

Home School Access Laws in Other States

Compiled by the Home School Legal Defense Association

Access States

Arizona, Colorado, Florida, Idaho, Iowa, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and Wyoming

Characteristics:

- Some states require dual enrollment with the public school. Some only require written notice of intent to participate.
- Home school students must meet the same requirements as enrolled students.
- Florida allows schools to charge home school students up to 150% of the cost of participation, in addition to any increase in insurance premiums.
- Some states specify that if a student is enrolled in a school division and subsequently withdraws and switches to home instruction, he will not be eligible to participate for a certain length of time (the remainder of the year, or the remainder and following school year). Colorado law says just the opposite.

No Access States

Michigan, Montana, New Jersey, New York, and Oklahoma

These five states all have case law, rather than statutes, upholding school division bans on allowing home school students to participate in public school activities. In upholding a school district's policy banning nonpublic school students' participation in sports programs, the Supreme Court of Montana held that the district's interest in developing full academic potential of its students outweighed the students' right to play sports.

Qualified Access States

Louisiana: The school principal must approve participation.

Ohio: School divisions may set their own policies. The Ohio High School Athletic Association's rules allow home school students to participate if they are enrolled in a member school in accordance with that school's partial enrollment policy.

South Dakota: A home school student may participate if the school board approves.

Tennessee: The Tennessee Secondary School Athletic Association allows home school participants under its own rules, at the member school's discretion, if the student meets their requirements.

Sample Components of Access Statutes

Dual enrollment in public school required in order to participate in academic or extracurricular activities.

School boards are forbidden from contracting with an association that does not allow access to home school students.

Generally, person responsible for homeschooling must provide proof to school of sufficient academic progress.

Requirements for home school students must not be more burdensome than those for enrolled students.

Schools may add fees for participation and increased insurance premiums. Alternatively, the cost to the school of allowing participation of home school students must be considered in the statewide funding calculation.

Constitutional Concerns

Courts have repeatedly rejected constitutional complaints of home school students who have been denied access to either academic or extracurricular activities. They have routinely held that the schools are not acting unreasonably in requiring full-time attendance, and that they have the right to set eligibility requirements for school activities.