

This letter provides information about parental instruction or "home schooling" in lieu of public school attendance. It is available to you as a courtesy. The Texas Education Agency does not regulate, index, monitor, approve, nor register the programs available to parents who choose to home school.

For most of this century, Texas has exempted children enrolled in a private or parochial school from compulsory school attendance. In the case of *Leeper et al. v. Arlington ISD et al.*, the Supreme Court of Texas affirmed a decision by District Judge Charles J. Murray, holding that a school age child residing in Texas who is pursuing, under direct supervision of his/her parents, a curriculum designed to meet basic education goals is attending a private school within the meaning of Section 25.086(a)(1) of the Texas Education Code and is therefore exempt from compulsory school attendance. This case has a statewide application because school districts in the state and certain state officials were parties to the suit. A copy of the sections of the Texas Education Code related to compulsory attendance is attached.

The State of Texas does not award a diploma to students that are home schooled. In the event a home-schooled student wishes to enter a public school, most districts have policies and procedures in place to assess the mastery level of courses that students in home schools have taken. The results of the assessment may be used for grade placement and/or award of credit.

There may be several sources of information, materials, and books about parental/home education available in your community. Parents can obtain information from many different sources, some of which are found in your local libraries and on the Internet. The Texas Education Agency (TEA) does not recommend, approve, support, or endorse any person, educational program, group, or organization. As another alternative, interested parents may also wish to contact the Texas Private School Accreditation Commission, 10810 Dreamland Dr., San Antonio, Texas 78230 (210) 979-6410, for information about accredited private schools.

Persons interested in acquiring the state-mandated curriculum may purchase the document from the TEA Publication office. The document is all-inclusive; individual grades and/or courses are not available separately. To inquire about ordering the State Board of Education Rules for Curriculum, please call TEA Publications at (512) 463-9744. The cost of the document changes periodically, but is approximately \$50.00 per copy. The publications office maintains publications only and does not respond to questions related to home schooling. **THIS DOCUMENT IS NOT REQUIRED OF PERSONS CONDUCTING HOME SCHOOLING.**

A Textbook Current Adoption Catalogue may also be purchased (approximately \$10.00 per copy) from TEA Publications; however, state-adopted textbooks can be purchased directly from the publishers. Please understand that a local school district is not required to provide textbooks nor to facilitate purchases. Textbooks purchased with public funds are to be used only by students enrolled in a public school.

If further information or assistance is necessary, please contact home school support groups or regional/state organizations on home schooling.



INFORMATION
ONLY

February 6, 2003

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 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 vs. Arlington* 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. School districts which become aware of a student who is potentially being home schooled may request in writing a letter of notification from the parents of the student regarding their intention to home-school the student. 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. 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 Texas Education Agency 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 an instrument 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 requires advancement or credit to be awarded on the basis of "academic achievement or demonstrated proficiency of the subject matter".

If assessments are utilized for determining placement, the agency would suggest the following guidelines for assessing students:

1) Elementary students should be assessed by means of a nationally recognized norm-referenced test or by a previously released TAAS or TAKS exam of appropriate grade level.

2) Secondary students may be assessed using the credit-by-examination methods for individual subject areas.

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.

Finally, there has been some concern that school districts are contacting Child Protective Services regarding children who are being home-schooled. While school officials are required to contact an appropriate 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 will help to alleviate any confusion with respect to the issues surrounding notification, placement and the awarding of credit to previously home-schooled students. Thank you for your attention to these matters.

Sincerely,

Felipe Alanis
Commissioner of Education

DA/lmw

**Excerpts from Texas Education Code
As Passed by the 76th Texas Legislature**

Chapter 25 SUBCHAPTER C. - OPERATION OF SCHOOLS AND SCHOOL ATTENDANCE

Section 25.085. COMPULSORY SCHOOL ATTENDANCE.

- (a) A child who is required to attend school under this section shall attend school each school day for the entire period the program of instruction is provided.
- (b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not completed the academic year in which the child's 18th birthday occurred shall attend school.
- (c) On enrollment in prekindergarten or kindergarten, a child shall attend school.
- (d) Unless specifically exempted by Section 25.086, a student enrolled in a school district must attend:
 - (1) an extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.084.
 - (2) an accelerated reading instruction program to which the student is assigned under Section 28.006(g);
 - (3) an accelerated instruction program to which the student is assigned under Section 28.0211; or
 - (4) a basic skills program to which the student is assigned under Section 29.086.
- (e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purpose of Section 37.107.

Section 25.086. EXEMPTIONS.

- (a) A child is exempt from the requirements of compulsory school attendance if the child:
 - (1) attends a private or parochial school that includes in its course a study of good citizenship;
 - (2) is eligible to participate in a school district's special education program under Section 29.003 and cannot be appropriately served by the resident district;
 - (3) has a physical or mental condition of a temporary and remediable nature that makes the child's attendance infeasible and holds a certificate from a qualified physician specifying the temporary

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condition, indicating the treatment prescribed to remedy the temporary condition, and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from that remedial treatment;

(4) is expelled in accordance with the requirements of law;

(5) is at least 17 years of age and:

(A) is attending a course of instruction to prepare for the high school equivalency examination; and

(i) has the permission of the child's parent or guardian to attend the course;

(ii) is required by court order to attend the course;

(iii) has established a residence separate and apart from the child's parent, guardian, or other person having lawful control of the child; or

(iv) is homeless as defined by 42 U.S.C. section 11302;

(B) has received a high school diploma or high school equivalency certificate;

(6) is at least 16 years of age and is attending a course of instruction to prepare for the high school equivalency examination, if the child is recommended to take the course of instruction by a public agency that has supervision or custody of the child under a court order;

(A) the child is recommended to take the course of instruction by a public agency that has supervision or custody of the child under a court order; or

(B) the child is enrolled in a Job corps training program under the Job Training Partnership Act (29 U.S.C. Section 1501 et seq.) and its subsequent amendments;

(7) is enrolled in the Texas Academy of Mathematics and Science;

(8) is enrolled in the Texas Academy of Leadership in the Humanities; or

(9) is specifically exempted under another law.

(b) This section does not relieve a school district in which a child eligible to participate in the district's special education program resides of its fiscal and administrative responsibilities under Subchapter A, Chapter 29, or of its responsibility to provide a free appropriate public education to a child with a disability.

Section 25.091. POWERS AND DUTIES OF ATTENDANCE OFFICER.

(a) A school attendance officer has the following powers and duties:

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- (1) to investigate each case of unexcused absence from school;
- (2) to administer oaths and to serve legal process;
- (3) to enforce the compulsory school attendance law;
- (4) to keep a record of each case of any kind investigated by the officer in the discharge of the officer's duties;
- (5) to make any report required by the commissioner concerning the discharge of the officer's duties; and
- (6) to refer to a juvenile court or to a justice court if the juvenile court has waived jurisdiction as provided by Section 54.021(a), Family Code, any student who has unexcused voluntary absences for the amount of time specified under Section 51.03(b)(2), Family Code, or to file a complaint against any person standing in parental relation who violates Section 25.093 or to file a complaint against a student who violates Section 25.094.

(b) A school attendance officer may not enter a private residence or any part of a private residence without the permission of the owner or tenant except to serve lawful process on a parent, guardian, or other person standing in parental relation to a child to whom the compulsory school attendance law applies.
