

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 704a

49th Legislature, 1st Session, 2009

Short Title: Home School Students in District Activities

Sponsor(s): Representative James R. J. Strickler and Others

Analyst: David Harrell

Date: March 9, 2009

AS AMENDED

The House Consumer and Public Affairs Committee amendments clarify that the bill addresses athletic activities in school districts.

Original Bill Summary:

HB 704 amends the *Public School Finance Act* to:

- increase the number of school district activities in which home school students may participate from one to up to three; and
- delete the term “athletic” in describing the kinds of activities in which home school students may participate.

Fiscal Impact:

HB 704 makes no appropriation.

Original Issues:

The analysis by the Office of the Attorney General’s (AG) identifies a discrepancy in the bill: while HB 704 broadens the scope of activities in which home school students may participate to include non-athletic activities, it retains the descriptive qualification “athletic” in providing that home school students must meet academic eligibility solely for athletic activities. Thus, the AG states, it is unclear whether a verification of academic eligibility is required for participation in all activities governed by the New Mexico Activities Association (NMAA).

Background:

As defined in the *Public School Code*, “‘home school’ means the operation by the parent of a school-age person of a home study program of instruction that provides a basic academic educational program, including reading, language arts, mathematics, social studies and science.”

Current law requires that, within 30 days of establishing a home school, the parent must notify the Secretary of Public Education, with re-notification by April 1 of each subsequent year of operating the home school. In addition, the home school must:

- maintain student immunization records or a waiver of that requirement; and
- provide instruction by someone with at least a high school diploma.

Because they are not public school students, home school students generate no public funding, except for the cost differential factor associated with participation in NMAA activities.

The section of law that HB 704 amends was enacted in 2007. As noted under “Bill Summary,” above, it allows a home school student to participate in one school district athletic activity at the public school in the attendance zone in which the students resides, according to NMAA guidelines. This legislation also provides a cost differential factor in the public school funding formula of 0.1, payable to the school district in which it is generated; and it requires the school district to verify each home school student’s academic eligibility to participate in school district athletic activities.

Finally, the Home School Legal Defense Association (HSLDA) notes that, while several states have recently enacted legislation requiring public school access for homeschoolers, the HSLDA takes a “neutral position” on such legislation because of a directive from the HSLDA Board: to remain “steadfast in focusing our resources on maintaining and advancing the freedom of homeschoolers from public school oversight.”

Related Bill:

SB 626 *Charter School Student Activities Within Zone*