

yes. every kid.

Public Education Your Way



Imagine a system

where public schools are as accessible as other public services.

Public Education Your Way policies expand opportunity to every kid by allowing students enrolled in any form of school—including private, home, or public—to attend any public school on a course-by-course basis for instruction, sports, or clubs.



Introduction

Every family and every child should have access to an education that fits their unique goals and aspirations.

States and districts should break down barriers to public education and not discriminate against students based on where they live or what type of school they attend for most of the week. When it comes to public services, Americans choose which ones to use, whether it is libraries, parks, museums, or transportation. Families deserve the freedom to participate in educational options that best meet their children's needs, just as they do with countless other public services.

These policies create a flexible educational landscape, ensuring every child has access to a variety of educational opportunities. When states adopt policies that allow all students to access public school services, students have dramatically increased options to individualize their education and choose a variety of services.

Legislators should empower all students to attend public schools on a course-by-course basis.

CURRENTLY



24 STATES

explicitly outline a policy for nonpublic students to access public schools.



15 STATES

make it mandatory for districts to allow nonpublic students to access public schools.



10 STATES

treat public education access as a student right.

QUESTIONS CONSIDERED

RIGHTS	<ul style="list-style-type: none"> • Is there an explicit public education access statute? • Does statute require districts to offer public schools access? • Does the state grant families the right to enroll in public schools?
ACCESS	<p>Nonpublic Students</p> <ul style="list-style-type: none"> • Do nonpublic students have access to public courses? • Do nonpublic students have access to public extracurriculars? <p>Homeschool Students</p> <ul style="list-style-type: none"> • Do home school students have access to public courses? • Do home school students have access to public extracurriculars? <p>Public School Students</p> <ul style="list-style-type: none"> • Do public schools have access to other public schools' services?
LIMITS	<ul style="list-style-type: none"> • Can nonresiding students participate in the current policy? • Are there no limitations on the number of courses or time to be accessed in the current policy? • Are participating students funded proportionately? • Is there low district discretion around public education access for families?

**See Page 10 for 50 State Scan*

Top Five Things Policymakers Should Consider

1. Public Education Your Way policies should be *universal*.

All students should have access to all public schools meaning home schooled students, nonpublic students, public chartered students, other public school students, and students from other districts. See [Idaho Code Ann. § 33-203](#).

2. Public Education Your Way policies should be *mandatory* for school districts.

This means the choice to engage in public education rests with families, not local districts. Language indicating the courses and activities that are accessible should be designated by “shall” not “may.” This ensures as little “wobble-room” as possible and makes it clear what families have access to. See [N.H. Rev. Stat. Ann. § 193:1-c](#).

3. Public Education Your Way policies should grant students access to *all* courses and activities offered at a public school.

These offerings should be at the same level as the school’s full-time enrolled students and include core curriculum, electives, and extracurriculars, including sports. See [Iowa Code § 299A.8](#).

4. State Statute should *explicitly define* Public Education Your Way policies.











What does it mean to access a school on a course-by-course basis? Washington state clarifies this exceptionally well in statute. See [Wash. Rev. Code § 28A.150.350](#).

5. Public Education Your Way policies should not rely heavily on *district discretion*.

In other words, school districts should not be allowed to preference some students over others. Families should be empowered with the right to select courses and activities that best serve their children. See [Alaska Stat. § 14.03.095](#).

STATE COMPARISON

Of some of the top ten states that explicitly outline a Public Education Your Way policy for nonpublic and home school students, the access levels vary in each as shown below.

	 AK	 FL	 ID	 IA	 KS	 MN	 NV	 NH	 UT	 WA
Does statute require districts to offer public schools access?	✓		✓	✓	✓		✓	✓		✓
Does the state treat public education access as a right for all students?	✓		✓	✓	✓		✓	✓		✓
Do nonpublic students have access to public courses?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do nonpublic students have access to public extracurriculars?		✓	✓	✓	✓	✓	✓	✓	✓	✓
Do home school students have access to public courses?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do home school students have access to public extracurriculars?		✓	✓	✓	✓	✓	✓	✓	✓	✓
Do public schools have access to other public schools' courses?			✓			✓				
Can non resident students participate in the current policy?		✓	✓	✓	✓	✓			✓	
Is there low district discretion around public education access for families?	✓		✓	✓			✓	✓	✓	

STRONG PUBLIC EDUCATION YOUR WAY

STATUTE EXAMPLES

IDAHO: [Idaho Code Ann. § 33-203](#)

“The parent or guardian of a child of school age who is enrolled in a nonpublic school or a public charter school shall be allowed to enroll the student in any public school, including another public charter school, for dual enrollment purposes.”

WASHINGTON: [Wash. Rev. Code § 128A-150-350](#)

“The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.”

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. § 193:1-c](#)

“Nonpublic, public chartered school, or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board shall adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for non-public, public chartered school, or home educated pupils than the policy governing the school district's resident pupils.”



Funding Models For Public Education Your Way

Currently, 24 states have an explicit partial enrollment policy in statute. Of the 24, **14 fund students at a proportionate rate, two fund students at a flat rate** regardless of the hours or time spent in a public school, and eight states don't have a clear policy outlining how they fund students enrolling course-by-course in a public school.

BEST PRACTICE: PROPORTIONAL FUNDING

Funding students at a proportional rate based on the number of courses they are enrolled in is the best practice states and districts can adopt to ensure public schools are receiving the proper resources to educate that student. States that fund nonpublic, home, and other public-school students proportionately to their time enrolled in a public school based on either the number of courses they enroll in and attend, or the exact amount of time spent in the public school, by hours or even minutes. Many states fund students by course or hour on a scale of .25 increments of the average student amount.

STATE EXAMPLES OF PROPORTIONAL FUNDING

Alaska

Students in K-6th grade are funded as follows:

- (full-time) 4 contact hours or more in a day
- 0.75 (3/4 time) 3 hours or more, but less than 4 hours in a day
- 0.50 (1/2 time) 2 hours or more, but less than 3 hours in a day
- 0.25 (1/4 time) Less than 2 hours per day

Students in 7th-12th grade are funded as follows:

- 1.00 (full-time) 4 courses or more in a day
- 0.75 (3/4 time) 3 courses
- 0.50 (1/2 time) 2 courses
- 0.25 (1/4 time) 1 course

[See Fulltime Equivalent \(FTE\) Calculation](#)

Arizona

"For common schools, a part-time student is a student enrolled for less than the total time for a full-time student as defined in this section. A part-time common school student shall be counted as **one-fourth, one-half or three-fourths of a full-time student** if the student is enrolled in an instructional program that is at least one-fourth, one-half or three-fourths of the time a full-time student is enrolled as defined in subdivision (b) of this paragraph. The hours in which a student is scheduled to attend a common school during the regular school day shall be included in the calculation of the average daily membership for that student." [Ariz. Rev. Stat. § 15-901](#)

Key Findings & Conclusion

Our findings reflect a growing policy landscape that allows families the freedom to customize an education environment that best suits their children’s unique needs. In empowering families to access public schools on a course-by-course basis, we are one step closer to allowing them to choose an education in any way which best fits their children.

Our fifty-state scan illustrated that statutes permitting education often favored home school students, giving them access to extracurriculars, including sports, before access to courses. In addition, many states allowed their respective athletic or interscholastic associations to regulate whether nonpublic or home schooled students could participate in sports at public schools. The review found that some states offer private students access if their current school does not provide the service they seek to enroll in. We found that some states permit public charter students, but not other public-school students, to attend public schools on a partial basis if the school offers a course or program their school did not provide. Lastly, findings showed that most states give school districts a great deal of control in choosing how and when to adopt course-by-course enrollment policies. When states choose to make this policy voluntary instead of mandatory, it limits the freedom and flexibility of families.

Several states included in this brief paint a hopeful picture for the future of education freedom nationwide. However, there is still a long way to go for other states that possess restrictive or no public education access policies at all. Policymakers should consider states with strong policies as models for future legislation.



50 STATE SCAN

	Is there an explicit public education access statute?	Does statute require districts to offer public schools access?	Does the state grant families the right to enroll in nonpublic schools?	Do nonpublic students have access to public courses?	Do nonpublic students have access to extracurriculars on a part-time basis?	Do home school students have access to public courses?	Do home school students have access to extracurriculars on a part-time basis?	Do public schools have access to other public schools' services?	Can non-residing students participate in the current policy?	Are there no limitations on # of courses or time to be accessed in the current policy?	Are participating students funded proportionately?	Is there low district discretion in the partial enrollment policy?
AL					✓							
AK	✓	✓	✓	✓		✓				✓	✓	✓
AZ	✓							✓	✓	✓	✓	
AR	✓	✓		✓		✓				✓	✓	
CA												
CO	✓					✓	✓			✓		✓
CT												
DE												
FL	✓			✓	✓	✓	✓	✓	✓	✓	✓	
GA							✓					
HI												
ID	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
IL	✓	✓		✓		✓				✓		✓
IN	✓											
IA	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓
KS	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
KY												
LA												
ME	✓	✓	✓		✓	✓	✓			✓	✓	✓
MD												

*Florida's current state statute indicates that public schools students would have the opportunity to enroll in another public school other than the one they are attending on a partial basis, although it is not explicitly outlined.

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MA												
MI												
MN	✓			✓	✓	✓	✓	✓	✓	✓	✓	
MS												
MO	✓			✓	✓	✓	✓			✓	✓	
MT	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
NE	✓	✓	✓	✓		✓	✓			✓		✓
NV	✓	✓	✓	✓	✓	✓	✓			✓		✓
NH	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
NJ							✓					
NM							✓					
NY												
NC												
ND							✓					
OH							✓	✓				
OK												
OR							✓					
PA							✓					
RI							✓					
SC							✓					

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SD	✓	✓				✓	✓			✓		✓
TN							✓					
TX							✓					
UT	✓			✓	✓	✓	✓		✓	✓	✓	✓
VT	✓	✓				✓	✓			✓		✓
VA	✓			✓		✓						
WA	✓	✓	✓	✓	✓	✓	✓			✓	✓	
WV	✓					✓	✓					
WI	✓		✓			✓		✓	✓			
WY												

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