



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1564

nonpublic school students; interscholastic activities

Purpose

Requires a public school to allow certain children with an empowerment scholarship account (ESA) or who attend a private school with fewer than 100 students and live in the school's attendance area to try out for interscholastic activities.

Background

A child who is homeschooled and resides with the attendance area of a public school must be allowed to try out for interscholastic activities on behalf of the school in the same manner as a student enrolled in that school. Policies for homeschooled students must be consistent with policies for enrolled students. The person providing the primary instruction of a homeschooled child must verify in writing whether the student is receiving a passing grade in each course of subject and maintaining satisfactory progress towards advancement or promotion. A homeschooled child is ineligible to participate in activities for the remainder of a school year during which the child was enrolled in a school ([A.R.S. § 15-802.01](#)).

A *homeschool* is a nonpublic school conducted primarily by the parent, guardian or other person who has custody of the child or nonpublic instruction provided in the child's home. A *private school* is a nonpublic institution, other than the child's home, where academic instruction is provided for at least the same number of days and hours each year as a public school ([A.R.S. § 15-802](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Extends the requirement that a homeschooled child must be allowed to try out for interscholastic activities in a public school in the same manner as an enrolled student, if the child resides within the attendance area of the school, to a child:
  - a) educated pursuant to an ESA and who is not enrolled in a qualified school; or
  - b) educated in a private school that has fewer than 100 enrolled students and does not offer the interscholastic activity for which the student is trying out.
2. Applies, to an ESA or private school student, the requirements relating to consistent policies and written verification of whether a student is receiving passing grades and maintaining satisfactory progress.

3. Specifies that the requirements for consistent application of policies do not restrict a public school's authority to require a qualified student to pay for services provided by a public school in connection with interscholastic activities.
4. Prohibits a school district from contracting with a private entity that supervises interscholastic activities if the entity prohibits the participation of nonpublic school students, rather than homeschooled children, in interscholastic activities at public, private or charter schools.
5. Defines *nonpublic school student* as a child who is:
  - a) educated in a homeschool, whose parent has filed a valid affidavit of intent to homeschool and who is not educated pursuant to an ESA;
  - b) educated pursuant to an ESA and who is not enrolled in a qualified school; or
  - c) educated in a private school that has fewer than 100 enrolled students and does not offer the interscholastic activity for which the student is trying out.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Specifies that the requirements for consistent policies do not restrict a public school from requiring a qualified student to pay for services in connection with interscholastic activities.
2. Narrows the expansion of the population of children who are granted the right to try out for interscholastic activities to certain, rather than any, children educated pursuant to an ESA or private school with fewer than 100 students.
3. Makes conforming changes.

Amendments Adopted by Committee of the Whole

- Specifies that the definition of *nonpublic school student* includes a child who is educated pursuant to a homeschool, whose parent has filed a valid affidavit of intent to homeschool and who is not education pursuant to an ESA.

Senate Action

ED            2/8/23      DPA            4-3-0

Prepared by Senate Research

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LB/slp