

STATE OF KANSAS

SENATE

14TH DISTRICT  
STATE CAPITOL  
TOPEKA, KS 66612  
(785) 296-7678  
forrest.knox@senate.ks.gov



17120 UDALL RD.  
ALTOONA, KS 66710  
(785) 783-5564  
senatorforrestknox@gmail.com

FORREST J. KNOX

## House Standing Committee on Education

### Testimony Supporting Sub SB 60

AN ACT concerning schools; relating to the Kansas state high school activities association; relating to participation by certain students.

March 17, 2015

Chairman Highland,

Senate Bill 60 provides that any student who is resident in a public school district can participate in public school activities. This would allow any such student who is attending a private school, including private home schools, to play in the band or participate in forensics or debate, or to play sports at the local public school so long as they fulfill the same requirements, including fees, that the local district puts upon their own students. The senate committee worked this bill for several days, creating the substitute bill, and doing the necessary leg work to accomplish the original intension of the bill.

The intention of this legislation is equal protection under the law, allowing all residents, all tax payers in the district, if you will, due process in their property interest in the free public education provided for by the Kansas Constitution. Private school families, just like everyone else, pay the taxes that fund public schools. Just as it is unacceptable to exclude those attending private school from publicly funded areas such as libraries, hospitals, and parks, so it is unacceptable to exclude those attending private school from public school programs.

Currently, 22 states give those attending private schools the right of access to activities and sports in the public schools. This includes our neighbors; Colorado, Nebraska, and Iowa, as well as many other Midwestern states. For more details, see the attached document from HSLDA and the online links.

Providing the best education possible to Kansas's children is certainly in the interest of the state. Giving parents, who best know the educational needs of their children, the flexibility and the tools they require to provide the best education they can for their children is in the interest of the state. Technology today is giving parents many more choices to meet their children's educational needs. The state needs to give public schools the ability to compete in this rapidly changing modern world. The Kansas State High School Activities Association is limiting our public schools options in this respect.

The verbal and written testimony presented today in support of this legislation will illustrate the vast array of options that today's students and todays parents have to choose from. I ask your support in passing out Sub SB 60 favorably. Thank you for your consideration.



# Sports and Public School Classes

[http://www.hslda.org/docs/nche/Issues/S/State\\_Sports.asp](http://www.hslda.org/docs/nche/Issues/S/State_Sports.asp)

Homeschool athletes can participate in homeschool and recreational leagues around the country, as well as some private school leagues. One of the biggest debates in the past several years, however, has been whether or not to allow homeschoolers equal access to public school sports leagues.

## Do Homeschoolers Have Equal Access to Public School Sports?

Currently, 22 states give homeschoolers the right to some type of access to classes or sports. These include Arizona, Colorado, Florida, Idaho, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Pennsylvania, South Dakota, Utah, Vermont, Washington, and Wyoming. Read more information about state laws on HSLDA's [legal summaries pages](#).

Homeschooler participation in public school activities is usually subject to certain requirements, which are often part of the school's policy and the state high school athletic association's bylaws. Although specific requirements vary from state to state, they generally include: 1) being in compliance with the state homeschool law, 2) meeting the same eligibility requirements (residence, age, etc.) as public school students, and 3) submitting verification that the student is passing his or her core subjects. Consequently, the homeschooler may have to provide additional information, such as achievement test scores or periodic academic reports, even if the state's homeschool statute does not otherwise require them.

In states that do not have a specific statute or regulation mandating equal access, individual schools and school districts have the authority to determine whether homeschoolers can participate in public school activities. Policies often vary from district to district. In some cases, districts that would like to allow access are restricted from doing so by the high school athletic association's bylaws.

## What Do the Courts Say?

Various parties have litigated to allow private and homeschool students equal access to public school sports. Some of the constitutional arguments used include:

- 1) Refusing non-public students access to part-time classes denies them due process in their property interest in the free public education provided for by state constitutions;
- 2) Non-public school students excluded from part-time activities are unjustifiably discriminated against, denying these students their right to equal protection under the law;
- 3) If a student is not enrolled in public school because of a sincere religious belief, his right to the free exercise of his religious beliefs is burdened by the prohibition of access to public school activities.

## What are the Arguments for Participation?

Those in favor of equal access tend to advance one or more of the following arguments:

- 1) Homeschool families pay the taxes that fund public schools. Just as it is unacceptable to exclude homeschoolers from publicly funded areas such as libraries, hospitals, and parks, so it is unacceptable to exclude homeschoolers from public school programs.
- 2) Homeschool students should not be denied the economic and career advantages available to public school students if homeschoolers meet the same qualifications.
- 3) Parents should be allowed to choose public school activities if it is best for their children.

Homeschoolers who are interested in participation in public school activities should check their state statutes and contact their state athletic association to see if equal access laws apply to them. If you live in a state that does not allow homeschoolers equal access, we encourage you to investigate some of the homeschool and recreational sports leagues that exist around the nation.