

2023 HB 209 Academic Eligibility for Home School Students

Establishing Academic Eligibility

HB 209 states that a home school student should be considered to have met academic eligibility requirements if they:

- Are mastering the material in each course of subject being taught, and
- Are maintaining satisfactory academic progress towards achievement or promotion.

The allowed method for proving or demonstrating these two items is that the individual providing instruction to the student (the parent or an individual from a home schooling organization) must provide a written affidavit indicating the student meets academic eligibility requirements. For the initial determination of academic eligibility, the school may not require a home school student to submit work samples, take assessments, or provide any evidence in excess of the affidavit that the student is academically eligible.

A submitted affidavit immediately makes the student academically eligible and applies equally to all activities during the activity season when the affidavit was presented.

An affidavit is typically defined as a sworn statement or a statement made after promising to tell the truth. This implies that the academic eligibility affidavit should be signed and notarized.

Losing Academic Eligibility

A home school student may lose their academic eligibility in one of the following ways:

- If the individual who submitted the affidavit that granted academic eligibility submits written notice to the school principal that the student is no longer academically eligible, or
- If a panel (described below) makes a determination that the home school student is not academically eligible.

If the individual who submitted the original academic eligibility affidavit provides written notice that the home school student is no longer academically eligible, the student is academically ineligible for all extracurricular activities until such time as the same individual again provides written notice to the school principal that the student is academically eligible.

Contesting Determination of Academic Eligibility

A person who has probable cause to believe that the home school student is academically ineligible may submit an affidavit to the principal asserting their belief and providing information that the student does not meet academic eligibility requirements. If the principal determines that this affidavit constitutes probable cause to believe the home school student is academically ineligible, the principal must request that a panel (convened by the superintendent) verify the student's compliance and academic eligibility.

“The Panel”

The school district superintendent is required to appoint a panel of three individuals, selected from nominees by national, state, and regional organizations of home schooling students and parents, with qualifications as follows:

- One member with experience teaching as a licensed teacher in public school and in home schooling high school students;
- One member with experience teaching in a higher education institution and in home schooling, and
- One member with experience in home schooling high school-age students.

This panel may review submitted affidavits alleging that a home school student is academically ineligible and may confer with the individual who submitted the affidavit. They may also request that the home school student submit test scores or a portfolio of work documenting their academic achievement. After reviewing this documentation, the panel will make a determination as to whether or not the student is academically eligible; this determination applies for all extracurricular activities for the duration of the activity season. A student who is deemed academically ineligible by the panel may become eligible for the next activity season.

Academically Ineligible Public School Students Transferring to Home School

A traditionally enrolled public school student who loses academically ineligibility may not transfer to a private school or home school in order to become immediately academically re-eligible. Such students lose eligibility for the activity and season. The student may, however, submit test results or a portfolio of work to the school principal, enroll in a private school and reestablish academic eligibility, or re-enroll in public school and reestablish academic eligibility for the following activity season.

Traditionally enrolled public school students who exit for a private school or home school mid-semester or in the middle of an activity season should have their academic eligibility determined by if they would have been considered academically eligible at the time they left the public school.