

Sports and Public School Classes

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.

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) Increasing access to sports will increase the number of people who will pursue home education.

3) Homeschool students should not be denied the economic and career advantages available to public school students if homeschoolers meet the same qualifications.

4) Parents should be allowed to choose public school activities if it is best for their children.

For detailed information on other states statutes dealing with this topic see,

State Laws Concerning Participation of Homeschool Students in Public School Activities

at http://www.hslda.org/docs/nche/Issues/E/Equal_Access.pdf