



OPPOSE HB 547

Regarding home-schooled student participation in UIL activities

May 2021

The Association of Texas Professional Educators (ATPE) urges members to oppose House Bill (HB) 547 by Rep. James Frank.

This bill would allow home-schooled students to participate in University Interscholastic League (UIL) activities on behalf of a school district.

- **HB 547** is unfair to public school students who are held to different standards.
- **HB 547** would gut “No Pass, No Play.”
- **HB 547** creates an unfunded mandate for school districts and will force them to defend costly, unnecessary litigation.
- **HB 547** creates a perverse incentive for students who are struggling academically to withdraw from public school and continue to participate in UIL competitions.

HB 547 is a voucher-like taxpayer giveaway and an unfunded mandate.

The bill fails to protect students and taxpayer resources. It will unduly burden school districts, subjecting them to costs and litigation that will not be covered by the state or be reimbursed. HB 547 creates an uneven playing field for students, and it will open the door for student learning to be sacrificed in the name of athletics and extracurriculars.

HB 547 is vaguely written, expensive for school districts, patently unfair, and dangerous for students. Read more reasons to oppose HB 547 on the next page.

ATPE urges legislators to vote **NO** on HB 547.

For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.

The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with approximately 100,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public school children. ATPE is the ally and the voice of Texas public school educators.

ATPE'S REASONS TO OPPOSE HB 547

Regarding home-schooled student participation in UIL activities

DEBUNKING THE MYTHS ABOUT HB 547:

Myth: *The bill is permissive, and each school district can choose whether to allow home-schooled students to participate in the district's UIL activities.*

REALITY: HB 547 creates a new statute entitled, "EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES." A district that opts to deny a home-schooled student such an "equal opportunity" can expect to be sued and will have to spend taxpayer dollars defending its choice in court.

Myth: *Home-schooled students will be treated the same as public school students and required to take a test to demonstrate academic proficiency in order to participate in UIL.*

REALITY: HB 547 allows parents to select "any nationally recognized, norm-referenced assessment instrument" to demonstrate during the first six weeks of a school year, every other year, their child's academic level for purposes of this law. Tests identified in the bill are cited merely as examples. Public school students do not get to choose which test they may take to demonstrate their academic performance. HB 547 does not define what "nationally recognized" means. (Recognized by whom?)

Furthermore, the bill forces a school district to "accept assessment results administered or reported by a third party," without defining "third party" or giving school districts any tools to verify the validity of those results. This bill opens the door for parents—or any "third party" they choose—to submit the results of a noncredible test administered by an entity that may not be qualified to assess the academic ability of a student in a manner that is comparable to tests administered in public schools, and the school district will be forced to accept those results without question. Also, the bill provides that the test results would be valid for two school years without any additional proof that the student has remained academically eligible for UIL!

Under TEC Sec. 33.081, public school students are suspended from participating in UIL when they receive a failing grade in a course. There is no similar provision in HB 547 for home-schooled students. The bill's vague language stating that a parent of a home-schooled student must "periodically" verify in writing that their child is passing their courses is woefully inadequate protection against letting students sacrifice their learning for the sake of athletics or other extracurricular activities.

Public school students will be forced to take STAAR and other tests; home-schooled students will not. Public school students will be suspended from UIL when they fail a course; home-schooled students can continue to participate for years. This bill allows unfair and unequal treatment of public school students.

Myth: *Home-schooled students will have to meet the same requirements as public school students for UIL participation, including compliance with "No Pass, No Play" rules.*

REALITY: HB 547 offers no mechanism for ensuring home-schooled students comply with UIL rules or any other requirements that may or may not be delineated in the bill. The bill contains no enforcement provisions whatsoever, and HB 547 clearly aims for only selective rules to apply to home-schooled students participating in UIL.

For example, Section 400 (c) of the UIL Constitution and Contest Rules states a participating student must have regularly attended school since the sixth day of class or for 15 or more calendar days before the competition. School districts verify the attendance of their students, but there is nothing to ensure a home-schooled student has been satisfying the requirement for “regular attendance.”

Commissioner’s rules (19 TAC §76.1001) impose limitations on the number of UIL activities and practice hours in which a public school student may participate. There is nothing in HB 547 to ensure home-schooled students participating in UIL are subject to the same limitations on practice.

TRUTHS ABOUT HB 547:

HB 547 is taxpayer-funded giveaway for families who have voluntarily chosen to leave the public school system but want their children to have cost-free and unrestricted access to sports and other activities.

The fact that HB 547 delineates certain policies to which the home-schooled student participating in UIL would be subject makes it clear that it is not the author’s intent for home-schooled students to be held to the same requirements for participation that apply to public school students. For example, the bill refers to application of “age eligibility” requirements without speaking to other aspects of eligibility. **At best, HB 547 creates ambiguity as to which UIL rules would apply to these home-schooled students, and such ambiguity is likely to result in even more litigation that will cost taxpayers.**

HB 547 even includes language stating that UIL “may not prohibit a non-enrolled student from participating in league activities,” which begs the question as to whether UIL or a school district can impose *any* of their rules when dealing with a home-schooled student.

Additionally, HB 547 includes the following disturbing language, which appears to prevent the Legislature or any regulatory entity from ever passing any law or adopting any rule after January 1, 2021, that would impose any type of educational requirement on current home- or private-school students:

“For a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.”

This broad prohibition in HB 547 is far beyond the scope of whether home-schooled students should participate in UIL and should not be allowed to become law.

HB 547 is an unfunded mandate for school districts.

The bill’s fiscal note acknowledges that school districts will incur costs associated with home-schooled students’ participation in UIL activities. Students who are not enrolled in a school district are not counted for Average Daily Attendance calculations that are used to fund our public schools. **School districts will receive no money for these students but will be forced to absorb all the costs** of providing staffing, equipment, travel funding, administrative overhead, and countless other expenses in allowing the non-enrolled student to participate in the district’s UIL activities.

HB 547 is vaguely written, expensive for school districts, patently unfair, and dangerous for students. ATPE urges lawmakers to OPPOSE HB 547.