TEXAS LAW

(Education Code)

Alternative Statutes Allowing for Home Schools:

1) Texas Education Code Annotated 21.033 (a)(1). "Any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship" is exempt from the requirements of compulsory attendance. The class action suit, Leeper v. Arlington Independent School District, No. 17-88761-85 Tarrant County 17th Judicial Ct. Apr. 13, 1987, resulted in a trial level decision in favor of home schooling. The court ruled that:

a) Home schools can legally operate as private schools in Texas;

- b) Article 7, section 2 of the Texas Constitution only authorizes the legislature to establish and maintain public education, not private or parochial education;
- c) Home schools must be conducted in a <u>bona fide manner</u>, using a curriculum, from any source, consisting of books, workbooks, other written materials, including that which appears on an electronic screen of either a computer or video tape monitor, or any combination of the preceding, said curriculum designed to meet basic education goals of <u>reading</u>, <u>spelling</u>, <u>grammar</u>, <u>math and a study of good citizenship</u>. **No other requirements apply**.
- d) The court ruled that the interpretation of the law cannot be left to each criminal prosecution. "If arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them."
- e) This judgment does not preclude the Texas Education Agency, the Commissioner of Education, or the State Board of Education from suggesting to the public school attendance officer's lawful methods, including but not limited to **inquiry**, concerning curricula and standardized test scores, in order to ascertain if there is compliance with the declaration contained in this judgment.
- f) On November 27 1991, the Court of Appeals of Texas completely affirmed the case (Leeper). The Court stated that the Texas Education Agency "deprived the homeschool parents of equal protection under the law" since their private schools in the home were unfairly discriminated against "on the sole basis of location in the home," rather than outside the home.
- g) <u>On June 18, 1994, the Texas Supreme Court unanimously affirmed the Court of</u> Appeals decision in TEA, et al. V. Leeper, et al.
- 2) In 1989, the Texas legislature exempted private and parochial schools from new requirements for schools, and in the process, confirmed that the term "private school" includes home schools. Nothing in the act applies to students in attendance upon a private or parochial school, which includes home schools, in accordance with 21.033, Education Code.

Teacher Qualifications: None Specified

Standardized Tests: <u>None Specified.</u> The court in Leeper specifically stated that the school <u>district could not regulate standardized testing.</u>