

Regular Session, 2010

HOUSE BILL NO. 303

BY REPRESENTATIVES HENRY, BOBBY BADON, TIM BURNS, CARMODY, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HINES, LABRUZZO, LIGI, NOWLIN, SMILEY, AND WOOTON AND SENATORS APPEL, DONAHUE, DUPLESSIS, AND QUINN

STUDENT/HOME STUDY: Provides relative to eligibility of certain home study students to participate in interscholastic athletics at secondary schools that are members of the LHSAA

1 AN ACT

2 To enact R.S. 17:236.3, relative to the eligibility of students in state-approved home study  
3 programs to participate in interscholastic athletics in certain secondary schools; to  
4 provide applicability; to provide guidelines and conditions for participation; to  
5 provide limitations; to provide effectiveness; to provide an effective date; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:236.3 is hereby enacted to read as follows:

9 §236.3. Home study program participants; eligibility to participate in interscholastic  
10 athletics; guidelines; standards; limitations

11 A. Beginning with the 2010-2011 school year and continuing thereafter, a  
12 student in a home study program approved by the State Board of Elementary and  
13 Secondary Education in accordance with R.S. 17:236.1 shall be eligible as follows  
14 to participate in interscholastic athletic activities at a secondary school that is a  
15 member of the Louisiana High School Athletic Association:

16 (1) If seeking to participate at a public school that is a member of the  
17 association, participation shall be in accordance with the provisions of this Section.

1           (2)(a) If seeking to participate at a state-approved nonpublic school that is  
2           a member of the association, participation shall be at the sole discretion of the  
3           governing authority of the nonpublic school. If participation is permitted, the  
4           governing authority shall determine the terms and conditions of any such  
5           participation at the school. However, the student's participation shall be subject to  
6           the same requirements, policies, and rules of eligibility of the Louisiana High School  
7           Athletic Association as applicable to other students participating in the activity at  
8           that school, excluding any association requirements, policies, or rules that prohibit  
9           or restrict such participation by a student in a state-approved home study program.

10           (b) No person, individually or on behalf of any other person, shall have a  
11           cause of action arising from a denial of participation of a home study student in  
12           interscholastic athletics at a state-approved nonpublic school or, if a home study  
13           student is allowed to participate under terms and conditions determined by the  
14           governing authority of the nonpublic school, from any refusal or denial by the  
15           nonpublic school of further participation by the student in interscholastic athletics  
16           at the nonpublic school.

17           (c) Nothing in this Subsection shall be construed as regulation of a private  
18           secondary school inconsistent with Article VIII, Section 4, of the Constitution of  
19           Louisiana.

20           B. To be eligible to participate in interscholastic athletics as provided by  
21           Subsection A of this Section, the home study student shall meet each of the  
22           following conditions and comply with other applicable provisions of this Section:

23           (1) The student shall be subject to the same residency or attendance zone  
24           requirements as other students participating in the athletic activity.

25           (2)(a) The student's participation shall be approved by the principal of the  
26           school providing the athletic activity.

27           (b) The student's parent or legal guardian shall make a written request for the  
28           student to participate in interscholastic athletic activities to the principal of the

1 school providing the activity. Such request shall be made not later than the first  
2 eleven days of the school year.

3 (c) The principal of the school providing the athletic activity shall approve  
4 or disapprove such written request within thirty days after receipt by the principal of  
5 all information and documentation requested by the principal from the student or the  
6 student's parent or legal guardian, or both. A request for information and  
7 documentation by the principal shall be limited to information and documentation  
8 that is required by this Section and information and documentation that is required  
9 of other students relative to participation in the athletic activity.

10 (d) A decision by the principal to approve or disapprove the written request  
11 for the student to participate shall be made in accordance with the provisions of this  
12 Section and shall be based on the qualifications and requirements applicable to other  
13 students participating in the athletic activity excluding any requirements relative to  
14 the student's enrollment in or attendance at the school, or both.

15 (e)(i) A decision by the principal to approve or disapprove a written request  
16 for the student to participate shall be final.

17 (ii) No person, individually or on behalf of any other person, shall have a  
18 cause of action arising from a denial by a public school principal of participation by  
19 a home study student in interscholastic athletics at the school or, if a home study  
20 student is allowed by the principal to participate under the terms and conditions  
21 provided by this Section from any refusal or denial of further participation by the  
22 student in interscholastic athletics at the school.

23 (3) After a decision is made by the principal to approve a request for the  
24 student to participate, the student then shall participate in any tryouts for such  
25 activity at the same time and in the same manner as other students who want to  
26 participate in the same activity.

27 (4) At the time of participation in the athletic activity, the student and the  
28 student's home study program shall be in full compliance with all guidelines,

1        standards, and requirements established by R.S. 17:236.1 for a home study program  
2        to be approved by the state.

3                (5)(a) The student shall meet academic standards required of other students  
4        to participate in the athletic activity.

5                (b) The student shall submit documentation from the State Board of  
6        Elementary and Secondary Education that the student is in a home study program  
7        approved by the board.

8                (c) The student shall submit a copy of his transcript showing units of study  
9        completed or in progress, the grades earned for such study, and his cumulative grade  
10       point average.

11               (6) The student shall meet all other standards and requirements applicable  
12       to a student participating in the athletic activity, including but not limited to tryouts,  
13       practice time, codes of conduct and student discipline, physical exams, proof of age,  
14       permission forms, waivers, required paperwork, fees, and transportation  
15       arrangements but excluding any requirements that the student be enrolled in or attend  
16       the school, or both.

17               (7) The student shall meet conditions applicable to students at the school  
18       relative to having any required insurance coverage either by participating, if  
19       otherwise eligible, in insurance programs offered through the school or school  
20       system or by providing for such insurance coverage in another manner.

21               C.(1) A student who has been enrolled in a public or nonpublic school during  
22       the school year in which the student begins home study or during the previous school  
23       year and who was determined ineligible to participate in one or more interscholastic  
24       extracurricular activities at such school for reasons related to student conduct or  
25       academic performance, or both, shall be ineligible to participate in interscholastic  
26       athletic activities as provided by this Section for one calendar year from the date the  
27       student was determined ineligible.

28               (2) A student who has been enrolled in a public or nonpublic school during  
29       the school year in which the student begins home study shall not be eligible to

1 participate in interscholastic athletic activities as provided by this Section during the  
2 remainder of that school year nor during the following school year.

3 D.(1) Any home study student who provides or on whose behalf others  
4 provide any false representation, documentation, or verification of the student's  
5 qualification for the purpose of meeting eligibility requirements to participate in  
6 interscholastic athletics shall be ruled ineligible to participate in accordance with  
7 policies of the Louisiana High School Athletic Association and shall be subject to  
8 the same penalties as other students as provided by the association.

9 (2) A school determined to be knowledgeable of any false representation,  
10 documentation, or verification of a home study student's qualifications for the  
11 purpose of meeting eligibility requirements to participate in interscholastic athletics  
12 shall be subject to penalties as established by the Louisiana High School Athletic  
13 Association for use of an ineligible student athlete.

14 Section 2. This Act shall become effective upon signature by the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Henry

HB No. 303

**Abstract:** Provides relative to eligibility of students in state-approved home study programs to participate in interscholastic athletics at secondary schools that are members of the LHSAA. Provides guidelines, procedures, and limitations relative to such participation.

Proposed law provides (beginning with the 2010-2011 school year and continuing thereafter) that a student participating in a home study program approved by the State Board of Elementary and Secondary Education (BESE) in accordance with R.S. 17:236.1 shall be eligible as follows to participate in interscholastic athletic activities at a secondary school that is a member of the Louisiana High School Athletic Association (LHSAA):

- (1) If seeking to participate at a public school that is a member of the association, provides that participation shall be in accordance with the provisions of proposed law.
- (2) If seeking to participate at a state-approved nonpublic school that is a member of the association:

Provides that participation shall be at the sole discretion of the governing authority of the nonpublic school. Specifies that if participation is permitted, the governing authority shall determine the terms and conditions of any such participation at the school. Provides, however, that the student's participation shall be subject to the same requirements, policies, and rules of eligibility of the LHSAA as applicable to other students participating in the activity at that school, excluding any association requirements, policies, or rules that prohibit or restrict such participation by a student in a state-approved home study program.

Provides that no person, individually or on behalf of any other person, shall have a cause of action arising from a denial of participation of a home study student in interscholastic athletics at a state-approved nonpublic school or, if a home study student is allowed to participate under terms and conditions determined by the school's governing authority, from any refusal or denial by the nonpublic school of further participation by the student to participate in interscholastic athletics at the nonpublic school.

Provides that nothing in proposed law relative to nonpublic schools shall be construed as regulation of a private secondary school inconsistent with Art. VIII, §4, of the Constitution of La. (The referenced constitutional provision is relative to approval by BESE of certain private schools.)

Specifies that to be eligible to participate in interscholastic athletics as provided by proposed law, the home study student shall meet specified conditions and comply with other applicable provisions of proposed law.

Provides that the student shall be subject to the same residency or attendance zone requirements as other students participating in the athletic activity.

Requires that the student's participation be approved by the principal of the school providing the athletic activity.

Provides that the student's parent or legal guardian shall make a written request for the student to participate in interscholastic athletic activities to the principal of the school providing the activity. Requires that such request shall be made not later than the first 11 days of the school year.

Specifies that the principal of the school providing the athletic activity shall approve or disapprove such written request within 30 days after receipt by the principal of all information and documentation requested by the principal from the student or the student's parent or legal guardian, or both. Provides that a request for information and documentation by the principal shall be limited to information and documentation that is required by proposed law and information and documentation that is required of other students relative to participation in the athletic activity.

Provides that a decision by the principal to approve or disapprove the written request for the student to participate shall be made in accordance with the provisions of proposed law and be based on the qualifications and requirements applicable to other students participating in the athletic activity, excluding any requirements relative to the student's enrollment in or attendance at the school, or both.

Specifies that a decision by the principal to approve or disapprove a written request for the student to participate shall be final. Additionally provides that no person, individually or on behalf of any other person, shall have a cause of action arising from a denial by a public school principal of participation by a home study student in interscholastic athletics at the school or, if the student is allowed by the principal to participate in accordance with proposed law, from any refusal or denial of further participation by the student in interscholastic athletics at the school.

Provides that after a decision is made by the principal to approve a request for the student to participate, the student then shall participate in any tryouts for such activity at the same time and in the same manner as other students who want to participate in the same activity.

Specifies that at the time of participation in the athletic activity, the student and the student's home study program shall be in full compliance with all guidelines, standards, and requirements established by R.S. 17:236.1 for a home study program to be approved by the state. Requires the student to submit documentation from BESE that the student is in a home study program approved by the board.

Requires that the student meet academic standards required of other students to participate in the athletic activity.

Requires the student to submit a copy of his transcript showing units of study completed or in progress, the grades earned for such study, and his cumulative grade point average.

Provides that the student must meet all other standards and requirements applicable to a student participating in the athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, and transportation arrangements but excluding any requirements that the student be enrolled in or attend the school, or both.

Requires the student to meet conditions applicable to students at the school relative to having any required insurance coverage either by participating, if otherwise eligible, in insurance programs offered through the school or school system or by providing for such insurance coverage in another manner.

Provides that a student who has been enrolled in a public or nonpublic school during the school year in which the student begins home study or during the previous school year and who was determined ineligible to participate in one or more interscholastic extracurricular activities at such school for reasons related to student conduct or academic performance, or both, shall be ineligible to participate in interscholastic athletic activities as provided by proposed law for one calendar year from the date the student was determined ineligible.

Specifies that a student who has been enrolled in a public or nonpublic school during the school year in which the student begins home study shall not be eligible to participate in interscholastic athletic activities as provided by proposed law during the remainder of that school year nor during the following school year.

Provides that any home study student who provides or on whose behalf others provide any false representation, documentation, or verification of the student's qualification for the purpose of meeting eligibility requirements to participate in interscholastic athletics shall be ruled ineligible to participate in accordance with policies of the LHSAA and shall be subject to the same penalties as other students as provided by the association.

Provides that a school determined to be knowledgeable of any false representation, documentation, or verification of a home study student's qualifications for the purpose of meeting eligibility requirements to participate in interscholastic athletics shall be subject to penalties as established by the LHSAA for use of an ineligible student athlete.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:236.3)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Relative to a student's participation at a state-approved nonpublic school that is a member of the LHSAA, changed proposed law to provide that such participation shall be at the sole discretion of the school's governing authority rather than at the sole discretion of the school's principal and only if the school has adopted standards and procedures for participation that are substantially similar to those provided by proposed law.
2. Relative to a student's participation at a state-approved nonpublic school that is a member of the LHSAA:
  - a. Added provision relative to the school's governing authority determining the terms and conditions of participation at the school.
  - b. Added provision relative to the student's participation being subject to the same requirements, policies, and rules of eligibility of the LHSAA as applicable to other students participating in the activity, excluding certain association requirements, policies, and rules.
  - c. Added provision limiting any cause of action arising from a denial of participation or further participation.
3. Relative to a request to participate at a public school:
  - a. Changed proposed law to provide that the request shall be made not later than the first 11 days of the school year rather than within the first 11 days.
  - b. Changed proposed law to provide that a decision by a public school principal to approve or disapprove a request to participate shall be final rather than providing that such a decision that is made in accordance with the provisions of proposed law shall be final.
  - c. Added provision limiting any cause of action arising from a denial of participation or further participation.