

## TEXAS

- Compulsory Attendance Ages:** “A child who is at least six years of age... and who has not yet reached the child’s 19th birthday shall attend school.” A child younger than six enrolled in prekindergarten, kindergarten, or first grade is considered to be of compulsory attendance age. Tex. Educ. Code Ann. § 25.085. A child 17 years of age who has received a high school diploma or high school equivalency certificate is exempt from attending school. Tex. Educ. Code Ann. § 25.086.
- Required Days of Instruction:** None.
- Required Subjects:** Good citizenship, math, reading, spelling, and grammar. *Texas Educational Agency v. Leeper*, 893 S.W. 2d 432 (Tex. 1994)

**Home School Statute:** None.

**Alternative Statutes Allowing for Home Schools:** Tex. Educ. Code Ann. § 25.086(a)(1).

1. Any child who “attends a private or parochial school that includes in its course a study of good citizenship” is exempt from the requirements of compulsory attendance. Tex. Educ. Code Ann. § 25.086(a)(1).
2. Homeschools are considered to be private schools.

In *Leeper v. Arlington Indep. Sch. Dist.*, No. 17-88761-85 Tarrant County 17th Judicial Ct. Apr. 13, 1987, the court ruled that:

- a. Homeschools 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 (*Leeper*, Slip Op. at 10); and
- c. Homeschools must be conducted in a bona fide manner, using a written curriculum consisting of reading, spelling, grammar, math and a course in good citizenship; **no other requirements apply**;

Additionally, the court held that:

- a. “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 officers 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.” *Leeper*, Final Judgment at 12.

On June 15, 1994, the Texas Supreme Court unanimously affirmed the Court of Appeals decision in *Texas Educational Agency v. Leeper*, 893 S.W. 2d 432 (Tex. 1994), clearly settling the issue: “homeschools” can operate as private schools under the law.

3. On October 4, 1995, Mike Moses, Commissioner of Education, issued a memo on homeschools stating, “It is the current opinion of the Commissioner of Education and the Texas Education Agency Legal Counsel that a written statement of assurance, provided by the parents to the school district, meets the requirements of *Leeper* and verifies compliance with compulsory attendance laws.”
4. As a result of the *Leeper* decision, homeschools do not have to *initiate* contact with a school district, submit to home visits, have curriculum approved, or have any specific teacher certification. Homeschools need only have a written curriculum, conduct the school in a bona fide manner, and teach math, reading, spelling, grammar, and good citizenship.
5. Homeschool graduates are specifically protected by law from discrimination by Texas colleges: “Because the State of Texas considers successful completion of a nontraditional secondary education to be equivalent to graduation from a public high school, an institution of higher education must treat an applicant for admission to the institution as an undergraduate student who presents evidence that the person has successfully completed a nontraditional secondary education according to the same general standards as other applicants for undergraduate admission who have graduated from a public high school.” Tex. Educ. Code Ann. § 51.9241. For institutions that sort applicants by high school graduating class rank, Texas colleges must use a homeschool graduate’s standardized test scores to assign a class rank.

**Teacher Qualifications:** None.

**Standardized Tests:** None. The court in *Leeper* specifically stated that the school district could not mandate standardized testing.

**Religious Freedom Act:** Tex. Civ. Prac. & Rem. Code § 110.001, *et seq.*