

**PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR
HOME SCHOOL AND PRIVATE SCHOOL STUDENTS**

2010 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill addresses private school and home school students' eligibility to participate in extracurricular activities.

Highlighted Provisions:

This bill:

- ▶ provides that a minor who is enrolled in a private school or a home school shall be eligible to participate in extracurricular activities at a public school;
- ▶ provides that, with certain exceptions, a private school or a home school student may only participate in extracurricular activities at the public school within whose boundaries the student's custodial parent or legal guardian resides or a public school from which the student withdrew;
- ▶ provides that, with certain exceptions, private school students and home school students shall be eligible for extracurricular activities at a public school consistent with eligibility standards for fully enrolled public school students; and



29 ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-11-102.5**, as last amended by Laws of Utah 2008, Chapter 382

37 ENACTS:

38 **53A-11-102.6**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53A-11-102.5** is amended to read:

42 **53A-11-102.5. Dual enrollment.**

43 (1) "District school" means a public school under the control of a local school board
44 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
45 Boards.

46 ~~(1)~~ (2) A person having control of a minor ~~[under this part]~~ who is enrolled in a
47 regularly established private school or a home school may also enroll the minor in a public
48 school for dual enrollment purposes.

49 ~~(2)~~ (3) The minor may participate in any academic activity in the public school
50 available to students in the minor's grade or age group, subject to compliance with the same
51 rules and requirements that apply to a full-time student's participation in the activity.

52 ~~[(3) Except as otherwise provided in Sections 53A-11-101.5 and 53A-11-102, a~~
53 ~~student enrolled in a public school may also be enrolled in a private school or a home school~~
54 ~~for dual enrollment purposes.]~~

55 (4) (a) A student enrolled in a dual enrollment program in a district school is
56 considered a student of the district in which the ~~[public]~~ district school of attendance is located
57 for purposes of state funding to the extent of the student's participation in the ~~[public]~~ district
58 school programs.

59 (b) A student enrolled in a dual enrollment program in a charter school is considered a

60 student of the charter school for purposes of state funding to the extent of the student's
 61 participation in the charter school programs.

62 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 63 State Board of Education shall make rules for purposes of dual enrollment to govern and
 64 regulate the transferability of credits toward graduation that are earned in a private or home
 65 school.

66 [~~(6) The State Board of Education shall determine the policies and procedures~~
 67 ~~necessary to permit students enrolled under Subsection (1) to participate in public school~~
 68 ~~extracurricular activities.]~~

69 Section 2. Section **53A-11-102.6** is enacted to read:

70 **53A-11-102.6. Private school and home school students' participation in**
 71 **extracurricular activities in a public school.**

72 (1) As used in this section:

73 (a) "Academic eligibility requirements" means the academic eligibility requirements
 74 that a home school student is required to meet to participate in an extracurricular activity in a
 75 public school.

76 ~~§~~→ ~~(b) "Basic skills competency test" means:~~

77 ~~—— (i) the tenth grade basic skills competency test described in Section 53A-1-611; or~~

78 ~~—— (ii) an assessment that is an alternative to the tenth grade basic skills competency test~~

79 ~~which is:~~

80 ~~—— (A) administered by a school district or charter school piloting an assessment system~~
 81 ~~described in Subsection 53A-1-603(5); and~~

82 ~~—— (B) approved by the State Board of Education.~~

83 ~~(c) (b) ←§) "Principal" means the principal of the school in which a home school student~~
 84 ~~participates or intends to participate in an extracurricular activity.~~

85 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
 86 participate in an extracurricular activity at a public school as provided in this section.

87 (b) A private school student may only participate in an extracurricular activity at a
 88 public school that is not offered by the student's private school.

89 (c) Except as provided in Subsection (2)(d), a private school student or a home school
 90 student may only participate in an extracurricular activity at:

91 (i) the school within whose attendance boundaries the student's custodial parent or
 92 legal guardian resides; or

93 (ii) the school from which the student withdrew for the purpose of attending a private
 94 or home school.

95 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a
 96 private school student or a home school student to participate in an extracurricular activity
 97 other than:

98 (i) an interscholastic competition of athletic teams sponsored and supported by a public
 99 school; or

100 (ii) an interscholastic contest or competition for music, drama, or forensic groups or
 101 teams sponsored and supported by a public school.

102 (3) (a) Except as provided in Subsections (4) through (13), a private school or home
 103 school student shall be eligible to participate in an extracurricular activity at a public school
 104 consistent with eligibility standards ~~§~~ → :

104a (i) ←§ applied to a fully enrolled public school student ~~§~~ → [] ;

104b (ii) of the public school where the private school or home school student participates in
 104c an extracurricular activity; and

104d (iii) for the extracurricular activity in which the private school or home school student
 104e participates. ←§

105 (b) A school district or public school may not impose additional requirements on a
 106 private school or home school student to participate in an extracurricular activity that are not
 107 imposed on a fully enrolled public school student.

107a ~~§~~ → (c)(i) A private school or home school student who participates in an extracurricular
 107b activity at a public school shall pay the same fees as required of a fully enrolled public school
 107c student to participate in an extracurricular activity.

107d (ii) If a local school board or charter school governing board imposes a mandatory
 107e student activity fee for a student enrolled in a public school, the fee may be imposed on a
 107f private school or home school student who participates in an extracurricular activity at the
 107g public school if the same benefits of paying the mandatory student activity fee that are
 107h available to a fully enrolled public school student are available to a private school or home
 107i school student who participates in an extracurricular activity at the public school. ←§

108 (4) Eligibility requirements based on school attendance are not applicable to a home
 109 school student.

110 (5) A home school student meets academic eligibility requirements to participate in an

111 extracurricular activity if:

112 (a) the student is mastering the material in each course or subject being taught; and

113 (b) the student is maintaining satisfactory progress towards achievement or promotion.

114 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or

115 organization providing instruction to the student shall submit an affidavit to the principal

116 indicating the student meets academic eligibility requirements.

117 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school

118 student shall:

119 (i) be considered to meet academic eligibility requirements; and

120 (ii) retain academic eligibility ~~§~~→ [throughout the activity season and] ←~~§~~ for all

120a extracurricular

121 activities ~~§~~→ during the activity season for which the affidavit is submitted ←~~§~~ , until:

122 (A) a panel established under Subsection (10) determines the home school student does
 123 not meet academic eligibility requirements; or

124 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
 125 notice to the school principal that the student no longer meets academic eligibility
 126 requirements.

127 (7) (a) A home school student who loses academic eligibility pursuant to Subsection
 128 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted
 129 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
 130 home school student has reestablished academic eligibility.

131 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
 132 (7)(a), the home school student may participate in extracurricular activities for the remainder of
 133 the activity season for which an affidavit was submitted under Subsection (6)(a).

134 (8) A person who has probable cause to believe a home school student does not meet
 135 academic eligibility requirements may submit an affidavit to the principal:

136 (a) asserting the home student does not meet academic eligibility requirements; and

137 (b) providing information indicating that the home school student does not meet the
 138 academic eligibility requirements.

139 (9) (a) A principal shall review the affidavit submitted under Subsection (8), and if the
 140 principal determines it contains information which constitutes probable cause to believe a
 141 home school student may not meet academic eligibility requirements, the principal shall
 142 request ~~§~~ [the student's parent or guardian to submit the student's test scores for a basic skills
 143 competency test, if taken.

144 ~~(b) ~~§~~ (i) ~~§~~ If ~~§~~ [a] in response to a request made under Subsection (9)(a), test~~
 144a scores are submitted and the ~~§~~ home school student's test scores on a basic skills competency
 144b test meet the

145 requirement necessary for public school students to receive a basic high school diploma, as
 146 provided in Subsection 53A-1-611(2), the home school student shall be considered to be in
 147 compliance with the academic eligibility requirements.

147a ~~§~~ (ii) A home school student who meets academic eligibility requirements pursuant to
 147b Subsection (9)(b)(i) retains academic eligibility for all extracurricular activities during the
 147c activity season for which an affidavit is submitted pursuant to Subsection (6). ~~§~~

148 ~~(c) If a home school student who is the subject of an affidavit submitted under~~
 149 ~~Subsection (8) has not taken or passed a basic skills competency test, the principal shall request] ~~§~~~~
 150 a panel established pursuant to Subsection (10) to verify the student's compliance with
 151 academic eligibility requirements.

152 (10) ~~§~~ (a) ~~§~~ A school district superintendent shall:

153 ~~§~~ → [(a)] (i) ~~←~~ ~~§~~ appoint a panel of three ~~§~~ → [to five] ~~←~~ ~~§~~ individuals ~~§~~ → [who have

153a1 experience

153a in-home

153a schooling

154 high school-age students] ~~←~~ ~~§~~ to verify a home school student's compliance with academic eligibility

155 requirements when requested by a principal pursuant to Subsection (9); and

156 ~~§~~ → [(b)] (ii) ~~←~~ ~~§~~ select ~~§~~ → two of ~~←~~ ~~§~~ the panel members from nominees submitted by

156a1 national, state, or

156a regional

157 organizations whose members are home school students and parents.

157a ~~§~~ → **(b) Of the members appointed to a panel under Subsection (10)(a) ~~§~~ → (ii) ~~←~~ ~~§~~ :**

157b **~~§~~ → [(i) one member shall have experience teaching in a public school as a licensed teacher**

157c **and in home schooling high school-age students;**

157d ~~—~~ **(ii) (i) ~~←~~ ~~§~~ one member shall have experience teaching in a higher education**

157e1 **institution and in**

157e **home schooling; and**

157f **~~§~~ → [(iii)] (ii) ~~←~~ ~~§~~ one member shall have experience in home schooling high school-age**

157g **students. ~~←~~ ~~§~~**

157h **~~§~~ → (c) One member appointed to a panel under Subsection (10)(a)(i) shall have experience**

157i **teaching in a public school as a licensed teacher. ~~←~~ ~~§~~**

158 (11) A panel appointed under Subsection (10):

159 (a) shall review the affidavit submitted under Subsection (8);

160 (b) may confer with the person who submitted the affidavit under Subsection (8);

161 (c) shall request the home school student to submit test scores or a portfolio of work

162 documenting the student's academic achievement to the panel;

163 (d) shall review the test scores or portfolio of work; and

164 (e) shall determine whether the home school student meets academic eligibility

165 requirements.

166 (12) A home school student who meets academic eligibility requirements pursuant to

167 Subsection ~~§~~ → [(9) or] ~~←~~ ~~§~~ (11), retains academic eligibility ~~§~~ → [throughout the activity season

167a and] ~~←~~ ~~§~~ for all

168 extracurricular activities ~~§~~ → during the activity season for which an affidavit is submitted

168a pursuant to Subsection (6) ~~←~~ ~~§~~ .

169 (13) (a) A panel's determination that a home school student does not comply with

170 academic eligibility requirements is effective for an activity season and all extracurricular

171 activities that have academic eligibility requirements.

172 (b) A home school student who is not in compliance with academic eligibility

173 requirements as determined by a panel appointed under Subsection (11) may seek to establish

174 academic eligibility under this section for the next activity season.

175 (14) ~~H~~→ (a) ←~~H~~ A public school student who has been declared to be academically

175a ineligible to

176 participate in an extracurricular activity and who subsequently enrolls in a home school shall

177 lose eligibility for participation in the extracurricular activity until the student:

178 ~~H~~→ [(a)] (i) ←~~H~~ demonstrates academic eligibility by providing test results or a portfolio

178a of the

179 student's work to the school principal, provided that a student may not reestablish academic
180 eligibility under this Subsection (14)(a) during the same activity season in which the student
181 was declared to be academically ineligible:

182 ~~Ĥ→ [(b)] (ii) ←Ĥ~~ returns to public school and reestablishes academic eligibility; or

183 ~~Ĥ→ [(c)] (iii) ←Ĥ~~ enrolls in a private school and establishes academic eligibility.

183a ~~Ĥ→ (b)~~ **A public school student who has been declared to be behaviorally ineligible to**
183b **participate in an extracurricular activity and who subsequently enrolls in a home school shall**
183c **lose eligibility for participation in the extracurricular activity until the student meets eligibility**
183d **standards as provided in Subsection (3).** ←Ĥ

184 (15) When selection to participate in an extracurricular activity at a public school is
185 made on a competitive basis, a private school student and a home school student shall be
186 eligible to try out for and participate in the activity as provided in this section.

186a **§→** (16)(a) If a student exits a public school to enroll in a private or home school
186b mid-semester or during an activity season, and the student desires to participate in an
186c extracurricular activity at the public school , the public school shall issue an interim academic
186d assessment based on the student's work in each class.

186e (b) A student's academic eligibility to participate in an extracurricular activity under
186f the circumstances described in Subsection (16)(a) shall be based on the student meeting public
186g school academic eligibility standards at the time of exiting public school.

186h (c) A student may appeal an academic eligibility determination made under Subsection
186i (16)(b) in accordance with procedures for appealing a public school student's academic
186j eligibility. ←§

Legislative Review Note
as of 2-10-10 12:57 PM

Office of Legislative Research and General Counsel

Fiscal Note

**S.B. 66 - Public School Extracurricular Activities for Home School and
Private School Students**

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
